

HUMAN RIGHTS YEARBOOK 2005



BURMA

**Human Rights Documentation Unit
National Coalition Government of the Union of Burma**

HUMAN RIGHTS YEARBOOK

BURMA

2005

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

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

Published by Human Rights Documentation Unit  
July 2006

**For further information, please contact:  
HUMAN RIGHTS DOCUMENTATION UNIT  
P.O. Box 70  
Mae Sot, Tak  
63110, Thailand  
E-mail: [hrdums@yahoo.com](mailto: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](mailto:ncgub@ncgub.net)  
Website: [www.ncgub.net](http://www.ncgub.net)**

HRDU would like to express our deepest gratitude to the all of the organizations and individuals who contributed their time and hard work to assist with the production of the 2005 Burma Human Rights Yearbook.

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(Front Cover Photo: Burma Issues. Back Cover Photos: Free Burma Rangers, Burma Issues)



# Preface

**H.E. Dr. Sein Win**  
**Prime Minister**  
**National Coalition Government of the Union of Burma**

Firstly, I wish to express my deep appreciation to the Human Rights Documentation Unit (HRDU) staff and human rights activists who have worked hard with devotion in the difficult frontline areas to ensure that injustices in Burma are kept on record. Thanks to their diligence and the generosity of donors who see the benefit in continuing this publication, this will be the 12th Yearbook published by the HRDU.

In a closed society like Burma where freedom of information is strictly curtailed and human rights organizations are banned, uncovering news about human rights abuses has been a risky venture. In that context, I would like to commend the courage of the victims of human rights abuses who dared to recount their tragic tales and the human rights defenders who worked hard to inform the international community about the violations.

Regrettably, the Human Rights Yearbook for 2005, like the previous issues, shows that human rights violations are continuing unabated. These abuses include politically motivated arrests, torture, deprivation of the fundamental rights of the people, forced labor, forced relocation, burning of villages, rape, recruitment of children as soldiers, trafficking of women and children, confiscation of land and property, extortion, religious persecution and discrimination against ethnic minorities.

During 2005, the military regime in Burma furthered a trend of self-isolation and an increasingly hostile attitude towards democratic and ethnic forces. Throughout the year, the regime continued to arrest and detain individuals suspected of expressing political dissent, regardless of the fact that these activities were usually peaceful.

The situation of political prisoners, who rely on their families to acquire proper food and medicines, has worsened as more restrictions have been placed on the amount of food and medicines that family members can provide during prison visits. In addition, we are gravely concerned that the International Committee of the Red Cross has been compelled to suspend its visits to political prisoners as the regime has continued to insist that the visits be accompanied by members of the Union Solidarity and Development Association, an organization patronized by the regime.

Meanwhile, in non-Burman ethnic nationality areas, in particular Karen, Karenni, and Shan States, fighting has flared again which has led to increased numbers of internally displaced persons and new exoduses of refugees into Thailand.

The SPDC also continues to deny an entry visa to UN Special Rapporteur for Human Rights in Burma Prof. Pinheiro. Mr. Razali, the special envoy of the UN Secretary-General, also resigned from his position after his efforts to revive the UN-facilitated political dialogue in Burma were ignored by the regime.

Against the background of continued repression and mismanagement of the economy, the people of Burma, unlike other people in the region, continue to be deprived of their right to development. The humanitarian crisis in Burma has also alarmed international humanitarian agencies. Burma has the third highest rate of HIV/AIDS in Asia, with a sentinel survey in 2003 showing a prevalence rate of 1.25 percent. HIV/AIDS is spreading from high-risk groups to the general population, fueled by a high rate of migration within and out of the country. Burma also has the highest rate of tuberculosis in the world, with nearly 100,000 new cases being detected each year, and tuberculosis resistance to multi-drugs is rising rapidly. Malaria is the leading cause of morbidity in the country, with 600,000 cases reported each year.

At the UN Security Council briefing on Burma on 16 December 2005, UN Secretary-General Kofi Anan noted, “many issues did have cross-border implications; give cause for significant concern and could pose a threat to human security”.

In the midst of growing concern over the volatile situation in Burma, the leading pro-democracy political party, the National League for Democracy (NLD), offered the military regime a proposal for national reconciliation in line with its firm policy of finding a solution through negotiation and compromise in the beginning of 2006. While the NLD's offer was seen as the best solution to the country's problems and was strongly supported by the general public, the regime rejected the proposal in late April. Meanwhile, the SPDC continues to suppress political opposition and has yet to make any concrete steps towards a genuine democratic transition.

The UN Security Council should consider taking effective action to resolve the crisis in Burma as the SPDC has failed to embrace the olive branch extended by the NLD. The United Nations has already granted the regime a 15-year timeframe to implement the terms of the consecutive resolutions adopted at the UN General Assembly every year since 1991.

Enough is enough. The United Nations should help end the misery of the people of Burma now.

**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](mailto:ncgub@ncgub.net)

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

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# Burma at a Glance: Facts and Figures

|                                      |                                                                                                                                                                       |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Country name:</b>                 | Union of Burma (1948), Socialist Republic of the Union of Burma (1974), Union of Myanmar (1989)                                                                       |
| <b>Area:</b>                         | 678,500 sq km                                                                                                                                                         |
| <b>Coastline:</b>                    | 1,930 km                                                                                                                                                              |
| <b>Population:</b>                   | 42,909,464 (July 2005 est.)                                                                                                                                           |
| <b>Population growth rate:</b>       | 0.42% (2005 est.)                                                                                                                                                     |
| <b>Birth rate:</b>                   | 18.11 births/1,000 population (2005 est.)                                                                                                                             |
| <b>Death rate:</b>                   | 12.15 deaths/1,000 population (2005 est.)                                                                                                                             |
| <b>Infant mortality rate:</b>        | Total: 67.24 deaths/1,000 live births (male: 73.11 deaths/1,000 live births, female: 61.03 deaths/1,000 live births) (2005 est.)                                      |
| <b>Life expectancy at birth:</b>     | <i>Male</i> : 54.22 years, <i>female</i> : 57.9 years (2005 est.)                                                                                                     |
| <b>Languages:</b>                    | Arakanese, Burmese, Chin, Kachin, Karen, Karenni, Mon, Shan, Wa, English and more than 100 minority dialects                                                          |
| <b>Religions:</b>                    | Buddhist (89%), Christian (4%), (Baptist 3%, Roman Catholic 1%), Muslim (4%), Animist (1%), other (2%)                                                                |
| <b>Last election:</b>                | 27 May 1990. NLD won 392 of the 485 seats contested                                                                                                                   |
| <b>Government:</b>                   | State Peace and Development Council                                                                                                                                   |
| <b>System of Government:</b>         | Military Dictatorship                                                                                                                                                 |
| <b>Administrative areas:</b>         | Seven States (Arakan, Chin, Mon, Kachin, Karen, Kayah, Shan), Seven Divisions (Irrawaddy, Magwe, Mandalay, Pegu, Rangoon, Sagaing, Tenasserim)                        |
| <b>LDC status:</b>                   | Since 1987                                                                                                                                                            |
| <b>GDP:</b>                          | \$13.6 billion* (FY 2003/04)                                                                                                                                          |
| <b>GDP real growth rate:</b>         | 13.8%* (2004 est.)                                                                                                                                                    |
| <b>GDP - per capita:</b>             | \$225 (2004 est.)                                                                                                                                                     |
| <b>Inflation rate:</b>               | 18% (2005 est.)                                                                                                                                                       |
| <b>Natural resources:</b>            | Timber, tin, antimony, zinc, copper, tungsten, lead, coal, limestone, precious stones, natural gas, hydropower, and some petroleum                                    |
| <b>Agriculture products:</b>         | Rice, pulses, beans, sesame, groundnuts, sugarcane; hardwood, fish and fish products                                                                                  |
| <b>Opium production:</b>             | 292 metric tons; remains the worlds second largest producer of illicit opium (2005 est.)                                                                              |
| <b>Refugees from Burma:</b>          | 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. |
| <b>Internally displaced persons:</b> | Approximately 1 million persons                                                                                                                                       |

Note: Facts and figures are only estimates as accurate data is not readily available.

\*Estimate provided by SPDC sources.

(Sources: Background Note: Burma, U.S. Department of State, Bureau of East Asian and Pacific Affairs, August 2005; CIA World Factbook: Burma, U.S. Central Intelligence Agency, 10 January 2006; 2005 World Refugee Survey, U.S. Committee for Refugees and Immigrants, 2005).



# Map of Burma



# Historical Background

## Constitutional Period (1947-62)

On 4 January 1948, Burma gained its independence from the British who, in the nineteenth century, 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 youth led by Gen. 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 1 August 1943, when it was granted independence under its protection.

On 27 March 1945, the armed forces of Burma revolted against the Japanese and joined the Allies. Also during the war period, the leaders of the new 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 Gen. Aung San. On 19 July 1947, Gen. 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 4 January 1948. A parliamentary federal union system was introduced as the basis of the system of governance.

Independence did not bring peace and progress to Burma. Within three months of independence, the members of the Communist party in Burma revolted, resulting in the defection of two army battalions. In January 1949, following growing hostility between the ethnic Karen and Burman, the Karen also revolted. Several other political and ethnic groups also took up arms against the State. The multiple insurgencies nearly caused the Union of Burma to completely collapse. Prime Minister U Nu managed to keep his government in power and he gradually recovered control of the people and territories, though the country remained unstable.

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 narrow margin that within a few months he resigned and recommended that Gen. Ne Win, the head of the army, replace him and conduct new elections.

Gen. Ne Win's provisional government, comprising senior military officers, was short-lived, lasting only 16 months. When the promised elections were held, a 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 open discussions. However, before U Nu could instate his recommendations for peace, Gen. Ne Win led a military coup to seize power on 2 March 1962. Gen. Ne Win established a Revolutionary Council comprised of 17 senior officers, effectively ending the constitutional period.

## Military Rule (1962-88)

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 the governing structure 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, serving to further entrench BSPP’s position as the only legal political party in the country.

The second constitution of independent Burma differed markedly from its predecessor. The *Pyithu Hluttaw* or People’s Assembly, a single chamber legislature, became the highest governing structure in the country and U Ne Win, who was the head of the BSPP, took over the Presidency. Under the one-party regime, freedom for the people of Burma was largely repressed. Furthermore, civil strife continued with the military instigating campaigns against the forces of the ethnic nationalities and the Burma Communist Party (BCP). During this period, the ruling regime faced popular unrest. Workers staged violent strikes in 1974 and 1975. Students also demonstrated throughout this period. A particularly serious student protest erupted in 1974 after a struggle between the students and the regime over the proper burial of the remains of U Thant, the third Sec. Gen. of the UN. In 1981 Ne Win abdicated the presidency but continued to head the BSPP. Political mismanagement and instability also severely affected the economy. For example, in 1987, following intense criticism from Ne Win, the regime demonetized three banknotes without warning or reimbursement. As a result, nearly 70 percent of the currency in circulation became worthless.

Tension within the country escalated to a breaking point in 1988. In March 1988, a teashop brawl led to the death of a student from the Rangoon Institute of Technology (RIT) after the intervention of riot police. Daily protests by RIT students ensued and spread to other universities. After twelve days of violent clashes with police, the regime closed the universities. The riots left several students dead and missing. When the universities reopened in June, the students resumed protests, calling for accountability into the student deaths and injuries. The military, however, responded with force, killing at least 20 more students and arresting hundreds of others. And once again the universities closed.

The wave of social unrest spread as the people of Burma became unified in their demand for political change. In response, the military declared a state of martial law. On 23 July 1988, the BSPP appointed Gen. Sein Lwin as the new party head and later president. To demonstrate opposition to continued military rule in the country, students and activists organized a peaceful, nationwide strike on 8 August 1988. The now notorious 8888 uprising led to the death and arrest of thousands of protestors and demonstrators at the hands of the regime.

Following the protest, on 12 August 1988 Gen. Sein Lwin was replaced by a civilian lawyer named Dr. Maung Maung. The period of civilian rule was not only superficial but short-lived. On 18 September 1988, the military regained power through a bloody coup. During the month of civilian leadership, agents of the military spread rumors that criminals had been released into the general population, the water supply was poisoned and that other heinous

acts had been committed in order to stimulate an environment of fear and chaos. The revived military dictatorship forcibly took control under the name “State Law and Order Restoration Council” (SLORC). Opting for martial law, SLORC suspended the 1974 constitution and brutally suppressed all opposition through force, resulting in thousands of deaths and arrests.

## **SLORC’s Military Rule (1988-1997)**

On 23 September 1988, having established himself as Burma’s leader, the head of the SLORC, Gen. Saw Maung, assured the public that the sole aim of military intervention was to restore law and order, improve the economic conditions 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 Gen. Aung San, quickly emerged as the leading opposition party. Daw Aung San Suu Kyi traveled throughout the country attracting large crowds, despite the SLORC decrees limiting public gatherings to four persons. As her following expanded, the military tried to discredit her. They accused her of not having “pure” motives, disparaged her marriage to a foreigner, questioned her loyalty to Burma, and suggested that she was being manipulated by Communists in her party. Unable to sway her supporters, 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 landslide victory in the elections held on 27 May 1990, winning 392 of the 485 seats contested. In contrast, the SLORC-backed National Unity Party (NUP) won 10 seats.

Rejected by popular vote, the junta refused to implement the results claiming a constitution must be drafted before Parliament can convene. Meanwhile, the SLORC maintained control over the country through martial law. On 27 July 1990, the SLORC promulgated Declaration 1/90 confirming this stating, “[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, harass, and intimidate NLD members as well as members of other political parties. As time progressed and the SLORC persisted in its refusal to hand over power, in December 1990 members of the elected Parliament established 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 24 April 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 (NC) would be convened “in order to lay down basic principles to draft a firm constitution.” On 2 October 1992, however, without consulting any political or ethnic leaders, the regime delineated six objectives to “guide” the NC. The sixth principle essentially guarantees a dominant role for the military in any future government. 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.” Regardless, meetings were repeatedly suspended after ethnic delegates persist in opposing a centralized state structure. Overriding such opposition and alternative proposals, the regime imposed another 104 principles to “guide” the constitutional drafting process. Furthermore, to

suppress opposition to the NC, the SLORC also issued Order No. 5/96 on 7 June 1996 prohibiting criticism of the NC. The order carries a potential 20 year sentence.

On 10 July 1995, Daw Aung San Suu Kyi was released from almost six years of house arrest. Although her release initially raised hopes for an improvement in the human rights situation in Burma, nothing changed. Rather, the pace of political arrests and persecution accelerated dramatically after November 1995 when the NLD withdrew, along with other groups, from the SLORC-controlled NC due to its undemocratic processes. SLORC responded to the NLD withdrawal by expelling the NLD permanently from the convention. Increased targeting and harassment of NLD members and supporters followed. On 9 November 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 puppet organization created by the regime to feign civilian support for the regime and intimidate the pro-democracy movement. In December 1996, more than 2,000 people, including hundreds of students, were arrested after engaging in peaceful demonstrations calling for genuine reforms. Public gatherings on weekends in front of Daw Aung San Suu Kyi's home have been banned since the end of 1996.

Hostilities between the SLORC and armed ethnic resistance groups meanwhile continued throughout this period. The SLORC maintained a military presence throughout the ethnic minority areas, instigating attacks against resistance fighters. Singapore, China, and Pakistan supported the SLORC campaign by supplying the weaponry needs of the regime. Thailand disregarded increased offensives against border groups after the SLORC granted timber and fishing concessions in the border areas. In 1989, the SLORC heightened aggressive tactics in an effort to pressure opposition groups into one-sided ceasefire pacts. At this time, several resistance groups succumbed to the regime's pressure and signed onto restrictive ceasefire agreements. Meanwhile attacks have continued in the ethnic minority areas. During the offensives, the military committed a range of human rights violations and abuses against ethnic minority villagers living within the conflict zones.

## **SPDC's Military Rule (1997-Present)**

On 15 November 1997, the SLORC was paradoxically 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, including the former Tourism Minister Lt. Gen. Kyaw Ba; the former Commerce Minister Lt. Gen. Tun Kyi; and the former Agriculture Minister Lt. Gen. 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 10 December 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 20 December, there was another unexpected reshuffle within the second tier of the military regime's cabinet and eight posts were replaced 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.

With instability plaguing the military ranks and the regime refusing to cede power, the Committee Representing the People's Parliament (CRPP) formed on 16 September 1998. In accordance with the 1974 *Pyithu Hluttaw* Law requiring the approval by 34 percent or more of the MP's to convene Parliament, 52 percent of the elected MPs (or 251) gave approval to the ten founding members to form the CRPP. The CRPP's objective was to convene as a provisional Parliament until all elected MPs are able to convene. As the first official act of the CRPP, the group repealed all SLORC and SPDC orders, decrees, notifications, rules and laws. In immediate response, the SPDC outlawed the organization. Despite serious restrictions and the imprisonment of Chairman Dr Saw Mra Aung, the CRPP has survived and continues to operate, although under constant threat.

In September 2000, a major crackdown by the SPDC on NLD leaders led to the detention of Chairman U Aung Shwe, and the house arrest of Vice-Chairman U Tin Oo and Gen. Sec. Daw Aung San Suu Kyi. The crackdown, however, acted as a catalyst for the initiation of UN brokered 'talks' between the regime and the NLD. In the months that followed, 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. As dialogue continued, the SPDC agreed to release Daw Aung San Suu Kyi from 19 months of house arrest on 6 May 2002. The military intelligence, however, continued to monitor NLD leaders and attend meetings in Rangoon. Following her release, the junta allowed Daw Aung San Suu Kyi and the NLD a greater measure of freedom to travel around the country and to meet with representatives of foreign governments and international organizations.

By the end of 2002, it was clear that the regime was using the talks merely as a tool to deflect international criticism and garner increased aid and investment rather than to genuinely advance the country towards democratic reform. As the economic situation deteriorated inside Burma, dialogue between the NLD and SPDC came to a halt. Despite repeated calls for more open lines of communication, the SPDC increasingly withdrew from further discussions and throughout the first half of 2003 the regime refused to schedule more talks. In addition, beginning in 2003 and continuing throughout 2005, the regime has excluded Razali Ismail, the UN Special Envoy for Burma, and Paulo Sergio Pinheiro, the UN Special Rapporteur on Human Rights in Burma, from entering the country. Although Daw Aung San Suu Kyi and the NLD were able to engage in several campaigning tours in the first half of 2003, harassment and targeting of NLD members continued. Tension escalated to a breaking point when on 30 May 2003, Daw Aung San Suu Kyi and her entourage were violently attacked by members of the USDA and other state organized individuals on the road to Depayin, Sagaing Division. An unknown number of individuals were killed in the attack, subsequently labeled the "Depayin Massacre." In addition, Daw Aung San Suu Kyi, NLD Deputy Chairman U Tin Oo, and all members of the Central Executive Committee of the NLD were placed under military custody. NLD offices across the country were also ordered closed.

In an attempt to assuage international criticism following the Depayin Massacre, the junta reshuffled the military leadership on 25 August 2003. In the military reshuffle, the relatively moderate Gen. Khin Nyunt was removed from the position of Secretary 1 and placed in a newly created position of Prime Minister. Lt. Gen. Soe Win, who is believed to have planned the Depayin attack on the NLD, replaced Gen. Khin Nyunt as Secretary 1. To further deflect international criticism, the regime also announced a seven-point road map to democracy just five days later on 30 August 2005, the first step of which was to resume the NC.

Reconvening on 17 May 2004 without the participation of eight ethnic minority groups and several political parties including the NLD, the NC proved to be a continuation of the previous undemocratic, unrepresentative sessions. In total, 1,076 out of 1,088 delegates attended the 2004 session of the NC. Only 15 MPs elected in the 1990 elections were present. In addition, only seven legally registered political parties that participated in the 1990 elections attended. Besides being unrepresentative in nature, the 2004 session of the NC proceeded under highly restrictive conditions that suppressed the freedoms of opinion, expression, movement, assembly and association of the delegates. On 9 July 2004, the NC recessed with very little progress achieved towards genuine democratic reform.

Disagreements among the SPDC military elite resulted in yet another reshuffling of the ranks in October 2004. On 19 October 2004, Prime Minister Khin Nyunt was removed from his post, arrested, and placed under house arrest. His two sons, Zaw Naing Oo and Ye Naing Win were also arrested. Gen. Khin Nyunt was charged on eight grounds, including bribery and corruption, and given a 44-year suspended sentence on 22 July 2005. His sons along with other relatives were given similarly lengthy sentences.

Following Gen. Khin Nyunt's removal, Lt. Gen. Soe Win took over the office of Prime Minister. Meanwhile, the regime underwent a widespread purge of everything associated with the former Prime Minister. In addition to the removal of all photographs, posters and billboards of Gen. Khin Nyunt, all his cronies and affiliates were dismissed and subject to potential arrest. The purge resulted in the dismantling of the National Intelligence Bureau (NIB), the body that controlled the Defense Ministry's Military Intelligence Services (MIS). In the months that followed, 300 top level former MI agents were arrested, some 1,500 were allowed to "retire," and about 2,500 were transferred to combat duty. Dismemberment of the NIB, however, has not meant the end to MI in Burma. Intelligence operations have since reorganized now functioning under the Office of the Military Affairs Security and reporting directly to the regional military commands. The reshuffle also included several other shifts in the leadership and was viewed as a consolidation of hardliners among the military elite of the SPDC.

The removal of Gen. Khin Nyunt as prime minister and dissolution of the NIB also led to three mass prison releases over the course of 2004. However, out of the 14,318 prisoners released from November to December 2004, only 76 were political prisoners. Among the 76 political prisoners released was Min Ko Naing, chairman of the All Burma Federation of Student Unions (ABFSU), who had been imprisoned for over 15 years. Another mass release of prisoners occurred on 3 January 2005, with the NC a little over a month away and the regime desperate to gain political favor. The SPDC released 5,588 inmates from prisons around the country, however only 23 political prisoners were among those released. Despite these releases, over 1,100 political prisoners remained incarcerated at the end of 2005.

The removal of Gen. Khin Nyunt, however, did little to stabilize the political atmosphere in Burma. Since the ouster of Gen. Khin Nyunt, the military leadership line-up has been in constant flux. Power struggles between SPDC chairman Sen. Gen. Than Shwe and his second-in-command Vice Sen. Gen. Maung Aye continued throughout 2005 spurring rumors of another potential ouster. At the end of May 2005 and in August 2005, the regime underwent yet another major reorganization with a reshuffle of about half of the regional commanders. In addition, several high ranking SPDC officers were removed from their posts in August 2005 and placed under house arrest or "permitted to retire," including the Director General of the SPDC Office Lt. Col. Pe Nyein, Director General of the Prime Minister's

office Soe Tint, as well as Brig. Gen. Pyi Sone and Than Shwe who are attached to the Prime Minister's office.

Several bombings throughout the country further demonstrated the lack of stability within the country. From the end of 2004 throughout 2005, a total of 18 bombs were detonated. Following a series of bombings on 7 May 2005 in Rangoon that killed at least eleven people and injured 162, the junta increased restrictions. Despite being unable to produce concrete evidence of the perpetrators of the bombings, the regime blamed several opposition groups subsequently outlawing them, labeling them as terrorist organizations and conducting widespread arrests.

In an attempt to feign some level of stability and progress within the country following the ouster of Gen. Khin Nyunt, the regime announced plans to recommence the NC on 17 February 2005. However, in the lead up to the February 2005 session, the junta made efforts to stifle all potential opposition to the process by targeting and harassing opposition groups. Political and ethnic minority leaders were subject to arrest, detention, and other abuses at the hands of the SPDC in an attempt to silence resistance to the regime's agenda. The regime arbitrarily extended the detention of ten prominent political dissidents, including NLD leaders, Daw Aung San Suu Kyi and U Tin Oo as well as several elected MP's. Military build-up and increased hostilities in the ethnic areas also continued. The SPDC also arrested several prominent Shan activists and leaders, including Gen. Hkun Htun Oo and Gen. Hso Ten, chairmen of the Shan Nationalities League for Democracy (SNLD) and the Shan State Peace Council (SSPC) respectively, only days before the February session was scheduled to resume. These leaders were later handed severely harsh sentences ranging from 70 years to 93 years of imprisonment.

The February 2005 sessions adjourned on 31 March 2005 without achieving any genuine progress towards democratic reform. Despite indications by the regime in May 2005 that the December 2005 NC proceeding would be the final session of the protracted constitutional drafting process, the Convention adjourned in January 2006 without any real advancement. Participation in both 2005 sessions remained highly unrepresentative with several political and ethnic minority groups excluded from the proceedings. Like past Conventions, a majority of the delegates in attendance were members of SPDC-sponsored organizations, such as the USDA. Furthermore, open discussion was largely circumscribed by the regime, with the regime actively stifling all proposals initiated by delegates that were not in keeping with its predetermined agenda. Meanwhile, hostility against ethnic minority groups and harassment against political organizations continued. The regime again extended the terms of house arrest for Daw Aung Suu Kyi and U Tin Oo on 27 November and 13 February 2005 respectively. The undemocratic nature of both terms of the 2005 proceedings spurred criticism within the country as well as throughout the international community.

In another unexpected move, the SPDC relocated its ministries, civil servants and operations to the remote village of Pyinmana, Mandalay Division, located about 320 km. from Rangoon. The move occurred at the auspicious time of 6:37 am on 6 November 2005. Without advanced notice, civil servants were forced to relocate to Pyinmana, leaving families and businesses behind. The civil servants meanwhile found Pyinmana unprepared for their arrival, with basic accommodations, facilities, and commodities lacking. However, civil servants who applied for resignations were threatened with imprisonment, causing some to go into hiding. The site itself is reportedly surrounded by barbed wire and under heavy military guard.



Throughout 2005, the regime continued to commit severe human rights abuses against the people of Burma, including forced labor and portering practices, forcible recruitment of child soldiers, extrajudicial killings, arbitrary arrests, rape, torture, forcible relocation and confiscation of property. Furthermore, the regime continued to restrict basic freedoms, including the freedom of speech, press, assembly, association, movement, and religion.

# Acronyms and Abbreviations

## Acronyms

|                  |                                                                    |
|------------------|--------------------------------------------------------------------|
| <b>AAPP</b>      | Assistance Association for Political Prisoners                     |
| <b>AAPPB</b>     | Assistance Association of Political Prisoners- Burma               |
| <b>AASYC</b>     | All Arakan Students and Youth Congress                             |
| <b>ABFSU</b>     | All Burma Federation of Student Unions                             |
| <b>ABFSU-FAC</b> | All Burma Federation of Student Unions – Foreign Affairs Committee |
| <b>ABMU</b>      | All Burma Muslim Union                                             |
| <b>ABRC</b>      | All Burma Refugees Committee                                       |
| <b>ABSDF</b>     | All Burma Students’ Democratic Front                               |
| <b>ABFSU</b>     | All Burma Federation of Student Unions                             |
| <b>ADPC</b>      | Asian Disaster Preparedness Center                                 |
| <b>ADSL</b>      | Asymmetric Digital Subscriber Line                                 |
| <b>AFP</b>       | Agence France Presse                                               |
| <b>AFPLF</b>     | Anti-Fascist People’s Freedom League                               |
| <b>AHRC</b>      | Asian Human Rights Commission                                      |
| <b>AI</b>        | Amnesty International                                              |
| <b>AIDS</b>      | Acquired Immune Deficiency Syndrome                                |
| <b>AIR</b>       | All India Radio                                                    |
| <b>ALA</b>       | Arakan Liberation Army                                             |
| <b>ALD</b>       | Arakan League for Democracy                                        |
| <b>ALP</b>       | Arakan Liberation Party                                            |
| <b>ALRC</b>      | Asian Legal Resource Center                                        |
| <b>AP</b>        | Associated Press                                                   |
| <b>APFWLD</b>    | Asia Pacific Forum on Women, Law and Development                   |
| <b>ARAC</b>      | Arakanese Refugees Affairs Committee                               |
| <b>ARNO</b>      | Arakan Rohingya National Organization                              |
| <b>ARV</b>       | Anti-retroviral treatment                                          |
| <b>ASEAN</b>     | Association of South-East Asian Nations                            |
| <b>BAD</b>       | Border Area Development                                            |
| <b>BBC</b>       | Burma Border Consortium                                            |
| <b>BBC</b>       | British Broadcasting Corporation                                   |
| <b>BC</b>        | Bagan Cybertech                                                    |
| <b>BCN</b>       | Burma Centrum Netherlands                                          |
| <b>BDR</b>       | Bangladesh Rifles                                                  |
| <b>BERG</b>      | Burma Ethnic Research Group                                        |
| <b>BESU</b>      | Basic Education Student Union                                      |
| <b>BI</b>        | Burma Issues                                                       |
| <b>BLC</b>       | Burma Lawyers' Council                                             |
| <b>BLSO</b>      | Burma Labor Solidarity Organization                                |

|               |                                                                              |
|---------------|------------------------------------------------------------------------------|
| <b>BMA</b>    | Burma Media Alliance                                                         |
| <b>BMA</b>    | Burmese Media Association                                                    |
| <b>BNA</b>    | Burma News Association                                                       |
| <b>BP</b>     | Bangkok Post                                                                 |
| <b>BSI</b>    | Bureau of Special Investigation                                              |
| <b>BSPP</b>   | Burmese Socialist Program Party                                              |
| <b>BWU</b>    | Burmese Women's Union                                                        |
| <b>CAD</b>    | Culture and Arts Developers                                                  |
| <b>CAPS</b>   | Continuous Assessment and Progression System                                 |
| <b>CATW</b>   | Coalition against Trafficking in Women                                       |
| <b>CBC</b>    | Calvary Baptist Church                                                       |
| <b>CCSDPT</b> | Committee for the Coordination of Services for Displaced Persons in Thailand |
| <b>CCTV</b>   | China Central Television                                                     |
| <b>CD</b>     | Compact Disk                                                                 |
| <b>CEC</b>    | Central Executive Committee                                                  |
| <b>CEDAW</b>  | Convention on the Elimination of Discrimination against Women                |
| <b>CEO</b>    | Chief Executive Officer                                                      |
| <b>CESCR</b>  | Committee on Economic, Social and Cultural Rights                            |
| <b>CHRO</b>   | Chin Human Rights Organization                                               |
| <b>CIA</b>    | Central Intelligence Agency                                                  |
| <b>CIA</b>    | Chin Integrated Army                                                         |
| <b>CICC</b>   | Center for the International Cooperation for Computerization                 |
| <b>CID</b>    | Criminal Investigations Department                                           |
| <b>CIDKP</b>  | Committee for Internally Displaced Karen Persons                             |
| <b>CNA</b>    | Chin National Army                                                           |
| <b>CNC</b>    | Chin National Confederation                                                  |
| <b>CNF</b>    | Chin National Front                                                          |
| <b>CNN</b>    | Cable News Network                                                           |
| <b>COMMIT</b> | Coordinated Mekong Ministerial Initiative against Trafficking                |
| <b>CPB</b>    | Communist Party of Burma                                                     |
| <b>CPJ</b>    | Committee to Protect Journalists                                             |
| <b>CRC</b>    | Convention on the Rights of the Child                                        |
| <b>CSW</b>    | Christian Solidarity Worldwide                                               |
| <b>CU</b>     | Cultural University                                                          |
| <b>DAB</b>    | Democratic Alliance of Burma                                                 |
| <b>DDSI</b>   | Directorate of Defense Services Intelligence                                 |
| <b>DHF</b>    | Dengue Hemorrhagic Fever                                                     |
| <b>DKBA</b>   | Democratic Karen Buddhist Army                                               |
| <b>DKBO</b>   | Democratic Karen Buddhist Organization                                       |
| <b>DNA</b>    | Deoxyribonucleic Acid                                                        |
| <b>DOTS</b>   | Directly Observed Treatment Short Course                                     |
| <b>DPA</b>    | Deutsche Presse Agence                                                       |
| <b>DPDC</b>   | District Peace and Development Council                                       |
| <b>DPNS</b>   | Democratic Party for A New Society                                           |

|               |                                                                        |
|---------------|------------------------------------------------------------------------|
| <b>DSA</b>    | Defense Services Academy                                               |
| <b>DSI</b>    | Defence Service Intelligence                                           |
| <b>DVB</b>    | Democratic Voice of Burma                                              |
| <b>ECS</b>    | Economic Cooperation Strategy                                          |
| <b>ENC</b>    | Ethnic Nationalities Council                                           |
| <b>ENSCC</b>  | Ethnic Nationalities Solidarity and Cooperation Committee              |
| <b>EP</b>     | Employee Pass                                                          |
| <b>ERI</b>    | EarthRights International                                              |
| <b>ESCAP</b>  | United Nations Economic and Social Commission for Asia and the Pacific |
| <b>EU</b>     | European Union                                                         |
| <b>E-visa</b> | Electronic Visa                                                        |
| <b>EWEC</b>   | East-West Economic Corridor                                            |
| <b>FBR</b>    | Free Burma Rangers                                                     |
| <b>FEC</b>    | Foreign Exchange Certificates                                          |
| <b>FOT</b>    | Field Observation Team                                                 |
| <b>FRC</b>    | Foreign Resident Card                                                  |
| <b>FTI</b>    | Federation of Thai Industries                                          |
| <b>FTUB</b>   | Federation of Trade Unions – Burma                                     |
| <b>FTUK</b>   | Federation of Trade Unions-Kawthoolei                                  |
| <b>GAIL</b>   | Gas Authority India Ltd.                                               |
| <b>GBA</b>    | Gankaw Baptist Association                                             |
| <b>GDP</b>    | Gross Domestic Product                                                 |
| <b>HQ</b>     | Headquarters                                                           |
| <b>HRDU</b>   | Human Rights Documentation Unit                                        |
| <b>HREIB</b>  | Human Rights Education Institute of Burma                              |
| <b>HRP</b>    | Hongsowatoi Restoration Party                                          |
| <b>HRW</b>    | Human Rights Watch                                                     |
| <b>HURFOM</b> | Human Rights Foundation of Monland                                     |
| <b>IB</b>     | Infantry Battalion                                                     |
| <b>ICBL</b>   | International Campaign to Ban Landmines                                |
| <b>ICFTU</b>  | International Confederation of Free Trade Unions                       |
| <b>ICG</b>    | International Crisis Group                                             |
| <b>ICRC</b>   | International Committee of the Red Cross                               |
| <b>ICT</b>    | Information and Communication Technology                               |
| <b>ID</b>     | Identity                                                               |
| <b>IDC</b>    | Immigration Detention Center                                           |
| <b>IDP</b>    | Internally Displaced Person                                            |
| <b>ILC</b>    | International Labor Conference                                         |
| <b>ILO</b>    | International Labour Organization                                      |
| <b>IMNA</b>   | Independent Mon News Agency                                            |
| <b>INGO</b>   | International Non Governmental Organization                            |
| <b>INO</b>    | Inntha National Organization                                           |
| <b>IOM</b>    | International Organization for Migration                               |
| <b>IRC</b>    | International Rescue Committee                                         |

|              |                                                        |
|--------------|--------------------------------------------------------|
| <b>IRD</b>   | Internal Revenue Department                            |
| <b>ISG</b>   | Interim Shan Government                                |
| <b>ISP</b>   | Internet Services Providers                            |
| <b>IT</b>    | Information Technology                                 |
| <b>ITBMU</b> | International Theravada Buddhist Missionary University |
| <b>KB</b>    | Kanbawza Bank                                          |
| <b>KCBA</b>  | Kuki Chin Baptist Association                          |
| <b>KDA</b>   | Kachin Defense Army                                    |
| <b>KDP</b>   | Kokang Democratic Party                                |
| <b>KHRG</b>  | Karen Human Rights Group                               |
| <b>KIA</b>   | Kachin Independence Army                               |
| <b>KIC</b>   | Karen Information Committee                            |
| <b>KIO</b>   | Kachin Independence Organization                       |
| <b>KNA</b>   | Karen National Association                             |
| <b>KnA</b>   | Karenni Army                                           |
| <b>KNAHR</b> | Karenni News Agency for Human Rights                   |
| <b>KNDA</b>  | Karenni National Defence Army                          |
| <b>KNG</b>   | Karen National Guard                                   |
| <b>KNLA</b>  | Karen National Liberation Army                         |
| <b>KNLP</b>  | Kayan New Land Party                                   |
| <b>KNPLF</b> | Karenni National People's Liberation Front             |
| <b>KNPP</b>  | Karenni National Progressive Party                     |
| <b>KnSO</b>  | Karenni National Solidarity Organization               |
| <b>KNU</b>   | Karen National Union                                   |
| <b>KORD</b>  | Karen Office for Relief and Development                |
| <b>KRC</b>   | Karen Relief Committee                                 |
| <b>KSDP</b>  | Karenni Student Development Program                    |
| <b>KSWC</b>  | Karenni Social Welfare Committee                       |
| <b>KVTBA</b> | Kabaw Valley Thadou Baptist Association                |
| <b>KWAT</b>  | Kachin Women's Association of Thailand                 |
| <b>KWO</b>   | Karen Women's Organization                             |
| <b>LDF</b>   | Lahu Democratic Front                                  |
| <b>LIB</b>   | Light Infantry Battalion                               |
| <b>LID</b>   | Light Infantry Division                                |
| <b>LNO</b>   | Lahu National Organization                             |
| <b>LPO</b>   | Labor Protection Office                                |
| <b>MAMD</b>  | Mon Army, Mergui District                              |
| <b>MAN</b>   | Muslim Agency for News                                 |
| <b>MANA</b>  | Myanmar Anti-Narcotic Association                      |
| <b>MAP</b>   | Migrant Assistance Program Foundation                  |
| <b>MART</b>  | Myanmar Agricultural Produce Trade                     |
| <b>MAS</b>   | Military Affairs Security                              |
| <b>MCWA</b>  | Maternal and Child Welfare Association                 |
| <b>MHD</b>   | Malteser Hilfdienst Deutschland                        |

|               |                                                                           |
|---------------|---------------------------------------------------------------------------|
| <b>MI</b>     | Malteser International                                                    |
| <b>MI</b>     | Military Intelligence                                                     |
| <b>MICTDC</b> | Myanmar Information Communications and Technology Development Corporation |
| <b>MLCC</b>   | Mon Literature and Culture Committee                                      |
| <b>MMA</b>    | Myanmar Medical Association                                               |
| <b>MMCWA</b>  | Myanmar Maternal and Child Welfare Association                            |
| <b>MNA</b>    | Myanmar Nurses Association                                                |
| <b>MNCWA</b>  | Myanmar National Working Committee for Women's Affairs                    |
| <b>MNDAA</b>  | Myanmar National Democracy Alliance Army (MNDAA-Kokang)                   |
| <b>MNDF</b>   | Mon National Democratic Front                                             |
| <b>MNF</b>    | Mon National Front                                                        |
| <b>MNLA</b>   | Mon National Liberation Army                                              |
| <b>MOB</b>    | Myanmar Oriental Bank                                                     |
| <b>MOGE</b>   | Myanmar Oil and Gas Enterprise                                            |
| <b>MOI</b>    | Thai Ministry of the Interior                                             |
| <b>MOMC</b>   | Military Operation Management Command                                     |
| <b>MoU</b>    | Memorandum of Understanding                                               |
| <b>MP</b>     | Member of Parliament                                                      |
| <b>MPF</b>    | Myanmar Pharmaceutical Factory                                            |
| <b>MPT</b>    | Ministry of Post and Telecommunications                                   |
| <b>MRA</b>    | Monland Restoration Army                                                  |
| <b>MRC</b>    | Myanmar Red Cross                                                         |
| <b>MRTLCL</b> | Myanmar Rice Trading Leading Committee                                    |
| <b>MSF</b>    | Medecins Sans Frontieres                                                  |
| <b>MTA</b>    | Mong Thai Army                                                            |
| <b>MUB</b>    | Myanmar Universal Bank                                                    |
| <b>MWAF</b>   | Myanmar Women's Affairs Federation                                        |
| <b>MWEA</b>   | Myanmar Women's Entrepreneurs Association                                 |
| <b>NC</b>     | National Convention                                                       |
| <b>NCGUB</b>  | National Coalition Government of the Union of Burma                       |
| <b>NCSM</b>   | Nationalist Socialist Council of Nagaland                                 |
| <b>NCUB</b>   | National Council of the Union of Burma                                    |
| <b>NDAA</b>   | National Democratic Alliance Army (NDAA-east Shan State)                  |
| <b>NDA-K</b>  | New Democratic Army-Kachin                                                |
| <b>NDD</b>    | Network for Democracy and Development                                     |
| <b>NDF</b>    | National Democratic Front                                                 |
| <b>NDPHR</b>  | National Democratic Party for Human Rights                                |
| <b>NGO</b>    | Non-Governmental Organization                                             |
| <b>NG-SS</b>  | New Generation- Shan State                                                |
| <b>NHEC</b>   | National Health and Education Committee                                   |
| <b>NHK</b>    | Japanese Broadcasting Corporation                                         |
| <b>NHPC</b>   | National Hydroelectric Power Corporation                                  |
| <b>NIB</b>    | National Intelligence Bureau                                              |
| <b>NLD</b>    | National League for Democracy                                             |

|                |                                                                           |
|----------------|---------------------------------------------------------------------------|
| <b>NLD-LA</b>  | National League for Democracy-Liberated Area                              |
| <b>NLM</b>     | New Light Myanmar                                                         |
| <b>NMG</b>     | Network Media Group                                                       |
| <b>NMSP</b>    | New Mon State Party                                                       |
| <b>NSC</b>     | National Security Council                                                 |
| <b>NSCN</b>    | National Socialist Council of Nagaland                                    |
| <b>NTF</b>     | National Task Force                                                       |
| <b>NUPA</b>    | National United Party of Arakan                                           |
| <b>NWCWA</b>   | National Working Committee for Women's Affairs                            |
| <b>OCMI</b>    | Office of the Chief of Military Intelligence                              |
| <b>OMAS</b>    | Office of the Military Affairs Security                                   |
| <b>ONGC</b>    | Oil and Natural Gas Corporation                                           |
| <b>OSI</b>     | Open Society Institute                                                    |
| <b>OSS</b>     | Office of Strategic Studies                                               |
| <b>PABs</b>    | Provincial Admissions Boards                                              |
| <b>PDC</b>     | Peace and Development Council                                             |
| <b>PDF</b>     | People's Defense Front                                                    |
| <b>PHR</b>     | Physicians for Human Rights                                               |
| <b>PLF</b>     | Palaung Liberation Front                                                  |
| <b>PLO</b>     | Pa-O Liberation Organization                                              |
| <b>PNO</b>     | Pa-O National Organization                                                |
| <b>POC</b>     | Persons of Concern                                                        |
| <b>PPLO</b>    | Pa-O People's Liberation Organization                                     |
| <b>PR</b>      | Permanent Resident                                                        |
| <b>PR</b>      | Public Relations                                                          |
| <b>PSB</b>     | Press Scrutiny Board                                                      |
| <b>PSLP</b>    | Palaung State Liberation Party                                            |
| <b>PSO</b>     | People's Strength Organization                                            |
| <b>PSRB</b>    | Press Scrutiny and Registration Board                                     |
| <b>PSRD</b>    | Press Scrutiny and Registration Division                                  |
| <b>PTT-EP</b>  | Petroleum Authority of Thailand Exploration and Production Public Co. Ltd |
| <b>PYAN</b>    | Palaung Youth Action Network.                                             |
| <b>PYNG</b>    | Palaung Youth Networking Group                                            |
| <b>RELA</b>    | Volunteer Corp (Ikatan Relawa Rakyat)                                     |
| <b>RFA</b>     | Radio Free Asia                                                           |
| <b>RI</b>      | Refugees International                                                    |
| <b>RM</b>      | Ringgit                                                                   |
| <b>RNA</b>     | Rohingya National Alliance                                                |
| <b>RPDC</b>    | Electric Power Development Company                                        |
| <b>RPG</b>     | Rocket Propelled Grenade                                                  |
| <b>RRRC</b>    | Refugee Relief and Repatriation Commission                                |
| <b>RSANFSP</b> | Rakhine State All National Races Solidarity Party                         |
| <b>RSF</b>     | Reporters Sans Frontieres                                                 |
| <b>SDA</b>     | Seventh Day Adventist                                                     |

|               |                                                                  |
|---------------|------------------------------------------------------------------|
| <b>SDC</b>    | Special Detention Centre                                         |
| <b>SEAPA</b>  | Southeast Asian Press Alliance                                   |
| <b>SEARC</b>  | Southeast Asia Research Centre                                   |
| <b>SEARIN</b> | South East Asia Rivers Network                                   |
| <b>SHAN</b>   | Shan Herald Agency for News                                      |
| <b>SHRF</b>   | Shan Human Rights Foundation                                     |
| <b>SID</b>    | Special Investigations Department                                |
| <b>SLORC</b>  | State Law and Order Restoration Council                          |
| <b>SMNC</b>   | Sangha Maha Navaka Committee                                     |
| <b>SNLD</b>   | Shan Nationalities League for Democracy                          |
| <b>SNPLG</b>  | Shan Nationality People's Liberated Group                        |
| <b>SPDC</b>   | State Peace and Development Council                              |
| <b>SPIF</b>   | Special Police Information Force                                 |
| <b>SSA</b>    | Shan State Army                                                  |
| <b>SSA-N</b>  | Shan State Army- North                                           |
| <b>SSA-S</b>  | Shan State Army- South                                           |
| <b>SSKDP</b>  | Shan State Kokang Democratic Party                               |
| <b>SSNA</b>   | Shan State National Army                                         |
| <b>SSNLO</b>  | Shan State Nationalities Liberation Organization                 |
| <b>SSNPLO</b> | Shan State Nationalities People's Liberation Organization        |
| <b>SSPC</b>   | Shan State Peace Council                                         |
| <b>STD</b>    | Sexually Transmitted Disease                                     |
| <b>SUARAM</b> | Suara Rakyat Malaysia                                            |
| <b>SWAN</b>   | Shan Women's Action Network                                      |
| <b>SYCB</b>   | Student Youth Congress of Burma                                  |
| <b>SYNG</b>   | Shan Youth Network Group                                         |
| <b>SYUF</b>   | Student and Youth Union Front                                    |
| <b>TB</b>     | Tuberculosis                                                     |
| <b>TBBC</b>   | Thailand Burma Border Consortium                                 |
| <b>THPP</b>   | Tamanthi Hydroelectric Power Project                             |
| <b>TOC</b>    | Tactical Operation Command                                       |
| <b>TPDC</b>   | Township Peace and Development Council                           |
| <b>TWU</b>    | Tavoy Women's Union                                              |
| <b>U.S.</b>   | United States                                                    |
| <b>UDHR</b>   | Universal Declaration of Human Rights                            |
| <b>UK</b>     | United Kingdom                                                   |
| <b>UMFCCI</b> | Union of Myanmar Federation of Chambers of Commerce and Industry |
| <b>UN</b>     | United Nations                                                   |
| <b>UNA</b>    | United Nationals Alliance                                        |
| <b>UNAIDS</b> | Joint United Nations Program on HIV/AIDS                         |
| <b>UNDP</b>   | United Nations Development Program                               |
| <b>UNESCO</b> | United Nations Education, Scientific and Cultural Organization   |
| <b>UNFPA</b>  | United Nations Population Fund                                   |
| <b>UNHCR</b>  | United Nations High Commission on Refugees                       |



|                |                                                            |
|----------------|------------------------------------------------------------|
| <b>UNICEF</b>  | United Nations International Children's Emergency Fund     |
| <b>UNLD-LA</b> | United Nationalities League for Democracy – Liberated Area |
| <b>UPE</b>     | Universalization of Primary Education                      |
| <b>USAID</b>   | United States Agency for International Development         |
| <b>USCRI</b>   | U.S. Committee for Refugees and Immigrants                 |
| <b>USDA</b>    | Union Solidarity and Development Association               |
| <b>UWSA</b>    | United Wa State Army                                       |
| <b>UXO</b>     | Un-Exploded Ordinance                                      |
| <b>VBSW</b>    | Vigorous Burmese Student Warriors                          |
| <b>VOA</b>     | Voice of America                                           |
| <b>VPDC</b>    | Village Peace and Development Council                      |
| <b>WCDRB</b>   | Working Committee for Demonstration Restoration in Burma   |
| <b>WFP</b>     | World Food Program                                         |
| <b>WHO</b>     | World Health Organization                                  |
| <b>WLB</b>     | Women's League of Burma                                    |
| <b>WNA</b>     | Wa National Army                                           |
| <b>WNO</b>     | Wa National Organisation                                   |
| <b>YCOWA</b>   | Yaung Chi Oo Workers' Association                          |
| <b>YMA</b>     | Young Mizo Association                                     |
| <b>ZNC</b>     | Zomi National Congress                                     |

## Abbreviations

|                |               |
|----------------|---------------|
| <b>a.k.a</b>   | also known as |
| <b>approx.</b> | approximately |
| <b>Brig.</b>   | Brigadier     |
| <b>Capt.</b>   | Captain       |
| <b>Comdr.</b>  | Commander     |
| <b>Col.</b>    | Colonel       |
| <b>Cpl.</b>    | Corporal      |
| <b>ft.</b>     | feet          |
| <b>Gen.</b>    | General       |
| <b>Lt.</b>     | Lieutenant    |
| <b>kg.</b>     | kilogram      |
| <b>km.</b>     | kilometer     |
| <b>Maj.</b>    | Major         |
| <b>m.</b>      | meter         |
| <b>mm.</b>     | millimeter    |
| <b>n.a.</b>    | not available |
| <b>Sgt.</b>    | Sergeant      |
| <b>sq.</b>     | square        |

## Terms

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

## Measurements

|                |                                                                                                                                  |
|----------------|----------------------------------------------------------------------------------------------------------------------------------|
| <b>acre</b>    | 1 acre = 4,840 sq. yards = 0.407 hectare<br>2,471 acres = 11,960 sq. yards = 1 hectare<br>640 acres = 1 sq. mile = 2.590 sq. km. |
| <b>baht</b>    | 1 baht = 100 satang<br>1baht = US\$0.02                                                                                          |
| <b>crore</b>   | 1 crore = 10 million                                                                                                             |
| <b>FEC</b>     | 1 FEC = US\$1 = kyat 6.5 (official)<br>1 FEC = kyat 750 (unofficial)                                                             |
| <b>furlong</b> | 1 furlong = 220 yards (1/8) mile = 201 meters                                                                                    |
| <b>lakh</b>    | 1 lakh = 100,000                                                                                                                 |
| <b>tin</b>     | 1 tin = 16 pyi                                                                                                                   |
| <b>1 pyi</b>   | (rice/condensed milk tin) = approx. 250 ml                                                                                       |
| <b>viss</b>    | 1 viss = 3.6 lbs = 1.633 kg<br>622.22 viss = 1 long ton (2,240 lbs) = 1.016 metric tons                                          |

## Spellings

Since there are no standardized transcriptions in the Roman alphabet for Burmese 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). To avoid confusion and politicization, this report will restrict its use of language to the anglicized spellings.

A list of alternative spellings are provided as follows:

|             |               |
|-------------|---------------|
| Ayeyarwady  | Irrawaddy     |
| Bagan       | Pagan         |
| Bago        | Pegu          |
| Bamar       | Burman        |
| Dawei       | Tavoy         |
| Hpa-an      | Pa-an         |
| Kayah       | Karenni       |
| Kayin       | Karen         |
| Magway      | Magwe         |
| Mawlamyine  | Moulmein      |
| Myeit       | Mergui        |
| Myanmar     | Burma         |
| Patheingyi  | Bassein       |
| Pyaw        | Prome         |
| Sittoung    | Sittaung      |
| Sittwe      | Akyab         |
| Tanintharyi | Tenasserim    |
| Thandwai    | Sandoway      |
| Thanlwin    | Salween River |
| Taunggyin   | Moei River    |
| Yangon      | Rangoon       |

## **Disputed Areas of Demarcation**

### **Karen State**

#### **Doooplaya District**

Doooplaya District is entirely demarcated by the KNU as Karen territory and patrolled by the 6th Brigade of the KNLA. The SPDC, however, designates Doooplaya District as falling mostly in Karen State with some portions in Mon State.

#### **Pa-an and Papun Districts**

Pa-an and Papun Districts is under the patrol of the 7th Brigade and 5th Brigade respectively. The SPDC, however, does not officially recognize these districts. Instead, the SPDC has demarcated three districts (Kawkareik, Myawaddy, and Pa-an) and seven townships (Than Daung, Papun, Hlaing Bwe, Pa'an, Kawkareik, Myawaddy, and Kya In Seik Gyi). These townships do not correspond with the KNU demarcated districts and townships, even for those which share the same name.

### **Mon State**

#### **Thaton District**

Thaton District is demarcated by the KNU as part of Karen territory and under the patrol of the 1st Brigade of the KNLA. 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.

### **Pegu Division**

#### **Nyaunglebin District**

Nyaunglebin District is demarcated by the KNU as Karen territory and under the patrol of the 3rd Brigade of the KNLA. The SPDC, however, does not officially recognize Nyaunglebin District. Rather the area of Nyaunglebin District falls in SPDC demarcated Pegu Division.

#### **Toungoo District**

Toungoo District is demarcated by the KNU as Karen territory and is under the patrol of the 2nd Brigade of the KNLA. The SPDC, however, does not officially recognize Toungoo District. Toungoo District falls partially in SPDC demarcated Pegu Division and partially in Karen State.

### **Tenasserim Division**

#### **Mergui-Tavoy District**

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

# 1. Forced Labor, Portering, and Military Conscription

*“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 of Convention 29, Forced Labor Convention

## 1.1 Background

Burma ratified the International Labor Organization (ILO) Forced Labor Convention 1930 (No. 29) in 1955. Despite this, in 2005, both multinational organizations and NGOs have provided extensive reports on Burma's continued use of forced labor. The use of porters to carry rations and other supplies for the military continued throughout 2005. 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.

In 2005, both the ILO and the UN expressed concern about the continued widespread use of forced labor in Burma, particularly in ethnic border areas. Development project sites are of particular concern as they typically involve an increase in the number of army battalions in an area. The SPDC tends to heighten military presence in project areas under the justification of the need to secure the site. With an increase in the military presence in the area, there is typically an increase in human rights violations. Particularly where development projects are underway, villagers are recruited for forced labor tasks. Often villagers are not only forced to work on the project sites 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 methods employed by the SPDC authorities and the military to extract forced labor have changed in recent years. Previously, military officers sent 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. In 2004, it was reported that the term used by military officials and SPDC authorities when referring to forced labor had also changed. The SPDC authorities utilized the term “loh ah pay,” a traditional Buddhist notion of contributing voluntary labor to gain merit, when referring to forced labor (source: *Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labor in Toungoo District*, KHRG, September 2004). Throughout 2005, SPDC officers continued to use the term “loh ah pay” when demanding labor for porter duty, road construction and labor at military camps. A villager in Arakan State reported that villagers were threatened with punishment if they used the terms “laborer” or “coolie”. The authorities stated that, “The villagers are not laborers. They are not coolies. Remember they are *loh ah* (volunteers)” (source: Arakan Project, 25 August 2005). Moreover, Soe Nyunt, the director general of the Labor Department of the Ministry of Labor, contended that elimination of forced labor would result in a “loss of culture” in Burma as it is a Buddhist tradition (source: “Military Junta Slams ILO,” *Irrawaddy*, 16 March 2005). However, the Karen Human Rights Group (KHRG), a grassroots

human rights organization, has argued that this redefining of forced labor as traditional *loh ah pay* is just a pretense to make forced labor “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).

While the SPDC continued to defend the use of forced labor, perpetrators of forced labor were convicted for the first time in 2005. In January 2005, local officials were found guilty of forcing villagers to work on a road building project and were given sentences of up to 16 months (source: “Officials Received Sentences for Imposing Forced Labor,” AP, 4 February 2005). However, the complainant, Su Su Nway, was later convicted of “besmearing their reputation” and sentenced to 18 months in prison. The SPDC authorities have charged a number of other complainants under accusations of providing false reports of forced labor to the ILO (source: “More Burmese Villagers Sued for Helping Report Forced Labour to ILO,” DVB, 20 October 2005).

Throughout 2005, the SPDC’s relationship with the ILO deteriorated as result of the ongoing widespread use of forced labor as well as the SPDC’s lack of commitment to cooperate with the ILO in eradicating the practice. In February 2005, an ILO very High-Level Team cut short its visit to Burma to evaluate the SPDC’s commitment when top generals, including Sr. Gen. Than Shwe, failed to keep pre-scheduled meetings. In March 2005, the Governing Body of the ILO gave Burma until June 2005, when the International Labor Conference (ILC) was due to meet, to make concrete steps towards the elimination of forced labor. Failing to do so, the ILO threatened reactivation of measures adopted in the 2000 ILC resolution under Article 33, which include trade and other sanctions. In June 2005, the ILC concluded that the military regime had not made real progress towards the eradication of forced labor and contemplated calling on member states to reactivate and intensify measures under Article 33. In November 2005, the Governing Body was gravely concerned about cases of victims of forced labor being prosecuted in Burma and criticized the SPDC’s attempts to pressure and intimidate the ILO, including through death threats against the ILO Liaison Officer, Richard Horsey. The Governing Body gave Burma until March 2006, when the Governing Body’s next session would take place, to resume an effective dialogue with the ILO, cease the prosecution of victims of forced labor and take action against perpetrators of forced labor. The Governing Body concurred with the ILC’s conclusion that the only way forward is to place the issue on the ILC’s 2006 agenda in order to revisit the measures adopted in the ILC’s 2000 resolution under Article 33. (Source: “Conclusions Concerning Myanmar,” 249th Session of the Governing Body of the ILO, November 2005).

In November 2005, the lawsuit against Total in France came to a close when Total agreed to an out-of-court settlement of US\$6.12 million. Legal proceedings were filed in a French court in 2002 on behalf of 8 citizens of Burma who had been forced by the military to work on Yadana gas construction sites in which Total had investments (source: *Campaign Report: Totalitarian Oil: Fueling the Oppression in Burma*, The Burma Campaign UK, February 2005). The Total settlement followed the settlement of lawsuits against Unocal in the U.S. in December 2004. The Unocal case was 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 military during the construction of the Yadana gas pipeline (source: “Unocal Plans to Settle Human Rights Suits Stemming from Pipeline Project in Burma,” BNA, 14 December 2004).

## **Forced Portering**

Throughout 2005, ethnic minority villagers living in areas with active armed resistance continued to be conscripted as porters for the military. However, in areas where ceasefire agreements have been reached, the rate of conscription for portering duties has reportedly decreased (source: *Myanmar Leaving Home*, Amnesty International, 8 September 2005). As beatings, illness and killings have remained common accompaniments to portering duty, it is considered one of the most dangerous forms of forced labor. Calls for porters may occur as frequently as three times per month in some villages. In the event that a village is unable to supply the required number of men, women and children are sent instead to meet the military's demands. Porters are often used to transport military rations and supplies. Monthly or bi-monthly military camp rations are delivered by truck to central locations and then distributed to baskets, which the villagers are made to carry to the various military camps in the area. The process of delivery of camp supplies usually endures for a day or two and can require an excess of one hundred villagers. Furthermore, forced laborers are not provided with any food or accommodations throughout the duration of their term of service. The risks involved in porter duty, together with the fact that porter duty directly affects villagers' ability to attend to their fields and livelihoods, 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 SPDC armed forces 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 from their villages 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. In addition, operation porters are required to carry heavier loads than normal porters, sometimes as much as 30 viss (49 kg.) for men and 20 viss for women (33 kg). They are given little opportunity for rest, little food and water and no accommodations. 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 weak to continue are left behind. Operation porters have also been forced to walk in front of soldiers as human shields and mine sweepers. Those who attempt to flee have been shot. (Source: *Eastern Pa'an District: Forced Labour, Food Security and the Consolidation of Control*, KHRG, 23 March 2004).

## **Forced Labor**

The SPDC military has routinely forced civilians to work on construction and maintenance projects. Infrastructure projects where forced labor is used include the building and maintenance of roads and bridges, the construction of "NaTaLa" or model villages for new settlements in the ethnic minority areas, as well as projects aimed at boosting economic potential. Throughout 2005, reports of forced labor for various infrastructure projects continued to emerge, particularly in the ethnic border areas. For example, approximately 600 villagers in Matupi Township in Chin State were forced to construct a 39 mile road in May 2005 (source: "SPDC Forced 600 Villagers to Engage in Road Construction," *Rhododendron News*, CHRO, 8 June 2005). In Tenasserim Division, 800 villagers were forced to work on a

regime shrimp husbandry project in May 2005 (source: TWU, 2005). In Arakan State, SPDC authorities continued to force villagers to provide labor for the construction of "NaTaLa" villages (source: Forum-Asia, 26 May 2005).

Typically, the SPDC authorities demand 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 building materials, such as stones and sand, for road construction projects. Villagers do not receive any remuneration for their labor. As a result, villagers have consistently reported facing economic hardships as a direct result of compulsory labor projects.

Throughout 2005, SPDC military presence in ethnic border areas continued to result in the conscription of forced labor to repair and maintain existing military camps as well as to build new ones. The construction of new military camps involves the building of barracks and bunkers, digging trenches, erecting fences, cutting firewood, carrying water, cooking cleaning, delivering messages to other military camps and clearing the ground in and around the camps. Similar work is also performed at existing military camps. In some areas, each village is required to send several people on rotating shifts for a duration of one to ten days for miscellaneous work at the military camp. This is sometimes referred to as "patrol." In Arakan State, villagers have also been forced to work on a golf course on a NaSaKa compound where they had to pick up balls, carry golf clubs, serve tea and snacks to players and maintain the grounds (source: Arakan Project, 25 August 2005). In rural areas, especially those with a history of insurgency, the presence of a military camp usually means the seizure of land near the camp for the cultivation of rice and other crops. Local villagers are then forced to work the land to produce food for the camp. 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.

Villagers are often forced to build sentry posts in around the military camps for which they may be required to provide sentry duty. In August 2005, it was reported that a significant number of sentry posts had been constructed in northern Arakan State. Each household was then required to perform six to 12 nights of sentry duty per month. As armed resistance activity has been virtually non-existent in the area, the increased demand for sentries is believed to be a method of persecution. Night patrols of NaSaKa personnel punish sentries if they do not respond when the troops approach. However, sentries who do respond to approaching NaSaKa are also subject to penalties for not identifying the troops. (Source: Arakan Project, 25 August 2005).

### **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. While prison labor is not specifically prohibited by the ILO's Forced Labor Convention, the ILO does not support the practice (source: "Outside ILO Jurisdiction," *Irrawaddy*, March 2005). 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: "Forced Labor Still a Problem in Burma," *Irrawaddy*, 10 June 2004). For instance, from January 2005, approximately 220 prisoners were used to construct a hospital of 400 beds in Hakha Township, Chin State.



The living conditions, food supply and treatment of prisoners is reportedly worse in prison labor camps than in prison. Work is often arduous and dangerous. Labor tasks include blowing up rock faces, digging at cliff-sites and plowing fields in the place of animals. Prisoners are also forced to work while wearing iron shackles. Furthermore, reports of torture are common, as are reports of inadequate or non-existent healthcare. (Source: "Forced Labor of Prisoners in Burma," AAPP, May 2002). Prisoner laborers from the seven camps in Tamu District, Sagaing Division are reportedly forced to work from 6:00 am to 6:00 pm with only a 15-minute break for lunch. In Khamauk Taung camp in Sagaing Division, prisoners must subsist on a diet of boiled banana tree (source: "Death of Prisoners at 'Gulags' in Burma's Tamu District," DVB, 21 October 2005). These harsh conditions lead many prisoners to pay large bribes to prison officials to avoid being sent to prison labor camps.

Prisoners have increasingly been used as porters in frontline military operations. In Karen State, villagers have reported that they have been summoned less to work as porters and road workers as convict labor has been used instead (source: *Papun District: Forced Labour, Looting and Road Construction in SPDC-Controlled Areas*, KHRG, 10 May 2005). Convicts from prisons throughout Burma are sent to "Won Saung" or porter battalion camps where they are readily available for immediate use by military units in the region (source: *Seeing Through the Smoke of Ceasefires*, KHRG, 9 June 2005). Called "kaung" by the military, a term reserved for animals, convict porters are used for indefinite periods, often extending past the end of their prison sentences. Many convict porters believe that they are forced to serve until they die or escape. Due to the harsh conditions, many convict porters die from weakness, illness or exhaustion. Prisoner porters are also beaten or killed on the slightest pretext. Some prisoner porters have been summarily executed because they were no longer able to carry their loads. Like civilian operation porters, convict porters are also forced to serve as human shields and minesweepers. (Source: KHRG, 27 May 2005).

Prisoner laborers have also been exploited by private businesses. For example, inmates in Tharawaddy prison have been used to produce joss-sticks for the Lotaya-Kyantaingaug Company working in conjunction with Myint Swe, the prison governor. The company owners as well the prison governor concurred that the production of joss sticks by prisoners was more profitable for their companies. The company reportedly has plans to manufacture more of its products using labor from prisons and police-controlled hard labor camps. (Source: "Gulag: Burmese Joss-Sticks Made by Prison Slave Labour," DVB, 20 December 2005).

A myriad of human rights advocates have argued that the SPDC has attempted to deflect ILO and international criticism of civilian forced labor by substituting it, in part, with prison labor. Perhaps providing evidence to this argument, villagers have reported an increase in the number of arbitrary arrests and arrests for petty offenses. Those arrested are then sentenced to a prison term and forced to porter. The KHRG has documented claims that the authorities have taken people from the streets, sent them to prison then directly to "Won Suang" (source: KHRG, 27 May 2005). However, political prisoners and those with long sentences are spared from prison labor camps out of fear that they may escape.

## **Forced Military Conscription**

In 2005, SPDC military authorities continued to implement compulsory military training for civilians in several states and divisions. For example, in December 2005, young Paluang men in Shan State were forced to attend military training in preparation for forced participation in a local junta-sponsored militia (source: “SPDC Forced 50s Palaung Youth to Attend Military Training for Forming Local Militia,” PYNG, 16 December 2005). In Maungdaw Township, Arakan State, approximately 500 female family members of NaSaKa personnel were similarly forced to attend military training to become reserves for the SPDC military (source: “Military Training for Burmese Female Army Reserves Starts in Border Areas,” *Narinjara News*, 19 August 2005). In some cases of compulsory military training, villagers were required to provide their own food, water, transport and uniforms.

Forced conscription of both adults and children into the army and people’s militia also continued throughout 2005. It was reported that the junta continued its policy of not allowing soldiers to leave the army at the end of their enlistment without first recruiting three or four replacements, even if this meant forced recruitment. (Source: *Country Reports on Human Rights Practices - 2004*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2005). (For more information see Chapter 6 Rights of the Child).

## **1.2 ILO Activities in Burma**

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 SPDC agreed to allow the ILO to 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 plan was to be implemented over an 18-month period beginning on 1 July 2003. However, implementation was twice suspended in the second half of 2003. The plan was first suspended following the 30 May 2003 Depayin Massacre and ensuing crackdown on members of the pro-democracy movement. The ILO considered that those events called into question both the will and the ability of the authorities to make significant steps towards eliminating forced labor. In November 2004, the plan was suspended again when three citizens of Burma were accused of “high treason” and sentenced to death for having contact with the ILO and the exiled labor group, the Federation of Trade Unions- Burma.

In March 2004, Burma agreed to allow an independent ILO-appointed facilitator to assist victims of forced labor in bringing their cases to the Burma court system. However, in November 2004, the liaison officer reported to the ILO a conflict of interest in the SPDC authorities' methods for investigating complaints of forced labor where instances of forced labor by the military were referred to the Minister of Defence. By November 2004, the ILO liaison officer had received 72 complaints and had referred 38 cases to the Convention 29 Implementation Committee. The ILO liaison officer received responses to 18 cases, all of which dismissed the allegations of forced labor. Moreover, in two of the dismissed cases the complainants were found guilty of defamation and sentenced to six-months imprisonment. (Source: "Developments Concerning the Question of the Observance by the Government of Burma of the Forced Labour Convention, 1930 (No. 29)," 291<sup>st</sup> session of the ILO Governing Body, Fifth Item of the Agenda, November 2004).

In October 2004, the ILO decided to send a delegation to Burma in order to evaluate the authorities' attitudes and commitment to cooperation (source: "ILO Revives Sanction Treat Against Myanmar," AFP, 19 November 2004). On 21 February 2005, the ILO very High-Level Team (vHLT), consisting of the Right Hon. Ninian Stephen, former Gov. Gen. of Australia, Ruth Dreifuss, former Pres. of the Swiss Confederation, and Hon. Eui-yong Chung, the former Chairperson of the Governing Body of the ILO arrived in Burma. The team was charged with a mandate to assess the regime's progress in eliminating forced labor practices and its cooperation with the ILO. The vHLT, however, decided to cut short the trip and left on 23 February 2005 after failing to secure the necessary meetings to fulfill their mandate, including a meeting with Sr. Gen. Than Shwe. The vHLT did provide the SPDC with an outline of the future steps that should be taken. Furthermore, the vHLT requested that the SPDC make a public executive directive "to give effect to the provision in Order Supplementing Order 1/99 that the Ministry of Defence should issue further directives to all units under its command not to requisition forced labour." The vHLT also requested a reconfirmation of commitment by the SPDC to both the joint Plan of Action and the role of the ILO Liaison Officer in Burma as well as the appointment of a high level representative from the military to address forced labor reports. (Source: "Statement by the ILO very High-Level Team Press Release", ILO, 23 February 2005). In response, the SPDC appointed eight senior military officers headed by Gen. Col. Khin Soe to establish a high-level focal point in the military on 1 March 2005. In addition, according to an SPDC memorandum, military personnel were instructed to adhere to bans on forced labor through orders from the Ministry of Defence and assorted levels of the military. (Source: "Special Sitting to Examine Developments Concerning the Question of the Observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)," *Ninety-third session of the International Labour Conference Committee on the Application of Standards*, June 2005).

Despite the SPDC's reactionary statements and reported action, the ILO Governing Body expressed dissatisfaction with the regime's overall efforts during its 292nd session in March 2005. The Governing Body also disapproved of the SPDC's treatment of the vHLT. Moreover, the Governing Body determined that the "wait and see" approach of member states could no longer endure. In April, the Governing Body shared its conclusions on Burma with ILO member states as well as international organizations in order to spur international action. (Sources: "Developments Concerning the Question of the Observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)," 292<sup>nd</sup> Session of the International Labour Organization Governing Body, Agenda item 7, March 2005; "Special Sitting to Examine Developments Concerning the Question of the Observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)," *Ninety-third*

*session of the International Labour Conference Committee on the Application of Standards*, June 2005).

Nonetheless, on 26 April 2005, the SPDC Director General of the Department of Labor informed the ILO Liaison Officer that SPDC resources were being burdened by false allegations of forced labor. He further indicated that these “false” allegations were detrimental the dignity of the State. As a result, SPDC authorities took legal action against those who filed false reports under sections of the Penal Code. The SPDC Department of Labor continued to accuse politically motivated individuals of methodically lodging forced labor complaints with the ILO Liaison Officer in May and again threatened legal action. (Source: “Special Sitting to Examine Developments Concerning the Question of the Observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29),” *Ninety-third session of the International Labour Conference Committee on the Application of Standards*, June 2005). This pattern continued throughout the year. For example, after villager Su Su Nway successfully sued local authorities in Htan Minaing and Mya Sinnai villages, Rangoon Division for perpetrating forced labor, she was counter-sued by the authorities under charges of “besmearing their reputation.” Following an unfair trial, Su Su Nway was sentenced to 18 months in prison on 13 October 2005. (Source: “Political Prisoner Su Su Nway's Case Submitted to the UN,” AAPP, 17 October 2005). Similarly, on 31 October, lawyer U Aye Myint was sentenced to 7 years in prison under Article 5(e) of the 1950 Emergency Provisions Act after being charged with “dispersing false information.” U Aye Myint had represented farmers whose land was confiscated by the authorities and had assisted the farmers in contacting the ILO Liaison Officer (source: “Lawyer Jailed for Representing Dispossessed Farmers,” *Irrawaddy*, 1 November 2005). Furthermore, on 11 November, nine persons in North Okkalapa Township, Rangoon Division were sentenced to prison terms ranging from eight to 25 years for providing information to the ILO (source: “Nine People Given Lengthy Jail Terms for Contacting ILO in Rangoon,” DVB, 7 December 2005).

During its 93rd session, the ILO Committee on the Application of Standards expressed particular dissatisfaction with the legal retaliation taken by the SPDC against those who reported forced labor. The ILO was also critical of the SPDC's failure to make progress in eliminating forced labor and to cooperate with the ILO. The Committee urged employers, international organizations, governments and workers to reconsider affairs in Burma. (Source: “Developments Concerning the Question of the Observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No.29),” *294th session of the ILO Governing Body*, Agenda item 6, November 2005). Moreover, the 294th session of the ILO Governing Body in November concluded that the ILC should reconsider the imposition of sanctions under Article 33 adopted in 2000. To this end, it was suggested that the issue be addressed in 2006 while concurrently calling upon the SPDC to “resume effective dialogue” and to halt the prosecution of victims of forced labor. (Source: “Conclusions Concerning Myanmar,” *294th session of the ILO Governing Body*, Agenda item 6, November 2005).

In response to the ILO's growing condemnation, anti-ILO rallies were held throughout Burma coupled with a media campaign. From June to August junta-sponsored organizations, including the USDA, the Myanmar Women's Affairs Federation and the Myanmar War Veterans Organization, held rallies to protest the ILO interference in Burma. In addition, in August and September, the Liaison Officer received a total of 21 death threats, which the SPDC authorities refused to investigate. Compounded by intimidation of civilians by the authorities, the activities of the ILO were severely limited. Moreover, in late 2005, the SPDC

Minister of Labor U Thaung threatened to withdraw from the ILO. However, by the end of the year, these threats failed to materialize. (Source: “Developments Concerning the Question of the Observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No.29),” 294th session of the ILO Governing Body, Agenda item 6, November 2005).

## **1.3 Forced Labor Resulting from International Joint Ventures**

### **The Settlement of the Unocal Lawsuit**

In 2004, the protracted lawsuit *John Doe v. Unocal Corp.* filed in U.S. federal and state court came to a close with an undisclosed settlement. EarthRights International on behalf of several villagers first filed the suit in 1996 from Burma implicating Unocal for their involvement in the Yadana gas project. Unocal Corp has a 28 percent stake in the Yadana gas project, which carries gas from an offshore oil field through Burma to Thailand. A 63-km. section of the pipeline was constructed through Burma's Tenasserim Division. Unocal's business partners in Burma contracted with the SPDC military to secure the 63-km. strip as well as build helicopter pads and an access road. During the pipeline's construction between 1993 and 1996, the SPDC engaged in widespread human rights abuses, including murder, rape and forced labor while fulfilling their contractual obligations to secure the pipeline area. The suits centered on Unocal's liability for the actions of the military perpetrated human rights violations. (Source: “Energy Giant Agrees Settlement with Burmese Villagers,” *The Guardian (London)*, 15 December 2004).

The federal case was first filed in 1996 in Los Angeles, California. A federal judge found that Unocal could not be held liable and dismissed the suit in 1997. In reviewing the case on appeal, the 9th Circuit Court of Appeals postponed the case in June 2003 until the U.S. Supreme Court had ruled on a separate but related Alien Tort Claims Act case, *Sosa v. Alvarez-Machain*. In June 2004, the U.S. Supreme Court ruled that the Alien Tort Claims Act could be used by foreigners to file lawsuits in the U.S. courts system to address abuses overseas, including violations of certain international laws (source: “Court OKs Foreign-Abuse Suits,” *Los Angeles Times*, 30 June 2004). This decision opened the door for an unfavorable verdict for Unocal. To spare their public image and avoid a faultfinding decision, Unocal agreed to an out-of-court settlement on 13 December 2004. (Source: “Unocal Plans to Settle Human Rights Suits Stemming from Pipeline Project in Burma,” BNA, 14 December 2004).

In tandem with the federal court case, a case was also brought before the California Superior Court for the County of Los Angeles under California state law. In this case, the plaintiffs accused Unocal of being liable for involuntary servitude in violation of the state constitution, unfair business practices and unjust enrichment under the Business and Professions Code (source: “Unocal Plans to Settle Human Rights Suit Stemming from Pipeline Project in Burma,” BNA, 14 December 2004). On 23 January 2004, Superior Court Judge Chaney ruled that Unocal was not directly liable for the human rights abuses. While she noted that “Unocal knew or should have known there were human rights abuses in Burma,” Unocal's five subsidiaries operating within Burma were separate entities and that they were responsible for Unocal's share in the gas pipeline. (Source: “L.A. Judge to Issue Oral Ruling on Unocal's Liability in Human Rights Case,” *L.A. Times*, 24 January 2004).

In March 2005, Unocal announced the settlement. Although the terms of the settlement remain confidential, Unocal indicated that the settlement would compensate the plaintiffs and provide funds to enable the plaintiffs and their representatives to develop programs to improve living conditions, healthcare and education and protect the rights of people from the pipeline region. (Source: "Press Release – Settlement Reached in Yadana Pipeline Lawsuit," Unocal, 21 March 2005). In August 2005, a dispute over legal representatives' fees delayed the allocation of settlement funds to the victims (source: "Wrangle Prolongs Allocation of Unocal Payout," *Irrawaddy*, 17 August 2005).

### **The Settlement of the Total Lawsuit**

In 2005, both the French and Belgium lawsuits against Total concluded. Total, is the multinational French gas company who, along with Unocal, Myanmar Oil and Gas Enterprise and the Thai company 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. Legal proceedings were brought against Total in a French court in 2002. According to the French Sherpa Association, a human rights group representing eight citizens from Burma who lodged the case, Total benefited from forced labor that had been organized by the SPDC military. (Source: *Total Pays 5.2 Million Euro to Settle Claims of Forced Labour Use in Myanmar*, AFX News, 29 November 2005). The plaintiffs claimed that the military, nicknamed by the 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 they deprived workers of medicine and food. The plaintiffs further claimed that Total executives were present at the site and witnessed the actions of the military. The charges brought against Total's Pres. Dir. Gen. Thierry Desmarest and Herv Madeo, Director of the On-Site Operation, included recruiting and paying battalions of the military and promoting a situation of forced labor on the construction site. 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 Total case in France was brought to a close at the end of November 2005 when Total reached a 5.2 million euro (US\$6.12 million) out-of-court settlement with eight nationals from Burma. Under the terms of the settlement, Total agreed to pay 10,000 euros (US\$12,000) to each of the eight claimants who in turn consented to drop the charges brought against Total. In addition, Total representatives reported that 4 million euros (US\$4.7 million) would be reserved to support flood protection, professional training, sanitation, and water supply efforts for refugees from Burma living in Thailand. A further 1.12 million euros (US\$1.32 million) will be allocated to persons who prove they were subject to forced labor during the pipeline project. Despite these concessions, Total continued to refute accusations of responsibility, directly or indirectly, for the events that transpired during the pipeline's construction. Furthermore, Total denied the use of forced labor by either themselves or sub-contractors. (Source: "Why Total Agrees to Compensation in Forced Labor Suit," *Irrawaddy*, 1 December 2005).

The case against Total in Belgium commenced in April 2002 after four refugees from Burma filed a lawsuit alleging that Total provided financial and logistical support to the military regime while being fully aware of the human rights abuses and the systematic use of forced labor employed by the regime during the construction of the pipeline. A magistrate opened an investigation pursuant to a controversial Belgian human rights law that claims universal

jurisdiction. This was the first investigation conducted under the human rights law to involve a company rather than an individual. (Source: *Campaign Report: Totalitarian Oil: Fueling the Oppression in Burma*, The Burma Campaign UK, February 2005). The investigation was suspended, however, pending a court ruling on whether a refugee had the same rights as a Belgian citizen to apply the law. Belgium had revised the law in 2003 to create greater difficulties for foreigners to use it for politically motivated or frivolous lawsuits after the Belgium court system experienced a flood of lawsuits claiming human rights violations against world figures, such as U.S. leaders. In April 2005, an arbitration court granted that right to use the law to one of the plaintiffs on the basis that he had resided in Belgium for three years (source: “Belgium to Reopen Rights Probe on Total in Myanmar,” *Reuters*, 14 April 2005). However, at the end of June 2005, the Supreme Court of Appeals found the refugees did not have the same rights as a Belgian citizen to file the complaint and dismissed the suit (source: “Belgian Court Stops Human Rights Probe of Total Oil,” *Reuters*, 1 July 2005).

### **Potential Use of Forced Labor on Internationally Sponsored Projects**

During 2005, 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. Several development projects were also underway during the year. As development projects usually coincide with human rights violations, these agreements raised serious concerns regarding potential for human rights abuses, including the practice of forced labor and portering.

#### **Tamanthi Dam**

In October 2004, the SPDC and the Indian Government established a Memorandum of Understanding (MoU) for the construction of the Tamanthi Hydroelectric Power Project (THPP) on the Chindwin River in western Sagaing Division by the National Hydroelectric Power Corporation (NHPC). According to the MoU, 80 percent of the power generated by the dam will be exported to India. (Source: “Tamanthi Dam in Burma. Yet Another Weapon in the Hands of the Military Junta. The Indian Government and the NHPC Are the Accomplices,” *KSDF*, 31 August 2005). While the exact location of the dam is proposed to be in Leovomjang village, it is believed that the dam construction will necessitate the relocation of 35 ethnic Kuki villages in the area, the confiscation of 17,000 acres of land and will result in threats of forced labor against the Kuki villagers. In August 2005, farmlands were confiscated from some farmers while others were instructed to refrain from raising crops in the dam project area (source: “Burma’s Thamanthi Hydro Projects Evicts Farmers from Their Land,” *Mizzima*, 30 August 2005).

#### **Shwe Gas Development**

In August 2000, the South Korean company Daewoo International partnered with the Myanmar Oil and Gas Enterprise (MOGE) to explore and potentially develop offshore natural gas deposits in the Bay of Bengal off the coast of Arakan State. In 2004, Daewoo International announced the discovery of a large offshore natural gas field off the coast of Sittwe, the capital of Arakan State. The new gas development project was subsequently named “Shwe,” meaning “gold” in Burmese. The discovered gas field comprises several blocks of gas, all of unconfirmed size. The A-1 gas block is the largest of six and is estimated to contain between 2.88 to 3.56 trillion cubic feet of natural gas, with an estimated market

value of over US\$80 billion. There are preliminary plans to develop all six gas blocks in the Bay of Bengal.

Production of gas block A-1 is expected to begin in 2010 through the Shwe Gas Project Consortium, which consists of both private and state-owned companies from South Korea and India. Daewoo International is the largest stakeholder holding a 60 percent share in the project while the remaining 40 percent is divided between the Korean Gas Corporation with 10 percent, India's state-owned Oil and Natural Gas Corporation (ONGC) with 20 percent and Gas Authority of India Ltd. (GAIL) with 10 percent (source: *Another Snake in the Jungle? Shwe Gas Development in Western Burma*, Watershed, Vol. II, No.1, July-Oct. 2005; *Another Yadana: The Shwe Natural Gas Pipeline Project (Burma-Bangladesh-India)*, ERI, 27 August 2004). The gas deposit has an estimated lifetime of 20 years with projected annual net earnings of US\$86 million. The regime-owned Myanmar Oil and Gas Enterprise (MOGE) meanwhile is expected to receive an annual revenue of US\$800 million to US\$3 billion from the project (source: "Myanmar: Cheers Jeers over Giant Gas Find," Asia Times Online, 13 February 2004).

Initial plans slated the construction of an overland pipeline into India through Burma's western territory and Bangladesh. Negotiations stalled, however, when the Government of Bangladesh made several economic and territorial demands from India in order to allow the pipeline to pass through Bangladeshi territory. The stipulations included: (1) allowing the export of goods from Bangladesh to Nepal and Bhutan through Indian territory, (2) allowing transmission of hydro-electricity from Nepal and Bhutan to Bangladesh through Indian territory, and (3) pursuing measures to reduce Bangladesh's trade imbalance with India. (Source: "Primary Jolt in Burma-India Gas Pipeline Project," *Mizzima*, 19 January 2005). In January 2006, the Indian government hired Brussels-based consulting firm Suz Tractebel to conduct a feasibility study for pipeline options that bypass Bangladesh. The study is expected to be complete by May 2006 (source: "Consultant to Study Indo-Burma Gas Pipeline Routes," *Mizzima*, 8 February 2006).

With the India proposal on hold, in December 2005, MOGE signed a memorandum of understanding to sell A-1 Block Shwe gas to PetroChina, a privately owned Chinese oil and gas company. This deal includes preliminary plans to construct a gas pipeline through Burma to Kunming in China's Yunnan Province (source: David Fulbrook, "Gas Deal Fuels China's Plans for Myanmar," *The Straits Times*, 2 February 2006). This will require a pipeline through central Burma's "dry zone," where approximately 25 percent of Burma's population resides. MOGE guarantees there exists enough gas to supply the demand of both India and China; therefore the construction of two gas pipelines is expected.

The Shwe Gas Project is expected to be Burma's largest development project ever in terms of revenue and number people who could be adversely affected (source: ERI, 2005). Previous overland pipeline projects in Burma, the Yadana and Yetagun pipelines, were associated with severe human rights abuses, such as forced labor on the project's infrastructure, forced relocation, forced portering, as well as violence such as rape, torture, and murder (source: "Gas Deal Wins Kudos, But Activists Warn of Rights Abuses," *Irrawaddy*, 18 January 2005; *Another Snake in the Jungle? Shwe Gas Development in Western Burma*, Watershed, Vol. II, No.1, July-Oct. 2005; *Another Yadana: The Shwe Natural Gas Pipeline Project (Burma-Bangladesh-India)*, ERI, 27 August 2004).



## Salween Dams

On 9 December 2005, a MoU was signed between the Electricity Generating Authority of Thailand (EGAT) and the SPDC agreeing to the construction of series of dams along the Salween River. The first scheduled for construction is the Hat Gyi dam in Karen State (source: "Thailand, Burma Agree to Dams Project," *Irrawaddy*, 12 December 2005). Although construction of the Hat Gyi dam is expected to commence in 2007, EarthRights International reported that no environmental impact, social impact or feasibility studies have been conducted yet. Regardless, under the terms of the MoU, the SPDC and the Thai Government have agreed to keep all information and study results regarding the project confidential. Like other development projects in Burma, surrounding villagers are expected to be impacted by increased militarization, forced relocation, deprivation of livelihood, forced labor and other violations of basic human rights. Villagers living near the proposed project are preparing for potential starvation due to the environmental impact the dam is expected to have on the vegetation that villagers depend on for their survival. Furthermore, it is unlikely that villagers will derive any benefit from the dam, through either compensation or power production. (Sources: *Thailand and Burma to Sign MoU to Build Hydropower Dams on the Salween River Despite Grave Human Rights Concerns*, ERI, 8 December 2005; "Thailand and Burma to Sign Hydroelectric Dam Pact," *Bangkok Post*, 7 December 2005).

The Tasang Dam in Shan State is the largest of the proposed projects and is slated to be the tallest dam in all of Southeast Asia, measuring 228 meters high. Following feasibility studies in 1981 by the Japanese company Nippon Koei and follow-up studies by Thailand's GMS Power Company and Myanmar Economic Cooperation in 1998, MDX of Thailand signed a 2002 agreement to pursue the project further. The flood plan is expected to cover hundreds of kilometers. In preparation for the project, 300,000 villagers have been forcibly relocated from the area by the SPDC military. Although construction has not yet begun, there have already been reports of human rights abuses in the Tasang area. (Source: Salween Watch, 2006).

In 2004, Burma and Thailand were in the early stages of evaluating hydropower plants project sites at two further areas along the Salween River, conducting feasibility studies for the Weigyi Dam and the Dagwin Dam. These two dams are planned to be located on the Thai-Burma border where the Salween River forms the border between the two countries. According to Japan's Electric Power Development Company, 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. Salween Watch estimates 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 500 to 900 megawatts with a dam height of 49 meters. Meanwhile the project is expected to flood 700 to 1,000 sq. km. of land mostly in Karenni State. (Source: Salween Watch, 2006). In preparation for the Weigyi and Dagwin dams, the military has reinforced troop presence in the area by about 1,400 soldiers, increasing the likelihood of future human rights abuses in connection with the project. (Source: "Villagers Pray to Stop Salween Dam Project," *Mizzima*, 27 April 2005).

## East-West Economic Corridor

Despite internal restrictions against providing financial support to the regime, the Asian Development Bank (ADB) is sponsoring a major road construction project referred to as the East-West Economic Corridor that will traverse Burma. The corridor will connect Burma to an expanse of highways in Thailand, Laos and Vietnam, creating a transportation passageway running the entire width of mainland Southeast Asia covering a distance of 1,450 km. In Burma, the project will link Moulmein in Mon State to the eastern border town of Myawaddy in Karen State. In the first week of March 2005, construction began on a portion of the highway linking Thailand and Burma. Under the current proposal, construction in Burma is slated for completion by 2008. However, as of 2005, no social or environmental impact assessments (SIA or EIA) or feasibility studies had been publicized if even conducted. Furthermore the project threatens to facilitate increased human rights abuses in Burma, particularly in Mon and Karen States. Hostilities between the SPDC and armed resistance groups in Mon and Karen States have been ongoing. Meanwhile, the projected highway is likely to only ease the movement of SPDC troops and military supplies to the detriment of villagers who will be subject to increased militarization and associated abuses. UN research also indicates that the highway may lead to an increase in trafficking of women and the spread of infectious diseases, such as HIV/AIDS. (Source: *The East-West Economic Corridor: The Burma Road to Maldevelopment*, ERI, 28 June 2005; "Work Starts Soon on Burma Highway," *Irrawaddy*, 3 February 2005).

In conjunction with the East-West Economic Corridor, other large development projects are under consideration that will likely have similarly detrimental affects on the local population. The ADB has proposed renovating a series of highways inside Burma known as the "Western Loop." The loop is comprised of a 158 km. strip of roads from Myawaddy to Kawkaik to Pa-an to Thaton and another strip of roads measuring 200 km. from Myawaddy to Kawkaik to Mudon to Moulmein. With forced labor, forced portering and forced conscription already a problem in the areas surrounding these roads, the proposed construction projects raise fears of further abuses.

## **1.4 Forced Portering - Partial List of Incidents for 2005**

### **Arakan State**

#### **Buthidaung Township**

From February to August 2005, reports continued of forced portering of villagers from Ba Da Gar village by the military authorities. (Source: Forum-Asia, 26 May 2005; Arakan Project, 25 August 2005).

In April 2005, military authorities forced villagers from Kyin Tha Mar village to porter. (Source: Forum-Asia, 26 May 2005).

#### **Maungdaw Township**

In February 2005, authorities forced villagers from Tha Man Thar village to porter. (Source: Forum-Asia, 26 May 2005).

On 25 August 2005, it was reported that villagers from Ye Aung San Yak Phwai and Thinn Baw Kway village had been forced to porter. (Source: Arakan Project, 25 August 2005).

#### **Mrauk U Township**

On 12 November 2005, SPDC LIB 377 forced 70 villagers from Mrauk U Township to serve as porters. The porters were required to carry military supplies and 3 kg of rice for their own consumption approximately 10 miles to Kala Ma Mountain. (Source: "Chin Villagers in Arakan State Forced to Become Army Porters," *Narinjara News*, 5 December 2005).

#### **Paletwa Township**

On 27 August 2005, the VPDC of Mrite Wa village conscripted 2 porters and provided 4 extra nighttime sentries while SPDC LIB 20 camped inside the village following clashes with the ALA. (Source: "Burmese Army Camped Inside Village Due to Fear of Attack," *Narinjara News*, 27 August 2005).

#### **Ponna Gyan Township**

On 1 November 2005, a 35-year-old man from Tharat Cho village, Ponna Gyan Township died after becoming seriously ill while serving on a forced labor project constructing military bases under the command of SPDC Battalion 550. The man died 2 days after returning home from the labor project. (Source: "Forced Labour by Army Kills Arakanese Man," *Narinjara News*, 7 December 2005).

### **Chin State**

#### **Maputi Township**

On 15 May 2005, it was reported that Second Warrant Officer Kyaw Sein chief in charge of SPDC LIB 140 in Lailenpi village forced Satu villagers to transport rations and supplies from

Matupi Township for the construction of a new military camp in Satu village. One person from each household was required to transport supplies from Bawi Ring village to Satu village, a distance of 20 miles. The villagers did not know the amount of time they were required to serve or the amount of rice that was necessary to bring for their own sustenance. Although villagers were told that they would be exempt if they each gave 38 tins of rice to the military, villagers who provided the rice were still forced to porter. (Source: "New Military Camp: Anguish For The People," *Khonumthung*, 15 May 2005).

On 15 July 2005, Battalion Comdr. Sgt. Tin Soe of SPDC IB 305 based in Matupi 10 forced primary school children to carry rations and supplies. Commencing in Sabawngte army camp, different groups of villagers were responsible for transporting rations from one village to the next with the ultimate destination of Laienpi army camp. Ten students and 5 civil servants were conscripted in Mala village. The students carried the rations 12 miles before 2 became too tired to go any further and encountered 5 Laienpi villagers who took their places. The children were forced to carry the following:

1. 10 tins of rice;
2. 10 bottles of cooking oil;
3. 10 viss of fish paste; and
4. 5 viss of dried chilly. (Source: "SPDC Forced Primary School Children to Porter," *Rhododendron News*, CHRO, 8 August 2005).

## **Karen State**

### **Doooplaya District**

In January 2005, each company from SPDC Military Operations Command 19 had 5 prisoner porters when they came to Kya In Township. The troops sometimes requisitioned an additional 15 villagers to also serve as porters or as guides to the subsequent village. Villagers were occasionally forced to porter for nearly 3 days depending on whether new villager porter or guides could be conscripted in the villages where they went. (Source: *Doooplaya District: Fighting and Human Rights Abuse Still Continue After Ceasefire*, KHRG, 18 February 2005).

### **Toungoo District**

In 2005, Comdr. Aung Mya U of SPDC IB 30 Column 2 forced villagers from Kaw They Der village to carry food supplies. (Source: BI, 2005).

Between 15 and 16 January 2005, Lt. Lwin Oo of SPDC IB 73 based in Kaw Thay Der camp demanded the following women from Kaw Thay Der village to carry military supplies to Naw Soe camp:

1. Naw Ya Yah,
2. Naw Sha Ree Ki,
3. Naw Kee Ki
4. Naw Lu Po.
5. Naw Kyu,
6. Naw Sha Ree Ki,
7. Naw Ka Der and
8. Naw Ni Doe. (Source: BI, March 2005).

On 21 January 2005, 17 SPDC military trucks arrived at Kler Lah (Baw Gale Gyi) SPDC army camp carrying 60 porters and supplies for the resupply of camps on the Toungoo-Mawchi and Toungoo-Kler La-Busakee roads. Forced labor was also used to clear the roads. (Source: FBR, 2005).

On 24 January 2005, Lt. Lwin Oo from SPDC LIB 73 forced 1 female and 3 male villagers from Kaw They Der village to carry supplies to Naw Soe SPDC military camp. (Sources: BI, Mach 2005; FBR, 2005).

On 24 January 2005, Aung Htay Win Second-in-Command of SPDC LIB 439 based at Tha Aye Ta camp ordered the following villagers from Ga Mu Der village to purchase items at Baw Ga Lee village and transport them to Tha Aye Ta camp:

1. Saw May Ler,
2. Saw Ler Mu,
3. Saw Eh Paw and
4. Saw Way Htoo. (Source: BI, March 2005).

On 8 February 2005, Comdr. Mya Zaw of SPDC LIB 439 Column 1 based at The Aye Ta camp forced the following villagers from Ga Mu Der village to porter:

1. Saw Ray Moo (male);
2. Saw Le Pee (male);
3. Saw Doh Koh Khee (male); and
4. Naw Paw Wah (female). (Source: BI, 16 February 2005).

On 14 February 2005, Comdr. Win Min Tun of SPDC IB 92 Column 2 based in The Aye Ta village forced villagers Saw Mu Tu and Saw Law Maw from Ga Mu Der village to carry soldier kits from Kler La village to the The Aye Ta military camp. (Source: BI, 16 February 2005).

On 14 February 2005, Comdr. Lwee U of SPDC IB 73 based at Kaw Thay Der camp forced 2 women, Naw Ah Ma and Naw Mu Mu, of Kaw Thay Der village to carry soldier kits to military camps at:

1. Kaw Thay Der,
2. Yae Tho Kyi,
3. Naw Soe, and
4. Maung Tain Kyi. (Source: BI, 16 February 2005).

On 23 February 2005, Col. Hlaing Tint, column commander of SPDC IB 60 “forced villagers to carry sacks of beans for him without payment, then claimed that some of the beans had disappeared in transit and fined the villagers by making them buy a tarpaulin for him for 12,000 kyat.” (Source: *Toungoo District: Civilians Displaced by Dams, Roads and Military Control*, KHRG, 19 August 2005).

On 8 March 2005, Camp Comdr. Than Hlaing Oo of SPDC IB 48 based at Ye Tho Gyi village, Tantabin Township ordered 4 women and 2 men from the village to carry army rations to Naw Soe (Aung Daing Gyi). The camp commander also demanded that village provide him with 500 bamboo poles, each measuring 7 cubits in length. (Source: KIC, 2005).

On 10 March 2005, Comdr. Win Bo Shine of SPDC IB 60 Column 1 based in Klaw Mee Der camp ordered 30 villagers from Le Kla Der village and 30 villagers from Kae Der village to

carry food and military supplies. They also asked for all bullock carts in Hu Mu Der village to transport food from Pae Lae Wa to Klaw Mee Der base camp. (Source: BI, March 2005).

On 14 March 2005, SPDC IB 48 forced 6 villagers, including a 14-year-old girl and a 56-year-old woman from Kaw Thay Der to each carry 16 kg of rations to Naw Soe military camp without payment. (Source: *Toungoo District: Civilians Displaced by Dams, Roads and Military Control*, KHRG, 19 August 2005).

On 16 March 2005, Column 1 Comdr. Maj. Zaw Win Aung of SPDC LIB 440 ordered the following women villagers of Tha Yet Tan and Jweh Lan village, Tantabin Township to carry military supplies to Hgar Mu Doe and Tha Aye Hta army camps:

1. Naw Thi Za Win, age 16,
2. Naw Yu Li Paw, age 16,
3. Naw Ku Tho, age 14,
4. Naw Sit, age 17,
5. Naw Mu Htoo, age 21, and
6. Naw Ah Nay Moo, age 45. (Source: KIC, 2005).

On 22 March 2005, Bo Way Pyo Paing of SPDC IB 60 Column 1 forced 34 women and 43 men of Ye Ta Gun village to transport 53 sacks of rice and 10 tins of cooking oil from Pa Let Wa to Ye Ta Gun camp, in Tantabin Township. The following day, Bo Way Pyo Paing along with Bo Hla Oo conscripted 21 women and 47 men from the same village to carry the remaining army rations at Pe Let Wa camp. They also commandeered 24 bullocks to carry 50 baskets of rice and 10 tins of cooking oil. (Source: KIC, 2005).

On 14 April 2005, Officer Mo Kyaw Thu of SPDC IB 92 led by Col. Pyo Way Hla, forced 7 villagers from Klay Soe Kee to each carry 24 kg of rations to the hilltop army post at Dee Tha Daw Ko. (Source: *Toungoo District: Civilians Displaced by Dams, Roads and Military Control*, KHRG, 19 August 2005).

On 16 May 2005, Company Comdr. Mo Kyaw Thu of SPDC IB 92 forced 6 Klay Soe Kee villagers to carry rations from Dee Tha Daw Ko camp on the hilltop. Some villagers were able to avoid the work by paying 1,000 kyat for a proxy. (Source: *Toungoo District: Civilians Displaced by Dams, Roads and Military Control*, KHRG, 19 August 2005).

On 7 July 2005, SPDC Army columns forced villager heads from the following villages to serve as guides:

1. Hu Mu Doe,
2. Hkhe Doe,
3. Mwee Lor,
4. Ler Kla Doe and
5. He Po Lor.

Moreover, the specific Hu Mu Doe villagers conscripted to be guides by Maj. Win Min Nyunt were:

1. Saw Maung Law Lay, age 60,
2. Pastor Saw Htoo Paw, age 59;
3. Saw Kler Htoo, age 30;
4. Saw Pa Thu, age 20;
5. Saw Kay May, age 40;
6. Saw Klæe Tha, age 41; and

7. Saw Ta Blu, age 23.
8. Maw Ah Nom, age 42. (Source: BI, February 2005; KIC, 30 August 2005).

On 8 July 2005, a SPDC guerrilla unit forced 10 villagers from Hu Mu Doe village to carry supplies for them. (Source: KIC, 30 August 2005).

On 9 July 2005, SPDC IB 30 shot at villagers in the Ler Kla Der area and forced 9 villagers to be guides. One of the guides, Saw Lwa Yer, was beaten and left behind after he became too weak to keep pace. (Source: BI, March 2005).

On 27 July 2005, SPDC IB 30 staying at Kaw They Der village arrested 4 villagers and forced them to carry their loads to Naw Kyo camp. (Source: FBR, 2005).

From 13 August to 14 August 2005, Aung Myo Oo SPDC IB 30 column company forced 20 villagers to carry food from Noe Soe to Kawthuwin Der. (Source: BI, 2005).

On 19 August 2005, Comdr. Yea Aung Zaw of SPDC IB 26 Column 1 forced 7 villagers from Klawmeeder village to transport military rations from Klawmeeder to Yulo military camp. (Source: BI, 2005).

In August/September 2005 SPDC IB 30 Column 2 under Comdr. Aung Mya Oo forced men and women from Klaw Me Der village to carry food supplies. (Source: BI, February 2005).

## **Mon State**

### **Thaton District**

On 22 January 2005, the following Ta Rei Khee villagers served as porters for Lt. Aye Lwin of SPDC LIB 376:

1. Naw Oh May,
2. Naw Pah Lah,
3. Maw Ma Doo, and
4. Hla Tin.

Villagers who reported late were handcuffed for 1 hour. (Source: BI, March 2005).

On 5 August 2005, Comdr. Nyan Soe and Company Comdr. Naing Aung Kyi of SPDC LIB 2 Column 2 demanded Per Wa Hta villagers to serve as guides each day they spent in the village. They also demanded 15 pyi of rice from the village head. (Source: KIC, 3 October 2005).

### **Ye Township**

On 10 August 2005, villager Nai Win was forced to serve as a porter for SPDC troops, carrying ammunition and other provisions while walking in advance of the troops. It was reported that villagers in this area were forced to serve as porters and human shields on a weekly basis for SPDC troops. Portering duties could be avoided with a payment of 3,000 kyat. (Source: "Villagers Forced to Porter," *Kaowao News*, 28 August 2005).

## **Pegu Division**

### **Mone Township**

On 7 May 2005, SPDC TOC Col. Soe Twain forced 5 villagers to become porters to Tha Byin Nyunt military camp. (Source: FBR, 2005).

### **Nyaunglebin District**

On 7 July 2005, Control Unit 33 of SPDC Battalion 11 forced 20 villagers from Noe Gaw to be porters in the Mu That area. (Source: BI, 2005).

## **Shan State**

### **Nam-San Township**

In December 2005, SPDC LIB 144 led by No. 1 Strategic Comdr. Col. San Shwe Thar along with SPDC LIB 130 and LIB 324 led by No. 2 Strategic Comdr. Lt. Col. Hla Myo forced residents in the Palaung area to porter, guide and build temporary military camps. One villager forced to carry a weapon box for 2 days and 1 night was beaten after being unable to continue. The townships subject to both calls for forced labor and looting were Nam-san Township, Namkham Township and Mong Mit Township. (Source: "SPDC Troops Ill-Treatment on Palaung People during Their Operation," PYNG, 25 December 2005).

### **Nam Zarng Township**

On 9 February 2005, about 40 SPDC troops led by Maj. Khin Naing of Military Operation Management Command 17 forced Zaai Ti, (age 39) and Zaai Pan Ta (age 37) from Kaeng Kham Awn village, Loi La village tract to serve as guides. Two miles after leaving Kaeng Kham Awn village, Maj. Khin Naing asked the guides if they had seen Shan soldiers in the area and whether they had ever provided them with food to which the villagers replied that they had not. The Major then switched on a walkie-talkie and heard people talking in Shan. He accused the villagers of lying and beat them with a stick until they lost consciousness. (Source: *SHRF Monthly Report*, SHRF, April 2005).

## **1.5 Forced Labor - Partial List of Incidents for 2005**

## **Arakan State**

### **Buthidaung Township**

In January 2005, it was reported that military authorities forced villagers from Ba Da Gar village to serve sentry duty from dusk to dawn. If anyone was caught sleeping, they were subject to a fine. Villagers were also forced to conduct routine maintenance of military camps. (Source: Forum-Asia, 26 May 2005).

In March 2005, military authorities forced villagers from Tat Min Chaung village to plough paddy fields. (Source: Forum-Asia, 26 May 2005).



In April 2005, military authorities forced villagers from Kyin Tha Mar village to do routine maintenance of their camps. (Source: Forum-Asia, 26 May 2005).

On 23 June 2005, it was reported that LIB 565 stationed at Kum Dai village required the following village tracts to provide about 20 laborers to work at the military brick kiln, which generates income for the military:

1. Sein Nyin Wa,
2. Kum Dai,
3. Wun Htun,
4. Kan Bai Chaung, and
5. Hta Min Chaung. (Source: "Forced Labor for Army Brick Kiln," *Narinjara News*, 23 June 2005).

From July 2005 to the date of this report, 25 August 2005, the NaSaKa and SPDC military forced the following villages to work on their paddy fields in northern Buthidaung:

1. Ba Da Gar,
2. Tin May,
3. Goat Pi and
4. Nyi Kyi Dauk. (Source: Arakan Project, 25 August 2005).

On 22 December 2005, construction of a 40 ft. wide, 4.5 ft. high and 4 miles long road connecting Maung Gyi Taung and Chaung village resumed. As a result, the military forced 40 to 50 Rohingya villagers to labor on the road each day without compensation or provision of food. The military also collected items such as rice, vegetables, dried fish and livestock from villagers. Villagers who were unable to meet the soldiers' demands were forced to work for 2 days as opposed to 1. About 48 acres of villagers' land had also been confiscated by the military for road construction and army establishments. (Source: "Army Resumes Forced Labor for Road Construction in Northern Arakan," *Kaladan News*, 22 December 2005).

### **Kyauktaw Township**

On 17 December 2005, it was reported that the Military Operation Management Command based in Down Taung Yoe ordered regimes to harvest paddy but sanctioned the use of forced laborers from the following villages to do the work:

1. Down Taung Yoe,
2. Jelingun,
3. Kyauk Thalong,
4. Lanmataw,
5. Minthar Taung,
6. Mrauk Taung,
7. Shewthaley,
8. Tayetpin and
9. Yormapin. (Source: "Villagers Forced to Harvest Paddy for the Military," *Narinjara News*, 17 December 2005).

### **Maungdaw Township**

Between October 2004 and May 2005, villagers from Ye Aung San Yak Phwai, Phur Wut Chaung and Hla Poe Kaung villages were required to work at military camps and carry letters and messages between military camps. (Source: Arakan Project, 25 August 2005).

In January 2005, authorities forced residents of villages surrounding the center of Maungdaw Township to clear roadsides. (Source: Forum-Asia, 26 May 2005).

From January through February 2005, Inn Din, Mya Kyan Pur, and Nasagro villages were ordered to erect 6-ft high bamboo fences around their villages. The villagers were required to supply the building materials. While the reason for the construction of the fences was allegedly for protection, villagers felt that the fence was an attempt to control their movements. (Source: Forum-Asia, 26 May 2005).

From January to April 2005, villagers from the following villages in Maungdaw Township were forced to stand as lookouts through the night:

1. Thinn Baw Kway,
2. Hlaing Thi,
3. Tha Man Thar,
4. Inn Din,
5. Nu Rul Lah,
6. Myinn Hlut, and
7. Gaw Ya Khar Li. (Source: Forum-Asia, 26 May 2005).

From February 2005 to April 2005, various authorities forced villagers from Hlaing Thi, Myinn Hlut and Gaw Ya Khar Li. to conduct routine maintenance of their camps. (Source: Forum-Asia, 26 May 2005).

In March 2005, military officers ordered members of the VPDC and some secondary level students of Taungbro to erect fences around village tracts on the northern side of Maungdaw Township. (Source: "Military Order Villagers Erecting Fences in Northern Arakan," *Kaladan News*, 26 March 2005).

In May 2005, the NaSaKa forced 30 villagers from Ngar Kyu Ta village tract to clear the jungle and dig holes to prepare the land for planting. (Source: Arakan Project, 25 August 2005).

During the period of mid-May to mid-August 2005, villagers from the following villages were forced to do roadwork:

1. Ye Aung San Yak Phwai,
2. Phur Wut Chaung and
3. Thinn Baw Kway. (Source: Arakan Project, 25 August 2005).

During the period of mid-May to mid-August 2005, villagers from the following villages were forced to repair bridges:

1. Pa Da Kah Dai Wah Nah Li,
2. Pa Da Kah Way Thit and
3. Wed Kyain. (Source: Arakan Project, 25 August 2005).

During the period of mid-May to mid-August 2005, villagers from Thu Oo Lah and Maungdaw Town were required to repair a VPDC office. (Source: Arakan Project, 25 August 2005).

During the period of mid-May to mid-August 2005, the following villagers were required to clear jungle areas and dig holes for planting trees as well as provide sapling trees for planting:

1. Ye Aung San Yak Phwai,
2. Nga Sar Kyeu,
3. Nga Khu Ya,
4. Thu Oo Lah and
5. Thinn Baw Kway. (Source: Arakan Project, 25 August 2005).

During the period of mid-May to mid-August 2005, Myinn Hlut and Thinn Baw Kaway villagers were required to supply bamboo poles and material for making flags for the VPDC offices. The name of the village tract was printed on each flag, which villagers were responsible for raising along the roadside, standing guard at during the day, removing them at night and restoring them to the VPDC office. (Source: Arakan Project, 25 August 2005).

### **Mrauk U Township**

On 14 April 2005, it was reported Mrauk U authorities targeted the following villages to work 6 hours per day, 4 days per month clearing bushes and cutting down trees in the surrounding hills under threat of fines:

1. Aung Dat,
2. Die Gyi,
3. Mrot Thik,
4. Aung Mingalar and
5. Baung Duat.

It was also reported that villagers were ordered to maintain the road in front of their houses using their own money. (Source: "Forced Labor in the Last Ancient City of Arakan," *Narinjara News*, 14 April 2005).

### **Palawa Township**

On 14 September 2005, it was reported that LIB 289 Column 2 ordered villagers from 5 village tracts near the Palawa to Abung Tha to work on the road construction project. Each village tract was responsible for building 4,000 ft. of the road. Villagers had to provide their own food and work from 9:00 am to 4:00 pm each day. The village tracts subject to the order were:

1. Kha Wai,
2. Yet Chaung,
3. Abung Tha,
4. Fat Chaung and
5. Ray Tan Kun. (Source: "Forced Labour Used in Road Construction in Burma," *Narinjara News*, 14 September 2005).

### **Ponna Kyunt Township**

On 14 April 2005, it was reported that regime was forcing villagers from the following villages to work in SPDC rubber plantations:

1. Yota Roke,
2. Moe Tin Byin,
3. Aung Pru Bryin,
4. Pan Nilar and
5. Inn Daw. (Source: "Forced Labor in the Last Ancient City of Arakan," *Narinjara News*, 14 April 2005).

### **Rathedaung Township**

From September 2004 to the date of this report, 23 November 2005, the following villages were forced to provide construction materials and laborers for the construction of the new NaSaKa Regional 8 HQs in A-Ngu Maw village, which is comprised of 2 large buildings, smaller buildings and sentry lookouts:

1. A-Ngu Maw,
2. Son Pite,
3. Done Pite,
4. Kotan Kaunt,
5. Shaine Kalee, and
6. Mannkree Khaung. (Source: "Arakanese Villagers Forced into Labour for the Burmese Army," *Narinjara News*, 23 November 2005).

## **Chin State**

### **Cikha Sub-Township**

In November 2005, SPDC military forced 1 person from each household of villages in Cikha Sub-Township to clean the area, repair roads, cut the grass and construct a heliport in preparation for a visit by SPDC Prime Minister Lt. Gen. Soe Win. Other villagers were required to dance for Soe Win. The affected villages were:

1. Kan Sau Zang,
2. Khawdam,
3. Saunghoih,
4. Suangzang,
5. Manvum,
6. Khenman and
7. Khuavum.

Similarly, Mauvrom village was ordered to provide 500 bamboo poles. (Sources: "Ethnic Chin Forced to Clean up Cikha and Dance During Burmese PM's Visit," *Mizzima*, 8 December 2005; "The Prime Minister Visits Border Villages in Chin State," *Khonumthung*, 9 December 2005).

### **Hakha Township**

From February 2005 to the date of this report, 20 May 2005, Col. Tin Hla chief of Tactical Command 1 forced all households of Hakha Township to work from 9:00 am to 4:00 pm on the construction of a new public high school, Basic Education High School No. 3.

Households that could not comply were forced to pay a fine of 1,000 kyat. Some households were required to labor more frequently than other villages. Villagers were assigned to different task according to their skills and abilities. While the project reportedly had a budget of 400,000,000 kyat, the project construction engineer and laborers were not paid. (Source: “New High School Being Constructed with Forced Labor,” *Rhododendron News*, CHRO, 20 May 2005).

On 13 December 2005, it was reported that residents of Hakha Township were being forced to serve as intern laborers at the golf ground road Hakha Township. (Source: “The Authorities from Haka Township of Chin State Practice the Forced Labor and Extortion on Residents,” DVB, 13 December 2005).

### **Matupi Township**

From 5 January to 26 January 2005, U Soe Nyunt chairman of the Matupi TPDC forced villagers from the following villages to construct a road between Matupi, Answe and Madu under the supervision of Deputy Comdr. of SPDC IB 305 based in Matpui:

1. Answe,
2. Madu,
3. Saton,
4. Antui,
5. Lungpan,
6. Lingtui,
7. Rung and
8. Rohtlang.

In Lungpan village, a total of 59 villagers provided labor, including 4 girls under age 18. At the project site, the villagers were divided into groups and responsible for digging a distance of 1/3 of a mile. Ten households were forced to pay for food and supplies when they were unable to provide labor. While the project reportedly had a budget of 8,000,000 kyat, the laborers were unpaid. (Source: “Forced Labor Increases Hardship for Impoverished Villagers,” *Rhododendron News*, CHRO, 16 March 2005).

From May 2005 to the date of this report, 8 June 2005, Lt. Col. San Aung commander of SPDC Tactical 2 based at Matupi ordered approximately 600 people from the following villages to construct a 20 mile road from Lungngo to Lotaw and a 19 mile road from Lungngo to Tingshi:

1. Lungngo,
2. Senpi,
3. Balei,
4. Voti,
5. Kelong,
6. Tuphei,
7. Lawngdaw,
8. Nabung,
9. Ranti,
10. Darcung,
11. Khuaboi,
12. Cangceh (Sancet),
13. Suitawng,
14. Daidin,

15. Dinkhua,
16. Tingsi,
17. Tilat,
18. Longka,
19. Theisi and
20. Lungring.

The villagers were required to construct 200 ft of road per day and were not provided with food, medicine or tools. While the troops supplied a bulldozer, they did not provide petrol. The Christian villagers were forced to work everyday, including the Sunday day of worship, under the supervision of Capt. Htun Myint Mang and SPDC LIB 140. (Source: "SPDC Forced 600 Villagers to Engage in Road Construction," *Rhododendron News*, CHRO, 8 June 2005).

From July 2005 to the date of this report, 2 August 2005, Maj. Tin Moe, patrol column commander of SPDC IB 304, forced villagers from 20 villages in the area to build a military post at Dar Ling village. Villagers had to work everyday, including Sundays, from 5:00 am to 6:30 pm and supply their own food and tools. For example, from 16 July to 21 July 2005, 50 villagers and members of the VPDC from Hlung Mang village were forced to dig trenches and bunkers for the army camp. Maj. Tin Moe also ordered villagers to raise chickens, pigs and other livestock. (Source: "Mass Forced Labor Extracted to Construct New Military Camp," *Rhododendron News*, CHRO, 2 August 2005).

From November until early December 2005, Capt. Than Tahit Kyo, commander of SPDC LIB 140, forced villagers from the following villages to build an 8 mile road from Hlungmang to Sabawngte village to link military bases in Rizua.

1. Sabawngte,
2. Sabawngpi,
3. Hlungmang,
4. Chapaw,
5. Rezua,
6. Lailenpi,
7. Lungcawite, and
8. Lungcawipi.

Each village was forced to provide 6 to 7 workers on a rotational basis. Villagers were not supplied with accommodation, food, tools or transportation. Those who did not comply with the orders faced a fine ranging from 10,000 to 50,000 kyat. (Source: "Forced Labour in Road Construction," *Khonumthung*, 7 December 2005).

### **Paletwa Township**

From 15 January 2005 to the date of this report, 2 February 2005, LIB 354 under the command of Lt. Thein Lwin forced villagers from Shinletwa village tract to relocate the army camp at Shinletwa where a Buddhist monastery would be constructed in its place. (Source: "Chin Christians Forced to Contribute Money and Labor for Construction of Buddhist Monastery," *Rhododendron News*, CHRO, 2 February 2005).

From 16 July 2005 to 19 July 2005, Platoon Comdr. Second Lt. Win Zaw Oo of LIB 289 forced 90 villagers from Salanpi, Saiha and Ma U villages to renovate the military camp. The villagers were required to supply tools and food for 5 days. They were also forced to gather

round bamboo and twigs for constructing a fence around the camp. (Source: “Villagers Forced to Renovate Army Camp,” *Rhododendron News*, CHRO, 5 August 2005).

### **Rih Township**

From 3 to 6 January 2005, Comdr. Lt. Col. Myint Tun of SPDC LIB 226 at Rih Township forced 150 villagers from Rih to work at a tea plantation. The villagers were divided into 2 groups with the first working from 7:00 am to noon and the second from noon to 5:00 pm. Villagers had to provide their own tools and food. Students were exempted from the order. (Source: “Forced Labor at Tea Plantation Farm,” *Rhododendron News*, CHRO, 13 January 2005).

### **Thantlang Township**

In January 2005, Thantlang Township authorities ordered 1 person from each household in 6 villages to provide “voluntary labor for self-support development project.” A total of 250 villagers, including 20 women, were forced to construct a 7 mile road between Congthia and Hmawng Tiang villages. Each laborer was required to dig 20 ft. of land. Women, however, were responsible for cooking for the other laborers. While the Public Work Department reportedly approved a 10,000,000 kyat budget for the project, the laborers were unpaid. The following villages were subject to the order:

1. Hmawngtlang
2. Phai Khua,
3. Letak (A),
4. Letak (B),
5. Letak (C) and
6. Aibur. (Source: “Hundreds of Civilians Provided ‘Voluntary Labor’ to Construct Road,” *Rhododendron News*, CHRO, 14 March 2005).

On 22 January 2005, it was reported that Inspector Mawng Tlang under the authority of Chief Inspector U Mya Thein of Thantlang Township ordered the following villages to set up fences around the 1,000 sq. ft. Hmawng Tlang police camp:

1. Aibur, 60 villagers;
2. Hmawng Tlang, 100 villagers;
3. Cawng Thia, 100 villagers;
4. Le Tak (A)(B)(C), 100 villagers; and
5. Phaikhua, 40 villagers.

In addition, the villagers were responsible for cutting the wood and transporting it from the forest for building the fences. (Source: “Mass Forced Labor Used to Fence Police Camp in Chin State,” *Khonumthung*, 22 January 2005).

From 11 to 16 July 2005, Maj. Tin Moe, patrol column commander of IB 304, temporarily stationed at Dar Ling village, forced 50 villagers and the village headman from Thantlang Township to dig a 150 ft. long drain measuring 3 ft. wide and 4 ft. deep at their military post. (Source: “Mass Forced Labor Extracted to Construct New Military Camp,” *Rhododendron News*, CHRO, 2 August 2005).

## **Tiddim Township**

Starting in the beginning of 2005, residents of Tiddim were required to work on the junta's tea plantation gathering twigs, planting tea, roofing plantation beds and weeding once a month as per the orders of TPDC Chairman U Sai Maung. The work was compulsory for everyone including students and civil servants. Those who failed to report for the work were fined 500 kyat. Students were also told to bring 1 viss of manure to the TPDC office each month. (Source: "SPDC Forced School Children and Civilians to Labor at Government's Tea Plantation," *Rhododendron News*, CHRO, 25 July 2005).

## **Irrawaddy Division**

### **Einme Township**

On 6 March 2005, it was reported that the chairman of Einme Township ordered residents of the following villages to build and provide a 400 kyat donation for a bridge over the Einme-Myaungmya stream:

1. Innthami,
2. Kyodaye,
3. Kyokone,
4. Tamang Taung, and
5. Thapyekwin. (Source: "Forced Labour Continues in Delta Burma," DVB, 6 March 2005).

## **Kachin State**

On 7 October 2005, it was reported that Maj. Gen. Ohn Myint ordered all buildings, homes and temples in Myitkyina to have green roofs and white wooden fences. The order was thought to be part of preparations for an Air Bagan Ltd sponsored golf tournament. (Source: "Myitkyina Clean-Up Order," *Irrawaddy*, 7 October 2005).

From October 2005 through to 8 December 2005, each household of Hsangoung and Ziyadan villages in the Putao region were forced to provide one laborer each week to construct a road leading to Phonkanrazi Mountain, one of the highest in Burma, to improve access for tourists. Villagers were responsible for organizing their own accommodations and food. A tourist in the area observed approximately 500 villagers, including children and the elderly, cutting trees, clearing bushes and hauling large rocks. (Source: "Forced Labor Reported in Scheme to Open Up Ski Area," *Irrawaddy*, 8 December 2005).

## **Karen State**

### **Pa-an District**

From October 2004 to the date of this report, 16 February 2005, the DKBA was forcing villagers from the following villages in the Mae Plae Toe area to construct the Mae Plae River Bridge:

1. Paw Baw Koh village,
2. Per Naw Klæ Kee village,
3. Htee Wa Blaw village,
4. Htee Law Thit village,



5. Gaw Koh village,
6. Kwee Lay village,
7. Ger Gaw village,
8. Htee Sa Ra village,
9. Thay Doh Kwee village,
10. Pan Klue village,
11. Loe Baw village,
12. Thay Ker Ti village,
13. Toe Thu Kee village,
14. Mae Plae Wah Kee village,
15. Day Law Pya village,
16. Per Wi village,
17. Htee Wah Klay village,
18. Htee Kaw Taw village and
19. Ko Ko Htoo village. (Source: BI, 16 February 2005).

In January 2005, SPDC LIB 547, 558 and 549 forced villagers in central Pa'an District to cut and send firewood. (Source: *Pa'an District: Food Security in Crisis for Civilians in Rural Areas*, KHRG, 30 March 2005).

On 1 February 2005, it was reported that the police forced persons from Zar Tha Pyin village to the Kyaikkami Pagoda living along the Rangoon-Ye road in Karen and Mon States to paint their fences white and clear bushes in front of their homes in preparation for Moulmein-Mutama bridge opening ceremony. (Source: "People Forced to Paint Fences in Front of Houses for Bridge," IMNA, 1 February 2005).

It was reported in March 2005 that Maj. Aung Sun Lay and Aun La Soe of SPDC LIB 102 Column 3 forced the following villages to construct a car road by 29 July 2005:

1. Kru See village,
2. Noh Aung La village,
3. Ta Thu Khee village,
4. Kyaw Kay Khee village,
5. Ha T'Reh and
6. Noh Law Plaw village. (Source: BI, March 2005).

On 30 March 2005, it was reported that Chairman Leh Htun of the Myawaddy TPDC ordered the following villages to engage in dry season paddy cultivation even though the villagers were not educated in this technique and the soil was not properly prepared:

1. Kway Sha,
2. Htee Wah Blaw,
3. Bpaw Baw Koh and
4. K'Naw Kleh Kee. (Source: *Pa'an District: Food Security in Crisis for Civilians in Rural Areas*, KHRG, 30 March 2005).

On 30 March 2005, it was reported that Col. Maung Chit Thu based at Koh Koh, Comdr. Pu Weh Der based at Gka Lu Mountain and Comdr. Po Kyeh Yu based near Meh Pleh village ordered villagers to build a motor road from Koh Koh to Meh Pleh village and a bridge at the entrance to Meh Pleh village. A minimum of 10 persons from each village have been required to report for work, however, larger villages must send more workers. (Source: *Pa'an District: Food Security in Crisis for Civilians in Rural Areas*, KHRG, 30 March 2005).

From May 2004 to the date of this report, 16 February 2005, DKBA forced about 60 Mae Plae Toe villagers every day to work on the road construction project between Mae Plae village and the DKBA Special Force Battalion 999 military camp at Ko Ko. Some villagers were forced to work for 5 days. The DKBA punished those they observed resting by beating them or putting them in stocks for 1 day. Villagers who could not work were forced to give 20,000 kyat. (Source: BI, 16 February 2005).

### **Papun District**

In January 2005, SPDC LIB 350 Column 1 forced villagers to cut and clear grass and undergrowth around the perimeter of Meh Way camp in Dweh Loh Township. In the same township, officer Tin Maung from SPDC LIB 359 required that each village provide 2 bullock carts to transport his 50 soldiers' bags and other supplies to the next village as the troops patrolled between Tee Tha Blu Hta and Ka Dtaing Dtee villages. Upon arrival, new carts were requisitioned. (Source: *Papun District: Forced Labour, Looting and Road Construction in SPDC-Controlled Areas*, KHRG, 20 May 2005).

On 25 January 2005, 20 DKBA soldiers led by officer Aung Than conscripted the village headwoman from Kwih T'Ma village to serve as their guide for 2 days. The headwoman was also requisitioned to procure 50 villagers for the purpose of transporting log rafts from Ma Lay Ler to Kwih T'Ma and then down to Wah Mu. The village headwoman was threatened with a 1,000 kyat fine for each villager that failed to report for the work. The villages subject to this order were:

1. Wah Mu,
2. Poh Kheh Hta,
3. Nya Hsa Gaw,
4. Ku Thu Hta,
5. Kwih T'Ma and
6. Ma Lay Ler. (Source: *Papun District: Forced Labour, Looting and Road Construction in SPDC-Controlled Areas*, Karen Human Rights Group Report from the Field, KHRG, 20 May 2005).

### **Toungoo District**

From 16 December 2004 to the time of this report, 14 January 2005, SPDC IB 73 ordered every family in the Klay Soe Kee to provide 1 person to work everyday on the roads without pay. (Source: FBR, 2005).

From 17 December 2004 to the time of this report, 14 January 2005, Aung Tin Win commander of SPDC LIB 439 Column 1 forced 29 villagers, including a 13-year-old boy, from Klay Soe Kee to clear the road from Kaw They Der (Yee Tho Gyi) to Naw Soe. One boy, Saw Tha Po Dee aged 15, stepped on a landmine and lost his lower leg and foot. (Source: FBR, 2005).

From December 2004 to January 2005, SPDC officers ordered villagers in Kaw Thay Der and Klay Soe Kee to clear scrub along the Kler Lah-Bu Sah Kee road everyday. Villagers were also ordered to carry rice and rations as well as gather firewood and vegetables from the forests by the road. (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).

On 1 January 2005, Hlai Tin column commander of SPDC IB 60 Column 2 fined the following villages after the villagers refused to work in Htee Lo village:

1. Sha See Bo village, 20,000 kyat
2. Yae Sha village, 20,000 kyat
3. Zee Pyu Ko village, 10,000 kyat and
4. Taw Ku village, 10,000 kyat. (Source: BI, 16 February 2005).

On 3 February 2005, SPDC Comdr. Htun Hla U from the Sha See Bo base camp forced 25 women from the village to work for him (source: BI, February 2005). On the following day, he ordered 12 women and 12 men from Ye Shan village as well as 14 men and 16 women from Zee Pya Gon village to work in his army camp in Tantabin Township (source: KIC, 2005).

On 7 February 2005, Camp Comdr. Htun Hla Oo of SPDC IB 73, based at Sha Zee Bo camp in Tantabin Township demanded 10 men and 6 women from Sha Zee Bo village as well as 7 men and 4 women from Zee Pyu Gon village to repair the army camp (source: KIC, 2005). The following day, 5 men and 8 women were forced to work on the camp (source: BI, 2005).

On 15 February 2005, SPDC troops forced villagers, including women and children, from the following villages to participate in constructing a new army camp at Yae Way, between Bon Ma Ti and Htee Lor in Tantabin Township:

1. Mae Tin Tai;
2. Taung Gyi;
3. Peh Taw Day;
4. Sha Zee Bo;
5. Ye Shan;
6. Zee Pyu Gon; and
7. Taw Gon. (Source: KIC, 2005).

On 3 March 2005, Comdr. Sun Win of SPDC IB 60 Column 1 forced the following villagers from Pe Taw Day village to accompany them to a new camp at Kwin Lay, to build a hut, bunker and communication trench:

1. Saw Say Loh,
2. Saw Wah Wah Paw,
3. Saw Pa Htoo Aye,
4. Saw Hit Ter Ler,
5. Saw Taw Nay Moo and
6. Saw Ko Ro. (Source: BI, March 2005).

On 16 May 2005, Officer Kyi Win of IB 48 forced villagers from Kaw Thay Der village to do building work at the Naw Soe military camp. (Source: KHRG, 19 August 2005).

On 24 June 2005, Comdr. Aung Kyaw Myat of SPDC IB 39 based in Klaw Mee Der base camp, forced 30 households of Klaw Mee Der village to cut bamboo. (Source: BI, March 2005).

On 27 June 2005, Comdr. Khin Tain Soe of SPDC IB 53 forced 15 men and 2 women from Klaw Mee Der village build the camp for the military. The next day 12 men and 13 women were called to work on the camp. (Source: BI, March 2005).

On 10 July 2005, a SPDC column demanded from the Hteh-doe village head, 45 villagers to clear their army camp at Hu Mu Doe. (Source: KIC, 30 August 2005).

On 4 September 2005, Battalion 48 in Sayakygi ordered villagers to cut down every small bridge that connected the river to shops and ordered villagers not to leave the village. The Battalion also ordered that every shop on the road to be closed and forced villagers in the Noetakun and Thinkyat sites to clean the military grounds. (Source: BI, 2005).

On 9 September 2005, Comdr. Hun Tun of SPDC IB 30 Column 3 forced villagers from Klaw Me Der village to build a bridge. (Source: BI, 2005).

On 19 October 2005, SPDC IB 48 led by Comdr. Kyi Mya from Sha Si Bo military base forced 1 woman from Sha Si Bo village and 13 women from Yae Sha village, Tantabin Township to build and clean the military camp. (Source: BI, October 2005).

### **Karenni State**

On 15 December 2005, it was reported that SPDC IB 337 Division 55 with Kalalaya forced villagers to construct and provide materials such as wood and bamboo to new military camps in the area of Dawmagyi village, Dimawhso Township and Takwiso village, Phru-so Township. Five to 10 villagers from 20 villages were forced to work. The villagers had to provide their own food. Villagers were threatened with punishment if they failed to attend work or pay 1,000 kyat for hiring a substitute. (Source: "SPDC Practice the Forced Labor on the Karenni Villages," DVB, 15 December 2005).

On 28 December 2005, it was reported that middle and high school students in Dawtamagyu village tract were forced to "dig trenches and carry logs" for the locally based SPDC military unit. (Source: "Burmese Army Subjects Karenni Students to Forced Labor," DVB, 28 December 2005).

### **Mandalay Division**

On 11 April 2005, it was reported that soldiers at Tatfone Township were forcing villagers to build an extension to the local army base. On 5 April 2005, Kyokyarpin village authority Chairman U Sien Aung and Padaukkone village authority member U Tin Ohn ordered each household to send 1 person to repair an old track for army trucks to use. (Source: "Burma Army Forcing Villagers to Build Base," DVB, 11 April 2005).

### **Mon State**

#### **Mudon Township**

On 2 February 2005, village headman Nai Sein ordered 300 villagers in Kyait Roi village, Mudon Township to clean up bushes along a road in Nyounngo, Paingkamar, Kwaid-one, Kyati Roi and Thaw-guu, in preparation for a visit by military leaders. Villagers were required to labor from 6:00 am until 1:00 pm. Failure to comply resulted in a fine of 5,000 kyat per family. (Source: "Authorities Forced More Than 300 Villagers to Clean Bush," IMNA, 4 February 2005).

## **Thanbyuzayat Township**

On 25 January 2005, it was reported that SPDC authorities and IB 62 forced villagers to build a fence around the pipeline, fill in the ground where the pipeline was uncovered and clear bushes around the Kanbuak – Myaingkalay gas pipeline. Owners of orchid plantations in close proximity to the pipeline were similarly required to clear bushes on their plantations. The laborers were not provided with food and were occasionally subject to beatings by SPDC soldiers patrolling the area. The villagers were also required to provide 2,000 kyat per month per household or 5,000,000 kyat per month total for security fees. The following villages were subject to the order:

1. Chork-pa-line,
2. Kalaing-pa-taw,
3. Sakharn,
4. Wae-kha-meat,
5. Wae-kha-dard, and
6. Ywa-thar-aye. (Source: “Five Million Kyats Per Month Demanded for Gas Pipeline Security Fee,” IMNA, 25 January 2005).

On 9 November 2005, it was reported that the SPDC Military Operation Management Command 12 led by Col. Myo Win were forcing villagers from Thanpyuzayart and Kya-in-seik-kyi Township to work at their military base. Wae-Ka-Li and Wae-Kha-Dike villagers were forced to cut trees and bamboo groves for constructing a military base in the village. Villagers were also required to transport the troops and their supplies with their own vehicles. (Source: “Villagers Allege Forced Labour in Fresh Military Operation,” IMNA, 9 November 2005).

## **Thaton District**

On 22 January 2005, Lt. Lweh of the DKBA demanded from the following villagers from Ha Ta Rai village tract in Pa-an Township to work on the construction of a pagoda:

1. Kru See,
2. Noh Ta Ray,
3. Pwa Gaw,
4. Noh Law Plaw Poe,
5. Kyaw Kay Khee,
6. Ta Kaw Boe,
7. Baw Ta Pru,
8. Htee Po Neh,
9. Le Hket Kaw,
10. Kwee Ta Kaw,
11. Htee Meh Baw,
12. Noh Kaw Waw,
13. Kaw Ta Gyi,
14. Mae Pu and
15. See Kyaw. (Source: BI, March 2005).

On 24 January 2005, Poo Lee of DKBA forced the following villagers in the Thaton Township to work on the construction of a pagoda at Taunggyi:

1. Noh Naw Wah village,
2. Ker Ka Kya village and
3. Tee Ta Lay Kho village. (Source: BI, March 2005).

### **Ye Township**

On 11 January 2005, it was reported that SPDC troops under the command of Tactical Comdr. Col. Nyi Nyi forced each household to provide one laborer each day to build public high schools. The laborers had to bake their own bricks and provide their own food. Each household was also ordered to supply 1 cow cart of wood under threats of fines. (Source: IMNA, 11 January 2005).

On 26 June 2005, it was reported that the SPDC Battalion 61 and the SPDC authorities were using forced labor for the construction of the Khawzar-Kalort motor road. The villagers were reportedly instructed not to share information about the forced labor under threat of death. (Source: "Villagers Fear For Lives After Threats," *Kaowao News*, 16 June 2005).

On 10 August 2005, SPDC LIB 31 led by Capt. Myint Kyaw ordered Mi Deah Wut and other women to guard their village in Ye Township against resistance fighters during the night. (Source: "Villagers Forced to Porter," *Kaowao News*, 28 August 2005).

### **Pegu Division**

On 31 December 2004, the SPDC LIB 599 began construction of a new military camp in Mawdalaw, Mon Township, requiring villagers to dismantle their homes and build the camp. As of 3 January 2005, construction was ongoing. (Source: FBR, 2005).

On 27 June 2005, it was reported that TPDC authorities ordered inhabitants of Pegu Town to conduct security patrol at least once a month up to 3 or 4 times per month. Residents were reportedly able to hire proxies for 500 kyat. (Source: "Pegu Residents Patrol Town under Forced Labor," IMNA, 27 June 2005).

### **Aunglan Township**

From 5 to 7 December 2005, the VPDC chairperson of Padaukgone group ordered residents of Tapoe, Panpada and Paduakgone villages to clear bushes along the road. (Source: "Forced Labor in Aunglan Forestry Department," DVB, 11 December 2005).

### **Nyaunglebin District**

From 11 June 2005 to the date of this report, 26 June 2005, Operation Command 2 Comdr. Khin Soe Naing of SPDC Southern Command HQs forced villagers from the following village tracts in Kyauk Kyi Township to clear bushes and weeds on both sides of Shwe-kyin-gyi motor road:

1. Mar Ta Lar,
2. Ler Doh,
3. Noe Gaw,
4. Thu Ka Pe and

5. A Net. (Source: KIC, 26 June 2005).

On 6 July 2005, SPDC LIB 439 demanded 7 carts from Noe Gaw, Thue K'Bee, and Pa T'lah village tracts to transport construction supplies. (Source: BI, 2005).

On 7 July 2005, SPDC LIB 439 forced villagers to construct their military camp at Khoe Poe. (Source: BI, 2005).

On 14 July 2005, Comdr. Saw Lien of SPDC IB 60 ordered 20 Hsaw Mi Lu villagers from Mone Township to clean and repair the old buildings in the military camp. (Source: FBR, 2005).

On 16 November 2005, Battalion Comdr. Zaw Taun of LIB 349 forced villagers from the following village tracts in Ler Doh Township to clean the Ler Doh and Saw Hti motor road.

1. Pa Ta La,
2. Wae La Daw,
3. Thu Ka Bee, and
4. Aye Net. (Source: FBR, 17 December 2005).

### **Pegu Township**

From 2004 up until 27 June 2005, the time of this report, SPDC township authorities forced residents of Pegu Township to perform sentry duty for over a year as well as pay a 50 kyat monthly security fee to the TPDC. (Source: "Pegu Residents Patrol Town Under Forced Labor," IMNA, 27 June 2005).

On 14 December 2005, it was reported that 1 person from each household of Pegu Township was forced to perform sentry duty along the highway from Kamanch to Seinthalong villages following a bomb blast in Kamaneh village. Every night, 2 villagers were posted at each electricity post. Households unable to serve or also hire a proxy were forced to pay a 1,500 kyat fine to the VPDC. (Source: "Villagers Are Forcibly to Serve as the Sentry Duty due the Reasons of Security of Pegu Township in Pegu Division (sic)," DVB, 14 December 2005).

### **Sagaing Division**

#### **Kalay Township**

On 13 December 2005, it was reported that VPDC Chairperson U Aung Khin and VPDC Secretary U Aung Kyine from Nan San Bu ordered residents and their cattle to work on chilly farms owned by the military forcing farmers away from the work in their own fields. (Source: "SPDC Troops from Kalay Township Practice the Force Labor on the Residents and Their Animal (sic)," DVB, 13 December 2005).

## **Shan State**

On 11 April 2005, at 10:00 am, TPDC Chairman San Win ordered 75 villagers, including women, from the following villages each day to transplant rice seedlings at SPDC paddy fields in Na Ten, Na Wan Sok and Na Tong Morn.

1. Wan Khai;
2. Wan Nong Hee;
3. Wan Nong Long Auk;
4. Wan Nong Mai; and
5. Mong Pan town. (Source: *FBR Relief Team Report*, Shan Free Burma Rangers, June 2005).

### **Kae-See Township**

In January 2005, SPDC troops in Kae-See Township forced local villagers to cut 220 trees and transport them to their military camp to be used as electric lamp posts. Those who could not provide trees were forced to pay 10,000 kyat for each lamppost, to hire SPDC troops to do the job. The trees cut needed to be from 7 and half to 9 yards long, at least 9 inches in circumference and straight. Although most villagers could cut the trees themselves, many did not have the means to transport them. Therefore they collected money amongst themselves to pay SPDC troops to transport the trees to the military camp. (Source: *SHRF Monthly Report*, SHRF, May 2005).

### **Kun-Hing Township**

From March 2005 to the date of this report, May 2005, troops from SPDC IB 246 forced 15-20 people from each village in Kun-Hing Township to work on roads between Kun-Hing Township and Kaeng Tawng area in Murng-Nai Township and between Saai Khaao Village in Kun-Hing Township and Kho Lam village in Nam-Zarng Township. The villagers were required to dig and split rocks for 7 to 8 days at a time on a rotational basis. Villagers had to provide their own food. (Source: *SHRF Monthly Report*, SHRF, May 2005).

### **La-Sio Township**

In August 2005, it was reported that SPDC troops were forcing villagers from Nam Pawng village tract in La-Sio Township to work in their camp. (Source: *SHRF Monthly Report*, SHRF, August 2005).

### **Murng-Nai Township**

In January 2005, troops of SPDC IB 248 forced villagers to grow rice on about 300 acres of villagers' rice fields in the area of Naa Khaan village. People with mini-tractors were forced to plough the fields while others had to sow the seeds and plant the seedlings. The villagers provided their own food and fuel however the SPDC provided the seeds. At the same time, villagers were also required to work in military camps where they cleared bushes and grass, cleared trenches, planted flowers, built fences and ran errands. Mini-tractors passing through checkpoints near military camps were often also forced to transport bricks, water and sand. (Source: *SHRF Monthly Report*, SHRF, March 2005).



On 1 March 2005, troops of SPDC LIB 569 ordered residents of quarter numbers 1 and 2 in Kaeng Tawng area to cultivate rice for them. (Source: *SHRF Monthly Report*, SHRF, May 2005).

On 1 March 2005, troops of SPDC Regional Training Unit 3 ordered residents of quarter numbers 3 and 7 in Kaeng Tawng area to cultivate rice for them. (Source: *SHRF Monthly Report*, SHRF, May 2005).

On 2 March 2005, troops of SPDC LIB 574 ordered residents of quarter number 4 in Kaeng Tawng area to work at their base, including building fences, barracks and trenches. (Source: *SHRF Monthly Report*, SHRF, May 2005).

On 2 March 2005, SPDC authorities of Kaeng Tawng sub-township forced people of quarter number 5 to construct their office building. (Source: *SHRF Monthly Report*, SHRF, May 2005).

From 3 March 2005 to 4 March 2005, troops of SPDC LIB 576 forced residents of quarter number 6 in Kaeng Tawng area to do construction work at their base. (Source: *SHRF Monthly Report*, SHRF, May 2005).

### **Murng-Pan Township**

From January 2005 to the date of this report, March 2005, SPDC troops forced residents of Murng-Pan Township to stand guard with the SPDC troops at the pagoda at Loi Noi village. Ten persons were required for 24 hours at a time, on a rotational basis. Those who could not work were required to pay 1,000 kyat for a proxy. Ten persons from each of the town quarters were also forced to undergo 10 days of military training. Residents who were not members of the militia were required to pay 1,000 to 3,000 kyat per month, according to their financial status. (Source: *SHRF Monthly Report*, SHRF, March 2005).

From March 2005 to the date of this report, May 2005, Aung Paan Nyo, leader of the Pa-O ceasefire group stationed in Murng –Pan ordered village tract leaders in Murng-pan Township to provide them with free labor. Each day 10 persons from each village on a rotational basis had to cut and clear jungle and prepare ground for members of the ceasefire group to grow crops, including opium. (Source: *SHRF Monthly Report*, SHRF, May 2005).

### **Muse Township**

In August 2005, it was reported that SPDC troops were forcing villagers from the following villages to work in their camps:

1. Tong Khaan,
2. Kawng Khaan,
3. Kawng Kkaang,
4. Hoi Tai and
5. Hoi Nur. (Source: *SHRF Monthly Report*, SHRF, August 2005).

## **Namkham Township**

In August 2005, it was reported that SPDC troops forced residents of the following villages to work in their camp:

1. Nawng Zaang,
2. Nawng Turn,
3. Saai Khaao,
4. Nawng Ma Na Lam and
5. Mawng Ma La Leng. (Source: *SHRF Monthly Report*, SHRF, August 2005).

On 30 December 2005, it was reported that USDA, fire forces, militias and the SPDC military summoned 40 villagers from the following villages to serve sentry duty for the Shweli Bridge connecting Namkham to Banmaw:

1. Wanapon,
2. Kwunpon,
3. Wanpon and
4. Waneh. (Source: "The SPDC Practice Forced Labor in Namkham Area," DVB, 30 December 2005).

## **Nam-Tu Township**

In August 2005, it was reported that SPDC troops stationed at Murng Yean village were forcing villagers to work regularly in the upkeep of their camp, supplying water, gathering firewood, cutting bamboo, fixing and building fences and buildings, clearing the compound and doing sanitation work. Villagers' vehicles such as mini-tractors were occasionally used to transport troops and rations. (Source: *SHRF Monthly Report*, SHRF, August 2005).

## **Nam-Zarng Township**

From 16 January 2005, troops from SPDC Military Operation Management Command 21 forced 100 Kho Lam villagers each day for 6 days to repair and clear 20 miles of road between Kho Lam village and Nam Hoo village in Kae-See Township. The villagers took turns to work and provided their own food and tools including the tractors, drivers and fuel. Villagers unable to provide tractors and not conscripted to work had to pay between 3,000 and 6,000 kyat per household according to their economic status. (Source: *SHRF Monthly Report*, SHRF, April 2005).

From April 2005 to the date of this report, August 2005, SPDC troops of IB 248 had forced villagers from Loi La village to work without pay. They were also required to pay 1,500 kyat for passes to travel outside their village tract. In April and May 2005, villagers were forced to provide bamboo and build fences around the military camp east of Loi La village for 10 days. They had to supply their own tools and food. (Source: *SHRF Monthly Report*, SHRF, August 2005).

## **Tenasserim Division**

From 2 August to 22 September 2005, the SPDC Battalions No. 282, 473, 558 and 410 forced residents, including widows and children, of villages along the road following the Yadana gas pipeline to build fences around bridges with 2 edged bamboo and clear bush from the area. (Source: "Forced Labor for Total Pipeline," *Kaowao News*, 11 October 2005).

### **Kawthuang Township**

On 22 March 2005, it was reported that SPDC authorities of Tamaing Aung Thukka Ward in Kawthuang ordered 1 person from each household to "volunteer" in the rebuilding of the Paloketonetone Bridge, damaged by 26 December 2004 tsunami. Villagers who failed to comply were forced to pay 2,000 kyat. (Source: "Tsunami Victims Subjected to Forced Labour Practice by Burma Junta," DVB, 22 March 2005).

### **Long-lo Township**

On 16 May 2005 the SPDC shrimp husbandry project in Ka-nyaw-pyin village was damaged by harsh weather. Eight hundred villagers from the following villages were summoned to repair the project:

1. Ka-nyaw-pyin village,
2. Chaung-phyay-gyi village,
3. Kyauk-htauk village,
4. Aiek-ywa-hong village and
5. Kyauk-dwin-ywa village.

Each family was forced to provide 1 sand pack costing 300 kyat and 1 pebble pack costing 500 kyat. One person from each household was required to work beginning on 19 May 2005, providing their own food. Those unable to work were fined 1,500 kyat and had to hire a substitute for 2 days. The villagers also had to make 4 sentry camps and 6 villagers were required to perform sentry duty each day and night. (Source: TWU, 2005).

### **Mergui-Tavoy District**

On 25 June 2005, it was reported that SPDC authorities had been forcing 20 villages from Myintta to work on the construction of township offices and hospitals construction projects. Those unable to work had to hire replacements and pay 1000 kyat to the SPDC authorities. (Source: KIC, 25 June 2005).

### **Thayetchaung Township**

On 19 May 2005, it was reported that Thayetchaung Township, Tavoy District authorities were ordering 1 person per house to work in SPDC LIB 403, 404 and 405's sunflower fields. Children were not exempt and at least 7 children were known to have worked in accordance with the order. Persons who failed to comply with the orders were subject to fines of 500 kyat. (Source: "Burmese Children Still Subjected to Forced Labor," DVB, 19 May 2005).

## **Rangoon Division**

### **Okkalapa Township**

On 13 December 2005, it was reported that ward PDC member U Toe Kywe was forcing residents in north Okkalapa to participate in “volunteering” such as cleaning gutters every Saturday. Households unable to comply were forced to pay a fine of 10,000 kyat. (Source: “Forced Labour Continues in Rangoon,” DVB, 13 December 2005).

## **1.6 Forced Prison Labor - Partial List of Incidents for 2005**

### **Arakan State**

#### **Kyauk Pru District**

On 4 March 2005, it was reported that 9 prisoners from Sittwe Prison were taken to a labor camp near Sabyin village of Mye Bon Township, Kyauk Pru District where they were forced to work from 6:00 am until 6:00 pm. Most prisoners had to build embankments on shrimp farms, 2 of which are owned by the military. (Source: “Labor Camp Prisoners Used on Shrimp Farms,” *Narinjara News*, 4 March 2005).

Commencing in the summer, the military authorities forced 300 prisoners mostly from Sittwe and Kyauk Pru Prisons to construct a road between Rangoon and Kyauk Pru. They were required to labor from 6:00 am to 12:00 pm and again from 1:00 to 6:00 pm and were guarded by a platoon from SPDC LIB 34. They were not supplied adequate food or water. Consequently 4 prisoners died at Kyauk Pru hospital. (Source: “Prisoners Forced to Work on Road Construction in Arakan,” *Narinjara News*, 10 June 2005).

### **Chin State**

#### **Hakha Township**

From January 2005 to the date of this report, 23 May 2005, the SPDC authorities utilized approximately 100 prisoners from Khauthar block and 12 prisoners from Zokhua hard labor camp to build a 400 bed hospital. The prisoners were forced to labor from 8:00 am to 5:00 pm each day and were inadequately fed. Some prisoners reportedly absconded from the project site and robbed the town residents. Despite an adequate budget, Col. Tin Hla, commander of SPDC Tactical 1, requisitioned 800 kyat from each family in Hakha Township for the project. (Source: “SPDC Use Prisoners for Construction of Hospital,” *Rhododendron News*, CHRO, 23 May 2005).

#### **Tiddim Township**

On 5 August 2005, it was reported that 50 prisoners from Tiddim Zebet labor camp were being forced to build 30 miles of the Indo-Burma Trade Road No. 2 between Tiddim and Rih Townships. Prisoners were forced to work from 5:00 am to 6:00 pm everyday and were subject to inhumane working conditions. Approximately, 3 to 4 prisoners fled each week.

Those who have been recaptured receive 1 year extensions to their existing prison sentences. Civilians were also forced to provide their vehicles for the work. The Indian government provided the budget for the road construction. (Source: "Prisoners Engaged in Hard Labor on Indo-Burma Border Road," *Rhododendron News*, CHRO, 5 August 2005).

### **Karenni State**

On 2 February 2005, prisoners Win Myine and his younger brother, Ko Latt were sent from Mandalay Prison to Ma Htaw Du Wan Sung military camp in Loikaw where they were forced to serve as porters during an SPDC offensive against Karenni resistance fighters. Win Myine was forced to carry a gun and 700 cartridges of machine gun ammunition from the Salween River to the eastern part of the battlefields, while other porters were forced to carry packs of rice, sugar and milk. Because he accompanied a unit officer, he was able to eat 2 meals each day, however, he had to fetch water, split firewood and cook. Other porters did not have sufficient food to eat. He witnessed the troops beat and shoot 8 porters to death, including his brother, who could not carry their loads. On 10 February 2005, Win Myine stepped on a landmine while fleeing and was receiving treatment at a Karenni army camp when the incident was reported on 20 February. (Source: "Injured Prisoner Porter Gets Treatment in Mae Hong Song Hospital," *Kantarawaddy Times*, 20 February 2005).

### **Pegu Division**

#### **Tharawaddy District**

On 20 December 2005, it was reported that inmates in Tharawaddy prison were being used to produce joss-sticks for the Lotaya-Kyantaingaug company working in conjunction with Myint Swe, the prison governor. The company owners as well the prison governor concurred that the production of joss-sticks by prisoners would be more profitable for their companies. The company was reportedly preparing to manufacture more of its products with labor from prisons and police-controlled hard labor camps. (Source: "Gulag: Burmese Joss-Sticks Made by Prison Slave Labour," DVB, 20 December 2005).

## **1.7 Forced Conscription and Forced Military Training - Partial List of Incidents for 2005**

### **Arakan State**

On 17 December 2005, it was reported that the military began conscripting villagers from remote villages in Kyauk Taw and Plawa Township, to strengthen the military. Each village was ordered to send 3 persons between the ages of 15 and 25 to the SPDC Battalion 379 camp in Kyauk Taw. In Pe Htu village, the villagers were unwilling to comply with the order. As a result, the village was compelled to sell 10 heads of cattle in order to collect 30,000 kyat to pay for proxies. The following villages were subject to the recruitment order:

1. Pe Thu,
2. Pay Si,
3. Pan Zai,
4. Nga Saung Pha,
5. Pri Chaung,

6. Mi Letwa, Tah Raw Aie,
7. Miwa,
8. Let Pan Wa and
9. Mrit Wa. (Source: "Villagers Forced to Join the Burmese Army," *Narinjara News*, 17 December 2005).

On 20 December 2005, it was reported that the local troops compelled village administration committees to force villagers, particularly Rakhine villagers, to join the Civilian Militia, also known as the "Pyithusit." As of mid-December, the military reported 6,790 members from the 18 townships and 3 sub-townships of Arakan State. While only some groups were armed at the time of this report, it was reported that the SPDC intended to arm all members by the end of the year. The following is a breakdown of members per township in Arakan State:

1. Maungdaw Township, 120 villagers;
2. Buthidaung Township, 250 villagers;
3. Taungbro Wai Sub-Township, 10 villagers;
4. Akyab Township, 280 villagers;
5. Rathidaung Township, 540 villagers;
6. Ponna Gyun Township, 330 villagers;
7. Kyauk Taw Township, 400 villagers;
8. Mrauk U Township, 560 villagers;
9. Minbya Township, 560 villagers;
10. Pauk Taw Township, 360 villagers;
11. Mraybon Township, 510 villagers;
12. Kyauk Pru Township, 320 villagers;
13. Rambree Township, 270 villagers;
14. Manaung Township, 300 villagers;
15. Ann Township, 250 villagers;
16. Thandwe Township, 580 villagers;
17. Taungup Township, 340 villagers;
18. Gwa Township, 250 villagers;
19. Plawa Township, 500 villagers;
20. Maei Sub-Township, 120 villagers; and
21. Kyintali Sub-Township, 120 villagers. (Source: "Fear of Invasion Leads to Reform of Civilian Militia in Arakan by SPDC," *Narinjara News*, 20 December 2005).

### **Kyauk Taw Township**

Starting in July 2005, SPDC troops based in Kyuak Taw Township ordered 35 villagers from each village to attend military training. Attendees were required to cover the costs of their food, transportation and uniforms. One training was scheduled to begin in the latter part of September and last for 1 month. (Source: "Burmese Army Summons Villagers for Military Training," *Narinjara News*, 25 September 2005).

### **Maungdaw Township**

On 19 August 2005, it was reported that female family members of NaSaKa personnel continued to be required to attend 15 day military training in order to prepare them to be army reserve personnel. The trainings commenced in 2004 and by mid-August 2005, approximately 500 women had been trained. The trainings were expected to end on 1

September 2005. (Source: “Military Training for Burmese Female Army Reserves Starts in Border Areas,” *Narinjara News*, 19 August 2005).

In November 2005, it was reported that 25 young men, including several 15-year-old boys, were taken from their homes near Maungdaw town to Sittwe and it is believed they were sent for military training. (Source: Arakan Project, 9 November 2005).

### **Sittwe Township**

On 4 August 2005, it was reported that for the past year, wives and family members of SPDC soldiers were trained in basic military tactics. Eighteen to 60 members of the soldiers’ families are part of reserve forces. (Source: “Burmese Army Reserves to Consist of Soldier’s Wives, Families,” *Narinjara News*, 4 August 2005).

## **Chin State**

### **Falam Township**

On 3 January 2005, Capt. Thawng Lian and his platoon from SPDC LIB 268 conducted 1 week of military training for villagers from Leilet and Siallam. Battalion Comdr. Lt. Col. Win Bo of LIB 268 ordered the headman of Leilet village to select 4 able-bodied young men from his village to serve as soldiers. As a result of the order, many students were reluctant to return to the village for the holidays. (Source: “Civilians Compelled to Take Militia Training, Conscription Order Issued,” *Rhododendron News*, CHRO, 10 January 2005).

## **Karen State**

### **Pa-an District**

On 15 March 2005, Maj. Chit Thu of the DKBA special force battalion commander increased troop numbers by forced conscription of 50 villagers in the Mae Plae area. (Source: BI, March 2005).

## **Karenni State**

On 23 July 2005, the SPDC military and the SNPLG ordered large villages to send 10 villagers and smaller villages to send 2 villagers to attend military training to be conducted by SPDC LIB 424 at Ka-law City. Villagers were ordered to arrive at Naung-htaung battalion camp in Si-Sai City by 27 July 2005. (Source: “Authorities (Ya-la-la-pa) Forcible Collected the Villagers to Attend the Military Training,” *Kantarawaddy Times*, 30 July 2005).

On 23 July 2005, the SNPLG began forcing the following villages to relocate to Leh Du Kaw, Daw Ta Naw and Daw Mu Leh villages for military recruitment:

1. Dee Leh village;
2. Daw Saw Leh village;
3. Daw Ta Lay village; and
4. Na Awun Lay village.

Three villagers from Daw Saw Leh village and 16 villagers from Daw Ta Kha village were forcibly conscripted while the numbers from the other villages were unknown. Villagers who

refused to serve the SNPLG were forced to move from the village. (Source: “Some Villages Forcibly Relocated Due to Military Recruitment,” *Kantarawaddy Times*, 11 August 2005).

### **Ki-maw-sok Township**

On 14 July 2005, it was reported that SPDC and SNLG troops forced 10 people, mostly single men, from each village from Lwoi Nan Pa and Nan Pei Kon areas to attend military training. The training was to be held at the SPDC Tactical Command HQ in Ywathit village. The villagers did not want to attend the training. However, they were too frightened to disobey. (Source: “Combined SPDC and a Negotiating Cease-fire Group Conduct Militia Training,” *Kantarawaddy Times*, 14 July 2005).

## **Mon State**

On 23 October 2005, the military authorities ordered more than 50 VPDC members from 10 villages to attend military training for approximately 2 weeks beginning on 24 October 2005. (Source: “Military Regime Adds Muscle for Security Reasons,” IMNA, 4 November 2005).

On 10 November 2005, it was reported that tactical commander of SPDC Military Operation Management Command No. 19 chose at least 10 men from each of 15 villages in the Kaw Zaw town area by a lottery system to serve in the village militia. Militia service could be avoided by payment of 200,000 kyat to the commander. (Source: “Villagers Forced to Join as Militias in Kaw-zar-town,” IMNA, 10 November 2005).

## **Shan State**

### **Namsan Township**

On 20 October 2005, SPDC Northeast Strategic Comdr. Col. Than Oo and local USDA leaders forced 50 Palaung youth from Namsan and Maing Ngao Townships respectively to attend 4 months of military training in Lashio. Parents of the youth were forced to sign contracts permitting their sons to serve as soldiers in the SPDC army. (Source: “SPDC Forced 50s Palaung Youth to Attend Military Training for Forming Local Militia (sic),” PYNG, 16 December 2005).

In December 2005, SPDC Northeast Strategic Comdr. Col. Than Oo and Ngon Saing militia leader Htun Myat Lay forced 50 youth from the following villages to attend military training to form militias in the Paluang community:

1. Zalbangkok,
2. Zalthong Hong,
3. Phaya Gyi,
4. Kaya Larm,
5. Conhair,
6. Kyauphyu,
7. Man Mai,
8. Upper Man Loai,
9. Lower Man Loai,
10. Taung Ma,
11. Owmasong,
12. Namt Lynn,



13. Za Yan Gyi and
14. Arrum.

Htun Myat Lay requisitioned village chair and headpersons to recruit villagers for the trainings, which commenced on 10 December 2005. (Source: “SPDC Forced 50s Palaung Youth to Attend Military Training for Forming Local Militia (sic),” PYNG, 16 December 2005).

## **Tenasserim Division**

### **The-Yet-Chaung Township**

In May 2005, male villagers from Pyin Phyu village between the ages of 15 and 55 years were forced to attend military training. Villagers who could not attend training were fined 10,000 kyat. Company 1 of IB 405 led by Cpl. Aung San Win ran the training. (Source: TWU, 2005).

Starting in April 2005, villagers including women were forced to guard the road near the Yadana gas pipeline. In preparation, 1 person from each household in 10 Karen and Mon villages in Yebyu Township were required to attend a 1 month training led by SPDC LIBs 282, 409 and 410 to learn how to guard the pipeline. The attendees were required to supply food and water for themselves. Those who did not attend were forced to pay a bribe of 10,000 kyat. (Source: “Forced Security along Yadana Pipeline Road,” *Kaowao*, 4 June 2005).

## **1.8 Interviews and Personal Accounts**

### **Interview #1:**

|                        |                 |
|------------------------|-----------------|
| <b>Source:</b>         | Burma Issues    |
| <b>Interview date:</b> | 21 January 2005 |
| <b>Age:</b>            | 20 years old    |
| <b>Sex:</b>            | Male            |
| <b>Ethnicity:</b>      | Burman          |
| <b>Residence:</b>      | Mae La Township |
| <b>Religion:</b>       | Buddhist        |

I had been staying in Thayawaddy Prison for 2 years and saw many prisoners who did not have enough food. Furthermore, some were terribly sick.

While I was in prison, I met with ICRC who came twice to our prison, and who gave us humanitarian aid such as books, clothes, food, footballs, cane balls for exercising and writing to our families, relatives, friends. They [the authorities] took me out of Thayawaddy Prison and they sent me to the front line as a porter. I had to carry bombs, rations and other necessary foods that weighed 30 kgs. I was lucky because while I was carrying at the front line, I only witnessed old people and others being beaten.

## **Interview #2:**

**Source:** Burma Issues  
**Interview date:** 21 January 2005  
**Age:** 44 years old  
**Sex:** Male  
**Ethnicity:** Karen  
**Residence:** Kawk Moon Township, Rangoon Division  
**Religion:** Buddhist

In October 2001, I was imprisoned in Myaung Mya Prison, Irrawaddy Division. There are 800 prisoners in Myaung Mya Prison. While in prison, I suffered many maladies. I contracted malaria but did not receive any medication. Moreover, we only received one and half spoonfuls of rice for eating which was not enough.

In October 2003, Burmese troops took me from Myaung Mya Prison to Insein Prison for 1 night, and then delivered me to Moulmein Prison to serve as a porter. While in the hands of the Burmese troops, they made us work in the fields as if we were cows and buffaloes. They kept us from sleeping and provided us with inadequate amounts of rice. Further, they threatened that we would be badly tortured until death if we fled to Karen soldiers' areas. I saw some friends, who could not carry loads because they were sick, get brutally beaten until their heads cracked and bled. The Burmese troops threatened that if we could not carry their loads we would also be beaten. There were 8 porters including me. Six of us escaped. I am not sure whether the 2 others were killed. I heard that one other was recaptured by Burmese troops and the other died in war.

## **Interview #3:**

**Source:** Burma Issues  
**Interview date:** 21 January 2005  
**Age:** 40 years old  
**Sex:** Male  
**Ethnicity:** Burman  
**Residence:** Mon Township  
**Religion:** Buddhist

I had been imprisoned in Moulmein Prison.

Moulmein Prison has 1,000 prisoners and they were badly tortured until 2001. Since 2001, the torture of prisoners has decreased. Prisoners had to clean their feces every day by the jailers' orders. In addition, they ordered us to work every day, doing tasks such as cultivating and weaving. When jailers saw a piece of paper on the ground, they beat us inhumanely. I saw many friends who died from jailers' beatings and starvation. Ninety percent of prisoners received inadequate amounts of rice. The other 10 percent had good relationships with jailers. While I was in prison, I remembered that ICRC visited our prison 8 times during which I chatted with them.

I was not beaten while carrying loads as a porter on the front line. However, I saw other porters being beaten. Every porter had to carry 40 kg loads of rice and bombs. Burmese troops threatened that if we fled, we would be killed by landmines and Karen soldiers. When

we fled to the area of Karen soldiers, unexpectedly, every thing was different to what the Burmese troops had told us. I had first asked myself how long it would be before I got killed. Instead, the leaders of the Karen soldiers introduced themselves and treated me warmly. The attitude and mood between Karen soldiers and Burmese troops are very different. Because of this, I will never return even if my parents are still alive.

#### **Interview #4:**

**Source:** Arakan Project  
**Interview date:** 27 May 2005  
**Age:** 50 years old  
**Sex:** Male  
**Ethnicity:** Rohingya  
**Residence:** Maungdaw Township  
**Religion:** Muslim

Last month [April 2005] was better than this month. This month [May 2005] I had to work for 3 nights as a sentry and I had to work clearing the jungle – cutting bushes and burning them - with 30 villagers. The NaSaKa officer had issued an order to the VPDC to clear the hill and prepare the land for plantation. Over the last 20 days I was called twice to do this job. We were also told to dig small holes in the ground to put plants during the monsoon and these plants will have to be enclosed to protect them from animals. Widespread use of forced labor has just started now and it will increase in the coming months for the rest of the year.

In April, I was also asked to make two sections of a fence about 12 x 6 feet with 8 wooden poles. The VPDC Chairman told us this was an order from the army to enclose our village. I had to collect bamboo from the hills to make the fences. I spent one day to collect bamboo, one day to collect wooden poles, one more day to build the fences and one more day to fix them. Altogether I spent 4 days plus 200 kyat to get permission from the Forestry Department to go to the hills for 2 days.

Now the NaSaKa and the army are occupying all the highlands that we use as grazing land for our cattle. They have ordered us to leave and to clean the land for their plantations. The villagers who have money and many cows paid between 150,000 and 200,000 kyat to save their cattle-grazing land, but poor people like us who have no money are losing our grazing land for our animals.

## **Interview #5:**

**Source:** Arakan Project  
**Interview date:** 23 June 2005  
**Age:** 50 years old  
**Sex:** Male  
**Ethnicity:** Rohingya  
**Residence:** Maungdaw Township  
**Religion:** Muslim

Since the end of February 2005, it has become impossible to make any profit. I buy, carry and sell chickens but all my profit goes into various taxes and bribes to the police and the NaSaKa. Moreover, I cannot work every day because the VPDC Chairman often calls us to work for the NaSaKa and the military as sentries in the night and also during the daytime. This is a new development in our area. Since May, the new NaSaKa establishment has been collecting sentries during the daytime.

When the MI was dismantled, the NaSaKa became powerless and all their business agents fled or were put in jail. We thought some real changes were taking place and the future would be better. But this dream was short-lived. It only lasted a little over 3 months. By late February it was over and we realized that we are worse than slaves in our homeland.

In late February the local VPDC Chairman ordered us to supply bamboo fences and wooden poles and fix them around our village. He gave us the measurements: about 6 x 12 feet and instructed to make a double layer. He also told us that we would have to maintain these fences in the future. The Chairman explained, "The new NaSaKa officer learned that some rebel groups have entered our area. For your own protection, he ordered your village to be fenced." We worked for 4 days on this fence: one day to gather bamboo in the jungle, one to collect the wooden poles, one day to construct the fence sections and finally one to fix them.

Many parts of those fences are already broken now and no one repairs them. Only the hamlets close to the NaSaKa camp are well maintained and people from those hamlets have orders to repair them regularly.

Many people from our village are day laborers and have no other means of subsistence. For them it is difficult to obey the orders of the NaSaKa and the VPDC, because if they work for them their families go hungry. It is okay for the wealthy and middle class, but a curse for people like us. But alas! We have no other option than following their orders. Or we must leave our village forever. Who wants to leave his native place forever?

Sentry duties have increased alarmingly in our area. Since May, the VPDC Chairman has ordered us to do sentry duty during daytime as well. This time I asked him: "Why do we need to do sentry duty in the daytime?" He replied: "I am carrying out the orders of the NaSaKa officer. I cannot answer your question. You may go to their camp in Nga Khu Ya and ask them!" Previously 4 sentries used to work in one sentry post. Now they want 8 to 10 sentries in each post at night and 4 during daytime. I have never seen any bandit entering our village and I cannot remember that any sentry post ever caught a thief, robber or rebel. But still we are ordered to do sentry duty. Now I have to work 6 to 8 times a month, whereas last year it was only twice a month.

In my village the NaSaKa has not decided to cultivate their paddy land yet. But recently I visited a village in North Buthidaung. I saw the VPDC collecting 1,000 kyat from each household in the village. A villager told me: "The NaSaKa post of Kyaung Taung is going to cultivate its paddy land and has ordered the villagers to work there and prepare the land for monsoon cultivation. We told our VPDC Chairman that we had our own land to cultivate and we cannot go. He discussed the matter with the local NaSaKa post and the next day he told us that those who cannot work will have to pay 1,000 kyat per family to the NaSaKa. The families who cannot pay must work and send one person at least for three days. We do not want to work for the NaSaKa because we have to cultivate our own land, so we pay.

To the east of our village, close to the hills, the NaSaKa acquired a huge tract of land that we villagers use as grazing land for our cattle. We were told that the Forestry Department and the NaSaKa are going to make a rubber plantation there. For the last 2 ½ months the NaSaKa has used forced labor to clear the jungle and prepare the land. I have worked three days since the work started. Almost all-poor peoples in our village have worked at least three days on this project and the work is still going on. I was told that I have to work more and dig pits to plant rubber saplings when the monsoon starts.

### **Interview #6:**

**Source:** Arakan Project  
**Interview date:** 26 June 2005  
**Age:** 42 years old  
**Ethnicity:** Rohingya  
**Residence:** Maungdaw Township  
**Religion:** Muslim

Sentry duty has increased considerably in our area. It is bad enough to be forced to work 4 to 6 nights a month as a sentry. But the worst are the false accusations followed by arbitrary fines. This is a common practice of the NaSaKa patrols. They come very quietly near the sentry posts every night. If we shout, "Who is there?" the NaSaKa complain: "Why are you shouting? We were chasing a thief. Now he has fled because you made noise. You did wrong. Come with us! You have to walk with us and we will see later what we will do with you! Once they take us with them, we have to give them a chicken or 1,000 kyat in cash. This happened to me last month. But if the NaSaKa patrol finds one of the sentries asleep, they also demand money or one chicken. Sometimes, they take all the sentries from that post to the NaSaKa camp and make all of them work for 2 or 3 days. Many villagers are tired from working for their living during the day and cannot stay awake all night. Sentry duty is a big problem for all of us. We have never seen any robber or any rebel in our area for the last 10 years and we are still forced to do this tiring duty.

## **Interview #7:**

**Source:** Arakan Project  
**Interview date:** 18 July 2005  
**Age:** 58 years old  
**Ethnicity:** Rohingya  
**Residence:** Buthidaung Township  
**Religion:** Muslim

Until recently, religious leaders, schoolteachers, widows and disabled persons used to be exempt from forced labor and sentry duty in my area. But, since the new administration of the NaSaKa was put in place in February, they do not care and no longer apply these rules.

Our village is located on high land close to the mountains and sentry duty is thus required a lot more than in other villages of North Buthidaung. The NaSaKa and the army often patrol my village and its surroundings as well. My village is under the jurisdiction of Kyaung Taung NaSaKa camp and when they send orders, it also affects us as much as other villages.

Troops from the Bagali army camp often visit our village and other villages around. During patrol they often use porters to carry their goods and equipment or to serve as guides. Last month, I was one of their victims. Around noon I went to the local market and met an army patrol. They called me and ordered me to carry their load and go with them to another village in the hills. I told them: "I am sick and not strong enough to carry a load over such a distance." They did not listen to me and just repeated that I had to go with them.

I also had to do sentry duty one night a week at one of the sentry posts in my village. Last year, it was not like that. But over the last 4 months, the NaSaKa has instructed the VPDC office to increase the sentry posts and the number of sentries, apparently for security reasons. Only widows would be spared. I was told that if I did not want to do such duty I could hire someone to replace me which would cost 2,000 to 2,500 kyat a month. I do not have extra money to spend and I decided that I would do sentry duty myself.

I am lucky that till now I have not been recruited to do forced labor in the NaSaKa camp. Many villagers had to go and repair their houses and fences, but they prefer to use day laborers for this purpose.

This year the NaSaKa also demanded 2,000 kyat from each paddy farmer, no matter whether they possess a small or a large field. Those who did not have cash had to sell their chickens or goats in the market. The VPDC office was very strict this time and no farmer could avoid paying this tax. They said that the NaSaKa plan to use this money to hire labor and buy seeds for their plantations. However, later, they still recruited forced laborers from the villages under their control. Whenever they need money, they give an order to the VPDC to collect it for any reason. Taxes have significantly increased in our village, even more than forced labor. In the past we never had to pay money for agricultural work for the NaSaKa or the military. But this year we had to pay as well as work. The situation in our village is well known to the UNHCR and NGOs working in our area.

## **Interview #8:**

**Source:** Arakan Project  
**Interview date:** 22 July 2005  
**Age:** 20 years old  
**Ethnicity:** Rohingya  
**Residence:** Buthidaung Township  
**Religion:** Muslim

When the MI was disbanded last year and the NaSaKa became less powerful, we thought things were going to improve and that taxes, persecution and forced labor would decrease, but finally everything increased even more than before. The NaSaKa is now under the direct supervision of the army and they are much stronger than before.

The use of forced labor by the Bagali army post and the Kyaung Taung NaSaKa camp is all too common. We are victims of both the army at Bagali and the NaSaKa at Kyaung Taung. As there is no road to carry the NaSaKa and army goods from the boat jetty to their camps, they always use porters for this. Whenever they need labor they instruct the VPDC office to recruit laborers. If it is urgent, they just grab villagers themselves on the spot, for example to carry rice from the rice mill or to carry goods from the market to their camp. They don't say that they need laborers, they say they need volunteers.

Last month [June 2005], I was sitting in front of the rice mill. Three army personnel arrived there and took two bags of rice from the mill. They ordered me to carry one of the bags and also collected three other passers-by. The four of us were told to carry the rice bags to their posts, which were about 3 miles away.

This year they said that they were not going to compel villagers to cultivate their paddy land. They collected money from the wealthy farmers. My family paid 3,000 kyat to the VPDC office. But when the rain started in late June, they forgot their words. The NaSaKa demanded the VPDC Chairman to send laborers and bullocks to plough their land inside the Kyaung Taung camp. End June to mid August is the busiest time for farmers in our area and also for day laborers, as they can get work almost every day. But the NaSaKa ignored their own commitment and used conscripted labor in their land. The laborers had to carry their own food while they worked in the NaSaKa camp.

The army of Bagali compelled us to buy black pepper plants. Each family had to buy at least one plant, which the army sold for 150 kyat.

Sentry duty also increased in our area. This is the duty I hate the most. Our family has to do it once a week and I go as a sentry on behalf of my family. It is very difficult to stay awake the whole night after working the whole day in our paddy fields and taking care of the cattle. I can't see any benefit in this sentry duty. They just impose it on us Muslims to remind us that we are not like others, that we are a second-class community.

## **Interview #9:**

**Source:** Arakan Project  
**Interview date:** 7 August 2005  
**Age:** 22 years old  
**Ethnicity:** Rohingya  
**Residence:** Maungdaw Township  
**Religion:** Muslim

We can neither sleep at night nor work during the day. At nighttime we have to do sentry duty and in the day we have to work either for the NaSaKa, the military or the VPDC office. Little time is left to work for ourselves.

There are sentry posts every 50 yards in my village and in each post 5 men have to do sentry duty every night. In my hamlet alone, there are 10 sentry posts and each night 50 men work as sentries. My turn comes every 5 days, which means I have to work 6 nights in a month. That would not be so bad if we were not also arbitrarily fined by NaSaKa patrols. It is not even clear to us what a sentry should do at night. We were told that if we see anyone moving in the night without a torch, we must stop and catch him. But the problem is the NaSaKa patrols generally move without any light. So, whenever we shout "Halt!" to them, they accuse us of not doing our sentry duty properly. They say: "How is it that you cannot see the difference between government people and criminals? Come with us. You will be fined for this." Then they fine us one chicken or one gallon of diesel and, if we fail to give them these or to pay the fine, they punish us by ordering us to work for one day in their camp without any food. When our relatives bring food, they refuse to give it to us.

On the other hand, if we do see a NaSaKa patrol moving and keep quiet, this is also a crime. Then the patrol says: "You were surely asleep otherwise you would have seen us! Come with us." Then again, we face a fine or extra labor inside their camp. The sentry duty they impose on us is just to extort money for their own pockets. And there is no reason to build sentry posts every 50 yards.

About 2 months ago the NaSaKa issued an order through the VPDC Chairman that each family of our hamlet must buy 2 tree saplings for 100 kyat, plant them on the roadside and care for them until they grow up. I had to work there for 2 days.

At the beginning of the monsoon I also had to work 3 days to repair the road starting from Maungdaw and continuing up to the Mayu River. Almost every family had to do this work or send someone to replace them. We were asked to repair the section of the road that passes our hamlet. So the people from each village and hamlet had to work.

*Q. Can you remember how many days of forced labour you did over the last 3 months?*

A. Yes. I can give you a list of the days I worked for the NaSaKa, the army and the VPDC over the last three months:

- 2 days for roadside plantation
- 3 days to repair the road
- 3 days inside the NaSaKa camp – This was a punishment for the sentry duty - 2 days to collect firewood from the jungle for the NaSaKa use



- 3 days inside the NaSaKa camp (one day each month: to fetch water and fill up the water tank in their bathroom; to clean their lawn and garden and to carry their purchases from the market to their posts)
- 18 nights as a sentry. After doing a whole night of sentry duty I cannot work during the day.

Over the last 3 months, I personally worked 13 days as a laborer and 18 nights as a sentry. In total, 31 days of forced labor!

### **Interview #10:**

**Source:** Arakan Project  
**Interview date:** 8 August 2005  
**Age:** 17 years old  
**Ethnicity:** Rohingya  
**Residence:** Maungdaw Township  
**Religion:** Muslim

My family has 5 *kani* [2 acres] of paddy fields but this is not enough to feed a large family. My father had a fishing boat and nets, which was our only source of income. But, in March this year, the NaSaKa and military introduced a new system of business licenses and the appointed agent wants a lot of money to grant fishing permission. My father is old and his health is not good, so he sold the boat to pay for treatment. When we had the boat, we employed a worker who was also doing all the labor and sentry duties on behalf of our family. After we sold it, we hired someone to do the forced labor but soon my father had no more money and he started doing the forced labor tasks himself. I was a high school student and I had a bicycle to cycle to my school, which is more than 6 miles away from my village. I sold the bicycle and started going to school on foot.

But, in June, my father fell ill again and he could not do the sentry duty and other work ordered by the NaSaKa. The VPDC office often called him. Their logic was: "If you are sick then your son can replace you or you must hire someone else. If you don't have money, how do you maintain your family and send your son to school?" So, I stopped going to school to replace my father for the forced labor duties. I even visited the local NaSaKa officer. I tried to explain our situation and begged him to spare my family. But he replied: "This is a general order to all villagers to help the government and sentry duty is for your own security. We cannot change the rule for one family. You must follow the orders. We can only spare the widows and old couples. Your father is old but he has an able son."

So I took the decision to stop my education. Meanwhile I was doing sentry duty at night and in the daytime carrying colored flags from the VPDC office to the roadside and fixing them. My mother did not want to see me as a laborer and as a slave of the authorities and she advised me to leave the country. She assumed that, if the authorities do not see me anymore in the village, they will not compel our family to do forced labor. So I fled last week.

I had to do 7 nights of sentry duty over 1 ½ months [since June to now]. I was lucky that I did not get fined by NaSaKa or army patrols. I also had to carry flags from the VPDC office to the roadside and fixed them there in the morning. Then, in the evening, I had to pick them up and bring them back to the VPDC office. I did this duty for two days. These flags bear the name of the village tract. I really wonder why each morning 20 to 25 people have to carry these flags and fix them along the road, then during the day two or three have to watch them

for the whole day, and then again in the evening, 20 to 25 people have to bring them back to the VPDC office. There are sentry posts every 50 or 60 yards during the night manned by sentries and no one would dare to steal the flags. I think this is simply to remind us that we are no more than animals.

## 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

Extra-judicial killing, summary and arbitrary executions continued to be reported in Burma throughout 2005. Extra-judicial killings frequently transpire in conjunction with other human rights abuses including sexual assault, torture, arbitrary arrest, forced relocation and forced labor. Furthermore, reports of extra-judicial killings most commonly emerge from ethnic minority areas where armed resistance groups exist or are believed to receive support from civilians. Perpetrators of such killings usually enjoy an environment of complete impunity. Civilians tend not to lodge complaints out of fear of repercussions. Even when complaints are lodged, the authorities involved often deny responsibility or superior officials fail to take any action. Various actors of the regime have committed extra-judicial killings and arbitrary executions including members of the military (a.k.a., “Tatmadaw”), the police, the reorganized MI, the people’s militia (a.k.a., “pyithusit”), the USDA, and members of certain ceasefire groups.

Many extra-judicial killings are carried out in conjunction with the SPDC’s “four cuts” policy through which the Tatmadaw 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 resistance groups are subject to detention, interrogation, torture and sometimes death. Villagers found outside of SPDC controlled areas, also known as “black areas,” may be shot on site without warning by patrolling troops. Villagers in areas controlled by armed resistance groups fear traveling outside their village, especially to tend to their fields, because they risk being accused by patrolling SPDC troops of supporting the ethnic opposition groups. Anyone can be charged with association with resistance groups at any time without any reason. For example, women found in a village without their husbands are often accused of being “married to a rebel soldier.” Villagers can also be summarily executed for simply carrying food to areas outside SPDC controlled territory. The food is assumed to be for resistance fighters. In many cases, looting of the civilians’ possessions accompanies the executions.

Extra-judicial executions continue to be reported in areas where ceasefire agreements have been reached between the junta and armed resistance groups. Despite the ceasefire agreements, Tatmadaw forces maintain a substantial presence in ceasefire areas. In turn, villagers in these areas are more vulnerable to abuses perpetrated by both Tatmadaw forces as well as junta aligned ceasefire groups. (For more information see Chapter 8 Rights of Ethnic Minorities). Similarly villagers living as IDPs whose villages have become conflict zones are vulnerable to being shot on sight and without warning. Observers, like the Karen Human Rights Group (KHRG), a human rights organization, have argued that the ceasefire pacts are merely a guise for sustained military control over the ethnic minority population (source: *Seeing through the Smokescreen of Ceasefires*, KHRG, 9 June 2005). At the same time, villagers continue to be subject to SPDC imposed restrictions of movement within ceasefire areas. For example, from January to at least June 2005, villagers from Htee Ghu Thaw village

in Karen State were prohibited from sleeping in their farm fields. Villagers were informed that the Tatmadaw troops would not be held responsible for the consequences suffered by villagers who defied this order. There have been reports throughout the year of violators being summarily executed for failing to abide by the junta's restrictive policies (source: *Continued Militarization, Killings and Fear in Doooplaya District*, KHRG, 2 June 2005).

During the year, the SPDC escalated its campaign to secure military control over Karen areas dominated by armed opposition groups. In July 2005, the *Dam Byan Byaut Kya* reemerged in Nyaunglebin District under the name of *Pyaung Shin*, which means "to clear all." The *Dam Byan Byaut Kya*, or 'Guerilla Retaliation Units' 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, operates in small 5-10 men groups and are known for their brutal execution methods, including mutilation and decapitation. The activities of the *Dam Byan Byaut Kya* had faded until their recent reemergence as the *Pyaung Shin*. While the specific activities of the *Pyaung Shin* are unclear, their renewed presence in Karen State arguably indicates that the civilian population remains vulnerable despite the informal ceasefire between the KNU and the SPDC. It may also be indicative of the SPDC's increasing focus on seizing absolute power in Karen State. (Source: *Nyaunglebin/Toungoo Districts: Re-emergence of Irregular SPDC Army Soldiers and Karen Splinter Groups in Northern Karen State*, KHRG, 24 October 2005)

Political activists also remain susceptible to extra-judicial killings and summary executions, particularly while in SPDC custody. One such case is the death of NLD youth member Aung Hlaing Win from Hlaing Township who died at an interrogation center on 1 May 2005, only nine days after he was arrested without cause by plain-clothed military personnel. The authorities cremated his body before giving his family members an opportunity to bury him. Before being cremated, however, his body was inspected by doctors at North Okkalapa Hospital. Despite a medical report showing 24 external bruises, 3 broken ribs, a bruised heart, a swollen throat and infected stomach and intestines, the Mayangon Township Court found Aung Hlaing Win had died of natural causes. The appeal was summarily rejected in early September. (Sources: "Myanmar Opposition Party to File Complaint Over NLD Member's Mystery Death," AFP, 17 May 2005; "Doctors Confirm Torture of NLD Youth Member," *Irrawaddy*, 8 June 2005; "Myanmar Court Says NLD Member Died in Custody of Natural Causes," AFP, 10 June 2005). (For more information see Chapter 3 Arbitrary Detention, Enforced or Involuntary Disappearances).

## 2.2 Extra-Judicial, Summary or Arbitrary Executions – Partial List of Incidents for 2005

### Arakan State

On 22 January 2005, approximately 50 boats attempted to cross the Naff River from Kyauk Pandu village, Maungdaw Township to the Teknaf area of Bangladesh. SPDC soldiers open fired upon the boats believing them to contain smuggled rice. According local sources, more than 70 people were killed. The victims reportedly came from Akyab, Kyauk Pru, Kyaut Taw, Pauk Taw, Pona Kyaut, Mrauk Oo and Rambree. The survivors were arrested. Families of the deceased were afraid to inquire about their relatives as they did not want to be accused of being involved in rice smuggling operations. (Source: “70 People Gunned Down by Burmese,” *Narinjara News*, 4 February 2005).

On 27 January 2005, as VPDC chairman Su Ton Ah Ma (male, age 29) and Ma Ma Mya (male, age 27) were loading the chicken, rice, goats and other goods onto a boat on the Inn Din River in southern Maungdaw Township, a soldier from SPDC LIB 233 approached. The two villagers attempted to run from the soldier but they were shot and killed. Two other villagers were also injured in the shooting. The village leaders and headmen were told that the two villagers had been killed while transporting illegal goods and the bodies were to be buried quickly. In accordance with the order, the two bodies were buried in the village cemetery. The villagers were also warned not to discuss the case. (Source: “Two Villagers Died and Two Injured by the Nakapa Shooting,” *Kaladan News*, 8 March 2005).

### Chin State

On 19 January 2005, troops from SPDC LIB 266 led by Capt. Tin Myo arrested Samuel (age 18) from Selawn village, Falam Township. The troops first arrested Samuel at Rih Bridge and then took him to Selawn village and then to Hmawng Kawn village. He was killed near Hmawngkawn village after being accused of associating with the Chin Integrated Army (CIA). (Source: “Innocent Chin Villager Summarily Executed,” *Rhododendron News*, CHRO, 9 February 2005).

On 18 March 2005 at midnight, troops from SPDC LIB 266 based in Falam Township led by Capt. Aung Naing Oo assembled the Selawn headman, council members and telephone operator and accused them of aiding resistance fighters and failing to report the activities of the CNF. The troops beat the group. While the village council members and village headman sustained serious injuries, the telephone operator, Hmet Lian, was instantly killed when he was repeatedly struck in the face with rifle butts. (Source: “Innocent Chin Beaten to Death by Burmese Army,” *Rhododendron News*, CHRO, 21 March 2005).

On 12 November 2005 two villagers were killed and six injured during a football tournament in Matupi Township, Chin State when an SPDC soldier fired into the crowd after the SPDC sponsored team lost. Lance Cpl. Lin Hung, of the Sniper Platoon of Burma Tactical II, in Matupi, committed suicide after taking responsibility for the shootings. (Sources: “Armed Men Fire on Football Spectators Killing Two and Injuring Six,” *Khonumthung*, 15 November 2005; “Soldier Commits Suicide Claiming Responsibility for 'Matupi Football Match Tragedy,’” *Khonumthung*, 20 November 2005).

## **Karen State**

### **Doplaya District**

On 7 March 2005, SPDC soldiers from SPDC Battalion 78 led Comdr. Khin Maung Win invaded Painkaladon village after observing a small band of KNLA soldiers. As a result, a 35-year-old female shopkeeper, Nan Thaung Thaung Myint's, also known as Nay Pay Thwe, was killed and Naw Mu, an 80-year-old woman as well as a visitor was wounded. The SPDC troops proceeded to loot a total of 260,000 kyat worth of goods from the shop. The SPDC troops offered 50,000 kyat in compensation for Nan Thaung Thaung Myint's funeral. She was survived by her two children. (Source: "Continued Militarization, Killings and Fear in Doplaya District," KHRG, 2 June 2005).

On 7 July 2005, Column 1 of SPDC IB 10 from Kyainseikkyi shot and killed the Kya In Township officer Saw Eh Soe without cause. (Source: KIC, 2005).

On the morning of 7 July 2005, troops from a guerrilla unit of SPDC Operation Command 3 shot and killed Lay Ti villager, Saw Tay Nay Kay Ku (male, age 33) in a betel nut plantation between Hko Lu and Hu Mu Doe. Two days later, the same command arrested and beat Lay Ti villager Saw Lah Moo (age 38). He was shot to death on 11 July 2005 on Pa Let Wa road. (Source: KIC, 2005).

On 11 August 2005 at 7:00 am, Column 1 Commander Than Lwin Myint of SPDC IB 10 shot at Maung Soe Than's house in Da Dar Oo village, Kawkareik Township killing Naw Ma Ohn (age 7). Her mother, Naw Ma Aye, was wounded. (Source: KIC, 2005).

On 16 August 2005, soldiers from SPDC Battalion 283 killed Saw Yakee (male, age 40s) in Lay Kaw Hti without reason. (Source: FBR, 22 August 2005).

On 19 September 2005, troops from SPDC IB 83, led by Lt. Col. Than Soe Oo, opened fire without warning upon villager Hsar Thalay Moo while he was collecting fish from a bamboo trap in Htee Dai stream. Hsar Thalay Moo called out, "I am an ordinary villager!" however the troops persisted. A bullet penetrated his stomach from his back although it did not kill him. The troops then hauled him into the stream and repeatedly bayoneted him in his chest. The soldiers also shot off a magazine of bullets near the stream which Hsar Thalay Moo's father heard causing him to go to the stream. Along the way, he encountered the troops who reported that they had shot a Karen rebel. The father found his son's body in the stream. Lt. Col Than Soe Oo offered 50,000 kyat, rice and oil in compensation but the father refused. (Source: FTUB, 31 October 2005).

### **Papun District**

On 9 January 2005, troops from SPDC LIB 598 based at Mae Waing, led by Bo Myint Thein, shot at villagers going to collect vegetables at Tha Haw Hta in Mae Waing area. Wah Tho Kho villager, Ah Nge Lay (age 32), was killed and Saw Si Way (age 25) was wounded. Saw Si Way was then taken to Mae Waing army camp. (Source: KIC, 2005).

## **Toungoo District**

On 23 March 2005 at about 1:00 pm, Column 1 Comdr. Maung Maung Oo of SPDC IB 48 shot and killed Busakhee villager Saw Lerku (male, age 33) who was fishing at the Yaw Po Lor River in Ta Kwee Soe (Hnet Pyaw Daw) village in Tantabin Township. He was killed without cause. (Source: KIC, 2005).

On 19 September 2005, troops from SPDC Battalion 53 led by Column Comdr. Bo Tin Naing Htin arrested Thein Myint, the chairperson of Ta Yo village. He was brutally tortured and later killed in Ka Mar Ti Poe Li village. (Source: KIC, 2005).

## **Karenni State**

On 17 August 2005, troops from the Karenni National People's Liberation Front (KNPLF) led by Cho Aye Mo killed villager Phakyeh (age 38) after accusing him of being an informer to Karenni resistance fighters. (Source: KNAHR, 2005).

On 18 August, KNPLF troops under the command of Baw Ei executed the Mawthito village secretary (age 33) after accusing him of having connections with the Karenni Army. (Source: KNAHR, 2005).

On 15 November at 9:45 am, a column of SPDC LIB 421 led by Maj. Zaw Zaw Lin, opened fire on villagers working in a paddy field near Kutaru village, in southern Karenni State. Three people were killed and Lay Lay Wah (age 15) was wounded. The 3 victims killed were:

1. Saw Henry, age 62, two bullets hit his chest;
2. Naw Shenay Paw, age 22, one bullet hit her chest; and
3. Lay Htoo, age 6. (Source: KIC, 15 November 2005).

## **Irrawaddy Division**

On 7 July 2005, SPDC soldiers from IB 93 raided Tagu Village. The soldiers surrounded the village and arrested about 50 villagers accusing them of participating in the 7 May Rangoon bombing. One schoolteacher, Saw Stanford, died from electric shocks during interrogation session. (Source: "More Karen Villagers Detained in Delta Burma," DVB, 12 August 2005).

## **Mon State**

On 1 March 2005 at around 10:00 pm, a soldier opened fire into a house in Anan-gwin village in Thanbyuzayat Township where 10 travelers had stopped to spend the night. Pregnant Mi Hla Aye, age 34 from Yaung-daung village, Mudon Township, was killed. Two other women sustained serious injuries. The villagers and the house owner chose to not lodge complaints out of fear. (Source: "A Burmese Soldier Killed A Pregnant Woman," *The Mon Forum*, HURFOM, March 2005).

In the first week of June 2005, the headman of Hangan village and Capt. Zaw Linn Own from Tactical Command 3 arrested Nai Kyaw Myint for traveling outside of his village without authorization. Nai Kyaw Myint was arrested at his farm located east of Wing-Pop village in Ye Township. SPDC LIB 586 Commander Than Toe transferred Nai Kyaw Myint to a military base in Khaw Za after 8 days. There, Nai Kyaw Myint endured severe torture for one month as his captors attempted to gain information about a 10 person Mon resistance group.

that they suspected he supported. Nai Kyaw Myint died as a result of the torture. The troops informed Nai Kyaw Myint's family of his death but did not return his body or provide an explanation. Instead, they buried him near Khaw Zae. (Source: "Terror Continues in Ye Township," *The Mon Forum*, HURFOM, August 2005).

On 21 May 2005 at approximately 10:00 pm, the village headman, a USDA leader, along with USDA members Aung Soe, Kon Poe and Yin Lon, killed Nai Maung Phyu Pyin in Duya village, Ye Township after accusing him of being hostile with the authorities. He was arrested, tortured, shot and killed. The USDA members remain unpunished for their actions. (Source: "Terror Continues in Ye Township," *The Mon Forum*, HURFOM, August 2005).

On 5 June 2005, Nai Soe Naing (male, age 38) was detained by members of the village Fire Brigade led by Comdr. Nai Kun Blai after having an argument with his wife. He was severely tortured and told to stop drinking liquor and making noise. Nai Soe Naing sustained serious internal and external injuries. He died the following morning. He is survived by 2 children. Meanwhile no action has been taken against his abusers. (Source: "Terror Continues in Ye Township," *The Mon Forum*, HURFOM, August 2005).

## **Pegu Division**

### **Nyaunglebin District**

On 9 March 2005, troops from SPDC IB 315 of Kyaukkyi Township shot and killed Karen villagers Saw Hla Win and his uncle on the Maw Ket Ko motor road without any reason. (Source: KIC, 2005).

On 14 March 2005, troops from an SPDC military column conducting military operations on Hsaw Me Lu motor road shot and killed Saw Ta Kaw Thaw and Saw Gay Lay from Saw Me Lu village without reason. (Source: KIC, 2005).

## **Shan State**

On 24 January 2005, Zi Na (age 30) and his son, Zaai Mu (age 4) were beaten and killed by a patrol of about 30 soldiers from SPDC LIB 514 led by Comdr. Khin Maung Htoo in Ham Ngaai village tract, Murng-Kerng Township. The father and son were found two days later when Naang Khawng, the wife and mother, gathered relatives and set out to search for them. A few weeks later, a sergeant from SPDC LIB 514 was seen driving Zi Na's motorbike in Murng-Kerng town. (Source: "A Displaced Villager and His Child Son Killed and Robbed Of Their Motorcycle in Murng-Kerng," *SHRF Monthly Report*, SHRF, May 2005).

On 5 February 2005, a 42 person patrol from SPDC IB 287 led by Maj. Kyi Myint deployed 60mm mortars and 40mm grenade launchers on a hill west of Wan Mai Khao Larm village, Mong Pan Township. As a result, Mae Htao Yuo (female, age 75) was killed. In addition, a 70-year-old woman and an 8-year-old girl were wounded. (Source: FBR, 1 June 2005).

On 28 February 2005, a patrol of 10 soldiers from SPDC LIB 520 shot and killed 4 villagers who were gathering leaves for roofing in the forest near Ho Lin village, Ho Lin village tract, Murng Pan Township. Although the village leaders attempted to file a complaint, the authorities denied that their troops had left the military base that day. The 4 victims were:

1. Naang Law, female, age 31;



2. Zaai Keng, male, age 27;
3. Zaai Kit, male, age 30; and
4. Zaai Maai, male, age 25. (Source: "4 Forest Gatherers Shot Dead in Murng Pan," *SHRF Monthly Report*, SHRF, June 2005).

On 17 March 2005 at approximately 9:00 pm, 5 soldiers from SPDC IB 66, led by Comdr. Myint Htoo, shot and killed Zaai Kyaw La (male, age 24) outside his home in Wan Phuy village, Kho Lam village tract, Nam-Zarng Township. Zaai Kyaw La was able to speak Burmese well and often served as a negotiator or translator for issues that arose between villagers and the SPDC troops. (Source: "A Villager Shot Dead in Nam-Zarng," *SHRF Monthly Report*, SHRF, July 2005).

On the night of 21 April 2005, troops from SPDC LIB 524 tortured and beat to death Zao Sin Man, an ascetic Buhhist monk. At the time of his death, Zao Sin Man had been staying in a hut at the opening of a cave in Ka Li village tract, Kun Hing Township. Local villagers often went to the cave to pay respect to Zao Sin Man. As a result, SPDC troops were aware of his presence and began to suspect that he was not a true ascetic but rather a supporter of resistance fighters. On 22 April, local villagers found Zao Sin Man's body with 5-inch nails driven into his skull. (Source: "A Well Respected Ascetic Buddhist Monk Tortured and Killed In Kun-Hing," *SHRF Monthly Report*, SHRF, July 2005).

On 5 May 2005 at about 4:00 am, SPDC soldiers conscripted Pi Aung (male, age 40) from Naai Naeng village, Haai Naeng village tract, Nam-Zarng Township to guide them to Kung Yom. On the way, they discovered a provisional camp that had been abandoned a few days earlier. The troops accused Pi Aung of having connections with Shan fighters and killed him, shooting him in the stomach and the head. After killing Pi Aung, the soldiers continued to shoot their guns and detonate a mortar shell in order to create the illusion of a battle. Later, they claimed that Pi Aung died during a skirmish with Shan fighters. (Source: "Civilian Guide Shot Dead in Nam-Zarng," *SHRF Monthly Report*, SHRF, November 2005).

On 21 June 2005, a patrol of about 45 troops from SPDC LIB 569 based in Kaeng Tawng area in Murng-Nai Township led by Deputy Comdr. Maj. Soe Myint, shot Zaai Saw (male, age 25) a displaced farmer from Saai Khaao village who was building an embankment at Maak Kher Nu village. After being hit, Zaai Saw tried to run but collapsed and fell dead after a short distance. Thereafter, the troops ventured to another farm where they found Su Zit-ta (male, age 35) and Zaai Law Khin (male, age 37) displaced farmers from Saai Khaao, in a hut. The soldiers accused the 2 farmers of cultivating rice and gathering information for Shan resistance fighters. The soldiers tied up, interrogated, beat and tortured the men. The 2 farmers were taken with them as they patrolled villages for 2 days and 2 nights. On 23 June, the soldiers killed Zaai Law Khin and Su Zit-ta by stabbing them in the chest and back. (Source: "Displaced Farmers Shot, Tortured and Stabbed to Death, in Kun-Hing," *SHRF Monthly Report*, SHRF, December 2005).

On 3 July 2005, soldiers from SPDC LIB 246 led by Sgt. Aung Kyaw Moe, shot and killed Waling (male, age 16) who was herding cattle along with another boy, Sai Awng (male, age 12) in Laikam, Kunhing Township. The troops then charged Sai Awng with being a spy and ordered him to bring them meat to eat. Sai Awng fled to his village and reported the incident. The villagers however were too frightened to lodge a complaint with the authorities. (Source: "Junta Troops Shoot A Villager to Death," SHAN, 28 September 2005).

On 17 July 2005, Sai Nee (male, age 24) and Nang Hpid (female, age 28), a Shan couple who had been living in Thailand for 6 years, crossed the border from Thaton, Mae Ai District, Chiang Mai Province, Thailand to Mong Hsat Township in Shan State. The couple encountered troops from SPDC IB 293 based in Murng Luay village, Kaeng-Tung Township who were patrolling in Piangkham, Murng Yawn village tract, Murng Sart Township. A few days later, the body of Sai Nee was found in the Kok River near Banmai Mawkjarm, Thailand which is south of Thaton. Five days later, a company commander from SPDC IB 293 informed villagers in Piangkham that two agents from SSA-S had been caught but had fled. Two soldiers however told villagers that Sai Nee was beaten to death and thrown in the river after taking 50,000 baht from him. Nang Hpid was reportedly tied up, sexually assaulted for five days and killed by the company commander. The couple was originally from Wanlao, Kunhing Township. (Source: "Shan Couple Earns 3 R's," SHAN, 1 September 2005).

On 10 November 2005, 45 soldiers from SPDC LIB 348 led by Lt. Col. Tin Ko Htut, killed 7 cattle drivers between Loihseng and Kiuhsai villages in Man Piang Township. According to local villagers, gun shots were heard around 3:00 pm and the herd of 25 buffaloes and cows were taken to the battalion command post. The 7 victims were:

1. Sai La Mawng, age 42, from Manwiang Long village;
2. Sai Hsang Ai Tawng, age 39, Manwiang Long village;
3. Sai Kyaw Kyaw Naing, age 29, Manwiang Long village;
4. Aung Kya, age 30, Koong Markkham village;
5. Myo Than, age 28, Koong Markkham village;
6. Htun Lin, age 40, Koong Markkham village and
7. Min Zaw, age 31, Nam Poong Poong village. (Source: "Hired Cattle Drivers Shot Through Their Hearts," SHAN, 7 December 2005).

On 10 November 2005, troops from SPDC IB 276 based in Moe Meik shot and killed 6 cattle traders and stole their herd of 25 cattle near Moe Meik. Families of the victims did not seek compensation from the authorities as they were too frightened. The 6 victims were:

1. Aik Maung, male, age 28, from Namkhan Township;
2. Aik Thaung, male, from Manwein village;
3. Kyaw Kyaw, male, age 25, from Moemate;
4. 2 men from Tagaung Township, Mandalay Division. (Source: "Army Kills Six Cattle Traders," *Mizzima*, 23 November 2005).

On 12 December 2005 at 7:30 am, 60 troops from SPDC IB 33 based in Tangyan and led by Maj. Zaw Zaw Naing shot at a group of villagers as they were herding their cattle near Nalooklao and Napang villages in Namlao village tract. Sai Hsa (male, age 30) sustained an injury in his leg and taken to the military base under accusations of being an "armed terrorist." Sai Hsa died after being severely beaten and thrown into the Nampang River. (Source: "Killing In Ceasefire Area," SHAN, 14 December 2005).

## **Tenasserim Division**

On 14 June 2005, soldiers from SPDC LIB 265 captured 23 lumberjacks in 3 boats who were engaged in illegal felling of timber. The boats contained satellite communication equipment along with 30,000 baht, all of which was seized by the troops. Five lumberjacks were able to jump off the boat and flee. The others were tied up and divided into two groups. One group of 8 men was taken to Barline Bay on the eastern side of Lambert Island, lined up and shot. The 8 victims were:

1. Phyo Phyo from Myeit Township;
2. Nga Tet from Rangoon;
3. Soe Win Naing from Bokepyin Township;
4. YeYe from Bokepyin Township;
5. Kyaw Oo from Tavoy (Dawei) Township;
6. Saw Htwe from Mergue(Myeik);
7. Two unidentified men.

The second group was taken to Makyunkalit Island where one lumberjack was permitted to leave as when the local residents vouched for him as a local resident. The remaining lumberjacks were held by 5 drunken soldiers who shot them first in the back and then in their heads at approximately 4:00 pm. The victims were buried in a pit. The 7 victims were:

1. Ko Soe from Tavoy (Dawei);
2. San Win from Tavoy (Dawei);
3. Than Soe from Tavoy (Dawei);
4. Soe Aung from Tavoy (Dawei); and
5. Three unidentified men. (Source: "Cold Blooded Murder of 15 Woodcutters by SPDC Troops," DVB, 18 June 2005).

On 13 July 2005, SPDC LIB 267 intercepted two Thai fishing boats in the Kawthaung territorial waters in Tenasserim Division. The fishing boats contained dynamite used to catch sea-bottom dwelling fish. SPDC officials boarded the fishing boats, beat and interrogated the fishermen. The fishermen were then taken to a military outpost on Jalan Island. One fisherman escaped but 13 others were shot to death. The bodies were piled up and covered with stones and branches. (Source: BBC, 20 July 2005).

## **Mergui-Tavoy**

On 1 January 2005 at 2:00 pm, two companies from SPDC LIB 560 led by Column-1 Comdr. Lt. Col. Win Hlaing, after arriving at Ler Pa Doe village, near Mergui Township, accused Saw Maung Aye of being an agent of KNLA Battalion-11. He fled causing the troops to surround and fire on his father's house. His father, Tee Hla Aye, was killed as a result. The troops then looted 300,000 kyat worth of items from his house. (Source: KIC, 2005).

On 18 January 2005 at 6:00 am, 20 troops from SPDC IB 267 led by Battalion Comdr. Lt. Col. Aye Kyu fired on villagers from Pa Wah Plaw village of Pa Wah area killing Saw Ba Wah (male, age 30) and wounding Naw Aye Thi Da (female, age 18). Lt. Colonel Aye Kyu reported that they opened fire because of the presence of KNU troops in the village. (Source: KIC, 2005).

On 10 June 2005 at 1:45 pm, Maj. Myo Oo of SPDC LIB 358 Column 2 fired on a boat of villagers traveling in the Lay Nyar River in Na Ka Plaw area killing villager Naw May May (female, age 56). The troops looted 200,000 kyat, 8 Pyi of rice and other items from the boat. They also destroyed the boat and took the boat engine. (Source: KIC, 2005).

In July 2005, SPDC military troops attacked a small community of IDPs hiding in Palaw Township, northern Tenasserim Division. As a result 7 civilians, including children were killed. (Source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005).

## 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

In an attempt to maintain its power and suppress all dissent, the SPDC commands an extensive network of regime sanctioned actors to monitor and detain any individual suspected of expressing or holding opinions against the SPDC. Prior to the removal, arrest and replacement of Gen Khin Nyunt from the post of Prime Minister on 19 October 2004, the Office of the Chief Military Intelligence (OCMI), the National Intelligence Bureau (NIB) and Military Intelligence (MI) personnel played a pivotal role in this network. Following the ouster of Gen Khin Nyunt and widespread purge of agencies under his direction, the OCMI, the NIB and the MI disbanded on 22 October 2004 when the 1983 law on the NIB was annulled. Approximately 1,500 intelligence agents were forced to retire, nearly 2,500 were reassigned to infantry units and more than 300 senior MI personnel and those close to Gen Khin Nyunt were imprisoned and charged with economic crimes (source: “Criminal Charges Reportedly Filed Against Loyalists of Former Myanmar Leader,” AP, 16 January 2005). In April 2005, at least 40 senior MI officials were sentenced to prison terms ranging from 20 to over 150 years and on 22 July 2005, Khin Nyunt was handed a 44-year suspended sentence to be served under house arrest (sources: “Secret Myanmar Trials Hand Down Stiff Sentences,” AFP, 8 April 2005; “Former Myanmar PM Gets 44-Year Suspended Sentence,” AFP, 22 July 2005).

The changes in the leadership of the MI and the SPDC’s claim that the NIB is no longer appropriate for the well-being of the people, however, has not translated to an end to military intelligence in Burma. Rather the intelligence operations now function under the Office of the Military Affairs Security (OMAS) under the direction of the Directorate of Defense Services and SPDC Chairman Sr. Gen. Than Shwe (source: “New Spy Machine Starting From Scratch,” SHAN, 17 February 2005). The restructuring has been replete with the “retraining” of new cadre, which includes many former low-level members of the now dismantled intelligence unit. The new intelligence personnel have taken over the role of terrorizing the population with little deviation from the former crew assigned to the task. Throughout 2005, the people of Burma continued to be subject to intimidation, monitoring, interrogation and arbitrary detention for any act or opinion determined to be an expression of political dissent.

The military regime has enacted and enforced strict laws that curtail civil and political freedoms and enable regime sponsored 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 to counter technological developments that allow for organizing or communicating through alternative means. Moreover, the people of Burma have been denied the right to privacy as SPDC officials frequently enter homes without warrants as well as monitor communication and movement.

Throughout 2005, SPDC personnel continued to arrest and detain individuals suspected of expressing political dissent, regardless of the fact that these activities were usually peaceful. Most detainees have been taken without the knowledge of family members. Political detainees have been subject to protracted interrogation sessions that are often accompanied by torture. (For more information see Chapter 4 Torture and Other Cruel, Inhumane and Degrading Treatment). During 2005, torture during pre-trial detention and interrogation was believed to be the cause of several deaths of political detainees, of which there were no independent investigations. While some detainees have been released after a few days or weeks, others have disappeared entirely. Many detainees have been 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. In 2005, some detainees were also held incommunicado after sentencing.

According to the Assistance Association for Political Prisoners (AAPP), a human rights advocacy organization, regime sanctioned personnel arrested and detained at least 144 activists during 2005 (source: AAPP, 2005). Thirty-four of those arrested are members of the NLD and five are Members of Parliament elected in the 1990 general elections, which have never been honored by the military regime (source: "Update on Latest Arrests of Political Prisoners in Burma," NCGUB, 1 January 2006). Moreover, following a series of bomb blasts in central Rangoon on 7 May, it was reported that approximately 600 activists and former political prisoners were detained and interrogated for varying periods of time in an attempt to identify those responsible (source: "Dark Days Amid Relentless Junta Crackdown," BP, 8 June 2005).

Furthermore, individuals who reported or attempted to report human rights abuses were also subject to arrest and detention during 2005, frequently on charges of spreading false information or slandering the authorities. For example, after villager Su Su Nway successfully sued local authorities in Htan Minaing and Mya Sinnai villages, Rangoon Division for perpetrating forced labor, she was countersued by the authorities under charges of "besmearing their reputation." Following an unfair trial, Su Su Nway was sentenced to 18 months in prison on 13 October 2005. In detention, she has been subject to further abuses, including denial of necessary medicines and medical treatment (source: AAPP, 2005). Her arrest is argued to be a tactic to intimidate any future attempts to hold the authorities accountable for violating section 374 of the Penal Code and Order 1/99, which outlaw forced labor practices in Burma. Similarly, on 31 October, lawyer U Aye Myint was sentenced to 7 years in prison under Article 5(e) of the 1950 Emergency Provisions Act for dispersing false information, after representing farmers whose land was confiscated by the authorities and redistributed to SPDC organizations as well as assisting the farmers in contacting the Rangoon based ILO liaison officer, Richard Horsey (source: "Lawyer Jailed for Representing Dispossessed Farmers," *Irrawaddy*, 1 November 2005). Furthermore, on 11 November, nine persons in North Okkalapa Township, Rangoon Division were sentenced to prison terms ranging from eight to 25 years for providing information to the ILO (source: "Nine People Given Lengthy Jail Terms for Contacting ILO in Rangoon," DVB, 7 December 2005).

Arbitrary arrest and detention of civilians in the ethnic minority border areas also persisted in 2005. Villagers have been frequently arrested under accusations of supporting or having contact with armed resistance groups. Villagers arrested under these circumstances frequently endure abusive treatment, including torture. To gain their release, the military authorities often require payment of stiff fines as well as corroboration from fellow villagers or the village headman that the detainee had no connections with armed resistance groups. 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.

Arbitrary arrests, detention and disappearances of persons also persisted throughout 2005. Civilians have been arrested and detained without any valid justification. During 2005, villagers not only were arbitrarily arrested but were also arrested for petty offenses, such as failure to pay inequitable taxes or possession of lottery tickets. In turn, these villagers have been sentenced to disproportionate prison terms. Soldiers and SPDC operatives have also used arrest and threat of arrest to extort money, food or supplies from villagers.

Villagers who are arbitrarily arrested have also been forced 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 the arbitrary arrest of villagers is a method of maintaining a supply of laborers. It is believed that by using prison labor, the SPDC is attempting to deflect criticism for the use of civilian forced labor (source: *Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labor in Toungoo District*, KHRG, September 2004) (For more information see Chapter 1 Forced Labor, Portering, and Military Conscription).

In conjunction with the SPDC’s seven-point roadmap to democracy announced in late 2003, the National Convention (NC) reconvened once in 2004 and twice in 2005 from 17 February to 31 March and from 5 December through to 2006. Despite claims of embarking down a road of democratic transition, those who expressed anti-SPDC views continued to face harassment and arrest. Just ten days prior to the assembly of the NC in February 2004, approximately 30 ethnic Shan leaders and activists were arrested. Ten Shan leaders, including SNLD President and MP-elect U Hkun Htun Oo and Shan State Peace Council (SSPC) Chairman Gen. Hso Ten were sentenced to unreasonably lengthy prison terms in November 2005. The SNLD, like the NLD, boycotted the 2004 and 2005 sessions of the NC. At the same time, members of pro-democracy organizations and parties, such as the CRPP, were threatened with jail terms of up to 20 years under Law 5/96 if they spoke negatively of the NC to the foreign media. Those threatened included Zomi National Congress MP-elect and member of the CRPP, Pu Cin Sian Thang, and CRPP Secretary Aye Tha Aung (source: “What A Gag: 20 Years for Criticizing Burma Junta's Convention,” DVB, 16 December 2005).

To further intimidate political opposition in light of the 2004 and 2005 NC proceedings, the SPDC also arbitrarily extended the sentences of several prominent politicians, including Daw Aung San Suu Kyi, NLD Vice-Chairman U Tin Oo and several elected MPs. Both Daw Aung Suu Kyi and U Tin Oo have been held under Article 10(a) of the 1975 State Protection Act. On 13 February 2005, U Tin Oo’s period of house arrest was extended for an additional year while Daw Aung San Suu Kyi’s was extended for an additional six months on 27 November 2005. (Sources: “U Tin Oo Given One Year Extended Detention by Burma's SPDC,” DVB, 15 February 2005; NCGUB, 2006).

Ignoring the calls of both domestic and international actors for the release of all political prisoners as a pre-requisite for any genuine political transition, the NC proceeded while over 1,100 political prisoners remained incarcerated in Burma's prisons. In his report to the sixtieth session of the UN General Assembly, the UN Special Rapporteur for Human Rights in Burma Paulo Sergio Pinheiro stated: "The immediate release of all 1,100 political prisoners would send a powerful signal to the people of Myanmar and the international community that the Government is seriously committed to a genuine process of reconciliation and to constituting a participatory democracy in Myanmar." (Source: "Situation of Human Rights in Myanmar," Sixtieth Session of the UN General Assembly, Item 73 (c) of the provisional agenda, 12 August 2005).

Following the removal of Prime Minister Khin Nyunt, the regime released a total of 19,906 prisoners during four mass releases in November and December 2004 as well as in January 2005. According to SPDC statements, those who were released had been imprisoned due to the "improper deeds" of the former NIB. Of those released, only 86 were reported to be political prisoners. On 6 July 2005, an additional 254 political prisoners were released in what was believed to be an attempt to divert international criticism of the military regime leading up to an ASEAN Ministerial meeting in Vientiane, Laos. In mid-December, rumors persisted of an impending release of political prisoners following an ASEAN statement calling for the realization of the SPDC's proposed democratic reforms as well as the release of all political prisoners. The rumors were also the result of ASEAN Chairman and Malaysian Foreign Minister Syed Hamid Albar's plan to visit Burma in early 2006 to press for both the release of Daw Aung San Suu Kyi as well as a concrete timeline for democratization. (Sources: "Rumors Spread of Political Prisoner Releases," Mizzima, 14 December 2005; "ASEAN Delegation to Visit Burma in January," *Irrawaddy*, 13 December 2004). However, by the end of 2005, the rumors had yet to materialize. According to the AAPP, the SPDC released a total of 361 political prisoners during the year (source: AAPP, 2005).

At the end of 2005, 1,131 political prisoners remained incarcerated. This number includes 13 MP-elect, 173 members of the NLD and 76 monks arrested for political reasons. The AAPP reports that at least two prisoners completed their sentences yet remained in detention under Article 10(a) of the 1975 State Protection Act. Moreover, approximately 58 political prisoners continued to suffer from poor health caused or exacerbated by unsanitary living conditions, torture and inhuman treatment, diet deficiencies, and limited access to inadequate medical care. Furthermore, by the end of 2005 the number of political prisoners who passed away either in custody or shortly after release, from the time of the 1988 pro-democracy uprisings to the present, stood at nearly 125 persons. (Source: AAPP, 2005).



## 3.2 Bomb Blasts in Rangoon

On 7 May 2005, bombs were detonated at the Dagon Center, Junction-8 Center and the Yangon Convention Center-3 in central Rangoon. According to SPDC reports, approximately 19 people were killed while 162 were injured. Other sources however reported the number of deaths to be significantly higher. The SPDC accused the KNU, the KNPP, the SSA-S, the NCGUB or individuals trained by “an internationally known organization of a superpower country” of being behind the bombings (source: “Myanmar Junta Blames Bomb Attacks on Foreign-Trained Terrorists,” AP, 15 May 2005). Others blamed former MI personnel or a new group of radical anti-regime activists. Further observers contended that the SPDC itself was responsible for orchestrating the attacks as a method of justifying action against opposition groups, prolonging political transition and securing an excuse for declining the chairmanship of ASEAN. (Sources: “Who Could Be Behind Rangoon Bomb Attacks,” *Irrawaddy*, 13 May 2005; *Waiting to Explode*, Altsean, 1 June 2005). (For more information see Chapter 12 Freedom of Assembly, Association and Movement).

Following the bomb blasts, security measures were heightened and the military authorities proceeded to detain and interrogate political activists and other civilians in an attempt to identify those responsible. According to one report, over 600 political activists were detained by August 2005 in connection with the Rangoon bombing (source: “Dark Days Amid Relentless Junta Crackdown,” BP, 8 June 2005). Former members of the ABSDF, former political prisoners and members of political parties including NLD members were detained and interrogated (sources: “Burmese Authorities Arresting Former Student Fighters,” DVB, 17 May 2005; “Former Burmese Political Prisoner Ko Ko Naing Released on Bail,” DVB, 4 June 2005). Relatives of political activists were also subject to the same fate. For example, the mother, brother and sister of Aung Din, co-founder of the Washington D.C.-based U.S. Campaign for Burma, were detained in an unidentified location for several days (source: “Dissidents and Activists Suffer After Bomb Blasts,” *Irrawaddy*, 2 June 2005).

Civilians in ethnic minority areas were also subject to arbitrary detention in the crackdown following the Rangoon bombings. In early June, it was reported that the military authorities detained at least 500 Muslims, the majority of whom were from Arakan State (source: “Dark Days amid Relentless Junta Crackdown,” *Bangkok Post*, 8 June 2005). Moreover, on 7 July 2005, troops from SPDC IB 93 encircled, forcibly entered and arrested nearly 100 ethnic Karen villagers in Tagu Seik village, Einme Township, Irrawaddy Division (source: “List of Detained Karen Villagers from Tagu Seik, Einme,” DVB, 18 August 2005). Initially, the reason for the arrests was thought to be suspicion of supporting the KNU by storing weapons. Later, however, it was reported that those arrested were suspected of being involved with the 7 May bombings. While those detained included two NLD members, Saw Myo Chit and Saw Poe Dye, NLD spokesman Myint Thein indicated that the arrests were focused on the villagers’ KNU connections as opposed to NLD connections. Villagers and visitors in neighboring villages were also subject to questioning. (Source: “NLD Members among 17 Arrested for Rangoon Bombings,” *Irrawaddy*, 18 August 2005).

Seventeen of those arrested from Tagu Seik village were transferred and detained in a special military interrogation center where they were subject to questioning and torture. Sixteen of the 17 arrested and detained included:

1. Saw Myo Chit, male, Einme Township NLD organizing member;
2. Saw Pho Dine, male, chairman of Tagu Seik village NLD;
3. Saw Soe Lwin, male, chairman of Tagu Seik village;

4. Naw Sa Phaw, female;
5. Saw Talan Aing, male, Tagu Seik village authority;
6. Saw Soe Naing, male, Einme resident;
7. Saw Ngoyi, male, Tagu Seik villager;
8. Naw Kapaw Htoo, female, Tagu Seik villager;
9. Naw Rebecca, female;
10. Saw Tapleh, male;
11. Saw Yawya, male, Tagu Seik villager;
12. Saw Taletset, male, Tagu Seik villager;
13. Saw Toe Toe, male, Tagu Seik villager;
14. Saw Wai, male, Tagu Seik villager;
15. Saw Ko Ko Naing, male, health official from Athoke; and
16. Unknown doctor from Athoke (source: "List of Detained Karen Villagers from Tagu Seik, Einme," DVB, 18 August 2005).

On 15 August, 16 of the 17 detained were released after the authorities were unable to find evidence to implicate them in the 7 May bombings. Yet, one of the 17, Saw Stanford, a Karen schoolteacher, was killed as a result of electric shocks used during the interrogation sessions. (Source: "Rangoon Bombing Suspects Released," *Irrawaddy*, 26 August 2005). (For more information see Section 3.7 Death in Custody).

### 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."* - Article 11, Universal Declaration of Human Rights

*"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. Yet, the vague provisions of the law have allowed for the sentencing of numerous political prisoners who have spoken out against the authorities. 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 of stability of the union." The definition of disruptive behavior 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 2005, the SPDC continued to rule by decree without respect for any constitutional provisions for fair trials, due process or any other rights. While the law provides for the burden of proof to fall upon the prosecutors, in practice this is not the case. In addition, authorities often publicize the names of persons detained on the suspicion of engaging in opposition activities prior to trial and sentencing, thereby unfairly naming them as guilty parties prior to trial or sentencing (source: *Travesties of Justice- Continued Misuse of the Legal System*, AI, December 2005). Political prisoners are frequently forced to sign false confessions or provide testimony towards their guilt during pre-trial detention or interrogation periods. These confessions 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 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 during the trial proceedings. Because political cases rarely receive copies of the court's judgment or trial transcript, they are unable to exercise their right to appeal the court's decision under Article 408, 409 and 410 of Chapter XXXI of the Criminal Procedure Code. Under Article 419 of the Criminal Procedure Code an appeal requires the submission of a petition for appeal along with a copy of the court's judgment. (Source: *Myanmar: Justice On Trial*, AI, 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 SPDC. Therefore, judges are rendered powerless to protect the rights of the oppressed, particularly in political cases where sentences are often dictated 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*, AI, 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).

### 3.4 Life of Prisoners

Of the 39 prisons in Burma, 20 detain political prisoners. In detention, both criminal and political prisoners endure harsh environments that violate their human dignity and threaten their physical well-being. Conditions of detention 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. The detention facilities also fail to meet the standards set out under the domestic laws of Burma, such as those enshrined in the Union of Myanmar Prison Manual. 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 and well-being of prisoners. Three to four prisoners are often kept in small cells measuring 8 by 12 ft. (2.6 by 3 m.) for more than 20 hours per day. To intimidate and thwart any organizing efforts, political prisoners have been detained in the same cells as criminal prisoners. Prisoners typically must eat, sleep and defecate inside the cell, making conditions extremely unsanitary. Prisoners are provided with one mat for sleeping but do not always receive a mosquito net, rendering them vulnerable to disease carrying insects. Prison cells are often infested with insects and animals that carry disease-causing bacteria. Prisoners have reported the presence of a variety of creatures such as flies, lice, leeches, maggots, mice, rats, scorpions, snakes, spiders and worms. Prisoners are usually provided with one to two prison uniforms per year, which they are permitted to wash only once each week. The thin cotton uniforms deteriorate rapidly as prisoners are often forced to use pieces of their uniforms to compensate for the lack of supplies. 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 boiled beef, egg, fish or pork once a week. Former prisoners have reported that the food had little to no nutritional value and is often rotten or filled with rubbish and stones. (Sources: AAPP, 2004; *The Darkness We See: Torture in Burma's Interrogation Centers and Prisons*, AAPP, December 2005).

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 treatment unless a medical condition has reached a critical stage. Many prisons do not have a sufficient number of trained medical personnel on staff. 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. 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 addition, injections administered by prison authorities are done so with unsterilized needles. (Sources: *Myanmar: Justice on Trial*, AI, 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; *The Darkness We See: Torture in Burma's Interrogation Centers and Prisons*, AAPP, December 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 legal provisions for access to reading materials, political prisoners have frequently been denied this right. In 1999, restrictions were eased and prisoners were permitted to read religious books and some periodicals. However, authorities have continued to withhold books and other reading materials 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. To obtain information from the outside world, some political prisoners have reported reading bits of newspaper salvaged from smoked cheroot (Burmese cigars) filters found in the rubbish. (Source: AAPP, 2004).

Political prisoners are also denied their right to write 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 been punished severely with beatings, solitary confinement and other methods. Most prisoners rely on delegates of the International Committee of the Red Cross (ICRC), an international humanitarian assistance organization, to carry and deliver letters to and from their families. (Source: AAPP, 2001).

Prisoners are generally prohibited from receiving visitors until they have been sentenced. Because many political prisoners are detained for extended periods of time without trial, political prisoners are often isolated from their families. Once sentenced, family visits are permitted every 2 weeks for most political prisoners and limited to 15 minutes. These visits usually do not transpire without monitoring. Prisoners have reported being instructed to focus their conversations on family issues and not to speak about prison conditions or political matters. However, 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 the residence of their families. In turn, visits become extremely costly, time consuming and difficult for a prisoner's family. Deliberately detaining prisoners in locations far from his or her place of origin contravenes 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 from family members is severely compromised. (Source: *Myanmar: Justice on Trial*, AI, 30 July 2003; *The Darkness We See: Torture in Burma's Interrogation Centers and Prisons*, AAPP, December 2005).

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

Since 1999, the ICRC has conducted monitoring visits to the prisons and labor camps of Burma with advanced notification provided to the SPDC. The ICRC also delivers medicine and letters to political prisoners and their families. The ICRC contends that their monitoring has helped improve prison conditions, specifically in terms of food quality, ability to leave cells and some aspects of sanitation. However, overall prison conditions remained deplorable throughout 2005. In addition, former political prisoners have indicated that the advanced notice required by the regime allows prison authorities time to temporarily improve conditions prior to ICRC visits. Moreover, contradicting the ICRC's standard procedure of operating independently, the USDA persisted in attempting to escort an ICRC visit to Tharawaddy Prison on 12 December 2005. The ICRC subsequently cancelled the visit, complained to the authorities and expressed positive feelings towards rectifying the "misunderstanding" (source: "Relief Agency Wants to Go Alone," *Irrawaddy*, 21 December 2005).

### **Women in Prison**

According to the AAPP, 53 female political prisoners continued to languish in the prisons of Burma as of the end of 2005 (source: AAPP, 2005). Like male prisoners, women prisoners are not spared from torture, beatings, inadequate food and lack of medical care. Unlike their male counterparts, women prisoners 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. (Source: *Women Political Prisoners in Burma*, BWU and AAPP, September 2004).

Women also face hardships particular to their sex. Prison authorities do not provide any sanitary provisions for women during menstruation. Women must rely on either their families or other prisoners to obtain necessary items. Some former political prisoners reported not having extra clothing items such as underwear or sarongs to wear while washing soiled ones during their menstruation. (Source: *Women Political Prisoners in Burma*, BWU and AAPP, September 2004).

Pregnant women who are arrested and imprisoned also suffer from the lack of prenatal 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 experience at all. Lack of skilled physicians or birthing assistants often results in adverse health effects for both mother and child. Moreover, mothers must care for their babies within the same unsanitary and restrictive prison confines. Therefore, children and mothers alike suffer, leading to sickness and in some cases, death. (Source: *Women Political Prisoners in Burma*, BWU and AAPP, September 2004). (For more information see Chapter 6 Rights of the Child).

## **Monks in Prison**

The majority of the population of Burma is Buddhist. Thus, the monkhood has played an integral and respected role in education and village life throughout the history of the country. Because monks are in daily contact with the people through religious ceremonies and ritual, they have frequently played a supportive role in Burma's civil society. They have also been involved in the various political movements that have transpired in Burma since the time of British colonization. Of particular significance, monks across the country have engaged in a boycott against the regime since 1990. Through the boycott, monks refused to accept the donations of members of the military and their families. (For more information see Chapter 10 The Freedom of Belief and Religion).

Threatened by the prominence of the monkhood in the lives of the people of Burma and its potential influence over political affairs in the country, the regime enacted several laws aimed to dictate proper conduct, association and activities of monks in 1990. On 20 October 1990, the junta enacted Order 6/90 prohibiting all Sangha (Buddhist clergy) organizations aside from the nine sects approved by Gen. Ne Win in 1980. On 21 October 1990, the regime 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 charged with participating in boycotts and demonstrations could be disrobed and punished with sentences ranging from a minimum of 3 years imprisonment up to the death penalty. The regime also enacted Order 20/90 on 31 October 1990, also known as the Sangha Organization Law, which delineates a code of conduct for Buddhist monks. Monks and novices found in violation of the law may be subject to criminal penalties. Monks have also been sentenced under security legislation such as Article 5(j) of the 1950 Emergency Provisions Act, charged with threatening the stability of the State. (Source: *Burma: A Land Where Buddhist Monks Are Disrobed and Detained in Dungeons*, AAPP, November 2004).

At the end of 2005, the AAPP reported that 76 monks remained in prison in Burma due to politically motivated arrests. Once under the custody of the authorities, monks are disrobed and forced to wear regular prisoner uniforms. Monks who have refused to disrobe have been severely beaten by prison authorities. Some monks have been placed under extreme duress and ordered to renounce their vows, essentially defrocking them of their monkhood. However, many monks refuse to comply with these orders. As prisoners, monks are subject to the same abusive conditions and inhuman treatment as criminal prisoners and are not given the respect generally accorded to monks. Prison personnel have reportedly slapped monks' shaved heads and called them "*ka-done*," which means "baldy." In addition, monks who have been imprisoned under the Criminal Code are often sent to serve time in labor camps or as porters for the military. Many monks have died in prison labor camps due to the strenuous work, poor quality food, extreme conditions and inadequate medical care. Only monks sentenced under Article 5(j) of the Emergency Provisions Act are exempted from the labor camps. (Sources: AAPP, 2006; *Burma: A Land Where Buddhist Monks Are Disrobed and Detained in Dungeons*, AAPP, November 2004).

Although less common, Buddhist nuns are also subject to arrest and abuse by the SPDC. On 13 July 2005, the reorganized military intelligence arrested Buddhist nun Daw Thitsar Wadi under the accusation of having contact with illegal organizations in foreign countries. Specifically, Daw Thitsar Wadi was accused of having contact with exiled pro-democracy activists. At the time of her arrest, Daw Thitsar Wadi was staying in the International

Theravada Missionary University in Maran Gon Township, Rangoon Division, yet she usually resides in Sri Lanka. (Source: "Buddhist Nun Arrested in Rangoon," *Narinjara News*, 14 July 2005).

## 3.5 Reports from Burma's Prisons

### Insein Prison

On 28 April 2005, at least 9 political prisoners commenced a hunger strike in protest of being held in the same area as criminal prisoners who were harassing and terrorizing the political prisoners. Amnesty International reported the following 22 political prisoners were subject to punishment for involvement in the strike:

1. Aye Lwin ;
2. Han Win Aung;
3. Kyaw Kyaw
4. Kyaw Moe;
5. Kyaw Naing;
6. Lwin Ko Latt;
7. Myo Khin;
8. Myo Win;
9. Hla Moe;
10. Htun Yin;
11. U Naing Naing (NLD MP-elect);
12. Myint Htay;
13. Nanda Sit Aung;
14. Nan Shin Mon (student);
15. Ohn Than;
16. U Rajadamma (monk);
17. Zaw Min Oo;
18. Myint Ye;
19. Ne Kyaw;
20. Myint Naing
21. Soe Han (lawyer), and
22. an unidentified monk. (source: *Myanmar's Political Prisoners: A Growing Legacy of Injustice*, AI, 16 June 2005).

On 1 May 2005, Ko Han Win and Ko Lwin Ko Latt stopped drinking water as well. As a result, they were severely beaten and detained in the "dog cells," which are used for training dogs for the military. The AAPP reported that Ko Han Win and Ko Lwin Ko Latt were both very weak and unable to walk. On 3 May, Myo Khin and Myo Thet were transferred to Prome Prison, some distance from their families as a punishment for the strike. Similarly, Nandar Sit Aung and Ne Kyaw were sent to Pa-an Prison while Soe Han and Myint Naing were relocated to Moulmein Prison. On 5 May, Win Hlaing Nyo was transferred to Mandalay Prison. It was reported that prior to being relocated, the prisoners were tortured. Meanwhile, the authorities tightened restrictions. On 6 May, it was reported that the authorities prohibited family visits for the striking political prisoners. The strikers were also denied their daily 15 minute period outside of their cells. By 16 May, the strike was reported to have ceased following sustained threats from the authorities and division of the strikers. When one wife



visited her husband, a political prisoner, he reportedly told her that “the authorities told prisoners to stop the strike or their cremated ashes will be delivered to their homes.” (Sources: “Health Situation of Political Prisoners in a Hunger Strike,” AAPP, 6 May 2005; “Burmese Prisoners Transferred for Staging Hunger Strike,” DVB, 12 May 2005; “Hunger Strike in Rangoon Insein Jail Ends,” DVB, 16 May 2005).

In August and September 2005, members of the Scorpion Gang were responsible for several brutal beatings of political prisoners in Insein Prison. The Scorpion Gang is comprised of wealthy criminals and children of elite SPDC ministers, including the grandson of the former dictator Ne Win. The gang members often terrorize political prisoners with impunity and bribe the prison authorities for special privileges. On 24 August 2005, members of the Scorpion Gang, including Pyone Maung Maung (aka Pyone Cho), Htet Naing Min, Nwar Gyi and Myat Min, beat and stepped on the neck of political prisoner Tun Tun. As a result, Tun Tun was seriously injured and admitted to the Insein Prison hospital. The authorities denied Tun Tun’s request to receive medical care at a public hospital. While members of the Scorpion Gang have frequently clashed with convict prisoners, this was the first reported incident involving a political prisoner since the relocation of political prisoners into wards with criminal prisoners. (Source: “Political Prisoner Harshly Beaten by Gang Members in Insein Prison,” AAPP, 19 September 2005).

Again, on 30 September 2005, members of the Scorpion Gang attacked political prisoner U Aung Pe and destroyed his personal belongings. U Aung Pe is a private tuition teacher who was arrested following Union Day on 12 February 2005, which commemorates the signing of the Panglong agreement establishing a federal union in Burma. In honor of the holiday, U Aung Pe saluted the Independence Monument and taught his students about Gen. Aung San. On 25 August 2005, he was sentenced to 3 years imprisonment under section 23 of the Private Tuition Law. It was reported that the prison authorities did not take any action regarding the incident with the Scorpion Gang. (Source: “Gang Members in Insein Prison Continuously Attack Political Prisoners,” AAPP, 5 October 2005).

## **Mandalay Prison**

Starting in January 2005, Mandalay Prison authorities punished political prisoner U Shwe Maung, a goldsmith who was imprisoned for making a replica of peasant’s hat, which is also a symbol the NLD. U Shwe Maung was punished for “complaining about the quality of food, requesting that his scheduled release transpire, and refusing to perform pounzan (a squatting position where prisoners must to put their clenched hands on their knees) when instructed to do so by prison authorities.” From January to at least April, he was detained in a cell with no light. In addition, he was subject to shackling, beating, and refusal of family visits. In April 2005, a relative interviewed by the DVB reported that “He was dragged out of his cell and stripped off. His head was covered with a black hood and they beat him up severely. That group beat him up quite severely. His chest was also slammed with knees. And, prison officials also kicked him with shoes. At the moment, he is being manacled systematically.” (Source: *Myanmar’s Political Prisoners: A Growing Legacy of Injustice*, AI, June 2005).

On 8 March 2005, political prisoners Ko Myo Min Zaw, Maung Maung Myat and Ko Kyaw Nyunt in Mandalay Prison, complained to the jail wardens about the quality of the bean curry or dahl, which is one of their regular meals. In response, the jail authorities did nothing about the dahl but sent the 3 political prisoners to solitary confinement and prohibited family visits

as punishment for complaining about the food. (Source: “Burmese Prisoners Sent to Isolation Cells for Complaining,” DVB, 5 April 2005).

On 26 March 2005, prison authorities sent political prisoners Ko Bo Bo and Ko Ye Htun Kyaw to solitary confinement as punishment for not assuming the correct ponzan position. The prison authorities also prohibited family visits for the 2 political prisoners and denied their families entrance to the prison on 30 March. (Source: “Five Political Prisoners Have Been Sent to Solitary Confinement and Refused Family Visits in Mandalay Prison,” AAPP, 5 April 2005).

### **Tharawaddy Prison**

In late September 2005, an outbreak of diarrhea among prisoners in Tharawaddy prison was reported. Unclean drinking water as well as meals of rotten beans and rice were identified as the cause of the outbreak. Poor sanitation was also believed to have contributed to the spread of the diarrhea. Yet, following an inspection of the prison, the Superintendent of Tharawaddy, U Myint Shwe, deemed that the diarrhea was caused by the meat provided to the prisoners and not the beans or water. Thereafter, U Myint Shwe banned families of prisoners from providing fried fish paste, fried beef and fish. Without food supplements provided by families, prisoners lost access to good quality and nutritious food. Concurrently, the prison authorities reportedly took little action to treat the diarrhea outbreak. Although specialist doctors from Tharawaddy General Hospital were brought to the prison, medicine and resources for treatment remained inadequate. As of 27 September 2005, 7 prisoners had died and approximately 80 were in the prison hospital due to the diarrhea outbreak. The political prisoners in Tharawaddy were not affected. (Source: “Outbreak of Diarrhea at Tharawaddy Prison,” AAPP, 27 September 2005).

## **3.6 Political Prisoners in Poor Health**

As of the end of 2005, at least 58 political prisoners in Burma were suffering from poor health in prison (source: AAPP, 2006). While some political prisoners developed health concerns while serving their prison sentences, others entered prison already suffering from certain ailments. Medical care is inadequate, if provided at all. Lack of proper medicines, misdiagnosis, unskilled or scarce medical personnel and facilities all lend to the decline of prisoners' health conditions. While prisoners are sometimes able to receive proper medication from relatives or sources outside of the prison, the authorities often arbitrarily prohibit prisoners from receiving them. Poor health conditions are further aggravated and recovery prolonged by unsanitary and overcrowded living conditions, lack of nutritious food as well as torture and other cruel and inhuman treatment. Common health conditions among political prisoners include amoebic hepatitis, anemia, depression, diabetes, diarrhea, dysentery, gastric ulcers, heart attack, HIV/AIDS, hypertension, impairment of vision, malaria, piles, skin infections, stroke, severe psychological problems and tuberculosis. Concerned about the rapidly failing health of political prisoners, the AAPP issued an appeal for the release of all ill political prisoners in mid-February 2005. (Sources: AAPP, 2005; “AAPP Urges Burma Junta to Release Ill Prisoners,” DVB, 14 February 2005).

## **Prisoners Suffering from Health Problems - Partial List for 2005**

### **Aung Kyaw Oo**

Aung Kyaw Oo, a political prisoner in Tharawaddy Prison, was arrested in December 1991 and sentenced to 12 years imprisonment for suspected contact with the ABSDF. When the regime 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. As of the end of 2005, it was reported that Aung Kyaw Oo was still suffering from multiple health complications including liver and kidney diseases. (Sources: AAPP, 28 August 2004; *Travesties of Justice-Continued Misuse of the Legal System*, AI, 12 December 2005).

### **Aung Loo and Nai Yekkha**

Aung Loo and Nai Yekkha, both members of the NMSP, were arrested in July 2003 along with 5 other persons including First Eleven editor Zaw Thet Htway and lawyer Aye Myint. Initially, they were all handed death sentences accused of, among several other charges, treason. After much international outcry and pressure, the sentences were reduced to life imprisonment in May 2004. In 2005, both Aung Loo and Nai Yekkha remained incarcerated in Insein Prison.

In 2005, both men were suffering from severe health problems. In September, it was reported that Aung Loo was administered emergency treatment in the prison clinic and was diagnosed with HIV. Nai Yekkha was enduring an acute stomachache and low blood pressure, compounded by the insufficient nutrition of the prison diet. His ailments rendered him weak and subject to frequent collapses. (Sources: "Health Conditions of Two Mon Prisoners in Rangoon," DVB, 14 September 2005; "Mon Political Prisoner at Risk of Low Blood Pressure," *Kaowao News*, 6 September 2005).

### **Khin Khin Lei**

Khin Khin Lei, a teacher, was arrested on 3 December 1999 along with her 3-year-old daughter, Thaint Wunna Khin. She is married to Kyaw Wanna, a noted political activist and member of the ABFSU. When the authorities were unable to locate and arrest Kyaw Wanna for his role in planning a peaceful demonstration, they arrested his wife and daughter instead. 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. (Source: AAPP, 2005).

At the end of 2005, Khin Khin Lei was serving her sentence in Insein Prison while suffering from dysentery, a lung disease and rheumatoid arthritis (source: *Travesties of Justice – Continued Misuse of the Legal System*, AI, 12 December 2005).

### **Khin Maung Lwin**

Khin Maung Lwin was arrested in 1998 after he allegedly wrote a letter to the regime's advisory committee on religious affairs in which he called for the committee to put an end to poverty in the country (source: *Travesties of Justice- Continued Misuse of the Legal System*, AI, 12 December 2005). He received a 21 year sentence on political charges. In 2005, he was serving his sentence in Puta-o Prison in Kachin State. As his family lives in Rangoon, they were unable to regularly visit him. (Source: "Conditions of Prisoners at Burma Remote Areas Not Good," DVB, 13 May 2005).

In May 2005, it was reported that Khin Maung Lwin was suffering from bloody stools. He was also reportedly suffering from heart disease, hypertension and malaria. (Sources: AAPP, 2005; "Conditions of Prisoners at Burma Remote Areas Not Good," DVB, 13 May 2005).

### **Ko Oo**

Ko Oo, secretary of the Thayet Township NLD and chief organizing committee member of the Magwe Division NLD, was arrested in 2000 and sentenced to 9 years imprisonment on charges of employing his children. In 2005, he was serving his sentence in Thayet Prison.

In September 2005, it was reported that the state of Ko Oo's health was in considerable decline and he was suffering from both arthritis and a gastric related ailment. Although he was receiving treatment at the clinic in Thayet Prison, he had become thin and weak. He was no longer able to digest solid food and was limited to a liquid diet. According to his son who visited him on 8 September, Ko Oo's body weight had reduced by approximately one third. (Source: "Burmese Prisoner Ko Oo's Condition Deteriorates," DVB, 8 September 2005).

### **Ko Thet Naung Soe**

Ko Thet Naung Soe was arrested in August 2002 after conducting a one-man protest in front of the Rangoon City Hall. He was sentenced to 14 years in prison under Articles 5(j) and 5(e) of the 1950 Emergency Provisions Act. In 2005, he was serving his sentence in Insein Prison.

In early 2005, it was reported that he was suffering from scabies and psychological distress. Ko Thet Naung Soe reportedly was unable to identify himself or recognize his cell mates and relatives. (Source: "Burmese Political Prisoners' Health Conditions," DVB, 19 January 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 in Tarmwe Township, Rangoon Division. 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 after he published ABFSU pamphlets and organized student demonstrations to commemorate the 32nd anniversary of the 7 July Affair, when 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 October 1998, he was arrested and sentenced to 52 years imprisonment, which was later increased to 60 years. Initially, he was detained in Kale Prison, Sagaing Division, but later transferred to Mandalay Prison. (Source: AAPP, February 2005).

In May 2005, it was reported that Thet Win Aung was unable to walk without the assistance of a walking device and was extremely weak. In October, it was reported that he was confined to a wheelchair (source: "Burmese Prisoner Thet Win Aung's Condition Has Not Improved," DVB, 14 October 2005). At the end of 2005, he was also suffering from both mental illness as well as malaria (source: AAPP, 2005).

### **Ko Nyan Win**

Ko Nyan Win was first arrested in 1989 and sentenced to 20 years imprisonment under Article 122/1 of the High Treason Act for participating in the writing and publishing of a book entitled, "History of Student Movements in Burma." In addition, he was accused of having contact with opposition groups along the Thai-Burma border. His sentence was reduced to 10 years as a result of the 1993 amnesty. He was released in 1997. In 1998, he was arrested and sentenced again. He has been serving his sentence at Tharawaddy prison.

In March 2005, it was reported that he was suffering from serious health problems including a kidney disease as well as a swelling of the intestines and urinary organs. As a result of his health condition, he was unable to eat prison food. Moreover, he was forced to cover the costs of his medicine and medical treatment. (Source: AAPP, 22 March 2005).

### **Soe Han**

Rangoon Division NLD Chairman Soe Han was arrested in conjunction with an NLD statement that called for the regime to relax restrictions on the party. He was sentenced to 21 years in prison in 2000 under Article 5(j) of the 1950 Emergency Provisions Act as well as Article 17/20 of the 1927 Printers and Publishers Act. He has been serving his sentence in Moulmein Prison. (Source: *Travesties of Justice- Continued Misuse of the Legal System*, AI, 12 December 2005)

In 2005, Soe Han was suffering from an extreme form of an eye disease. In September 2005, he requested permission to receive medical attention and a necessary operation outside of the prison. While the authorities agreed to the surgery, they required that Soe Han remain shackled while undergoing treatment. As Soe Han did not want to endure the embarrassment of remaining shackled, he chose to forego the treatment. As a result, his condition grew worse. (Source: "Burmese Prisoner Soe Han's Health Deteriorates," DVB, 10 October 2005).

### **Than Maung**

Than Maung, age 59, was arrested in 2001 for directing an anti-Muslim riot in Toungoo, Pegu Division. He was sentenced to 14 years imprisonment. Although he was initially detained in Toungoo Prison, he was relocated to Myaungmya Prison in 2004.

In 2005, he was suffering from diabetes, kidney disease and tuberculosis. He was sent to the local hospital in April 2005 when his condition worsened and he was unable to drink, eat or walk. His condition remained serious although he was receiving medical attention at the

hospital. (Source: “Burmese Prisoner Given Medical Treatment Too Late,” DVB, 26 May 2005).

### **Ye Kyaw Zwa**

Ye Kyaw Zwa was first arrested in 1990 when he was a high school student. He was sentenced to 3 years imprisonment and released in 1992. Again in 1996, he was arrested for his connections with the student movement in Rangoon and sentenced to 19 years in prison. Since 23 April 2005, he has been serving his sentence at Myingyan Prison in Magwe Division, which is approximately 396 miles from Rangoon.

Since 2004, he has been suffering from serious depression. Although the Myingyan prison contains a small clinic, there are no psychiatric specialists on staff. Meanwhile, the authorities have ignored repeated requests by his family to have Ye Kyaw Zwa transferred to Insein Prison, which is closer to their residence. As a result of the lack of medical attention and his isolation from family, Ye Kyaw Zwa’s mental health situation has continued to deteriorate. (Source: AAPP, 23 April 2005).

### **Zaw Lin Tun**

Zaw Lin Tun, a Dagon University Student, was arrested along with 6 other students after “distributing anti-military junta leaflets” in 2003. In February 2004, he was sentenced to 20 years imprisonment and was serving his sentence in Insein Prison.

In early April 2005, it was reported that Zaw Lin Tun was suffering from gastric ailments coupled with heart disease. Furthermore, his family was unable to visit him in prison and he was reportedly suffering from depression. (Source: “Prisoners in Rangoon Insein Jail in a Bad Shape,” DVB, 7 April 2005).

## **Members of Parliament Suffering from Poor Health in Detention**

### **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 MP for Mayangone constituency (2), Rangoon Division. On 28 October 1997, she and other NLD leaders including Daw Aung San Suu Kyi met to create a local NLD youth wing in Mayangone Township, however, 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 7 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 Provisions Act. At the time of her arrest, she was also in-charge of the NLD Central Women’s Wing. Despite having completed her sentence, she has remained in detention under Article 10(a) of the 1975 Emergency Protection Act. On 2 February 2005, the authorities extended her sentence for an additional year. She has been serving her sentence in Insein Prison. (Sources: AAPP, 2005; “Jail Terms of NLD Representative Extended,” DVB, 9 February 2005).

At the end of 2005, Dr. May Win Myint was suffering from a heart disease, high blood pressure, a gastric ulcer, rheumatic arthritis and a stiff shoulder (sources: AAPP, 2005; *Travesties of Justice – Continued Misuse of the Legal System*, AI, 12 December 2005).

### **Dr. Than Nyein**

Dr. Than Nyein served as the vice-chairman of the NLD Rangoon Division Organizing Committee and participated in the 1988 uprising. He was first arrested and detained for failing to pay the registration fees for a private clinic he ran in Thakayta Township, Rangoon Division. He was charged under Article 9(1c) of the 1972 People's Health Affairs. 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 MP for the Kyauktan constituency. On 28 October 1997, Dr. Than Nyein was arrested again following an attempt by the NLD to create an NLD youth group in Mayangone Township, Rangoon Division. The military authorities blocked the NLD members and leaders, including Daw Aung San Suu Kyi, from holding the meeting. Many NLD members were forced into waiting vehicles and deposited near townships outside Rangoon. At midnight of the same day, the military authorities arrested Dr. Than Nyein along with 7 other members. All detainees were given 7 years imprisonment under Article 5(j) of the 1950 Emergency Provision Act on 10 December 1997. In July 2004, he completed his sentence however the military authorities extended his detention by 60 days under Article 10(a) of the 1975 State Protection Act. His sentence was again extended another 60 days on 19 September 2004. On 18 January 2005, Dr. Than Nyein completed the third 2-month extension since his official sentence had been completed. Instead of being released, his sentence was extended for an additional year. (Sources: AAPP, 29 September 2004; "Jailed MP Moved to Rangoon Hospital," *Irrawaddy*, 28 September 2004; "Burma Extends Jail Term of Ailing Democracy Party Representative," DVB, 23 January 2005).

Dr Than Nyein has been suffering from ankylosing spondylitis, liver disease, nerve damage and gastric ulcers. Following the second extension of his sentence, he commenced a hunger strike in Insein Prison to protest his prolonged detention. The hunger strike exacerbated his poor health and on 26 September 2004 he was admitted to Rangoon General Hospital. (Sources: AAPP, 29 September 2004; "Jailed MP Moved to Rangoon Hospital," *Irrawaddy*, 28 September 2004). Despite his recent hospitalization, the SPDC authorities transferred him to Tharawaddy Prison in 2004. In January 2005, he was transferred again to Prome Prison in Pegu Division, which lacks a medical facility (source: "Dr Than Nyein Sent to Hospital after Hunger Strike in Prison," DVB, 26 September 2004). On 18 February, a physician alerted the authorities that Dr. Than Nyein was in need of urgent treatment however he continued to be denied medical attention (source: "Burmese MP, Dr. Than Nyein Still Not Allowed to Receive Medical Treatment," DVB, 27 March 2005).

### **Dr Zaw Myint Maung**

In the 1990 general elections Dr Zaw Myint Maung was elected as a MP for Amarapura constituency in Mandalay Division. 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 for producing, in collaboration with other political prisoners, 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. As of the end of 2005, he was serving his sentence in Myintkyina Prison.

During 2005, it was reported that he was suffering from low blood pressure and had many black spots on his face. Amnesty International meanwhile indicated that he was suffering from hepatitis. (Sources: AAPP, February 2005; *Travesties of Justice-Continued Misuse of the Legal System*, AI, 12 December 2005).

### **U Aung Soe Myint**

During the 1988 uprising, U Aung Soe Myint served as 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 MP for the Toungoo constituency in Karen State and boycotted the NC in December 1995. U Aung Soe Myint was arrested on 31 August 2003 in connection with a traffic accident. He was charged with possessing and operating an unlicensed motorcycle. He was sentenced to 7 years in prison.

While initially detained in Toungoo Prison and then Thayet Prison, he was transferred to Insein in early January 2005 due to his declining health. U Aung Soe Myint has been suffering from diabetes, heart disease, high blood pressure and eye problems. (Sources: AAPP, 2005; "Family Members Express Concern Over Their Loved Ones in Prisons," DVB, 11 January 2005).

## **3.7 Death in Custody**

At least nine persons died while under the custody of the SPDC authorities during 2005, four of whom died under dubious circumstances during the period of pre-trial detention. Two of those who died were former affiliates of Gen. Khin Nyunt who were arrested following the ouster of Gen. Khin Nyunt from the prime minister post. Torture, inhuman treatment and inadequate medical care have been cited as the causes for the nine deaths. At the end of 2005, the total death toll of political prisoners since the 1988 nationwide pro-democracy uprising who passed away while in the regime's custody or shortly after release amounted to nearly 125. (Sources: AAPP, 2005; *Myanmar's Political Prisoners: A Growing Legacy of Injustice*, AI, June 2005).

### **Deaths in Custody - List for 2005**

#### **Aung Hlaing Win**

Aung Hlaing Win, age 30 and member of the Hlaing Township NLD, was arrested on 1 May 2005 by plain-clothes military personnel. The reason for his arrest was unknown and his family was not notified of his whereabouts. When they inquired with local police, they were unable to obtain any information. On 7 May, Aung Hlaing Win died at the interrogation center and military authorities cremated his body before informing his family of the death. On 10 May, a group led by Col. Min Hlaing informed Aung Hlaing Win's family that he had



died from a heart attack during interrogation. The group went further as to offer the family 10,000 kyat in return for their silence. As Aung Hlaing Win's family believed the cause of death to be torture, they reported the incident to Mayangone Police Station on 18 May.

On 1 June 2005, the Mayangone Township court heard the case during which Aung Hlaing Win's wife and her legal representative were unable to testify. Conversely, Capt. Sai Aung Win and Capt. Zaw Min Kyaw, who were responsible for detaining Aung Hlaing Win, testified that Aung Hlaing Win was arrested on 6 May as opposed to 1 May 2005. Four medical doctors from North Okalapa Hospital also provided testimony regarding the condition of Aung Hlaing Win's body when it was brought to the hospital. Their testimony revealed that Aung Hlaing Win died prior to arriving to the hospital. Three of his ribs were fractured and a fourth was broken that bruised his lung. He had 24 external wounds on his body as well as bruising around his throat and trachea. Finally, there was evidence of decay in the colon and stomach. Despite this evidence, one of the doctors, Dr. Zaw Zaw, provided testimony that Aung Hlaing Win died as a result of a liver disease. The court ruled the cause of death to be liver disease and not torture. In response, Aung Hlaing Win's family filed an appeal to have the case further investigated. In early September, the appeal was rejected. (Source: NCGUB, 2005).

### **Saw Stanford**

Schoolteacher Saw Stanford was arrested by soldiers from SPDC IB 93 on 7 July 2005 when they raided Tagu Seik village, Einme Township, Irrawaddy Division. Saw Stanford was arrested along with 16 other Karen villagers under suspicion of holding weapons for the KNU and having connections with the 7 May Rangoon bombings. Saw Stanford died as a result of electric shocks used during interrogations. The troops left the village one month later after finding no evidence of weapons and the surviving detainees were released. The troops required the villagers to sign an agreement indicating that they would not reveal any information regarding the raid of the village. In addition, the military authorities reportedly offered 300,000 kyat in compensation to the family of Saw Stanford. In response, Saw Stanford's family officially filed a complaint about his death, requesting that action be taken against the perpetrators. (Source: "Dead Karen Teacher' Relatives Lodge Complaint to Burma Junta," DVB, 1 September 2005).

### **Min Tun Wai**

Min Tun Wai, age 40 and a NLD member from Kyaikmayaw Township, Mon State was arrested on 27 or 28 May 2005 for unknown reasons. The Kyaikmayaw Township court sentenced him to 7 years imprisonment. Shortly after being sentenced, he was moved to Moulmein Prison. On 30 May, he died at Moulmein Prison and the authorities buried his body on the same day prior to notifying his family of his death. On 31 May, the authorities notified Min Tun Wai's family of his death. In response, his wife sent a complaint requesting an investigation into the cause of death and disappearance of Min Tun Wai's body. As of mid-September, the authorities had not taken any action. (Source: "Another Prisoner's Corpse Disappeared in Burma," DVB, 12 September 2005).

### **Htay Lwin**

Htay Lwin, a 30-year-old man from Nyaungkweh Ward, Aungmye Tharzan Township, Mandalay Division, was arrested and detained by local Chairman Ba Tint, USDA members and other local authorities at 4:00 pm on 3 October 2005. The reason for his arrest was related to a lost water pump. Chairman Ba Tint along with USDA member Tun Min Latt reportedly interrogated and beat Htay Lwin while they detained him. At 10 pm, Htay Lwin was transferred to the No. 4 Police Station. An hour later Htay Lwin's wife, Aye Aye Khaing, attempted to see him and bring him some food yet the authorities denied her access to her husband. At midnight, Htay Lwin's body was transferred from the police station to Mandalay General Hospital. In the morning of 4 October, Aye Aye Khaing was contacted by the chief hospital administrator, instructed to bury Htay Lwin's body without delay and informed that the USDA and police would cover the costs of the funeral. Initially, Aye Aye Khaing refused to follow the demand and insisted on retrieving her husband's body. Under further intimidation by the authorities, Aye Aye Khaing complied and police indicated that they would provide her with 30,000 kyat in compensation. Aye Aye Khaing reported the incident to Chief of Police Khin Yi, the Ministry of Internal Affairs and the Women's Affairs Committee. (Source: "Another Burmese Killed by Authorities during Interrogation," DVB, 23 October 2005).

### **Aung Myint Thein**

Aung Myint Thein, a 37-year-old human rights activist from Shwepaukkan New Town, Rangoon Division, was arrested on 2 July 2005 charged with having contact with the exiled FTUB. He was charged under Article 5(j) of the 1950 Emergency Provisions Act and Section 17/1 of the 1957 Unlawful Associations Act in a closed-door trial. On 6 November, just prior to sentencing, Aung Myint Thein died while in Insein Prison in Rangoon. According to the authorities, Aung Myint Thein died as a result of dysentery and cholera. His family members, however, were not permitted to see or bury his body, causing them to remain dubious over the cause of death (source: "Another Burmese Political Prisoner Dies in Detention," DVB, 9 November 2005). According to the AAPP, Aung Myint Thein's death was the result of severe lung disease, which was exacerbated by lack of medical treatment, poor conditions of the prison and possible torture (source: "Burmese Human Rights Activist Aung Myint Thein Dies in Custody," *Asian Tribune*, 10 November 2005).

### **Nai Ong Lorn**

Nai Ong Lorn, age mid 40s, was arrested in July 2003 along with 8 other men accused of treason, including NMSP leader Nai Yekkha. Nai Ong Lorn was serving a life sentence in Insein Prison when on 28 September 2005 at 9:00 am he passed away. According to one source, the cause of death may have been related to a disease. (Source: "Mon Political Prisoner Dies in Prison," IMNA, 29 September 2005).

**Aung Zaw Latt**

Aung Zaw Latt was arrested in September 1999 following his participation in the 1999 uprising. As a result of his political activities, he was handed an 8-year sentence under Article 5(j) of the 1950 Emergency Provisions Act and Section 17/1 of the 1957 Unlawful Association Act. On 16 December 2005, Aung Zaw Latt passed away while serving his sentence in Pegu Prison. He had been suffering from tuberculosis prior to his death for which he had not received sufficient medical treatment. (Source: "Death Camp Burma: Another Political Prisoner Dies in Detention," DVB, 20 December 2005).

**Brig. Gen. Myint Aung Zaw**

Brig. Gen. Myint Aung Zaw was the head of the administration department at the Office of the Chief of Military Intelligence. He was arrested in the wake of the ouster of Prime Minister Khin Nyunt in late 2004. In January 2005, it was reported that he died while in detention in Insein Prison. While not considered to be a political prisoner, it was believed that his death was caused by torture during interrogation and the authorities clandestinely cremated his body. (Source: "Heads of Military Intelligence Detained and Tortured," *Irrawaddy*, 25 January 2005).

**U Toe Paing**

Arrested in late 2004 in the wake of the Khin Nyunt ouster, local immigration head U Toe Paing was posted in Muse, Shan State. On 17 January 2005, he died while serving a 15-year sentence in Puta-o Prison in Kachin State. While not considered to be a political prisoner, U Toe Paing was reported to be ill around the time of his death and it was unclear whether his death was caused by illness or torture. (Source: "Burmese Border Official Died in Prison," DVB, 21 January 2005).

### **3.8 Prolonged Detention**

In his report to the 60th session of the UN General Assembly, the UN Special Rapporteur for Human Rights in Burma Paulo Pinheiro expressed that he remained "very concerned at the practice of administrative detention" (source: "Situation of Human Rights in Myanmar," *Sixtieth session of the UN General Assembly*, Item 73 (c) of the provisional agenda, 12 August 2005). The ruling military regime has frequently employed Law No. 11/91, an amendment to Article 14 of the 1975 State Protection Act, to unfairly extend the term of detention of prisoners. Law No. 11/91, 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 three to five years without trial or cause. While a prisoner has the right to appeal under Article 19 of the same act, it is not a judicial appeal but an executive appeal to the Minister of Home Affairs. The inability to appeal to the judicial branch contravenes international standards (source: *Myanmar: Justice On Trial*, AI, 30 July 2003). As of the end of 2005, Dr. May Win Myint and Dr. Than Nyein, elected NLD MPs of Mayangone and Thakayta Townships, respectively remained imprisoned beyond the completion of their sentences (source: AAPP, 2005).

### 3.9 Release of Political Prisoners

Over 361 political prisoners were released from Burma's prisons during 2005. Among those released was Ko Zaw Min, a well-known leader of the 1988 student movement imprisoned for over 14 years and released in early March. In addition, Ko Ko Gyi, deputy chairman of the ABFSU, was released on 16 March after 13 years of imprisonment (see Section 3.16 Appendix IV: List of NLD Members Released in 2005). Yet, despite the releases, the military authorities continued to arrest political activists and those who voiced peaceful opposition to the military regime. Moreover, NLD Gen. Sec. Daw Aung San Suu Kyi, NLD Vice-Chairman U Tin Oo and an estimated 1,131 political prisoners remained in detention at the end of the year. (Sources: "Myanmar Student Activist Freed After 14 Years in Prison," AFP, 8 March 2005; "Myanmar Releases Prominent Student Activist," AP, 17 March 2005; AAPP, 2005).

The military regime often releases prisoners when it is necessary to consolidate their power within the country or improve their image abroad. On 3 January 2005, a month before the NC was to resume and on the eve of Independence Day, the SPDC released 5,588 prisoners from prisons throughout the country. The mass release was similar to three prior mass releases, which transpired during November and December 2004 during which 14,318 prisoners were reportedly released. The mass releases of 2004 came following the removal of Prime Minister Khin Nyunt and the dissolution of the NIB, arguably to divert international attention and criticism. According to the SPDC, those who were released in 2004 had been wrongly detained due to the "improper conduct" of the NIB intelligence agents. In addition, junta run media sources reported that the reason for the 3 January 2005 release was based on humanitarian grounds in conjunction with Independence Day. According to the AAPP, only 86 political prisoners were among the 19,906 prisoners released during the 4 mass releases. (Sources: "Myanmar to Release 5,500 Prisoners on Eve of Independence Anniversary," AFP, 3 January 2005; "AAPP Urges Junta to Release Ill Prisoners," DVB, 14 February 2005; AAPP, 2005).

Again on 6 July 2005, the SPDC released approximately 400 prisoners under what was an alleged special amnesty. According to SPDC sources, all 400 released were political prisoners. Yet, according to the AAPP, only 253 were reported to be actual political prisoners. Those released included NLD MP-elects Dr Khin Zaw Win and U Sein Hla Oo. In addition, rumors persisted regarding the release of 75 year-old journalist and NLD political advisor, U Win Tin. Yet, these rumors were rendered false and U Win Tin remained incarcerated throughout 2005 (sources: "More Than 250 Political Prisoners Released," *Irrawaddy*, 6 July 2005). As this mass release occurred only a few weeks prior to the 25-29 July ASEAN Ministerial meeting in Laos, some observers believed that the release was again an attempt to ease international criticism as Burma approached its opportunity to assume the chairmanship of ASEAN in 2006 (source: *Burma's Withdrawal from the ASEAN Chair: Retreat or Defeat?*, Altsean, 13 September 2005).

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. 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 regime, prisoners who sign this agreement remain in precarious situations and vulnerable to the arbitrary decisions of the authorities. (Source: *Myanmar: Justice on Trial*, AI, 30 July 2003).

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 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 late December 2004, the recently released chairman of the ABFSU, Min Ko Naing, was harassed and monitored by military intelligence agents during a visit to his uncle’s house outside of Rangoon. Intelligence agents reportedly visited the home twice in the middle of the night to question and intimidate Min Ko Naing’s friends and relatives (source: “Myanmar Military Harassing Freed Student Leader: US Group,” AFP, 21 January). Again, in November 2005, Min Ko Naing was subject to increased harassment and monitoring perpetrated by intelligence personnel and state-run media. This harassment was partly due to Min Ko Naing’s attempt to encourage humanitarian aid and development in the country through his newly formed organization, 88 Generation Students. (Source: “Student Leader Faces Harassment,” *Irrawaddy*, 10 November 2005). (For more information see Chapter 9 Rights to Education and Health).

In addition, many former political prisoners have reported that intelligence personnel threaten or thwart employers who hire former political prisoners or their family members. As a result, maintaining stable employment and livelihoods is extremely difficult. Authorities often prevent former political prisoners from pursuing educational opportunities or from obtaining travel and identification documents. In July 2005, immigration authorities in Insein Township, Rangoon Division reportedly would not grant former political prisoner Dr. Ne Win a new national ID card, after he had lost his original one, unless he signed a form indicating that he would refrain from political activities. As Dr. Ne Win refused to sign, he was unable to obtain a new ID and rendered unable to travel in Burma (source: “Burmese Ex-Political Prisoner Not Given National Identity Card,” DVB, 9 July 2005). Moreover, both former political prisoners and their families are usually denied passports. By limiting their education and economic opportunities, the military authorities attempt to further marginalize ex-political prisoners from society.

### 3.10 Partial List of Activists, Opposition Forces and MP-elects Arrested and Sentenced in 2005

See Section 3.15 Appendix III: List of Political Arrests in 2005.

On 14 February 2005, authorities arrested Aung Pe, a 40-year-old school teacher from Rangoon, a day after he hung a photograph of Gen. Aung San on 13 February, Gen. Aung San's birthday, saluted and sang a song in his honor with his students. On 25 August, his case was heard by the Rangoon Twante Township Court where he was represented by a lawyer named Myint Thaung. Despite presenting compelling evidence, the court sentenced Aung Pe to 3 years imprisonment. Reportedly with the approval of the prison authorities, a prison gang attacked Aung Pe in Insein Prison on 30 September. U Aung Pe filed an appeal that was summarily rejected by the court on 24 October. (Sources: "Burmese Tuition Teacher Gets Three Years for Saluting National Hero," DVB, 25 August 2005; "District Court Throws Out Appeals by Burmese Human Rights Defender and Teacher," AHRC, 15 November 2005).

On 28 February 2005, it was reported that Daw Aung San Suu Kyi's former body guard and NLD Youth member, Tun Lin Kyaw, was handed a 7 year prison sentence for conducting a one-man demonstration in front of Rangoon City Hall in protest of the extension of Daw Aung San Suu Kyi's detention. (Source: "NLD Youth Sentence to Seven Years for Solo Protest," DVB, 28 February 2005).

On 15 March 2005, Maymyo Township NLD member, U Salin, was arrested and handed a 2 year prison sentence for purportedly yelling defamatory remarks at members of the junta sponsored USDA. He was sent to serve his sentence in Mandalay Prison. A local resident indicated that U Salin's arrest may have been the result of his participation in Daw Aung San Suu Kyi's trip to southern Shan State in 2002. (Source: "Another NLD Member Arrested and Imprisoned," DVB, 20 March 2005).

On 17 March 2005, at midnight, police officers went to the Rangoon home of MP-elect U Kyaw Min and instructed him to accompany them for questioning. Initially, his family did not know where he was being held. U Kyaw Min is an ethnic Rohingya, member of the National Democratic Party for Human Rights (NDPH), a member of the CRPP and MP-elect for No. 1 constituency of Buthidaung Township, Arakan State. (Source: "Two MPs Arrested by Junta," *Kaladan News*, 19 March 2005). On 29 July, a court inside Insein Prison sentenced U Kyaw Min to 47 years in prison under the Immigration and National Security Act. U Kyaw Min was denied legal representation during his trial. Moreover, it was reported that U Kyaw Min's wife, Daw Ti Zar, 2 daughters, Ma Khin Khin Nu and Ma Wai Wai Nu, and his son, Ko Nu Man were all sentenced to 17 years in prison on unknown charges. (Source: "Elected MP U Kyaw Min Sentence to 47 Years Imprisonment," *Narinjara News*, 30 July 2005).

On 17 March 2005 around 11:00 pm, authorities arrested MP-elect U Kyaw Hsan, 73 year-old chairman of the Sagaing Division NLD and a retired lieutenant colonel, for having material from the DKBA in his house. The material belonged to friends of his son. U Kyaw Hsan was put into detention in Insein Prison. (Source: "Sagaing Division NLD Chairman U Kyaw San Detained," DVB 17 March 2005). Kyaw San had been recently released in November 2004 after serving nearly ten years in prison. In protest of his arrest, U Kyaw Hsan engaged in a hunger strike for 26 days until his wife convinced him to eat something. His request to be released on bail was rejected. Charged under Article 51 and 53 of the Penal

Code for overseas trade and for “aiding and abetting trade activities,” respectively, his trial commenced on 22 April. He was represented by NLD lawyer U Thein Nyunt. (Source: “NLD MP Kyaw San Taken to Court in Rangoon amid Hunger Strike,” DVB, 13 April 2005). On 6 June, the Insein Township Court sentenced U Kyaw Hsan to 7 years in prison (source: “Detained NLD, U Kyaw San Sent to Prison Again by Burmese Junta,” DVB, 6 June 2005). On 29 July, the Rangoon Division Court rejected an appeal filed for U Kyaw Hsan's case (source: “Burma Sagaing U Kyaw San Appeal Rejected,” DVB, 13 August 2005).

On 30 March 2005, an Indaw Township police officer as well as an officer from the Criminal Intelligence Department arrested U Saw Hlaing, a 49-year-old NLD MP-elect from Indaw Township Constituency, Sagaing Division. U Saw Hlaing was reportedly taken to Katha jail. Although the reason for his arrest was initially unknown, the authorities confiscated U Saw Hlaing's personal computer from his home. (Source: “Authorities Said to Detain a Burmese Pro-Democracy MP,” DVB, 2 April 2005). On 26 May, a court in Katha Township handed U Saw Hlaing a 12-year prison sentence for possessing “unlicensed second-hand computers” (source: “NLD MP Sent to Prison by Burmese Court for Keeping Broken Computers,” DVB, 26 May 2005). This is the fifth time that U Saw Hlaing has been arrested.

On 12 May 2005, authorities arrested Shwe Kyin Township NLD Chairman Bo Kyi and NLD member Pe Tin in Pegu Division for handing out leaflets to local NLD members which included some of Gen. Aung San's speeches regarding democracy. The 2 were accused of handing out propaganda. On 27 May, the Shwe Kyin Township Court sentenced the 2 men to 7 years imprisonment. Following sentencing, appeals were lodged and rejected by the district and division level courts. On 31 August, NLD legal supporters filed an appeal with the High Court in Rangoon. (Source: “NLD Lawyers Lodge Appeal to Burma's High Court for Prisoners,” DVB, 31 August 2005).

On 26 May 2005, police and military personnel reportedly entered the village of Yan Thi in Mrauk-U Township, Arakan State in the middle of the night where they arrested VPDC Chairman U Kyaw Hla along with 6 members of the NLD. The 6 NLD members were all ethnic Rakhine, one of whom was U Kyaw Hla, an active NLD member. All 7 were taken to the army camp where their family members were prohibited from seeing them. The arrest was allegedly caused by suspicion of involvement with the 7 May bombs in Rangoon. (Source: “NLD Members Arrested in Arakan State,” *Kaladan News*, 21 June 2005).

On 13 June 2005, a special court in Insein jail sentenced 4 NLD members and one pro-democracy activist to life imprisonment. The following 5 were arrested and detained in Insein Prison in December 2004 and were prohibited from receiving visits from their relatives as well as from having legal representation:

1. U Ba Myint, Ahlone Township NLD chairman;
2. U Ba Tint, Ahlone Township NLD member;
3. Ko Aung Myo San, Kamayut Township NLD member;
4. Ko Khin Kyaw, Kamayut Township NLD member;
5. Ko Thet Naing Aung, pro-democracy activist. (Source: “NLD Members Given Life Sentence by Burma Junta,” DVB, 13 June 2005).

On 15 June 2005, special police personnel arrested 6 members of the Labor Solidarity Organization under accusations of having contact with illegal organizations. All 6 were former political prisoners, 2 of whom, Ko Myint Soe and Ko Tun Tun Naing, had only been released 2 months prior to this arrest. The 4 others arrested were Arr Kar Hein (aka, U Zaw

Nyunt), Ko Nay Lin and 2 unidentified persons. (Source: "Six Labour Solidarity Organization Members Reportedly Arrested in Burma," DVB, 23 June 2005). On 4 July, the 6 were released after authorities concluded that they had no connections with U Maung Maung, chairman of the exiled FTUB (source: "Six Detained Burmese Labour Union Members Released," DVB, 5 July 2005).

On 6 July 2005, NLD Chairman of Kin-U Township Dr Win Aung, Soe Win and Khin Maung Win were arrested for watching a video of Aung San Suu Kyi's campaign tour to Mogoke and Monywa in Dr Win Aung's home in Sagaing Division. On 8 July, the 3 men were sentenced to prison terms under the Video Act and Print Act. Both Dr Win Aung and Soe Win were sentenced to 10 years imprisonment while Khin Maung Win was sentenced to 3 years. On 20 October, the divisional court in Monywa rejected an appeal filed on behalf of the Dr Win Aung. (Sources: "Three Receive Prison Terms for Watching Suu Kyi Tape," *Irrawaddy*, 11 July 2005; "NLD Dr Win Aung's Appeal Rejected by Burmese Court," DVB, 2 November 2005).

On 27 August 2005, authorities rearrested 55-year-old lawyer Aye Myint who represented farmers whose land was confiscated and redistributed to SPDC sanctioned organizations such as the USDA in a court in Pegu Division. Aye Myint also assisted the farmers in contacting Richard Horsey, the Rangoon-based ILO representative. Aye Myint was previously arrested in July 2003 along with 8 other men and sentenced to death in November 2003 under accusations of treason. After much international outcry and pressure, the sentences were reduced in May 2004. Aye Myint was released from prison in 2005, several months prior to his rearrest. On 31 October 2005, the Daik-U Township Court sentenced Aye Myint to 7 years in prison under Article 5(e) of the 1950 Emergency Provisions Act for dispersing false information. At the end of 2005, he was serving his sentence in Pegu Prison. (Source: "Lawyer Jailed for Representing Dispossessed Farmers," *Irrawaddy*, 1 November 2005).

On 15 September 2005, police removed and arrested Hlaing Thaya Township NLD member Hla Aye from Hlaing Thaya Hospital where he was being treated for a stroke. His son, Than Zin Myo, an NLD youth member, was also arrested. On the same day, the township court sentenced both father and son to 2 years and 1 month in prison under Article 332 of the Penal Code for threatening civil servants and thwarting them from completing their responsibilities. The case was reportedly rooted in an incident in 2004 when Hla Aye and Than Zin Myo refused to pay an unfair fee to firefighters leading to a scuffle. Following the incident, the 2 were reportedly "targeted." (Source: "Ill Burma NLD Member Dragged Out of Bed and Sent to Prison," DVB, 19 September 2005).

On 13 October 2005, the Kawmoo Township Court sentenced Su Su Nway, an NLD member from Htan Minaing village in Rangoon Division, to 18 months in prison under Section 506 and 294B of the Criminal Code. Su Su Nway had brought charges against the village authorities in both Htan Minaing and Mya Sinnai villages for forced labor practices. On 31 January, the Kawmhu Township court ruled in Su Su Nway's favor determining 4 local authorities to be guilty and sentencing them to prison terms ranging from 8 to 16 months. This was a precedent setting case as it was the first occasion that SPDC officials were found guilty of violating section 374 of the Penal Code and Order 1/99 which prohibit forced labor practices. At the same time, Su Su Nway was subject to ongoing harassment and monitoring both during and after the trial. (Source: "Political Prisoner Su Su Nway's Case Submitted to the UN," AAPP, 17 October 2005). Following the verdict, local authorities brought charges against Su Su Nway for "besmearing their reputation." The AAPP reported that Su Su



Nway's trial was conducted without proper procedural protections. The judge, Htay Htay Win, failed to verify evidence and reports presented by the authorities. Moreover, court clerks were reportedly discovered attempting to alter Su Su Nway's plea from innocent to guilty. On 3 November 2005, NLD legal representatives, Kyi Win and Myint Thaung, filed an appeal with the Southern Rangoon District court. On 4 November, the following day, the court summarily rejected the appeal. As of the end of 2005, Su Su Nway was serving her sentence in Insein Prison. Su Su Nway suffers from a heart condition and in November, it was reported that the authorities prohibited her from receiving the necessary medication for her condition. In addition, the prison doctor was reportedly reticent about administering treatment to her. As a result, Su Su Nway's health was deteriorating. (Sources: "Su Su Nway's First Appeal Lodged by NLD Lawyers," DVB, 3 November 2005; "Su Su Nway's Appeal Rejected by Rangoon District Court," DVB, 4 November 2005; "Su Su Nway Not Allowed to Receive Medications," DVB, 2 November 2005).

On 29 October 2005, local authorities arrested 45-year-old Ye-U Township NLD supporter Kyaw Hlaing in Sagaing Division. On 31 October, he was charged with gambling, a criminal offense. According to Aung Zaw Zaw, Kyaw Hlaing's son, he was targeted because of his activities with the NLD. Kyaw Hlaing was previously arrested following the 30 May 2003 Depayin Massacre and sentenced to 1 year in prison when the authorities found him playing cards in his home. After being released, Kyaw Hlaing was subject to ongoing monitoring and harassment. (Source: "Ye-U NLD Supporter Arrested by Burmese Authorities," DVB, 1 November 2005).

On 11 November 2005, 9 persons from North Okkalapa Township, Rangoon Division, who were arrested in July for providing information to the ILO, were sentenced to 8 to 25 years in prison. The 9 had been arrested under the Article 5(j) of the 1950 Emergency Provisions Act, Article 17/1 of the 1957 Unlawful Associations Act and Article 16/3. The group was not permitted to have legal representation during their trials. Moreover, during the period of pre-trial detention, they were not permitted to receive family visits. Following sentencing, they faced a 1-month ban on receiving family visits. The 9 persons and their sentences were:

1. Wai Lin, 25 years;
2. Win Myint, 17 years;
3. Thein Lwin Oo, 8 years;
4. Ye Myint, 8 years;
5. Hla Myint Than, 8 years;
6. Aye Chan, female, 8 years;
7. Aye Thi Khaing, female, 8 years;
8. Yin Kyi, female, 8 years;
9. Myint Lwin, 8 years. (Source: "Nine People Given Lengthy Jail Terms for Contacting ILO in Rangoon," DVB, 7 December 2005).

On 20 November 2005, authorities arrested Shwegu Township NLD Joint-Secretary Ko Ko Myint and organizing member Thein Zaw in Kachin State. The authorities reportedly entered their homes for the purpose of checking their guest lists and found opium paraphernalia with opium resin. The authorities also seized NLD related documents. The 2 were charged in relation to the opium. Other NLD members believed the evidence was planted and that the authorities' true motive was to suppress NLD activities. (Source: "Two Shwegu NLD Leaders Arrested by Burmese Authorities," DVB, 21 November 2005).

## **3.11 Arbitrary and Politically Motivated Arrests and Detention of Ethnic Minorities and Civilians**

### **Ethnic Minority Political Activists or MPs**

#### **Arrest of Shan Political Leaders Leading up to the NC**

From 7 to 9 February 2005, just days prior to the reconvening of the first 2005 session of the NC, military authorities detained Shan leaders from Shan ceasefire groups and political parties who had attended a meeting in honor of Shan State Day on 7 February 2005 in Taunggyi, Shan State. Those arrested included representatives of the SSA, SNLD, the United Nationalities League for Democracy (UNLD), New Generation – Shan State (NG –SS) and the SSPC. By March 2005, all but 11 of the leaders had been released. U Shwe Ohn, founder of the Shan State People's Freedom League, which is no longer a registered organization, was placed under house arrest under Article 10(b) of the 1975 State Protection Act for conducting a gathering with other politicians. The remaining Shan leaders were detained in Insein Prison and stood trials commencing on 1 March 2005. Those detained in Insein Prison included U Myint Than "Math" of NG-SS, Gen. Hso Ten of the SSPC, Sai Hla Aung and Sai Tha Oo of the SNLD, SNLD president and MP-elect Hkun Htun Oo, SNLD Gen. Sec. Sai Nyunt Lwin (a.k.a., Sai Nood), U Ba Thin and U Tun Nyo from NG-SS as well as Sai Nyi Moe and Myo Win Tun. (Source: "Update on Latest Arrests of Political Prisoners in Burma," NCGUB, 1 January 2006).

In Insein Prison, the 10 leaders were prohibited from receiving family visits or from hiring legal defense. A team of NLD lawyers attempted to represent the leaders when the trial commenced but were denied entrance to the court in the prison where the trials were being held. Instead, legal representatives were appointed by the authorities. (Sources: "Shan Leaders Trial Lawful?," *Irrawaddy*, 14 March 2005; "Burma Opposition Radio Says 10 Shan Leaders 'Secretly' Tried in Jail," DVB, 2 May 2005). On 15 March, Minister of Information Maj. Gen. Kyaw Hsen reported that the detained Shan leaders were facing charges of high treason for conspiring against the State and "trying to disrupt peace and stability of the country by attempting to create unrest." Maj. Gen. Kyaw Hsen further indicated that the leaders had attended an unauthorized meeting on 7 February in honor of Shan State day and created the Shan State Joint Action Committee without permission from the regime. Additional charges faced by the group of leaders included violating the Printers and Publishers Act, creating an illegal organization and use of illegal currency. (Source: "Ten Shan Activists Arrested in Myanmar for Conspiracy: Minister," AFP, 15 March 2005).

On 3 November 2005, the Special Court in Insein Prison sentenced the 10 leaders to long prison terms. U Hkun Htun Oo was sentenced to 93 years imprisonment, Gen. Hso Ten to 106 years imprisonment and Sai Nyunt Lwin to 75 years imprisonment while the others received sentences of 70 years imprisonment (sources: "Shan Leaders Sentenced in Rangoon Insein Jail," DVB, 4 November 2005; "Shan Leaders Sentenced," *Irrawaddy*, 8 November 2005). On 22 November, it was reported that U Hkun Htun Oo was transferred to Puta-O Prison in Kachin State, Sai Nyunt Lwin was sent to Kalay Prison in Chin State and Gen. Hso Ten was sent to Khamti Prison in Sagaing Division (source: "More Shan Leaders Sent to Prisons in Remote Burma," DVB, 23 November 2005). In mid-December, the locations of Sai Myo Win Tun and Sa Tha Oo were unknown rendering their lawyers unable to advance the appeal process. While it was reported that the 2 were transferred to Mandalay Prison,

their families were unaware of their whereabouts. (Source: "Where Are Two Detained Shan Leaders," DVB, 14 December 2005).

Some observers believed the arrests to be the SPDC's attempt to intimidate ethnic nationality parties into cooperating with the 2005 sessions of the NC. The SNLD won the second highest number of votes after the NLD in the 1990 elections and boycotted the 2004 session of the NC. In addition, the SSA-N and the SSNA were party to a group of 6 ceasefire groups who submitted a statement to the SPDC authorities calling for changes to the principles and objectives of the Convention prior to its convening in 2004. Similarly, in December 2004, NG-SS submitted a proposal to the SPDC that criticized the successive military juntas since 1962 and called for the formation of an Advisory Council external to the military and the opposition groups. (Source: *Interim Report Card: July 2004- February 2005*, Altsean, March 2005).

### **Another Shan Leader Arrested**

On 3 August 2005, personnel from the Bureau of Special Investigation arrested Sao Oo Kya, age 65 and cousin of SNLD Chairman Khun Tun Oo. Sao Oo Kya was arrested under the accusation of attending a New Generation Shan State meeting as well as Shan State Day activities. On 2 October, Sao Oo Kya was reportedly sentenced to 13 years in prison under Section 26(a) of the Hotels and Tourism Act as well as for defaming the state under Section 124(a). (Source: "Burmese Authorities Detain Shan Leader for Defamation," DVB, 2 October 2005).

### **Shan Leaders Arrested After Shan New Year Celebrations**

On 3 December 2005, military authorities arrested 8 Shan leaders and organizers of the Shan State Literature and Culture Committee. Those arrested included Dr. Sai Maw Kham, chairman of the Shan State Literature and Culture Committee, Sai Hpaw Hseng Moeng, a well-known singer, and Sai Kyaw Ohn "Namkham," an organizer. The arrests occurred just after Shan New Year day celebrations, which were held on 1 December. The exact reasons for the arrests were unknown. Yet, some conjecture that the arrests were related to the celebrations as the Comdr. of the Northeast Command Maj. Gen. Myint, had allegedly been negotiating for the celebrations to occur at the end of November rather than in December. Other arguments contend that the leaders were arrested for having connections with the Shan leaders who were arrested in February 2005. (Sources: "Shan Leaders Arrested for Celebration National New Year," DVB, 8 December 2005; "Crackdowns Follow Shan New Year," SHAN, 7 December 2005).

### **Former Mon National Democratic Front Senior Leader Detained**

On 8 July 2005, Col. Khin Maung Zee, commander of the SPDC No. 4 Military Training School in Wae Kali village, Thanpyuzayat Township, Mon State, called Mon Literature Culture Committee (MLCC) Chairman Nai Sein Aye to a meeting. Instead of holding a meeting, Nai Sein Aye was detained at the Thanpyuzayat police station. Nai Sein Aye was formerly a senior leader of the Mon National Democratic Front (MNDF) and was highly active in the community at the time he was detained. (Source: "Mon Literature and Culture Association Leader, NLD Members Arrested," IMNA, 12 July 2005). Col. Khin Maung Zee accused Nai Sein Aye of engaging in political activities and plotting a revolt against the SPDC. Yet, the Thanpyuzayat Township court ruled him to be innocent. The case was then

brought to the Mon State Court where he was again found innocent. On 23 August, Nai Sein Aye was released and instructed to “take a rest and stay quietly for 6 months.” (Source: “A Chairman of Mon Literature and Culture Committee Released,” IMNA, 24 August 2005).

### **Kachin Human Rights Activist Arrested in Kachin State**

On 13 August 2005, SPDC soldiers arrested N-Lum Ja Naw, a Kachin human rights activist, and 2 friends at the Laja-Yang checkpoint in Kachin State near the China-Burma border. The group was in transit to Laiza when they were found with VCDs, tapes and a Kachin language book about politics. Allegedly all of the items found were produced by human rights organizations operating in exile. (Source: “HR Activist, Two Others Arrested in Kachin State,” *Irrawaddy*, 18 August 2005).

## **Arbitrary and Politically Motivated Arrests and Detention of Ethnic Minorities and Civilians - Partial List of Incidents for 2005**

### **Arakan State**

On 18 October 2005, it was reported that local authorities arrested and detained U Chit Swe from Ba Gu Nar and Ali Amad from Phwee Roa, both in Maungdaw Township for using their mobile phones to try and contact people overseas. (Source: “Imprisonment – the Price of Using Cell Phones in Western Arakan,” *Narinjara News*, 18 October 2005).

On 27 October 2005, NaSaKa Camp-in-Charge, Aung Min, arrested 2 Rohingya women, Laila Begim (age 40) and Gul Suna (age 45), from Alay Than Kyaw village, Maungdaw Township. The women received permits from NaSaKa camp No. 7 to visit their relatives in Maungdaw on 20 October. Upon returning to their village and showing their permits at the NaSaKa No. 7 camp, VPDC Secretary Mohammed Naru accused them of going to Bangladesh. They were detained and tortured. After 15 days of detention, the NaSaKa authorities reportedly accepted a 40,000 kyat payment for the women's release. Despite this, the 2 women remained in detention at the end of November. (Source: “Two Burmese Rohingyas Women Arrested by Nasaka in Arakan,” *Kaladan News*, 27 November 2005).

### **Chin State**

On 13 March 2005, local SPDC authorities arrested Ram Kung, leader of Lungngo Mino Bu youth organization, and 2 other villagers. The authorities accused the youth organization of having links with the Chin National Front (CNF), an armed resistance group. The arrests came following a brawl between a CNF operative and the local police on 12 March 2005. The skirmish resulted in the death of 1 policeman and the injury of 2 others. As Ram Kung and his 2 friends Pau Za Mang and Maung Thang happened to be in the same area at the time the incident transpired, the 3 were arrested and taken to Matupi town the next day. Ram Kung was reportedly held in an undisclosed location and faced a possible long-term prison sentence for having unlawful associations with rebels. When the victims' relatives inquired with Col. San Aung as to the whereabouts of Ram Kung, the colonel yelled at them and told them that it was none of their business. Col. San Aung also ordered the Lungngo Mino Bu youth organization abolished as of the end of May. (Source: “Youth Organization Abolished and the Leader Arrested,” *Rhododendron Publication*, CHRO, May-June 2005).

In April 2005, Lt. Aung Naing from SPDC LIB 268, commander-in-charge of Tihbual army camp, and his troops seized U Chan King, headman of Tlaungkhua village, Thantlang Township for allegedly failing to report the activities of the Chin National Army, the armed branch of the CNF. In addition, the troops seized a clerk from Taihdai village. Both the clerk and the village headman were forced to patrol the India-Burma border for approximately 1 month after which, they were brought back to Tlangkhua village in the first week of May. However, they were not released. U Chan King was also ordered to pay a 500,000 kyat fine. The villagers of Tlangkhua sacrificed a cow in an attempt to try and win his freedom. This did not work and Lt. Aung Naing ordered the villagers to pay a ransom for the headman's release. As of 15 May 2005, the villagers were unsure whether they could raise the ransom money. Money was also collected from Tiah dai for the release of the village clerk. (Source: "Army Abducts Village Headman for Ransom," *Rhododendron Publication*, CHRO, May-June 2005).

## **Karen State**

### ***Dooplaya District***

On 28 April 2005 at 8:00 am, troops from SPDC IB 83, Column-2, led by Min Naung, arrested Saw Min Htoo (age 29) and Yeh Kay Heh (age 27) of Noe Maw Pu, Kya In Township without reason. After brutally beating them, the soldiers released them at 5:00 pm. The following day, SPDC IB 83 arrested and beat Saw Ka Lee (age 40) and Par Ee Thar (age 38) from Htee Kya village similarly without reason. The 2 were released afterwards. In addition, the troops burnt down a hut in Yaw Da Yeh village resulting in the loss of 50 tins of rice. (Source: KIC, 2005).

### ***Papun District***

On 9 January 2005, troops from SPDC LIB 598, based at Mae Waing army camp and led by Bo Myint Thein, shot at villagers collecting vegetables at Tha Haw Hta in Mae Waing area. In that incident Wah Tho Kho villager Ah Nge Lay (age 32) was killed, while Saw Si Way (age 25) was wounded and taken to the Mae Waing army camp. (Source: KIC, 2005).

### ***Toungoo District***

On 5 January 2005, troops from SPDC IB 73 based at Kaw Thay Doe arrested without reason Kaw Thay Doe villagers, Saw Maung Oo and Saw Ta Nay, while they were going to Naw Soe camp. (Source: KIC, 2005).

On 18 January 2005, troops from SPDC IB 60 under control of Column 2 Comdr. Hlaing Tint led by Bo Way Pyo Paing arrested Lay Ti villagers, Saw Ta Day Kwa and Saw Pa Karaw. They were taken to Klaw Mee Doe camp. (Source: KIC, 2005).

On 8 February 2005, troops from SPDC IB 60, Column 2, led by Hlaing Tint seized villager Saw Htoo Gay from Ler Kla Doe village, Tantabin Township and demanded 150,000 kyat from him. He was also forced to sign a note promising not to reveal the matter. The following day, the same troops seized Saw Toe Day of Hu Mu Doe village and destroyed the 13 baskets of rice he was carrying. Moreover, these troops arrested villagers Saw Bwe Htoo, Saw Oliver and Saw Hsa Mu Htaw. As of late March 2005, they had not been released. (Source: KIC, 2005).

On 12 May 2005 at 9:30 pm, troops from SPDC LID 66 and LIB 108, based at Paw Mu Khee went into Haw Poe Loe village and took some photos. They then arrested Saw Achoe from Paw Mu Khee, Ma U Pet from Mwee Loe village and the 55-year-old mother of villager Aung Soe. The troops looted money and food from the village. (Source: KIC, 2005).

On 25 July 2005, troops from SPDC LIB 599 arrested villagers who were working in the betel nut gardens in Taw Ta Tu Township. The troops then held the villagers hostage in the village church. (Source: "Human Rights Violations Update: Northern and Western Karen State," FBR, 9 September 2005).

In November 2005, troops from SPDC IB 75 burned down 32 houses in Hee Daw Kaw village, Toungoo Township and laid landmines before leaving the village. At this time, 7 villagers were captured by the SPDC troops, including a 1-year-old baby. The following people were detained:

1. Saw Bwe , age 40, male, Shro Hser village;
2. Naw Traw Ma, age 52, female, Shro Hser village;
3. Saw Ta Dah Po, age 28, male, Shro Hser village;
4. Naw Ta Mu Mu, age 19, female, with her 1-year old baby, Shro Hser village;
5. Naw Htoo Bleh, female, Hee Daw Kaw village; and
6. Naw A'pae, age 15, female, Hee Daw Kaw village. (Source: "300 Villagers Still in Hiding," FBR, 6 December 2005).

## **Karenni State**

In September 2005, troops from SPDC LIB 530 arrested 14 villagers in Loikaw Township who they accused of having contact with the KNPP. Those arrested included the chairman of Dawthenay village, U Lwi Reh, who was reportedly bound with ropes and separated from the other arrestees. Eight villagers were released after 1 month while 6 remained in detention at the DaSaKa, the divisional military authority, prison based in Loikaw city. (Source: "Residents in Lwai-kaw Township Are Arrested And Forcibly Relocate Their Village," DVB, 21 December 2005).

## **Mon State**

### ***Thaton District***

On 16 March 2005, Column 1 Comdr. Maj. Min Aung of SPDC LIB 104 monitored the movement of villagers in Ta U Ni village, Thaton Township and arrested villager Saw Paw Ner (male, age 26) together with 2 of his companions. The SPDC troops brutally beat these 3 villagers without reason. As of 9 April, they had yet to be released. (Source: KIC, 2005).

## **Pegu Division**

### ***Nyaunglebin District***

On 28 March 2005, 20 soldiers from SPDC IB 351 led by Maj. Ye Win arrested Thit Cha Seik village head and villagers Saw U Lu Moo, Saw Than Sein and Ma Way Htoo of Mon Township without any reason and sent them to military operations HQs. (Source: KIC, 2005).

On 31 March 2005 at 2:00 pm, troops from SPDC IB 351 led by Major Yeh Win with 20 soldiers arrested the following village elders of U Chit Khin village without reason and sent them to the police station:

1. Myint Win,
2. Ko Naing Oo,
3. Soe Hlaing,
4. Kyaw Moe Lwin, and
5. Nga Soe.

Three days later, the troops demanded 25,000 kyat from Thit Cha Seik villagers for the release of the village elders. (Source: KIC, 2005).

On 1 April 2005, 20 soldiers from SPDC IB 351 led by Maj. Yeh Win arrested U Chit Khin villager Soe Nyo without reason and sent him to tactical command HQs. Four days later, the troops demanded 200,000 kyat for his release. As of 9 April, he had not been released. (Source: KIC, 2005).

### **Rangoon Division**

On 19 January 2005, the bass guitarist of the Pan Hninsi (Rose Flower) Band and film director for the San Yadana film company, Ko Thet Oo, was arrested in South Okkalapa Township. Accused of having telephone contact with Ko Min Naing of the ABFSU- Foreign Affaris Committee (ABFSU-FAC) in violation of Section 17/1 of the 1957 Unlawful Associations Act, he was detained and interrogated for 28 days in the Rangoon Thuwunna interrogation center. On 15 February, Ko Thet Oo was released. (Sources: "Famous Burmese Artist Detained by Authorities," DVB, 14 February 2005; "Burmese Artist Ko Thet Oo Released by Burma Junta," DVB, 18 February 2005).

### **Shan State**

#### ***Lai-Kha Township***

On 19 April 2005, a patrol of about 60 soldiers from SPDC IB 64, led by Capt. Win Laing, arrested 5 villagers from Wan Paang village, Lai-Kha Township under accusations of supporting the Shan resistance. The arrestees were interrogated, beaten, tortured and detained for 2 days and 2 nights. They were released after senior monks and community leaders of Wan Heng village tract guaranteed that they would behave in the future. Pu Zaang Zan-Da, the village elder, suffered from partial paralysis after being severely beaten by the SPDC troops. The 5 villagers who were arrested were:

1. Kae-Min-Da, male, a novice monk;
2. Pu Zaang Zan-Da, male, a village elder;
3. Zaai Nyunt, male, age 15, villager;
4. Ae Mu, female, age 25, villager; and
5. Ae Seng, female, age 25, villager. (Source: *SHRF Monthly Report*, SHRF, June 2005).

On 29 April 2005, a patrol of about 50 troops from SPDC LIB 515, led by Comdr. Myint Lwin, surrounded the monastery at Zalaai Loi village, Lai-Kha Township, where an ordination of Buddhist novice monks was being conducted. The SPDC troops then arrested the abbot of the monastery, Ven. Acina and 8 community leaders who were attending the ordination ceremony. The monk and villagers were accused of attending a meeting held by members of the Shan resistance in October and November 2004. They were taken to

Taunggyi were they were separated, detained, interrogated and tortured. As of May 2005, they remained in detention. (Source: *SHRF Monthly Report*, SHRF, June 2005).

On 3 May 2005, a patrol of SPDC troops from Company No. 4 of LIB 515, led by Capt. Kyaw Aye, arrested the village secretary Zaai Kham Too from Ter Leng village in Haai Seng village tract, Lai-Kha Township, accusing him of providing money and rice to Shan soldiers in the area. Zaai Kham Too was detained, interrogated, severely beaten and tortured by the SPDC troops. Later 300,000 kyat of money was extorted from his relatives for his release. After his release, Zaai Kham Too continued to suffer from injuries sustained at the hands of his captives and was unable to move around without assistance. He also lost 3 teeth during the beating. (Source: *SHRF Monthly Report*, SHRF, July 2005).

### ***Murng-Nai and Kae See Townships***

On 8 and 10 May 2005, local SPDC authorities forced villagers from Murng-Nai and Kae See Townships to attend rallies to protest the Interim Shan Government, which was created on 17 April 2005 by a little known Shan exile group. Following these rallies, SPDC authorities arrested the following villagers and took them to the Eastern Regional Military Command in Taunggyi:

1. Zaai Tui, male, of Pha Pawk village, Kae-See Township;
2. Nan-Taw, village tract headman, of Wan Hai village, Murng-Nai Township;
3. Za-Wa-Na, male, of Wan Hai village in Murng-Nai Township.

In addition, troops from SPDC LIB 515 arrested and detained, Tae-Zin-Da, a Buddhist monk from Wan Paang village, Wan Hai village tract, Murng Nai Township. The troops also burned down the monastery in which Tae-Zin-Da lived. Furthermore, local SPDC troops arrested monk Pan-Nya-Sa-Mi from Hin He monastery in Murng Nawng village, Kae-See Township. The monk was detained at the Military Operation Command base in the area. As of late June 2005, all those who had been arrested remained in detention. (Source: *SHRF Monthly Report*, SHRF, July 2005).

### ***Murng Pan Township***

In the evening of 21 February 2005, a patrol of about 40 troops from SPDC LIB 332 came to Pa Khaa village, Murng-Pan Township and stopped for the night. The next morning, SPDC soldiers found 3 of their MA-11 guns were missing. The commander of the SPDC troops gathered all the villagers to the headman's house and accused them of stealing the guns. The SPDC troops then took the headman and 9 other villagers with them to their base, telling the rest of the villagers to bring the guns within 3 days if they wanted the 10 villagers to be released. Otherwise, the troops threatened to return and arrest their families. After 2 days, the SPDC troops informed the villagers that they could pay 1,000,000 kyat in lieu of the guns. The headman and villagers were released after the money was paid. (Source: *SHRF Monthly Report*, SHRF, June 2005).

### ***Muse Township***

On 30 August 2005, a patrol of police encountered 4 young men on 2 motorcycles as they were returning home after visiting friends in Wan Waeng village, Muse Township. The police proceeded to stop, arrest and take the 4 to the police station where they were charged with staying out late at night. They were then locked in stocks. Their relatives and leaders were required to pay 15,000 kyat per person to secure their release. The 4 young men were:



1. Ai Pee, male, age 18, from Nawng Mo village;
2. La Ting, male, age 18, from Terng Long village;
3. Yi Mon, male, age 18, from Terng Long village; and
4. Zaai Paang, male, age 16, from Terng Long village. (Source: "Arrest, Detention and Extortion in Mu-Se," *SHRF Monthly Report*, SHRF, December 2005).

### **Tenasserim Division**

On 26 April 2005, a combined force of 30 troops from SPDC IB 25, Column 1, under the Coastal Command HQ and 20 troops from Kaw Paw Militia led by Saw Ah Neh Poe arrived at Mae Nan Ma Nweh village on the Thai-Burma border. The troops then went to a cattle trading site 3 km into Thailand and arrested Thai cattle trader Ni Mae Kyar Lola and the 3 cattle traders from Burma, Ko Than Aung, Saw Char Wa Poe and Am Pee. They were detained from 7:00 am to 2:00 pm. The 4 traders were then taken into Burma. (Source: KIC, 2005).

## **3.12 Arrest and Detention of Foreigners**

### **American Man Detained and Expelled for Protesting in Rangoon**

On 7 January 2005, police detained Joseph Moynahan, an 81-year-old U.S. citizen who staged a one-man protest outside Rangoon City Hall. He carried a sign which read, "Buddha says, 'Quality of sidewalk and quality of government is same thing.'" He reported being roughly handled by police, questioned for 3 hours at a police station and locked in his hotel room for the night. On 8 January 2005, he was taken to the airport and put on a flight to Bangkok, Thailand. (Source: "Rangoon Expelled American Solo Protestor," AP, 12 January 2005).

### **Six North Korean Defectors Arrested**

In early 2005, SPDC military authorities arrested 6 North Korean defectors in Tachilaek, Shan State. The 6 were reportedly en route to South Korea to seek asylum. In February 2005, the 6 were being held in an undisclosed location and faced charges of illegal entry, which carries a penalty of 1 to 5 years imprisonment. The South Korean embassy requested that the 6 defectors be transferred to their custody. (Source: "Fate of Six North Koreans Arrested in Burma Unknown," *Irrawaddy*, 22 February 2005).

### **Four Bangladeshi Woodcutters Abducted by Burmese Army**

On 4 April 2005, troops from SPDC LIB 232 led by Maj. Nyi Nyi Min arrested 4 Bangladeshi woodcutters who were cutting wood on the Burma side of the border. The 4 woodcutters were transferred to the local police on the following day and detained at Minkha Mong outpost in Maungdaw Township. They faced charges of illegal entry. The 4 woodcutters were:

1. Adu Hok, age 25;
2. Mar Mauk Hossein, age 52;
3. Ali Hosein, age 20; and
4. Ahbi Ramad, age 40. (Source: "Four Bangladeshi Woodcutters Abducted by Burmese Army," *Narinjara News*, 8 April 2005).

### **Bangladeshis Given Five Year Sentence in Burma**

On 14 April 2005, NaSaKa border security forces arrested 24 Bangladeshi woodcutters as they were cutting wood in Burma near Border Post 46. Previously, the woodcutters had been able to engage in their activities by paying bribes to the NaSaKa. On this occasion, however, the NaSaKa refused the bribe. In July 2005, the 24 woodcutters were sentenced to 3 years in prison under 31/13 of the Illegal Immigration Act and 2 years imprisonment under 42/1 of the Forestry Act. The 24 were sentenced by the Maungdaw Township court. (Source: "Bangladeshis Given Five Year Sentence in Burma," *Narinjara News*, 7 July 2005).

### **Five Indians Arrested and Detained for Illegal Logging**

On 12 February 2005, troops from SPDC LIB 269 arrested 10 Indian nationals who were illegally felling trees in Aisih village, Kyikha Township, Chin State near the India-Burma border. Their trucks were confiscated and the group was taken to the Tonzang Township jail. Five of the 10 arrested were released. As of the beginning of July, the remaining 5 had yet to stand trial and their relatives were attempting to bring their cases to the Tonzang Township court by the end of the same month. (Source: "Five Indian Smugglers Detained without Trial in Chin State," *Mizzima*, 8 July 2005).

## **3.13 Appendix I: 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.

### 3.14 Appendix II: List of MP-Elects Who Remained Imprisoned in 2005

| Name                  | States/ Div | Constituency   | Party | Date arrested | Prison    | Sentence |
|-----------------------|-------------|----------------|-------|---------------|-----------|----------|
| Dr. Zaw Myint Maung   | Mandalay    | Amarapura (1)  | NLD   | 00-11-1990    | MyitKyina | 37 Yrs   |
| Khin Maung Swe        | Rangoon     | Sanchaung      | NLD   | 05-08-1994    | Myingyan  | 7 Yrs    |
| Dr. Than Nyein        | Rangoon     | Kyauktan (1)   | NLD   | 28-10-1997    | Pyey      | 8 Yrs    |
| Dr. May Win Myint (F) | Rangoon     | Mayangone (2)  | NLD   | 28-10-1997    | Insein    | 7½ Yrs   |
| Yaw Hsi               | Kachin      | Putao          | NLD   | 02-10-1998    | Myitkyina | 5 Yrs    |
| Naing Naing           | Rangoon     | Pazundaung     | NLD   | 00-08-2000    | Insein    | 21 Yrs   |
| Aung Soe Myint        | Pegu        | Taungoo (1)    | NLD   | 31-08-2003    | Thayet    | 7 Yrs    |
| Than Htay             | Shan        | Lashio (2)     | NLD   | 16-08-2004    | Lashio    | 5 Years  |
| Khun Tun Oo           | Shan        | Thibaw (1)     | SNLD  | 09-02-2005    | Rangoon   | 92 years |
| Kyaw Khin             | Shan        | Taung-gyi (1)  | NLD   | 25-02-2005    | Taung-gyi | 14 Yrs   |
| Kyaw Min              | Arakan      | Buthidaung (1) | NDPHR | 17-03-2005    | Rangoon   | 47 Yrs   |
| Kyaw San              | Sagaing     | Tantse         | NLD   | 17-03-2005    | Rangoon   | 7 Yrs    |
| Saw Hlaing            | Sagaing     | Inndaw         | NLD   | 30-03-2005    | Kathar    | 12 Yrs   |

(Source: "Summary and Situation of Members of Parliament," NCGUB, 1 December 2005).

### 3.15 Appendix III: List of Political Arrests in 2005

|    | Name                             | Party / Organization                        | Residence | Date imprisoned                |
|----|----------------------------------|---------------------------------------------|-----------|--------------------------------|
| 1  | Ba Myint                         | NLD Chairman of the Ahlon Township          | Rangoon   | 19-12-04;<br>Life on 13-06-05  |
| 2  | Aung Myo San                     | NLD                                         | Rangoon   | 19-12-04;<br>Life on 13-06-05  |
| 3  | Ba Tint                          | NLD                                         | Rangoon   | 19-12-04;<br>Life on 13-06-05  |
| 4  | Khin Kyaw                        | NLD                                         | Rangoon   | 19-12-04;<br>Life on 13-06-05  |
| 5  | Thet Naing Aung<br>(aka Thet Oo) | DPNS                                        | Thaketa   | 19-12-04;<br>Life on 13-06-05  |
| 6  | Khun Tun Oo                      | SNLD - Chairman MP Thibaw 1, Shan State     | Rangoon   | 09-02-05                       |
| 7  | Sai Nyunt Lwin                   | SNLD- Secretary                             | Rangoon   | 09-02-05                       |
| 8  | Sai Hla Aung                     | SNLD -member                                | Taunggyi  | 09-02-05                       |
| 9  | Sao Kya Ut                       | SNLD                                        | Taunggyi  | 09-02-05                       |
| 10 | Shwe Ohn                         | Veteran politician                          | Taunggyi  | 11-02-05                       |
| 11 | Myint Than                       | New Generation Shan State                   | Taunggyi  | 09-02-05                       |
| 12 | Gen. Hso Ten                     | SSNA - Chairman                             | Taunggyi  | 09-02-05                       |
| 13 | Unknown                          | Gen. Hso Ten's personal assistance          | Taunggyi  | 09-02-05                       |
| 14 | Unknown                          | Gen. Hso Ten's personal assistance          | Taunggyi  | 09-02-05                       |
| 15 | Thu Wai                          | Chairman, Democracy party                   | Rangoon   | 09-02-05;<br>Released 06-03-05 |
| 16 | Cho Cho Kyaw Nyein (F)           | A leader of disbanded AFPFL                 | Rangoon   | 09-02-05;<br>Released 06-03-05 |
| 17 | Ohn Mar (F)                      | Cho Cho Kyaw Nyein's daughter               | Rangoon   | 09-02-05;<br>Released 06-03-05 |
| 18 | U Ba Thin                        | New Generation Shan State                   | Taunggyi  | 09-02-05                       |
| 19 | Wai Htin Kyoe                    | UWSA (Representative from Taung-gyi Office) | Taunggyi  | 09-02-05                       |
| 20 | U Tun Nyo                        | New Generation Shan State                   | Taunggyi  | 09-02-05                       |
| 21 | U Nyunt Maung                    | New Generation Shan State                   | Taunggyi  | 09-02-05                       |
| 22 | U Kyaw Win                       | Inntha National Organization (INO)          | Taunggyi  | 09-02-05                       |
| 23 | U Seng Taung                     | Inntha National Organization (INO)          | Taunggyi  | 09-02-05                       |
| 24 | U Ba Myaing                      | SSA-N                                       | Meng Tung | 22-02-05                       |
| 25 | Daw Nan Nu                       | U Ba Myaing's wife                          | Meng Tung | 22-02-05                       |
| 26 | Ko Aye Win                       | ex-pol.prisoner                             | Bassein   | 20-03-05                       |
| 27 | U Kyaw Khin                      | NLD MP Taung-gyi (1)                        | Taung-gyi | 25-02-05;<br>14 yrs in Prison  |
| 28 | U Kyaw San                       | NLD MP Tant-se                              | Rangoon   | 17-03-05;<br>on trial          |
| 29 | U Kyaw Min                       | NDPHR MP Butheetaung (1)                    | Rangoon   | 17-03-05;<br>47 Yrs (29-07-05) |
| 30 | Daw Ti Zar                       | U Kyaw Min's wife                           |           | 17-03-05;<br>17 Yrs (29-07-05) |
| 31 | Unknown                          | U Kyaw Min's daughter                       |           | 17-03-05;<br>17 Yrs (29-07-05) |
| 32 | Unknown                          | U Kyaw Min's daughter                       |           | 17-03-05;<br>17 Yrs (29-07-05) |
| 33 | Unknown                          | U Kyaw Min's daughter                       |           | 17-03-05;<br>17 Yrs (29-07-05) |

|    |                             |                                        |                               |                                                    |
|----|-----------------------------|----------------------------------------|-------------------------------|----------------------------------------------------|
| 34 | U Saw Hlaing                | NLD MP (Inndaw)                        | Katha                         | 30-03-05;<br>12 Yrs in Prison                      |
| 35 | Aung Hlaing Win<br>(Age 30) | NLD                                    | Rangoon                       | 01-05-05;<br>Killed under torture<br>on 07-05-05   |
| 36 | U Bo Gyi                    | NLD Chair Shwe-gyin                    | Shwe-gyin                     | 12-05-05;<br>7 Yrs in prison                       |
| 37 | U Pe Tin                    | NLD                                    | Shwe-gyin                     | 12-05-05;<br>7 Yrs in prison                       |
| 38 | U Min Tun Wai<br>(Age 40)   | NLD Kyaik-ma-raw                       | Moulmein                      | 30-05-05;<br>Killed under torture<br>on 30-05-05   |
| 39 | U Than Lwin Oo              | Democracy & Peace Party                | Khin Oo, Sagaing              | 02-07-05                                           |
| 40 | Dr. Win Aung                | Chairman , NLD                         | Khin Oo, Sagaing              | 06-07-05;<br>10 yrs in Prison                      |
| 41 | U Khin Mg Win               | Member, NLD                            | Khin Oo, Sagaing              | 06-07-05;<br>10 yrs in Prison                      |
| 42 | U Soe Win Aung              | SAT                                    | Khin Oo, Sagaing              | 06-07-05;<br>3 yrs in Prison                       |
| 43 | U Hla Myint Than            | Member, NLD                            | Pegu                          | 04-07-05                                           |
| 44 | U Win Myint                 | Mya Kan Thar Teashop                   | Pegu                          | 05-07-05                                           |
| 45 | U Win Myint's wife          | JAT                                    | Pegu                          | 05-07-05                                           |
| 46 | Po Zaw<br>(aka Khin Zaw)    |                                        | Pegu                          | 05-07-05                                           |
| 47 | Ko Wai Lin                  |                                        | Pegu                          | 05-07-05                                           |
| 48 | Ko Thein Win                |                                        | Pegu                          | 05-07-05                                           |
| 49 | Ma Myo                      |                                        | Pegu                          | 05-07-05                                           |
| 50 | Unknown                     | Mosque Leader                          | Pegu                          | 05-07-05                                           |
| 51 | Unknown (F)                 | Mosque Leader 's wife                  | Pegu                          | 05-07-05                                           |
| 52 | Harn Lieng                  | Bodyguard of Sa Gai Fah SSA<br>(North) | Muse, Shan State<br>(North)   | 05-07-05                                           |
| 53 | Kham Parng                  | Bodyguard of Sa Gai Fah SSA<br>(North) | Muse, Shan State<br>(North)   | 05-07-05                                           |
| 54 | Jaw Moeng                   | Bodyguard of Sa Gai Fah SSA<br>(North) | Muse, Shan State<br>(North)   | 05-07-05                                           |
| 55 | Ah Nge Lay<br>(Ex-army man) | Bodyguard of Sa Gai Fah SSA<br>(North) | Muse, Shan State<br>(North)   | 05-07-05                                           |
| 56 | Saw Stanford                | Teacher, Taguseik Village              | Ein-me, Irrawaddy             | 07-07-05;<br>Killed under torture<br>on 07-07-2005 |
| 57 | U Chit Swe<br>(Cartoonist)  | V-chair Thanlyin NLD                   | Thanlyin (Syriam),<br>Rangoon | 12-07-05;<br>Released 24-08-05                     |
| 58 | U San Shwe Tun              | Chairman of Akyab NLD                  | Akyab, Arakan State           | 20-07-05                                           |
| 59 | U Aung Ban Tha              | NLD member, Akyab                      | Akyab, Arakan State           | 20-07-05                                           |
| 60 | Sa Oo Kya                   | SSAC                                   | Hsipaw, Shan State            | 03-08-05;<br>13 Years 30-09-05                     |
| 61 | U Aung Pe                   | Private School Teacher                 | Twante, Rangoon               | 25-08-05                                           |
| 62 | U Aye Myint                 | Lawyer                                 | Daik-oo, Pegu                 | 28-08-05                                           |
| 63 | U Hla Aye                   | NLD / TS Vice Chairman                 | Hlaing-tha-ya                 | 15-09-05;<br>2 Years                               |
| 64 | Thant Zin Myo               | NLD Youth                              | Hlaing-tha-ya                 | 15-09-05;<br>2 Years                               |

(Source: "Update on Latest Arrests of Political Prisoners in Burma," NCGUB, 1 October 2005).

### 3.16 Appendix IV: List of NLD Members Released in 2005

| No | Name                         | Section of Law   | Sentence   | Prisons    | Date of Release  |
|----|------------------------------|------------------|------------|------------|------------------|
| 1  | Sein Hla Oo                  | 5(j)             | 7+5        | Myitkyina  | 6 July 2005      |
| 2  | Aung Htay                    |                  | Detention  | Phapone    | 22 February 2005 |
| 3  | Aung Khin Bo                 |                  | Detention  | Phapone    | 22 February 2005 |
| 4  | Aung Myint                   |                  | Detention  | Phapone    | 22 February 2005 |
| 5  | Aung Zaw Oo                  | Courtesy Law     | 15-Days    | Insein     | 10 November 2005 |
| 6  | Chit Swe                     |                  | 1-Month    | Insein     | 25 August 2005   |
| 7  | Hla Myint Than               |                  | Detention  | Phapone    | 22 February 2005 |
| 8  | Hninnse (F)                  |                  | Detention  | Phapone    | 22 February 2005 |
| 9  | Htain Lin                    | Courtesy Law     | 15-Days    | Insein     | 10 November 2005 |
| 10 | Htun Htun                    | Courtesy Law     | 15-Days    | Insein     | 10 November 2005 |
| 11 | Khaing Soe                   | 5(j), 17(1)      | 10         | Tharawaddy | 6 July 2005      |
| 12 | Khin Khin Lay                |                  | Detention  | Phapone    | 22 February 2005 |
| 13 | Khin Maung Chit              |                  | Detention  | Phapone    | 22 February 2005 |
| 14 | Khin Maung Kyi (a) Maung lay | 5(j), 17(1)      | 10         | Thayet     | 6 July 2005      |
| 15 | Khin Maung Oo (a) Maung Oo   | 5(j), 17/20      | 21         | Tharawaddy | 6 July 2005      |
| 16 | Khin Soe (Yay)               | 5(j), 17(1)      | 20         | Tharawaddy | 6 July 2005      |
| 17 | Ko Latt                      |                  |            | Mandalay   | 6 July 2005      |
| 18 | Kyaw Kyaw Htwe (a) Ma Ki     |                  | 10         | Myitkyina  | 6 July 2005      |
| 19 | Kyi Toe                      | 17/20            | 7          | Thayet     | 6 July 2005      |
| 20 | Mar Lar Ngwe (A) Mee Mee (F) | 5(J),3/109       | 7          | Insein     | 6 July 2005      |
| 21 | Mi Mi Sein (F)               |                  | Detention  | Phapone    | 22 February 2005 |
| 22 | Mya Thein                    | 5(j), 17/20      | 14         | Thayet     | 6 July 2005      |
| 23 | Myo Min                      | Courtesy Law     | 15-Days    | Insein     | 10 November 2005 |
| 24 | Myo Min Maung                | Courtesy Law     | 15-Days    | Insein     | 10 November 2005 |
| 25 | Myo Min Soe                  | Courtesy Law     | 15-Days    | Insein     | 10 November 2005 |
| 26 | Myo Min Wai                  | Courtesy Law     | 15-Days    | Insein     | 10 November 2005 |
| 27 | Myo Min Win                  | Courtesy Law     | 15-Days    | Insein     | 10 November 2005 |
| 28 | Myo Myint                    | 5(j), 17/20      | 14         | Tharawaddy | 6 July 2005      |
| 29 | Nay Oo                       | 5(j), 17(1)      | 14         | Kale       | 6 July 2005      |
| 30 | Nay Soe                      | Courtesy Law     | 15-Days    | Insein     | 10 November 2005 |
| 31 | Nay Win                      | 5(j,e)           | 7          | Insein     | 6 July 2005      |
| 32 | PanateTun (a) Japu           | 5(j)             | 14         | Kale       | 6 July 2005      |
| 33 | Pike                         | Courtesy Law     | 15-Days    | Insein     | 10 November 2005 |
| 34 | Sai Nan Di                   | 5(j)             | 7          | Kyaington  | 6 July 2005      |
| 35 | San Shwe Tun                 | Foreign Currency | Detention  | Sittwe     | 20 July 2005     |
| 36 | Saw Ban Ku                   |                  | Detention  | Phapone    | 22 February 2005 |
| 37 | Saw Myo Chiut                |                  | Detention  | Nowhere    | August 2005      |
| 38 | Soe Min                      | Courtesy Law     | 15-Days    | Insein     | 10 November 2005 |
| 39 | Soe Myint Aung               | Courtesy Law     | 15-Days    | Insein     | 10 November 2005 |
| 40 | Soe Oo                       |                  | 17         | Mandalay   | 6 July 2005      |
| 41 | Than Htay                    | 5(j), 17/20      | 21         | Tharawaddy | 6 July 2005      |
| 42 | Thaung Shein                 | Courtesy Law     | 15-Days    | Insein     | 10 November 2005 |
| 43 | Thet Tun                     |                  | Detention  | Phapone    | 22 February 2005 |
| 44 | Tin Aung Lay                 | 5(J),505(B)      | 9yr 6 mont | Mandalay   | 6 July 2005      |
| 45 | Tin Oo                       |                  | Detention  | Phapone    | 22 February 2005 |
| 46 | Tin Oo (50 yr)               | 5(J),17(1)       | 14         | Mandalay   | 6 July 2005      |
| 47 | Tin Tin Nyo (F)              | 5(j)             | 13         | Insein     | 6 July 2005      |
| 48 | Toe Aung                     | 5(j)             | 13         | Mandalay   | 6 July 2005      |

|    |                           |              |           |            |                  |
|----|---------------------------|--------------|-----------|------------|------------------|
| 49 | Tun Aye                   | 5(j)         | 10        | Mandalay   | 6 July 2005      |
| 50 | Wai Lin                   | Courtesy Law | 15-Days   | Insein     | 10 November 2005 |
| 51 | Win Kywe                  | 5(j), 17(1)  | 10        | Moulmein   | 6 July 2005      |
| 52 | Win Min Soe               | Courtesy Law | 15-Days   | Insein     | 10 November 2005 |
| 53 | Win Naing                 |              | Detention | Phapone    | 22 February 2005 |
| 54 | Ye Min Kyaw               | 5(j),17/20   | 7         | Myaungmya  | 6 July 2005      |
| 55 | Zaw Min Oo                | Courtesy Law | 15-Days   | Insein     | 10 November 2005 |
| 56 | Zaw Win                   | 5(j), 17(1)  | 10        | Tharawaddy | 6 July 2005      |
| 57 | Zaw Zaw                   | Courtesy Law | 15-Days   | Insein     | 10 November 2005 |
| 58 | Khin Maung Tin            |              | 17        | Mandalay   | 6 July 2005      |
| 59 | Ye Naing                  |              | 21        | Mandalay   | 6 July 2005      |
| 60 | Aung Pwint                | 17(1),13(1)  | 8         | Tharawaddy | 6 July 2005      |
| 61 | Saw Pho Dine              |              | Detention | Nowhere    | August 2005      |
| 62 | Thingy (F)                |              |           | Insein     | 7 January 2005   |
| 63 | Salin                     |              | 2         | Mandalay   | 6 July 2005      |
| 64 | Myint Hlaing (a) Ko Myint | 5(j)         | 7         | Insein     | 6 July 2005      |
| 65 | Myint Htay                | 5(J)         | 7         | Insein     | 6 July 2005      |
| 66 | Kan Myint(a) U Tut        |              | 7         | Mandalay   | 6 July 2005      |
| 67 | Kyaw Khin                 |              |           | Thayet     | 3 January 2005   |
| 68 | Myint Naing Dr            |              | 3 Months  | Shwebo     | 8 March 2005     |
| 69 | Thein Dan                 |              |           | Thayet     | 3 January 20,05  |
| 70 | Myint Soe                 |              |           | Thayet     | 3 January 2005   |
| 71 | Phyo Wai Lin              | Courtesy Law | 15-Days   | Insein     | 10 November 2005 |
| 72 | Than Than Win (F)         | Courtesy Law | 15-Days   | Insein     | 10 November 2005 |
| 73 | Aung Kyaw Moe             |              | 10        | Mandalay   | 6 July 2005      |
| 74 | Thein Aung                |              | 10        | Mandalay   | 6 July 2005      |

## 4. Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment

*“Many times they (Burmese soldiers) beat me until I went unconscious. I told them that I was a farmer, not an insurgent.”*— Lung S, Shan rice farmer (Source: Dictator Watch, May 2005).

### 4.1 Background

Following the prohibitions against the use of torture made explicit within Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, the 1985 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment served to further elucidate the scope of this international norm. Article 1.1 of the Convention Against Torture defined torture as:

*“any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”*

Although Burma is a signatory to the Universal Declaration on Human Rights, it has to date signed neither the 1966 International Covenant on Civil and Political Rights nor the 1985 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Despite Burma’s reluctance to ratify international conventions against torture, SPDC officials claim that proscriptions against such practices are already codified within domestic legislation. Although not explicitly articulating the terminology of “torture,” Articles 330 and 331 of the 1957 edition of the 1861 Penal Code proscribe the “hurt” and “grievous hurt” of individuals by officials for the purpose of obtaining information or confessions. Sentences of up to seven and 10 years respectively are prescribed for those contravening this legislation. Furthermore, Article 323 dictates that a penalty of one year imprisonment shall be applied to anyone who “voluntarily causes hurt” and, under Article 325, a penalty of seven years imprisonment shall be meted out to anyone who “voluntarily causes grievous hurt.” No legislation, however, is in place specifically prohibiting the use of torture as a means of punishing prisoners, a common prescription for those in detention. (Source: *Myanmar: Justice on Trial*, AI, 2004).

Regardless of such legislation, torture has remained a standard practice of the regime since 1962, when the military took over control of the state, and has furthermore increased in scale since the 1988 pro-democracy uprising. Soldiers and SPDC officials use these practices against members of the general population, including ethnic villagers, political activists, and anyone viewed as a threat to the regime. Most documented incidents of torture occur during pre-trial detention of political prisoners and as part of counter-insurgency tactics in Burma’s ethnic areas. Members of various ethnic armed opposition groups have also participated in



abuses, although to a much lesser extent than SPDC or SPDC-backed troops. (Source: *World Report*, HRW, 2005).

Torture has been used for the purposes of extracting information about anti-regime activities as well as to punish, degrade, and ‘break,’ those perceived as dangerous. Furthermore, SPDC and allied soldiers also commonly use torture as a means to extort money and property. It is also used to punish individuals for their perceived failure to carry out orders by SPDC and military officials. Lastly, torture is employed as an overt expression of ethnic chauvinism against villagers in minority areas.

In his 12 August 2005 report to the UN General Assembly, the UN Special Rapporteur of the Situation on Human Rights in Burma Paulo Sergio Pinheiro reaffirmed that the practice of torture by SPDC officials in Burma had continued into 2005. He cited incidents of “severe beatings, shackling and forcing prisoners to assume difficult squatting and standing positions for long periods of time... [and s]olitary confinement in darkened cells.” Pinheiro further urged the SPDC to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to uphold domestic legislation prohibiting the use of such acts. Allegations about the use of torture must, according to Pinheiro’s recommendations, be fully investigated and those individuals found responsible for contravening the relevant laws must be held accountable. In such a manner the SPDC would reaffirm the inherent dignity of its citizens as well as align itself with international norms against the use of torture. (Source: “Interim Report of the Special Rapporteur on Human Rights in Myanmar,” *Sixtieth session of the UN General Assembly*, Item 73(c) of the provisional agenda, 12 August 2005).

## 4.2 Torture During Detention

In his report to the UN General Assembly in August 2005, Pinheiro expressed concern for “ongoing allegations of the pervasive and systematic use of torture and ill-treatment by the authorities against persons in pre-trial detention.” He has also received reports that “detainees are often subjected to prolonged deprivation of sleep, food and water during initial interrogation, which may stretch over a period of days” (source: “Interim Report of the Special Rapporteur on Human Rights in Myanmar,” *Sixtieth session of the UN General Assembly*, Item 73(c) of the provisional agenda, 12 August 2005). Such claims reaffirm the continuation of practices that, although outlawed under international customary law, have remained pervasive throughout Burma’s military rule.

According to Amnesty International, “[y]oung male political activists remain particularly vulnerable to torture and ill-treatment during interrogation, usually in the form of severe beatings” (source: *Myanmar: Justice on Trial*, AI, 2004). This claim was corroborated by the December 2005 report *The Darkness We See: Torture in Burma's Interrogation Centers and Prisons* published by the Assistance Association for Political Prisoners - Burma (AAPP), which documented the experiences of 35 former political prisoners in detention facilities throughout the country. These incidents highlighted the extent and frequency that the torture of prisoners, especially of political activists, occurs in Burma. Such abuses have been perpetrated through physical, psychological and sexual methods against those in temporary or long-term custody.

The primary locus for the torture of political prisoners has been within interrogation facilities during the period of pre-trial, incommunicado detention. Such interrogation periods can last anywhere from a few days to a few months. Those perpetrating abuse in this context were most frequently military intelligence (MI) agents. Despite the ouster of Gen. Khin Nyunt from the post of Prime Minister and head of the MI service in Burma, changes within the agency's structure have been merely "cosmetic" and policies and practices of torture have continued. Other agencies known to have conducted torture during interrogation include the Bureau of Special Investigators (BSI) and the Myanmar Police Force, which includes the Special Investigations Department (SID). Since the ouster of Gen. Khin Nyunt, these four agencies, the MI, DDSI, BSI and SID, have been controlled by the Office of the Military Affairs Security (OMAS). Furthermore, political prisoners fall within the jurisdiction of the Myanmar Correctional Department, which in turn comes under the authority of the Minister of Home Affairs. (Source: *The Darkness We See: Torture in Burma's Interrogation Center's and Prisons*, AAPP, December 2005).

Torture is primarily conducted during pre-trial detention for the purposes of gathering information, extracting forced confessions, punishing, degrading and 'breaking' those in custody. Short-term detainees are often subject to similar treatment prior to release, even if no trial or sentencing is intended. Further acts of torture are conducted during regular prison terms as a means of punishing those who transgress minor prison regulations. However, both political and criminal prisoners are subject to torture. Furthermore, AAPP argues that the severe extent that prison conditions are unsanitary as well as the intentional negligence of the prison health care system should be regarded as overt acts of torture. (Source: *The Darkness We See: Torture in Burma's Interrogation Center's and Prisons*, AAPP, December 2005).

During 2005, the continued severity of torture practices conducted by SPDC officials during detention was highlighted by the deaths of several detainees while in the custody of the authorities. At least one political activist, one schoolteacher and a villager died under suspicious circumstances during the period of pre-trial detention. Torture is believed to be the cause of death of NLD member Aung Hlaing Win, schoolteacher Saw Stanford and villager Htay Lwin. In all the cases, the authorities attempted to conceal the truth by either burying the body before notifying the victim's family of the death, denying the family the opportunity to see the body or intimidating villagers into silence regarding the circumstances of the death. Cronies and supporters of the former Prime Minister, in addition to being purged from their positions in the regime, were also arrested and subject to severe forms of torture. In January 2005, Brig. Gen. Myint Aung Zaw, the former head of the administration department of the Office of Chief Military Intelligence (OCMI), died from his injuries sustained during interrogation sessions in Insein Prison. His body was clandestinely cremated during the middle of the night without the knowledge of his family (source: "Heads of Military Intelligence Detained and Tortured," *Irrawaddy*, 25 January 2005). U Toe Paing, a border control officer from northern Shan State, also arrested in the wake of the Gen. Khin Nyunt purge, died in detention at Puta-o Prison in Kachin State. While the exact cause of death was unknown, torture is the probable cause (source: *Myanmar's Political Prisoners: A Growing Legacy of Injustice*, AI, 16 June 2005). Also in January, at least two former MI agents died as a result of torture, however, specific names were not included in the report (source: "Splits among Burmese Generals on the Trial of General Khin Nyunt," DVB, 18 January 2005). (For more information see Chapter 3. Arbitrary Detention and Enforced or Involuntary Disappearances).

## **Methods of Torture in Detention and Prison**

In 2005, prison authorities in Burma continued to use a variety of torture methods often reflective of whether the situation was one of interrogation or punishment. Torture methods differ depending on whether the subject is a short-term detainee or sentenced to an extended period of incarceration. Torture is more extensively applied to political as opposed to criminal prisoners. Methods include physical, psychological and sexual forms of torture. Furthermore, the deleterious condition of prisons in Burma and their purposefully remiss health care systems constitute further methods of torture.

### **Physical Torture**

Although torture always maintains a fundamentally psychological character, certain methods are designed primarily to inflict pain and discomfort upon prisoners. The most common form of torture used in prisons and interrogation facilities in Burma is physical beating. According to former political prisoners interviewed by AAPP, victims of such practices “are punched, slapped, kneed and beaten with a variety of implements including rubber or wooden batons, truncheons, rifle butts, rubber cords, bamboo sticks and plastic pipes. Political prisoners have also been beaten with thick books, chair legs, broomsticks, sandals, belts and other common objects.” Other forms of physical torture include deprivation of “food, water, sleep, light and the use of the toilet.” Prisoners are also placed in various types of constraints over prolonged periods of time. Often those in custody are forced to remain in strenuous positions without adjustment or act out specific actions. Some of these positions include various squatting stances, simulated motorcycle riding, and mimicking an airplane. Torture victims have reported being suffocated. Repeated tapping on a specific location on the victim’s head, known as ‘tick-tock torture’, is also used by the SPDC. Prisoners have also been burned with cigarettes, hot wax, lighters and electric rods. Furthermore, the SPDC has used electric shocks of increasing intensity against prisoners. Pencils or bullets are placed between victim’s fingers, which are then squeezed. The regime also employs a technique known as the “iron road” where an iron or wooden bar is run firmly up and down the victim’s shins in order to sheer off flesh often leaving deep wounds and lasting scars. (Source: *The Darkness We See: Torture in Burma's Interrogation Center's and Prisons*, AAPP, December 2005).

### **Psychological Torture**

Psychological methods of torture are particularly used for interrogation and punishment purposes by the regime. While not directly causing physical harm to the victims, these techniques serve to induce emotional stress often for the sake of persuading prisoners to comply with the wishes of interrogators or prison staff. Such torture typically begins immediately upon being taken into custody as detainees are often blindfolded or have their heads covered in order to cause disorientation. Detainees are also terrorized with daily threats of beatings, rape, and execution. For prisoners who have already been sentenced, forms of psychological torture also include sentence extensions and restrictions on family visits. Victims are also frequently blamed for the continuation of their own torture.

The physical torture of other prisoners often serves a dual purpose of psychologically traumatizing prisoners who are made to listen to cries of pain or, in some instances, observe the act itself. This technique serves as a palpable warning to detainees and prisoners and often induces them to comply with the demands of interrogators or prison staff. Other methods of psychological torture include incommunicado detention, false releases, prohibition of family

visits and solitary confinement. Those inflicting torture have also used human feces and played on the specific phobias of detainees to inflict psychological trauma. In general, the open dismissal of legal norms by interrogators serves to further imbue prisoners with the fear of potentially indiscriminant treatment. (Source: *The Darkness We See: Torture in Burma's Interrogation Center's and Prisons*, AAPP, December 2005).

### **Sexual Torture**

Various means of sexual torture are utilized on both men and women. Although incidents of rape have occurred, more often such acts are used as threats against detainees and prisoners. Victims have been made to strip naked in front of others while receiving both threats and sexual taunts. Furthermore, prisoners have been burned, beaten, and electrocuted on the breasts, genitals and other sensitive areas. (Source: *The Darkness We See: Torture in Burma's Interrogation Center's and Prisons*, AAPP, December 2005).

### **Prison Conditions**

Despite visits by members of the International Committee of the Red Cross (ICRC), Amnesty International has reported that conditions within prisons in Burma remain dangerously inadequate. Such conditions, combined with tragically poor health care services, constitute cruel, inhuman and degrading treatment. Limited and poor quality food, when not supplemented by external or family provisions, contributes to the degradation of prisoners' health. Poor health and health care systems, as well as unsanitary prison facilities, lead to consistent illnesses including malaria, "[h]eart disease, mental illnesses, hypertension and malnutrition related disorders, including peripheral neuropathy." The conditions within the prisons of Burma not only violate customary international law relating to the required level of treatment for those in custody but serve as well as a means of torture to punish or induce compliance in victims. (Source: *Myanmar's Political Prisoners: A Growing Legacy of Injustice*, AI, 2005).

## **4.3 Torture During Forced Portering and Forced Labor**

Despite SPDC statements denying the use of forced labor in Burma, the International Labor Organization (ILO) observed the continued use of this practice by military troops and military authorities throughout 2005. In fact, the ILO has been monitoring the use of forced labor in Burma since 1998. Relatively new legislation, such as Order 1/99 and the Order Supplementing 1/99, barring the use of forced labor remains largely unenforced by the regime. Those conscripted into forced labor serve as workers on construction projects, farmers for military-owned agricultural areas and porters for military offensives. While being forced to leave their fields and livelihoods unattended, they must provide their own accommodations, including food. They are typically overworked, underfed, subject to physical, mental, and sexual abuse. In addition, they are also exposed to the dangers of landmine fields and conflict zones. (Source: *A Global Alliance against Forced Labour*, ILO, 2005; *From Prisons to Frontlines*, BI, January 2005).

In January 2005 Burma Issues released *From Prisons to Frontlines*, a report that documented the use of convicts as porters who carried military supplies for SPDC troops. One former prisoner interviewed about his experiences stated that "[t]hose who fell down and could not walk were beaten with guns and the soldiers stood on their necks." Porters were forced to

carry on average 41.8 kgs. for days on end. Moreover, porters were frequently used as human shields and minesweeper. (Source: *From Prisons to Frontlines*, BI, January 2005)

## **4.4 Torture of Villagers in Areas of Ethnic Armed Conflict**

In an attempt to eliminate all ethnic armed opposition groups, the Tatmadaw has continually augmented its presence in ethnic nationality areas. Increased military presence compounded by ongoing counter insurgency campaigns has resulted in the perpetration of torture and other cruel, inhuman or degrading treatment of villagers. Tatmadaw forces often make few attempts to conceal their actions. The climate of impunity in which SPDC and SPDC-supported troops operate contributes to their consistent flouting of international laws, as well as the ambiguous domestic law, prohibiting torture. Regime officials disregard or even outright deny villagers' reports of torture in these areas.

The primary victims of torture within areas of ethnic armed conflict are villagers who are perceived or accused of supporting armed opposition groups often without any rational basis. There are a variety of motivations for the use of torture against villagers, including extortion, interrogation, and punishment. SPDC authorities and SPDC-backed troops continue to use torture as a means of procuring food, money and other items from villagers. Such measures are also applied to extract information about the location and movement of armed opposition groups. When used as a form of punishment, villagers are typically charged with being supporters of armed opposition groups or even active soldiers. Villagers are also punished with torture for attempting to refuse orders given by SPDC or SPDC-backed soldiers. Lastly, incidents of torture within Burma's ethnic areas often seem to be examples of simple ethnic chauvinism and, at times, inexplicable expressions of the deep-rooted culture of violence that pervades the military.

## **4.5 Torture of Buddhist Monks**

Buddhist monks maintain a special position within Burma by virtue of the extent the majority of the populace reveres Buddhism. Due to the influential role of Buddhism, political opposition within the monastery particularly threatens the regime. Despite the regime's strict adherence and support of Buddhism, politically active monks are not immune from repercussions by the regime. Monks have incurred severe penalties, including torture, for opposing the military rule. Vocal dissent, as well as the refusal to accept alms from members of the military, has led to imprisonment and various forms of torture therein. (Source: *Burma: A Land Where Buddhist Monks are Disrobed and Detained in Dungeons*, AAPP, 2004).

The AAPP reported that 76 monks languished in Burma's prisons for political reasons in 2005. When initially arrested, monks are often disrobed, at times publicly. Disrobings generally serve as a form of psychological humiliation as well as an attempt to remove external connections to the *sangha*, which is the Buddhist clergy. In detention, monks are subject to the same methods of torture as any other political prisoner and to the same degree if not worse. Amnesty International reported that two detained monks, U Rajadamma and an unidentified monk, were in particular danger of torture and ill-treatment during 2005 after having participated in a prison protest in April 2005. The monks protested the proposed co-habitation of political and criminal prisoners in the same cells. Monks are also not exempt

from being used as forced laborers and porters by the regime. (Sources: *Burma: A Land Where Buddhist Monks are Disrobed and Detained in Dungeons*, AAPP, 2004; “Myanmar: 22 Political Prisoners,” AI, 13 May 2005).

## **4.6 Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment – Partial List of Incidents for 2005**

### **Arakan State**

#### **Rathedaung Township**

On 24 October 2005, it was reported that Mohammed Jamil (age 20) and Mohammed Ismail (age 45) of Dunsey village, Rathedaung Township suffered severe torture after being detained for 3 days for overstaying a travel permit by two days during a visit to relatives in Nayapara village. During the term of imprisonment, Mohammed Ismail's right hand was broken. They were forced to pay a 500,000 kyat bribe to gain their release. To raise the money for the bribe, the victims had to sell their land. (Source: “NaSaKa Extorts Kyat 500,000 From Two Rohingyas in Northern Arakan,” *Kaladan News*, 24 October 2005).

#### **Maungdaw Township**

On 10 November 2005, Zahid Hossain and Shawri Hossain were arrested and severely beaten after being accused of traveling to Bangladesh. The two had visited a friend in Maungdaw on 25 October 2005 after having obtained the necessary documents. They were held for 6 days and only released after paying a 60,000 kyat bribe to the authorities. (Source: “Nasaka Authorities Extorted 60,000 Kyat from Two Rohingyas in Arakan Maungdaw,” *Kaladan News*, 28 November 2005).

### **Chin State**

During the first quarter of 2005, villagers in Salen village, Thantlang Township were subject to torture and interrogations on a daily basis by soldiers from Hakha-based SPDC LIB 266 and Falam-based SPDC LIB 268. Soldiers also severely beat village headman Cia Hmung and the village councilor Ceu Cung under accusations of assisting Chin armed opposition groups. The two men sustained serious injuries that necessitated treatment at the Thantlang Hospital. They remained in the hospital until April. Under similar accusations, the soldiers summarily executed villager Pu Hmet Lian. In fear of the same fate, villagers fled to Mizoram State, India. (Source: “Villagers Flee to India to Avoid Army’s Brutalities,” *Rhododendron Publication*, CHRO, 5 May 2005).

### **Irrawaddy Division**

On 26 November 2005, a group of 10 traffic police and security staff severely beat up students near the local university at Henzada (Hinthada). The incident started when the police tried to extort money from two university students and handcuffed them. A brawl ensued between the students and the authorities. The two students suffered black eyes and broken

arms. In addition, they were fined 1,000 kyat each. (Source: “Your Money and Your Life: Burmese Student Beaten up by Police at Henzada,” DVB, 3 December 2005)

## **Karen State**

### **Doooplaya District**

On 28 April 2005 at 8:00 am, troops from SPDC IB 83 Column 2, led by Min Naung, arrested villagers Saw Min Htoo (age 29) and Yeh Kay Heh (age 27) of Noe Maw Pu village, Kya In Township without reason. After beating the villagers, the soldiers released them at 5:00 pm the same day. (Source: KIC, 5 June 2005).

On 29 April 2005, troops from SPDC IB 83 Column 2, led by Min Naung, came to Htee kya village. They arrested and brutally beat up villagers Saw Ka Lee (age 40) and Par Ee Thar (age 38) without any reason, and released them afterward. The troops also burnt down a hut belonging to Yaw Da Yeh villagers resulting in the destruction of 50 tins of rice. (Source: KIC, 5 June 2005).

### **Pa-an District**

On 13 June 2005 at 11:00 am, during an operation for area control, troops from SPDC LIB 203 Column 1 under LID 22 shot at Ler Ka So villager Saw Po Doe (age 30), near Taungzun village in Ta Kreh Township without reason. He was badly wounded as a result. The troops also burnt down a hut and two piles of straw. (Source: KIC, 26 June 2005).

On 4 July 2005, troops from SPDC LIB 102 Column 2, led by Bo Tay, caught and beat a Maw Thel villager. The following day, the same SPDC troops also beat a Noh Law Plaw villager. (Source: BI, 2005).

On 21 August 2005, SPDC forces captured and tortured a group of Karen soldiers. The soldiers were able to escape but a man who was part of a negotiating team continued to be detained. (Source: “Burma Army Murdering and Torturing in Karen State,” FBR, 22 August 2005).

### **Pa-pun District**

On 9 January 2005, troops from SPDC LIB 598, based at Mae Waing army camp, led by Bo Myint Thein, shot at villagers who went out to collect vegetables at Tha Haw Hta in Mae Waing area. In that incident Wah Tho Kho villager Ah Nge Lay (age 32), was killed. Saw Si Way (age 25) was wounded and taken to Mae Waing army camp. (Source: KIC, 5 June 2005).

On 22 February 2005, SPDC LIB 202 22nd Division launched an attack on Maw Htoo Khee village without any valid justification. The name of the commanders who ordered the shooting were Battalion Comdr. Sine Tun, Company Sgt. Capt. Thun Thin Tun and Camp Comdr. Tun Tun Nine. (Source: BI, 2005)

## **Toungoo District**

On 9 July 2005, SPDC IB 30 shot at villagers gathered in a hut around Ler Kla Der area. None of the villagers were injured in the shooting. However, the troops later arrested 9 Ler Kla Der villagers. One of the 9 villagers, Saw Lwa Yer, was heavily beaten and suffered broken teeth. (Source: BI, 2005).

On 28 September 2005, SPDC IB 53 entered Toungoo District and Comdr. Tin Nae Ton asked the head villager from Ta Role village, to follow his troops so he could serve as their contact for other villages. However, as they traveled the battalion commander beat him. He was then forced to lie on his stomach while a block of wood was placed on his back and soldiers stood on either end of it breaking 8 of his bones. As a result, he had to stay in a hospital with his brother, sister and parents. (Source: BI, October 2005).

On 8 November 2005, troops from SPDC IB 48, led by Comdr. Lu Kyi, tortured K' Ser Doh village chief Saw Ka Myit by heating a knife in a fire and pressing it the village chief's neck after he denied having information about the location of KNU troops. K'Ser Doh villagers were also forced to prepare food for the SPDC soldiers for the duration of their stay in the village. (Source: BI, October 2005).

## **Karenni State**

On 11 August 2005, KNPLF soldiers tortured the village chief of Htukwesoe village without reason. The village chief sustained serious injuries to both of his eyes as a result of the torture. (Source: KNAHR, 2005).

On 17 August 2005, an armed group from the KNPLF jointly led by Sanda Aung and Lwizi brutally tortured a Krukhu villager named Phabu without any known reason. (Source: KNAHR, 2005).

## **Mon State**

### **Thanbyuzayat Township**

In January 2005 it was reported that SPDC IB 62 providing security along the gas pipeline subjected the following villages to extortion, forced labor practices, beatings and torture:

1. Wae-kha-dard village;
2. Sakharn village;
3. Chork-pa-line village;
4. Wae-kha-meat village;
5. Wae-toer village;
6. Kalaing-pa-taw village; and
7. Ywa-thar-aye. (Source: "Five Million Kyats per Month Demanded for Gas Pipeling Security Fee," IMNA, 25 January 2005).



## **Thaton District**

On 16 March 2005, Column 1 Comdr. Maj. Min Aung of SPDC LIB 104 in Thaton Township arrested Ta U Ni villager Saw Paw Ner (age 26) and 2 of his companions. The SPDC troops brutally beat the 3 villagers without reason. As of early April, the 3 villagers had yet to be released. (Source: KIC, 9 April 2005).

On 1 September 2005 at 4:00 pm, DKBA troops led by Than Htun opened fire on Ler Ka Law villager Kyaw Win's house, seriously wounding Kyaw Win's wife, Naw Mu Ngar (age 38), his daughter Naw Ko Thar (age 12), his son Maung Mya Win (age 6) and Kwee-lay villager Naw Mya Aye (female, age 46). (Source: KIC, 2005).

## **Pegu Division**

### **Nyaunglebin District**

In March 2005, troops from SPDC LIB 599 based at Kyun Bin Seik camp in Mone Township arrested Way Sweh villager Saw Tha Ner (age 30), beat him badly and took him to their military camp after accusing him of being a cattle smuggler. They subsequently demanded 500,000 kyat from him. (Sources: KHRG, 7 July 2005; KIC, 7 April 2005).

On 16 April 2005, a patrol of SPDC LIB 264 arrested villager Saw Pah Dta Beh in the Meh Koh forestry area in Kyauk Kyi Township and beat him so badly that he had to go to hospital. (Source: KHRG, 7 July 2005).

## **Shan State**

In January 2005, Lung S (age 60), a Shan rice farmer, was arrested and detained by the SPDC military for suspected links with insurgents. During his incarceration, he reported being beaten extensively and tortured. His captors repeatedly struck him with a nail-studded board. He also indicated that his interrogators suffocated him with water and repeatedly struck the sides of his head. He was released in March, however, relatives report that since the ordeal Lung S has been forgetful and sometimes "acts strange." Although Lung S was receiving medical treatment, it was uncertain whether he would fully recover. (Source: "Abuses by Burma's Military Regime in Shan State, Burma," Dictator Watch, May 2005).

In February 2005, SPDC troops forced all males of Lahu village over the age of 18, including elderly men, to lie on their stomachs. The soldiers then beat them with bamboo staves. The incident took place after the villagers were unable to provide the troops with a Burmese speaking guide. Due to the severity of the beatings, some of the old men were reportedly unable to walk for days. (Source: "Abuses by Burma's Military Regime in Shan State, Burma," Dictator Watch, May 2005).

On 15 February 2005, Sai (age 28), an ethnic Pa-O from Pang Kharm Poong San, Mong Pan Township was detained and tortured by soldiers from SPDC LIB 332 under accusations of being a soldier from the SSA. They punched him, kicked him and cut his throat with a knife. He was released after the soldiers learned that he was a common villager. There is a visible scar on his upper lip. (Source: FBR, 1 June 2005).

In April 2005, Ja K (age 40), a Lahu rice farmer, reported that SPDC troops forced him to serve as a porter. Ja K estimated that during his time as porter he had to carry approximately 30 kgs. of rice and beans. He further reported, "I just ran out of energy- I couldn't carry the heavy loads anymore so the soldiers beat me. They beat me with the stocks of their rifles. I went unconscious. They thought that I was dead, so they left me on the trail. I crawled for hours in jungle until I found some water." (Source: "Abuses by Burma's Military Regime in Shan State, Burma," Dictator Watch, May 2005).

### **Kaeng-Tung Township**

On 10 June 2005, Lung Yi (age 65), of Nawng Ngern village in Kaad Pha village tract, Kaeng-Tung Township was punished by SPDC LIB 314 troops after his buffalo trespassed onto SPDC territory. His buffalo was confiscated and Lung Yi was forced to choose to either dig 500 to 600 holes for tree plantings or receive a caning of 10 lashes. Lung Yi chose the lashes fearing he would not be able to endure the manual labor due to his age. Lung Yi remained incapacitated for 7 to 9 days after the lashings. (Source: *SHRF Monthly Report*, SHRF, November 2005).

On 7 August 2005, Zaai Pawn (age 21) was severely beaten by police officer Corp. Myint Than in Kaeng Tung village after Zaai Pawn refused to pay a fine and denied allegations that he was drunk and speeding on his motorcycle. The officer beat and kicked Zaai Pawn until he fell down. Zaai Pawn was struck on the head with the butt of his gun, slashing open his scalp and fracturing his skull and requiring several stitches. After the beating, Zaai Pawn was required to pay a fine of 10,000 kyat to retrieve his motorcycle. (Source: *SHRF Monthly Report*, SHRF, December 2005).

### **Lai-Kha Township**

On 3 May 2005, troops from Company No. 4 of LIB 515 led by Capt. Kyaw Aye arrested the village secretary, Zaai Kham Too (age 38) from Ter Leng village in Haai Seng village tract, Lai-Kha Township accusing him of collecting money and rice for Shan opposition soldiers. The SPDC troops subsequently detained Zaai Kham Too, interrogated, beat, and tortured him. The military authorities then extorted 300,000 kyat from his relatives for his release. After his release, Zaai Kham Too was unable to move around independently because of his wounds. Bruises and sprains were visible all over his body and he lost 3 teeth. (Source: *SHRF Monthly Report*, SHRF, August 2005).

### **Murng-Ton Township**

In April 2005, UWSA troops from the 171st Military Region led by infamous opium warlord Wei Hsuehkan committed numerous abuses against Shan villagers, including torture, after accusations of being linked to Shan resistance fighters. Several villagers were seriously injured during the torture and beating sessions. (Source: *SHRF Monthly Report*, SHRF, July 2005).

On the morning of 3 April 2005, the head of the Lahu people's militia of Paang Khaa village shot 9 lead pellets into the stomach of Naang U (age 42). Naang U collapsed and lost consciousness. The militia left Naang U believing her to be dead. Shortly thereafter, Naang U's husband, Zaai Ti, arrived to find his blood-soaked wife lying unconscious but still alive. The Lahu militia head claimed that he had shot Naang U because she was a witch and had

made his children ill. He then threatened to kill Zaai Ti and his family unless they returned to their original village at Wan Naa. (Source: *SHRF Monthly Report*, SHRF, August 2005).

On 15 April 2005, Nya Lin Da (age 18) and his wife, Naang Suay Ing (age 17), of Huay Aw village were arrested by a patrol of UWSA troops from the 171<sup>st</sup> Military Region while collecting vegetables. They were accused of being Shan soldiers. The Wa soldiers beat and tortured the couple until they both lost consciousness. The village and community leaders had to guarantee that Nya Lin Da and Naang Suay Ing were not Shan soldiers before they could be released. Almost a month after the incident, the couple had still not fully recovered. They could barely walk and could not chew solid food. Marks and bruises were still evident all over their bodies. (Source: *SHRF Monthly Report*, SHRF, July 2005).

On 18 April 2005, Law-Ka (age 21) and Zaai Saw (age 22) of Naa Kawng Mu village went to catch fish in the Nam Haang River when UWSA soldiers from the 171st Military Region accused them of being Shan soldiers and subsequently arrested them. They were released the following day after their relatives and community leaders guaranteed that they were ordinary villagers. During their time in captivity, the 2 villagers had been severely tortured and were unable to walk. (Source: *SHRF Monthly Report*, SHRF, July 2005).

On 18 April 2005, a patrol of UWSA troops from the 171st Military Region found phone numbers during an arbitrary search of the pockets Phaw Ma (age 45) of Huay Aw village. The troops accused Phaw Ma of possessing a mobile phone and providing information to Shan troops. They subsequently arrested him. He was interrogated, tortured and severely beaten. He was released the following day after village leaders attested to his innocence. The leaders however were warned not to speak of Phaw Ma's beatings. Upon his release, Phaw-Ma was unable to walk or even stand due to the severe torture he had endured. He also had bruises and sprains all over his body. The villagers were instructed to tell the hospital that Phaw Ma had fallen from his house and not that he had been tortured. The troops threatened to kill villagers who defied their instructions. (Source: *SHRF Monthly Report*, SHRF, July 2005).

### **Nan-San Township**

On 8 July 2005 at approximately 8:00 pm, an SPDC militia group along with 14 policemen raided the houses of villagers at Man-wai village and severely beat 3 villagers: Aik-pane, Aik Naung, Aik Nyein, and Kyaw Tu. The villagers were unjustifiably accused of being involved in the drug industry. (Source: PYNG, 2005)

### **Nam-Zarng Township**

On 18 August 2005, Zaai Kan-Na (age 20) and his elder sister, Naang Seng (age 22), of Kho Lam village encountered SPDC soldier Sgt. Than Sein on a street in Kho Lam village as they returned by motorcycle from a monastery. The soldier heavily slapped Zaai Kan-Na 3 to 4 times across the face for being in his way on the road. When Naang Seng intervened and apologized, the soldier slapped her 2 times and then walked away. Although the 2 villagers filed a complaint with the SPDC authorities of Kho Lam village tract, as of October 2005 no official action had been taken. (Source: *SHRF Monthly Report*, SHRF, December 2005)

## **Tenasserim Division**

### **Mergui/Tavoy District**

On 30 January 2005, troops from SPDC No.12 Military Training Center led by Col. Tin Mya and SPDC IB 285 led by Lt. Col. Win Naing tied up, beat, and extorted money and pig meat from the following villagers of Za Di Win:

1. Saw Kay Leh Beh;
2. Saw Po Doo;
3. Saw Kho Klo;
4. Saw Pa Kaw; and
5. Saw Bi Bi Shee. (Source: KIC, 27 March 2005).

### **Yebyu Township**

In January 2005, soldiers from SPDC LIB 273 under the command of Moe San Winn, reportedly harassed villagers from Ohn Pin Kwin and Phaung Daw villages in Yebyu Township. Soldiers seized 13 buffaloes belonging to the villagers and the owners were brutally tortured under the accusation of trying to transport them across the border to sell in Thailand. (Source: "France's Oil Giant Total and Human Rights," Kaowao News, January 2005).

## 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.*

*“Current agricultural and marketing policies, and restrictions on the movement of people, make it very difficult for many of those at risk to merely subsist.” – James Morris, executive director of the UN World Food Program. (Source: “Junta Restrictions Cause Food Shortages Among Rohingyas,” Irrawaddy, 23 September 2005).*

### 5.1 Background

In 2005, Burma's economy deteriorated sharply and the population of Burma faced increased difficulties in maintaining an adequate standard of living. Since the military coup of 1962, the economy has steadily declined, making it progressively difficult for people in Burma to meet their basic needs. Despite a wealth of natural resources, the country suffers from widespread poverty. Military rule has effectively destroyed a once robust economy through decades of misguided economic policies, rampant corruption, cronyism, and disproportionate spending on the military. Although Burma signed the UN Convention on Corruption on 2 December 2005, which requires States to promote “honesty and responsibility among its public officials,” it has not yet been ratified by the regime. Moreover, Transparency International, a global coalition against corruption has ranked Burma as the fourth most corrupt polity out of 159 countries reviewed.

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.

Independent data indicates that the agricultural sector accounts for 56.6 percent of Burma's GDP, employs 70 percent of the workforce and provides the country with significant export earnings. Despite this, many of Burma's farmers are struggling to maintain their livelihoods and as many as 25 percent of Burma's almost 50 million people continue to live below the poverty line. Weak land rights, state interference in the domestic market, and restrictions on the movement of people and farm produce have severely impacted farmers' ability to provide for themselves and their families. For instance, throughout 2005, restrictions on travel and trade throughout ethnic border areas severely undermined farmers' ability to access their rice fields and trade their produce. Government restrictions on the transport of rice into and throughout most states and divisions, such as Arakan State, Shan State, Karen State, Irrawaddy Division and Pegu Division, also led to the manipulation of rice prices throughout Burma. Consequently, some ethnic border areas faced severe food shortages. Furthermore, despite the regime's announcement in April 2003 that it would withdraw from the rice market by ending its 40 year rice procurement policy, there were credible reports in 2005 that the forced sale of rice to the army continued.

In 2005, an excessively high inflation rate and a nine-fold increase in the price of fuel sparked fears of possible social unrest throughout the country. Some observers argued that the junta's economic mismanagement of the country has plunged Burma into a dire economic crisis and in so doing has created a precondition for social unrest and revolt. (Source: "Burma: Violence in the Making," *Mizzima*, 16 November 2005). Similar economic conditions existed in 1988 when a sharp increase in the price of basic commodities, such as rice, was widely believed to have, in part, sparked the pro-democracy uprising of that year. In late 2005, there were reports of increased crime in Rangoon as a result of extreme economic hardship. Such reports could be seen as a precursor to a popular uprising against the regime. (Source: "Burmese Authorities Deny Crime Wave," *Irrawaddy*, 29 November 2005). At year end, while no reports of social unrest emerged, the economic conditions in Burma remained grave.

## **Inflation**

In 2005, Burma's crude economic policies together with bomb blasts in Rangoon in May and rumors of a military coup in September plunged the country into the worst period of inflation seen since the 2003 banking crisis. According to *The Economist*, Burma's 2005/2006 annual average inflation is forecast to be 20 percent. The official exchange rate for the kyat, which is non-convertible, is approximately US\$6, however, the black market rate, in which most business and commercial transactions in Burma are conducted, went from less than 900 kyat in January to over 1,300 kyat to the U.S. dollar in October. (Source: "Concern Grows Over Burma's Rapidly Increasing Inflation," *Irrawaddy*, 6 October 2005).

Rising inflation reportedly prompted the Ministry of Mining to open an official gold coin shop in Rangoon on 21 September. Long cues of people wishing to invest their money in a more secure form than the local currency have been reported since the shop's opening. The price of a one tical (0.56 ounce) gold coin opened at 300,000 kyat (US\$214) but quickly rose 13 percent to 340,000 kyat (US\$242) by early October. (Sources: "Gold Coin Prices Soar in Myanmar as Currency Tumbles," AFP, 4 October 2005; "Cold and Dollar Prices Rise in Burma," *Mizzima*, 29 September 2005).

The sharp rise in inflation has caused a significant rise in the cost of basic commodities, such as rice, cooking oil, meat and sugar, throughout the country. Furthermore, on 20 October, the junta officially raised the price of petrol from 180 kyat to 1,500 kyat per gallon. As the junta rationed fuel at 60 gallons per month, those that require more were forced to buy it on the black market, where the price of diesel in October was approximately 3,600 kyat per gallon. (Source: "Rise in Cost of Fuel for Burmese," *Financial Times*, 20 October 2005). The rise in fuel prices immediately affected transport costs and consequently there were reports of further increases in basic commodity prices throughout the country in the later period of 2005. Concurrently, bus fares in Rangoon rose by 400 percent and rice by 50 percent (source: "'What Bomb' Ask Cowed Locals," *Irrawaddy*, 24 October 2005). Market prices reportedly changed daily and medicine increased 30 percent from August to October (source: "Myanmar's People Struggle as Prices Soar," AFP, 9 October 2005). In southern Burma, a one way bus trip into town rose from between 150 to 200 kyat up to 1,000 kyat in late November. The rise in transport costs severally affected teachers who traveled daily from towns to rural villagers. Teachers, whose monthly salary was approximately 10,000 kyat, reportedly began charging primary school students 150 kyat and middle school students 200 kyat in order to cover their travel costs. (Source: "Oil Price Hike Affects Government Employees," IMNA, 22 November 2005). The rise in fuel prices also forced the closure of several factories. In Sittwe, the capital of Arakan State, four large factories, six factories

related to the fishing industry and a number of smaller factories were forced to close down due to the high fuel prices. The closures resulted in approximately 1,600 job losses. (Sources: “Factories in Akyab Close Down as Fuel Price Sky Rockets,” *Narinjara News*, 28 October 2005; “Fishing Industry in Doldrums,” *Narinjara News*, 21 December 2005).

Increased economic hardship due to high inflation and increased fuel prices reportedly led to an increase in crime in Rangoon. On 5 November, it was reported that acute financial stress had caused an increase in burglaries in Rangoon. Consequently shop owners, scared by rumors of an increase in burglaries, began to close their shops early. (Source: “Burglary Scare in Rangoon Markets,” SHAN, 5 November 2005). On 1 December, the Myanmar Police Force launched the “Crime Free Week” campaign in downtown Rangoon, Latha Township in an attempt to curtail rising crime in the city. According to a Rangoon police officer, “Crime Free Week is designed to crack down effectively on gambling, robbery and violence.” The initiative involved an increase of police on the streets and a 24-hour a day patrol throughout Latha Township. Police officers were also dispatched to educate people on crime prevention. While no official statistics were available on Rangoon’s crime rate, it was reported that sources inside Burma generally considered crime to be on the increase. (Source: “Rangoon to Combat Rising Crime,” *Irrawaddy*, 25 November 2005).

### **Other Factors Affecting the Cost of Living**

The junta’s misguided economic policies have also had a profound affect on the price of rice throughout the country. In 2005, the regime imposed a ban on the transport of rice into and throughout ethnic border areas, such as Arakan State, northern Shan State and Karen State. This led to dramatically inflated rice prices in areas suffering from rice shortages. For instance, in July, restrictions on the transportation of rice imposed by military authorities into Kun-Hing Township, Shan State resulted in rice prices rising to 10,000 kyat despite prices in neighboring Keng-Tawng Township remaining as low as 4,950 kyat. According to a report from the area, Keng-Tawng Township had a surplus of rice in July but military authorities banned traders from transporting rice out of the township and threatened punishment if township traders were unable to supply rice to the army when they needed it. (Source: “Rice Shortage Forcing More People to Leave,” SHAN, 11 July 2005). In late 2005, the junta also placed a ban on the transport of rice outside of high rice producing areas, such as Irrawaddy Division, Pegu Division and Arakan State. The ban raised fears that despite an abundant harvest rice prices would remain low. The ban has been attributed to the regime’s attempt to keep rice prices low in order to fill rice purchase quotas for the army. (Sources: “Burma Bans Cross-Region Rice Shipments in Lower Burma,” DVB, 28 December 2005; “Rice Transportation Between Townships in Arakan State Banned,” *Narinjara News*, 15 November 2005). (For more information see Sections 5.5 Situation in Arakan State and Section 5.7 Situation in Karen State).

Regime policies regarding the ownership of unlicensed vehicles further increased the cost of living in Burma. In 2005, the SPDC demanded that owners of unlicensed vehicles turn them in by 31 March. Those who did not obey the order risked the confiscation of their vehicle’s and a 7-year jail term. The order, however, provided authorities with yet a further opportunity to both raise taxes and extort money from the populace. From the beginning of April 2005, the Ministry of Transport raised vehicle taxes throughout the country. Prior to April, tax on a Chinese truck was 10,000 kyat, a Japanese Hilux was 8,000 kyat and a six-wheel truck was 180,000 kyat. Post April, these taxes were raised to 30,000 kyat, 300,000 kyat and 500,000 kyat, respectively. (Source: “SPDC Doubles Automobile Tax,” IMNA, 13 May 2005).

Furthermore, in Mon State, it was reported that Comdr. Thura Myint Aung and Col. Myo Win of the Southeast Command issued illegal vehicle licenses for a bribe of 500,000 kyat to business men whose cars had been confiscated (source: "Army Collects Bribes for Illegal Cars," *Kaowao News*, 14 January 2005).

### **Economic Sanctions**

On 17 May 2005, U.S. President George Bush renewed sanctions that were first introduced in July 2003 under the Burmese Freedom and Democracy Act of 2003. The Act, together with an Executive Order signed on the same day, barred all imports from Burma in U.S. markets, froze all assets of high-level SPDC and USDA officials in the U.S., and banned the provision of financial services to Burma. In a notice to the U.S. Congress concerning the renewal of sanctions against Burma, President Bush stated "The actions and policies of the Government of Burma continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States." (Source: "Notice of Continuation of the National Emergency with Respect to Burma," Office of U.S. Press Secretary, 17 May 2005).

On 25 April 2005, the E.U. confirmed existing sanctions on Burma for another year. The E.U.'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," E.U. Statement, 23 April 2004). The E.U. reiterated its Common Position on Burma in April 2004 and in October 2004 calling on the SPDC to release Daw Aung San Suu Kyi, cease harassment of the NLD and allow genuine debate in the National Convention. As the regime ignored these demands, on 25 October 2004 the E.U. revised the Common Position and tightened sanctions against the regime. These sanctions included a visa ban on E.U. based companies or organizations providing funding to junta-owned companies in Burma and a systematic E.U. vote against the granting of loans to Burma by international institutions.

## **5.2 Situation of Farmers in Burma**

An estimated 70 percent 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 centralized 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 proscribed have had disastrous results for those engaged in agriculture within Burma.

### **Right to Own Land**

Cultivators in Burma have effectively lost the right to own land. Under domestic law sections 9-12 of the Lands Nationalization and Agricultural Lands Act 1953, the right to transfer, partition or lease land can only occur with permission from the authorities. In the 1963 Tenancy Act, the regime 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 regime 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 SPDC 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 to protest. Local farmers are afforded a degree of land use rights but most literature or information explaining these laws is only available in Burmese, making the information inaccessible to the non-Burmese speaking ethnic minorities. This further limits the capacity of ethnic minorities to protest the confiscation of their lands by SPDC officials or the military. (Source: "Reclaiming the Right to Rice," BBC, October 2003).

### **Forced Sale of Crops**

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 Myanmar Agricultural Produce Trade (MAPT), prescribed the forced sale of rice to the SPDC at fixed discounted prices as low as one sixth of the market rate. MAPT 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 to gain foreign currency. At the end of 2003, the junta 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 February 2005, MAPT dismissed 10,000 employees who had been involved in the paddy procurement program without compensation (source: "Burmese Military Dismisses 10,000 MAPT Employees," IMNA, 14 February 2005).

In conjunction with the end of the rice procurement policy, the junta also announced a new trading policy, which stipulates "All nationals have the right to trade rice. The price will be according to the prevailing rates, and monopolizing the rice trade will not be allowed for anyone or any organization." However, guidelines set out by the Myanmar Rice Trading Leading Committee (MRTLTC) further stipulated that rice could only be exported when in surplus, a 10 percent tax would apply to rice exports and net export earnings would be divided on a 50-50 basis between the SPDC and the rice exporter. Rice trading associations, including the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI), the Myanmar Rice Traders Association and the Myanmar Rice Millers Association, would be responsible for buying rice from farmers and then selling it to the MAPT for distribution to the army at cost. (Source: "Lifting Rice Controls: More Questions Than Answers," *Irrawaddy*, 1 May 2003).

Despite the SPDC's claims that it was moving out of the rice market, there were credible reports that the forced sale of rice at below market value continued throughout 2004 and 2005. For example, in February 2005, the Shan State Triangle Regional Command ordered the Merchants and Farmers Association to buy a quota of 100,000 baskets of rice from farmers in Kaeng-Tung Township at a fixed rate of 3,800 kyat per basket. Farmers were banned from selling or transporting rice prior to the military quota being met. (Sources: "Rice Procurement in Kaeng-Tung," *SHRF Monthly Report*, SHRF, February 2005; "Restrictions and Economic Situation in Central Shan State," *SHRF Monthly Report*, SHRF, April 2005). In May 2005, SPDC IB 61 ordered farmers in Ye Township, Mon State to sell two baskets of paddy per acre of land to the army. The paddy was to be crushed into rice and sold to the army at 110,000 kyat per basket, well below the market price of 200,000 kyat. As of the end of May,

no payment to the farmers had been made. (Source: “Rice Extorted for Army Food Supply,” IMNA, 30 May 2005). In December 2005, it was reported that farmers in Irrawaddy and Pegu Divisions were banned from transporting rice as rice traders had yet to purchase the 15,000 baskets of paddy required for army consumption in Toungoo Township (source: “Burma Bans Cross-Region Rice Shipments in Lower Burma,” DVB, 28 December 2005).

### **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 through 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 including the 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 promoted in the Irrawaddy Delta region, which is rich in both land and water resources.

The cultivation of summer paddy has created new burdens for farmers. In order to build roads, small dams and irrigation ditches, regime-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 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. According to a farmer in Maoobin Township, Irrawaddy Division, “The farmers are unhappy as the government forces them to grow summer paddy without providing anything...there is no profit [in producing summer paddy] even though the farmers work hard. The summer paddy project is not successful as the government does not provide the chemical fertilizers for the summer paddy plantations. The farmers can not afford to buy the chemical fertilizers by themselves.” In some areas, SPDC authorities reportedly confiscated land from farmers who could not repay the loans they had taken out to obtain crop supplies. Farmers who complained about or attempted to refuse to participate in the summer paddy program risked arrest and imprisonment. (Sources: “Maoobin Township TPDC Chairperson Forces Farmers to Grow Summer Paddy,” DVB, 13 December 2005; *Country Reports on Human Rights Practices 2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005; “Burma: Illegal Imprisonment, Denial of Economic Rights, Un-Rule of Law,” AHRC, 15 December 2004).

## 5.3 Situation of Labor in Burma

A surplus of labor, a dismal economy and lack of protection by the junta 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. Minimum wage laws apply only to junta 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 to air their grievances.

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 five day, 35-hour workweek while those employed in private enterprise work a six 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, however, 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 is also required without appropriate compensation. Instead, employees are sometimes paid a small amount of money or given some food.

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 junta, is 100 kyat (US\$0.10) for an eight hour workday. Despite the various subsidies and allowances that 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 800 kyat (US\$0.80) per day, while rural agricultural workers earn approximately half that amount. Skilled factory workers in the private sector can earn as much as 4,000 kyat (US\$4) per day.

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 junta has also pressed joint ventures not to pay salaries higher than those of ministers and senior SPDC employees. Some joint ventures and foreign firms have circumvented this by awarding supplemental wages and benefits.

There are few viable processes or systems by which worker's grievances can be aired. The junta does not allow unions and therefore workers are unable to collectively organize and bargain for better working conditions. Workers are also legally prohibited from striking. (For more information see Chapter 11 Freedom of Opinion, Expression and the Press). 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 discussions. Workers, therefore, suffer considerably.

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.

Despite the fact that health and safety regulations exist under the Labor Compensation Act, the junta does not provide the necessary resources to enforce these regulations. Furthermore, workers who can remove themselves from dangerous conditions do not do so out of fear of losing their jobs. In addition, 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. According to a public servant in Arakan State, a bag of rice in July cost two to three times her monthly salary (source: "Phenomenal Rice Price Rise in Western Burma Threatens Social Unrest," *Narinjara News*, 5 July 2005). In southern Burma, low teacher wages resulted in students having to provide teachers with extra money in order to cover rising transport costs (source: "Oil Price Hike Affects Government Employees," IMNA, 22 November 2005).

## **5.4 Other Factors Contributing to the Deprivation of Livelihood**

People living throughout Burma are subject to numerous demands for their hard-earned currency and their hard-pressed time. As the junta spends an estimated 50 percent of the national budget on strengthening the armed forces, there is little money allotted for the needs of the general population. Furthermore, thousands of acres of land have been confiscated from civilians, without compensation, for army food production or factories under the "Self Reliance Program," through which soldiers are forced to procure their own food supplies. The ousted farmers and local villagers are frequently made to act as serfs on their former land, planting and harvesting crops for the army battalions who took the land from them. Despite substantial spending on the military, even the armed forces do not receive adequate provisions. Deserters from the army have cited overwork and low salaries as major causes of desertion. One soldier who deserted to the Indo-Burma border in late 2005 stated that "I joined the army to support my family. I was unable to provide any financial help to my family because of the low salary. I was not even allowed to contact them. What is the point of serving in the army?"

The SPDC has prided itself on undertaking efforts to improve the nation, such as the building of roads, bridges and railroads. Yet, these national infrastructure projects have been carried out at the expense of the people of Burma. The projects, which are often for military benefit, are usually severely under funded, and the local people are often required to not only contribute funds and materials but to also build the projects themselves as forced laborers.

At the township and village administrative levels, there is also a lack of 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," requiring 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 send laborers 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.

### **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 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.

#### **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 to 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 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, whether or not they are actually used for administrative purposes, vary from place to place.

#### **Festival and Ceremony Fees**

Often the SPDC does not provide enough money for regime-sponsored festivals and ceremonies, including religious and sport festivals and even anti-NLD rallies. Where the SPDC falls short, the people are expected to contribute. SPDC 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 event never occurs at all.

#### **Taxes for Development Projects**

The social, education and health sectors in Burma are seriously neglected by the SPDC and suffer from an acute shortage of junta funding. Local people are often required to pay for the construction of educational and healthcare 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. SPDC funding is often insufficient or swindled by corrupt officials and villagers are ordered to provide the money or 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 arise, 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 regime and SPDC allies, 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 any given time. 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. (For more information, see Chapter 12 Freedom of Assembly, Association and Movement).

## **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 provide a certain amount. Some of these arbitrary levies are associated with discrimination against religious or ethnic minorities, such as in the case of arbitrary taxes that exist only for Muslim Rohingya people in Arakan State.

## **Forced Labor**

Despite the fact that Burma ratified Order No. 1/99 in 2000 banning forced labor, the continued practice of forced labor is well-documented. Forced labor is mandatory, unpaid and requires that villagers spend varying amounts of time away from their own livelihoods. 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. (For more information, see Chapter 1 Forced Labor, Portering and Military Conscription)

## **Land Confiscation**

Weak land rights have provided the SPDC with various opportunities to deprive the people of Burma of their land. In addition to land confiscated for army battalions, the junta often takes over land that is intended for development projects. People are rarely compensated for the confiscated land. 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.

## **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. Furthermore, under the “scorched earth” campaign, SPDC troops relocate villages in known insurgent areas then burn 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.

## **Looting and Expropriation of Food and Possessions**

The military 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 that aiding the armed forces is 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 villagers’ 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 been condoned by the junta. 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 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. Villagers are even sometimes forced to provide items for military personnel to offer to local Buddhist temples. The armed forces rarely pay for the items they extort.

## **Restrictions on Trade, Travel and Cultivation**

Restrictions on trade, travel and cultivation are frequently imposed by the SPDC, especially in areas of armed conflict, causing further difficulties for individuals attempting to make a livelihood. Many people living in areas under SPDC control are restricted from leaving their villages and must pay for passes from authorities 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 also enforced special

travel restrictions where people are banned from leaving their villages altogether. In these cases, villagers are unable to engage in trade with neighboring villages and neglected fields often result in lost harvests. Some travel restrictions are associated with discrimination against religious or ethnic minorities, such as in the case of travel restrictions which exist only for the Muslim Rohingya in Arakan State.

In 2005, travel restrictions imposed by the authorities resulted in severe economic hardship for the people of Burma. The military authority's ban on rice being transported into and throughout some ethnic areas, such as Arakan State, northern Shan State and Karen State, led to severe food shortages and loss of income for traders and farmers in the area. The lack of affordable rice in northern Shan State reportedly led almost 1,000 people to flee into Thailand (source: "Rice Shortage Forcing More People to Leave," SHAN, 11 July 2005). In northern Arakan State, a shortage of affordable rice in mid-2005 raised fears of both a man-made famine in the area as well as possible social unrest and another refugee exodus into Bangladesh (source: "Phenomenal Rice Price in Western Burma Threaten Social Unrest," *Narinjara News*, 5 July 2005). (For more information, see Chapter 12 Freedom of Assembly, Association, and Movement).

Another factor affecting the ability of people in Burma to make a living is the existence of landmines. Landmines are often laid by the military forces in and around villages after villagers have been forcibly relocated. The deployment of landmines prevents villagers from returning to gather their belongings or tend to their fields. Consequently, landmines both restrict villagers' ability to access their fields and also limit the areas where laborers are able to move.

## 5.5 Situation in Arakan State

The economic situation in Arakan State deteriorated throughout 2005 due to continued arbitrary taxation, land confiscation and restrictions on trade and travel. While the measures that deprive civilians of an adequate livelihood are imposed on all ethnicities residing in Arakan State, including the majority Rakhine Buddhist population, most of the severest restrictions are directed towards the Muslim Rohingya populace. The abuses suffered by the Rohingya stem, in part, from the fact that they are denied access to 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 and most are unable 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 Rohingya's ability to access an adequate livelihood.

Following the removal of Gen. Khin Nyunt from office on 19 October 2004 and the subsequent purge of NaSaKa, there were initial reports that human rights abuses, including arbitrary taxes, marriage fees, travel authorization fees, extortion and corruption had declined in Arakan State. However, in January 2005, NaSaKa border forces and local authorities now under full control of the military, reasserted control over Arakan State. Throughout 2005 excessive arbitrary taxation and land confiscation impeded peoples' ability to maintain their livelihoods. Meanwhile SPDC battalions in Arakan State raised substantial funds during 2005 by monopolizing profitable industries and engaging in various corrupt practices, such as



demanding arbitrary fines and taxes, as well as through land confiscation programs. Although troops stationed in Arakan State used to make money by leasing back to farmers confiscated land, in September 2005, it was reported that troops in Kyauk Taw Township had been prohibited from engaging in this practice, raising concerns for farmers fearing a loss of income and the potential for forced labor. Forced labor concerns came to a head according to a 12 September report when SPDC troops forced Rohingya villagers to cultivate rice on confiscated paddy land. (Sources: "Burmese Army Turns to rice Growing on Land Confiscated from the People," *Narinjara News*, 7 September 2005; "Army Plunders Paddy Seedlings," SHAN, 12 September 2005).

In November 2005, SPDC authorities officially banned the transport of rice between Arakan townships leading to a significant increase in rice prices and shortages throughout the region. According to a public servant from Buthidaung Township, the cost of a bag of rice in July was between two to three times a public servants' monthly salary (source: "Phenomenal Rice Prize in Western Burma Threaten Social Unrest," *Narinjara News*, 5 July 2005). It was reported in September 2005 that rice prices in the region had reached almost four times that in the Arakan capital of Sittwe (source: "Junta Restrictions Cause Food Shortage Among Rohingyas," *Irrawaddy*, 23 September 2005). Rice smuggling into Bangladesh, with the complicity of the SPDC authorities, also contributed to food security problems throughout the region (source: The Arakan Project, 9 November 2005). The situation was further exacerbated by the junta's three-month delay in issuing a permit to the World Food Program (WFP) to transport food aid into the area. A permit was finally granted in September 2005 and WFP provided some relief to the area. However, villagers were required to pay for a travel pass to collect WFP rations (source: The Arakan Project, 9 November 2005). During the late 2005 rice harvest period, a further ban on the transport of rice between townships was issued, effectively preventing farmers from accessing profitable markets outside their township. It was reported that junta intervention in the transportation of rice was designed to keep rice prices low so rice could be purchased cheaply to supply the army. (Source: "Rice Transportation Between Townships in Arakan State Banned," *Narinjara News*, 15 November 2005).

The food crisis in northern Arakan State, together with other human rights abuses perpetrated by the NaSaKa, severely undermined both the Rohingya and Rakhine population's ability to access an adequate livelihood. Furthermore, in November 2005, it was reported that daily labor wages had fallen from 1,000 to between 700 and 800 kyat with very little work available in the area. (Sources: The Arakan Project, 9 November 2005; "Phenomenal Rice Prize in Western Burma Threaten Social Unrest," *Narinjara News*, 5 July 2005).

### **Official and Unofficial Taxes and Levies**

On 17 June 2005, it was reported that the military HQs in Rangoon ordered military battalions in Arakan State to collect levies from local businesses sector for an army bank fund in order to fulfill orders to put away a minimum of 10 million kyat in U Pai Ltd bank in less than a year. Consequently, brick kiln owners in Kyauk Taw Township have been ordered to pay 4,000 kyat to the military for every 10,000 bricks sold. In addition, military personnel have imposed 500 kyat levies on traders and travelers throughout Kyauk Taw and Palawa Townships. Since the order was issued, over 3,000 kyat had reportedly been deposited in U Pai Ltd bank by over 50 battalions stationed in Arakan State. (Source: "Army Collects Toll for Bank Savings," *Narinjara News*, 17 June 2005).

In September 2005, it was reported that the TPDC chairmen in Arakan State were selling mosquito nets donated by UNICEF and AZG (Médecins sans Frontières– Holland) to local people at 700 kyat a net. Only those friendly with the local authorities were able to obtain a net for free. (Source: “Donated Mosquito Nets from Overseas Sold by the Burmese Authorities in Arakan,” *Narinjara News*, 15 September 2005).

On 11 September 2005, Mohammed Jamil (age 20) and Mohammed Ismail (age 45) of Dunsey village, Rathedaung Township were forced to pay a 500,000 kyat bribe in order to gain their release from detention. They were arrested and detained for 3 days after overstaying a travel permit by 2 days during a visit to relatives in Nayapara village. In detention, they were severely tortured and Mohammed Ismail's right hand was broken. To raise the money for the bribe, the victims had to sell their land. (Source: “NaSaKa Extorts Kyat 500,000 From Two Rohingyas in Northern Arakan,” *Kaladan News*, 24 October 2005).

On 14 September 2005, it was reported that SPDC battalion 551 ordered cattle and buffalo owners to pay 3,000 kyat per buffalo and 1,000 kyat per cattle for a 6-month permit allowing them to graze their livestock in the fields. (Source: “Army Collects Money for Animal Grazing Fields,” *Kaladan News*, 14 September 2005).

On 2 October 2005, soldiers from camp No. 18 of NaSaKa Sector No. 8 fined households with absentee members in Inn Din village, Maungdaw Township between 10,000 and 50,000 kyat depending on the financial means of the household. The VPDC chairman was earlier ordered to provide a list of persons who had been absent from the village within the previous 3 year period. (Source: “Army Starts Collecting Money from Rohingya Villagers,” *Kaladan News*, 13 November 2005)

On 5 October 2005, under threats of canceling their fishing licenses, SPDC LIB 270 and IB 20 forced fishing boats in the area to transport troops for 16 hours and provide a portion of their catch to the soldiers without providing any remuneration. SPDC LIB 270 replaced IB 20 troops in Manaung, Kyuan Thaya, Nam Tha Kyan and Mayu lighthouses, which serve as part of the security for the Shwe gas project. (Source: “Private Boats Used Free of Cost to Provide Security for Gas Project,” *Narinjara News*, 10 November 2005).

On 16 November 2005, Zahid Hossain (age 21) and Isak Ahamed of Alay Than Kyaw village, Maungdaw Township were forced to pay a 60,000 kyat bribe in order to gain their release from detention. The 2 were arrested at approximately 12:30 am on 10 November by the NaSaKa camp-in-charge, Aung Min, 2 NaSaKa personnel and the VPDC secretary, Mohammed Naru under false accusations of traveling to Bangladesh. They were held for 6 days and beaten severely by the NaSaKa. (Source: “Nasaka Authorities Extorted 60,000 Kyat from Two Rohingyas in Arakan Maungdaw,” *Kaladan News*, 28 November 2005).

On 21 November 2005, teachers and students in Minbya Township were forced to donate 500 kyat per person to the education and health sectors during Prime Minister Soe Win's visit as a show of support for the regime. Businessmen were also forced to make donations. U Maung Maung Tun of the MMT Group Fish and Prawn Trading was forced to donate 600,000 kyat while the following businessmen were required to donate 100,000 kyat each:

1. U Soe Min (Sanchein Co Ltd);
2. U Myint U (PCLE);
3. U Aung Kyaw Thein (KTT Co Ltd);
4. U Thein Naing (Phyo Kyaw);

5. U San Myint (rice miller);
6. U Kyaw Zaw (landlord);
7. U Maung Htun Mra (ship owner);
8. U Maung Tha Nu (taxation officer of Myoma market);
9. U Kyaw Myint (timber trader); and
10. U Maung Tun Mra (goldsmith).

Businessmen who refused to donate money risked having their business licenses revoked. (Source: "Businessmen Forced to Donate to Education and Health Sectors During SPDC PM's Trip to Arakan," *Narinjara News*, 10 December 2005).

On 27 November 2005, it was reported that the authorities stationed at a navy checkpoint at Khalean Daung Creek, Taungup Township, which is situated along the Sittwe-Ragoon route, imposed an arbitrary tax of 10 gallons of diesel or a 20,000 kyat fee on each boat passing through the checkpoint. Failure to pay resulted in a protracted wait for routine inspection. The Khalean Daung Creek checkpoint is located on the Akyab – Ragoon route, and every cargo boat and ferry has no alternative but to pass through it, register and be inspected by the authorities. (Source: "Burmese Navy Collect Toll in Taungup," *Narinjara News*, 27 November 2005).

On 29 November 2005, it was reported that residents in Sittwe were required to pay an installation fee of 10,000 kyat for water meters and 5 kyat per cubic meter for the use of water. If a household is unable to pay the charge, the water supply will be cut off. According to a resident, "Some people are finding it difficult to arrange regular meals. Having to pay for water will lead to severe financial constraints...This new policy of the municipality is making the lives of struggling people of Akyab [Sittwe] more difficult." (Source: "Akyab Residence to Pay for Water Meters and Use of Water," *Narinjara News*, 29 November 2005).

On 12 December 2005, it was reported that Mrauk-U TPDC Chairman U Tint Naing U had received 600,000 kyat per month in bribes from major lottery ticket sellers and 100,000 kyat per month from each of 9 smaller lottery ticket sellers. In return, the Chairman ignored the illegal operation of the lottery. (Source: "Mrauk-U Township Chief Thrives on Bribe from Illegal Lottery," *Narinjara News*, 12 December 2005).

On 14 December 2005, it was reported that villagers were required to provide money for local militia uniforms and badges in order to prepare for an inspection conducted by teams from Western Command led by Brig. Gen. Maung Maung Lwin. A uniform costs 2,000 kyat and badges and hats cost 250 kyat each. (Source: "Costs of Uniforms for Local Militia to be Borne by the Community," *Narinjara News*, 14 December 2005).

On 27 December 2005, it was reported that troops from SPDC LIB 34, LIB 55 and IB 20 took boats from civilians in Kyaukphu, Taungup and Man Aung Townships in order to search for 7 navy personnel who had deserted the ranks on 23 December 2005. Fishermen from Thandwe and Gwa Townships were forced to accompany the soldiers on the search. The search also reportedly led to travel and fishing bans in the area. (Source: "Desertion by Navy Men Creates Problems for Local People," *Narinjara News*, 27 December 2005).

On 30 December 2005, it was reported that the military ordered every Township in Arakan State to collect funds to construct a city or Township hall. In Ponnar Gyung Township, the chairman of the TPDC ordered each family in the Township to provide 1,000 kyat. Funds were similarly ordered on previous occasions for the construction of a Township hall but the

hall was never built. (Source: "Ponnar Gyung TPDC to Collect Money Afresh to Construct Township Hall," *Narinjara News*, 30 December 2005).

## **Land Confiscation**

On 7 May 2005, it was reported that PDC authorities in northwestern Rathidaung Township confiscated several acres of farmland from local farmers to build NaTaLa settlements for relocated Buddhist settlers. The confiscated farmlands were from the following villages:

1. Zaydi Byin village;
2. Athet Namra village;
3. Aut Nanra village;
4. Chuk Byin village;
5. Chin Wra village;
6. Thein Daung village;
7. Kyauk Ran village; and
8. Tha Pree Daw village. (Source: "Authority Loots Local Farms for Modern Villages," *Narinjara News*, 7 May 2005).

On 15 May 2005, SPDC IB 20 confiscated 50 acres of cultivated land owned by U Maung Soe Aung. (Source: "Military Junta to Extend 30,000 Acres of Rubber Plantation in Arakan State," *Narinjara News*, 10 December 2005).

On 20 August 2005, it was reported that the approximately 60 military battalions stationed in Arakan State were ordered to confiscate at least 10 acres of land each in order to establish rubber plantations. Battalions also confiscated hills and orchards in areas near their army bases. (Source: "Army Confiscates Land for Rubber Plantation in Arakan," *Narinjara News*, 20 August 2005).

On 27 September 2005, it was reported that military authorities confiscated gardens, orchards and farms in the Bae Ngar Hill region, Nar Gyan Township, throughout 2005. The village tracts affected included:

1. Aung Phyu Pyin village tract;
2. Kyan Ta Lin village tract;
3. Kran Kroan village tract;
4. Pan Nee Lar village tract;
5. Aung Site village tract; and
6. Kha Mong village tract. (Source: "Land Grabbing by Army Continues Unabated in Arakan State," *Narinjara News*, 27 September 2005).

On 4 October 2005, SPDC LIB 564 confiscated 16 acres of paddy fields Mohammed Toyoub (age 30) and 10.2 acres from Eman Hossain (age 45) in Maungbill village, Buthidaung Township without compensation. Mohammed Toyoub was arrested after asking the soldiers to leave a portion of his paddy fields for his livelihood. He was released 11 days later after being forced to sign a document stating that he would never lay claim to the confiscated land. (Source: "Burmese Army Continues to Confiscate Crop Land in Northern Arakan," *Kaladan News*, 3 November 2005).

On 24 October 2005, SPDC IB 550 confiscated 31.2 acres of fruit orchards owned by Daw Hla Sein a widow with 3 children of Ra Phyu village, Ponna Gyan Township. The orchards were her only source of income. The military also confiscated 5 acres of land near the main

Sittwe-Rangoon road which belonged to another widow, Daw Kra Hla Phyu. (Source: "More and More Land Confiscated in Arakan," *Narinjara News*, 6 December 2005).

On 1 November 2005, it was reported that Lt. Col. Min Aung ordered SPDC LIB 20 to confiscate a 50.1 acre rubber plantation worth 10 million kyat belonging to U Maung Soe Aung of Ponna Kyunt Township. No compensation was provided. (Source: "Privately Owned Rubber Plantation Confiscated by Army," *Narinjara News*, 1 November 2005).

On 25 November 2005, it was reported that the authorities confiscated 200 acres of land from villagers to establish a NaTaLa model village near Naung Khaung village, Buthidaung Township. (Source: "Junta Constructing "Model" Villages in Arakan," *Narinjara News*, 25 November 2005).

### **Looting and Expropriation of Food and Possessions**

On 26 August 2005, soldiers stationed near Inn Din village, Maungdaw Township, looted gold, rice, paddy and over 2 million kyat in cash from the house of villager Karim Ullah (age 40) after he fled fearing arbitrary arrest. (Source: "A House Looted by Army for Helping a Starving Poor Woman," *Kaladan News*, 15 September 2005).

On 26 September 2005, SPDC LIB 550 stationed in Ponna Gyun seized all 518 bags of rice stored U Maung Khin Kyaw's house in Sapatar after accusing the farmer of intending to smuggle the rice to Bangladesh. (Source: "Burmese Army Plunders 518 Bags of Rice from Farmer in Arakan," *Narinjara News*, 28 September 2005).

In November 2005, SPDC LIB 550 confiscated a cow belonging to U Thar San of Atenmyatley village, Ponnagyum Township on the charge that it had strayed onto the Rangoon-Sittwe Highway. The local authorities have instituted the rule that cattle found on the highways are subject to seizure. Twenty nine heads of cattle owned by villagers of Kasukung village, Ann Township, have reportedly been confiscated by the Western Regional Command under this rule. Whenever the troops want to eat beef, they drive the cattle onto the roads and then take it to their base. (Source: "Junta's Troops Confiscate Cattle in Arakan State," *Narinjara News*, 12 December 2005).

On 12 December 2005, it was reported that SPDC LIB 379 demanded that a cow owned by U Thar Sein from Shwepyi village, Kyauktaw Township be sent to their regiment within 24 hours on the charge that the cow had entered a rubber plantation monitored by the troops. (Source: "Junta's Troops Confiscate Cattle in Arakan State," *Narinjara News*, 12 December 2005).

On 22 December 2005, the military collected items such as rice, vegetables, dried fish and livestock from Rohingya villagers in conjunction with the construction of a 40 ft. wide, 4.5 ft. high and 4 miles long road connecting Maung Gyi Taung and Chaung village. Villagers unable to meet the soldiers' demands were forced to work for 2 days as opposed to 1. About 48 acres of villagers' land had also been confiscated by the military for road construction and army establishments. (Source: "Army Resumes Forced Labor for Road Construction in Northern Arakan," *Kaladan News*, 22 December 2005).

## 5.6 Situation in Chin State

Throughout 2005, SPDC military forces continued to loot, destroy and extort money, livestock, and other goods and supplies from the villagers of Chin State. Significantly impacting the livelihood of farmers in Chin State, traditionally used slash and burn methods of cultivation were prohibited in at least two townships in 2005. In the last week of December 2004, U Thein Kyaw, the head of the Township Forestry Department of Paletwa Township imposed a fine on slash and burn cultivation practices within the township. The village headmen were coerced into signing onto the order. However, as slash and burn cultivation has been a main source of livelihood for many generations of villagers in the area, and no alternative form of livelihood was provided, villagers were left with little choice but to pay bribes to the authorities in order to continue cultivation. Farmers in Paletwa Township collected 2,000 kyat from every household to bribe the authorities into allowing them to use slash and burn cultivation methods. Farmers in Matupi Township were similarly banned from slash and burn cultivation methods by Col. San Aung of SPDC Tactical 2 Command. Villagers in Matupi paid the authorities 200,000 kyat in bribes for permission to circumvent the order. The order however delayed preparation of the fields, thereby threatening the harvest and raising the potential for famine in the region. (Source: "Unjust Order against Chin Farmers," *Rhododendron News*, CHRO, January - February 2005).

In 2005 there also continued to be reports of authorities extorting large amounts of money from traders traveling to Mizoram State, India to sell livestock and other goods. Excessive taxes and extortion by the military and police has left traders with a daily income of between 400 and 500 kyat, the equivalent to the cost of one bottle of cooking oil. According to a trader, "Even though cattle trading is not as profitable as before, there is no job at home and we have to continue this business under numerous difficulties hoping to gain a meager profit...We have to report ourselves to a police station in order to buy a cow and we can only buy after obtaining their permission. We have to pay 1,000 kyat tax per head...When we shift cattle to Mizoram, we hire 4-5 workers who are paid 30,000 kyat per person. If we meet soldiers or police on the way to Mizoram, we have to pay 1,000-5,000 kyat per cow." (Source: "Extortion Intensifies at India-Burma Border Trade Route," *Rhododendron News*, CHRO, March - April 2005). Such corrupt practices have severely affected traders' ability to maintain their livelihoods.

### **Official and Unofficial Taxes and Levies**

On 14 March 2005, it was reported that Lt. Col. San Aung chief of Tactical Command 2 ordered each household of Matupi Township to "donate" 70 tins of gravel for building roads in the town. In order to meet the demand, the approximately 800 households in the town were forced to work around the clock to gather the gravel. Elderly villagers, disabled villagers and widows were not exempt from the order. Lt. Col. San Aung also demanded 4,500 kyat from each household for the construction of a highway between Matupi and Madu. (Source: "Local Army Chief Orders Forced Labor and Illegal Tax from Civillians," *Rhododendron News*, 14 March 2005).

On 20 March 2005, a platoon of 12 soldiers from SPDC LIB 268 extorted 400,000 kyat from a trader taking 90 cows to India. (Source: Extortion Intensifies at India-Burma Border Trade Route," *Rhododendron News*, CHRO, March - April 2005).

On 5 May 2005, the following villagers were forced to contribute 1 tin of sand per household to construct a Buddhist pagoda at Sabawngte village:

1. Tah Tiang,
2. Thing Hual,
3. Tikhuang Tum,
4. Tiangkhoa,
5. Aibuk,
6. Leilet,
7. Sing Ai,
8. Zawngte,
9. Thing Cang.
10. Phung Zung,
11. Khaw Lung,
12. Bawm Ba,
13. Tiah Dai,
14. Lung Tan,
15. Zan Mual,
16. Da Te Ti,
17. Hmawng Kawn,
18. Khaw Thlir,
19. Phun Te,
20. Sa Ek,
21. Sial Lam,
22. Cawng Hawih,
23. Khua Mual,
24. Hmun Luah,
25. Cawh Te,
26. Lian Hna Thar,
27. Lian Hna Hlun,
28. Hai Heng,
29. Khuang Lung, and
30. Lung Dar. (Source: "30 Villages Forced to Contribute Sand to Renovate Army Camp," *Rhododendron News*, CHRO, 8 July 2005).

On 20 May 2005, it was reported that Col. Tin Hla, commander of Tactical No. 1 from Hakha, ordered SPDC employees to purchase a calendar published by the USDA. The cost of the calendar was dependent upon the rank and salary of the employees. Upper Division Clerks were charged 500 kyat each while Lower Division Clerks were charged 300 kyat each. (Source: "Compulsory: 'You Must Buy USDA Calendar,'" *Rhododendron News*, CHRO, May - June 2005).

In the last week of May 2005, Company Comdr. Capt. Myo Nwe of SPDC LIB 289 stationed at Shinletwa village, Paletwa Township ordered the following villages to provide the pieces of bamboo by 5 June 2005:

1. Salaipi village, 1,000 pieces;
2. Ma U village, 1,500 pieces;
3. Saiha village, 1,800 pieces;
4. Pamu village, 2,000 pieces;
5. Da Thwe village, 1,500 pieces;
6. Khung Ywa village, 1,000 pieces;

7. Shwe Letwa village, 1,500 pieces;
8. Mara Hla village, 2,000 pieces; and
9. Pa Thein village, 1,500 pieces.

On 10 June 2005, Capt. Myo Nwe of SPDC LIB 289 sold more than 10,000 pieces of the bamboo collected from the above villages, estimated to be worth 13,000 kyat, to buyers in Sittwe for his own profit. (Sources: "Army Officer Sells off 10,000 Round Bamboos Forcibly Collected from Civilians for Personal Profit," *Rhododendron News*, CHRO, July - August 2005; "Military Authorities Sold Villager's Bamboo for Personal Profit," *Khonumthung*, 13 July 2005).

From 9 to 16 July 2005, Maj. Tin Moe, patrol column commander of SPDC IB 304, temporarily stationed at Dar Ling village, forced members of the VPDC and 50 villagers of Khuapi village to supply 4,000 10 ft. round bamboo poles to their military post. (Source: "Mass Forced Labor Extracted to Construct New Military Camp," *Rhododendron News*, CHRO, 2 August 2005).

Beginning in August 2005, military and TPDC authorities ordered women between the age of 1 and 60 in Rizau Township and Matupi Township to buy Myanmar Women's Affairs Federation (MWAFF) application forms and submit them no later than the last week of October. In Rizau Township, each household in 25 villages was ordered to buy 3 copies of the application at 310 kyat each. There are approximately 3,000 households in the Rizau area and authorities were believed to have collected approximately 300,000 kyat from the sale of the MWAFF application forms. In Matupi Township, each household was ordered to buy 2 copies of the application at 320 kyat each. A resident of Calthawng stated that "We do not know anything relating to the Federation, who leads it nor the way it works. We let all women, including small girls fill the application forms. The Rizau Township PDC made us buy the application forms." (Source: "Woman's Membership Forms Submitted to the Authorities," *Khonumthung*, 10 November 2005).

On 4 August 2005, Company Comdr. 2nd Lt. Aung Kaw Than of SPDC LIB 289 demanded 5,000 kyat from each of the following Thantlang Township villages for the renovation of his army camp:

1. Tluangram (A) village;
2. Tluangram (B) village;
3. Belhar village;
4. Lulpilung village;
5. Vomkua village;
6. Salen village;
7. Tikir (A) village;
8. Tikir (B) village;
9. Hmun Halh village;
10. Sialam village; and
11. Banawh Tlang village. (Source: "Burmese Troops Extort Money from Villages," *Rhododendron News*, CHRO, July - August 2005).

On 18 August 2005, the Capt. of SPDC LIB 266 demanded 100,000 kyat from Pi Mami (age 45), a resident of Tahan village, Sagaing Division, while she was in Sialam village in Chin State on the way to sell clothes in Mizoram State, India. Pi Mami had only 52,000 kyat with her and was forced to borrow money from the teashop owner at high interest. The next day the same captain extorted another 100,000 kyat from Pu Lian Lio and his friends as they were



on their way to sell goods in Mizoram State, India. The group had only 19,000 kyat and had to borrow the remaining amount from Humhalh village, 3 miles away. (Source: "Burmese Soldiers Robbed From Cross Border Traders," *Rhododendron News*, CHRO, September - October 2005).

On 1 September 2005, it was reported that the Capt. of SPDC LIB 268 demanded 600,000 kyat from 3 cross border traders between Selawn village and Leilet village. The troops threatened to arrest the traders, confiscate their cattle and send them to a hard labor camp if they failed to provide the money. The traders only had 20,000 kyat between them but the captain released them after they were able to borrow another 300,000 kyat from villagers in Leilet village. (Source: "Burmese Troops Robbed 300,000 Kyat From Cattle Traders," *Rhododendron News*, CHRO, September - October 2005).

On 16 September 2005, Maj. Myint Aung, the deputy comdr. of SPDC LIB 374, ordered 20 villages in Paletwa Township to provide 1,000 sticks of round bamboo each. Ten villages were unable to provide the demanded quote of bamboo sticks and were fined 3,000 kyat each. These villages were:

1. Mara Hlan;
2. Kho Ywa;
3. Auh Ywa;
4. Shwe Letwa;
5. Shwe Oo Wa;
6. Ma U;
7. Ywa U;
8. Heema Thee;
9. Pai De; and
10. Saiha.

Maj. Myint Aung sold the bamboo collected from villages at 35 kyat per bamboo stick for his personal profit in Sittwe, Arakan State. (Source: "Chin Villagers Fined for Failure to Provide Forced Labor," *Rhododendron News*, CHRO, September - October 2005).

In the first week of October 2005, Cang Va and Zai Rem of the Immigration Department ordered residents of Matupi Township to obtain new ID cards at a charge of 5,000 kyat for replacement cards and 30,000 kyat for new or lost cards. The official rate for issuing an ID card is 6 kyat. Residents in Matupi Township had to sell their cattle and other possessions to cover the cost of a new ID card and many were unable to afford the new card. (Source: "SPDC Authorities Charge Exorbitant Fees for Fresh Identity Cards," *Khonumthung*, 11 November 2005).

On 24 December 2005, it was reported that SPDC LIB 269 based in Palatwa Township opened an official toll station on the border of India, Bangladesh and Burma and that they were collecting taxes from travelers. Each traveler was required to pay 1,000 kyat each way while a 3,000 and 2,000 kyat tax was imposed on cows and pigs respectively. The taxes are reportedly being collected to fund army regiments. (Source: "LIB 289 Set Up a Tax Station," *Narinjara News*, 24 December 2005).

## **Looting and Expropriation of Food and Possessions**

On 19 August 2005, Capt. Thein Hteik Soe, the patrol column comdr. of SPDC LIB 304, demanded deer skins and chickens from 14 villages in Matupi Township. VPDC Chairman U Bisa stated that “We received a written order on 19 August 2005 demanding that our village deliver 2 deer skins within 6 days. Each household in our village has to chip in 1,800 kyat to buy the deer skins for the officer.” (Source: “Army Officer Demands Deer Skins and Chicken from Chin Villagers,” *Rhododendron News*, CHRO, September - October 2005).

## **5.7 Situation in Karen State**

In January 2004, the 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 and an end to the numerous human rights abuses perpetrated by the SPDC military. It has been widely reported by organizations such as the Karen Human Rights Group (KHRG) that since the verbal ceasefire agreement was established the SPDC has consolidated and expanded its military presence within Karen State. The substantial presence of SPDC forces has resulted in excessive demands on the civilian population including reports of forced labor, land confiscation, restrictions on movement, extortion of money and demands for materials and food throughout Karen State. Such abuses have severely affected villagers' food security and their ability to provide for both themselves and their families.

From July to September 2005, the SPDC imposed several severe and deliberate restrictions on the movement of villagers in Nyaunglebin and Toungoo Districts in an effort to cut off support to the KNU's second Brigade. Restrictions on movement and trade, a ban on cultivation, and forced relocations hindered the ability of villagers to sustain a viable livelihood and subjected villagers to malnutrition and starvation. Measures imposed included a ban on trucks from transporting rice. In certain areas all forms of transportation were prohibited. The blockade detrimentally impacted 69 villages and almost 10,000 villagers. The regime's closure of the Toungoo-Bawgali motorway further affected another 46 villages located along the Thautyaykhurt stream in Toungoo District causing severe hardships for about 3,000 Karen villagers living in this area. The SPDC also intensified travel restrictions in Nyaunglebin District, Karen State on 1 October 2005, essentially restricting all forms of travel in the area. Villagers reportedly suffered an estimated loss of 68 million kyat as they were unable to tend to their fields or trade their farm produce. Troops were also ordered to destroy lowland and highland paddy fields and plantations. (Sources: *Taungoo Blockade!!!*, KIC, September 2005; “KNU Says Junta Carries Out All Cuts Policy to Karen Areas,” BBC Burmese Service, 2 October 2005). (For more information Chapter 12. Freedom of Assembly, Association and Movement).

## **Official and Unofficial Taxes and Levies**

### **Doooplaya District**

On 10 February 2005, troops of the KPU based at Kaw Ka Reik ordered villagers to supply 100 bamboo poles by 10 February 2005 to be used for a construction project at the military camp in Thet Pa Taw village. (Source: KIC, 2005).

On 10 February 2005, Officer Saw Ngwe Lah of the KPU at Haung Tha Yaw Special Area demanded the following villages to supply roofing thatch by 25 February 2005:

1. Kyaing Do village, 1,000 pieces of thatch;
2. Mee Taing village, 700 pieces of thatch;
3. Mi Na Ah village, 1000 pieces of thatch;
4. Ler Taw Kyi village, 1000 pieces of thatch;
5. Win Lone village, 1000 pieces of thatch;
6. Pu Yin village, 800 pieces of thatch;
7. Sho Hta village, 800 pieces of thatch;
8. Wet Done village, 500 pieces of thatch;
9. Wet Ta Kon village, 500 pieces of thatch;
10. Naw Ta Ma village, 500 pieces of thatch;
11. Htee Wah Klu village, 500 pieces of thatch;
12. Thet Pa Htaw village, 500 pieces of thatch;
13. Kaw Tha Nnu village, 400 pieces of thatch;
14. Ka Maw Thet village, 600 pieces of thatch;
15. To Kee village, 500 pieces of thatch; and
16. Ta Bo Bo Hta village, 500 pieces of thatch. (Source: KIC, 2005).

On 26 February 2005, troops from SPDC IB 789 forced Kaw Sai village, Kaw Ka Reik Township to provide 300 pieces of roofing thatch, worth approximately 9,000 kyat. The thatch was to be sent to Kyaik camp by 28 March 2005. (Source: KIC, 2005).

On 8 March 2005, Sgt. Maj. Ah Kyi of the DKBA battalion 907 demanded 500 pieces of roofing thatch and 20 giant bamboo poles 5 cubits long from Ywa Thit Gon village, Kaw Ka Reik Township by 9 March 2005. (Source: KIC, 2005).

On 10 March 2005, Lt. Kyaw Thu Soe of SPDC IB 231, based at Ta Maing Gon camp demanded 5 bamboo poles 5 cubits long valued at 1,500 kyat from Kyaung Sha Gone village, Kaw Ka Reik Township. They were to be sent by the village head by 11 March 2005. (Source: KIC, 2005).

On 25 March 2005, troops from SPDC IB 283 forced Mae Ta Leh village to send 150 pieces of roofing thatch, worth about 5,250 kyat to their camp at Taw Wah Law. (Source: KIC, 2005).

On 29 March 2005, Maj. Hlaing Tint of SPDC IB 60 from Kwin Ga Lay military camp demanded bamboo poles from the following Taung Kyi villagers:

1. Naw Ma Thet, 8 bamboo poles;
2. Saw Gay Moo, 8 bamboo poles;
3. Naw Ta Bee, 8 bamboo poles;
4. Naw Jury, 8 bamboo poles;

5. Naw Pa Noe, 8 bamboo poles; and
6. Naw Klet, 10 bamboo poles. (Source: KIC, 2005).

On 1 April 2005, the chairperson of Kwin Ga Lay village was ordered to send 100 bamboo poles and 50 pieces of roofing thatch worth 2000 kyat to the chairperson of Moo Ka Law Wah village for the repair of SPDC IB 78 camp by 5 April 2005. Moreover, Eh Mwee of the KPU based at Ah Kyaik village demanded from Kwin Ga Lay village 700 pieces of roofing thatch by 5 April 2005. (Source: KIC, 2005).

### **Pa-an District**

On 6 January 2005, Brigade Second-in-Command Pa Ta Kaw of the DKBA seized demanded 170,000 kyat from each village tract. If the demanded money could not be paid, 1 person from each household had to go and work at the road construction site. (Source: KIC, 2005).

On 7 February 2005, SPDC LIB 313 of LID 77 commanded by Win Ko Ko and LIB 391 commanded by Mya Aung demanded 50,000 kyat from each village to pay for an opening ceremony for new offices north of Dta Greh Township. Villagers also had to provide the food for the ceremony. (Source: KHRG, 2005).

On 26 April 2005, Bo Pah Nwee of the DKBA demanded 30,000 kyat from Tah Moe village tract and 60,000 kyat from Pa Law Nyar Thee village tract by 10 May 2005. (Source: KIC, 2005).

On 4 June 2005, Saw Du Kaw of the DKBA demanded 100,000 kyat from Ka Reh Nee, Htee Ber, and Htee Ber Wa village. He stated that the money was for portering fees. (Source: KIC, 2005).

### **Papun District**

Starting in January 2005, Comdr. U Y’Khaing of LIB 350 Column 1 in Meh Way camp demanded from 7 villages in Meh Way village tract:

1. 900 shingles of thatch;
2. 960 pieces of small bamboo; and
3. 95 large wah klu bamboo.

In order to fulfill these demands, the villagers were forced to find and cut the bamboo, weave the thatch and transport it to Meh Way camp. In addition, the villagers were required to cut and clear the grounds of the camp. As of February, the villagers had yet to complete all of the tasks. (Source: *Papun District: Forced Labour, Looting and Road Construction in SPDC-Controlled Areas*, KHRG, 20 May 2005).

On 22 January 2005, Battalion Comdr. Aung Khaing of SPDC LIB 350 based at Mae-Waing army camp demanded bamboo and roofing thatch from the following villages:

1. To Kot Sot Khee village, 160 poles of small bamboo, 10 poles of extra large bamboo and 200 pieces of thatches;
2. Toe Meh Khee village, 100 poles of small bamboo and 10 poles of large bamboo;
3. Ler Wah Kho village, 100 poles of large bamboo and 10 poles of extra large bamboo;
4. Mae Kaw Lor village, 100 poles of small bamboo, 5 poles of extra large bamboo and 100 pieces of palm leaf thatch;

5. Upper Mae Waing village, 150 poles of palm leaf thatches; and
6. Mae Waing main village, 150 poles of small bamboo, 15 poles of extra large bamboo and 150 pieces of palm leaf thatch. (Source: KIC, 2005).

On 16 October 2005, SPDC IB 2 and IB 8 under TOC 442 extorted food stuffs from Na Ko Khee village tract and demanded that villagers provide thatch, logs and bamboo for the construction of a military camp. The villagers affected by the order were:

1. K' Pi Khee village, 50 log 12 cubit long and 2 inches wide;
2. Pway Taw Row village, 20 logs of iron wood 12 cubit long and 2 inches wide;
3. Twih Thee U village, 120 logs of iron wood 12 cubit long and 2 inches wide;
4. Tee Chaw Mae village, 60 logs of iron wood 12 cubit long and 2 inches wide;
5. Noh La village, 60 logs of iron wood 12 cubit long and 2 inches wide;
6. Bler Per village, 3000 pieces of thatch;
7. Po Leh village, 1000 pieces of thatch;
8. Po Kay village, 1000 pieces of thatch;
9. Htee The Blu Hta village, 800 pieces of thatch;
10. Has Law Teh village, 1000 pieces of thatch;
11. Wah Tho Kla village, 200 pieces of thatch;
12. Baw Tho Hta village, 5000 pieces of thatch;
13. Htee Thae Lay village, 5000 pieces of thatch;
14. Hoe Ma Hei village, 15 logs 2 hand span wide and 14 inches long;
15. Pu Ger village, 200 pieces of thatch and 3000 pieces of bamboo;
16. Noh Poe Htee village, 50 logs; and
17. Htaw Mae Hta village, 3000 pieces of thatch. (Source: BI, 2005).

### **Toungoo District**

On 8 January 2005, troops from SPDC IB 73 came to the areas of Chan Gyi, Pyin Gan and Zee Byu Gon, Tantabin Township and demanded 400 kyat for each bullock cart hauling household firewood. (Source: KIC, 2005).

On 24 January 2005, troops from SPDC LIB 439 based at Tha Aye Hta camp led by Battalion Second-in-Command Aung Htay Win ordered the following Gar Mu Doe villagers to buy items at Baw Gali village and send them to Tha Aye Hta camp:

1. Saw May Ler,
2. Saw Ler Mu,
3. Saw Eh Paw and
4. Saw Way Htoo. (Source: KIC, 2005).

On 26 January 2005, Operation Command 1 Comdr. Khin Soe of SPDC Southern Command HQs, based at Baw Gali commandeered trucks from the following villages to carry military supplies from the HQs based at Toungoo to Baw Gali:

1. Kaw Thay Doe village,
2. Baw Gali village,
3. Klay Soe Khee village,
4. Ler Kho village and
5. Kaw Soe Kho village.
6. He camp. (Source: KIC, 2005)

On 30 January 2005, Strategic Operation Comdr. Khin Soe of SPDC South East Command HQs, forced villagers from Kler La and Kaw Thay Der to use their cars to carry food and other supplies from Pae Lae Wa to Naw Soe and Bu Sha Khee military base camps. The villagers involved in transporting supplies to 2000 Hill Place and Naw Soe village for 3 days were:

1. Naw Ta Ta and Saw Maw Kaw, using car of Naw Ma Ma;
  2. Maung Yoe and Saw Nae, using car of Maung Yoe;
  3. Saw Maung Kyi and Saw Ku, using car of Saw Maung Kyi; and
  4. Saw Lu Pway and Saw Ti, using car of Saw Lu Pway.
1. The villagers involved in transporting supplies to Bu Sha Kee base camp for 5 days were:
1. Saw Pa Bi and Ba U, using car of Saw See Yo;
  2. Saw Say Doh and Gun Low, using car of Saw Say Doh;
  3. Ta Na Na and Ka La, using car of Naw Day Le Ya;
  4. Ta Tay and Tun Mya, using car of Saw Ta Toh;
  5. Maung La Doh and A Shay Kyi, using car of Maung La Doh; and
  6. Saw Sae and Paw Law Eh, using car of Naw No Noh. (Source: BI, March 2005).

On 31 January 2005, Comdr. Khin Soe of SPDC Southern Command HQs commandeered a truck from Baw Gali villager Saw Maung Kro to transport army rations to Naw Soe. (Source: KIC, 2005).

On 2 February 2005, Operation Comdr. Khin Soe of the South Command HQs Military Strategic 1 ordered a car from villager, Naw Aa Re of Kaw Thay Der to transport 40 sacks of rice, yellow beans, and soldier kits to the military at Kler La, Baw G'Lee, Naw Soe and Maung Tai Kyi. (Source: BI, 16 February 2005).

On 6 February 2005, Comdr. Tun Lin Tai of SPDC LIB 439 based at Kler La camp demanded 1 car to transport food to Kaw Thay Der camp for the troops of IB 73. (Source: BI, 16 February 2005).

On 16 February 2005, it was reported that Saw Pa Kae in charge of the production of raw materials and under the command of Comdr. Maj. Chit Thu of DKBA Special Force Battalion 999, ordered villagers to collect rocks and stones, some to be used for building. Saw Pa Kae threatened villagers with his gun if they disobeyed his orders. (Source: BI, 16 February 2005).

On 23 February 2005, Bo San Htoo of SPDC IB 60 demanded 60,000 kyat for 3 bullock carts owned by Saw Hgay Doe of Lay Ti village, Tantabin Township. In addition, Bo Hlaing Win Tint of SPDC IB 60 demanded 200 pieces of thatch. (Source: KIC, 2005).

On 6 March 2005, Column 2 Comdr. Hlaing Tint of SPDC IB 60 demanded 250 pieces of thatch from villagers in the Taunggyi and Mae Tin Tain areas. He also demanded 1,500 kyat for each cartload of firewood or bamboo. (Source: KIC, 2005).

On 8 March 2005, Camp Comdr. Bo Than Hlaing Oo of SPDC IB 48 based at Ye Tho Gyi village in Tantabin Township ordered 4 women and 2 men of Ye Tho Gyi village to carry army rations to Naw Soe (Aung Daing Gyi). He also demanded 500 bamboo poles, measuring 7 cubits in length, from each village and ordered the villagers to send them to the army camp. (Source: KIC, 2005).

On 10 March 2005, Comdr. Win Bo Shine of SPDC IB 60 Column 1 based in Klaw Mee Der camp asked for all bullock carts in Hu Mu Der village to transport food from Pae Lae Wa to Klaw Mee Der base camp. (Source: BI, March 2005).

On 10 March 2005, Sgt. Soe Win of IB 73 extorted 1,000 kyat from each the following Taunggyi villagers in Tantabin Township:

1. Saw Po Kwa Hsi,
2. Saw Aye,
3. Saw Ta Polo and
4. Saw Shwe Wah Htun. (Source: KIC, 2005).

On 15 March 2005, Comdr. Zaw Win Aung of SPDC LIB 440 Column 1 forced 13 bullock carts from The Yea Taun village to carry military food supplies to Htee Loh (Mae Tin Tain) military base camp. (Source: BI, March 2005).

On 16 March 2005, Column 2 Comdr. Maj. Hlaing Tint of SPDC IB 60 demanded from Meh Tin Tain village 50 poles of extra large bamboo to construct their new army camp at Meh Tin Tain (Ye Way), Tantabin Township. (Source: KIC, 2005).

On 15 April 2005, SPDC IB 73 Battalion Comdr. Than Myint instructed Sgt. Than Kyi to collect money from the following villages for a water festival celebration:

1. Sha Zi Bo village, 8,500 kyat;
2. Taw Gon village, 4,000 kyat;
3. Zi Pyu Gon village, 5,500 kyat; and
4. Yee Shan village, 2,000 kyat. (Source: KIC, 2005).

On 23 April 2005, every muzzleloader gun owner was forced to pay 500 kyat to SPDC IB 60 based at Kwin Ka Lay camp. The villagers gave 5,500 kyat for a total of 11 muzzleloaders. (Source: KIC, 2005).

On 24 April 2005, troops from SPDC LIB 264 led by Bo Kyaw Nyein Chan Oo demanded 1 sack of rice from each rice mill, 3,000 kyat from each saw mill, and 5 carts for hauling timber from Taw Kho village, Kyauk Kyi Township. Three days later, Bo Kyaw Nyein Chan Oo demanded 5,000 kyat from each saw mill in Pa Ta La village tract and 2 carts to transport timber. (Source: KIC, 2005).

In May 2005, the SPDC military operations Comdr. in Kler Lah camp ordered villagers in Kaw Thay Der village/relocation site to send 250 bamboo posts, each 12 cubits long, for use in his camp. (Source: KHRG, 2005).

On 16 May 2005, Bo Myint Win of SPDC IB 75 based at Klaw Mee Doe camp ordered each Klaw Mee Doe household to cut 10 poles of bamboo. (Source: KIC, 2005).

On the evening of 21 May 2005, Officer Zaw Myint of IB 92 forced a villager with a truck to transport him from Klay Soe Kee village to Kler Lah on the same night. (Source: *Toungoo District: Civilians Displaced by Dams, Roads and Military Control*, KHRG, 19 August 2005).

On 1 June 2005, Bo San Myint of SPDC IB 73 based at Za Yat Gyi ordered 5 carts and 3 viss of chicken from Sha Si Bo village, Tantabin Township. Similarly, Sha Si Bo Outpost Comdr. Bo Aung Kyaw Myint of IB 73 demanded 10,000 kyat. (Source: KIC, 2005).

On 24 June 2005, troops from SPDC IB 39 led by Maj. Aung Kyaw Myint demanded 12 poles of Bamboo from each of the 30 households of Klaw Mee Doe village. (Source: KIC, 2005).

On 6 July 2005, SPDC LIB 439 led by Comdr. Khin Soe demanded 150,000 kyat from Pa T'Lah village tract to suspend a relocation order. Furthermore, SPDC LIB 439 Company Maj. Myit Thain Aung ordered villagers in area No.2 to obtain monthly permits at 1,000 kyat each per month to sleep in their fields. (Source: BI, 2005).

On 27 August 2005, Toungoo Operations Comdr. Kin Mg Oo of SPDC IB 30 asked a villager to transport oranges and other supplies from Kler La to Toungoo in his/her vehicle. (Source: BI, 2005).

On 7 September 2005, IB 73 led by Comdr. Htun Hlia U demanded 1,000 kyat from each rice mill and tractor owner in Sha Si Bo village. (Source: BI, 2005).

In October 2005, soldiers from the SPDC Southern Military Command forced each household from villages near the Baw Gali – Ye Tho Gyi motor road to buy a pyi of rice at 450 kyat. (Source: KIC, 2005).

In October 2005, SPDC LIB 999 forced each buffalo or bullock cart coming into the Lum Pu area to cut bamboo, timber or firewood to pay 300 kyat per month. (Source: KIC, 2005).

In October 2005, the SPDC army unit based in Za Yat Gyi ordered the village head in Za Yat Gyi Township to collect 200 kyat per household to fund a meeting of 5 military columns to be held in Za Tat Gyi. (Source: KIC, 2005).

On 3 November 2005, SPDC IB 48 led by Comdr. Zaw Aung extorted 4.8 kg of chicken and 3.2 kg of fish from Zay Ya Kyi villager Maung Kyi Win. (Source: BI, 2005).

On 10 November 2005, SPDC IB 48 led by Comdr. Lu Kyi demanded 1,000 kyat from 5 Pyi Ka villagers. Furthermore, they ordered the villagers to carry 2 baskets of rice to K'Ser Doh village and to exchange them for bitternut leaves. (Source: BI, 2005).

## **Destruction of Property**

### **Papun District**

In January 2005, LIB 539 column 1 led by Battalion Comdr. Tun Thein Kyi cut down Tee Tha Blu Hta villagers' betel nut trees and destroyed 1 banana plantation. (Source: KHRG, 2005).

On 14 January 2005, troops from SPDC LIB 598 led by Bo Saw Min and based at Kay Kaw camp cut down 35 black pepper vines owned by the following Kay Kaw villagers:

1. Saw Nyo Say,
2. Saw Maung Kya and
3. Saw Pa Htaw. (Source: KIC, 2005).



On 14 January 2005, SPDC LIB 434 led by Battalion Comdr. Tun Tun Oo began bulldozing a road route alongside Ma Htaw village that ran straight through villagers' rice fields, which were consequently destroyed. (Source: KHRG, 2005).

In April 2005, LIB 434 led by Battalion Comdr. Tun Tun Oo began bulldozing through the rice fields of Ku Seik villagers and destroying irrigation water systems. (Source: KHRG, 2005).

On 16 October 2005, SPDC IB 2 and IB 8 poisoned the livestock of Na Ko Khee village tract. They also destroyed villagers' rice fields and plantations. Furthermore, villagers were prohibited from leaving their village to tend to their fields, which were consequently destroyed by wild animals. (Source: BI, 2005).

### **Toungoo District**

On 3 February 2005, Comdr. Tun Hla U of SPDC IB 73 based at Sha See Bo camp forced the following villages to buy a 12 V battery for him:

1. Yae Sah village,
2. Sha See Bo village,
3. See Pyu Ko village and
4. Taw Ku village. (Source: BI, 16 February 2005).

On 9 February 2005, troops from SPDC IB 60 led by Column 2 Comdr. Hlaing Tint burnt 13 baskets of rice being carried by Saw Toe Day of Hu Mu Doe village, Tantabin Township. (Source: KIC, 2005).

On 9 February 2005, troops from SPDC IB 92 led by Battalion Comdr. Win Min Htun burnt the forest between Day Plow Khee and Pi Mu Kho village destroying a large number of cardamom fields owned by Sho Ser villagers. (Source: KIC, 2005).

On 14 February 2005, DKBA Special Force Battalion 999 based in Poe Thwee Kyo military camp demanded 1000 leaf flaps from Gaw Koh village. Those who could not provide leaf flaps were asked to pay 50,000 baht. (Source: BI, 16 February 2005).

On 20 February 2005, Capt. Pyo Way Hla of SPDC IB 92 burned cardamom fields belonging to displaced villagers in Toungoo District. From 15 March to 18 April he burned more cardamom fields while burning back the scrub alongside the Kler Lah – Bu Sah Kee vehicle road. (Source: *Toungoo District: Civilians Displaced by Dams, Roads, and Military Control*, KHRG, 19 August 2005).

On 25 February 2005, troops from Column 1 and 2 of SPDC IB 48 led by Battalion Comdr. Maung Maung Win and Battalion Second-in-Command Thet Naing burnt down villagers' plantations of betel nut, durian, mangosteen, cardamom and vegetables along the motor road between Klay Soe Khee and Baw Gali villages. Thirteen upland paddy fields belonging to the following villagers were destroyed:

1. Saw Ta Hser,
2. Naw Juu Ju,
3. Saw Eh Gay Htoo,
4. Saw Po Wah,
5. Saw Be Gaw,

6. Saw Ta Kler,
7. Saw Dao Maung,
8. Saw Eh Htoo,
9. Saw Ta Doo,
10. Saw Ta Pu Neh,
11. Saw Seh Keh Neh,
12. Saw Ta Ku and
13. Saw Say Boe. (Source: KIC, 2005)

On 22 March 2005, troops from SPDC IB 92 burnt down the forest on both sides of the motor road from Sheh Hta village to Sha Per village, Tantabin Township resulting in the destruction of a large number of villagers' plantations. (Source: KIC, 2005).

On 2 April 2005, combined troops from SPDC column 2 of IB 48 led by Lt. Than Naing and IB 92 led by Column Comdr. Kyaw Sein started fires in several areas of Tantabin Township. The fires destroyed a number of betel nut plantations and cardamom fields. The areas affected included:

1. Si Ket Doe village;
2. Hsaw Wah Doe village;
3. May Daw Ko village;
4. Kaw Thay Doe village; and
5. Ga Mu Doe village. (Source: KIC, 2005).

On 4 April 2005, troops from SPDC IB 92 started fires in areas of Sho Ser on the Mawchi motor road in Tantabin Township. As a result, the following villagers' plantations were destroyed:

1. Saw Bo Say, a farm producing 25 viss of cardamom seeds per year;
2. Kyaw Sein Moo, a farm producing 35 viss of cardamom seeds per year;
3. Sa Ka Baw, a farm producing 25 viss of cardamom seeds per year;
4. Saw Kyaw Htoo, a farm producing 30 viss of cardamom seeds per year; and
5. Saw Shi Doh, lost a farm producing 15 viss of cardamom seeds per year.

In addition, the following villagers lost the possessions:

1. Naw Po Po, 6 roofing tin sheets, 2 big pots and 5 chickens;
2. Naw Chree Say, 1 gold necklace, 3 gold rings, 3 pairs of gold earrings, 3 baskets of paddy, 2 baskets of rice, 4 machetes, 20 viss of salt, 15 viss of fish paste, 12 cooking pots and 4 boxes; and
3. Naw Ker Htoo, 1 gold necklace, 2 boxes, 1 pair of earrings, 2 baskets of paddy, one tin of rice and 15 viss of salt. (Source: KIC, 2005).

On 14 April 2005, troops from Ba Yint Naung military camp in Than Daung Township burnt the orchards and fields of Ka Weh villagers. A total of 10,000 acres, including plantations of junco bean, cardamom and coffee, were destroyed. (Source: KIC, 2005).

On 18 April 2005, troops from SPDC IB 92 based at Wah Soe area, Tantabin Township burnt and destroyed all the cardamom plantations of U Beh villagers. The plantation owners were:

1. Maung Tha Nee, crops producing 15 viss of cardamom seeds per year;
2. Saw Htay Lay Poe, crops producing 15 viss of cardamom seeds per year; and
3. Saw Thweh Htoo, crops producing 15 viss of cardamom seeds per year. (Source: KIC, 2005).

On 27 April 2005, troops from SPDC IB 73 led by Bo Maung Maung burnt villager Ma Aye's plantation at Ma Sa village near the motor road in Than Daung Township. (Source: KIC, 2005).

On 8 May 2005, 2 SPDC troops based at Tha Byay Nyunt purposely destroyed the agricultural lands of Nyaung Ywet and Wah Thoe villages (Source: KIC, 2005).

On 22 May 2005, LIB 603 accused the Mine Loh village head of being a KNU supporter and burned down his house. A week later they returned and burned down a house worth 1 million kyat. (Source: KHRG, 2005).

On 2 June 2005, Officer Aung Kyaw Myint of IB 73 demanded from Shan Si Po village over 10,000 kyat and 1 viss of chicken. (Source: KHRG, 19 August 2005).

On 22 June 2005, in Than-daung Township, Bo Soe of SPDC IB 603 burned down the house of village head Saw Khey-gyi of Mine Pun A Tet village and the house of village head Saw Nay Win of Mine Lun A Ler village. (Source: KIC, 7 April 2005).

On 25 June 2005, it was reported that Battalion Comdr. San Myint of SPDC IB 73 ordered villagers from Shar Zee Bo and Yee Shan to each cut and deliver 50 poles of bamboo to their camp at Zayat Gyi village. (Source: KIC, 25 June 2005).

On 23 July 2005, the Southern Command HQs Operation Command 1 Comdr. Khin Maung Oo ordered army columns under his control to destroy all lowland and highland paddy fields found. (Source: KIC, 2005).

In October 2005, soldiers of a military column from SPDC IB 26, based at Ye Da Goon army camp, Tantabin Township, destroyed the hill rice fields of Ye Da Goon villagers. (Source: KIC, 2005).

## **Looting and Expropriation of Food and Possessions**

### **Doooplaya District**

On 4 September 2005, Tin Win of the DKBA ordered the village headman of Phyar Waw village to collect 1 tin of rice from the villagers. (Source: KIC, 2005).

### **Pa-an District**

On 17 March 2005, 200 troops from SPDC battalion 548 led by Comdr. Myo Myit Soe and LIB 22 led by Battalion Comdr. Maj. Khain Tun demanded livestock from the following villages:

1. Htee Klay village;
2. Noh Kay village;
3. Kaw Toe village;
4. T' Sha Klo village; and
5. Kaw Pway Koh village.

The following villagers lost livestock totally an approximate loss of 20,000 kyat:

1. Naw Klaw La, 1 chicken;
2. Saw Nway La, 1 chicken;

3. Pu Ayea, 1 chicken;
4. Thay Bu, 1 chicken;
5. A' Tee, 1 chicken,
6. Tee Oh Tin, 3 chickens; and
7. Tee Loe Maung, 1 chicken and 2 ducks. (Source: BI, 2005).

On 4 July 2005, troops from SPDC LIB102 column 2 led by Comdr. Kyaw Tay looted 5 hens from Pwa Gaw village. Furthermore, the troops of column 2 led by Company Comdr. Zaw Min Tay forced Ha Rea villagers to cook 4 hens. (Source: BI, 2005).

On 10 July 2005, troops from SPDC LIB 1 of LID 44 led by Battalion Comdr. Myat Maung U entered Nya Poe Khee village and looted 7 hens, 26 milk tins of rice, and 816.5 grams of dry Liza meat. The total value of the items was 9,850 kyat. (Source: BI, 2005).

### **Papun District**

In January 2005, SPDC LIB 539 column 1 led by Battalion Comdr. Tun Thein Kyi looted rice, chickens, ducks, coconuts, sarongs and clothing from Tee Tha Blu Hta villagers (Source: KHRG, 2005).

On 4 January 2005, troops from SPDC LIB 539 staged a show for Po Ma Heh villagers. While the villagers were attending the show, the troops stole the livestock from the following villagers:

1. Naw Hkee Lah, 3 ducks;
2. Naw Ma Kyi, 1 duck;
3. Saw Ka Done, 1 chicken; and
4. Saw Po Teh, 1 hen and 10 chickens. (Source: KIC, 2005).

On 7 November 2005, SPDC LIB 104 entered K' Neh Khaw village and ate 1 pig belonging to Naw See Lee while she was not at her home. Villagers, who were felt sympathy for Naw See Lee, collected compensation money for her loss. (Source: BI, 2005).

### **Toungoo District**

On 7 January 2005, troops from SPDC IB 60 led by Column 1 Comdr. Win Bo Shein looted 22 baskets of rice and 20 viss of dried fish from 19 villagers of Shwe Kyaung Gon village and Gwa Aind village in Tantabin Township. (Source: KIC, 2005).

On 25 February 2005, troops from SPDC IB 60 led by Column 2 Comdr. Hlaing Win Tint looted 2 baskets of rice from Ka Ser Doe village, Tantabin Township. (Source: KIC, 2005).

On 25 February 2005, troops from Column 1 and 2 of SPDC IB 48 led by Battalion Comdr. Maung Maung Win and Battalion Second-in-Command Thet Naing looted the following items from 2 loggers from Kaw Thay Doe village:

1. 1 viss of dried fish;
2. 10 duck eggs;
3. 2 viss of potato;
4. 100 cheroots;
5. 1 viss of cooking oil; and
6. 2 sickles. (Source: KIC, 2005).

On 13 March 2005, Column 2 Comdr. Hlaing Win Tint of SPDC IB 60 looted 20 viss of chicken and 60 viss of pork from Taung Gyi village. (Source: KIC, 2005).

On 5 April 2005, Maj. Maung Soe of SPDC IB 73 based at Sha Zi Bo camp, Tantabin Township demanded 3 tin of rice from Sha Zi Bo villagers. (Source: KIC, 2005).

On 9 April 2005 at 5:00 pm, troops from SPDC IB 48 took a fishing net and machete from Ye Tho Gyi villager Saw Pah Mya. (Source: KIC, 2005).

On 22 April 2005, troops from SPDC IB 60 led by Column 1 Comdr. Bo Hlaing Tint took 13 buffalo from Ga Zer Doh village. The owners were:

1. Saw Pe Nyunt, 4 buffaloes;
2. Saw Kaw Ler, 5 buffaloes; and
3. Saw Aung San, 4 buffaloes.

The troops also demanded 1,000 kyat, 2 viss of chicken and 3 lemon fruits as ransom for each buffalo. (Source: KIC, 2005).

On 11 May 2005, troops of IB 108 company 4 led by Capt. Thu Ra looted rice, chickens and other valuables after the village headman refused to obey an order to appear before the company commander. (Source: KHRG, 2005).

On 12 May 2005 at 9:30 pm, troops from SPDC LID 66 and LIB 108 based at Paw Mu Khee looted the following items from Haw Poe Loe villagers:

1. Saw Kue Lue, 1 pyi of rice, 500 kyat and 2 packets of groundnuts;
2. From the mother of Sheh Htoo, a sack of rice;
3. From the grandmother of Ku Ku Paw, 1 chicken;
4. Hla Win Maung, 1 chicken; and
5. Acho, 1 sack of rice. (Source: KIC, 2005).

On 8 July 2005, troops from SPDC IB 30 column 2 stole from Mwee Lor villager Ma Teh Moe 4 pyis of rice and a bottle of cooking oil. (Source: KIC, 2005).

On 8 July 2005, an SPDC guerrilla column led by Win Min Nyunt demanded from Hu Mu Doe villagers 5 baskets of rice worth 25,000 kyat and 27 chickens worth 3,000 kyat. (Source: KIC, 2005).

On 9 July 2005, Strategic Operations Command 3 IB 439 led by Comdr. Win Min Nyunt and Zaw Htun Aung looted food items and household goods from 11 Ler Kla Der villagers. (Source: BI, 2005).

On the morning of 9 July 2005, a column of SPDC IB 30 demanded the following items from Ler Kla Doe villagers:

1. Naw Eh Gay Moe, 4 viss of chicken and 1 basket of rice;
2. Naw Htoo Sha, 2½ viss of chicken;
3. Htoo Wah Pee, 2 viss of chicken;
4. Ta Ka Moe, 2½ viss of chicken and a package of rice;
5. Saw Shee Sho, 2½ viss of chicken;
6. Saw Tha Di, 3 baskets of rice;
7. Saw Ta Nya Pa, 2 machetes;
8. Htoo Wah Pa, 1 sack of rice;

9. Saya Ler Htoo, 1 machete;
10. Lah Lah Pee, 1 viss of chicken;
11. Doe Doe Pa, 2 viss of chicken; and
12. Pee Lee Ya, 3 pairs of shoes. (Source: KIC, 2005).

On 15 August 2005, SPDC LIB 73 Cpl. Poe Kyaw looted 1 tin of rice from Yain Hser village headman. (Source: BI, 2005).

On 18 September 2005, SPDC IB 4 led by Comdr. Myo Nieng demanded 2 tins of rice from Sha See Bo village. They also took 5 villagers as porters. The villagers were not released at the time of this report, 26 October 2005. (Source: BI, 2005).

On 24 October 2005, troops from SPDC IB 48 led by Second Sgt. Maj. Way Dah looted 5 sacks of rice from Shwe Chaung Gon villager Ko Myo. (Source: KIC, 2005).

On 28 October 2005, Bo Saw Aung from SPDC IB 48 based at Kwin Kay Lay looted 5 packages of coffee mix, 2 packages of noodles and half a viss of onion, worth a total of 3,600 kyat. Bo Saw Aung only paid 1,000 kyat for the items. (Source: KIC, 2005).

## **Restrictions on Trade, Travel and Cultivation**

### **Toungoo District**

On 9 July 2005, Strategic Operation Command 3 led by Comdr. Thain Tun prohibited the trading, transport, import and export of goods in the area of P'lea Wa village, Klaw Mee Der village and Ler Kla Der village. (Source: BI, 2005).

On 20 July 2005, the SPDC Operation Command 1 Comdr. Khin Maung Oo based at Kler Lar army camp Tantabin Township summoned truck owners from the following villages and banned them from using their trucks for trading:

1. Kler La village,
2. Kaw Thay Doe village,
3. Klay soe Khee village,
4. Kaw Soe Kho village,
5. Wah Tho Kho village,
6. Ler Ko village and
7. Peh Kaw Doe village. (Source: KIC, 2005).

On 22 July 2005, SPDC Operation Command 1 Comdr. Khin Maung Oo banned trading and transportation in nearby areas of Pa Let Wa motor road. (Source: KIC, 2005).

On 15 August 2005, SPDC Strategic Operations Command 1 Comdr. Khin Maung Oo and Southern Command HQs Brigade Comdr. Ko Ko prohibited Kler La village and Kaw They Der village from transporting rice into the villages. Instead, they sold rice to the villagers at 3,600 kyat per tin for their own profit. (Source: BI, 2005).

On 4 September 2005, IB 48 Comdr. Htun Nie Win, Vice Comdr. Zaw Myo Naing and Capt. Kyaw Thu Ra prohibited Za Ya Kyi villagers from selling food. (Source: BI, 2005).

## 5.8 Situation in Karenni State

Throughout 2005, SPDC troops as well as the junta supported KNPLF continued to deprive Karenni villagers of their money, possessions, and livelihoods. Demands on villagers caused the already impoverished population increased hardship. (Source: FBR, 2005).

### **Official and Unofficial Taxes and Levies**

On 6 October 2005, 2 LIB 329 soldiers and a policeman stationed at Bawlake entry checkpoint extorted 25,000 kyat from Saw Bee Ni (age 35) as he was traveling by bus back from Loikaw with some commodities. (Source: KHAHR, 2005).

### **Looting and Expropriation of Food and Possessions**

Between February and June 2005, Burma Army troops demanded rice, chickens, pork, money, horses and forced labor from IDPs in Shadaw Township. Furthermore, each family has to support the SPDC and KNPLF troops with 16 kg. of rice per month. (Source: FBR, 2005).

On 8 May 2005, SPDC IB 7 under LID 55 led by Maj. Zaw Poe Daw ordered the following villages in Shadaw Township to provide 3 baskets of rice each:

1. Tanaw village;
2. Maleh village;
3. Takhu village;
4. Lyadu; and
5. Lyadukaw village.

The villagers were forced to travel to other villages near the Shan border to obtain the amount of food demanded. Each basket of rice cost the villagers 1,500 kyat. The next day, Maj. Zaw Poe Daw ordered the village chiefs to bring 5 jackfruits each. (Source: *Kantrawaddy Times*, 2005).

## 5.9 Situation in Mandalay Division

Towards the end of the year, the regime unexpectedly announced the relocation of the capital from Rangoon to Pyinmana. On 6 November 2005, the junta abruptly began moving Ministries from Rangoon to 400 km. north of the capital in Pyinmana Township. In conjunction with the move, reports began to emerge in late 2005 of land confiscations within the area. Villagers and farmers have been stripped of their land in order to make way for the building of new administrative offices, residential homes and military barracks. Villagers were only paid a small amount of money for the confiscated land. Some farmers were also reportedly forced to move to the suburbs of Pyinmana. (Source: "Burmese Junta Grabs Land From Farmers to Build Offices at Pyinmana," DVB, 9 November 2005). Without land to farm and engage in business trades, the ability of residents to maintain stable livelihoods has been seriously undermined.

The move to Pyinmana has also resulted in the destruction of people's property. On 18 November 2005 the authorities ordered the destruction of 100 households along the U Razat and Maung Khin roads in Pyinmana to widen a road leading to the new capital. The U Razat and Maung Khin roads connect the train station and Kyetpyay, where the new capital is being

constructed. The authorities also destroyed the living quarters built for railway workers situated on the new Pyinmana – Kyetpyay road. (Source: “100 Homes Dismantled by Burmese Authorities for New Capital,” DVB, 21 November 2005). It was reported on 6 December 2005 that 500 more homeowners lost their homes for road widening projects associated with the Pyinmana move. The junta provided no assistance or compensation to homeowners who lost their homes due to the activities in Pyinmana. Rather, homeowners were threatened with arrest if they refused to leave their homes by set deadlines. (Source: “More Homes Destroyed and Relocated at Burma's New Capital,” DVB, 6 December 2005).

Other land confiscations occurred in Mandalay Division in connection with the construction of the Tada-U International Airport. Since 2004, the local authorities have confiscated nearly 2,000 acres of land from Thabetse and Khandu villagers in Sinkkaing Township. On 19 November 2005 the local authorities confiscated another 400 acres of farmland. In an attempt to give the appearance of legitimacy, affected farmers were forced to sign an agreement accepting compensation of 5,000 kyat per acre for land valued at 500,000 kyat per acre. (Source: “Lands Grabbed from Burmese Farmers in Mandalay Sinkkaing,” DVB, 15 December 2005).

## **5.10 Situation in Mon State**

Human rights abuses such as land confiscation, excessive taxation, forced labor and the destruction of property contributed to the deprivation of livelihood of villagers in Mon State throughout 2005. Since December 2003, the SPDC military has launched major offensives against the Monland Restoration Army (MRA) in both Ye Township and Yebyu Township. In an attempt to overcome MRA resistance, the military has often targeted the civilian population. During the year, the military burned down villages suspected of offering support to resistance soldiers. As the military has increased their presence in Mon State, the regime has also confiscated villagers' land to build new army camps. Despite hundred of farmers being left landless, the regime provided no compensation for the land. Other farmers in the region were forced to sell their farms at a reduced cost. Furthermore, farmers were charged a fee to harvest the crops and fields on their former lands.

### **Official and Unofficial Taxes and Levies**

#### **Thanbyuzayat Township**

In January 2005, it was reported that SPDC IB 62 collected 2,000 kyat per month from villages as a fee for soldiers providing security for the gas pipeline. A total of 5 million kyat per month was collected. Villagers were also employed as forced laborers around the pipeline. The villages forced to pay fees and participate in forced labor were:

1. Wae-kha-dard village;
2. Sakharn village;
3. Chork-pa-line village;
4. Wae-kha-meat village;
5. Wae-toer village;
6. Kalaing-pa-taw village; and
7. Ywa-thar-aye.



Soldiers providing security along the pipeline often beat villagers in the area. Other villagers were accused of being resistance fighters and were subject to inhumane torture. (Source: “Five Million Kyats per Month Demanded for Gas Pipeling Security Fee,” IMNA, 25 January 2005).

On 12 January 2005, Col. Khin Maung Zi of the Southeast Command No. 4 military training school ordered headmen from the following villages in southern Thanpyuzayat to collect 800 kyat or one basket of paddy per acre of farmland:

1. Wae-kha-dard village;
2. Sakharn village;
3. Chork-pa-line village;
4. Wae-kha-meat village;
5. Wae-toer village;
6. Kalaing-pa-taw village;
7. Ywa thar-aye village;
8. Kayokpi village;
9. Wae-klorn village;
10. Ong-Khae village;
11. Kork-lay village;
12. Proad village;
13. Anin village;
14. Lay-Yin-Kwin village;
15. Waen Choen village; and
16. Waen Chae village. (Source: “Burmese Army Collected Paddy with Free of Charge,” *The Mon Forum*, HURFOM, 2005).

### **Thaton District**

On 1 January 2005, SPDC troops from LIB 73 led by Sgt. Soe Win demanded 400 kyat from each bullock cart owner collecting firewood in the Chan Kyi Pyi Ka and See Pyu Ko area. (Source: BI, 2005).

On 14 January 2005, Eh Htoo of the DKBA based at Law Pu camp, Pa-an Township demanded 2,000 pieces of thatch from the following villages to be sent to Law Pu camp:

1. Ha Ta Rai village;
2. Kru See village;
3. Pwa Gaw village;
4. Noh Aw Lar village;
5. Noh Law Plaw village;
6. Pwo village;
7. Ta Thoo Khee village;
8. Kyaw Kay Khee village;
9. Noh Ka Day village; and
10. Htee Pa Doe Khee village. (Source: KIC, 2005).

On 18 January 2005, Saya Tin Htun of SPDC IB 96 under the control of Company 3 Comdr. Aung Myo demanded 500 poles of bamboo from Htee Nu village, Kyaik Toe Township. (Source: KIC, 2005).

On 19 January 2005, Bo Lweh of the DKBA demanded 1 basket of rice from the following villages in Pa-an Township for the construction of a pagoda:

1. Htee Meh Baw village;
2. Kwee Ta Kaw village;
3. Ler Keh Khaw village;
4. Noh Ta Ray village;
5. Htee Po Neh village;
6. Baw Ta Pru village;
7. Meh Yeh village;
8. Thay Ler Baw village;
9. Kaw Ta Gyi village; and
10. Noh Ka Wah village. (Source: KIC, 2005).

On 19 January 2005, Saw Than Htun of the DKBA demanded from Ee Heh village, Pa-an Township 50 poles of Pyin Ka Doe wood with a girth of 18 inches for posts to be used in building a house. (Source: KIC, 2005).

On 22 January 2005, Pa Kleh of the DKBA demanded thatch from the following villages in Ka Di Pu village tract by 25 January 2005:

1. Kyet Chay Khat village, 4,000 pieces;
2. Ta Raw Meh village, 3,000 pieces;
3. Wah Paw Gon village, 2,000 pieces;
4. Bi Lin Gyo village, 1,000 pieces;
5. Pat Tee Son village, 2,000 pieces; and
6. Tha Waw Po village, 1,200 pieces. (Source: KIC, 2005).

On 28 January 2005, Column 2 Comdr. Khaing Nywe of SPDC LIB 378 demanded 1,500 kyat from each household in Pa Ya Raw village, Bilin Township. (Source: KIC, 2005).

On 1 February 2005, Thaw Mana of the DKBA demanded 1,000 pieces of roofing thatch and 30,000 kyat from villagers in Kyu San village, Pa-an Township. (Source: KIC, 2005).

On 2 February 2005, Poo Lee of the DKBA demanded thatch from villages in Bilin Township. Villages that were unable to provide the thatch were required to pay 50,000 kyat. The following villages required to provide thatch include:

1. Ler Ka Ter village, 1,000 pieces;
2. Ler Po village, 800 pieces;
3. Ta Eu Ni village, 1,000 pieces;
4. Noe Ka Neh village, 1,000 pieces;
5. Ta Eu Khee village, 1,000 pieces;
6. Yo Kla east and west village, 1,000 pieces;
7. Htee Pa Doe Hta east and west village, 1,000 pieces;
8. Kyo Waing village, 1,000 pieces;
9. Pa Ya Raw village, 1,000 pieces; and
10. Thoo Ka Bee village, 1,000 pieces. (Source: KIC, 2005).

On 5 February 2005, Kyin Kyin of the DKBA demanded 20 timber poles measuring 27 inches by 15 cubits in length for house posts from Ler Ka Ter villagers in Bilin Township. (Source: KIC, 2005).

On 7 February 2005, Brig. Maung Kyi of the DKBA No. 333 demanded 2,000 pieces of thatch from both Khaw Po Pleh village and Htee Si Baw village in Bilin Township. (Source: KIC, 2005).

On 8 February 2005, SPDC LIB 60 column 2 led by Column Comdr. Hlai Win Tin, fined Ler Kla Der villager Saw Htoo Gay and Kea Der village head Saw Pae La 150,000 kyat under accusations of having contact with the KNU. (Source: KIC, 2005).

On 9 February 2005, Comdr. Than Naing Win of LID 44 demanded bamboo and thatch from the following villages in Bilin Township:

1. Kaw Po Pleh village, 63 poles of giant bamboo measuring 15 cubits in length;
2. Mya Lay village, 700 pieces of thatch;
3. Shwe Ok village, 700 pieces of thatch; and
4. Kwin Ka Lay village, 700 pieces of thatch. (Source: KIC, 2005).

On 11 February 2005, Comdr. Than Naing Win of LID 44 demanded 4,000 poles of small bamboo and 40,000 pieces of palm leaf thatch from the following villages in Bilin Township:

1. Htee Pa Doe Hta village;
2. Yo Kla village;
3. Htee Hsi Baw village;
4. Khaw Po Pleh village;
5. Ma Klooo Htaw village;
6. Kyo Waing village;
7. Noe Ka Neh village;
8. Ta Eu Ni village;
9. Ta Eu Khee village;
10. Nya Po Khee village;
11. Ler Ka Ter village;
12. Thoo Ka Bee village;
13. Pa Ya Raw village;
14. La Kay village;
15. Ta Paw village;
16. Ler Klaw village;
17. Shwe Ok village;
18. Mya Llay village;
19. Kaw Heh village;
20. Mae Naw Theh Khee village;
21. Per Wah Hta village;
22. Pet Let Noe village;
23. Noe Weeh village;
24. Htaw Po Hta village;
25. Khaw Htee Khee village;
26. Khaw Htee Hta village; and
27. Paw Gi Khee village. (Source: KIC, 2005).

On 17 February 2005, Pah Kleh of the DKBA ordered the village head of Ta Roi Khee village, Pa-an Township to send 3,000 pieces of thatch to Kho Tha Ray. (Source: KIC, 2005).

On 22 February 2005, Bo Than Htun Oo of SPDC IB 8 demanded 500 pieces of thatch from Kyet Chay Khat village, Pa-an Township by 23 February 2005. (Source: KIC, 2005).

On 2 March 2005, Operation Command 3 Comdr. Khin Maung Than of SPDC LID 44 demanded Ta Maw Taw village to send 1,000 pieces of thatch and Lah Khee village to send 31/2 tons of sawn timber, 2 viss of bamboo roofing twine, and 300 pieces of thatch to the Pa Nwe Kla army camp in Thaton Township by 15 March 2005. (Source: KIC, 2005).

On 4 March 2005, Capt. Min Than Zaw under Tactical Command SPDC LID 44 demanded from Ka Doe village, Thaton Township 1,500 pieces of thatch to be sent to Pa Nwe Kla army camp by 15 March 2005. (Source: KIC, 2005).

On 5 March 2005, Battalion Comdr. Maj. Nay Win and Company Comdr. Tun Kyi of SPDC LIB 3 demanded saw timber from villagers of Plaw Po village, Thaton Township by 6 March 2005. The villagers were unable to obtain the saw timber and had to purchase it for 15,000 kyat. (Source: KIC, 2005).

On 14 March 2005, troops from SPDC LIB 102 led by Column 1 Comdr. Maj. Aung Naing Win demanded 200 kyat per bullock cart from several bullock carts hired for hauling roofing thatch after setting up a temporary camp at the monastery of Ta Rweh Khee village, Thaton Township. These troops also looted 2 ducks from villager Naw Moe Thu and 1 duck from villager Ma Than Tin. (Source: KIC, 2005).

On 16 March 2005, Bo Win Naing of SPDC LIB 102 demanded 11 tons of timber, including 13 pieces of 6" x 3" planks from the following villages in Thaton Township to construct a bridge between Pa Nwe Kla village and Lay Kay village by 20 March 2005:

1. A Tet Naung Ka Dok village;
2. Auk Naung Ka Dok village;
3. Ta Rweh Wah village;
4. Ta Rweh Khee village;
5. Ta Maw Daw village; and
6. Pah Baw village. (Source: KIC, 2005).

On 20 March 2005, Column Comdr. Khin Maung San and Sgt. Saw Kaw Htoo of SPDC LIB 207 under LID 44 demanded 5,000 kyat and 500 kyat from Kaw Po Kha villagers in Bilin Township Maung Htun Kyaing and Saw Pa Tay, respectively. (Source: KIC, 2005).

On 7 April 2005, Comdr. Kyi Soe of SPDC LIB 102 demanded 40,000 kyat from the organizers of the Ta Maw Taw village festival in Thaton Township. (Source: KIC, 2005).

On 10 April 2005, the Comdr. of Tactical Command 2 of LID 44 demanded 15 poles of bamboo and 30 pieces of roofing thatch from each household in all the villages in Maw Ka Lay village tract, Thaton Township by 12 April 2005. The next day, the Commander also demanded 1 villager from each household to participate in a forced labor project building a military camp. (Source: KIC, 2005).

On 24 April 2005, Comdr. Maung Maung Than of Tactical Command 2 demanded 3,000 kyat from each household in Naw Ka Toe Day village, Bilin Township to construct a bridge between Mae Pu and Maw Klo Say. (Source: KIC, 2005).

On 4 June 2005, Maj. Kyin Soe of SPDC LIB 3 demanded split bamboo from the following villages in Ka Pu Win village tract, Bilin Township to fence the military camp by 6 June 2005:

1. Bi Lin Kyow village, 1,000 pieces;
2. Par Ti gon village, 1,000 pieces;
3. War Kaw Gon village, 1,000 pieces;
4. Ta Raw Meh village, 1,000 pieces;
5. Ywa thit village, 1,000 pieces;
6. Ywa Thit Aut village, 1,000 pieces; and
7. Ka Pu Dee village, 1,000 pieces. (Source: KIC, 2005).

On 30 June 2005, Capt. Maung Maung Aung of SPDC LIB 3 demanded 8 ft. logs from 5 villages in Ter Mord Dot village tract, Bilin Township for Noe Toe Day village. (Source: BI, 2005).

On 30 June 2005, troops from the DKBA 999 led by Comdr. Poe Law Eh demanded 1,000 kyat from charcoal producing villagers in Kyaik Toe Township. Furthermore, villagers who left their village to tend their farms were required to purchase a permit at 500 kyat. In total, the troops collected 3,500 kyat. (Source: BI, 2005).

On 19 July 2005, Saw Bo Lweh of the DKBA accused Kaw Heh villager Tee Kyoo Na of hosting outsiders and demanded from him 5,000 kyat in Pa-an Township. (Source: KIC, 2005).

On 20 July 2005, Saw Pa Lu of the DKBA and Tha Toe of SPDC IB 72 Column 2 Comdr. accused Khaw Po Pleh villager Saw Kyaw Chit of engaging in the black market cattle trade and demanded 8,000 kyat from him as a fine. (Source: KIC, 2005).

On 1 August 2005, TPDC Chairman Thain Aye demanded a total of 635,000 kyat from the following villagers:

1. Ko Ta Kyi, 20,000 kyat;
2. Noh T' Ray, 12,000 kyat;
3. Ler Geh Gaw, 12,000 kyat; and
4. Htee Mae Baw, 12,000 kyat. (Source: BI, 2005).

On 2 August 2005, the local authority extorted 25,000 kyat from Tou Kort village, Pa-an Township. (Source: KIC, 2005).

On 14 August 2005, Company Comdr. Aung San Lin of SPDC IB 102 demanded 140 timber poles from Ka La Ko village. (Source: KIC, 2005).

On 16 August 2005, SPDC LIB 9 ordered Mi Jaung Aing village and Ma Yan Gon village to provide 200 bags of gravel each for building a bridge between Tee Nya Por village and Ma Yan Gon village. (Source: KIC, 2005).

On 26 August 2005, Battalion Comdr. Aung Min Thu of SPDC LIB 102 demanded the bamboo poles from the following villages:

1. Pa Nweh Kla village, 100 bamboo poles;
2. Kat Daw Nee village, 200 bamboo poles;
3. No Plu Plu village, 200 bamboo poles; and
4. No Toe Day village, 150 bamboo poles. (Source: KIC, 2005).

On 28 August 2005, SPDC IB 96 second in command Than Naing demanded 500 poles of bamboo from Paw Baw village, Htee Noe Pu village and Noe Ler Khee village in Kyaik Toe Township. (Source: KIC, 2005).

On 24 October 2005, SPDC Gen. Maung Bo, proprietor Ko Zaw, manager Myo Shwe and agricultural assistant officer Aung Win Sein demanded 9,000 mature rubber plants from the following plantation owners in Thaton Township:

1. U Maung Ti, 1,000 plants;
2. U Ker Poe, 1,000 plants;
3. U Htun Aung, 500 plants;
4. U Poe Noe, 1,000 plants;
5. U Maung Htun, 1,000 plants;
6. U Aye Paw, 1,000 plants;
7. U Than Maung, 1,500 plants;
8. U Tar Aye, 1,000 plants; and
9. U Maung Nay, 1,000 plants.

Those who had to give immature rubber plants were:

1. U Maung Ti, 500 plants;
2. U Kay Paw, 1,000 plants;
3. U Maung Shwe, 500 plants;
4. U Shwe, 500 plants;
5. U Hla Kyi, 500 plants;
6. Maung Lwin Yoe, 1,000 plants;
7. Tha Ti, 1,000 plants; and
8. Ta Poe, 500 plants. (Source: KIC, 2005).

## **Ye Township**

On 20 May 2005, SPDC IB 61 Capt. Moe Aung Khaing and the village tract headman forced farmers to sell 2,500 baskets of paddy at a reduced price of 110,000 kyat per basket while the current market value was 200,000 kyat per basket. Regardless, to date, the farmers have not received any payment for the rice. Baskets of husked paddy were also ordered to be sent to the village headman's home. Farmers were also required to cover the costs of transporting the rice if they did not make the delivery on time. The following village tracts were affected:

1. Plaing-thein village tract,
2. Hnin-sone, Krock-kree village tract,
3. Kaw-krait village tract,
4. Aindin village tract,
5. Paw-htaw village tract and
6. Duya village tract. (Source: "Rice Extorted for Army's Food Supply," IMNA, 30 May 2005).

## **Yebyu Township**

In January 2005, the Second-in-Command of SPDC LIB 273 Maj. Moe San Winn, demanded 200,000 kyat from Ohn Pin Gwin village and Paungdaw village to allow the villagers to hold a traditional Buddhist festival. (Source: “Human Rights Violations Effects to Civilians in Yebyu Township,” *The Mon Forum*, HURFOM, September 2005).

On 8 January 2005, it was reported that the SPDC military officials ordered every household in Yebyu Township to buy 3 posters at 700 kyat announcing the offer of a 10 million kyat reward for information leading to the capture of the Mon guerrilla leader Nai Bin and 1 million kyat reward for information about other leaders, namely, Nai Hloin, Nai Chan Dein and Nai Sook Gloing. (Source: “Wanted Rebel Poster on Sale,” *Kaowao News*, January 2005).

On March 10 2005, VPDC authorities demanded security taxes from villagers. Wealthier families were ordered to pay 4,500 to 5,000 kyat while poorer families were ordered to pay 1,500 kyat. The villages forced to pay security tax were:

1. Mayan village;
2. Chauk-sae-miles village;
3. Kwe-ta-lin village;
4. Ya-pu village;
5. Ya-pu-ywa-thit village;
6. Law-thaing village;
7. Kyauk-ka-din village; and
8. Aleskan village.

Despite making the payment for security, the villagers were ordered to stand guard. Those that were unable to perform the sentry duty were forced to pay a 1,500 kyat fine. (Source: “Human Rights Violations Effects to Civilians in Yebyu Township,” *The Mon Forum*, HURFOM, September 2005).

## **Land Confiscation**

### **Thanbyuzayat Township**

Between December 2004 and January 2005, Second Command No. 4 Military Training Center confiscated approximately 712 acres of land from 79 farmers for the construction of a water reservoir and to support new battalions coming to the area. The water reservoir is to produce electricity for the training center and to distribute water to military plantations in the area. (Source: “Land Confiscation and Other Abuses on the Serious Violation of Economic Rights,” *The Mon Forum*, HURFOM, June 2005).

### **Ye Township**

Between March and April 2005, SPDC LIB 586 confiscated 649 acres of land estimated to be worth US\$307,000 in Duya village tract to support a new battalion and families relocating to the area. Farmers were required to pay a 2,500 kyat tax per acre of land per month to continue to farm their confiscated land. (Source: “Land Confiscation and Other Abuses on the Serious Violation of Economic Rights,” *The Mon Forum*, HURFOM, June 2005).

In April 2005 local authorities confiscated 600 plantations and private gardens for the building of a new army camp. Farmers were charged 2,500 kyat per acre to harvest their

crops. (Source: "Farmland Seized: BA's Destructive Land Use Policy," *Kaowao News*, 21 April 2005).

In May 2005, it was reported that SPDC LIB 343 and LIB 587 forced 14 farmers in Ayu-taung village and Kun-duu village to sell their rubber and fruit plantations at a reduced price of 1,000 kyat for land worth approximately 1 million kyat. (Source: "Land Confiscation and Other Abuses on the Serious Violation of Economic Rights," *The Mon Forum*, HURFOM, June 2005).

On 4 July 2005, it was further reported that farmers were coerced into selling their farmlands at 100 kyat per acre to SPDC LIB 583. The money earned from the sale did not even cover the cost of transportation for farmers to travel to Ye to sign the sale agreement. (Source: "Burmese Army Forces Farmers to Sell Land for 100 Kyat per Acre," IMNA, 4 July 2005).

## **Destruction of Property**

### **Kyaikmayaw Township**

On 4 July 2005, the Tarana village market was destroyed by a suspicious fire. Two days earlier, Ma Hla Htay, a local business woman contracted to purchase the land and was seen taking measurements of the land. Two days after the fire, 80 shop owners were forced to sign an agreement not to report losses greater than 60,000 kyat to the Southeast Command despite an estimated collective loss of 200 million kyat. Individual losses allowed to be reported were limited to 2,000 and 3,000 kyat each. The authorities also fabricated a list of losses. Additionally, shop owners lacked the resources to re-create the market and were prohibited from establishing temporary shops. (Source: "Torched Community Market Sold to Businesswoman by Authorities," IMNA, 9 August 2005).

### **Thaton District**

On 9 February 2005, SPDC IB 92 column 1, led by Column Comdr. Hlai Win Tin, met Hu Mu Der villager Saw Htoo Day while he was carrying 14 baskets of rice and other materials in his bullock cart. The soldiers destroyed all the goods in Saw Htoo Day's bullock cart. (Source: BI, 2005).

On 25 May 2005, local authorities ordered all the villagers of Kyaik Toe Township to destroy their paddy field huts. (Source: KIC, 2005).

### **Ye and Yebyu Township**

On 27 January 2005, it was reported that Tactical Command 3 troops burnt down approximately 100 houses in Wae-kwao Paukpingwin, Magyi and Dani-kyar villages, southern Ye Township and northern Yebyu Township after accusing the homeowners of supporting resistance fighters. The troops took the wood and poles from the destroyed houses and left the villagers to clear the remaining debris. (Source: "Burma Army Burns Down Three Mon Villages," IMNA, 27 January 2005).



## **Looting and Expropriation of Food and Possessions**

### **Thaton District**

On 1 January 2005, SPDC IB 60 column 1, led by Column Comdr. Win Bo Shine, looted 22 baskets of rice and 20 kilos of dry fish from 19 traders from Shay Kyaung Ko and Swa Ain village. (Source: BI, 2005).

On 11 January 2005, troops from SPDC LIB 378 led by Column 2 Comdr. Khaing Ngwe looted 8 chickens from the following Ler Po villagers, Bilin Township:

1. Ma Waing,
2. Ma Ywa,
3. Naw Sheh,
4. Ma Khin Aye Moe and
5. Swa Kho Moe. (Source: KIC, 2005).

On 8 February 2005, troops from SPDC LIB 540 led by Camp Comdr. Aung Naing Oo stole a pig worth 12,000 kyat from villager Naw Hsi Po of Yo Kla village, Bilin Township. (Source: KIC, 2005).

On 27 February 2005, troops from SPDC LIB 103 led by Bo Aung Naing Win stole a chicken from villager Naw Pawkhin of Ta Rweh Khee village, Pa-an Township. (Source: KIC, 2005).

On 9 March 2005, troops from column 5 of SPDC LIB 102 led by Bo Aung Naing Win forcibly took 15 Ta Rweh Khee villagers and 6 bullock carts to carry supplies. Moreover, these troops looted a chicken and a goat from villagers for meat. (Source: KIC, 2005).

On 5 April 2005, SPDC LIB 11 Column 1 Second-in-Command Min Chit Oo looted 3 chickens, 1 shirt and 2 pairs of pants from Ta Oo Kee villagers in Bilin Township. (Source: KIC, 2005).

On 12 April 2005, Comdr. Zaw Naing Oo of SPDC LIB 3 went into Lay Poe village and looted 3 chickens and 1 coat-hanger from the following villagers:

1. Pee Khan Kay,
2. Naw Nay Paw,
3. Mu Lae Poe and
4. Naw Nay Paw. (Source: KIC, 2005).

On 22 April 2005, Column Comdr. Kyi Soe of SPDC LIB 102 and Htun Mying from the DKBA looted 1 goat and 1 chicken from Naw Kat Toe villagers, Thaton Township. (Source: KIC, 2005).

On 28 June 2005, SPDC LIB 8 led by Capt. Myain Maung Oo demanded 2 tins of rice and 5 carriers from the head of Klaw Ta village and looted items from the following villagers:

1. Naw Kyi Poe, 1 hen;
2. Saw Maw Soe, 4 hens;
3. Naw Htoo Moe, 4 hens;
4. Naw Bu, 1 dog;
5. Naw Bee Hser, 1 bag of sugar;
6. Naw Dah Tue, 3 bowls of rice;

7. Kyaw Bee, 8 milk tins of rice;
8. Saw Bee Koe, 16 milk tins of rice;
9. Naw Bee, 8 milk tins of rice;
10. Naw Maa Thea, 8 milk tins of rice;
11. Pa Khea Nay, 8 milk tins of rice;
12. Naw Myai, 24 milk tins of rice;
13. Naw Ma Pya, 8 milk tins of rice;
14. Saw Maw Wah, 8 milk tins of rice;
15. Naw Ma Paw Moe, 8 milk tins of rice;
16. Paw Lay Moe, 8 milk tins of rice;
17. Naw Ma Mae, 8 milk tins of rice;
18. Naw K' Knyaw, 8 milk tins of rice;
19. Maw Hsar, 6 hens;
20. Paw La Moe, 8 milk tins of rice;
21. Saw Poe Eh, 8 milk tins of rice;
22. Naw Pue, 40 milk tins of rice;
23. Naw Ka Moe, 32 milk tins of rice;
24. Naw Tha Oo, 5 hens;
25. Saw Kwe, 2 hens;
26. Naw Khit, 4 hens;
27. Naw Mu, 4 hens;
28. Naw Ma Mya, 16 milk tins of rice;
29. Naw ta Lah, 8 milk tins of rice;
30. Naw k' Ter, 8 milk tins of rice;
31. Maw Soe Moe, 24 milk tins of rice;
32. Naw Seh, 16 milk tins of rice; and
33. Naw Mii Sue, 8 milk tins of rice. (Source: BI, 2005).

On 13 July 2005, troops from SPDC IB 8, under SPDC LID 44 extorted items from the following Klaw Hta villagers in Bilin Township:

1. Pa Haw Moe, 4 pyi of rice;
2. Ma Pu, 1 pyi of rice;
3. Day Kyu Moe, 2 pyi of rice and 1 duck;
4. Naw mee Pa, 2 trousers;
5. Ma Theh Moe, 1 blouse;
6. Naw Baw, 1 duck;
7. Ma Paw Moe, 1 pyi of rice and 1 bag;
8. Pa Keh Moe, 1 viss of ridged gourd;
9. Mi Chaw, 1 pyi of rice;
10. Pee Chaw Moe, 1 pyi of rice;
11. Eh Say Moe, 1 pyi of rice;
12. Naw Kyi, 1 pyi of rice;
13. Kaw La Moe, 1 pyi of rice;
14. Pee Naw Moe, 1 viss of ridged gourd;
15. Paw Lah Moe, 3 pyi of rice and 2 pyi of dog fruit;
16. Htoo Ka Paw Moe, 2 pyi of rice;
17. Pee Lay Moe, 1 pyi of rice;
18. Pee Bu Moe, 1 pyi of rice;
19. Eh Wah Pa, 7 chickens and 4 pyi of rice;
20. Saya Po Eh, 1 pyi of rice;

21. Naw Ler, 2 nylon ropes;
22. Naw Kha, 1 pyi of rice;
23. Naw Tha Eu, 4 milk tins of rice;
24. Ma Yu Moe, ½ pyi of rice;
25. Mu Naw, 3 pyi of rice and 2 coconuts; and
26. Tha Mee Lay Moe, 1 chicken. (Source: KIC, 2005).

On 17 July 2005, SPDC LIB 8 led by Battalion Comdr. Myit Maung U looted items from the following Ta U Khee villagers following a clash with KNU troops:

1. Naw Win Shway, 1 hen and 1 longyi;
2. Naw Ro, 1 hen and 1 umbrella;
3. Naw A Moe, 1 hen;
4. Naw Ma Nyae, 2 Anjinomoto packets and 1 torch light;
5. Ta Po Mu, 2 hens;
6. Naw Bway, 1 ring, 1 torch light, 2 knives and 68,000 kyat;
7. Naw U Thu, 1 hen;
8. Pa Leh, 1 hen;
9. Pa Geh Moo, 2 hens;
10. Naw Hei Moe, 1 big tin of rice and 1 blanket;
11. Pa Thu Mae, 1 duck;
12. Naw Paw Moe, 2 hens; and
13. Kyaw Htoo Moe, 8 hens. (Source: BI, 2005).

On 20 July 2005, Saw Pa Lu of the DKBA and Tha Toe of SPDC IB 72 Column 2 Comdr. extorted items from the following Hkaw Po Pleh villagers:

1. Maung Than Aung, shop items including 10 packets of cheroots and 10 sets of size AA batteries;
2. Saw Kyaw Promoe, shop items including 1 packet of cheroots, 1 new blanket and 10 packets of sugar; and
3. Saw Pa Thoo, 1 chicken. (Source: KIC, 2005).

On 2 August 2005, the DKBA troops killed Saw Shwe Gyo's pig worth 30,000 kyat from Tee Kyaw Kee village, Pa-an Township. (Source: KIC, 2005).

On 8 August 2005, troops from SPDC LIB 2 led by Column 2 Comdr. Nyan Soe and Company Comdr. Naing Aung Kyi told the village head of Haw Ti Khee, Bilin Township to buy 5 pyi of rice at the rate of 200 kyat. In addition, they took 10 condensed milk tins full of rice from villager Naw Aye Myint. (Source: KIC, 2005).

On 13 August 2005, DKBA troops extorted from Pwa Gor villager Naw Thein Yee a basket of rice and killed a pig worth 25,000 kyat for meat. (Source: KIC, 2005).

On 17 August 2005, a group of SPDC troops led by Column 2 Comdr. Nyan Myo Tun of SPDC LIB 2 beat a female schoolteacher and looted the following items from her house:

1. 1 cassette tape deck,
2. 1 pair of sun glasses,
3. 1 big casket of herbal face powder and
4. 1 pair of slippers.

From other villagers the group also looted pots, pans, plates, a chicken and 6,000 kyat in cash. (Source: KIC, 2005).

On 24 August 2005, Column 1 Comdr. Tun Min of SPDC LIB 2 looted the following items from the Da U Kee shop of Naw Pee Keh in Bilin Township:

1. 1 pair of slippers,
2. 1 large packet of mono-sodium-glutamate,
3. 1 large packet of ground coffee,
4. 12 packets of Quaker Oats and
5. 2 tubes of toothpaste. (Source: KIC, 2005).

On 9 September 2005, DKBA soldiers led by Moe Joe and Pa Ker Ler looted items from the following villagers in Bilin Township:

1. Saw K'la Na, 1,500,000 kyat;
2. Saw Kyaw Hmway, 1 watch; and
3. Naw Paw Boo, village head of Haw Poe Pler village, 1 cow. (Source: KIC, 2005).

On 7 October 2005, troops from SPDC LIB 2 under LID 44 led by Bo Myo Kyaw Oo held 2 buffalo belonging to a villager for a ransom of 50,000 kyat each. Furthermore, they looted 1 pig, worth about 150,000 kyat, from a Ler Ka Deh villager in Bilin Township. (Source: KIC, 2005).

On 1 November 2005, troops from SPDC LIB 2 led by Column 2 Comdr. Nyan Zaw Oo looted a hen from Naw Lu of Ler Ka Doe village, Bilin Township. (Source: KIC, 2005).

On 2 November 2005, troops from SPDC LIB 2 led by Column 2 Comdr. Nyan Zaw Oo looted a rooster from Saw Min Aung of Ler Kae Doe village, Bilin Township and 10 chickens from other villagers. (Source: KIC, 2005).

## **Restrictions on Trade, Travel and Cultivation**

### **Thaton District**

On 1 January 2005, the DKBA ordered villagers in the Mae Plae Toe area, Thaton Township not to cultivate farmlands or cut teak wood on the opposite side of the Mae Plae River. Those who did so would be fined 500 baht. (Source: KIC, 2005).

## 5.11 Situation in Pegu Division

Throughout 2005, SPDC military forces continued to permeate the Nyaunglebin District hills area. SPDC forces persisted in burning villagers houses, fields, storage barns and crops. In addition, soldiers planted landmines, levied unfair taxes for military projects and looted villagers' possessions. In the plains areas which are largely under SPDC control, villagers faced restrictions on their movements, demands for forced labor and confiscation of their land by SPDC troops. All of these factors lent to increased hardships for villagers as they attempted to maintain their livelihoods. (Source: KHRG, 2005).

### **Official and Unofficial Taxes and Levies**

#### **Nyaunglebin District**

On 29 March 2005, Sgt. Thaung Kyi of SPDC LIB 599 based at Kyun Bin Seik camp beat Way Swe villager Saw Ner Tha (age 30), and demanded 500,000 kyat from him after accusing him of being a cattle smuggler. (Source: KIC, 2005).

On 13 April 2005, Second Battalion Comdr. Aung Soe Naing of SPDC LIB 599 demanded 600,000 kyat from local buffalo and cattle traders. (Source: KIC, 2005).

On 27 May 2005, troops from the DKBA led by Eh Gaw Htoo and a column from SPDC LID 33 based at Maw Lay Kyauk Pyar military camp demanded 150 baskets of rice and 450,000 kyat from Ta Kaw Bwa village, Way Swet village and Noe Nya Lar by 28 May 2005. (Source: KIC, 2005).

From 18 June to 11 July 2005, it was reported that Sgt. Kyaw Shwe demanded the following 4 villages to pay porter fees of 5000 kyat each:

1. TâPho
2. Myet Yen,
3. Thei Char Sein and
4. Haw Ko Gaw. (Source: FBR, 2005).

On 13 September 2005, Company Comdr. Myint Thein Aung of SPDC LIB 439 demanded 20,000 kyat from the following villages in Kyauk Kyi Township:

1. Weh Lar Daw village;
2. No Gor village;
3. Pat Ta Lar village; and
4. Thu Ka Bee village. (Source: KIC, 2005).

On 17 October 2005, Bo Kyaw Zaw Lay of SPDC LIB 599 demanded 10 viss of chicken from Ta Kort Pwa villagers in Mone Township. (Source: KIC, 2005).

On 17 October 2005, Kyoon Pin Seik Camp Comdr. Sgt. Than Htun demanded 20,000 kyat from villagers in Ta Kort Paw village tract. (Source: KIC, 2005).

On 17 October 2005, Sgt. Yeh Min demanded 5,000 kyat from Way Sweh villagers. (Source: KIC, 2005).

On 29 November 2005 at 5:00 pm, deputy battalion Comdr. of SPDC LIB 599 ordered his soldiers to burn down Ter Kweh Lay Ko village. The 15 houses burned down and the values of possessions lost were as follows:

1. Naw Pwe Paw Htoo, 248,000 kyat;
2. Naw Khin La, 300,000 kyat;
3. Saw Kweh Say, 400,000 kyat;
4. Saw Mg Nyot, 500,000 kyat;
5. Saw Paw Hae, 390,000 kyat;
6. Saw Wei Say, 274,000 kyat;
7. Saw Keh Mg Puu, 350,000 kyat;
8. Saw Ta Ku lu, 420,000 kyat;
9. Saw Hae Kgay, 460,000 kyat;
10. Sei Khin Mg, 550,000 kyat;
11. Saw Chit Khin, 290,000 kyat;
12. Saw Klo Lay Htoo, 350,000 kyat;
13. Saw Taw Lay, 310,000 kyat; and
14. Saw Ma La Ka, 430,000 kyat. (Source: "FBR Update: Burma Army Activities in Nyaunglebin District, Western Karen State," FBR, 17 December 2005).

On 1 December 2005, troops from SPDC IB 60 under the command of Cpl. Po Zaw Wa, together with a militia unit entered Kyae Ja village, Ler Doh Township and demanded 1,200 kyat from each of the 40 families in the village. (Source: "Burma Army Commence Attacks in Southern Karen State," FBR, 16 December 2005).

On 1 December 2005, Comdr. Ya Naung of LIB 599 Column 1 demanded food from Ka Moo Lo villagers worth 7,400 kyat. On 2 December the same troops demanded cigars, chicken and milk worth 11,100 kyat from Yu Lo villagers. On 3 December 2005, troops from Tha Pyi Nyut camp demanded 2 viss of beetle nuts and 21,400 kyat from Yu Lo villagers for a football match. (Source: FBR, 17 December 2005).

On 2 December 2005, troops from SPDC IB 60 led by Khin Maung Myint demanded money from Pay Htu village, Ler Doh Township villagers. The troops demanded 40,000 kyat from Saw Kyaw Kyaw, 50,000 kyat from Saw Mae Der, and 15,000 kyat from Saw Kya Htoo. (Source: "Burma Army Commence Attacks in Southern Karen State," FBR, 16 December 2005).

## **Crop Destruction**

### **Nyaunglebin District**

On 15 October 2005, soldiers under the control of Bo Myo Min Nyunt of SPDC IB 32 based at Htee Ta Bler army camp destroyed 20 betel nut plants of Htee Ta Bler villager Saw Par Ler and 1 betel plant of Saw Wah Kyar. (Source: KIC, 2005).

On 26 October 2005, a group of 20 soldiers from SPDC IB 48 burnt down the houses of Ka Mu Lo villagers Saw Tar Muku and Saw Mawta. (Source: KIC, 2005).

## **Looting and Expropriation of Food and Possessions**

### **Nyaunglebin District**

On 5 March 2005, U San Daw, a DKBA monk based at Kyauk Pya camp, demanded from Ta Kot Bwa village tract 7 baskets of rice and 100,000 kyat by 8 March. From Ko Ni village tract he demanded 7 baskets of rice and 75,000 kyat. The rice and money was used for a ceremony that involved putting an ornamental umbrella on a pagoda. (Source: KIC, 2005).

On 22 March 2005, troops from SPDC LIB 599 and a column from LIB 590 demanded 224 bullock carts from the foothill areas and forced villagers to transport military rations to Kaw Lar Wah Lu hill military camp. (Source: KIC, 2005).

On 9 April 2005, troops from SPDC LIB 264 demanded the following items from the villages in Kyauk Kyi Township:

1. She Po Doe village, 8 pyi (1 tin) of rice from each rice mill;
2. Hta Pawt village, 1 pig; and
3. Taw Kho village, 1½ tin of rice. (Source: KIC, 2005).

On 27 May 2005, Sgt. Maj. Maung Nyut demanded sacks of rice worth a total of 800,000 kyat from the following villages in Kyaw Bya and Maw Lay districts:

1. Ter Poh village, 40 sacks of rice;
2. Poe Thaung Sue village, 30 sacks of rice;
3. Lu Eh village, 40 sacks of rice; and
4. Khu Ler Taw village, 10 sacks of rice. (Source: FBR, 2005).

On 1 December 2005, a column from SPDC LIB 599 led by Comdr. Ya Naung demanded 7,400 kyat worth of food from Ka Moo Lo villagers. The next day LIB 599 demanded cigars, chicken and milk from Yu Lo village. (Source: "FBR Update: Burma Army Activities in Nyaunglebin District, Western Karen State," FBR, 17 December 2005).

On 3 December 2005, Tha Pyi Nyut military camp demanded 2 viss of beetle nut and 21,400 kyat in cash from Yu Lo villagers to fund a football match at Tha Pyi Nyut. (Source: "FBR Update: Burma Army Activities in Nyaunglebin District, Western Karen State," FBR, 17 December 2005).

## 5.12 Situation in Shan State

In 2005, residents of Shan State faced ongoing challenges in maintaining their livelihood as both local officials and military personnel continued to extort money, make demands of arbitrary taxes and impose unfair fines. In an attempt to extort money and restrict the freedom of movement of Shan villagers, the SPDC increased the number and amount of fees at checkpoints along major travel routes. In Taunggyi, Kaeng-Tung and Ta-Khi-Laek Townships, the SPDC doubled the fees at the entrance and exit of Loi-Lem town and Nam-Zarng town, the eastern exit of Taunggyi and Ho-pong town, the checkpoint at Kun-Hing town and checkpoints manned by the people's militia at Sakuni and Kho Lam villages in Nam-Zarng Township. All vehicles were required to furnish 200 kyat as well as other arbitrary fees at each checkpoint. In addition, a 1,000 kyat fee was established at both ends of the Ta Kaw Bridge. Further checkpoints also charging 200 kyat were established between Ta Kaw Bridge, Murng-Paeng and Kaeng-Tung as well as at Tong Ta, Paang Kiu, Paang Maak Mon, and Ho Kaeng Phawng. In addition, 200 kyat tolls were also required at checkpoints established at Ta Zeo and Murng-Phyak at the eastern exit of Kaeng-Tung. Personnel from customs, drug eradication, immigration, military and police departments collaborate in operating the checkpoint in Murng-Phyak, however, each department requires a 200 kyat fee. Such extensive tolls effectively inhibit the ability of villagers to travel freely within Shan State. (Source: "Extortion Along the Way Between Tawng-Gi, Kaeng-Tung and Ta-Khi-Laek," *SHRF Monthly Report*, SHRF, May 2005). These restraints limit villagers' access to remote sources of income, including external markets and fields.

In March and April 2005, SPDC authorities further impeded movement by confiscating cars and trucks, which SPDC authorities claimed were illegal, in several border townships including Murng-Sart, Murng-Ton, and Ta-Khi-Laek. The confiscated vehicle owners were charged with importing and operating the vehicles without a license. In addition, vehicle owners were subject to a 20,000 kyat fine for each vehicle confiscated and failure to pay presented a 5 year prison sentence. In addition, various SPDC authorities required small vehicle owners to pay taxes under threats of vehicle confiscation. (Source: "Confiscation of Vehicles and Extortion in Murng-Ton, Murng-Sart and Ta-Khi-Laek," *SHRF Monthly Report*, SHRF, July 2005).

In 2005, there were reports of the forced sale of rice to the military in areas of Shan State. For instance, in February, it was reported that Gen. Khin Zaw of the Golden Triangle Special Regional Command ordered the Merchants and Farmers Association to buy a quota of 100,000 baskets of rice from farmers in Kaeng-Tung Township at a rate of 3,800 kyat per basket. Prior to reaching the quota, farmers were prohibited from selling rice to other purchasers or from transporting rice to other areas. Farmers were also reportedly required to seek authorization prior to taking rice for personal use. Those violating the order face confiscation of rice stocks as well as imprisonment from five to seven years. It was further reported that farmers in four other townships in the state were banned from selling rice and bran except to the military. Farmers were ordered to sell rice and bran to the military unit closest to them only. (Sources: "Rice Procurement in Kaeng-Tung," *SHRF Monthly Report*, SHRF, February 2005; "Restrictions and Economic Situation in Central Shan State," *SHRF Monthly Report*, SHRF, April 2005). The forced sale of rice to the military has for decades impinged on farmers' ability to earn a living and denied food to the very people who grow it.



## **Official and Unofficial Taxes and Levies**

From April 2005 to the date of this report, 18 July 2005, Area Comdr. Col. Khin Maung Myint and Lt. Col. Thant Zin, commander of SPDC IB 33, forced villagers to procure hundreds of logs and bamboo as well as thousands of pieces of woven thatch to construct a new garrison in Mongkao. Villagers were told that they would receive 1,000 kyat per day of labor and petrol for their tractors. However, this promise was not honored and the villagers went unpaid. (Source: SHAN, 18 July 2005).

### **Kaeng-Tung Township**

In February 2005, the SPDC Comdr. of the Special Triangle Region ordered from Mandalay a new headdress for a Buddha statue in Kaeng-Tung town and required villagers in Kaeng-Tung, Murng-Sart and Ta-Khi-Laek Townships to contribute money for its costs and a ceremony. Although the headdress only cost 1,500,000 kyat, the authorities collected 20,500,000 kyat by 17 February 2005. Nonetheless, after the ceremony, the Commander continued to extort money from villagers until the sum reached 100 million kyat. (Source: "Situation of Extortion in Kaeng-Tung, Murng-Sart and Ta-Khi-Laek," *SHRF Monthly Report*, SHRF, June 2005).

In March 2005, SPDC authorities demanded every household to contribute 500 kyat by 10 March 2005 to fund the Water Festival celebration. (Source: "Situation of Extortion in Kaeng-Tung, Murng-Sart and Ta-Khi-Laek," *SHRF Monthly Report*, SHRF, June 2005).

On 1 July 2005, police extorted 2,000 kyat from a couple in Kung Kyawng village for failing to report an over-night guest before 6:00 pm. Pa Naang In Kham (age 67), the guest, had come from Murng Phong village tract, Ta-Khi-Laek Township to visit her daughter and son-in-law. (Source: "An Elderly Woman Intimidated, Money Extorted, in Kaeng-Tung," *SHRF Monthly Report*, SHRF, November 2005).

On 31 July 2005, the local authorities threatened to confiscate land in 2 villages unless new houses were built at a cost of 2 million kyat. At the time of the order, there were approximately 300 small bamboo houses with thatch-roofing in both towns and many plots were empty as their owners had yet to raise enough money to build houses on the land. The land is now valued at 500,000 to 600,000 kyat per plot but owners are not allowed to sell the land. They were required to inform the authorities as to whether or not they would comply with the orders by January 2006 and building was to be completed by the end of April 2006. Villagers without the financial means to construct the houses faced their land being confiscated and redistributed to military personnel. (Source: "People Forced to Build Expensive New Houses or Risk Confiscation in Kaeng-Tung," *SHRF Monthly Report*, SHRF, December 2005).

In August 2005, police officers from Special Unit No. 2 extorted 7,000 kyat from Lung Zaa Saam (age 55) after questioning the veracity of his ID card and threatening to arrest him. (Source: "Intimidation and Extortion in Kaeng-Tung," *SHRF Monthly Report*, SHRF, December 2005).

On 10 August 2005, local authorities ordered community leaders in all 5 town quarters to collect money from residents to pay a 10 million kyat debt owed to the SPDC for the building of a TV relay station, which was completed 2-3 years earlier. Those who possessed a TV set

were required to pay 3,798 kyat while those that did not were required to pay 702 kyat. Residents are also required to pay a 600 kyat TV tax per annum. (Source: "Mass Extortion For Mass Media in Kaeng-Tung," *SHRF Monthly Report*, SHRF, December 2005).

### **Kun-Hing Township**

In January 2005, SPDC troops in Kun-Hing Township forced local villagers to cut 300 trees and transport them to their military camp to be used as electric lamp posts. Those who could not provide trees were forced to pay 10,000 kyat for each lamppost, to hire SPDC troops to do the job. The trees cut needed to be from 7 and half to 9 yards long, at least 9 inches in circumference and straight. Although most villagers could cut the trees themselves, many did not have the means to transport them. Therefore they collected money amongst themselves to pay SPDC troops to transport the trees to the military camp. (Source: *SHRF Monthly Report*, SHRF, May 2005).

In June 2005, SPDC LIB 524 accused Wan Lao villagers of supporting Shan resistance fighters and demanded 200,000 kyat. (Source: "Forced Labor and Extortion in Kun-Hing," *SHRF Monthly Report*, SHRF, November 2005).

### **Lai-Kha Township and Kae-See Townships**

In June 2005, SPDC troops extorted the following money and property from villages in Kae-See Township and Lai-Kha Township:

1. Nawng Leng village, 100 pieces of large bamboo, 100 pieces of small bamboo, 200 sheets of thatch-roofing, 6,000 kyat, 5 bottles of cooking oil and 10 chickens;
2. Paa Kaang village, 250 pieces of large bamboo, 250 pieces of small bamboo, and 600 sheets of thatch-roofing;
3. Hu Hai village, 5,000 kyat, 400 sheets of thatch-roofing, and 1 musket worth about 30,000 kyat;
4. Kawng Hung village, 7,500 kyat and 100 pyi of husked rice;
5. Kiu Tawng village, 100 sheets of thatch-roofing and 50 pyi of husked rice;
6. Khaai Pung village, 50 pieces of bamboo, 100 sheets of thatch-roofing, 2 bottles of cooking oil and 2 viss of chickens;
7. Nawng Wo village, 60 sheets of thatch-roofing, 2 bottles of cooking oil and 3 viss of chicken;
8. Nam Naw village, 300 sheets of thatch-roofing;
9. Wan Kung Yur village, 500 sheets of thatch-roofing; and
10. Zalaai Loi village, 500 sheets of thatch-roofing, 1 bottle of cooking oil and 1 musket. (Source: "Forced Labor and Extortion in Kae-See and Lai-Kha," *SHRF Monthly Report*, SHRF, November 2005).

## **Murng-Paeng Township**

Since January 2005, the local authorities have demanded tractor owners who transport wood from the forest to the town to pay taxes ranging from 500 kyat to 1,500 kyat depending on the size of their tractor. Officials have gone to the houses of tractor owners who fail to furnish the fee at the checkpoint in order to collect the tax. (Source: "Tractors Carrying Firewood Forced to Pay Tax in Murng-Ton," *SHRF Monthly Report*, SHRF, May 2005).

On 7 January 2005, a patrol of 50 to 60 SPDC IB 43 troops led by Comdr. Than Lwin threatened to destroy small opium farms owned by Lahu, Akha and Lisaw families unless the farm owners paid 4,000 to 10,000 kyat for each opium plot. The troops collected the following amount of money from the farms:

1. 28 farms paid 4,000 kyat each, total 112,000 kyat;
2. 16 farms paid 6,000 kyat each, total 96,000 kyat;
3. 10 farms paid 8,000 kyat each, total 80,000 kyat; and
4. 6 farms paid 10,000 kyat each, total 60,000 kyat. (Source: "Opium Growers Tricked into Paying Protection Money in Murng-Paeng," *SHRF Monthly Report*, SHRF, May 2005).

## **Murng-Phyak Township**

Since the beginning of 2005, PDC authorities have forced villagers to pay a monthly 100 kyat tax per house for a water reservoir built and financed by the villagers themselves. Local authorities also collected an annual 600 kyat tax on private water facilities, such as latrines and wells. Furthermore, villagers were also required to pay an annual 600 kyat fee for street lamps and an annual 600 kyat tax for street maintenance. (Source: "Villagers Forced to Pay Tax for Their Own Water in Murng-Phyak," *SHRF Monthly Report*, SHRF, May 2005).

On 2 July 2005, 2 immigration officials extorted 1,000 kyat from Naang Seng Thuay (female, age 25) at a checkpoint as she traveled from Kaeng-Tung town to Ta-Khi-Laek to take her sick child to hospital in Mae Sai, Thailand. At the checkpoint, Naang Seng Thuay presented her ID card, a permission letter from the Kaeng-Tung local authorities and a referral issued by the Kaeng-Tung hospital for her child. (Source: "Intimidation and Extortion in Murng-Phyak," *SHRF Monthly Report*, SHRF, December 2005).

On 24 August 2005, the authorities manning a checkpoint in Murng-Phyak Township extorted 3,000 kyat from Zaai Maad and his wife, Naang Myint Khin, after accusing Zaai Maad of not looking like the photo in his ID card. Zaai Maad and Naang Myint Khin were traveling from Kaeng-Tung town to Ta-Khi-Laek to seek medical treatment for Naan Myint Khin in Mae Sai, Thailand. (Source: "Intimidation and Extortion in Murng-Phyak," *SHRF Monthly Report*, SHRF, December 2005).

### **Murng-Su Township**

In January 2005, SPDC troops in Murng-Su Township forced local villagers to cut 338 trees and transport them to their military camp to be used as electric lamp posts. Those who could not provide trees were forced to pay 10,000 kyat for each lamppost, to hire SPDC troops to do the job. The trees cut needed to be from 7 and half to 9 yards long, at least 9 inches in circumference and straight. Although most villagers could cut the trees themselves, many did not have the means to transport them. Therefore they collected money amongst themselves to pay SPDC troops to transport the trees to the military camp. (Source: *SHRF Monthly Report*, SHRF, May 2005).

### **Murng-Ton Township**

On 1 April 2005, SPDC IB 277 ordered village leaders in Naa Kawng Mu village to provide 150,000 kyat to cover the cost of mules and horses to carry army rations to their base on Loi Paa Khee hill. Fearing having to supply forced porters if the necessary amount was not raised, the village headmen collected 1,000 to 3,000 kyat from every villager depending on their financial status. (Source: "Forced Labor in the Form of Extortion in Murng-Ton," *SHRF Monthly Report*, SHRF, May 2005).

On 29 July 2005, troops from SPDC LIB 332 established a temporary checkpoint outside Murng-Pan town on the main road leading to Murng-Ton Township and extorted money from civilian vehicles passing through it. At one point, the troops stopped 8 passenger vehicles from central Shan State carrying a total of 67 passengers, including 17 children. The drivers of the 8 cars were accused of trafficking people to Thailand and ordered to pay 15,000 kyat for each passenger. The drivers explained that they were only hired drivers and were only given 40,000 kyat for fuel and food costs. The troops became angry and demanded that the drivers pay 35,000 kyat for each car and return the passengers to where they had come from. The drivers had no choice but to comply with the order. According to a driver, the authorities often take advantage of the order banning human trafficking to extort money from innocent travelers. (Source: "Restrictions on Movement and Extortion in Murng-Pan," *SHRF Monthly Report*, SHRF, December 2005).

In July 2005, it was reported that in Phaa Khe village and Hawng Lin village, Phaa Khe village tract SPDC IB 224 troops collected annual vehicle taxes after already collecting the tax 8 to 9 months earlier. Vehicles of those who could not pay the taxes immediately were taken away by the authorities. The taxes were 2,000 kyat for each motorcycle and 4,000 kyat for each mini-tractor. (Source: "Confiscation of Vehicles and Extortion in Murng-Ton, Murng-Sart and Ta-Khi-Laek," *SHRF Monthly Report*, SHRF, July 2005).

### **Nam-San Township**

On 8 and 9 July 2005, the militia group from Ngon-sai village led by Htun Mya Lay, Nan-San Police Department Officer Win Naing and Secretary Ye Naing along with 14 policemen organized by SPDC authorities, tortured and extorted money from 10 villagers after accusing them of dealing in drugs. Those extorted from include 4 Man-wai villagers, 5 Nam-kyein villagers and one other villager. No drugs were found in any of the villagers' homes. However, one of the Nam-kyein villagers was taken away and not released until his brother paid 5,000 kyat and 2 chickens to the combined unit. The unit also confiscated 27,000 kyat and a watch worth 30,000 kyat from another villager. (Source: PYNG, 2005).

## **Nam-Zarng Township**

On 1 February 2005, SPDC military authorities increased the yearly tax of villagers in Nam-Zarng relocation sites from 200 to 500 kyat per household to support local troops SPDC IB 65 and IB 247. (Source: “Displaced People Forced to Increase Yearly Tribute to the Military, in Nam-Zarng,” *SHRF Monthly Report*, SHRF, May 2005).

## **Namkhan Township and Muse District**

Between 21 and 31 May 2005, SPDC police and immigration officials imposed border taxes and fines at the Namkhan-Muse border in response to the May Rangoon bombings. Vehicles carrying goods across the border were also taxed. (Source: “Bombing in May Trouble the Border,” PYNG, 2005).

On 5 November 2005, 2 SPDC soldiers forced shopkeepers around Namkhum and Dongkan villages to purchase the 2006 calendars featuring the Lashio Pagoda at 2,000 kyat each. Shopkeepers who refused to buy the calendar were ordered to close their shop. Sixteen village headman were provided with 200 calendars each by the district officer which they were required to sell while some villages were provided with only 25 calendars each. Similarly, 19 villages around the Mao-Shweli River were required to purchase the calendars. The headman of Kawngmom village, Panghsai Township, Muse District was ordered to sell 60 copies of the calendar to villagers. However, there were only 50 houses in the village, village funds were utilized to purchase the remaining 10 calendars. (Source: “Local Burmese Military Rulers Force People to Buy Calendar,” SHAN, 30 November 2005).

On 30 November 2005 it was reported that 4 soldiers delivered an order from the district office requiring the village headman in Zaylarn village to sell pictures of the Mahamyatmuni statue at 500 kyat each to the villagers. The soldiers however told the headman to sell the pictures at 1,000 kyat each. (Source: “Local Burmese Military Rulers Force People to Buy Calendar,” SHAN, 30 November 2005).

## **Land Confiscation**

On 17 April 2005, Col. Khin Maung Myint and Lt. Col. Thant Zin of SPDC IB 33 confiscated about 2,500 acres of land in Mongkao for a new military camp resulting in the loss of villager’s bamboo and khilek (*cassia simea*) groves, corn and peanut plots and paddy fields. Meanwhile villagers were forced to construct the camp without compensation leaving them unable to tend to their fields. (Source: “More Garrisons for More Abuses,” SHAN, 18 July 2005).

## **Military Monopoly on Trade and Agriculture**

From the beginning of 2005 to the time of this report in April 2005, SPDC troops banned all traders, including those of Chinese and Indian descent, from buying and selling consumer goods at low prices in the Kaeng-Tung area. Local villagers were also banned from cutting wood for domestic use to ensure they did not interfere with the SPDC’s logging businesses. As a result, the villagers were forced to buy daily necessities at high prices. (Source: “Restrictions and Economic Situation in Central Shan State,” *SHRF Monthly Report*, SHRF, April 2005).

In February 2005, SPDC authorities in Ta-Khi-Laek Township banned photocopy businesses to prevent “destructive elements” from making copies of leaflets containing material opposing the military authorities. However, members of the SPDC then opened their own photocopy shops and increased the price of photocopying five-fold. (Source: “Means of Livelihood Taken Away in Ta-Khi-Laek,” *SHRF Monthly Report*, SHRF, June 2005).

Between March and May 2005, the military restricted villagers in the Kaeng Tung area of Murng-Nai Township from gathering particular vegetables that are the main source of income for almost half the population of the area. The plants grow along the Nam Taeng River where the SPDC have been building a hydroelectric plant. (Source: “Restrictions and Economic Situation in Central Shan State,” *SHRF Monthly Report*, SHRF, April 2005).

## **Looting and Expropriation of Food and Possessions**

### **Kae-See Township**

On 10 May 2005, SPDC authorities forced residents to use their vehicles to transport persons to a mass forced rally held at the High School in Murng Nwang village tract. (Source: *SHRF Monthly Report*, SHRF, August 2005).

### **Kaeng-Tung Township**

On 29 April 2005, 7 SPDC troops from No. 11 Military Training Center based in Murng Lang village tract, killed and took away 4 pigs, worth at least 100,000 kyat belonging to the villagers of Wan Zerng village. The villagers reported the incident to the SPDC authorities at the Training Center as well as at the local township office. However, no action was taken. (Source: “Stealing of Livestock and Property in Kaeng-Tung,” *SHRF Monthly Report*, SHRF, August 2005).

On 1 May 2005, 4 SPDC troops from No. 11 Military Training Center based in Murng Lang village tract killed and took 2 pigs, worth approximately 60,000 kyat, belonging to a villager of Wan Ten village. The incident was reported to the Training Center, but no action was taken. (Source: “Stealing of Livestock and Property in Kaeng-Tung,” *SHRF Monthly Report*, SHRF, August 2005).

On 3 May 2005, 4 to 5 SPDC soldiers shot and killed a small buffalo belonging to a villager of Wan Ten. The soldiers fled with the meat from the animal. (Source: “Stealing of Livestock and Property in Kaeng-Tung,” *SHRF Monthly Report*, SHRF, August 2005).

On 9 May 2005 at approximately 4:00 pm, troops from No. 11 Military Training Center looted valuables from a Wan Nok villager's home while villagers were at a Buddhist religious ceremony in a nearby village. The following valuables were stolen:

1. 1 set of gold earrings worth 30,000 kyat;
2. 10 ancient silver coins worth 30,000 kyat; and
3. 20,000 kyat. (Source: “Stealing of Livestock and Property in Kaeng-Tung,” *SHRF Monthly Report*, SHRF, August 2005).

### **Lai-Kha Township**

On 27 January 2005, a patrol of SPDC IB 224 troops shot and killed a buffalo belonging to a Nam Tawng villager. The troops then distributed the meat amongst themselves. (Source: “Villagers’ Cattle Shot for Meat in Lai-Kha,” *SHRF Monthly Report*, SHRF May 2005).

On 20 March 2005, SPDC LIB 515 led by Comdr. Naing Lwin looted 680,000 kyat and 2 baht weight of gold from Maak Laang villager, Lung Nyaa (age 67), in Phuay Hai village tract after tying him up and asking about Shan resistance fighters. (Source: “An Elderly Villager Robbed of his Money and Valuables in Lai-Kha,” *SHRF Monthly Report*, SHRF, June 2005).

### **Larng-Khur Township**

On April 2005, 10 SPDC IB 99 troops led by Comdr. Han Htun along with members of his family stole tomatoes from Khat Ti Ya’s farm. When Khat Ti Ya tried to impede them, he was forced to leave his farm at gun point. Most of his crop was stolen. Consequently, he was unable to cover his farming costs. (Source: “Villagers Robbed of their Farm Produce in Larng-Khur,” *SHRF Monthly Report*, SHRF, October 2005).

### **Murng-Nai Township**

In April 2005, troops from No.3 Regional Training Center broke into the house of Nam Tun Tai villager Naang Ku (age 47) in Nawng Hee village tract and stole 100,000 kyat and gold ornaments. Naang Ku reported the incident to the troop commander who assured that her possessions would be returned provided that his soldiers were found to be the real culprits. However no action was taken. (Source: “Burglary in Murng-Nai,” *SHRF Monthly Report*, SHRF, October 2005).

On 8 May 2005, SPDC authorities forced residents to use their vehicles to transport persons to a mass forced rally held at a sports ground. Two persons from each house in the township were forced to attend the rally or face a fine of 10,000 kyat and 4 viss of pork. The SPDC organized the forced rallies in response to the declaration of independence by the newly formed Interim Shan Government. (Source: *SHRF Monthly Report*, SHRF, August 2005).

### **Murng Sart Township**

On 19 May 2005, 3 SPDC LIB 527 troops guarding the Murng-Sart – Murng-Ton main road looted the following items from the houses of Ja Ngee (age 25) and Ja Ur (age 27) in Ja Ae Kyaw village:

1. 30,000 kyat of money,
2. 1 ancient silver belt,
3. 30 ancient silver coins and
4. 1/2 viss of raw opium. (Source: “Villagers’ Money and Valuables Stolen in Murng-Sart,” *SHRF Monthly Report*, SHRF, October 2005).

### **Murng-Ton Township**

On 24 April 2005, a patrol of troops from SPDC IB133 shot and ate 2 pigs weighing approximately 50 viss and worth approximately 2,000 kyat per viss in the market. The 2 pigs belonged to Lahu villagers of Aa Tu Lung village, Murng Kaang village tract. (Source: "Stealing of Livestock in Murng-Tin," *SHRF Monthly Report*, SHRF, August 2005).

On 24 May 2005, approximately 20 troops from SPDC IB 133 based in Murng-Sart Township accused Pa Sae villagers, Ja-Pur and Na-Khaa, of hiding an AK-47 rifle in their house. In their search for the rifle, which was never found, the troops looted the following items from the couple's house:

1. 3,000 kyat;
2. 3 men's long-sleeve shirts;
3. 3 women's sarongs; and
4. pieces of women's upper clothing. (Source: "Villagers' Money and Clothing Stolen in Murng-Ton," *SHRF Monthly Report*, SHRF, October 2005).

### **Nam San Township**

In December 2005, SPDC LIB 144 led by No. 1 Strategic Comdr. Col. San Shwe Thar along with SPDC LIB 130 and LIB 324 led by No. 2 Strategic Comdr. Lt. Col. Hla Myo looted villagers' property, livestock and food. A village head from Nam-San Township reported that he was required to supply a minimum of 100 chickens, alcohol and vegetables to the SPDC troops each week. The troops threatened to burn down the village if the head failed to meet their demands. (Source: "SPDC Troops Ill-Treatment on Palaung People during Their Operation," PYNG, 25 December 2005).

### **Nam-Zarng Township**

On 1 July 2005, Comdr. Myo Myint Aung of SPDC IB 66 ordered 2 civilian mini-tractor owners in Nam-Zarng Township to go to Kun-Hing Township to bring back military rations. The tractor owners were not reimbursed for their travel expenses. On the same day, Comdr. Myo Myint Aung ordered each village in the village tract to provide 1 large sack of husked rice to supplement the battalion's rations. (Source: "Forced Labor and Extortion in Nam-Zarng," *SHRF Monthly Report*, SHRF, November 2005).

### **Ta-Khi-Laek Township**

In early January 2005, Ta-Khi-Laek SPDC authorities ordered owners of cars without a license to forfeit their cars to the police by 31 February or face 7 years imprisonment. By the end of February, 500-600 cars were handed in. Ta-Khi-Laek authorities then ordered car owners to take their former cars to Kaeng-Tung Township at the owners expense. (Source: "Owners of Confiscated Cars in Ta-Khi-Laek Forced to Pay the Costs of Taking the Cars to Kaeng-Tung," *SHRF Monthly Report*, SHRF, May 2005).



## 5.13 Situation in Tenasserim Division

### Official and Unofficial Levies and Taxes

#### **Mergui-Tavoy District**

On 2 January 2005 at 12:00 pm, 9 soldiers from SPDC LIB 410 led by Sgt. Han Thu demanded 10,000 kyat from the Zim Ba village head. The troops bought and drank liquor with the money and beat up villagers after accusing them of being agents of the KNLA. (Source: KIC, 2005).

On 3 January 2005, Battalion Comdr. Lt. Col. Win Hlaing of SPDC LIB 560 demanded from villages in the Htee Moe Pwa area of Ler Mu Lah Township 10,000 kyat per month for the transportation of food supplies. The affected villages were:

1. Pu Ret Ku village,
2. Ta Rwa Hta village,
3. Pa Htoo Klo village,
4. Day Plaw village,
5. Ler Pa Doe village and
6. Ta Baw Klo village. (Source: KIC, 2005).

On 4 January 2005, approximately 7 soldiers from SPDC IB 285 led by Saya Nyunt Sein demanded 50,000 kyat from Ye Sha village, 20,000 kyat from Kay Ni village, and 50,000 kyat from San Di Win village in Ler Mu Lah Township under the claim that the money would be used to bribe superiors into not relocating the villages. (Source: KIC, 2005).

On 30 January 2005, the Comdr. of the Maung Meh village militia unit, Pa Sein, demanded money from the following villages as compensation for the death of his son-in-law, Sgt. Nyo Hlaing who was killed in a conflict with resistance fighters:

1. Za Di Win village, 30,000 kyat;
2. Ye Shan village, 30,000 kyat;
3. Tha Ya Gon village, 30,000 kyat;
4. Pa Na Mi village, 30,000 kyat; and
5. Kay Ni village, 30,000 kyat. (Source: KIC, 2005).

On 19 July 2005, SPDC LIB 406 troops demanded taxes in the amount of 100,000 kyat from each elephant owner, 30,000 kyat from each saw mill owner, and 60,000 kyat from each logging worker in the Ler Pa Doh area of Ler My Lar Township. (Source: KIC, 2005).

Following the destruction of the SPDC food storage unit near Ler Pa Doh village by KNLA Battalion 11 troops on 20 July 2005, the local SPDC Comdr. Col. Soe Thet, blamed villagers for failing to send information in time and demanded compensation from the following villages:

1. Beh Na Dee village, 500,000 kyat;
2. Day Wa Ta village, 300,000 kyat;
3. Kaw Maw Praw village, 200,000 kyat;
4. Thay Paw Na village, 400,000 kyat; and
5. Hsa Peh village, 450,000 kyat. (Source: KIC, 2005).

## **Kawthaung Township**

On 13 December 2005, it was reported that TPDC authorities collected money from residents for the construction of a 4 mile long bridge from Kawthaung city to Ploktok village. Each family was required to pay 1,000 baht; each Karaoke bar was required to pay 3,000 baht; and businessmen were required to pay between 5,000 and 10,000 baht. The authorities also collected 1,500,000 kyat from gold shops and 2 gallons of petrol from each gas station. (Source: "Kawthaung Township Authorities Extorted Money from Civilians," DVB, 13 December 2005).

## **Destruction of Property**

### **Mergui-Tavoy District**

On 10 June 2005 at 1:45 pm, Maj. Myo Oo of SPDC LIB 358 column 2 fired on a boat of villagers traveling in the Lay Nyar River in the Na Ka Plaw area killing villager Naw May May (age 56). The troops destroyed the boat and took away the boat engine. They also looted 200,000 kyat, 8 pyi of rice and other items from the boat. (Source: KIC, 2005).

On 12 June 2005, the Column 1 Comdr. of SPDC LIB 358 looted Bo So villagers' possessions. They also burnt down Saw Poe Cho's house and 320 tin of paddy, betel nut and banana and coconut plantations. (Source: KIC, 2005).

## **Looting and Expropriation of Food and Possessions**

### **Mergui-Tavoy District**

On 1 January 2005 at 2:00 pm, 2 companies from SPDC LIB 560 led by Column 1 Comdr. Lt. Col. Win Hlaing accused Ler Pa Doe villager Saw Maung Aye of being an agent of the KNLA Battalion 11. After Saw Maung Aye fled, troops surrounded and fired on his father's house resulting in the death of his father, Tee Hla Aye. The troops then looted Tee Hla Aye's household possessions, worth 300,000 kyat. (Source: KIC, 2005).

On 30 January 2005, combined troops from SPDC No. 2 Military Training Center and SPDC IB 285 looted the items from the following Za Di Win villagers:

1. Saw Wa Kah, 1 locally made fire arm, 1 machete, 1 pot, 1 chicken and burnt 28 baskets of paddy;
2. Naw Yu Lee, 3 ducks and a backpack;
3. Pati Chit Hlaing, 2 ducks and 1 chicken;
4. Pati Maung Kyaw, 1 machete;
5. Naw Mu Aw Htay, 1,200 kyat,
6. Pati Pa Cho, 4 chickens, 1 machete and other items;
7. Pati Ka Nwe, 2 ducks and 1 chicken;
8. Pati Reebea, 1 duck;
9. Pati Saw Jack, 2 chickens, 1 sarong, 1 shirt, 1 pot and 4 chicken eggs;
10. Saw Bi Bi Shee, 4 chickens;
11. Pati Lah Seh, 1 mat, 1 machete and 1 chicken;
12. Pati Keh Klo, 1 camera;
13. Pati Paw Kha, 1 chicken;
14. Pati Gyi Ma, 1 chicken;

15. Pati Bwa Di, 1 chicken;
16. Pati Pyaw, 1 chicken;
17. Pati Ser Di, 1 chicken;
18. Saw Lah Bweh, 1 pot;
19. Saw Meh Di, 2 ducks;
20. Saya Pah, 2 ducks;
21. Aye Lwin, 1 duck and 1 machete;
22. Pati Byew, 1 duck ; and
23. Mu Gar Wah, 1 pot and 1 machete. (Source: KIC, 2005).

On 21 April 2005 at 8:00 am, SPDC troops in the Ler Pa Doh area of Ler Mu Lar Township commandeered 10 boats from Ler Pa Doe villagers to transport food supplies to the local Military Command No.8 HQs. (Source: KIC, 2005).

On 17 September 2005 at 6:00 pm, 10 soldiers from SPDC IB 17 looted rice and other food items from Tha Moe villager Saw Klo Poe's (age 48) rubber plantation. The next day, the troops looted 10 sacks of rice, 1 pot and food items from Tha Moe villager Saw Klo Poe. (Source: KIC, 2005).

## **5.14 Situation in Other Locations in Burma**

### **Official and Unofficial Taxes and Levies**

On 18 March 2005, 4 policemen extorted 100,000 kyat from a trader who was transporting 30 cows to sell in Mizoram State, India. The same policemen also extorted 80,000 kyat from another cattle trader from Daidin village, Gangaw Township, Magwe Division who had 11 cows. (Source: "Extortion Intensifies at India-Burma Border Trade Route," *Rhododendron News*, CHRO, March - April 2005).

In September 2005, local authorities in Kalay city, Sagaing Division charged residents 300,000 kyat each to apply for a home telephone line. After paying the charge, the local authorities announced in October that the number of applications exceeded the availability of lines. The process was relegated to a lottery that was determined by applicants' relationship to the authorities or bribes of 500,000 kyat. By December 2005, however, only those applicants related to the authorities received the telephone line while those who had paid the 500,000 kyat bribe had still not received the telephone line. (Source: "Civilians from Kalay City Are Miserable Due to Extortion by the Authorities," DVB, 8 December 2005).

In September 2005, the SPDC raised factory and utility taxes in both Rangoon and Mandalay. Annual factory taxes were increased from 4,000 to 10,000 kyat forcing some factories to halt production. The tax on water and electricity also increased by 3 percent. (Source: "Tax and Utility Rates on the Rise in Burma," *Irrawaddy*, 7 September 2005).

### **Land Confiscation**

On 8 November 2005, it was reported that TPDC Chairman Saw Peter Twe and VPDC authorities jointly confiscated 80 acres of paddy fields from farmers in Kyapalat village, Hinthada Township, Irrawaddy Division. The paddy fields were then sold to businessmen who intend to build an industrial zone in the area. (Source: "Burmese Authorities Grab Land from Farmers," DVB, 8 November 2005).

### **Destruction of Property**

On 13 December 2005, it was reported that approximately 1,000 acres of ready to harvest paddy fields were seriously damaged or destroyed after monsoon flooding in Thone Gwa Township, Rangoon Division was exacerbated when authorities opened canal flood gates without warning farmers. To salvage some of the harvests, farmers reaped crops from small boats. Authorities did not provide any relief to the farmers. (Source: "Late Monsoon Downpours Destroyed Crops in Rangoon Thone Gwa Township," DVB, 13 December 2005).

### **Looting and Expropriation of Food and Possessions**

On 7 December 2005, it was reported that officials had taken donations from charity groups that were intended to assist the victims of the 28 November fire in Hlaing Township, Rangoon Division that affected 1,557 households including 2 Buddhist monasteries housing 101 monks. Charity groups raised donations to support the fire victims and prepared food packages containing gold and precious stones, which is considered a more stable form of currency in Burma. The SPDC officials stole the valuable items out of the packages as well

as donated water. (Sources: “Charities and Celebrities Raised Fund for Rangoon Hlaing Fire Victims,” DVB, 7 December 2005; “Rangoon Fire Victims Ripped Off by Authorities,” *Mizzima*, 8 December 2005).

On 12 December 2005, it was reported that SPDC IB 70, 90 and 555 required cattle farmers in Kawmoo Township, Rangoon Division to register their cattle with the VPDC to prevent illegal cattle trading across the border to Thailand. Military authorities then fined farmers if the number of cattle decreased and confiscated cattle exceed the registered number. To recover the confiscated cattle, farmers were forced to pay between 6,000 and 7,000 kyat. (Source: “SPDC Military Confiscate Villagers’ Cattle in Kawmoo Township,” DVB, 12 December 2005).

## 5.15 Interviews

### Interview # 1

**Source:** Free Burma Rangers  
**Interview date:** June – July 2005  
**Age:** 45 years old  
**Sex:** Male  
**Ethnicity:** Karen  
**Residence:** Nyaunglebin District  
**Religion:** Animist

He was asked about his experiences and he said that in his village the SPDC soldiers often came and ate villagers’ animals and took other things belonging to villagers.

He said that he faced many problems because the SPDC troops burned down several houses in the village. He also said that while he and his family fled to the jungle, his wife and one of his sons died as a result of wasp bites. He reported that his village continues to live in fear because the military camp is only a one hour walk from his village. (Source: “IDPs Face Food Shortages as Farming Yields Fail on Western Karen State, Burma,” FBR, 10 October 2005).

## **Interview # 2**

**Source:** Human Rights Foundation of Monland  
**Interview date:** Mid-2005  
**Age:** 43 and 38 years  
**Sex:** Male and female  
**Ethnicity:** Mon  
**Residence:** Ye Township

My name is Nai K-- and since two months ago, my fruit plantations, about 3 acres of land, were seized by the local Burmese army which was based near my village. This is the reason that I left my native village. I really feel hurt, whenever I think about my land. It is full of betel-nut trees and other fruit trees like lemon and durain. There are approximately 3,000 betel nut trees alone and every year they can produce at least 60,000 betel nuts.

I can still remember the day they (the battalion commander) came and measured my land. When they came to my hut on my farm, they did not wear any uniforms. When they saw me, they asked me if I am the owner of the land and I said yes. And then they said that they are the soldiers from the battalion nearby and the reason they came to meet me was to let me know that the land was no longer owned by me and it only belongs to the government. To this day, I have not received any compensation from them.

Since that time, I have felt disappointed and hopeless at the same time. Finally, I discussed with my wife and decided to leave the village in order to find a new job for us to survive. (Source: "Land Confiscation and Other Abuses on the Serious Violation of Economics Rights," *The Mon Forum*, HURFOM, June 2005).

## 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 promulgated the new Child Law on 14 July 1993 to “implement the rights of the child recognized in the Convention.” According to the Child Law, Chapter 5, Paragraph 8, “the State recognizes that every child has the right to survival, development, protection and care, and to achieve active participation in the community.” The regime’s decision to accede to the CRC was considered a step of progress and temporarily improved its image in the international community. However, widespread evidence of continuing violations against children has shown that the military regime 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 two years overdue, was reviewed by the Committee on 26 May 2004 during its thirty-sixth session. SPDC representatives claimed the junta has been “giving top priority to the rights of children in our national agenda” and that there were “significant achievements in promoting and protecting the rights of children.” (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 Burma,” *Thirty-Sixth Session of the Committee on the Rights of the Child*, UN Committee on the Rights of the Child, 26 May 2004). However, in its concluding observations, the Committee on the Rights of the Child noted that the regime’s initiatives have done little to improve the situation for children. 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 children, and the affects 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 2005).

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 percent of the population, are disproportionately affected by all of these factors. Decreased national spending on education has resulted in the deterioration of the quality of primary education, coinciding with increased illiteracy and dropout rates. Similarly, 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 age one. The majority of infant mortality has been attributed to insufficient medical knowledge and services. 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 regime

forced labor projects. Children are not exempted from serving as porters for the military or being recruited to serve in the armed forces.

Ethnic minority children are particularly vulnerable, not only suffering from severe discrimination but also suffering from the consequences of protracted armed conflict. Children living in ethnic minority areas, like other members of their communities, are subject to physical injury, torture, rape, murder, forced labor, and forced relocation as the SPDC attempts to suppress any opposition, both armed and unarmed. Children in these areas also often witness atrocities carried out against their family and community members; endure separation from their families and communities; and 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 regime 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:*

- *Make primary education compulsory and available free to all;*
- *Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need.”* - Article 28, Paragraph 1, UN Convention on the Rights of the Child

As a signatory to the CRC, the SPDC is obligated to work towards attaining equal access to education for all children and making primary education compulsory and free to all. To this end, the SPDC has maintained that it has endeavored to “facilitate children’s accessibility to education even in the remote regions of the country” as part of the “Education for All” National Action Plan (source: “Statement by His Excellency U Nyunt Maung Shein, Leader of the Myanmar Observer Delegation,” *Sixty-First Session of the Commission on Human Rights*, 14 April 2005). Despite these claims, education in Burma remained deplorable throughout 2005. (For more information see Chapter 9 Rights to Education and Health).

The SPDC’s deteriorating education system and failure to fulfill its obligations as a signatory to the Convention are a direct result of the disproportionate allocation of the national budget which renders social services, such as education, under funded. According to the U.S. Department of State, in the 2003-2004 fiscal year, the SPDC spent 1.3 percent 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).

To advance basic education in the country, the SPDC publicized the implementation of a short-term four-year education plan from 2000-2004 and a 30-year long-term plan from 2001-2031. Specifically, the four-year plan focuses on improving basic education by universalizing primary education, increasing teacher education, revising basic curriculum, instituting new assessment systems, establishing multi-media classrooms, and providing more support in general. In conjunction with the 2000 to 2004 four-year plan, the SPDC claimed to have upgraded 1,257 basic education schools. Yet, these schools reportedly remain useless as the regime has failed to provide teachers.



In 2003, the International Confederation of Free Trade Unions (ICFTU) reported that there are approximately 39,000 regime-run primary schools in the country, or one for every two villages. Only 46 percent of these schools have toilets and only 17 percent have running water. Children who live in remote rural areas often have to walk considerable distances to reach a school. UNESCO estimates that some 2,000 villages are more than 3 km. from the nearest primary school. Secondary schools pose even greater accessibility challenges, as there are fewer than 3,000 in the whole country. Furthermore, according to a joint inquiry by the Ministry of Education, the UNDP and UNESCO, 57 percent of schools are overpopulated due to inadequate buildings. (Source: Samuel Grumiau, *Growing Up Under the Burmese Dictatorship*, ICFTU, August 2003).

In 2005, Germany contributed US\$1million towards UNICEF's primary education program to improve the quality of education and provide basic necessities such as water and sanitation facilities to impoverished children in Burma (source: "Germany Gives UNICEF \$1 Million for Children in Burma," VOA, 4 February 2005). Rampant corruption and misappropriation of money, however, impedes funds from improving the situation in Burma. For example, in April 2005, it was reported that 5,000,000 kyat and 500 bags of cement allocated for the construction of Sanay-nan Primary School in Yenanchaung Township, Magwe Division in 2000 were instead used to erect two homes for the township USDA secretary, U Aung Naing Win. As a result of this misuse of funds, children in the area were forced to use space in a Buddhist monastery for classrooms throughout 2005. (Source: "Burmese Authorities Misappropriates Money for Children Education," DVB, 11 April 2005).

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 the fourth standard, children are not required to pay for enrollment or monthly tuition fees but they must cover other costs for supplies, school repairs, USDA membership fees, forced contributions to special projects, and supplements to teacher salaries. Beyond fourth standard, students are required to cover all costs. At the beginning of the 2005-06 school year, on average, students faced an enrollment fee of 6,000 to 9,000 kyat in rural areas and between 10,000 to 15,000 kyat in urban zones (source: "High Drop-Out Rates in Government Schools and SPDC's Oppression against Mon National Schools," *The Mon Forum*, HURFOM, July 2005). The high costs of education are particularly prohibitive for children whose families often live hand-to-mouth existences. Children whose parents are farmers frequently subsidize their education through a combined payment of money and agricultural produce. In urban areas, inflation and low salaries inhibited parents from meeting the high costs of their children's education. (Sources: "Basic Education Fees Increased," *Kaowao News*, 14 June 2005; "A Cartload of Sesame Seeds for A Child Education in Burma," DVB, 6 June 2005).

Rising education costs, compounded by the failing economy, have contributed to high dropout rates and lack of enrollment as most families are unable to afford the costs of education fees. Other barriers to school attendance include the widespread use of civilian forced labor and the ongoing recruitment of children into the armed forces. According to UNESCO, the dropout rate stands at 45 percent. Only half of all children who enter primary school in Burma reach the fifth standard. (Source: "Asia Has the Highest Number of Children Out of School: UNESCO," AFP, 10 February 2004). Given the high drop out rate from primary level education, Burma is second only to Papua New Guinea as having the poorest

rate of primary school matriculation in the Asia-Pacific region (source: "Burma Struggling to Meet Millennium Development Goals," *Irrawaddy*, 7 September 2005).

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 dropout rate of female students stems primarily from traditional beliefs about gender roles as well as early marriage and pregnancy. Girls and young women that maintain their enrollment in the educational system, meanwhile, are expected to manage both educational and domestic responsibilities, which often results in poor scholastic performance and a high dropout rate.

Education in Burma is further compromised by the low wages provided to teachers. In 2005, teachers' salaries ranged from 4,500 to 10,000 kyat per month (source: Saw Ehna and C. Guinard, "A Dangerous Journey to Get to School: Why Are Students Fleeing the Burmese Education System?" BI, 10 August 2005). Moreover, in June 2004, it was reported that the junta no longer provided civil servants, including teachers, supplementary rice provisions. Instead, the regime increased salaries by 5,000 kyat. Even with this additional money, teachers have not been able to sustain themselves on these earnings alone. Therefore, teachers limit the information taught during the class period to only basic concepts and ideas, reserving in-depth explanations to after-hours tutoring sessions. The additional sessions are necessary to pass exams compelling students to pay the substantial fees required by teachers to attend the extra-curricular courses. A student in Tenasserim Division reported having to pay 700 kyat per subject each month (source: Saw Ehna and C. Guinard, "A Dangerous Journey to Get to School: Why Are Students Fleeing the Burmese Education System?" BI, 10 August 2005). 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 reduces their hours in the classroom. (Source: Samuel Grumiau, *Growing Up Under the Burmese Dictatorship*, ICFTU, August 2003).

Lack of teacher training and experience has further eroded the quality of education in Burma. According to the All Burma Federation of Student Unions (ABFSU), teachers who receive their training through the University of Education are taught teacher-centered teaching methods and rote learning that fail to embrace independent, creative or critical thinking. At the same time, a large percentage of teachers based in rural or ethnic minority areas graduate from the University for Development of National Races that offers a masters degree in philosophy and education. These teachers are taught by members of the regime to perpetuate militaristic ideology through their lessons. (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. The strictly 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. In addition, schools are subject to arbitrary closures by the regime in times of political unrest as students are perceived as a potential source of dissent. Student unions are strictly banned and any assembly of students, regardless of the purpose, has also been banned. However, students are frequently forced to join the USDA through which they must participate in activities organized by SPDC military officers and perform for high-ranking officials when they visit schools. (Source: *Year 2004 Education Report*, ABFSU-FAC, February 2005).

## **Schools for Children of the Military Elite and Private Schools**

Children of the military elite attend exclusive primary and secondary schools with access to modern equipment and amenities such as computers, computer training, school trips and sports. According to the ABFSU, registration fees for these schools can range from US\$100 to 200 per year, which is beyond the means of most civilians. Children who attend these schools are indoctrinated to military ideology. Furthermore, students who attend military universities are endowed with certain privileges and are perceived as the future political, economic, military and social affairs leaders. Students from these schools are more likely to receive highly-coveted opportunities for study abroad, which are awarded based on the student's connections with regime officials rather than academic competence. (Source: Samuel Grumiau, *Growing Up Under the Burmese Dictatorship*, ICFTU, August 2003).

Private schools also exist in Burma, however, this option is only accessible to those with adequate financial means such as wealthy businessmen, foreign diplomats, high ranking military officials and their cohorts. 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. (Source: Kyaw Zwa Moe, "Educating the Elite," *Irrawaddy*, July 2003).

## **Education in Ethnic Minority and 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 percent of all children who dropout of primary school in Burma come from ethnic border areas. According to junta statistics, only 1.6 percent of children living in ethnic border areas attend school. Only 10 percent of children in Karen, Karenni, and Shan States attend school while in other areas, such as Arakan State and the 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 underfunded 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. While new schools may exist, they are completely lacking in resources. In addition, villagers are often forced to provide for building supplies, labor and all related school costs. Villagers have also been required to find teachers and provide for their salaries. (Source: *Doooplaya District. Fighting and Human Rights Abuse Still Continue After Ceasefire*, KHRG, 18 February 2005). As most villagers in rural ethnic areas survive on seasonal work, their income is not sufficient to cover all the costs of a child's education. Therefore, teachers are often compensated with agricultural produce. In addition, many families rely on the contribution of all family members to maintain their livelihood, including children. The demands of survival often influence children to discontinue their education after reaching fourth standard. (Source: *Year 2004 Education Report*, ABFSU-FAC, February 2005).

The SPDC bans the study of ethnic languages in all public schools, which has been viewed as a “political tool in the ‘Burmanization’ of ethnic regions” (source: Saw Ehna and C. Guinard, “A Dangerous Journey to Get to School: Why Are Students Fleeing the Burmese Education System?” BI, July 2005). In addition, the junta- approved curriculum does not embrace notions of ethnic and cultural diversity nor does it allow for local history to be taught. Children are often forced to learn their ethnic language and history from their parents or through private schools. (Source: *Year 2004 Education Report*, ABFSU- FAC, February 2005). Yet, even these outlets are targeted by the military authorities. Since 2004, the military has forced over 63 self-funded Mon National Schools to close. Mon school closures occurred concurrently with the NMSP along with other ceasefire ethnic groups making demands for ethnic rights at the National Convention, the ongoing junta-sponsored constitutional-drafting sessions. The junta responded by forcibly shutting down the traditional Mon National Schools, which were formerly allowed to teach the Mon language and history alongside the SPDC-mandated curricula (source: “Forced Labor Campaign to Build High Schools,” *Kaowao News*, 11 January 2005). Some schools in Mon State have been forced to relocate. The relocation costs fall on the community with little to no compensation from the junta (source: Saw Ehna and C. Guinard, “A Dangerous Journey to Get to School: Why Are Students Fleeing the Burmese Education System?” BI, July 2005). In July 2005, when the SPDC forced a school in Lamine in southern Mon State to move, the community was offered 1.5 million kyat in compensation. The community, however, had originally spent nearly 20 million kyat to construct the school (source: “Mon National School Moved by SPDC,” *Kaowao News*, 20 July 2005). In other areas the junta has simply confiscated school property without regard for the effect on local students’ access to education. In Ye Township in Mon State, for example, soldiers threatened villagers not to maintain or repair their own schools and conscripted locals into a forced labor squad where one person from each household was required to work everyday to build junta-run high schools (source: “Forced Labor Campaign to Build High Schools,” *Kaowao News*, 11 January 2005).

Children who live as internally displaced persons (IDPs) have the least access to education. IDP communities often establish small provisional schools, sometimes with support from cross border relief projects. Otherwise, these schools use whatever materials they can find in the jungle. However, instruction proceeds in a tenuous environment as villagers must be prepared to flee at any time. SPDC armed forces frequently burn schools down along with other IDP shelters. When a new hiding place is secured, schools must be re-established. Children living in this context are often able to study for short periods each year. (Source: *Toungoo District: Civilians Displaced by Dams, Roads and Military Control*, KHRG, 19 August 2005).

## 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*

As a consequence of their marginalized position, children are typically the group least able to access the dwindling resources of Burma’s healthcare system. This situation has continued despite requirements in the CRC that children’s “right to life, and the right to survival and development” be protected. Although the budget granted to the Ministry of Health in the 2003-2004 period reportedly doubled from the previous financial year, it has remained inadequate. Furthermore, the U.S. Department of State reported in 2005 that the SPDC allocated only 1.2 percent of total budget expenditures to healthcare. As such, children in Burma continued to endure a healthcare system devoid of skilled health practitioners, proper medical facilities, and adequate information. (Source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005). (For more information see Chapter 9 Rights to Education and Health).

The most recent statistics on child mortality within Burma, as derived from a 2004 UNICEF survey, show that 76 out of 1,000 infants die within their first year and 106 out of 1,000 children die before they reach five years of age (source: *The State of the World’s Children 2006: Excluded and Invisible*, UNICEF, 2005). A joint UN and Asian Development Bank report highlighted Burma’s slow progress in attaining the UN Millennium Development Goals relating to child mortality (source: *A Future Within Reach: Reshaping Institutions in a Region of Disparities to Meet the Millennium Development Goals in Asia and the Pacific*, United Nations Publications, 2005). AIDS, diarrhea, hepatitis B, malaria, measles, pneumonia, and tuberculosis have all been cited as the main causes of death or illness among children in Burma, while lack of knowledge and insufficient medical attention have been cited as major contributors to infant mortality (source: Samuel Grumiau, *Growing Up Under the Burmese Dictatorship*, ICFTU, August 2003).

Despite Burma’s abundance of arable land, a report conducted by UNICEF and the Ministry of Health in 2000 revealed that 35.3 percent of children under five are moderately to severely underweight, 33.9 percent are moderately to severely underdeveloped and 9.4 percent 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). In some of the more remote border regions the rate of chronic malnourishment is as high as 70 percent (source: “Myanmar to Lift Food Aid Tax, Barriers Remain-WFP,” Reuters, 5 August 2005). James Morris, director of the World Food Program, identified Burma’s military junta as the primary factor hindering local subsistence and the distribution of food aid, saying “clearly the responsibility for these issues rests with the government” (source: “Myanmar to Lift Food Aid Tax, Barriers Remain-WFP,” Reuters, 5 August 2005). Furthermore, due to increasing economic stagnation fewer people in Burma were able to provide food support to children residing in monasteries, nunneries, and orphanages (source: “Instability Leaves Burmese Orphans at Risk of Hunger,” DVB, 24 August 2005).

Due to the SPDC’s limited investment in healthcare, most of the aid provided to children in Burma comes from external agencies, including UNICEF, UNAIDS and the WFP. UNICEF

has worked on curbing the rate of vitamin A and iodine deficiency and pledged in 2005 to focus on anemia reduction among children. The agency has been working with rural health services to provide approximately 70 million iron foliate tablets for 350,000 pregnant women as well as 207,000 bottles of iron syrup for children in target areas. (Source: “UNICEF Calls for Greater International Support for Improving Myanmar Children's Nutrition,” *Xinhua*, 8 September 2005). Furthermore, efforts to reduce mortality rates were made through a recent collaboration of UNICEF and health officials to immunize up to 15 million children against measles, a main cause of death for those under age five (source: “UNICEF to Intensify Measles Program in Burma,” *Irrawaddy*, 10 October 2005).

### **Children and HIV/AIDS**

UNAIDS has estimated that over 3,000 to 4,000 HIV-positive babies are born each year in Burma. According to UNICEF, mother-to-child transmission is the most common mode of infection for those under 15. As such, the agency launched a new program in 2005 to provide preventative treatment to mothers and children in Burma's 10 largest major hospitals. The project is slated for expansion throughout the country. (Source: “Myanmar Launches U.N.-Sponsored Program to Prevent Mother-to-Child,” AP, 17 May 2005).

Children are also increasingly vulnerable to contracting HIV/AIDS inside Burma and abroad due to the rising number of children being trafficked into the sex industry from Burma. The AIDS epidemic has fuelled the demand for young prostitutes who are mistakenly believed to be less likely infected. The demand in neighboring countries for young “virgin” girls has increased the likelihood that children trafficked will be sold multiple times to customers intending to have unprotected sex with them. Like adults, children with HIV/AIDS not only face difficulties in obtaining adequate healthcare, but they also face difficulties accessing other social services because of the stigma associated with the disease. (For more information see Section 6.7 Child Trafficking and Chapter 9 Rights to Education and Health).

## **6.4 Children in Prison and Labor Camps**

According to the 1993 Child Law, children must be at least 7 years-old to be held accountable for criminal activity. The 1993 Child Law also defines persons between the ages of 16 and 18 as “youth” and not “children.” As a result, “youth” are treated as adults under the penal code. Meanwhile, the Child Law makes no provisions for ensuring juvenile offenders have access to legal assistance. 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). Child prisoners have reportedly suffered rape and physical abuse at the hands of the prison authorities.

In October 2005, UNICEF conducted trainings to demonstrate how to contend with cases of juvenile offenders without causing negative physical or mental consequences. Following the trainings, the National Committee of the Rights of the Child was reportedly formulating a plan to utilize these trained officers as a special task force for juvenile offenders. (Source: “UN Agency Trains Myanmar Police Officers,” *Xinhua*, 6 October 2005). In addition, a national juvenile justice inter-agency working group was reportedly established (source:

“Interim Report of the Situation of Human Rights in Myanmar,” *Sixtieth Session of the UN General Assembly*, Item 73(c) of the provisional agenda, 12 August 2005).

### **Children in Prison Labor Camps**

There are an unknown number of children who are serving time for petty offences in prison labor camps. Children are sentenced for different reasons, such as not registering with local authorities or fleeing the army after forced conscription. Ethnic minority children are particularly targeted. Conditions in prison labor camps are notoriously harsh, and there are no special provisions made for underage prisoners. Like adults, children are subject to long work hours with no breaks, dangerous work, inadequate food, physical abuse, exposure to infectious diseases and a total lack of healthcare. There are no exact figures available for the number of child deaths in labor camps.

### **Children in Prison with Their Mothers**

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. Furthermore, imprisoned pregnant women are denied access to proper pre-natal care and during birth they are usually forced to rely on the assistance of fellow prisoners, who may or may not have relevant skills. 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, adversely affecting the health of both mother and child. A former political prisoner, Yu Yu Hlaing, reported that she was unable to produce breast milk for her new born baby for three days while in Mergui Prison due to the lack of adequate food sources. (Source: *Women Political Prisoners in Burma*, AAPP and BWU, September 2004).

Women and their children suffer from the inadequate healthcare, unsanitary conditions and lack of nutritious food. Children in prison have no access to medicine, besides that provided by family members. The majority of children suffer from malnutrition. Furthermore, no provisions are made for children’s mental and physical development. There are no books or toys for children and movement is 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 their livelihood. 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 standards for labor or 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.” (Source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005).

While children in Burma have traditionally contributed labor for their family farms or household duties, they are increasingly engaged in labor in a variety of industries. Children are 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 Women and Child Rights Project (WCRP), children are often paid lower salaries than adults for the same work, providing an incentive for shop owners to employ them. Children between the ages of seven and 10 are frequently employed as servers in tea and coffee shops in Rangoon, receiving salaries of approximately 5,000 kyat per month for 16 hour days. (Source: “Child Labor in Burma,” *The Plight of Women and Children in Burma*, WCRP, Issue No. 4/2005, December 2005). 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 (source: Samuel Grumiau, *Growing Up Under the Burmese Dictatorship*, ICFTU, August 2003).

Children have also resorted to begging as a means of survival. In December 2005, the WCRP reported that the presence of child beggars is the result of both the deteriorating economy and lack of family planning in the country. Child beggars are found in shopping and transportation centers throughout the country either individually or alongside their parents. Child beggars are also coordinated by gangs who compel them to solicit money or sell flowers. (Source: “Child Labor in Burma,” *The Plight of Women and Children in Burma*, WCRP, Issue No. 4/2005, December 2005).

The poor state of the economy has also led more women and girls to turn to sex work as a means of securing an income. In 2004, the U.S. Department of State reported a noticeable presence of sex workers “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). The demand is thought to be fueled by increasing concerns of HIV/AIDS infections and the misconception that the younger sex workers are less likely to be infected. In January 2005, a business person from Moulmein, Mon State estimated that 30 percent of sex workers



in the area were below the age of 18 (source: “Young Girls Exploited for Sex,” *Kaowao News*, 24 January 2005). There are reports of 10th standard students from Mon State and college students in Kachin State entering the sex industry due to a lack of other means of maintaining their livelihoods (source: “Poor Attitudes on Condom Use Put Burmese at Risk,” *Kaowao News*, 10 December 2005; “Tarnished Metal: The Human Cost of Mining for Riches in Kachin State,” *Irrawaddy*, 14 October 2005).

## **Children and Forced Labor**

Although Burma passed Order 1/99 in 2000 banning forced labor practices, incidents continued to emerge in 2005, including those of children employed in forced labor projects. Children often participate in forced labor projects in place of their parents who may be 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. Small children may accompany their mothers who are forced to serve as laborers or porters.

Children are subject to conscription for forced labor projects including portering, road construction, military camp maintenance, and construction projects. According to KHRG, children as young as eight have been forced to porter loads for long distances over extended periods of time. Children are also forced to serve 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, including 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). Furthermore, while performing forced labor, they are typically unable to attend school.

## **Forced Labor Involving Children – Partial List of Incidents for 2005**

### **Chin State**

#### ***Matupi Township***

On 15 July 2005, Battalion Comdr. Sgt. Tin Soe of SPDC IB 305 based in Matupi 10 forced primary school children to carry rations and supplies. Commencing in Sabawngte army camp, different groups of villagers had been responsible for transporting the rations from one village to the next with the ultimate destination of Laienpi army camp. As adult villagers were unavailable to carry the rations in Mala village, the 10 students along with 5 civil servants were conscripted instead. The students carried the rations 12 miles before 2 became too tired to go any further and encountered 5 Laienpi villagers who took their places. The children were forced to carry the following:

1. 10 tins of rice;
2. 10 bottles of cooking oil;
3. 10 viss of fish paste; and
4. 5 viss of dried chilly. (Source: “SPDC Forced Primary School Children to Porter,” *Rhododendron News*, CHRO, 8 August 2005).

On 2 August 2005, SPDC LIB 304 Sgt. Thein Win, based in Matupi and commander of Sabawngte army outpost, commanded ordered 18 villagers including 5 girls below the age of 15 to carry army supplies. Again on 12 August, Sgt Thein Win commanded 10 villagers, including 3 teenage girls, to carry items from Sabawngte army camp to Sabawngpi village. Each porter was required to carry approximately 15 viss of goods. (Source: "Five Teenage Girls among Eighteen Porters Forced to Carry Army Supplies," *Rhododendron News*, CHRO, 9 October 2005).

### ***Tiddim Township***

Starting in the beginning of 2005, residents of Tiddim, including students, were required to work on the junta's tea plantation once a month as per the orders of Tiddim TPDC Chairman U Sai Maung. Each Tiddim government administrative department was designated 1 acre of the plantation for which they were required to gather twigs, plant tea, roof plantation beds and weed. Those failing to attend were fined 500 kyat per absence. The township authorities ordered teachers working at schools in Tiddim to instruct students to bring 1 viss of manure to the TPDC office each month. While the troops from SPDC LIB 268 were officially supposed to work as well, they forced civilians to do their work instead. (Source: "SPDC Forced School Children and Civilians to Labor at Government's Tea Plantation," *Rhododendron News*, CHRO, 25 July 2005).

### **Kachin State**

From October 2005 through to 8 December 2005, each household of Hsangoung and Ziyadan villages in the Putao region were forced to provide one laborer each week to construct a road leading to Phonkanrazi Mountain, one of the highest in Burma, to improve access for tourists. Villagers were responsible for organizing their own accommodations and food. A tourist in the area observed approximately 500 villagers, including children and the elderly, cutting trees, clearing bushes and hauling large rocks. (Source: "Forced Labor Reported in Scheme to Open Up Ski Area," *Irrawaddy*, 8 December 2005).

### **Karen State**

#### ***Toungoo District***

From 17 December 2004 to the time of this report, 14 January 2005, Aung Tin Win commander of SPDC LIB 439 Column 1 forced 29 villagers, including a 13-year-old boy, from Klay Soe Kee to clear the road from Kaw They Der (Yee Tho Gyi) to Naw Soe. One boy, Saw Tha Po Dee, age 15, stepped on a landmine and lost his lower leg and foot. (Source: FBR 2005).

On 15 February 2005, SPDC troops forced villagers, including women and children, from Mae Tin Tai, Taunggyi, Peh Taw Day, Sha Zee Bo, Ye Shan, Zee Pyu Gon, and Taw Gon villages, to construct a new army camp at Yae Way, Tantabin Township. (Source: KIC, 2005).

On 14 March 2005, SPDC IB 48 forced 6 villagers, including a 14-year-old girl, from Kaw They Der to each carry 16 kg of rations to Naw Soe military camp for 1 day without payment or food. (Source: "Toungoo District: Civilians Displaced by Dams, Roads and Military Control," KHRG, 19 August 2005).

On 16 March 2005, an SPDC Battalion ordered 6 girls, ages 14 to 21, and women from Klay Soe Khee village to carry military supplies to Ga Mu Der (Ga Moo Doe) and The Aye Ta (Kyi Chaun) military base camp. (Source: BI, 2005).

### **Karenni State**

On 28 December 2005, it was reported that middle and high school students in Dawtamagyu village tract were forced to “dig trenches and carry logs” for the locally based SPDC military unit. (Source: “Burmese Army Subjects Karenni Students to Forced Labor,” DVB, 28 December 2005).

### **Tenasserim Division**

#### ***Thayetchaung Township***

On 19 May 2005, it was reported that Thayetchaung Township, Tavoy District authorities were ordering one person per house to work in SPDC LIB 403, 404 and 405’s sunflower fields. Children were not exempt and at least 7 children were known to have worked in accordance with the order. Persons who failed to comply with the orders were subject to fines of 500 kyat. (Source: “Burmese Children Still Subjected to Forced Labor,” DVB, 19 May 2005).

## **6.6 Child Soldiers**

*“...the Council reaffirms its strong condemnation of the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them and of all other violations and abuses committed against children in situations of armed conflict. It urges all parties to armed conflict to halt immediately such intolerable practices.”* (Source: “Security Council Reiterates Strong Condemnation of Use of Child Soldiers, Begins Consideration of Secretary-General’s Plan of Action,” Special Representative Olara Otunnu, SC/8319, Security Council 5219<sup>th</sup> Meeting, 23 February 2005).

As a signatory to the CRC, 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.” (Source: Article 38, Paragraph 2 and 3, CRC). In 2000, the UN 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. Although Burma has not yet signed the optional protocol, the Myanmar Defense Services Act of 1974 and War Office Council Instruction 13/73 declare that “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,” *Thirty-Sixth Session of the Committee on the Rights of the Child*, 26 May 2004).

Despite both international and national law prohibiting the use of child soldiers, it is well-documented that the SPDC perpetrates forced military recruitment, training, and deployment of children as young as 11 years old. According to Human Rights Watch, child soldiers account for 20 percent, or 70,000, of the 350,000 soldiers in the SPDC armed forces, which are referred to by the SPDC as the Tatmadaw. 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 percent are deployed in Burma, more than any other country in the world. (Source: *World Report 2005*, HRW, 13 January 2005).

Despite continued documentation of the recruitment of child soldiers, the SPDC denies such practices. During the fourth meeting of the Committee on the Prevention of the Recruitment of Minors in Armed Forces, committee chairman Lt. Gen. Thein Sein rejected allegations of the use of child soldiers by the SPDC. He argued that the accusations were brought by actors who wished to discredit the regime through UN mechanisms. He further claimed that “the Tatmadaw is an armed force that has been formed systematically and in accordance with military laws, bylaws, rules, orders and directives. It is an institution that has fine traditions.” (Source: “Burmese Official Rejects ‘Unjust Accusations’ on Recruitment of Child Soldiers,” Myanmar TV (MRTV), 3 February 2005).

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.” In October 2004, 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 centers and the general public on the prohibition of recruitment of persons under 18 years.” (Source: “Situation of Human Rights in Burma,” *Sixty-first session of the UN Commission on Human Rights*, UN Economic and Social Council, 2 December 2004). In addition, the SPDC reportedly arranged the visit of the Resident Coordinator and the UNICEF representative to the two main recruitment centers (source: “Security Council Reiterates Strong Condemnation of Use of Child Soldiers, Begins Consideration of Secretary General’s Plan of Action,” *5219th Meeting of the UN Security Council*, 23 February 2005).

In 2005, the UN Security Council acknowledged the formation of the SPDC’s committee and its Plan of Action, however, the SPDC was called upon to implement that Plan of Action (source: “Security Council Reiterates Strong Condemnation of Use of Child Soldiers, Begins Consideration of Secretary General’s Plan of Action,” *5219th meeting of the UN Security Council*, 23 February 2005). In addition, in his report to the 60th session of the UN General Assembly, the UN Special Rapporteur for Human Rights in Burma Paulo Sergio Pinheiro, commented that “while there has been discussion on the need to further develop and operationalize the national plan of action to prevent the recruitment of child soldiers, cooperation on the issue has yet to be seen.” (Source: “Interim Report on the Situation of Human Rights in Myanmar,” *Sixtieth session of the UN General Assembly*, Item 73 (c) of the provisional agenda, 12 August 2005).

In his report to the UN Security Council in February 2005, UN Secretary General Kofi Annan identified Burma as one of 11 countries where children are recruited into the armed forces. Moreover, both the Tatmadaw and the KNLA were identified as two of 54 armed groups around the world that have children within their ranks. His report further suggested the

implementation of a mechanism to monitor the situation of children in armed conflict, particularly child soldiers, with the ultimate aim of eliminating their deployment. Sanctions such as travel bans, arms embargos and financial and military restrictions were recommended against actors found to be guilty of recruiting children into armed forces. (Source: "UN Accuses Burma of Still Recruiting Child Soldiers," *Irrawaddy*, 10 February 2005). (For more information see Section 6.8 Children in Armed Conflict).

### **Child Soldiers in SPDC Forces ("Tatmadaw")**

*"...the evidence is overwhelming that the junta exploits children as young as 11 years old in pursuit of greater coercive military power"* - US Senator Mitch McConnell (R) Kentucky (source: "Child's View of Burma's Civil War," *Christian Science Monitor*, 22 June 2005).

Since 1988, Burma has doubled the size of its armed forces with children serving as easily intimidated recruits. 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 new recruit, regardless of age. One former child soldier who was recruited in 2003 at age 13 reported that the sergeant who enlisted him received 3,000 kyat and 1 pack of rice for doing so (source: Yoma3, 2005). There is no evidence of any recruiters actually being sanctioned or punished for recruiting children.

Throughout 2005 reports continued to emerge of forcible recruitment of children from all over Burma. Children are frequently arrested while others are deceived by recruiters with promises of access to education and a secure life. Children are frequently kidnapped on the way home from school, in teashops, bus stations, train stations, markets, festivals or other public places. (Source: "The Yearbook of Experts, Authorities and Spokespersons Burmese Deserters Describe Lives of Child Soldiers," RFA, 21 January 2004). Orphans and street children are one of the most vulnerable groups. In rural areas and ethnic minority areas, children are often recruited when a village does not have enough adults to fulfill a conscription order.

Incentives are also proffered to promote voluntary enlistment. In August 2005, it was reported that, in an attempt to stimulate enrollment, recruitment centers in Sittwe, Arakan State were offering 10,000 kyat and two 50 kg bags of rice to new recruits. Concurrently, basic requirements for enrollment, such as having completed primary education, being over 18 years of age and over 5 ft 2in tall, have often gone unchecked. (Source: "Perks to Join the Burmese Army," *Narinjara News*, 17 August 2005). Children are often recruited through threats of prison time for a fabricated or negligible offense. Several former child soldiers reported being arrested for not having their national identity card. Others reported that recruiters destroyed their ID cards and accused the child of not having one. One 15-year-old former child soldier who deserted to KNPP area in 2005 reported that SPDC soldiers came to his village in the Irrawaddy delta area and forced him to choose between a two-year jail term and service in the army (source: "Burma Chemical Weapons Confessions: From the Battlefield of One of the 'Six Outposts of Tyranny,'" *Gateway Pundit*, 5 May 2005).

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 percent 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 percent were under the age of 15. (Source: *Child Soldiers Global Report 2004: Myanmar*, Coalition to Stop the Use of Child Soldiers, 17 November 2004). Child soldiers are not allowed to have any contact with their family. In some instances, former child soldiers reported that their names were changed by military authorities to prevent their families from finding them. In addition, many former child soldiers reported being forced to sign documents indicating that they are 18 years of age. (Source: "The Yearbook of Experts, Authorities and Spokespersons, Burmese Deserters Describe Lives of Child Soldiers," RFA, 21 January 2004).

During training, child recruits are beaten, receive insufficient or poor quality food, and often have their money taken by higher-ranking officers. Children who are caught attempting to escape are severely punished often by beatings or detention. In 2005, a former child soldier reported that child soldiers who were caught attempting to flee from the Danyingone Military Training Center were punished through a variety of methods of torture including beatings, being forced to carry sandbags in the sun or while running on their knees (source: Yoma3, 2005). Two other boys who defected from SPDC forces reported that they were threatened with physical mutilation and death if they tried to abscond. Specifically, they were told that "they would be cut up, put on bamboo sticks across a fire, roasted and eaten with salt". (Source: "Burma Chemical Weapon Confessions: From the Battlefield of One of the 'Six Outposts of Tyranny,'" Gateway Pundit, 5 May 2005).

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. After being abducted when SPDC forces attacked and burnt their village, four Karen boys were chained, forced to serve as human minesweepers and finally trained to fight alongside SPDC forces. The four boys were then required to serve in the Tatmadaw forces perpetrating regular raids on Karen villages. (Source: "Child's View of Burma's Civil War," *Christian Science Monitor*, 22 June 2005).

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 KNU, believing that they will be turned away or punished due to their participation with SPDC 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 or the KNPP. 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. 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 resistance 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 DKBA are under the age of 18. The 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 having no child soldiers within its ranks, the KIA, reportedly conscripts children to provide labor for infrastructure and military projects. The Mon National Liberation Army (MNLA), the armed wing of the NMSP, is also reported to have child soldiers serving in its forces. In 2002, the Karenni Army reported that approximately 1,200 soldiers were within its forces, 20 percent of whom have been estimated to be below the age of 18. In addition, the KNLA, the armed wing of the KNU, has approximately 500 child soldiers serving. According to the KNU, these children willingly enlisted to participate in combat. In March 2004, KNU Gen.-Sec. 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 2005**

### **Irrawaddy Division**

On 7 February 2005, soldiers led by Lt. Maung Cho from SPDC IB 97 Ama villagers in Pyapon Township, including 5 children, were conscripted into military service. Villagers who attempted to thwart the recruitment process faced a possible 5-year jail term. (Source: “Burmese Army Recruit Child Soldiers,” DVB, 21 April 2005).

### **Pegu Division**

On 29 January 2005, Lt. Corp. Myo Min of SPDC Supply Unit 525 based in Moulmein, Mon State, abducted Min Min Htaik (age 15) and another unidentified child in Zigon Township with offers of clothing, food, a good salary and shelter. The two boys were sent to the military recruitment center at Danyingon, Rangoon. (Source: “Opposition Radio Reports “Forceful Recruitment” of Youths by Burmese Soldiers,” *Xinhua*, 2 March 2005).

## Rangoon Division

In January 2005, parents of 5 high school students who were forcibly recruited into the armed forces were drafting letters to the ILO and ICRC to appeal for assistance with their children's cases. The 5 boys were abducted following a meeting about recruitment in their village in Mingaladon Township conducted by soldiers from the Danyin-kone soldier recruiting corps led by Lt. Aung Myint. Their parents were threatened with arrest when they tried to complain to the authorities. The 5 boys were sent to No. 6 Bassein Township Military Training School. Three of the 5 boys were:

1. Win Zaw Oo, age 17, 10<sup>th</sup> standard, son of U Win Naing,
  2. Min Zaw, age 16, 10<sup>th</sup> standard, son of U Tun Myat,
  3. Ye Win Naing, age 17, 10<sup>th</sup> standard, son of U Kan Nyunt and Daw Hla Myint.
- (Source: "Burma Army Snatched Children from Parents," DVB, 27 January 2005).

## Tenasserim Division

On 25 September 2005, Lt. Col. Thet Aung from LIB 561 "adopted" Mehm Chai (age 15) from Kywetalin village, Yebyu Township by lying to Mehm Chai's grandfather as well as the village chairman and secretary that he would provide the boy with an education and for his living expenses. Mehm Chai's parents were away working in Thailand. Afraid to refuse, they consented and were required to pay 10,000 kyat for the boy's costs. Mehm Chai was then sent to the Military Training School in Kaleing Aung Sub-town. Eventually, local intelligence officer U Win Myint informed the village headman of Mehm Chai's actual whereabouts, although, nothing could be done to retrieve him. (Source: "Forced Recruitment of A Child Soldier," *The Mon Forum*, HURFOM, October 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, CRC

*"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, CRC

Throughout 2005, children in Burma, primarily from ethnic minority areas, continued to fall into the hands of human traffickers. While 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, these laws are not effectively enforced. Moreover, since 2001, Burma has been ranked as a Tier 3 country, the lowest of the U.S. government's standards, for failing to fulfill the minimum requirements of the 2000 Trafficking Victims Protection Act. (Source: *Trafficking in Persons Report - 2005*, U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, 3 June 2005).

Children in Burma often fall prey to traffickers as a direct result of the deteriorating economy. As many children are forced to seek an income in order to contribute to their family's survival, they become easy targets for traffickers who offer false promises of good salaries and jobs. Children are also sold to traffickers by friends or family members. For example, it was reported that destitute or drug addicted parents sold their children to traffickers along the



China-Burma border (sources: Samuel Grumiau, *Growing Up Under the Burmese Dictatorship*, ICFTU, August 2003; “Child-Beggars: Victims of Human Traffickers,” NMG, 15 November 2005). Furthermore, the U.S. Department of State identified the regime sanctioned use of civilian forced labor and forced recruitment of child soldiers as significant factors behind Burma’s trafficking problem. (Source: *Trafficking in Persons Report - 2005*, U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, 3 June 2005).

Children trafficked within the country are often transferred from rural to urban areas or to areas where sex work 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: Samuel Grumiau, *Growing Up Under the Burmese Dictatorship*, ICFTU, August 2003). Children trafficked across international borders most frequently end up in Bangladesh, China, India, Japan, Korea, Macau, Malaysia, Taiwan and Thailand where they are often forced into domestic servitude, sex work, factory labor or begging (source: *Trafficking in Persons Report - 2005*, U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, 3 June 2005). According to the Kachin Women’s Association of Thailand (KWAT), girls as young as 14 have been trafficked to China where they are sold as wives or into the sex industry or simply disappear (source: “Trafficking of Kachin Women Exposed,” *Irrawaddy*, 17 May 2005). In November 2005, it was reported that an increasing number of child beggars along the China-Burma border were abducted and sold by human traffickers for 30,000 yuan each to work in the drug trafficking trade (source: “Child-Beggars: Victims of Human Traffickers,” NMG, 15 November 2005). In addition, seven infants fell victim to trafficking after being sold through an infant trafficking ring. The traffickers were apprehended in February in China. (Source: “China Busts Trafficking Ring That Sold 70 Infants, with Seven from Myanmar,” AFP, 3 February 2005).

In response to international criticism of trafficking violations in Burma, the SPDC has instituted several widely publicized measures against trafficking. In 1998 the regime established a National Plan of Action for Trafficking Women and Children as well as a National Task Force. In July 2002, a Working Committee for Prevention against Trafficking in persons was established. Burma also became a signatory to the UN Convention against Transnational Organized Crime and two of its protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children on 30 March 2004. As a signatory to this Convention and its Protocol, the SPDC is obligated to adopt and enforce appropriate legislation against trafficking in persons and de-criminalize victims of trafficking (source: *Guide to the New UN Trafficking Protocol*, Coalition Against Trafficking in Women, 2001). In addition, in September 2004 and March 2005, the SPDC participated in the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) (source: “Mekong Nations Gather in Hanoi to Boost Anti-Human Trafficking,” Vietnam News Briefs, 30 March 2005).

Furthermore, the SPDC has claimed that from 2002 and 2004, 939 human traffickers were arrested, 474 cases relating to trafficking for sexual exploitation were prosecuted and the trafficking of 2,629 persons was averted (source: “Myanmar Steps Up Anti-Human Trafficking Activities in Border Areas,” *Xinhua*, 5 April 2005). On 14 September 2005, state run media sources announced the enactment of the law, which imposes punishments ranging from 5 years to life imprisonment for those found guilty of trafficking women and children. Those found guilty of trafficking men may be subject to 5 to 10 years imprisonment. (Source:

“Burma Passes Anti-human Trafficking Law with Questionable Details,” DVB, 14 September 2005). However, the effects of this new law have yet to be seen.

## 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, CRC*

*“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, CRC*

*“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, CRC*

The CRC 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. However, as the military regime has continued to lead military offensives against ethnic opposition groups in an attempt to suppress all forms of resistance, children in Burma endure the negative consequences of an environment of armed conflict.

Children living in conflict areas in Burma are routinely deprived of most of the rights prescribed in the Convention. Children have been killed by members of the armed forces, and are regularly victims of 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 exempt 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. Furthermore, children of 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 human rights violations directed against their own family, neighbors and community members. The emotional and psychological toll that this will take over a lifetime is incalculable. These children are essentially denied the right to grow up in an environment that nurtures and promotes their development.

In an effort to defend the human rights of children in armed conflict, the United Nations Security Council created a new monitoring and reporting mechanism in July 2005. The new system “requires both governments and armed groups to use time-bound plans of action to end the use and recruitment of child soldiers.” The new system will monitor not only child soldier violations but also “grave violations against children, including the killing or maiming of children; recruitment or use of abduction of children; and denial of humanitarian access.” The UN Special Representative for Children in Armed Conflict, Olara Otunni, indicated that this is the first mechanism of its kind as it creates a “formal, structured and detailed compliance regime.” (Sources: “UN Votes to Protect Children in Armed Conflict,” *Irrawaddy*, 27 June 2005; “Official Statement on the Security Council Resolution on Children in Armed Conflict,” UNICEF, 25 July 2005).

## **Violence against Children – Partial List of Incidents for 2005**

### **Karen State**

#### ***Nyaunglebin District***

On 22 May 2005, SPDC Lt. Maung Maung Htay led an operation to shell Malah Long village injuring 3 members of a single family, including 11-year-old Saw Poh, his father Saw Sar and mother Naw Me Me. (Source: “IDPs Face Food Shortages as Farming Yields Fail in Western Karen State, Burma,” FBR, 10 October 2005).

#### ***Toungoo District***

In November 2005, troops from SPDC IB 75 captured 7 villagers, including a 1-year-old baby and a 15-year-old girl, during an operation when the troops burned down 32 houses and laid landmines in Hee Daw Kaw village. The operation resulted in the displacement of 900 people from 4 villages. (Source: “300 Villagers Still in Hiding,” FBR, 6 December 2005).

### **Karenni State**

On 15 November 2005, one column of troops from SPDC LIB 421, led by Maj. Zaw Zaw Lin opened fire on villagers working in their paddy fields near Kutaru village, west of Mawchi. As a result, 3 villagers were killed including 6-year-old Nae Lay Htoo. In addition, 15-year-old Lay Lay Wah was seriously wounded. (Source: “Burma Army Troops Kill a Six Year Old Child,” KIC, 15 November 2005).

### **Mon State**

#### ***Thaton District***

On 1 September 2005 at 4:00 pm, DKBA troops led by Than Htun opened fire on Ler Ka Law villager Kyaw Win's house, seriously wounding Kyaw Win's wife, Naw Mu Ngar (age 38), his daughter Naw Ko Thar (age 12), his son Maung Mya Win (age 6) and Kwee Lay villager Naw Mya Aye (female, age 46). (Source: KIC, 2005).

## **Shan State**

### ***Kunhing Township***

On 3 July 2005, soldiers from SPDC LIB 246 led by Sgt. Aung Kyaw Moe, shot and Waling (age 16) who was herding cattle along with another boy, Sai Awng (age 12) in Laikam, Kunhing Township. The troops then charged Sai Awng with being a spy and ordered him to bring them meat to eat. Sai Awng fled to his village and reported the incident. The villagers however were too frightened to lodge a complaint. (Source: "Junta Troops Shoot A Villager to Death," SHAN, 28 September 2005).

### ***Mong Pan Township***

On 5 February 2005, a 42 person patrol from SPDC IB 287 led by Maj. Kyi Myint deployed 60 mm mortars and 40 mm grenade launchers on a hill west of Wan Mai Khao Larm village, Mong Pan Township, resulting in the death of Mae Htao Yuo (female, age 75), and injuries to a 70-year-old woman and an 8-year-old girl. (Source: FBR, 1 June 2005).

### ***Murng Kerng Township***

On 24 January 2005, Zi Na (age 30) and his son, Zaai Mu (age 4) were beaten and killed by a patrol of about 30 soldiers from SPDC LIB 514 led by Comdr. Khin Maung Htoo in Ham Ngaai village tract. The father and son were found 2 days later when Naang Khawng, the wife and mother, gathered relatives and set out to search for them. A few weeks later, a sergeant from SPDC LIB 514 was seen driving Zi Na's motorbike in Murng-Kerng town. (Source: "A Displaced Villager and His Child Son Killed and Robbed Of Their Motorcycle in Murng-Kerng," *SHRF Monthly Report*, SHRF, May 2005).

## **Tenasserim Division**

On 4 April 2005, Saw Po Reh (age 16) of Pah Wah Mee Laung Gwin village stepped on a landmine planted by SPDC troops, killing him instantaneously. (Source: KIC, 2005).

## 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, CRC*

*“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, CRC*

The perpetration of sexual violence against women and girls by members of the military and other junta-sanctioned actors has been well documented by a range of human rights organizations. Throughout 2005, reports of sexual violence continued to emerge in conjunction with the military regime’s efforts to eliminate all opposition activities and establish control over all parts of Burma. Since the release of the Shan Women’s Action Network’s (SWAN) groundbreaking report, *License to Rape*, in May 2002, documenting the rapes of 625 women and girls, corroborating evidence from different parts of the county has continued to emerge. Most recently, the WCRP released *Catwalks to the Barracks*, a report that presents 37 incidents of sexual violence against 50 women and girls in Mon State, 11 of whom were between the ages of 14 and 17. The cases of rape occurred between 1995 and 2004 in areas both under full SPDC control as well as in areas where armed resistance groups were active. (Source: *Catwalk to the Barracks*, WCRP, July 2005).

Despite continually mounting evidence, the SPDC has repeatedly denied the occurrence of rape by soldiers and personnel under its command. Moreover, the authorities have made efforts to prevent information from being revealed about the pervasive human rights abuses perpetrated in ethnic minority areas by intimidating and coercing villagers into remaining silent through threats of violence or by offering monetary incentives. For example, in July 2005, military authorities attempted to cover up a case of molestation of a 4-year-old girl by a soldier by providing her family with 20,000 kyat and instructing both her parents and doctor not to disclose information about the incident. Military authorities also persuaded the local Myanmar Women’s Affairs Federation against pursuing legal action. (Source: “Child Rapist To Go Free Or Else, Says Army,” SHAN, 26 July 2005). Despite widespread documentation of rape and sexual assault against children, a majority of the incidents are unreported and undocumented.

## **Sexual Assault Against Children – Partial List of Incidents for 2005**

### **Arakan State**

#### ***Maungdaw Township***

On 2 June 2005, 4 soldiers from SPDC LIB 536 stationed at Taung Bro village raped a 14-year-old girl at gunpoint just outside of the village. The soldiers left the girl unconscious. She was later found by her father and other villagers. On 5 June, the soldiers were arrested and 2 confessed to perpetrating the rape. (Source: “Four Army Personnel Arrested for Gang Rape of Teenage Girl in Arakan,” *Narinjara News*, 6 June 2005).

On 18 August 2005, VPDC Chairman Magul Ahmed raped a 16-year-old girl from Bodopara of Alay Than Kyaw village tract. At about 10:00 pm, the chairman’s bodyguard, Rahim Ullah, severely assaulted the victim’s mother and then dragged the daughter away with him to Magul Ahmed. He then took the girl to a hut and raped her. After an hour, Magul Ahmed released the girl out of fear for the villagers. The mother and her daughter filed a complaint with the NaSaKa and Magul Ahmed and Rahim Ullah were subsequently arrested. (Source: “Teenaged Girl Raped in Northern Arakan,” *Kaladan News*, 1 September 2005).

### **Mon State**

#### ***Ye Township***

On 20 May 2005, soldiers from the Joint Operation No. 31 and SPDC IB 61 gang-raped a 17-year-old girl as she was performing forced labor on the Ye-Tavoy motor road. She lost consciousness during the ordeal and is uncertain as to how many soldiers raped her. When the soldiers returned her to the road construction site, she was very weak and unable to stand. Fellow villagers brought her back to her village. She was reported to be too traumatized to speak about the incident. (Source: “Terror Continues in Ye Township,” *The Mon Forum*, HURFOM, August 2005).

In the first week of June 2005, Sgt. Myin Maung from SPDC LIB 587 raped a 13-year-old schoolgirl from Khaw Za sub-town. The officer along with 2 other soldiers encountered the girl as she was collecting firewood. They ordered her to undress while threatening her with their guns. While 2 soldiers stood guard, Sgt. Myint Maung repeatedly raped the girl until she lost consciousness. Following the incident, the victim’s parents, teacher and village headman reported the incident to commander of SPDC LIB 587, Capt. Tun Tun Nyunt. Sgt. Myint Maung was subsequently detained and was facing a 7-year prison sentence. (Source: “Terror Continues in Ye Township,” *The Mon Forum*, HURFOM, August 2005).

On 7 June 2005, Pvt. Yan Naing of SPDC LIB 587 raped a 14-year-old girl from Hamgam village when she was staying in a hut on her family’s farm near Chan Gu village. By the initiative of the victim’s teacher, the incident was reported to the senior commanders of the township office. Pvt. Yan Naing received a 7-year prison sentence. (Source: “Soldier Gets 7 Years for Rape,” *Kaowao News*, 10 July 2005).

On 14 June 2005, soldiers from SPDC Battalion 61 gang raped a 17-year-old girl from Kwan Tamoi Taotak village while she was performing sentry duty on the motor road. (Source: “Girl Gang-Raped by Burmese Army Soldiers,” *Kaowao News*, 17 June 2005).

## **Shan State**

### ***Kunhing Township***

On 29 April 2005, radio operator Corp. Zaw Min (age 28) of SPDC LIB 524 raped and killed Hnin Indra Oo (age 6), daughter of Sgt. Min Zaw Oo of the same battalion, after luring her with offers of buying sweets. The victim's body was later discovered beneath a bridge outside the command post. (Source: "Army Girl Raped by Army Man," SHAN, 6 May 2005).

### ***Mong Pan Township***

On 5 March 2005, a soldier from SPDC IB 99 raped a 13-year-old girl while she was assisting with a novice ordination ceremony in Ho Mong village. When she went to urinate in the bushes nearby, the soldier dragged her into the bushes and offered her 1,000 kyat in an attempt to stop her from screaming. The ceremony attendees finally heard the girl's screams, came and scared the soldier away. (Source: *FBR Relief Team Report*, Shan FBR team, June 2005).

### ***Monghyak Township***

On 26 June 2005, commander of SPDC LIB 329 Lt. Col. Toe Myat raped Ah Sha, a 14-year-old girl, in front of her parents in the area of Jani and Ah Pawday villages. The soldiers warned villagers that they would be subject to further abuses if they did not provide information about opposition activity in the area. (Source: "Still No Signs of Outlawing License to Rape," SHAN, 17 August 2005).

On 1 July 2005, troops from SPDC LIB 329 abducted a 15-year-old Hajakhai villager and raped her while her parents and the village headman were forced to stand outside the room where she was being raped. The perpetrator was reported to be the battalion commander. (Source: "Still No Signs of Outlawing License to Rape," SHAN, 17 August 2005).

### ***Murng-Nai Township***

On 16 April 2005, 3 SPDC soldiers attempted to rape an 11-year-old girl and severely assaulted her 62-year-old grandmother in Pa Saa village. The soldiers took the girl, beat her up and attempted to rape her. When her grandmother protested, the soldiers turned on her instead and beat her until she lost consciousness. They then returned to the girl and were about to rape her when a group of village men approached hearing the screams of the women. They chased the soldiers away and reported the incident to the authorities. The men confessed to the incident after being identified by the victims. The girl was left with both external and internal injuries. (Source: "Attempted Rape and Severe Beating and Torture in Murng-Nai," *SHRF Monthly Report*, SHRF, June 2005).

## 6.10 Interviews

### Interview #1

**Source:** Yoma3  
**Interview date:** 6 January 2005  
**Age:** 16 years old  
**Sex:** Male  
**Residence:** Rangoon Division

*Q. Where did you study and what is your education level?*

A. I studied high school in S--- Township and I left the school when I was in 8th standard.

*Q. When did you join at the military?*

A. I joined the military when I was studying in 8th standard in 2003.

*Q. Why did you join the army and how did you arrive to the military troop?*

A. I joined the army because my family had problems maintaining our livelihood. I also wanted to become a general as I expected that my family would be able to live comfortably. At that time, my neighbor friend asked me to join the army with him. He wanted to join the army because he was afraid of being arrested after he stole property from other people. He came and told me, "Do you want to join the army. The living conditions in the military are very good." At first, I refused his offer but he came and talked with me about it frequently. "You will have comfortable living conditions and will be well-fed if you live with the military troops," he added. After that, I agreed to join the army with him.

*Q. Where did you go with your friend?*

A. I followed him to see his sergeant, Aung Htoo. The sergeant asked me if I wanted to join the army. "Yes! I do," I replied. I had to stay there for three days. I was fed very well during those three days and the sergeant gave me 1000 kyat before he left. Later, I found out that the sergeant got the 3000 kyat and 1 pack of rice for bringing me to the military.

*Q. Where did you go after that?*

A. After I had stayed there for three days, I was taken to Da-nyin-gone recruitment centre. Then I had to have a medical check up to join the army.

*Q. How old you were at that time?*

A. I was 15 years old. But they forced me to lie and say that my age was 18 years old when I took the blood test. After the blood test, I was taken to be interviewed by a general. The sergeant who took me to see the general had told me earlier, "You must answer, 'Yes' if the general who you are going to see asks you, do you want to join the army. He will punch you if you say that you do not want to join the army."

When I arrived the general asked me, "Are you sure to join the army or did someone persuade you and bring you to join the army?"

"Yes! I do," I replied as the sergeant told me to do.



*Q. Where did you start attending military training and what did you have to do after that?*

A. I started to attend the Number 1 Basic Military Training in Number 4 Company, Mingone village, Paungyi Township. I had to learn the military parade ceremony training for a whole day in the sun. Every Sunday, all the trainees had to do work such as carrying water and splitting firewood at the officers' houses. Some of the kindly wives of officers gave us curry to eat after we had finished the work.

*Q. How were the food conditions at the military training?*

A. We received a cup of watery tea with an egg and a little fried rice for the breakfast. For the lunch, we had watery bean and rotten fish curry. For dinner, we had vegetables and fish paste. We only had good curry such as egg curry sometimes. When we got our salary, we had to buy good food from outside if we wanted to eat it.

*Q. How much did you receive as salary during the training?*

A. I got 3000 kyat.

*Q. Did you receive the total amount of your salary?*

A. No, I got only 1000 kyat. They cut 2000 kyat from my salary.

*Q. Why did you not get your total salary?*

A. They said that they cut my salary by 2000 kyat to cover the cost of a box that they had provided for me. They also cut 100 kyat for the stamps on my uniform and for the costs of the Buddhist shrine and paintings in the training camp.

*Q. How many child soldiers were in Danyingone military training center?*

A. There were 50 child soldiers who were the same age as me.

*Q. Did any of child soldiers flee from the military training and how many did you see flee from the military training?*

A. 19 persons of 246 trainees fled from the military training. However, there were only 3 trainees, among those who had deserted, who were rearrested.

*Q. What was the punishment for the people who were rearrested?*

A. The people who were rearrested were punished with an ugly haircut style. They also had to carry sandbags on their backs and run in the sun. They were forced to run on their knees with the sandbags on their backs. They were also beaten with canes.

*Q. Did you witness the trainees who attempted to flee getting beaten?*

A. Yes, I witnessed a young soldier, just 14 years-old, who attempted to run away while during a break in the training. At the time, the soldiers were rushing around to put their military items back in their proper places as they were hungry and it was time to eat. The boy was chased as soon as he ran away until he was caught by the officers. He was tortured seriously after they brought him back.

*Q. How did they provide for the welfare for the trainees during the training?*

A. The trainees could go to the military clinic if they were sick. Only the patients who suffered from malaria and serious illnesses which were deadly were sent to Mingaladone Military Hospital.

*Q. Were you beaten when you were in the training?*

A. I was not beaten. Although, one time, one of the officers kicked me with his boot because I didn't wake up during role call and did not reply when they called out my personnel number.

*Q. How did you feel when you were treated like that?*

A. Sometimes, I felt like I wanted to run away but I did not dare to do so as I was afraid of being sent to prison. I tried to stay calm and enjoy being with my friends at the military training camp.

*Q. What sort of events transpired which shocked or frightened you during the military training?*

A. I was extremely shocked when I witnessed a 16-year-old trainee who suffered from epilepsy and lack of memory. He was always beaten as he could not read out the 60 habits of the military loudly. One day, he got dizzy and bubbles came out of his mouth while he was giving the signal the next person after he read the military habits. Although he went to the hospital right away, he died.

*Q. How long did you have to attend the military training and where did you have to go after the training?*

A. I had to attend the training for four months. I was only able to rest for one day after the training. After the training, Sgt. Kyin Si and Corp. Aung Myint from LIB 273 based in Kanpauk village, Yephyu Township, Tavoy District came and took us. There were also 9 other trainees taken with me.

*Q. What did you have to do when you arrived at the Kanpauk military base?*

A. I had to work doing cultivation and clearing the bush for growing crops. I had to collect firewood from the mountains for cooking, construct buildings, build duck and chicken coops and build pig pens for military families and water plants. We were beaten if we damaged the plants. Therefore, we were very tired.

*Q. How was the condition of the food at the military base?*

A. The food condition at the military base was quite better than at the training. We had bean curry, fried vegetables and fish curry. Sometimes we also had beef curry.

*Q. How much did you get as salary for one month?*

A. My monthly salary was 3000 kyat but we only got 1000 kyat per month because we were asked to save the remaining amount of 2000 kyat in the government military bank.

*Q. Did you get back the money you saved in the bank when you left the troops?*

A. Yes, I did. They gave me 6000 kyat when I asked to get my savings for my mother when she visited me.

*Q. How many child soldiers were in LIB 273 with you?*

A. I have no idea about the whole battalion because some of the soldiers were sent to the frontline and some asked for leave to visit their families when I arrived in my battalion.

*Q. When did you have to go the frontline? Where did you have to go? Who was your commander?*

A. I had to go to the frontline after I had been at the military base for one month. I had to go to Mi Hta Hla Gyi and Mi Hta Hla Lay villages in Kanpauk Township. I do not remember my column commander's name. I just remember my unit commander's name was Than Aung.

*Q. What was your responsibility on the frontline and what did responsible officers demand that you do?*

A. I had to carry rations, my gun and ammunition along the journey to the frontline. I also had to do sentry duty. One time, I was hit on the side of my head by my ear when I fell to sleep while serving sentry duty. The responsible officers demanded that I shoot any people who I saw walking and wearing guerrilla uniforms and handling guns such as M-16s and M-As.

*Q. Were you scared of the fighting on the frontline and being in the jungle?*

A. No! I was not scared. But, in my mind, I thought, "I will definitely open fire on any suspects because I am excited to experience shooting a gun." I was not scared of ghosts even though I was on the frontline in the jungle. One of the sergeant's wives told me, the ghosts are really afraid of the soldiers' shoes, hats, belts and guns. Another thing is there are only many kinds of birds but no tigers in the jungle. Therefore, there was nothing for me to be afraid of in the jungle!

*Q. What did you have to demand from the villagers?*

A. We demanded rice, salt and fish paste from the villagers.

*Q. Were the villagers willing to give the food or did you have to intimidate them?*

A. Some villagers are willing to give the food and some only gave it to us because they were afraid. Sometimes the villagers gave us unhealthy chickens and ducks. However, we usually collected the villagers' crops without their permission when we crossed their farms.

*Q. How did you support your parents when you were in the military?*

A. I could not support my family. Instead I had debt.

*Q. How did you fall in debt?*

A. I fell in debt because I broke one of the corporal's watches when I borrowed it to use during my sentry duty. I miss-operated and broke it. Then the owner asked me to pay him for the cost of it. I told him that I would pay him back later. However, I have not paid him back yet.

*Q. How did you desert from the military?*

A. My mother and my aunt came to Kanpauk battalion to see me when I was in the frontline. I got permission to go back and see my mother. I met with my mother when I got back to the base. My mother and my aunt asked me to go back home with them. However, the battalion warrant officer threatened that, "You will be sentenced to time in prison if you run away and your parents will also lose their dignity." I told him that I wouldn't run away because I was afraid.

[Omitted]. In the end of July 2004, I fled to the Thai border as a novice.

*Q. Are you enjoying your current living conditions or would you rather be in the military? What do you intend to do in the future?*

A. Of course, everything is OK with my current living condition. I have the opportunity to study and live contentedly. However, I want to work and make the money in order to support my parents in Burma.

## 7. Rights of Women

### 7.1 Background

The 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) specifically defines discrimination against women as:

*“any distinction, exclusion or restriction made on the basis of sex which has the purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of the marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”* (Source: Article 1, CEDAW).

The CEDAW further sets requisites for signatory states in promoting, respecting, fulfilling and protecting the rights of women. Burma became a signatory to the CEDAW in 1997.

In 1995, the UN Commission on the Status of Women put forth the Beijing Declaration and developed a Platform for Action at the Fourth World Conference in Beijing, China. The Platform for Action is “an agenda for women's empowerment” by both supporting the CEDAW as well as furthering the Nairobi Forward – Looking Strategies for the Advancement of Women along with other related UN resolutions. The Platform for Action prescribes specific action to be taken by governments and civil society in “areas of critical concern,” which include poverty, health, education, violence against women, women in armed conflict, women and the economy, power and decision-making, institutional mechanisms for the advancement of women, human rights, media, the environment and the girl-child (source: *Beijing Declaration and Platform for Action*, 1995). The military regime of Burma signed the Platform for Action. However, initially, the junta only acknowledged five of the twelve areas in developing a national plan for action while adding a sixth, culture, which was not included in the Platform for Action. The junta's initial five areas of concern included economy, education, the girl-child, health and violence against women. The SPDC later included environment and media in 2000. (Source: *Any Progress for the Lives of Women in Burma since Beijing?* WLB, February 2005).

In 2005, ten years following the creation of the Platform for Action, the Commission on the Status of Women reviewed its implementation. Despite the SPDC's reported action and obligations, the Women's League of Burma (WLB) argued that the situation for women in Burma has remained unchanged. The WLB has further argued that the SPDC's failure to address issues surrounding poverty, militarization and the state of the economy has continued to negatively influence the situation for women perpetuating discrimination and abuses of their human rights. (Source: *Any Progress for the Lives of Women in Burma since Beijing?* WLB, February 2005).

Under the domestic law of Burma, women are supposedly protected against discrimination. The 1947 constitution and the 1974 constitution both codify principles of sexual equality. The ongoing junta-controlled constitution drafting process maintains the right to equality as a guiding principle. However, despite such provisions, women and girls in Burma have continued to endure discrimination and violations of their rights in both the public and private sphere. In September 2005, Burma was ranked 129th out of a total of 177 countries evaluated for the United Nations Development Program's *Human Development Report 2005's* Gender

Empowerment Measure (GEM). The GEM calculates gender inequality by analyzing economic participation and decision-making, as well as political participation and decision-making and power over economic resources. (Source: *Human Development Report 2005*, UNDP, September 2005).

Women in Burma are particularly affected by the regime's disproportionate spending on the military and economic mismanagement. The SPDC's inadequate spending for infrastructure, healthcare and education has lent to reinforcing traditional female roles while preventing them from accessing avenues through which they would be able to change their status, such as education and political participation. Widespread poverty and long-term unemployment unduly affect women, particularly as they do not receive equal pay for equal work. Lack of access to health related information, especially information regarding family planning methods, leaves women vulnerable to unwanted pregnancies, unsafe abortions as well as sexually transmitted diseases, a problem further compounded by increasing occurrences of trafficking in women, rape and prostitution.

Continued discrimination against women and girls in Burma is also a result of social and cultural biases. Girls often obtain a lower level education than boys, as parents will give priority to their sons over their daughters. Of those that enroll, less than one third of girls complete primary level education (source: *Any Progress for the Lives of Women in Burma since Beijing?* WLB, February 2005). When a family member falls ill or dies, girls are often pulled out of school in order to supplement the family's income. In addition, girls are preferred for certain kinds of work, such as domestic work, which typically involves long hours that are incompatible with attending school. Girls are also less likely to travel long or dangerous routes to get to school due to the threat of sexual assault (source: "UN Summit: Barriers to Schooling Undermine Goals," Reuters, September 2005).

Women in 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 fighting between the SPDC's armed forces and various ethnic resistance groups. Female illiteracy rates in conflict and remote areas are estimated at between 70-80 percent. Ethnic minority women are subject to forced relocation, labor, and portering in war zones, as well as physical, psychological, and sexual abuses. Furthermore, incidences of domestic violence often increase in conflict zones, with women feeling unable to speak out against men in their own community. Forced marriage has also been known to occur after rape of ethnic women by soldiers or to secure more loyalty to the SPDC, especially if a woman is from an influential family. Women in conflict zones often feel they have to flee in order to escape abuse, becoming internally displaced persons (IDPs), refugees or migrants. When this happens, women are often still at risk of domestic abuse, trafficking and prostitution.

## 7.2 Women in Politics

*“States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:*

- a) *To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;*
- b) *To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;*
- c) *To participate in non-governmental organizations and associations concerned with the public and political life of the country.” -Article 7, CEDAW*

As signatory to the CEDAW and the Beijing Platform for Action, the SPDC is obligated to take measures to ensure equality in the political sphere for both men and women. This includes guaranteeing women the right to vote, to hold public office and to participate in politics (source: Article 7, CEDAW). SPDC representatives have frequently claimed that women in Burma enjoy the same rights as men. In March 2005, Prime Minister Soe Win stated, “Unlike the women of other nations, Myanmar women do not need to make demands nor struggle for women’s rights as they have enjoyed these rights since birth” (source: “Human Rights Award: Shan Woman Wins Honour,” *The Nation*, 9 March 2005). Despite the SPDC’s contentions, women in Burma remain under-represented and excluded from politics. As girls frequently receive less educational opportunities than boys and are perceived as less intellectually capable, cultural gender stereotypes contribute to preventing women from participating in politics. Moreover, since the military takeover in 1962, women have been effectively blocked from leadership positions within the country as they are barred from serving in the military.

The regime does sponsor women’s committees and organizations, such as the Myanmar National Working Committee for Women’s Affairs (MNCWA), Myanmar Women Entrepreneurs Association (MWEA) and the Myanmar Maternal and Child Welfare Association (MMCWA), later renamed the Myanmar Women’s Affairs Federation (MWAFF). These have allegedly been formed for the purpose of improving the situation for women in the country. However, in reality, women are under-represented in the positions of leadership. 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. In addition, the SPDC endorses some women’s organizations, which are headed by either family relations of SPDC military leaders or individuals with strong military connections. Members of the regime-sanctioned women’s organizations are not permitted to express views different from the ones endorsed by the junta. As these organizations are so closely tied to the ruling elite, 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).

In 2005, the MWAFF, established to promote the health and well-being of mothers and children, was the largest and central organization of various women’s organizations claiming to represent over one million women. The wife of Prime Minister Lt. Gen. Soe Win chairs the MWAFF. Furthermore, Than Than Nwe, and the wives of almost all of the top generals serve as patrons. The wives of military officials also occupy leading positions of the organization at

the township and village levels. Wives of SPDC soldiers and civilian women are also expected to become members of the organization. In September 2005, it was reported that the SPDC forced all Chin women to join the organization. As a result, Col San Aung of Tactical Command 2 ordered all women over the age of 18 to purchase membership forms. However, the majority of membership forms went unsold due to the prohibitively high membership fees. A similar initiative for enlisting more members was reportedly carried out throughout Chin State during the same period. (Source: "Move to Enlist Chin Women in MWAF," *Khonumthung*, 27 September 2005). Similarly, in December, it was reported that women from Arakan State were forced to join both the MWAF and the MMCWA after attending regional meetings hosted by the two organizations. The Ponna Kyunt Township authorities summoned women from the villages of Aung Pru Byin, Padalike, Thayetcho, Yota Yoke and Pan Nila to attend meetings in the middle of December organized by the township women's organizations. Both participation and membership were compulsory. Moreover, representatives of the MWAF and MMCWA toured Arakan State, forcibly enlisting women. (Source: "Women Forced to Join Two SPDC Sponsored Women's Organizations," *Narinjara News*, 28 December 2005).

Like other regime sponsored organizations, the MWAF has been labeled as a "mouthpiece" of the SPDC. The MWAF has rallied against such international human rights monitoring organizations as the ILO, ICFTU as well as various exiled opposition groups and NLD Gen. Sec. Daw Aung San Suu Kyi (source: "Statement on the International Day for the Elimination of Violence Against Women," WLB, November 2005). For example in July 2005, the organization called for Daw Aung San Suu Kyi's continued detention for reasons of security. One MWAF representative stated, "As she creates various problems wherever she travels, people live in fear. I suggest the government maintain the status quo" (source: "Women's Group Calls for Suu Kyi's Continued Detention, Myanmar's State Media Reports," AP, 5 July 2005). During a women's day ceremony on 3 July, a representative from the MWAF stated that Daw Aung San Suu Kyi should be released and deported back to England "to prevent problems within the country and to satisfy the wishes of the West." She further remarked that Daw Suu has been "pushing the nation to fall into servitude" and that "she has done nothing good for the country." (Source: "Myanmar Women's Group Urges Junta to Send Aung San Suu Kyi Back to UK," AP, 13 July 2005).

Despite the obstacles for women to participate freely in the political sphere, women have played a substantial role in the political movements of Burma. 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 leadership roles in independent political parties that formed following the '88 protests. 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.

As women have participated in political movements in the country, they have consequently been subject to harassment, detention and imprisonment. Since 1988 there have been around 200 female political prisoners in Burma. This includes Burma's most prominent political prisoner, Daw Aung San Suu Kyi, who was arrested following the 30 May 2003 Depayin Massacre and commenced her third term of house arrest. Since that time, she has been held under house arrest without sentence or trial under Article 10(a) of the 1975 State Protection



Act and has been routinely denied visitors and communication with the outside world. On 27 November 2005, her term of house arrest was extended for an additional year (source: “Suu Kyi’s House Arrest Extended,” BBC, November 2005). As of the end of 2005, there were 53 female political prisoners among the approximately 1,131 political prisoners languishing in Burma’s prisons (source: AAPP, 2005). (For more information see Chapter 3 Arbitrary Detention and Enforced or Involuntary Disappearances).

## 7.3 Health of Women from Burma

*“States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.” -Article 12, Paragraph 1, CEDAW*

The SPDC allocates the majority of national resources to the maintenance of its armed forces resulting in inadequate healthcare services for the people of Burma. As women are impeded from participating in the political process, women specific health issues are typically overlooked in the policy-making bodies. 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 percent of the budget spending (source: *Country Reports on Human Rights Practices - 2004*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 28 February 2005). In contrast, the SPDC allocates an estimated 40 percent of the budget to defense (source: “Burma Found to Be Source of Regional HIV Spread,” IPS, 21 July 2005). Due to insufficient allocation of funds, women specific health information and services are limited. Women specific health matters that remain neglected include cancer of the uterus and ovaries, osteoporosis, family planning, counseling for victims of domestic violence and sexual abuse.

A report by UNICEF in 2001 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.” According to the report, there is only one basic health worker for every 3,400 persons, which translates to one health worker for every four villages. Although public hospitals are supposed to be free, in practice patients are required to pay bed and service fees in addition to paying the cost of medications and medical equipment. It has also been widely reported that patients may have to supplement doctors’ incomes with bribes for adequate medical attention and care. Because of the high costs and the poor quality of care provided at hospitals, most villagers rely on traditional healers or volunteer health workers who have limited knowledge and training. Maternity and family planning services are primarily accessible through private, costly healthcare providers located in urban centers. Meanwhile, child delivery services in a hospital are estimated at 450,000 kyat, which is beyond the reach of most women. Therefore, at least 35 percent of the women in Burma do not have access to reproductive health services. (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 percent of women have no access to post-natal 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 UN Population Fund estimated that 57 percent of maternal deaths

occur at home where between 70 to 80 percent of women give birth with the assistance of midwives or traditional birth attendants. 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: Samuel Grumiau, *Growing Up under the Burmese Dictatorship*, ICFTU, August 2003; *Abused Bargaining Chips: Women's Report Card on Burma*, Altsean, March 2003). In May 2005, the Myanmar Times reported that the Myanmar Health Department in cooperation with UNICEF planned to carry out a countrywide survey to devise a plan for reducing the high rates of maternal mortality in the country (source: "Myanmar to Conduct First Maternal Mortality Survey," *Xinhua*, 2 May 2005).

Family planning 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. Social taboos and the high costs of condoms also serve as prohibitive factors against safe sexual practices. Until recently, a woman found with condoms could be charged with prostitution as it is a common misconception that only sex workers use condoms. Available contraceptives are also unreliable as they are often sold beyond their expiration dates (source: Suzanne Belton and Cynthia Maung, *Working Our Way Home –Fertility & Pregnancy on the Thai-Burma Border*, OSI, June 2005). It has been estimated that only 28 percent of fertile-age women in Burma use a modern method of contraception, in comparison with 72 percent of women in neighboring Thailand (source: Suzanne Belton and Cynthia Maung, "Fertility and Abortion: Burmese Women's Health on the Thai-Burma Border," *Forced Migration Review*, January 2004). This has resulted in very high maternal mortality and morbidity rates, unwanted pregnancies, unsafe abortions and sexually transmitted diseases.

Information about family planning methods and safe sex is particularly inaccessible to young single women as they are assumed to be sexually inactive until they are married. However, premarital sex is not uncommon. A UN Population Fund Survey of 1,800 young people in three townships of Burma found that 20 percent of unmarried men and 3 percent of unmarried women had premarital sexual experiences. Among married youths, 45 percent of married men and 21 percent of married women indicated that they 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 percent of women age 15 to 19 already had children. The survey also found that teenage pregnancy was more prevalent in rural areas with lower education levels. (Source: "Fertility and Reproductive Health Survey," UNFPA, 1997). This is particularly problematic considering the lack of healthcare in rural areas. Meanwhile, the prenatal mortality rate of adolescent girls is 46-67 per 1,000 births, which is twice that of mature women (source: *Abused Bargaining Chips: Women's Report Card on Burma*, Altsean, March 2003).

Abortion remains illegal in Burma, even in cases of rape or incest. Despite this, it has been estimated that unsafe abortions account for 50 percent 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. Complications arising from abortions comprise 20 percent of all hospital admissions. (Source: Suzanne Belton 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 percent 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. (Sources: *Abused Bargaining Chips: Women's Report Card on Burma*, Altsean, March 2003; *Gathering Strength: Women from Burma on Their Rights*, Images Asia, January 2002). Dr Thein Thein Htay, an assistant director of the Maternal and Child Health Section in Burma's Ministry of Health 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 ethnic resistance groups and SPDC forces, which often thwarts their movement and ability to access the existing healthcare services. In a 2003 report, the 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: Samuel Grumiau, *Growing Up Under the Burmese Dictatorship*, ICFTU, August 2003). The WLB 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 percent of women suffer from gynecological problems (source: *Abused Bargaining Chips: Women's Report Card on Burma*, Altsean, March 2003). Furthermore IDP women in relocation sites are vulnerable to exposure, 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 diseases continued to pose a serious threat to the health and safety of women in Burma in 2005. Women's vulnerability to HIV infections 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. In addition, 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. In November 2005, UNAIDS reported that Burma has one of the most serious epidemics in the region and one of the highest infection rates in Asia. According to UN approximations, 1.2 percent of adults are HIV positive while other sources have reported the figure to be double. Since March 2002, the number of people being diagnosed as HIV positive rose by 91 percent. (Sources: "Burma Not Doing Enough to Control AIDS, Says UN Report," *Irrawaddy*, 22 November 2005; "Taboos about Sex Hinder HIV Prevention in Myanmar, But Condoms Gain Ground," AFP, April 2005).

Women are most vulnerable to contracting the disease as they are unable to negotiate protected sex or they lack access to information about safe sex. In November 2005, UNAIDS reported that a significant number of HIV positive women in Burma were infected by having

unprotected sex with their partners who have been infected by sex workers or intravenous drug use (source: “Burma Not Doing Enough to Control AIDS, Says UN Report,” *Irrawaddy*, 22 November 2005). Traditional beliefs about marriage prevent married women from insisting that their husbands wear a condom as asking is tantamount to an accusation of infidelity.

The prevalence of HIV infection amongst sex workers has also been growing as infection rates rose from 5 percent in 1992 to 31 percent in 2003 (source: *Health Profile: Burma*, USAID, May 2005). In the border town of Three Pagodas Pass in Mon State, approximately 70 percent of sex workers reportedly do not use condoms according to a SPDC medical employee. Sex workers have little choice but to have unprotected sex as customers often refuse to wear condoms. In addition, requesting that customers wear condoms presents additional threats as they may become angered and violent. One sex worker at Three Pagodas Pass reported, “I was threatened with a gun and was beaten once after suggesting to my customer that he should wear a condom.” (Source: “Poor Attitude on Condom Use Puts Burmese at Risk,” *Kaowao News*, 10 December 2005).

The availability of testing centers and hospitals to care for people with HIV infections is minimal. As a result, the majority of women with HIV/AIDS in Burma are not able to seek medical treatment. In addition, women that are found to be HIV positive often find they cannot talk about their condition or seek help and support as they risk being ostracized by their community (source: Marwaan Macan-Markar, “Juntas: Burma Found to Be Source of Regional HIV Spread,” IPS, July 2005). The lack of available services has been compounded by the withdrawal of international humanitarian assistance for this purpose. For example, in August 2005, the Global Fund withdrew its funding which, in part, provided HIV/AIDS treatment and prevention efforts. The Global Fund’s decision was based on SPDC imposed restrictions on its staff that effectively inhibited the organization’s operations (source: “Burma Not Doing Enough to Control AIDS, Says UN Report,” *Irrawaddy*, November 2005). (For more information see Chapter 12. Freedom of Assembly, Association and Movement).

## 7.4 Women and Forced Labor

Burma ratified Article 11 of 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 to this, the regime issued two orders, in 1999 and again in 2000, making the use of forced labor a punishable offense. Despite this, reports of forced labor, especially in ethnic minority areas, continued to emerge throughout 2005. Men, women and children are still frequently required to engage in, amongst other things, forced portering and labor practices (source: “Situation of Human Rights in Myanmar,” *Sixtieth session of the UN General Assembly*, Item 73 (c) of the provisional agenda, 12 August 2005). (For more information see Chapter 1 Forced Labor, Portering and Military Conscription).

Women have commonly fulfilled the authorities’ demands for forced labor if the men of a household are occupied with tasks that are critical to the family’s survival, such as farming or harvesting. Women have also engaged in forced labor when men are simply not present during the call for labor. Pregnant women also have not been exempted from forced labor assignments. Rural women and girls are thus routinely taken for forced labor duties. While it

is generally possible for villagers to pay for a proxy to serve in their place, not all villagers can afford to do so.

In addition to the same hardships suffered by men being forced to work on labor projects, women are also at risk of sexual abuse. There have been frequent reports of rape and sexual assault committed by SPDC troops against women used for forced labor. It is common practice for military troops to use female porters as 'comfort women.' These women are raped by troops at night after working as forced labor during the day. 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. Pregnant women risk their own health and that of their unborn child to carry out often arduous tasks on forced labor projects.

### **Women and Forced Labor - Partial List of Incidents for 2005**

#### **Chin State**

In January 2005, the Thantlang Township authorities issued an order for 250 civilians, including 20 women who served as cooks, to work on a 7-mile road from Congthia to Hmawng Tlang villages. Commencing in the second week of January, 1 person from each household in Aibur, Hmawngtlang, Letak(A), Letak(B), Letak(C) and Phai Khua were required to work on the road. Local churches were required to provide food and other eating supplies. (Source: "Local Army Chief Orders Forced Labor and Illegal Tax from Civilians," *Rhododendron Publication*, CHRO, March-April 2005)

#### **Karen State**

On 15 January 2005, troops from SPDC IB 73, based at Kaw Thay Der Camp led by Lt. Lwin Oo forced 4 women from the village, to carry supplies to the Naw Soe Camp in Toungoo District. The following day, 4 more women were forced to carry supplies. (Source: BI, February 2005).

On 3 February 2005, SPDC Comdr. Htun Hla Oo from the Sha See Bo base camp in Toungoo District forced 25 women from the village to work for him (source: BI, February 2005). On the following day, he ordered 12 women and 12 men from Ye Shan village as well as 14 men and 16 women from Zee Pya Gon village to work in his army camp (source: KIC, 2005).

On 7 February 2005, Camp Comdr. Htun Hla Oo of SPDC IB 73, based at Sha Zee Bo camp in Tantabin Township, Toungoo District demanded 10 men and 6 women from Sha Zee Bo village as well as 7 men and 4 women from Zee Pyu Gon village to repair the army camp (source: KIC, 2005). The following day, 5 men and 8 women were forced to work on the camp (source: BI, 2005).

On 8 February 2005, Comdr. Mya Zaw of SPDC LIB 439 column 1 based in The Aye Ta forced villagers from Ga Mu Der village, Toungoo District to be porters, including 1 woman. (Source: BI, February 2005).

On 14 February 2005, troops from SPDC IB 73 led by Comdr. Lwee Oo forced 2 women from Kaw Thay Der village, Toungoo District, to carry soldier kits to the Kaw Thay Der, Yae Tho Kyi Naw Soe and Maung Tain Kyi military base camps. (Source: BI, February 2005).

On 15 February 2005, SPDC troops forced villagers, including women and children, from the following villages to participate in constructing a new army camp at Yae Way, between Bon Ma Ti and Htee Lor in Tantabin Township, Toungoo District:

1. Mae Tin Tai;
2. Taung Gyi;
3. Peh Taw Day;
4. Sha Zee Bo;
5. Ye Shan;
6. Zee Pyu Gon; and
6. Taw Gon. (Source: KIC, 2005).

On 8 March 2005, Camp Comdr. Than Hlaing Oo of SPDC IB 48 based at Ye Tho Gyi village, Tantabin Township, Toungoo District ordered 4 women and 2 men from the village to carry army rations to Naw Soe (Aung Daing Gyi). The camp commander also demanded that village provide him with 500 bamboo poles, each measuring 7 cubits in length. (Source: KIC, 2005).

On 16 March 2005, Column 1 Comdr. Maj. Zaw Win Aung of SPDC LIB 440 ordered the following women villagers of Tha Yet Tan and Jweh Lan village, Tantabin Township, Toungoo District to carry military supplies to Hgar Mu Doe and Tha Aye Hta army camps:

1. Naw Thi Za Win, age 16,
2. Naw Yu Li Paw, age 16,
3. Naw Ku Tho, age 14,
4. Naw Sit, age 17,
5. Naw Mu Htoo, age 21, and
6. Naw Ah Nay Moo, age 45. (Source: KIC, 2005).

On 22 March 2005, Bo Way Pyo Paing of SPDC IB 60 Column 1 forced 34 women and 43 men of Ye Ta Gun village to transport 53 sacks of rice and 10 tins of cooking oil from Pa Let Wa to Ye Ta Gun camp, in Tantabin Township, Toungoo District. The following day, Bo Way Pyo Paing along with Bo Hla Oo conscripted 21 women and 47 men from the same village to carry the remaining army rations at Pe Let Wa camp. They also commandeered 24 bullocks to carry 50 baskets of rice and 10 tins of cooking oil. (Source: KIC, 2005).

On 7 July 2005 at 8:30 am, soldiers from an SPDC strategic operation command column forced a 42-year-old woman from Hu Mu Der village, Toungoo District to be their guide. (Source: BI, February 2005).

In August/September 2005, SPDC IB 30 Column 2 under Comdr. Aung Mya Oo forced men and women from Klaw Me Der village, Toungoo District to carry food supplies. (Source: BI, February 2005).

On 19 October 2005, SPDC IB 48 led by Comdr. Kyi Mya from Sha Si Bo military base forced 1 woman from Sha Si Bo village and 13 women from Yae Sha village to build and clean the military camp in Toungoo District. (Source: BI, October 2005).

## Mon State

On 10 August 2005, SPDC LIB 31 led by Capt. Myint Kyaw ordered Mi Deah Wut and other women to guard their village in Ye Township against Mon resistance fighters during the night. (Source: "Villagers Forced to Porter," *Kaowao*, 28 August 2005).

## Shan State

On 11 April 2005, at 10:00 am, TPDC Chairman San Win ordered 75 villagers, including women, from the following villages each day to transplant rice seedlings at SPDC paddy fields in Na Ten, Na Wan Sok and Na Tong Morn:

1. Wan Khai;
2. Wan Nong Hee;
3. Wan Nong Long Auk;
4. Wan Nong Mai; and
5. Mong Pan town. (Source: *FBR Relief Team Report*, Shan FBR, June 2005).

## 7.5 Trafficking of Women

*"States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."* -Article 6, CEDAW

Since 2001, the U.S. Department of State has ranked Burma as a Tier 3 country, the lowest of rankings, for failing to comply with the minimum standards of the 2000 Trafficking Victims Protection Act. In its 2005 report the U.S. Department of State indicated that women, particularly ethnic women, continue to be forcibly taken both across international borders and to other locations within Burma (source: *Trafficking in Persons Report-2005*, Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, 1 June 2005). Women and girls from Burma are primarily trafficked to Thailand, China, Bangladesh, Taiwan, India, Korea, Malaysia, Macau and Japan where they engage in factory work, domestic work, manual labor and sex work. Internal trafficking also occurs mostly from poorer agricultural areas to mining areas, areas near military bases and urban areas along trade routes and the border where prostitution flourishes. Forced labor practices are also a driving factor in the perpetuation of internal trafficking. (Source: *Trafficking in Persons Report-2005*, U.S. Department of State, 1 June 2005).

There is a direct link between women's subordinate status and their risk of being trafficked. Women in Burma generally lack the social, political and economic means to control their own destiny. Widespread poverty coupled with lack of employment and educational opportunities often lead women to resort to traffickers in search of such opportunities elsewhere. In search of better jobs with higher wages, trafficked women often end up in the sex industry or a situation of bonded labor. Some women are cognizant of the fact that their destination will be the sex industry. However, some remain unaware of the risk of sexual slavery and often wrongly believe that they will receive fair salaries and retain the ability to freely depart from their positions at their will. (Source: "Two Million Fall Victim to Slave Trade Each Year, Says UN," *The Independent*, 31 August 2005).

Women without national ID cards, which are necessary for travel within the country, also fall into the hands of traffickers. While all people of Burma are required to have a national ID

card, many people living in rural areas do not due to the decades of war that have isolated parts of the country. Furthermore, the high costs associated with paying bribes for the cards are a hindrance to obtaining an ID card. Women and girls without ID cards are dependent upon others who might turn out to be traffickers to arrange for their travel. Women or girls without ID cards frequently have little to no travel experience outside of their hometowns, also making them vulnerable to trafficking. (Source: *Driven Away –Trafficking of Kachin Women on the China-Burma Border*, KWAT, May 2005).

In response to international criticism of trafficking violations in Burma, the SPDC has instituted several widely publicized measures against trafficking. In 1998 the regime established a National Plan of Action for Trafficking Women and Children as well as a National Task Force. In July 2002, a Working Committee for Prevention against Trafficking in Persons was established. Burma also became a signatory to the UN Convention against Transnational Organized Crime and two of its protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children on 30 March 2004. As a signatory to this Convention and its Protocol, the SPDC is obligated to adopt and enforce appropriate legislation against trafficking in persons and de-criminalize victims of trafficking (source: *Guide to the New UN Trafficking Protocol*, Coalition Against Trafficking in Women, 2001). In addition, from 29 to 31 March, SPDC officials participated in the third meeting of the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) in Hanoi, Vietnam where the need to address the growing rate of trafficking in South East Asia was acknowledged. Participants were anticipated to approve a two-year action plan for the Greater Mekong Sub-region, which would be implemented from 2005 to 2007. (Source: “Mekong Nations Gather in Hanoi to Boost Anti-Human Trafficking,” Vietnam News Briefs, 30 March 2005).

In 2005, the SPDC continued to make efforts of appearing to take a hard-line stance against human traffickers. Since 2002, the SPDC claims to have prosecuted 474 cases related to trafficking for sexual exploitation (source: *Trafficking in Persons Report-2005*, Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, 1 June 2005). Furthermore, on 14 September 2005, state run media sources announced the enactment of a law, which imposes punishments ranging from 5 years to life imprisonment for those found guilty of trafficking women and children. Those found guilty of trafficking men may be subject to 5 to 10 years imprisonment (source: “Burma Passes Anti-human Trafficking Law with Questionable Details,” DVB, 14 September 2005). Despite appearances of progress, the SPDC's anti-human trafficking measures in reality do little more than increasing both restrictions on the movements of women as well as the costs of travel. Lending support to this argument, women under the age of 25 were impeded from crossing the border to Thailand at Tachileik in Shan State in October 2005. Others were permitted to cross for a 300 to 500 baht fee, as opposed to the official 10 baht fee. Furthermore, all women wishing to cross the border were required to relinquish their national identity cards to immigration officials for the duration of their stay in Thailand. Although this provision could also reportedly be averted through a 300 baht payment to the authorities (source: “No Stopping the Girls Leaving Home,” SHAN, 27 October 2005). (For more information see Chapter 12 on Freedom of Assembly, Association and Movement).



## **Women Trafficked to China**

Young women and girls are frequently trafficked to China to work in the local sex industry or to be sold as wives to Chinese men. This is a consequence of China's one-child policy, which has resulted in a shortage of women in many rural villages. Furthermore, many poor village men cannot afford to pay the price of a dowry. These men are therefore increasingly resorting to employing brokers in both China and Burma to find wives. The purchasing of wives from Burma has become a thriving business along the border. 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. There they find very few options available, particular since they face arrest and imprisonment if they return to their homes in Burma under charges of illegally exiting the country. Therefore, women often enter into prostitution. (Source: "One Way Ticket," *Irrawaddy*, January 2004).

Many women trafficked to China end up in either the sex or drug industry in the Chinese border town of Ruili, Yunnan Province. One such example is the story of Ma Kai, a 36-year-old woman from Burma who left Rangoon in 1989 following false promises of well-paid employment. Upon arriving in China, she was sold to an old peasant in Guangdong Province for 6,000 yuan. She remained with and bore children for the peasant until he passed away 12 years later. After his death, his brother took away her children and she was rendered desperate for a means of survival. As a result, she unknowingly accepted an offer to work as a drug dealer seeking out customers in Ruili. As she does not possess Chinese ID, Ma Kai remains vulnerable to abuse at the hands of the Chinese community and police. Furthermore, she faces arrest, fine and imprisonment as well as stigmatization by her former community if she attempts to return to Burma. (Source: Tang, Rose, "Beyond the Borderline," *The Standard*, May 2005).

In May 2005, the Kachin Women's Association of Thailand (KWAT) released *Driven Away – Trafficking of Kachin Women on the China-Burma Border* which examines 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. 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 their families or make money to go to school. Instead, many were drugged, threatened and tricked into entering China. KWAT identified increased border trade, the exploitation of natural resources, and the lack of spending on public services as 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 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 – Trafficking of Kachin Women on the China-Burma Border*, KWAT, May 2005).

## **Sex Workers in Burma**

As the economy continues to spiral downward and ordinary people are unable to feed themselves, women and girls inside of Burma have increasingly turned to the sex trade to augment their families' incomes. The Burma Lawyers' Council (BLC) argues that the root cause of sex work is family poverty. Many women inside Burma who engage in prostitution do so on a part-time basis to supplement their primary work. Other women rely more heavily upon sex work, particularly in times of economic instability, as they feel that sex work provides better pay and working conditions than other forms of employment, such as manual labor or factory work. (Source: "No Rule of Law," *Social Watch Report 2005*, BLC, September 2005). While many women choose to engage in sex work as a means of survival, others are victims of human traffickers. For example, several sex workers in Three Pagodas Pass, Mon State abandoned their jobs in sewing factories in Rangoon when they were promised better jobs in the border town. However, upon arrival, they were sold to brothel owners. (Source: "Poor Attitudes on Condom Use Put Burmese at Risk," *Kaowao News*, 10 December 2005).

Sex work has continued to flourish despite the fact that it is illegal and punishable by three years in prison. Many brothels and sex workers operate with the complicity of the authorities despite existing laws. A number of SPDC authorities either operate or partly own brothels (source: "No Rule of Law," *Social Watch Report 2005*, BLC, September 2005). In other cases, brothel owners and sex workers are reported to pay bribes to local authorities either in cash or in the form of free sex. In Mon State, sex workers have been compelled to provide their services without charge to SPDC soldiers out of fear of losing their business or being arrested. Soldiers have also procured free sex through threats of seizing young sex workers' cars for which they have no licenses. (Source: "Young Girls Exploited for Sex," *Kaowao News*, 24 January 2005). In the Thai border town of Sangklaburi, both Thai and SPDC authorities have reportedly threatened sex workers from Burma in order to procure free services (source: "Poor Attitudes On Condom Use Put Burmese At Risk," *Kaowao News*, 10 December 2005).

Students have also reportedly turned to the sex industry to pay for increasing school fees and costs of living. For example, a Kachin pastor reported that many students in Kachin State have entered the sex industry to pay for university and living expenses (source: Khun Sam, "Tarnished Metal: the Human Cost of Mining for Riches in Kachin State," *Irrawaddy*, 14 October 2005). Similarly, in Mon State, tenth standard students were reportedly forced to work as sex workers in order to sustain their livelihoods (source: "Poor Attitudes on Condom Use Put Burmese at Risk," *Kaowao News*, 10 December 2005).

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 Thailand, precise statistics are, as of yet, unavailable. A business person from Moulmein, Mon State estimated that 30 percent of sex workers in the area were below the age of 18. (Source: "Young Girls Exploited for Sex," *Kaowao News*, 24 January 2005).

## 7.6 Violence against Women

*“Rape is officially condoned and used as a weapon of war to terrorise and demoralise the local community.”* –Charm Tong of the Shan Women’s Action Network (source: “Activist Urges World to Curb Myanmar Army Rape,” Reuters, 9 March 2005).

*“The Special Rapporteur is distressed that sexual violence committed by Government personnel against women and children allegedly continues. Civilians in ethnic minority areas such as Shan, Kayin, Kayah and Mon states have allegedly been particularly vulnerable to such violations. Documented reports of rape, sexual slavery and forced marriage continue to be received. Such incidents have resulted in the restricted movement of women, who allegedly are often fearful of working in the fields or travelling unaccompanied. It is reported that prosecution of the alleged perpetrators rarely takes place.”* - UN Special Rapporteur for Human Rights in Burma Paulo Sergio Pinheiro (Source: “Situation of Human Rights in Myanmar,” *Sixtieth session of the UN General Assembly, Item 73 (c) of the provisional agenda*, 12 August 2005).

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 regime. As a signatory to the CEDAW, the SPDC is obligated to make 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 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 internationally recognized 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 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.

Evidence of the systematic use of sexual violence by SPDC-sanctioned actors targeting women of ethnic minority communities has persisted in accumulating throughout the years. In 2002, the Shan Women’s Action Network (SWAN) and the Shan Human Rights Foundation (SHRF) released *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. Sixty-one percent 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 that 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 percent were committed by officers and with impunity, the report argues that rape is both condoned by the regime and used as a weapon of war to terrorize and subjugate the ethnic Shan. (Source: *License to Rape*, SWAN and SHRF, May 2002). Since 2002, SWAN has documented a further 188 cases of rape perpetrated by military personnel in Shan State. Of these cases, 65 percent were gang rapes, 26 percent of victims were abducted for sexual slavery and 18 percent resulted in the death of the victim (source: “Activist Urges World to Curb Myanmar Army Rape,” Reuters, 9 March 2005).

Numerous subsequent reports have evidenced comparable cases of sexual violence against women of other ethnic minority groups in all areas of the country. In 2005, the Women and Child Rights Project of the Human Rights Foundation of Monland released *Catwalk to the Barracks* detailing 37 incidents of sexual violence against 50 women and girls, ages 14 to 50, between 1995 and 2004. In conjunction with SPDC led operations to eliminate ethnic armed resistance groups in southern Mon State, women and girls were raped, gang-raped, tortured and killed by SPDC troops. At the same time, incidents of rape were also documented in areas of “peace” under SPDC control where SPDC military presence has augmented since 1998. Military officers, frequently “in front of, or together with their troops,” were the perpetrators of more than half of the incidents detailed in the report. Many of the incidents transpired in the victim’s home or “in other villagers’ houses, frequently in the presence of other family members.” In addition to rape, the report documents the widespread conscription of women and girls for labor and sexual slavery as well as to serve as performers in “fashion and beauty shows” for the troops’ entertainment in Ye Township. Moreover, the report argues that the SPDC troops have “become increasingly emboldened in their acts of sexual violence” due to the absence of rule of law in the country. (Source: *Catwalk to the Barracks*, Woman and Child Rights Project, July 2005).

Incidents of sexual violence also continued to emerge from other areas of the country throughout 2005. Many incidents actually occurred during the day, when women were working, attending public ceremonies, traveling along roads or working in their fields. Women have been raped in front of or near their relatives while being restrained by soldiers. In some cases, soldiers have entered people’s homes or taken women from their villages. SPDC soldiers have frequently stayed in the homes of villagers in an attempt to gain protection from ethnic opposition soldiers. Villagers have little say in the matter and this situation has often resulted in women being raped within their own homes.

Despite the extensive supply of evidence 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, 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 SPDC armed forces. Yet, the SPDC has not agreed to his offer. Moreover, the military authorities’ have made efforts to conceal evidence of these human rights violations by forcing villagers to sign affidavits indicating that rapes never occurred, training villagers to lie to international monitors such as the ICRC or pressuring villagers not to seek legal redress. For example, in July 2005, a woman raped by a SPDC captain in Mon State was pressured by soldiers not to report her case to authorities or to seek legal redress. (Sources: “Army Not Involve in Human Rights Violations, Forced Headman to Sign,” IMNA, 23 August 2005).

Victims of sexual violence who attempt to seek redress seldom find any resolution and perpetrators remain unpunished. Authorities frequently disregard, ignore or deny the information provided by victims of sexual violence. Furthermore, women may face punishment or additional abuses for attempting to lodge complaints against their perpetrators. For example, three women in Taung Thone Lone village, Thayet Chaung Township, Tenasserim Division lodged complaints with the village headman after being raped by soldiers from SPDC LIB 412. Instead of taking action against the perpetrators, the village headman blamed the victims, fined them 100,000 kyat each and threatened to kill them if they raised the issue again. (Source: TWU, 2005).

Aside from being unable to seek legal redress, victims of sexual violence must endure the shame and ignominy attached to being the victim of a sexual assault. Following the rape of a Chin girl by soldiers from SPDC LIB 395 in Daungmi Kala village, Kyuak Daw, Arakan State, a local villager commented that the victim would be regarded as “impure” and “...nobody would want to marry such a girl and she will be stigmatized” (source: “A Chin Girl Raped by Burmese Soldiers,” *Rhododendron News*, CHRO, October 2005). Furthermore, women who are raped or sexually harassed in the community often face the accusation that they invited the assault by drawing attention to themselves. Fear of ostracism contributes to women failing to lodge complaints against their perpetrators. In addition, as abortion is illegal under any circumstance, women that become pregnant as a result of being raped are forced to give birth to the children of their assailants, traumatizing and stigmatizing them even further. Moreover, there are no trauma or counseling centers for women and girls who are victims of sexual abuse (source: *Gathering Strengths –Women from Burma on their Rights*, Images Asia, January 2002).

## **Domestic Violence**

Domestic violence against women, including physical, emotional and sexual abuse, is also a significant and increasingly prevalent problem in Burma. According to the BLC, domestic violence occurs in 80 percent of households in Burma (source: “No Rule of Law,” *Social Watch Report 2005*, September 2005). Domestic violence is frequently perceived as a private matter between a husband and wife and therefore authorities pay little attention to complaints. This belief compounded with cultural taboos prevents women from reporting incidents of domestic violence. Furthermore, women are often financially dependent upon their husbands. Women who attempt to divorce their husbands reportedly face criticism and ostracism. (Source: *Gathering Strengths –Women from Burma on their Rights*, Images Asia, January 2002).

## **Violence Against Women - Partial List of Incidents for 2005**

### **Karen State**

#### ***Doooplaya District***

On 7 March 2005, soldiers from SPDC Battalion 78 led by Comdr. Khin Maung Win, under the orders of SPDC LID 88, followed a small group of KNLA soldiers into Painkaladon village, Doooplaya District where the SPDC soldiers opened fire. As a result, a 35-year-old female shopkeeper, Nan Thaung Thaung Myint, also known as Nay Pay Thwe, was killed and Naw Mu, an 80-year-old woman as well as a visitor, was wounded. The SPDC troops proceeded to loot a total of 260,000 kyat worth of goods from the shop. The SPDC troops offered 50,000 kyat in compensation for Nan Thaung Thaung Myint’s funeral. She was survived by her 2 children. (Source: “Continued Militarization, Killings and Fear in Doooplaya District,” KHRG, 2 June 2005).

On 11 August 2005 at 7:00 am, Column 1 Comdr. Than Lwin Myint of SPDC IB 10 shot at Maung Soe Than's house in Da Dar Oo village, Kawkareik Township. As a result, Naw Ma Ohn, age 7, daughter of Maung Soe Than was killed and her mother Naw Ma Aye was wounded. (Source: KIC, 2005).

## **Karenni State**

On 17 December 2005, 110 soldiers from SPDC LIB 428, under the command of Maj. Win Zaw, along with 4 companies from the Karenni National Solidarity Organization (KNSO) attacked the Yaw Ah Ta Ka village. One soldier named Saw A Moo, a guide for LIB 428, assaulted the following 9 villagers, both women and men:

1. Naw Ju Ju,
2. Naw Ku Lu,
3. Naw Htoo Shoo,
4. Saw Ge, Palimoo,
5. Pothada,
6. Naw Pu,
7. Naw Ju and
8. Saw Gu Lu.

In addition, the soldiers took 3 of the women, Naw Ju Ju, Naw Pu and Naw Ju from Yaw Ah Ta Ka village to the frontline. (Source: "Burma Army Kidnaps Three Women, Assaults Villagers and Attacks Karenni Internally Displaced Persons (IDPs) in Karenni State," FBR, December 2005).

## **Mon State**

### ***Thanbyuzayat Township***

On 1 March 2005 at around 10:00 pm, a soldier opened fire into a house in Anan-gwin village in Thanbyuzayat Township where 10 travelers had stopped to spend the night. Pregnant Mi Hla Aye, age 34 from Yaung-daung village, Mudon Township, was killed. Two other women sustained serious injuries. The villagers and the house owner chose to not lodge complaints out of fear. (Source: "A Burmese Soldier Killed A Pregnant Woman," *The Mon Forum*, HURFOM, March 2005).

## **Shan State**

### ***Mong Pan Township***

On 5 February 2005, a patrol of 42 soldiers from SPDC IB 287 led by Maj. Kyi Myint attacked a hill west of Wan Mai Khao Larm village, Mong Pan Township with 60 mm mortars and 40mm grenade launchers. As a result, Mae Htao You (female, age 75) was killed. In addition, Mae Htao Mya (female, age 70) was wounded on the left side of her chest by shrapnel and shrapnel hit Nang Shui (female, age 8) injuring her arm and legs. Aside from human casualties, the following 3 villagers' houses and paddy bushels were burned:

1. Nang Mart, 24 bushels of paddy;
2. Mae Htao Mya, ] 48 bushels of paddy and
3. Loong Mae HtiYa, 88 bushels of paddy. (Source: *FBR Relief Team Report*, FBR, June 2005).

***Murng Ton Township***

On 15 April 2005, Nya Lin Da (age 18) and his wife, Naang Suay Ing (age 17), of Huay Aw village, Murng Haang village tract, Murng-Ton Township were arrested by a patrol of UWSA troops from the 171st Military Region while collecting vegetables. They were arrested under the accusation of being Shan soldiers. The Wa soldiers beat and tortured the couple until they both lost consciousness. The village and community leaders had to guarantee that Nya Lin Da and Naang Suay Ing were not Shan soldiers before they could be released. Almost a month after the incident, the couple had still not fully recovered. They could barely walk and could not chew solid food. Marks and bruises were still evident all over their bodies. (Source: *SHRF Monthly Report*, SHRF, July 2005).

**Rape, Attempted Rape and Sexual Violence - Partial List of Incidents 2005****Arakan State*****Buthidaung Township***

On 14 January 2005, Sgt. Aung Myo Oo from the former Military Intelligence (MI) Compound 18 of Buthidaung, attempted to rape Capt. Htin Aung Neaing's wife. After hearing about the event, the captain. arrested the officer and handed him over to the SPDC LIB 234 base in Buthidaung where he was detained and interrogated. (Source: TWU, 2005).

***Kyauk Daw Township***

On 18 September 2005, Pvt. Soe Aung from SPDC LIB 395 raped a young Chin girl at gunpoint as she was coming home from a night service at church around 10:00 pm in Daungmi Kala village. Pvt. Soe Aung had been assigned sentry duty and was posted in front of the house of the victim's father, U Lin Phai. Following the rape, U Lin Phai reported the incident to Capt. Myint Naing Oo, Soe Aung's commanding officer. However, U Lin Phai was told to bring the matter to a court. When he did, the Kyauk Daw Township court released Soe Aung ordering him to pay the victim 30,000 kyat in compensation. (Source: "A Chin Girl Raped by Burmese Soldiers," *Rhododendron News*, CHRO, September-October 2005).

***Maung Daw Township***

On 2 June 2005, 4 soldiers from SPDC LIB 536, stationed at Taung Bro village, raped a 14-year-old girl at gunpoint just outside of the village. After raping her, the soldiers left the girl unconscious. Her father and other villagers later rescued her. On 5 June, the soldiers were arrested and 2 confessed to raping the girl. (Source: "Four Army Personnel Arrested for Gang Rape of Teenage Girl in Arakan," *Narinjara News*, 6 June 2005).

On 18 August 2005 at about 10:00 pm, VPDC Chairman Magul Ahmed raped a 16-year-old girl from Bodopara of Alay Than Kyaw village tract. The chairman's bodyguard, Rahim Ullah, went to victim's home and asked her to come with him. After both mother and daughter refused, the bodyguard severely assaulted the mother and dragged the daughter with him to Magul Ahmed who then raped her. After an hour, Magul Ahmed released the girl. The mother and her daughter filed a complaint with the NaSaKa. Magul Ahmed and Rahim Ullah were subsequently arrested. (Source: "Teenaged Girl Raped in Northern Arakan," *Kaladan News*, 1 September 2005).

### ***Pone Nar Gyan Township***

In July 2005, Shwe Aye, commander of the Kyanung Taung police station, raped a 24-year-old woman from Aung Myae Gone village in the home of the village council president. The victim's family complained to Police Comdr. Nyan Win, however, no action was taken. The family speculates that the authorities would not investigate because the perpetrator was a high-ranking officer. (Source: "Rape Victims Have Nowhere to Turn for Justice," *Narinjara News*, 17 November 2005).

### ***Taunggut Township***

In June 2005, a police constable, Kyaw Myo Htaik, raped a 25-year-old woman from Hsapyin village. It was reported that the local police chief and officials attempted to cover up the incident. (Source: *BURMA: Alleged rape of a woman by two police officers in Twente Township*, AHRC, 10 August 2005).

## **Karen State**

### ***Doolaya District***

On 15 January 2005, Pvt. Htun Htun Naing from an artillery base near Ya Thit Gu village under Maj. Phone Tine of SPDC LIB 275 Column 2 raped Naw Pet Pet (age 20) and Po Nu Nu (age 20) after threatening them with a gun. (Source: BI, February 2005).

### ***Kyar Inn Seik Gyi Township***

On 8 August 2005 at approximately 8:00 am, the body of Lay Lay Myint (female, age 23) was found dead and naked at the side of the road. It was believed that she was raped. While the Kyar Inn Seik Gyi police conducted an investigation to identify the murderer, no suspects were apprehended by November. Suspects included soldiers from SPDC IB 83 stationed in the area, as well as Myint Soe, an informer for the battalion. (Source: FTUB, 2005).

## **Mon State**

### ***Thanpyuzayat Township***

On 2 July 2005, Capt. Lin Oo from SPDC Tactical Command No. 1 under the command of SPDC LIB 308 raped Mi Cho, mother of 3 children, in Zee Hna Pin village. Five soldiers abducted Mi Cho's husband and children while the Capt. Lin Oo entered her home, raped and threatened to kill her. Mi Cho and her family reported the incident to NMSP troops based in Yetagun. (Source: "Mother of Three Says She Was Raped," IMNA, 4 July 2005).

### ***Ye Township***

On 20 May 2005, soldiers from the Joint Operation No. 31 and SPDC IB 61 gang-raped a 17-year-old woman as she was performing forced labor on the Ye-Tavoy motor road. The soldiers told her to follow them for approximately 3 to 4 hours. She was uncertain as to how many soldiers raped her as she lost consciousness during the ordeal. When the soldiers brought her back to the road construction site, she was very weak and unable to stand. Fellow



villagers brought her back to her village. (Source: "Terror Continues in Ye Township," *The Mon Forum*, HURFOM, August 2005).

On 30 May 2005 at around 4:00 am, soldiers from SPDC LIB 587 gang raped an 18-year-old woman in a village in Ye Township. She encountered the troops as she was returning from her rubber plantation. The village headman reported the incident to the commander of LIB 587 who rejected the information. The commander argued that his soldiers would not engage in such behavior and that the villagers had fabricated the information. No action was taken to investigate the perpetrators. Out of intense shame, the victim and her family moved to Thanbyuzayat Township, Mon State. (Source: "Terror Continues in Ye Township," *The Mon Forum*, HURFOM, August 2005).

In the first week of June 2005, Sgt. Myin Maung from SPDC LIB 587 a 13-year-old schoolgirl from Khaw Za sub-town. The officer along with 2 other soldiers encountered the girl when she was out collecting firewood. The soldiers ordered her to undress while threatening her with their guns. While 2 soldiers stood guard, Sgt. Myint Maung repeatedly raped the girl until she lost consciousness. Following the incident, the victim's parents, teacher and village headman reported the incident to Capt. Tun Tun Nyunt, commander of SPDC LIB 587. Sgt. Myint Maung was detained and is facing a 7 year prison sentence. (Source: "Terror Continues in Ye Township," *The Mon Forum*, HURFOM, August 2005).

On 7 June 2005, Pvt. Yan Naing of SPDC LIB 587 raped a 14-year-old girl from Hamgam village when she was staying in a hut on her family's farm near Chan Gu village. The incident was reported to the senior commanders of the township office and Pvt. Yan Naing received a 7 year prison sentence. (Source: "Soldier Gets 7 Years for Rape," *Kaowao News*, 10 July 2005).

On 14 June 2005, soldiers from SPDC Battalion 61 gang raped a 17-year-old woman from Kwan Tamoi Taotak village while she was performing sentry duty on the motor road in Ye Township. (Source: "Girl Gang-Raped by Burmese Army Soldiers," *Kaowao News*, 17 June 2005).

### **Rangoon Division**

On 12 June 2005, police officers Tin Ko Oo and Kyaw Myo Min, together with a civilian named Naing Min, raped Ma Soe Soe. The 3 perpetrators encountered Ma Soe Soe at approximately 10:30 pm when she was returning home from work with Ko Naing Oo and his wife Ma Cho. Ko Naing Oo and Ma Cho were permitted to leave but Ma Soe Soe was reportedly handcuffed, taken to an isolated location and raped. The incident was witnessed by 3 men, 1 of whom, Poe Cho, was caught and detained by the police. Local authorities reportedly attempted to conceal the incident by intimidating the witnesses. (Source: *BURMA: Alleged Rape of A Woman by Two Police Officers in Twente Township*, AHRC, August 2005).

## **Shan State**

### ***Monghsat Township***

On 17 July 2005, Sai Nee (male, age 24) and Nang Hpid (female, age 28), a Shan couple who had been living in Thailand for 6 years, crossed the border from Thaton, Mae Ai District, Chiang Mai Province, Thailand to Mong Hsat Township in Shan State. The couple encountered troops from SPDC IB 293 based in Murng Luay village, Kaeng-Tung Township who were patrolling in Piangkham, Murng Yawn village tract, Murng Sart Township. A few days later, the body of Sai Nee was found in the Kok River near Banmai Mawkjarm, Thailand, which is south of Thaton. Five days later, a company commander from SPDC IB 293 informed villagers in Piangkham that 2 agents from SSA-S had been caught but had fled. Two soldiers however told villagers that Sai Nee was beaten to death and thrown in the river after taking 50,000 baht from him. Nang Hpid was reportedly tied up, sexually assaulted for 5 days and killed by the company commander. The couple was originally from Wanlao, Kunhing Township. (Source: "Shan Couple Earns 3 R's," SHAN, 1 September 2005).

### ***Mong Pan Township***

On 5 March 2005, a soldier from SPDC IB 99 raped a 13-year-old girl while she was assisting with a novice ordination ceremony in Ho Mong village. When she went to urinate, the soldier dragged her into the bushes and offered her 1,000 kyat to stop her from screaming. The ceremony attendees finally heard the girl's screams, came and scared the soldier away. The family was later relocated by a humanitarian assistance group. (Source: *FBR Relief Team Report*, Shan FBR team, June 2005).

### ***Monghpyak Township***

On 26 June 2005, Comdr. of SPDC LIB 329 raped Ah Sha (age 14) in front of her parents. The raped occurred in the area of Jani and Ah Pawday villages. The soldiers threatened further abuse of the villagers if they did not provide information about resistance activity in the area. (Source: "Still No Signs of Outlawing License to Rape," SHAN, 17 August 2005).

On 1 July 2005, troops from SPDC LIB 329 surrounded Hajakhai village in search of SSA soldiers. When they did not find any, they abducted a 15-year-old girl. The battalion commander raped her while her parents and the village headman were forced to stand outside the room where she was being raped. (Source: "Still No Signs of Outlawing License to Rape," SHAN, 17 August 2005).

### ***Murng-Nai Township***

On 23 April 2005, 3 soldiers from SPDC No. 7 Operation Management Command gang raped and beat a 43-year-old women on her farm outside of Kun Khoi village after stealing several bags of produce from her farm. While the victim's husband informed the community leader of the episode, they did not take any additional action. (Source: "Woman Gang-Raped, Beaten, Her Farm Produce Stolen, in Murng-Nai," *SHRF Monthly Report*, SHRF, July 2005).

### ***Murn-Nai Township***

On 16 April 2005, 3 SPDC soldiers attempted to rape an 11-year-old girl and severely assaulted her 62-year-old grandmother in Pa Saa village, Murn-Nai Township. The soldiers took the girl, beat her up and attempted to rape her. When her grandmother protested, the soldiers turned on her and beat her until she lost consciousness. They then returned to the girl and were about to rape her when a group of village men approached. The men had heard the screams of the women and came to investigate. They chased the soldiers away and reported the incident to the authorities at the soldiers' camp. The girl was asked to identify the men that had assaulted her and her grandmother. She did and the men confessed. The camp authorities said that they would punish the men. The girl was left with both external and internal injuries. (Source: "Attempted Rape and Severe Beating and Torture in Murng-Nai," *SHRF Monthly Report*, SHRF June 2005).

### **Tenasserim Division**

In February 2005, three women ages 54, 28 and 17 were raped by soldiers from SPDC LIB 412 led by second Cpl. Maung Toe while they were having lunch at a betel-nut plantation in Paungtaw near Taung Thone Lone village. The women and their employer complained to the Taung Thone Lone village head. The village head blamed the victims, fined them each 100,000 kyat and threatened to kill them if they complained to anyone else. (Source: TWU, 2005).

On 21 May 2005 at approximately 10:00 pm, a military officer raided a villager's (female, age 58) house and demanded 10,000 kyat as a fine to be paid to the village head. The officer took the woman's daughter (age 19), with him to take the money to the village head. When they were 400 feet away from her house, the officer raped the daughter and threatened to kill her if she told anyone. The following morning, the daughter and the village headman reported the case to the Win Wa police station. No action was taken against the perpetrator. (Source: TWU, 2005).

### ***Mergui-Tavoy District***

During 2005, Cpl. Tun Tun Zaw and 3 other soldiers from Company 1 of SPDC IB 405 raped a woman, age 17, while she was working in a field. (Source: TWU, 2005).

On 7 May 2005 at approximately 5:00 pm, a woman (age 18) from Pon-kyun section, Tavoy Township, was raped by the electricity engineer assistant U Aung Ko (age 42) in her compound room. After the rape, the victim complained to the electricity HQs in-charge U Kyi Thein. The in-charge did not take any action against the perpetrator and instead fired the victim from her work and transferred the victim's father to another work station. (Source: TWU, 2005).

## 8. Rights of Ethnic Minorities

### 8.1 Background

As one of the most ethnically diverse countries in the world, Burma has over 135 different ethnic groups speaking more than 100 languages and dialects. (See Appendix I: List of Ethnic Minority Groups in Burma). Of Burma's estimated population of 50 million people, over 20 million belong to a non-Burman ethnic minority group. The ethnic minority communities of Burma constitute 40 percent of the population and occupy 55 percent 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), Shan, and Rohingya. These groups predominantly occupy land located along the border areas. (See Appendix II: Map of Ethnic Minority Territory in Burma). Although these groups are referred to as "ethnic minorities," they have always played a prominent role in the political and social spheres of Burma. Despite this, they represent a marginalized people who have suffered severe forms of discrimination, exclusion and oppression by the military regime of Burma. (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. Decades of hostility between successive military regimes and the ethnic minority community have caused immense suffering and devastation for Burma and its people. Although a series of ceasefires between the junta and armed ethnic opposition groups since the late 1980s have brought relief to some areas, they offer no real solutions. Meanwhile, under the justification of preserving a unified state, the SPDC has maintained a military presence in the ethnic areas and frequently initiates military offensives, often in contravention of ceasefire agreements. Sustained hostilities in the ethnic areas have served to perpetuate severe human rights abuses and a deepening humanitarian crisis. (Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003).

Before the British annexed the territory of Burma as a province of British India, separate kingdoms and local tribal leaders ruled the inhabitants of present day Burma. The kingdoms in the central Irrawaddy plains made successive attempts to push the boundaries of their territories further into the hills. The geography of the land however served to isolate those in the hills from those in the plains. Before Burma achieved independence in 1948, there was no political integration of the ethnic territories with the Burman territories. The non-Burman indigenous nationalities in Burma were politically autonomous before and during the time of British colonial occupation.

Colonial rule served to amplify distinctions between the Burman-occupied areas and the territory of other ethnic nationalities. Under a dual system of governance, the British administered the predominantly Burman area of "Ministerial Burma" separately from the other ethnic areas called the "Frontier Areas." In Ministerial Burma, the monarchy of Burma was deposed and a form of parliamentary home rule was introduced. For the most part, the frontier areas were left under the local authority of traditional headmen and chiefs. The non-Burman ethnic groups, principally the Chin, Kachin and Karen, were preferred for recruitment into the colonial army. The British also heavily exploited the natural resources of the ethnic minority areas while providing little investment in return. By dividing the country, the British system not only created disunion and resentments that carry on until this day, but also it ultimately set the peoples of Burma on different paths of political and economic

development. (Source: Martin Smith, Burma (Myanmar): *The Time for Change*, Minority Rights Group International, May 2002).

In 1948 Burma became an independent state. Preservation of ethnic identity and rights was prioritized in the formulation of state structures for the newly independent Burma. As stated by Gen. Aung San, the leader of the independence movement: "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." Therefore, independent Burma was created on the understanding that it would be a federal union. The rights of those in the ethnic areas were first recognized in the January 1947 agreement between Gen. Aung San and the British Prime Minister Attlee as well as in the Panglong Agreement signed by independence and ethnic leaders on 12 February 1947.

The Panglong Agreement between Gen. Aung San and Chin, Kachin and Shan leaders was the first attempt to address the challenge of creating 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. As noted by respected Shan resistance member and scholar Dr. Chao Tzang Yawngwe, "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 Gen. 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," *Kaowao News*, 16-20 February 2002).

Despite the spirit of the Panglong agreement, the subsequently enacted constitution failed to sufficiently protect the interests of the ethnic minority groups. While the 1948 constitution gave each recognized ethnic group representation in a Chamber of Nationalities at the national level, only four areas, Karen, Karenni, Shan and Kachin States, were specifically recognized. The constitution also granted the Shan and Karenni the right to separate from the Union after 10 years. For other groups, however, territory was not provided for in the constitution causing many to feel that it did not sufficiently represent and protect the rights of all the ethnic groups. What rights that were guaranteed to ethnic minority groups in the 1948 constitution, were stripped in the 1974 constitution enacted under Gen. Ne Win. Under the 1974 constitution, all ethnic groups were denied autonomous rights.

Currently, Burma is administratively divided into seven states and seven divisions, each of which is centrally controlled by the SPDC. Under the SPDC, there is no respect for minority languages, cultures, or political aspirations. Rather the regime has long viewed the ethnic minority population as a direct threat to a centrally controlled Burma. The rich cultural diversity of the many communities of Burma has acted as an impediment to the regime's "Burmanization" campaign to create a homogenous country, with one language, one religion and one rule. Therefore, the regime has actively attempted to marginalize the influence of the ethnic minority population in every aspect of society through militarization, intimidation tactics, and human rights violations. In spite of this reality, Burma still claims to be a "union", and the anniversary of the Panglong Agreement has continued to be celebrated every year

since 1962 as “Union Day.” (Source: Martin Smith, *Burma (Myanmar): The Time for Change*, Minority Rights Group International, May 2002).

Effectively stripped of their autonomy and struggling under the oppressive policies of the military regime, the ethnic minority groups have taken varying tacks to preserve their political and cultural identities over the years. Numerous ethnic opposition armies have formed to resist the military forces. While some armed resistance groups have submitted to unfavorable ceasefire pacts with the junta, others continue to fight the regime. Although there were early threats of secession by some ethnic minority groups, the principles of the Panglong Agreement and a federal Burma have been repeatedly reaffirmed over time. For example, in 1997, 17 ethnic groups signed on to the Mae Tha Raw Hta Agreement to demonstrate support for a federal Burma. The sentiments of the Panglong Agreement were reasserted with the New Panglong Initiative in 2002. Furthermore, ethnic representatives to the junta-sponsored National Convention have repeatedly submitted proposals for a federal union. (Source: *Burma Briefing: Issues and Concerns, Volume 1*, Altsean, November 2004). In 2005, the issue of secession was called into question when a little known Shan group in exile declared the formation of an independent Shan State Federal Government. Demonstrating continued support for a federal Burma, the declaration was generally not well received among the ethnic minority community. (Sources: “Shan ‘Government’: We’re Genuine Stuff,” SHAN, 27 April 2005; “Self-Declared ‘Shan Government’ Seeks Recognition,” DPA, 28 April 2005; “Hundreds Fleeing From Hot Spot Township, SHAN, 20 May 2005; “Hard to Be Shan These Days,” SHAN, 20 June 2005).

## 8.2 Ethnic Politics, Armed Resistance, and Ceasefire Agreements

Following Burma’s independence, several armed resistance groups formed in the ethnic minority areas to defend their interests and rights. When the military regime took control over the country, these groups became a focal point of the opposition movement. Recognizing the threat to centralized military rule, the regime targeted these groups by employing various techniques to stifle their opposition, including increasing military presence in the ethnic minority territories, perpetrating a range of human rights abuses against ethnic minority villagers, and launching unprovoked attacks against ethnic fighters.

In 1989, under Gen. Khin Nyunt’s direction, the SPDC pushed armed resistance groups into skewed ceasefire pacts. Between 1989 and 1995, 14 armed groups signed pacts with the regime. As of 2005, there were 17 groups operating under ceasefire status. (See Appendix III: Ceasefire Status of Ethnic Opposition Groups). The heavily one-sided agreements have generally allowed groups to retain their weapons and control over specified territory. In return, the ceasefire groups have been required to: give military controlled companies preference for all business transactions, cease targeting SPDC forces, refrain from traveling outside their respective territories without advanced permission from the SPDC, withdraw from multilateral resistance organizations, and abstain from all contact with armed groups still fighting the regime. Meanwhile, the agreements did nothing to protect the rights of the ethnic minority population and junta-perpetrated abuses have continued despite the ceasefire pacts.

## **Arakan State**

During the early part of 2005, military aggression and conflicts continued between SPDC troops and the Arakan Liberation Army (ALA). In connection with such attacks, SPDC soldiers perpetrated a range of abuses against villagers in Arakan State. Villagers and headmen were arbitrarily accused of having contact with ALA fighters and were reportedly tortured following clashes with the ALA. (Source: "Armed Clash Occurs Between Arakan Liberation Army and SPDC," *Narinjara News*, 12 August 2005; "Burmese Army Camped Inside Village Due to Fear of Attack," *Narinjara News*, 27 August 2005). Meanwhile, increased human rights abuses against villagers in Arakan State prompted the Arakan Rohingya National Organization (ARNO) to issue a press release on 22 September urging intervention by the United Nations and members of the international community, particularly ASEAN countries (source: "Humanity Gone Amok in Arakan, Burma," *Kaladan News*, 22 September 2005).

## **Chin State**

Chin State is located in the western hills of Burma with a population of about 500,000. Approximately 90 percent of the Chin people are Christian, marking them for particularly oppressive religious motivated abuses by the regime. During the countrywide protests of 1988, the Chin National Front (CNF) formed to fight for democracy in Burma and the rights of the Chin community. Prior to the 1988 uprising, only one military battalion occupied Chin State. As of 2005, as many as 10 battalions with about 5,000 soldiers were stationed in the area. Meanwhile villagers in Chin State have continued to suffer egregious human rights violations at the hands of SPDC soldiers. (For more information see Section 8.4 SPDC Campaign of Abuse against Ethnic Minority Villagers). Amid continuing abuses against members of the Chin community, the CNF ambushed soldiers from SPDC IB 266 in Htantalan Township on 10 March, killing 2 SPDC officials. (Source: "Chin Fighters Killed Two Burmese Soldiers Near India," DVB, 17 March 2005).

## **Kachin State**

Kachin State hosts three separate ceasefire groups, the Kachin Independence Organization (KIO), the New Democratic Army – Kachin (NDA-K), and the Kachin Democratic Army (KDA). The KIO, at one time, was one of the most powerful armed resistance groups in Burma. However since submitting to a 1994 ceasefire pact with the regime, their strength and influence has diminished. Meanwhile the NDA-K and the KDA boast no more than a few hundred soldiers. Both the NDA-K and KDA split from the KIO in the early 1990's. Continued friction within the Kachin resistance movement has resulted in several subsequent organizational splits and leadership struggles. (Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003).

### **Kachin Independence Organization (KIO)**

The KIO remains the most significant of the Kachin resistance groups. Hoping to open channels of communication with the regime and bring an end to military aggression, the KIO agreed to a ceasefire pact with the regime in 1994. Although the ceasefire agreement allowed the KIO to maintain administrative authority over some territory, it weakened the strength of the Kachin resistance movement. Subsequent internal disputes within the KIO further weakened the organization as members broke away to form new splinter groups. The regime

has taken advantage of the discord by provoking factional splits and conflict among the Kachin groups. (Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003).

In 2005, tension in Kachin State escalated after followers of Col. Lasang Awngwa broke away from the KIO and formed a new group. While the KIO indicated a willingness to reconcile with the group, they refused to recognize their independence. On 1 August, 37 members of the splinter group accepted the offer of reconciliation and rejoined the KIO. Meanwhile, hoping to maintain factional splits amongst the Kachin, the SPDC met with Col. Lasang Awngwa on 6 August and offered security and territory to the splinter group in return for their pledge to remain unaffiliated with other armed resistance groups. (Sources: "Unity Problems Among Kachin Groups and Burma Junta," DVB, 30 March 2005; "Kachins Reunite: KIO Welcomes Back 37 Defectors in Northern Burma," DVB, 2 August 2005; "Junta Trying for a Split in Unified KSC," *Mizzima*, 13 August 2005). On 15 November 2005, it was reported that a portion of Col. Lasang Awngwa's group had decided to accept the junta's proposal while other members of the splinter group rejected the offer causing further divisions in the group. Two thirds of the group planned to relocate to Ja Htu Pa, while about 300 members decided to remain behind. (Source: "Further Divisions in Kachin State," *Irrawaddy*, 15 November 2005).

#### **New Democratic Army-Kachin (NDA-K)**

On 14 September 2005, Layawk Zelum, the NDA-K Secretary, led an internal coup to overthrow Chairman Zahkung Ting Ying accusing the chairman of corruption. In the days that followed, SPDC troops took up positions near the NDA-K HQs causing concern for local residents who feared conflict was imminent. (Sources: "Coups in Kachin Armed Group National Democratic Army," *Mizzima*, 15 September 2005; "No More Peace for Peace Groups," SHAN, 23 September 2005). On 26 September 2005, the HQs were peacefully recaptured with the assistance of Col. Lasang Awngwa's splinter group. Three leaders of the coup were arrested by the restored NDA-K and turned over on 3 October to the SPDC. Layawk Zelum, however, remained at large. Following the arrests, about 30 followers of Layawk Zelum surrendered their arms to the SPDC. (Source: "NDA-K Coup Leaders Handed Over to Military," *Mizzima*, 4 October 2005; "30 Kachin NDA-K Members Defect to Burma Army," DVB, 9 October 2005).

#### **Karen State**

With an estimated population of between 3 and 4 million, the Karen represent the second largest ethnic minority group in Burma. They were also one of the first groups to organize an armed resistance group. With the uncertainty of ethnic minority rights attenuated with independence in Burma, the Karen organized a resistance army as early as 1947 to defend their interests and territory. As such, the Karen opposition movement is the longest-running challenge to military rule in Burma. Karen resistance continues through several armed groups, including the KNU and the Democratic Karen Buddhist Army (DKBA).



## **Karen National Union (KNU)**

The KNU and their armed wing, the Karen National Liberation Army (KNLA) formed shortly after gaining independence. For decades, the KNU functioned as an administrative government over the Karen territory and the KNLA boasted an army of several thousand soldiers. In general, the KNU enjoys widespread support among the Karen populace. (Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003).

Throughout the decades, the KNU forces have engaged in high level skirmishes with the regime and its allies, despite continuous attempts to engage in ceasefire agreements. Since late 2003, the KNU has been operating under a verbal ceasefire agreement with the SPDC. Negotiations towards a formal ceasefire agreement continued in early 2004 but stalled when Gen. Khin Nyunt was ousted from the position of prime minister. Discussions did not resume until 13 March 2005 when a 13 member KNU delegation led by Col Htoo Htoo Lay and David Htaw met with leaders of the Southeastern Military Command in Moulmein, Mon State. During these discussions the SPDC proposed four conditions: (1) the KNU would choose four regions from selected regions; (2) KNU troops would be allowed to operate only in those regions; (3) travel beyond those regions would require the relinquishment of weapons and ammo to SPDC soldiers; and (4) armed SPDC troops must be allowed to inspect KNU territories. Furthermore, the regime indicated they would not submit to a formal signed agreement. (Sources: "Myanmar Rebels Warn Junta: Resume Peace Talks or Fight," AFP, 31 January 2005; "Myanmar Confirms Peace Talks with KNU Underway," *Xinhua*, 16 March 2005; "KNU Racking Their Brains Over Burma Junta 'Proposals,' While Attacks Continue," DVB, 25 May 2005; "Regime 'Willing to Reach New Ceasefire Pact with KNU,'" *Irrawaddy*, 17 March 2005).

Rejecting this highly unfavorable arrangement, the KNU sought additional discussions with the SPDC. Talks were scheduled for the end of August but were postponed following continued attacks by the SPDC. By the end of the year, the negotiations remained at a standstill despite repeated requests by the KNU to renew discussions. On 26 October, the KNU blamed the lack of progress on the SPDC's unwillingness to cooperate. David Htaw reported, "We have kept our door open but this is a matter for two sides and if one side does not have the desire, I must say the talks are almost over." (Source: "Prospect of Peace Talks between KNU and Burma Junta Slim," DVB, 26 October 2005).

While the prospects for productive ceasefire discussions between the KNU and the SPDC dwindled, military offensives continued despite the informal ceasefire agreement. On 11 January 2005, soldiers from SPDC IB 250 launched an unprovoked attack on Lawse village near the Thai-Burma border after finding KNU soldiers staying in the village. Villagers caught in the attack suffered abuse at the hands of SPDC soldiers. Meanwhile hundreds of villagers fled to Thailand to escape the heavy fighting. (Source: "Clash between KNU and Burmese Troops," DVB, 11 January 2005).

To pressure the KNU into surrendering their arms, the SPDC particularly focused its military might on the Toungoo, Tenasserim and Nyaunglebin regions of Karen State. Troops have been located in this area since 8 November 2004. (Source: "Burma SPDC Doesn't Respect Ceasefire Agreement, Says KNU," DVB, 11 December 2004). Fighting continued throughout the year amid increased human rights abuses on villagers and increasingly restrictive policies hindering all forms of movement in the area, ultimately forming a blockade (sources: "1,300 IDPs Flee the BA in Nyaunglebin District Karen State, Burma," FBR, 17 March 2005; "KNU

Racking Their Brains Over Burma Junta “Proposals,” While Attacks Continue,” DVB, 25 March 2005). (For more information see Section 8.4 SPDC Campaigns of Abuse Against Ethnic Minority Villagers). On 13 May 2005, 2,000 additional SPDC troops were deployed to Toungoo Township to supplement the 10 battalions that had been sent earlier to the Toungoo and Nyaunglebin regions (source: “Burma Army Sends 10 Battalions for Operation in Eastern Toungoo and Nyaunglebin Districts, Karen State,” FBR, 16 May 2005). In October, as the blockades intensified, the regime established a new military camp in Toungoo Township (source: “New Road Blocks Prevent Resistance,” FBR, 12 October 2005).

In addition to using force to pressure the KNU towards surrendering their arms, the SPDC resorted to intimidation tactics. In September 2005, the regime attempted to feign weakness in KNU solidarity by luring ex-KNU members residing in Thailand's Kanchanaburi Province into “surrendering” by providing financial incentives (source: “Burma Junta Lures Ex-KNU Members to Surrender,” DVB, 8 September 2005).

### **Democratic Karen Buddhist Army (DKBA)**

The Democratic Karen Buddhist Organization (DKBO) and its armed branch, the DKBA formed in December 1994 after 400 Buddhist KNU soldiers broke away from the KNU following accusations of discrimination by the Christian KNU commanders. Shortly thereafter, the newly formed group allied itself with the SPDC. Under the terms of a ceasefire pact, in return for material support and territorial control, the DKBA agreed to join arms with the military regime to fight against the KNU. The DKBA HQs are located in Pa'an District with bases located in both Karen and Mon States. (Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003).

Since separating from the KNLA and pledging their allegiance to the SPDC, the DKBA has launched sustained offensives against the KNU. In January 1995, in collusion with SPDC troops, the DKBA attacked the KNU HQs in Manerplaw. Between 1995 and 1998, the DKBA launched 12 major attacks on KNU-controlled refugee camps located in Thailand, killing more than 20 people. Attacks continued despite the informal KNU-SPDC ceasefire agreement and subsequent ceasefire talks between the KNU and SPDC. In addition to engaging in military offensives, the DKBA has perpetrated a range of human rights abuses against Karen villagers. (For more information see Section 8.5 Abuse of Ethnic Minorities by Ceasefire Groups). Meanwhile, the DKBA has profited from their alignment with the SPDC. The regime has supported cross-border business ventures of the DKBA, including trade in timber and narcotics (source: *A Failing Grade*, Altsean, November 2004).

Relations between the SPDC and DKBA began to falter beginning in November 2004 as the SPDC increased pressure on the DKBA to surrender their arms. Prior to 12 November 2004 discussions on the conditions of their ceasefire agreement, the SPDC ordered the DKBA to provide detailed information on their members and weaponry. After increasing the presence of SPDC troops in Three Pagodas Pass area, where DKBA bases are located, the SPDC urged the DKBA to disarm in early May 2005. In response, the DKBA threatened to merge with the KNU forces. (Sources: “DKBA: Never Surrender to SPDC,” *Kaowao News*, 14 November 2004; “Burma Army Told to Disarm DKBA Troops,” *Irrawaddy*, 25 November 2004; “Surrender or Fight: DKBA Faces Dilemma,” *Kaowao News*, 16 May 2005 “More ceasefire groups expected to break with Rangoon,” *Irrawaddy*, 24 May 2005).

## **Karenni State**

Despite its low population and relatively small territory, several separate armed resistance groups developed in Karenni State, including the Karenni Nationalities People's Liberation Front (KNPLF) and the Karenni National Progressive Party (KNPP), along with several smaller factions. Two of the larger groups signed ceasefire pacts during the early 1990's during Gen. Khin Nyunt's ceasefire campaign. The KNPLF continued to fight the regime until 1994 when they too were forced into a ceasefire pact. As of 2005, the KNPP was the only armed resistance group fighting the regime in Karenni State, despite ongoing ceasefire discussions.

### **Karenni National Progressive Party (KNPP)**

The KNPP formed in 1957 during the early days of independence in Burma. Since its formation, the KNPP has suffered several splits in its membership. In 1978, a faction broke away to form the KNPLF after disagreements over cooperation with the Communist Party of Burma (CPB). Smaller groups broke away from the KNPP in 1995, 1999 and late 2002, respectively. These splinter groups subsequently signed ceasefire agreements with the junta. (Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003).

In 1994, under sustained pressure by the regime and military offensives in Karenni State, the KNPP entered ceasefire discussions. On 21 March 1995, the KNPP signed onto an agreement with the junta. This agreement however only lasted three months. On 28 June 1995, the KNPP repudiated the agreement after the regime violated its terms by deploying additional troops to Karenni State and continuing to take villagers for use as porters. Hostilities between Karenni fighters and the regime resumed. Subsequent ceasefire discussions have failed to produce any agreement. (Source: *Unwanted and Unprotected: Burmese Refugees in Thailand*, HRW, September 1998).

The most recent rounds of ceasefire discussions deteriorated when the SPDC refused to consider any amendments to the terms agreed to in the 1995 ceasefire pact. On 21 August 2005, the SPDC sent a message to the KNPP offering to renew the same "arms for peace" deal offered in 1995. Hoping for more cooperation from the SPDC, KNPP Gen. Sec. Raymond Htoo said, "[W]e don't call it peace by just handing over weapons to the SPDC." Amid ongoing hostilities, the SPDC continued to pressure the KNPP to reinstate the 1995 ceasefire pact. In December, Suthero Pamaung, a Karenni Catholic pastor from Loikaw, and representatives from KNPLF offered to arbitrate future peace talks. However, the KNPP remained hesitant to agree to another round of negotiations where the 1995 ceasefire pact are the only terms offered. (Sources: "Karenni Ceasefire Talks Stall," *Irrawaddy*, 4 April 2004; "Peace Broker Contacts Burma's KNPP for 'Arms for Peace' Deal," *Mizzima*, 22 August 2005; "Burma Junta Offers 'Peace' to KNPP Through Go-Between," DVB, 22 August 2005 "Karenni Groups Offer to Mediate New KNPP Cease-fire," *Mizzima*, 14 December 2005).

Unable to reach a ceasefire agreement, clashes between the SPDC and KNPP continued throughout 2005. During December 2004 and throughout January, the SPDC and SPDC supported troops bombarded the KNPP's base at Nyamu Hill, located near the Thailand border, with artillery shells. After several mortar shells landed in Thai territory, Thailand met with SPDC officials to call for an end to the attack. (Sources: "Burmese Military Reportedly Attack Karenni Base," BBC Monitor, 7 January 2005; "Burmese Troops Intensify Attacks on Karenni Base," DVB, 17 January 2005; "Burmese Army Targets Karennis," *Irrawaddy*, 24

January 2005; “Myanmar Attacks Rebel Base Near Thai Border: Thai Army Official,” AFP, 24 January 2005). The attacks not only displaced hundreds of Karenni villagers but the incursions into Thai territory also raised concern among Karenni refugees living in camps along the border (sources: “Clash Between Burma Army and Karenni Fighters,” DVB, 19 December 2004; “Burmese Military Reportedly Attack Karenni Base,” BBC Monitor, 7 January 2005).

Attacks on Karenni forces on 15 February 2005 led to accusations that SPDC forces were using chemical weapons. KNPP soldiers reported a cloud of yellow smoke accompanied by a pungent odor during bombings by the SPDC. Soldiers within the vicinity of the fumes reported suffering from blisters, lung irritation, diarrhea, vomiting, and difficulty breathing. (Sources: “Number of Mustard Gas Victims Increase in Karenni Camp,” *Mizzima*, 12 May 2005; “Burmese Army Deserters Describe Transporting Chemical Artillery Shells,” RFA, 24 May 2005). Some soldiers continued to suffer symptoms up to eight months after the attack. Lending further credence to the likelihood that chemical warfare had been deployed against the Karenni fighters, a 15-year-old who was forced to porter supplies for SPDC troops reported seeing soldiers carrying boxes while wearing gloves and masks. He was told that the boxes contained chemicals that would be dangerous if inhaled. (Source: *Visit to the Thai-Burmese Border*, CSW, 19 October - 4 November 2005).

## **Mon State**

There are nearly two million people in Mon State. The resistance movement started shortly after independence in 1948. Mon resistance has since been represented by the NMSP and its armed wing, the Mon National Liberation Army (MNLA), which formed in 1958. In June 1995, the NMSP signed a ceasefire pact with the regime. Under the terms of the agreement, the NMSP was given territory and allowed to retain their arms in selected areas of Mon State. Furthermore, the regime agreed to provide economic assistance and concessions on certain business ventures, such as logging and fishing rights. However, the regime increased restrictions on the NMSP after the party demonstrated support for the Mae Tha Raw Hta Agreement in 1997. (Source: *Six-Month Report*, TBBC, July-December 2004).

In retaliation against the NMSP for seeking trilateral dialogue and proposing a federal system in Burma amid the ongoing National Convention, the SPDC has tightened its restrictions against the NMSP. Beginning in July 2005, the SPDC cut off NMSP's economic support (source: “Burmese Junta Cuts Support for NMSP,” *Irrawaddy*, 9 September 2005). In September, the SPDC only partially resumed its payments, providing only 1/10 of its promised payments. In addition, the SPDC banned NMSP operations in the logging, car importing and furniture exporting industries. (Source: “Burma Junta Resumes Support for Mon Ceasefire Group,” DVB, 12 September 2005). The NMSP also reported heightened monitoring and travel restrictions on its members starting in September. During the last week of September, the SPDC ordered the village headmen in Kyaikmayaw to draft a list of NMSP members in their villages and to monitor their movements. NMSP members are routinely interrogated at numerous SPDC checkpoints. The SPDC also intensified their surveillance over NMSP activities. (Sources: “Mon Urge NMSP Not to Give Up Arms,” *Kaowao News*, 1 October 2005; “Cars for a Total Surrender,” *Kaowao News*, 25 September 2005; “Investigation of New Mon State Party Could Threaten Ceasefire,” *Irrawaddy*, 4 October 2005). Despite growing frustration with the SPDC's tactics, the NMSP has refused to surrender its arms (source: “Ceasefire Groups Defiant,” *Irrawaddy*, 14 October 2005).

## **Mon Splinter Groups**

Following increased threats to SPDC forces by Mon splinter groups, in late December, the SPDC offered a 10 million kyat award for information leading to the arrest of armed opposition leaders, Nai Bin, Nai Hloin, Nai Chan Dein and Nai Sook Gloing. In connection with this campaign, villagers in Northern Yebyu Township were ordered to purchase three posters of the wanted men at a cost of 700 kyat each. (Sources: "Wanted: 10 Million for the Capture of Guerrilla Leader," *Kaowao News*, 23 December 2004; "Wanted Rebel Posters on Sale," *Kaowao News*, 8 January 2005). Despite these efforts, Nai Hloin reportedly appeared in Thailand seeking refugee status after being wounded in a conflict with the SPDC. It was also reported that Nai Bai has similarly taken refuge in Thailand. (Source: "Mon Guerrilla Leaders Seek Safe Haven," *Kaowao News*, 27 February 2005). Meanwhile, 50 troops led by Nai Sook Gloing continued to operate in southern Ye and in northern Yebyu Townships throughout the year.

## **Shan State**

Shan State is the largest ethnic minority state in Burma, and one of the most ethnically diverse. When independence from the British was accorded to Burma in 1947, the first constitution granted the Shan the right to secede from the Union of Burma after 10 years. The possibility of future sovereign rule, however, evaporated when the military regime usurped power over the country. To oppose oppression and control by the regime, several political and armed resistance groups developed in Shan State. As the dominant minority ethnic group in Burma and strong opponents of the regime, the SPDC has focused attention on the Shan groups and maintained a consistent military presence in Shan State.

In 2005, the Shan were particularly targeted by the SPDC. Amid the ongoing National Convention proceedings, the SPDC stifled opposition to their predetermined agenda by cracking down on Shan leaders. In early February 2005, within days of the first 2005 session of the National Convention, military authorities arrested several Shan political leaders and activists who had participated in a meeting held in Taunggyi Township during Shan State Day on 7 February 2005. The regime accused the group of creating an organization, the Shan State Joint Action Committee, without permission. (Source: "Ten Shan Activists Arrested in Myanmar for Conspiracy: Minister," AFP, 15 March 2005). Those arrested represented various Shan organizations, including Shan Nationalities League for Democracy (SNLD), SSA, Shan State Peace Council (SSPC), New Generation Shan State (NG-SS), and United Nationalities League for Democracy (UNLD). Several of these groups had vocalized opposition to the 2004 National Convention sessions. The SNLD had boycotted the proceedings. Meanwhile the SSA-N and the SSNA were signatories to a statement demanding changes to the principles and objectives of the Convention. Similarly, in December 2004, the New Generation (Shan State) called for the formation of an Advisory Council and criticized military rule. (Source: *Interim Report Card: July 2004- February 2005*, Altsean, March 2005).

All but 11 of the leaders arrested in February were released by March 2005. U Shwe Ohn, the founder of the Shan State Peoples' Freedom League, which is no longer a registered organization, was placed under house arrest under Article 10(b) of the 1975 State Protection Act. The other ten leaders, including Hkun Htun Oo and Gen Hso Ten, Chairmen of the SNLD and SSPC respectively, were imprisoned in Insein Prison. (Source: "Ten Shan Activists Arrested in Myanmar for Conspiracy: Minister," AFP, 15 March 2005). Their trials

commenced on 1 March 2005 in closed-door hearings inside Insein Prison with little procedural protections. None of the detainees were allowed to receive family visits or consult legal counsel. A team of NLD lawyers hired by family members of the detained leaders were denied entrance to Insein Prison. The lawyers were subsequently subject to intimidation and threats by the SPDC. (Sources: "Burma Opposition Radio Says 10 Detained Shan Leaders 'Secretly' Tried in Jail," DVB, 30 April 2005; "Ten Shan Activists Arrested in Myanmar for Conspiracy: Minister," AFP, 10 March 2005; "Burma Junta Agents Intimidating NLD Legal Advisors," DVB, 17 March 2005).

The leaders were charged with high treason for conspiring against the State, "trying to disrupt peace and stability of the country by attempting to create unrest," as well as violating the Printers and Publishers Act, creating an illegal organization and using illegal currency (source: "Ten Shan Activists Arrested in Myanmar for Conspiracy: Minister," AFP, 15 March 2005). On 3 November 2005, the Special Court in Insein Prison sentenced the 10 leaders to unduly long prison terms, causing widespread outrage throughout the ethnic groups and the international community. U Hkun Htun Oo was sentenced to 93 years imprisonment, Gen. Hso Ten to 106 years imprisonment and Sai Nyunt Lwin to 75 years imprisonment while the others received sentences of 70 years imprisonment. (Sources: "Shan Leaders Sentenced in Rangoon Insein Jail," DVB, 4 November 2005; "Shan Leaders Sentenced," *Irrawaddy*, 8 November 2005). In protest of the junta's actions, 14 Shan groups, five other ethnic minority groups, and several political parties issued statements demanding the immediate release of the Shan leaders. (Sources: "Exiled Shans Demand Release of Leaders," SHAN, 17 February 2005; "NMSP: More Dialogue With The Junta," *Kaowao News*, 28 February 2005; "PDC News Commentary," NCUB, February 2005).

Subsequent arrests of Shan political leaders occurred throughout the year that were believed to be attempts to intimidate Shan opposition and pressure Shan armed resistance groups towards disarmament. On 3 August 2005, agents arrested Sao Oo Kya, age 65 and cousin of SNLD Chairman Khun Tun Oo under the accusation of attending a New Generation Shan State meeting as well as Shan State day activities. On 2 October 2005, Sao Oo Kya was reportedly sentenced to 13 years in prison under Section 26(a) of the Hotels and Tourism Act as well as for defaming the state under Section 124(a). (Source: "Burmese Authorities Detain Shan Leader for Defamation," DVB, 2 October 2005). On 3 December 2005, Burmese military authorities arrested eight Shan leaders and organizers of the Shan State Literature and Culture Committee. Those arrested included Dr. Sai Maw Kham, chairman of the Shan State Literature and Culture Committee, Sia Hpaw Hseng Moeng, a well-known singer, and Sai Kyaw Ohn "Namkham", an organizer. The arrests occurred just after Shan New Year day celebrations, which were held on 1 December. The exact reasons for the arrests were unknown. (Sources: "Shan Leaders Arrested for Celebration National New Year," DVB, 8 December 2005; "Crackdowns Follow Shan New Year," SHAN, 7 December 2005). (For more information see Chapter 3 Arbitrary Detention and Forced or Involuntary Disappearances).

## Shan State Army-South (SSA-S)

The SSA-S formed in 1996 after breaking away from the Mong Thai Army (MTA), a Shan organization notorious for their involvement in the drug industry. On 7 January 1996, the MTA agreed to surrender to the regime. Thousands of MTA soldiers, however, refused to submit to the surrender and formed breakaway organizations. The SSA-S is one group that rose from the surrender of the MTA. Over the years, the SSA-S has gained recognition as a legitimate Shan nationalist force, in contrast to the drug-oriented operations of its predecessor. Since its formation, the SSA-S has engaged the regime in armed aggression. Meanwhile, the regime has refused to entertain ceasefire discussions under the premise that, as a former entity of the MTA, the only acceptable arrangement is a complete surrender of arms as agreed to by the MTA. (Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003).

SPDC and SPDC allies continued to clash with the SSA-S throughout 2005 as Rangoon increased pressure on the SSA-S towards disarmament. Since mid-March, the UWSA led by Wei Hsuehkang and supported by SPDC troops engaged in a series of sustained offensives against Col. Yawdserks's SSA-S. The UWSA besieged the SSA's base at Loi Lam on 12 March 2005. The next day, approximately 200 Wa soldiers attacked the SSA Kor Kha hill base in Khang Pla village near the Thai border. Hostilities between the SSA and the SPDC allied forces continued throughout March. (Sources: "Shan, Wa Dance to Junta Tune," SHAN, 14 March 2005; "Wa Troops Attack SSA Position, Driven Back," BP, 15 March 2005; "Shan Army Fights on Two Fronts," SHAN, 23 March 2005). With the support of SPDC reinforcements, the UWSA unsuccessfully organized an offensive against the SSA-S's base in Loi Taileng and Ban Mai Lan (sources: "Stray Shells Land on Thai Soil," BP, 13 April 2005; "SSA: War With Wa Inevitable," SHAN, 11 April 2005). The conflicts resulted in the death of hundreds of fighters. By the end of April, UWSA suffered 700 casualties and an increasing number of defections. The SSA-S meanwhile reported only 73 deaths (sources: "Wa Bucking Up for New Showdown," SHAN, 9 May 2005; "Border Fighting/Shan Army Claims Upper Hand: Wa Troops Starving, Defecting," BP, 23 April 2005). Despite the rising death toll, SPDC aligned forces continued attacks against the SSA-S.

Following deleterious attacks by the SPDC against the SSNA, SSNA fighters joined SSA-S on 21 May 2005, effectively terminating their 1995 ceasefire agreement (sources: "Two Ethnic Rebel Groups Announce Merger to Fight Junta," AP, 23 May 2005; "Anxieties for Burmese People as Shan Fighters Join Forces," DVB, 23 May 2005). Despite the reinforcements, on 24 July 2005, 119 soldiers of the SSA, including the SSNA Sixth Brigade, surrendered to the junta (sources: "Wa Bucking Up for New Showdown," SHAN, 9 May 2005; "More Wa on Their Way," SHAN, 11 May 2005; "Burma Army Seeks to Block Rebel Movements," SHAN, 21 July 2005; "Members of Two Shan Groups Disarm," *Irrawaddy*, 25 July 2005). Meanwhile, attacks against the SSA-S continued. On 19 July 2005, the SPDC bombarded a SSA outpost located north of Loi Taileng with mortar fire. Three more major clashes between the SPDC and the SSA were reported in September. (Sources: "Army Shelling Raises False Alarm," SHAN, 1 August 2005; "Shan Army Reports on Clashes," SHAN, 12 October 2005) The ongoing hostilities have resulted in hundreds of casualties as well as the displacement of thousands of Shan villagers (sources: "Burma Border Fighting Hits New Pitch," *Irrawaddy*, 27 April 2005; "Wa Bucking Up for New Showdown," SHAN, 9 May 2005; "Border Fighting/Shan Army Claims Upper Hand: Wa Troops Starving, Defecting," BP, 23 April 2005).

### **Shan State National Army (SSNA)**

SSNA resistance crumbled in 2005 after persistent pressure by the SPDC to force their surrender. In early April, increased pressure led to the surrender of the 11th Brigade (source: “One Ceasefire Commander Has Had Enough of It,” SHAN, 8 April 2005). Weakened by this loss, 1,000 SSNA troops led by Col. Sai Yai fled from their Loikhurh base on 9 April 2005 (source: “Junta Plays Good Cop-Bad Cop,” SHAN, 22 April 2005). In early May, SSNA troops made efforts to consolidate their forces. However raids against SSNA property by the SPDC led to the surrender of the 19th Brigade. (Sources: “Junta: From Forced Labor to Forced Submission,” SHAN, 6 May 2005; “The Next One to Go,” SHAN, 3 May 2005). On 21 May 2005, the SSNA took up arms and merged their forces with the SSA-S to combat the regime from a unified front. In doing so, the SSNA effectively terminated their 1995 ceasefire agreement with the junta. (Sources: “Two Ethnic Rebel Groups Announce Merger to Fight Junta,” AP, 23 May 2005; “Anxieties for Burmese People as Shan Fighters Join Forces,” DVB, 23 May 2005).

### **Shan State Army- North (SSA-N)**

Encouraged by their success in pressuring brigades of the SSNA to surrender, the SPDC turned their attention to the SSA-N. On 11 April, the SPDC met with Comdr. Maj. Gen. Loimao of the SSA-N to secure a ceasefire pact (source: “Tension Mounts Between Shan and Rangoon,” *Irrawaddy*, 12 April 2005). Refusal to submit to an agreement with the junta resulted in increased raids and arrests of SSA-N officials (sources: “Shan ‘Ceasefire’ Members Arrested by Burmese Soldiers,” DVB, 10 May 2005; “Junta: From Forced Labor to Forced Submission,” SHAN, 6 May 2005). On 13 September, the Third Brigade withdrew from their controlled areas following an order issued by the SPDC on 24 August (sources: “SSA-N Warn: No Surrender to Burma Junta,” DVB, 13 September 2005; “Ceasefire Group Gets Marching Orders,” SHAN, 30 August 2005). Yet, the SSA-N assured that they had not surrendered and indicated that under further pressure by the SPDC, the SSA-N would seriously consider resuming armed conflict. Despite such threats, on 20 September the SPDC demanded a complete inventory of the SSA-N troops and equipment, including a list of each leader’s household. (Source: “The Junta Knows Its Stuff,” SHAN, 25 September 2005).

### **Wa Territory**

The Wa region is located in Northern Shan State along the China-Burma border. Due to its isolated location, the Wa are largely influenced by the Chinese. Administrative structures in the Wa area are disorganized and feudal, creating essentially a vacuum of social services. Many villages lack basic health care services, schools, and transportation. Meanwhile, the Wa maintain relatively cordial relations with the regime and are the beneficiaries of this relationship. (Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003).

### **United Wa State Army (UWSA)**

The UWSA is a relatively large group that formed following the collapse of the Communist Party of Burma (CPB) in 1989. After the collapse, the UWSA proceeded to take over the CPB HQs in Phangsang, Shan State. On 5 September 1989, the UWSA agreed to a ceasefire and subsequently became aligned with the regime. With several thousands of soldiers and extensive territory under its control, the UWSA is also one of the most powerful armed groups in Burma. This power stems primarily from being a major ally of the regime. In return



for attacking armed resistance groups and supporting SPDC led military operations, the UWSA receives substantial material benefits. In addition, the SPDC has overlooked the widely known and highly profitable drug operations conducted by the UWSA. (Sources: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003; *Unwanted and Unprotected: Burmese Refugees in Thailand*, HRW, September 1998).

In 2005, the privileged position of the UWSA was called into question after the SPDC issued an ultimatum for the surrender of unregistered motor vehicles in the Wa's possession (source: "Junta Moves Baffle Burma Watchers," SHAN, 24 August 2005). Prior to the ouster of Prime Minister Khin Nyunt, the UWSA were exempt from registering vehicles in their possession. In September and November, however, over 100 UWSA members were detained by SPDC troops for failing to have proper licenses on their vehicles (sources: "Tension Between Burmese Troops and UWSA," DVB, 14 November 2004; "UWSA Members Detained by Burmese Soldiers," DVB, 15 September 2005).

### **Multilateral Resistance Organizations**

Despite the diversity and occasional conflicts among the various ethnic minority groups, several collaborative groups developed throughout the years to present unified demands and join forces against the military regime. These groups include the National Democratic Front (NDF), the Democratic Alliance of Burma (DAB) and the Ethnic Nationalities Solidarity and Cooperation Committee (ENSCC).

In 1976 several ethnic minority groups formed the NDF to represent the concerns and needs of ethnic nationalities in Burma. The membership includes the KNU, NMSP, KIO, KNPP, CNF, Arakan Liberation Party (ALP), Lahu Democratic Front (LDF), Palaung Liberation Front (PLF), Pa-O Liberation Organization (PLO) and the Wa National Organization (WNO). The primary advocacy efforts of the NDF have been for the creation of a de-centralized federal system in Burma with equal ethnic minority rights. To assist in these efforts, DAB developed in 1989 as a parallel organization of the NDF and expanded participation to include members of the pro-democracy movement. (Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003).

Since 2001, the NDF's work has revolved around drafting an alternative national constitution to that being forced upon the National Convention delegates by the regime. Federalism and protected ethnic minority rights are the primary foundational principles in the NDF's constitution. The drafting process continued in December 2005 during the fourth annual Ethnic Nationalities Conference. Seeking comment from the populace of Burma as well as from the military regime, an initial draft of the alternative constitution was released following the conference. (Source: "A Struggle for Self-Determination in Burma: Ethnic Nationalities Perspective," Dr. Lian H Sakhond, 9 September 2004; "Opposition Releases Alternate Draft Constitution," Network Media Group, 13 December 2005).

The ENSCC formed out of the National Reconciliation Program, which was established in 1999 to pressure and facilitate tripartite dialogue between the ethnic minority groups, the pro-democracy groups, and the junta. The ENSCC is charged with the task of ensuring a degree of unity among the ethnic minority groups and to advocate on particular concerns of the ethnic minority community. The activities of the ENSCC are coordinated with the NDF, the UNLD-LA and the ceasefire groups.

## 8.3 Need for a Tripartite Dialogue

*“The exclusion of important and representative political actors from the process, the restrictions placed on their involvement, the intolerance of critical voices and the intimidation and detention of pro-democracy activists render any notion of a democratic process devoid of meaning. Freedom of movement, assembly and association must be guaranteed, as they are basic requirements for national reconciliation and democratization.”* – Paulo Sergio Pinheiro, UN Special Rapporteur on the Situation of Human Rights in Burma. (Source: “Situation of Human Rights in Myanmar,” *Sixtieth session of the UN General Assembly*, Item 73(c) of the provisional agenda, 12 August 2005).

In 2005, the junta-controlled process of drafting a national constitution continued through two sessions of the National Convention (NC). The NC began in 1993 after the regime refused to implement the 1990 election results in which the NLD won 81 percent of the parliamentary seats. Since the beginning, the proceedings have been criticized as undemocratic, unrepresentative, and restrictive. Sessions held in 1993 were repeatedly suspended after ethnic minority delegates persistently opposed the centralized state structure proffered by the junta. (Source: “National Convention Proceedings, April 1993,” Working People’s Daily/New Light of Myanmar via Burma Press Summary, April 1993). In November 1995 several delegates, including the SNLD, walked out to protest the marred proceedings (source: “Press Release on NLD Withdrawal,” The National Convention Convening Commission, 28 November 1995). The Convention adjourned on 31 March 1996 and remained suspended until international criticism following the 2003 Depayin Massacre spurred the regime to initiate the seven-point roadmap to democracy.

On 17 May 2004, the NC reconvened after being adjourned since 1996. In opposition to the proceedings, eight ethnic minority groups refused to participate in the 2004 Convention. Despite the unrepresentative nature of the Convention, the proceedings continued with participation being largely restricted by the regime. On 11 May 2004, six ceasefire groups in collaboration issued a joint statement with several proposals to be considered by the Convention delegations. The demands included reform of the constitutional drafting process and incorporation of ethnic minority rights in the future constitution of Burma. The SPDC, however, refused to allow the proposals onto the agenda. The Convention adjourned on 9 July 2004. (Source: “Situation of Human Rights in Myanmar,” *Sixtieth session of the UN General Assembly*, Item 73(c) of the provisional agenda, 12 August 2005).

In 2005, the NC took place from 17 February to 31 March and from 5 December through the end of the year. In the months leading up to both 2005 sessions, the regime attempted to stifle ethnic opposition through increased military offensives, a crackdown on ethnic leadership, and heightened restrictions. Military operations in the ethnic minority areas were also aimed at pressuring armed resistance groups to disarm. Furthermore, just days before the February sessions were scheduled to begin the SPDC arrested several prominent Shan leaders and activists, including Gen. Hkun Htun Oo and Gen. Hso Ten, chairmen of the SNLD and the SSPC respectively (sources: “Exiled Shan Nationals to Hold on to Armed Struggle,” DVB, 29 March 2005; “Ten Shan Activists Arrested in Myanmar for Conspiracy: Minister,” AFP, 15 March 2005). Ten Shan leaders remained under SPDC custody throughout the NC proceeding (source: “Exiled Shan Nationals to Hold on to Armed Struggle,” DVB, 29 March 2005). These 10 leaders were then sentenced to unreasonably long prison terms on 3 November 2005, a month before delegates reconvened for the December sessions. Following the harsh sentencing of the leaders and before the NC resumed, in late November 11 ethnic

political parties signed onto a collaborative statement indicating their lack of faith in the NC process. Also in the lead-up to the December NC sessions, delegates from Shan and Mon States reported being under SPDC surveillance as early as mid-September. (Source: "Ceasefire Groups to Complete Constitutional Convention," SHAN, 20 September 2005).

Both sessions in 2005 continued to be unrepresentative. During the February session, the regime excluded 44 delegates from the NLD, the SNLD and the Shan State Kokang Democratic Party (SSKDP) after they boycotted the 2004 NC sessions (source: "Myanmar NC to Approve Power Sharing Principles," *Xinhua*, 1 February 2005). Furthermore, in February, the SSA-N and SSNA boycotted to protest the arrest and continued detention of Shan leaders and activists (source: "Shan Ceasefire Group Will Quit NC Unless Leaders Released," *Irrawaddy*, 14 February 2005; "Rangoon, Shans: No More Mr Nice Guys," SHAN, 15 February 2005). Demonstrating the junta's indifference of ensuring a procedurally representative process, Gen. Sein Thein bluntly responded, "We'll manage without you" (source: "Rangoon, Shans: No More Mr Nice Guys," SHAN, 15 February 2005). The SSA-N delegates, however, rejoined the convention during the December sessions following warnings by the junta that to help their imprisoned leaders they should not to make an issue of the harsh sentences "either in the capacity of an organization or National Convention delegates." (source: "Shut up: Shan Group Told Not to Complain About Imprisonments of Leaders," DVB, 22 November 2005). While the NMSP discussed boycotting the February NC, they reluctantly agreed to send a delegation but, in protest, sent lower level officials (source: "NMSP to Attend Burma Junta's 'NC,'" DVB, 29 January 2005; "NMSP to Hold Meeting Over Attendance of Burma's Convention," DVB, 20 January 2005). In December, however, the NMSP only sent three observers (source: "US Slams National Convention," *Irrawaddy*, 6 December 2005). The KNPP also decided not to send a delegation to the December NC describing the process as "just an excuse for SPDC to hold on to its military rule longer." (source: "National Convention a Farce: KNPP Tells Pinheiro," *Mizzima*, 19 November 2005). In addition, the Kokang Democratic Party (KDP) continued their boycott of the NC despite threats of having their organization outlawed by the junta (source: "Burma Junta Invites Political Parties to Attend its Convention," DVB, 16 November 2005). Meanwhile, a majority of the delegates who attended the 2005 NC as representatives of the "ethnic races" were members of the USDA (source: "Burma Junta Invites Delegates to Attend Convention," DVB, 5 February 2005).

Like previous NC sessions, delegates continued to be denied any meaningful opportunity for dialogue or participation in the junta-controlled February sessions. All efforts to influence the predetermined agenda were categorically denied by the junta. The SPDC ignored demands posed by the CNF in a statement that sought the release of political prisoners and assessment of the junta-drafted constitutional guidelines. (Source: "Briefing by CNF Representative to the US at the US Department of State," CNF, 1 February 2005). The junta similarly suppressed other proposals initiated by delegates during the Convention. According to a Shan delegate, "The Wa tried...to recapitulate on what they had proposed during the last round but they were barred." Another delegate reported that the KNPLF faced the same hindrances. (Source: "Convention Rep: No Law in Burma," SHAN, 28 March 2005).

During both rounds of the 2005 NC, the SPDC organized forced rallies to feign support for the NC. In February and March villagers from Kaeng-Tung Township were ordered to attend a mass meeting in Rangoon under threats of a 1,000 kyat penalty. Members of the junta-sponsored USDA and the Women's Affairs Organization also led a 7 1/2 hour long rally in support of the National Convention without providing the participants with food or water.

(Source: "People Forced to Attend Mass Demonstration in Kaeng-Tung to Support the "National Convention" Held in Rangoon (Yangon)," *SHRF Monthly Report*, SHRF, May 2005).

Amid reports that the December sessions would conclude the NC process, the SPDC began preparing their affiliates to dominate the future government. The SPDC has been priming the USDA to become an imposing political force. On 6 December, Gen. Secretary of the USDA, Brig. Gen. U Htay Oo announced that the USDA would be reconstituted as a political party. (Source: *The Game Plan of Nazi Generals in Burma*, NDD, 9 December 2005). To increase USDA membership, local authorities in Mon State have reportedly been forcibly registering youth into the USDA. The SPDC also instructed local USDA leaders to begin selecting candidates to run in a future national election in order to compete for the 75 percent non-military-reserved seats (source: *In-Depth Analysis on SPDC-Supporting Organizations USDA and PSO*, HURFOM, November 2005). In addition, retired army officials have been resettled to Northern Arakan State in order to serve as representatives of the area when the new parliament is formed.

While the junta has been holding their constitutional drafting sessions, several ethnic minority groups in collaboration have been drafting an alternative constitution. From 28 April to 1 May 2005, ethnic minority representatives convened at the fourth annual Ethnic Nationalities Conference to participate in formulating an alternative constitution. In December 2005, a draft was released for public comment. The constitution is based on a federal Burma with provisions to protect ethnic minority rights. (Source: "Opposition Releases Alternate Draft Constitution," NMG, 13 December 2005).

## **8.4 SPDC Campaign of Abuses Against Ethnic Minority Villagers**

A half-century of conflict and military aggression between the successive regimes in control of Burma and ethnic resistance forces has fostered an environment of instability and fear within the ethnic minority areas. In connection with the continued militarization and armed hostilities, innocent ethnic villagers have been targets of rampant and brutal human rights violations and abuses at the hands of regime soldiers for decades. Ceasefire agreements signed between the regime and armed resistance groups have failed to provide any guarantee of protection for villagers. The regime often violates the terms of ceasefire pacts committing attacks and abuses against ethnic villagers. Throughout 2005, there continued to be reports of SPDC-instigated human rights abuses against ethnic villagers, including forced labor and portering, forced relocation, displacement, extortion, land confiscation, rapes, beatings, torture, arbitrary killings. (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. Local commanders have been instructed to fund the needs of their soldiers locally, leading to many abusive practices. Villagers have continued to be used as forced laborers on various military projects including road-building, base construction and camp maintenance. Villagers have also been forced to provide supplies such as building materials, livestock and money for the military. 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. (Source: *Myanmar: Aid to the Border Areas*, ICG, 9 September 2004).

Attempts to eliminate all ethnic armed resistance through the “four cuts” policy is another cause of severe human rights abuses. The “four cuts” strategy developed in the mid-1960s to cut off the four main necessities of the resistance movement: food, funds, recruits and intelligence. The strategy is aimed at changing “black” areas controlled by armed opposition into “brown” contested territory and ultimately into “white” junta held areas. The “four cuts” policy has continued to be employed by the regime not only weakening the armed resistance movement but also harshly impacting the ethnic minority community.

### **Arakan State- Partial List of Incidents for 2005**

Since 2 January 2005 through to mid-March 2005, villagers from Alay Sankyaw and Myint Hlut were ordered to stand guard at army camps. (Source: “Forced Labor Still Exists,” *Kaladan News*, 15 March 2005).

In mid-February 2005, 3 members of the local authority in Taungup Township were arrested after villagers filed complaints with the ILO accusing soldiers from SPDC IB 544 and 346 of forcing them to work at fish and prawn farms. (Source: “Local Authorities Arrested for the Crimes of Army Officers in Burma Arakan State,” DVB, 20 February 2005).

Villagers of Alay Sankyaw and Myint Hlut have been forced by SPDC soldiers to work on agricultural, construction and road repair projects since 27 February 2005. (Source: “Forced Labor Still Exists,” *Kaladan News*, 15 March 2005).

It was reported on 12 August 2005 that after a battle with the ALA, the SPDC detained and tortured a village headman, his son, and 5 others in the middle of Satin Wa village accusing them of being informers for the ALA. (Source: “Armed Clash Occurs Between Arakan Liberation Army and SPDC,” *Narinjara News*, 12 August 2005).

On 27 August 2005, it was reported that troops from SPDC LIB 20 in Mrite Wa village in Paletwa Township began using villagers as human shields after they lost 1 officer in skirmishes with the ALA. (Source: “Burmese Army Camped Inside Village Due to Fear of Attack,” *Narinjara News*, 27 August 2005).

On 27 September 2005, it was reported that the authorities in Pone Nar Gyan Township seized Rakhine farmland near Bae Ngar Rar Hill without compensation. (Source: “Land Grabbing by Army Continues Unabated in Arakan State,” *Narinjara News*, 27 September 2005).

On 4 October 2005, SPDC LIB 564 confiscated 35.2 acres of farmland in Buthidaung Township forcing the farmers and their families from their land. (Source: “Burmese Army Continues to Confiscate Crop Land in Northern Arakan,” *Kaladan News*, 3 November 2005).

On 14 November 2005, it was reported that children were forced to clean the streets of Sittwe every weekend. (Source: “Forced Labour in Burma’s Arakan State Capital Sittwe,” DVB, 14 November 2005).

On 22 December 2005 it was reported that the construction of an uncompleted road, connecting Maung Gyi Taung village and Chaung village, which began in December 2004 was resumed. The military had been forcing 40 to 50 villagers each day from the Rohingya community to build the road. About 48 acres of villagers' land had also been confiscated by the military for road construction and army establishments. (Source: "Army Resumes Forced Labor for Road Construction in Northern Arakan," *Kaladan News*, 22 December 2005).

### **Chin State- Partial List of Incidents for 2005**

On 15 January 2005 it was reported that soldiers from LIB 269 stationed at Tunzang and Tiddim Townships forced villagers to transport supplies and build army outposts thirty miles from their village. Villagers were reportedly confined to army bases and required to perform menial tasks for the soldiers. (Source: "Burma Army Uses Forced Labour at Chin State," DVB, 15 January 2005).

It was reported on 15 January 2005 that soldiers had been forcing their way into homes of Chin women under the pretense of "checking guest lists." The women had then been raped and harassed. (Source: "Burma Army Uses Forced Labour at Chin State," DVB, 15 January 2005).

On 19 January 2005, troops from SPDC LIB 266 led by Captain Tin Myo arrested Samuel (male, age 18) from Selawn village, Falam Township. He was killed near Hmawngkawn village after being accused of maintaining association with the Chin Integrated Army (CIA). (Source: "Innocent Chin Villager Summarily Executed," *Rhododendron News*, CHRO, 9 February 2005).

On 13 March 2005, local SPDC authorities arrested Ram Kung, leader of Lungngo Mino Bu youth organization, and 2 other villagers, Pau Za Mang and Maung Thang accusing them of having links with the CNF. The arrests came following a brawl between a CNF operative and the local police on 12 March 2005 that resulted in the death of 1 policeman and the injury of 2 others. (Source: "Youth Organization Abolished and the Leader Arrested," *Rhododendron Publication*, CHRO, May-June 2005).

On 18 March 2005, Capt. Aung Naing Oo of SPDC LIB 266 arrived at Selawn village and called the village headman, council members and telephone operator to assemble. The group was accused of aiding CNF fighters and neglecting to report the activities of the CNF. While the village council members and village headman were badly hurt, telephone operator Hmet Lian was instantly killed when the troops hit him in the face with the butts of their rifles. (Source: "Innocent Chin Beaten to Death by Burmese Army," *Rhododendron News*, CHRO, 21 March 2005).

In April 2005, Lt Aung Naing from SPDC LIB 268 and his troops seized U Chan King, headman of Tlaungkhua village, Thangtlang Township and a clerk from Taihdai village for allegedly failing to report the activities of the CNA. Both the clerk and the village headman were forced to patrol the India-Burma border for approximately 1 month. U Chan King was also ordered to pay a 500,000 kyat fine. (Source: "Army Abducts Village Headman for Ransom," *Rhododendron News*, CHRO, May-June 2005).

From May 2005 to the date of this report, 8 June 2005, Col. San Aung commander of Burma Army Tactical 2 ordered about 600 people from 20 villages in Chin State to work on a road

construction project. Captain Htun Myint Maung and his company of SPDC LIB 140 strictly guarded the forced laborers. The laborers are worked to complete at least 200 ft. per day. Laborers had to bring their own food, tools and medicine to the work site. (Source: "SPDC Forced 600 Villagers to Engage in Road Construction," *Rhododendron News*, CHRO, 8 June 2005).

On 15 July 2005, Battalion Comdr. Sgt. Tin Soe of SPDC IB 305 based in Matupi forced 10 underage primary school children to carry rations and supplies during a trek from Sabawngte army camp to Laienpi camp. The load carried by the 10 boys included:

1. 10 tins of rice;
2. 10 bottles of cooking oil;
3. 10 viss of fish paste; and
4. 5 viss of dried chilly.

Halfway through the journey, 2 of the youngest children became too exhausted to continue. At that point they met with 5 Laienpi villagers returning from Mizoram who served as substitutes for the children. The children traveled 12 miles before being substituted by 5 villagers. (Source: "SPDC Forced Primary School Children to Porter," *Rhododendron News*, 8 August 2005).

According to a report dated 1 September 2005, soldiers stationed in Falam Township demanded more than 300,000 kyat from 3 cattle traders after threatening them with arrest and hard labor. (Source: "Burmese Troop Robbed 300,000 Kyats From Cattle Traders," *Rhododendron News*, CHRO, 1 September 2005).

On 9 September 2005, soldiers from SPDC Battalion 304 beat 5 Chin football spectators in Matupi Township after the villagers supported only the civilian team. (Source: "If You Can't Beat Them, Beat Them Up: Burmese Soldiers Beat Up Civilians in Football Match," DVB, 26 September 2005).

On 17 September 2005, it was reported that the authorities fined and tortured villagers who failed to report the presence of the CNA. (Source: "Village Authorities Signed to Report Insurgents," *Khonumthung*, 17 September 2005).

On 18 September 2005, a soldier from SPDC LIB 395 raped a Chin girl from Daungmi Kala village. (Source: "Chin Girl Raped by Burmese Soldier," *Rhododendron News*, CHRO, 12 October 2005).

During the last week of October 2005, the commander of SPDC LIB 140, Cpt. Aung Myo demanded 2 chickens from the VPDC Chairman of La-O, Thantlang Township with an indirect threat of death and destruction of his property. (Source: "Military Commanders Harass Civilians," *Khonumthung*, 9 November 2005).

On 12 November 2005, 2 villagers were killed and 6 injured during a football tournament in Matupi Township, Chin State when an SPDC soldier fired into the crowd after the SPDC sponsored team lost. Lance Cpl. Lin Hung, of the Sniper Platoon of Burma Tactical II, in Matupi, committed suicide after taking responsibility for the shootings. (Sources: "Armed Men Fire on Football Spectators Killing Two and Injuring Six," *Khonumthung*, 15 November 2005; "Soldier Commits Suicide Claiming Responsibility for 'Matupi Football Match Tragedy,'" *Khonumthung*, 20 November 2005).

## **Karen State- Partial List of Incidents for 2005**

On 9 January 2005, troops from SPDC LIB 598, led by Bo Myint Thein, shot at villagers collecting vegetables at Tha Haw Hta in Mae Waing area. In that incident Wah Tho Kho villager Ah Nge Lay, age 32, was killed, while Saw Si Way, age 25, was wounded. Saw Si Way was taken to Mae Waing army camp. (Source: KIC, 2005).

On 10 January 2005, SPDC troops used forced porters, mostly between the ages of 14 to 17, during attacks launched on Karen villagers during Karen New Year. (Source: "Myanmar Villagers Flee to Thailand After Clashes," Reuters, 12 January 2005).

On 20 January 2005, soldiers from SPDC LIB 60 caught 2 Karen villagers, Saw Tha Day Kwa and Saw Pa Ka Raw on 20 January 2005. The 2 villagers were searched, tied up and taken to Baw Gale Gyi, Toungoo District, Karen State. They have since disappeared. (Source: "IDPs in Need of Food Because of Ongoing Oppression by the Burma Army," FBR, 22 January 2005).

On 8 February 2005, troops from SPDC IB 60, Column 2, led by Hlaing Tint seized villager Saw Htoo Gay from Ler Kla Doe village, Tantabin Township and demanded 150,000 kyat from him. The following day, the same troops seized Saw Toe Day of Hu Mu Doe village and destroyed the 13 baskets of rice he was carrying. Moreover, these troops arrested villagers Saw Bwe Htoo, Saw Oliver and Saw Hsa Mu Htaw. As of late March 2005, they had not been released. (Source: KIC, 2005).

On 7 March 2005, after observing a small band of KNLA soldiers in Painkaladon (Gka Leh Der) village, SPDC soldiers entered the village, shooting unarmed civilians. Nay Pay Thwe, a 35-year-old female shopkeeper, was killed under SPDC fire. An 80-year-old woman, Naw Mu Kaw, and a visitor were also wounded. The SPDC troops proceeded to loot a total of 260,000 kyat in goods from the village shops. (Source: "Continued Militarisation, Killings and Fear in Dooplaya District," KHRG, 2 June 2005).

On 9 March 2005, troops from SPDC IB 315 of Kyaukkyi Township shot and killed Karen villagers, Saw Hla Win and his uncle, on the Maw Ket Ko motor road without any reason. (Source: KIC, 2005).

On 14 March 2005, troops from an SPDC military column conducting military operations on Hsaw Me Lu motor road shot and killed 2 villagers from Saw Me Lu village without reason. The 2 victims were Saw Ta Kaw Thaw and Saw Gay Lay. (Source: KIC, 2005).

On 28 April 2005 at 8:00 am, troops from SPDC IB 83, Column-2, led by Min Naung, arrested 2 villagers of Noe Maw Pu, Kya In Township without reason. The 2 arrested were Saw Min Htoo, age 29, and Yeh Kay Heh, age 27. After brutally beating them, the soldiers released the 2 at 5:00 pm. The following day, SPDC IB 83 arrested and beat Saw Ka Lee, age 40, and Par Ee Thar, age 38, from Htee Kya village similarly without reason. The 2 were released afterwards. In addition, the troops burnt down a hut in Yaw Da Yeh village resulting in the loss of 50 tins of rice. (Source: KIC, 2005).

Beginning in early July 2005 and continuing throughout the year, the SPDC blockaded villages in Tantabin Township, Nyaunglebin and Toungoo Districts in Karen State. In some areas, villagers were cut-off from access to their own farms, neighboring villages and other



food sources creating a threat of starvation for many communities. (Sources: *Taungoo Blockade!!!*, KIC, September 2005; “KNU Says Junta Carries Out All Cuts Policy to Karen Areas,” BBC Burmese Service, 2 October 2005). (For more information see Chapter 12 Freedom of Assembly, Association and Movement).

On 4 July 2005, troops from SPDC LIB 102 Column 2, led by Bo Tay, caught and beat a Maw Thel villager. On 5 July, the same SPDC troops also beat a Noh Law Plaw villager named Pa Naw Kya. (Source: BI, 2005).

On 7 July 2005, SPDC soldiers raided Tagu Seik, Einme Township, Irrawaddy Division. The soldiers surrounded the village and arrested about 50 villagers accusing them of participating in the 7 May Rangoon bombing. One schoolteacher died as a result of electric shocks used during interrogation sessions. (Source: “More Karen Villagers Detained in Delta Burma,” DVB, 12 August 2005).

On the morning of 7 July 2005, troops from a guerrilla unit of SPDC Operation Command 3 shot and killed Lay Ti villager, Saw Tay Nay Kay Ku (male, age 33) in a betel nut plantation between Hko Lu and Hu Mu Doe. Two days later, troops arrested, tied up and beat Lay Ti villager Saw Law Moo, age 38. (Source: KIC, 2005).

On 9 July 2005 at 7:00 am, KNU troops and SPDC IB 60 Column 2, led by Comdr. Tin Maung Win, fought each other at Mae T' Lee village. Motivated by the loss of this battle and the related injuries of many soldiers, the SPDC troops attacked and killed the chief of Mae T' Lee village. (Source: BI, 2005).

On 11 August 2005 at 7:00 am, Column 1 Comdr. Than Lwin Myint of SPDC IB 10 shot at Maung Soe Than's house in Da Dar Oo village, Kawkareik Township killing Naw Ma Ohn, age 7, and wounding her mother, Naw Ma Aye. (Source: KIC, 2005).

On 19 September 2005, troops from SPDC Battalion 53 led by Column Comdr. Bo Tin Naing Htin arrested Thein Myint, the chairperson of Ta Yo village. The troops brutally tortured him. Later, the troops killed Thein Myint at Ka Mar Ti Poe Li village (Source: KIC, 2005).

On 28 September 2005, SPDC IB 53 entered Toungoo District and Comdr. Tin Nae Ton asked Saw Aung Kod Lah, the head villager from Ta Role village, to follow his troops so he could serve as their contact for other villages. However, as they traveled the battalion commander beat him. A block of wood was then placed on his back when he was lying down and soldiers were ordered to stand on either end of it and walk across. This torture broke 8 of his bones. (Source: BI, October 2005).

On 17 October 2005, SPDC troops led by Comdr. Zaw Naing forced 6 Karen villagers from Tantabin Township, Toungoo District to work on and around their military camp. Two days later, Company Comdr. Kyi Myint and his troops similarly forced 25 villagers, including 14 women, to work on projects at their camp. (Source: “Burma Army Using Forced Labour to Maintain Camps,” FBR, November 2005).

On 8 November 2005, troops from SPDC IB 48, led by Comdr. Lu Kyi, demanded information from the village chief of K' Ser Doh village, Saw Ka Myint, about the location of KNU troops. When he denied having any knowledge, the troops took a heated knife and pressed it against the village chief's neck. (Source: BI, October 2005).

On 15 November at 9:45 am, a column SPDC LIB 421 led by Maj. Zaw Zaw Lin arrived at a paddy field near Kutaru village. There, the troops opened fire on villagers working in their field killing 3 people. (Source: KIC, 15 November 2005).

On 26 November 2005, 900 villagers fled Hee Daw Kaw and surrounding villages after attacks led by SPDC IB 73. Two days later, the attacking soldiers destroyed 30 houses. (Source: "900 Villagers Flee and 30 Homes are Burned as the Burma Army Attacks Villagers in Northern Karen State, Burma," FBR, 26-28 November 2005).

Since 17 December 2005, soldiers from SPDC LIB 439 have been forcing Karen villagers, including children as young as 13, to work on road construction projects in Tantabin Township without compensation. (Source: "Forced Labor in Toungoo District," FBR, 25 January 2005).

### **Karenni State- Partial List of Incidents for 2005**

Villagers living along the electricity supply line connecting Lawpita Hydroelectric Plant to Rangoon have been forced to guard pylons every ninth day for a 24-hour period. Those who refuse are required to pay 500 kyat. (Source: "Forced Labour Continues in Central Burma," DVB, 9 January 2005).

On 31 March 2005, troops from SPDC LIB 214 attacked Kwa Kee village in Karenni State causing the villagers to flee. The soldiers looted the village and arrested 4 villagers. (Source: "Burma Army Attacks Karenni Village, Loots, and Captures Four Villagers," FBR, 31 March 2005).

In September 2005, troops from SPDC LIB 530 arrested 14 villagers in Loikaw Township who they accused of having contact with the KNPP. Those arrested included the chairman of Dawtheheh village who was reportedly bound with ropes and separated from the other arrestees. Eight villagers were released after 1 month while 6 remained in detention. (Source: "Residents in Lwai-kaw Township Are Arrested and Forcibly Relocate Their Village," DVB, 21 December 2005).

### **Mon State- Partial List of Incidents for 2005**

Throughout the year, SPDC soldiers ordered villagers in Yebyu Township, including women and the elderly, to attend military training or pay a fine. In addition, families were ordered to pay for the costs of the training. (Source: "Human Rights Effects to Civilians in Yebyu Township," *The Mon Forum*, HURFOM, September 2005).

In January 2005 about 100 families from 3 villages in southern Ye and Yebyu Townships fled to Mon resettlement camps on the Thai-Burma border after the SPDC destroyed their homes. (Source: "A Hundred Families Fled to Mon Resettlement Camp," *Kaowao News*, 26 January 2005).

On 25 January 2005, it was reported that SPDC IB 62 forced villagers in the south of Thanbyuzayat Township to work on the Kanbuak – Myaingkalay gas pipeline and forced them to pay about 5 million kyat per month of security fees. Soldiers patrolling the gas pipeline beat some villagers. Some villagers, who crossed the pipeline route in the evening,

often local farmers and plantation personnel returning home after completing their work, were accused of being rebels and tortured. (Source: "Five Million Kyats Per Month Demanded for Gas Pipeline Security Fee," IMNA, 25 January 2005).

On 14 March 2005, it was reported that the SPDC military used forced labor and forced financial contributions to build schools in southern Ye Township. In addition, disappearances and killings were also reported. (Source: "Southern Ye: Horror, Humanity... Hope?" *Kaowao News*, 14 March 2005).

On 16 March 2005, Column 1 Comdr. Maj. Min Aung of SPDC LIB 104 monitored the movement of villagers in Ta U Ni village, Thaton Township and arrested villager Saw Paw Ner (male, age 26) together with 2 of his companions. The SPDC troops brutally beat these 3 villagers without reason. As of 9 April, they had yet to be released. (Source: KIC, 2005).

On 25 May 2005, villagers of Wal Township, Thaton District, Mon State were ordered to destroy their paddy field huts and confined to their villages. (Source: KIC, 2005).

On 25 July 2005, troops from SPDC LIB 599 arrested villagers who were working in the betel nut gardens in Taw Ta Tu Township. The troops then held the villagers hostage in the village church. (Source: "Human Rights Violations Update: Northern and Western Karen State," FBR, 9 September 2005).

On 12 September 2005, it was reported that SPDC troops seized plantations and extorted money from Mon villagers near Khao Jear sub-town in Ye Township. (Source: "SPDC's Land Confiscation for Army Village," *Kaowao News*, 12 September 2005).

On 4 October 2005, it was reported that villagers from the Bilin area in Mon State were forced to participate in a road construction project without compensation. In connection with the project, the SPDC confiscated farmland from Mon villagers. (Source: "Forced Labour and Land Confiscations in Southern Burma Mon State," DVB, 4 October 2005).

On 8 October 2005, it was reported that villagers in Ye Township were forced to construct new SPDC military camps. (Source: "Farmers Lose Land to Military Camps," *Kaowao News*, 8 October 2005).

On 12 November 2005, it was reported that villagers from Wekali and Wekatai villages were forced to build army bases for the Southeast Command. (Source: "Forced Labour Continues in Burma's Mon State," DVB, 12 November 2005).

On 12 November 2005, arbitrary killings were reported in Ye Township as well as the continued use of Mon villagers as minesweepers. (Source: "Forced Labour Continues in Burma's Mon State," DVB, 12 November 2005).

On 18 November 2005, it was reported that the SPDC Tactical Command No. 1 used villagers from Joor-hja-bloss as forced porters often requiring them to enter dangerous conflict zones. (Source: "Spate of Arrests for Use as Porter Continues," IMNA, 18 November 2005).

## **Shan State- Partial List of Incidents for 2005**

In January 2005, Lung S, age 60, a Shan rice farmer, was arrested and detained by SPDC troops for suspected links with insurgents. Lung S claimed to have suffered extensive torture during heavy-handed interrogation sessions. (Source: "Abuses by Burma's Military Regime in Shan State, Burma," Dictator Watch, May 2005).

In February 2005, according to Lahu villagers from eastern Shan State, troops beat the entire adult male population over the age of 18, including elderly men, of their village. The villagers were forced to lie on their stomachs and were beaten with bamboo staves. The mass beatings took place after the villagers were unable to supply the troops with a Burmese speaking guide of the area. (Source: "Abuses by Burma's Military Regime in Shan State, Burma," Dictator Watch, May 2005).

On 9 February 2005, about 40 SPDC troops led by Maj. Khin Naing of Military Operation Management Command 17 forced 2 villagers from Kaeng Kham Awn village to serve as guides. The villagers were beaten with a stick until they lost consciousness after they were accused of having contact with Shan resistance fighters. (Source: *SHRF Monthly Report*, SHRF, April 2005).

On 27 February 2005, it was reported that Shan villagers were tortured by SPDC personnel after communicating with visiting representatives of the Red Cross and human rights groups. (Source: "Myanmar's Dissidents Plot Strategy as Junta Holds Charter Talks," AFP, 27 February 2005).

On 28 February 2005, a patrol of 10 soldiers from SPDC LIB 520 shot and killed 4 villagers who were gathering leaves for roofing in the forest near Ho Lin village, Murng Pan Township. The 4 victims were Naang Law (female, age 31), Zaai Keng (male, age 27), Zaai Kit (male, age 30) and Zaai Maai (male, age 25). (Source: "4 Forest Gatherers Shot Dead in Murng Pan," *SHRF Monthly Report*, SHRF, June 2005).

On 17 March 2005 at approximately 9:00 pm, 5 soldiers from SPDC IB 66, led by Comdr. Myint Htoo, went to the home of villager Zaai Kyaw La (male, age 24) in Wan Phuy village, Kho Lam village tract, Nam-Zarng Township. There, the soldiers called him to come out of his house. The soldiers shot and killed Zaai Kyaw La as he reached his front gate. (Source: "A Villager Shot Dead in Nam-Zarng," *SHRF Monthly Report*, SHRF, July 2005).

In April 2005, Ja K, age 40, a Lahu rice farmer claimed that SPDC troops forced him to serve as a porter and carry approximately 30 kgs. of rice and beans. The soldiers beat him with the stocks of their rifles until he lost consciousness and left him for dead. (Source: "Abuses by Burma's Military Regime in Shan State, Burma," Dictator Watch, May 2005).

On 19 April 2005, a patrol of about 60 troops from SPDC IB 64, led by Capt. Win Laing, arrested 5 villagers from Wan Paang village, Lai-Kha Township under accusations of supporting the Shan resistance. The arrestees were interrogated, beaten, tortured and detained for 2 days and 2 nights. Pu Zaang Zan-Da, the village elder, suffered from partial paralysis after being severely beaten by the SPDC troops. The 5 villagers who were arrested were:

1. Kae-Min-Da, male, a novice monk
2. Pu Zaang Zan-Da, male, a village elder
3. Zaai Nyunt, male, age 15, villager

4. Ae Mu, female, age 25, villager
5. Ae Seng, female, age 25, villager. (Source: *SHRF Monthly Report*, SHRF, June 2005).

In late April and early May 2005, villagers accused of supporting the declaration of an independent Shan State by an exiled Shan group were arrested, beaten and detained by troops led by Capt. Win Laing of IB 64 in Wan Paang Village, Lai-Kha Township. In addition, the junta forced villagers to participate in protests against the ISG. (Sources: “Monk and Villagers Arrested, Detained and Tortured; Villagers Forced to Rally Against Shan Resistance, in Lai-Kha,” *SHRF Monthly Report*, SHRF, June 2005; “Burma: Army and Proxies Attack Shan Civilians,” HRW, 25 May 2005).

On 3 May 2005, a patrol of troops from Company No. 4 of SPDC LIB 515, led by Capt. Kyaw Aye, arrested the village secretary Zaai Kham Too from Ter Leng village in Haai Seng village tract, Lai-Kha Township, accusing him of providing money and rice to Shan soldiers in the area. Zaai Kham Too was detained, interrogated, severely beaten and tortured by the SPDC troops. Later 300,000 kyat of money was extorted from his relatives for his release. After his release, Zaai Kham Too continued to suffer from injuries sustained at the hands of his captors and was unable to move around without assistance. He also lost 3 teeth during the beating. (Source: *SHRF Monthly Report*, SHRF, July 2005).

On 5 May 2005 at about 4:00 am, SPDC soldiers conscripted Pi Aung (male, age 40) from Naai Naeng village, Haai Naeng village tract, Nam-Zarng, as a guide. The troops accused Pi Aung having connections with Shan fighters and killed him by shooting him in the stomach. (Source: “Civilian Guide Shot Dead in Nam-Zarng,” *SHRF Monthly Report*, SHRF, November 2005).

On 21 June 2005, about 45 troops from SPDC LIB 569 led by Deputy Comdr. Maj. Soe Myint shot and killed, without warning, Zaai Saw (male, age 25), a displaced farmer from Saai Khaao village, building an embankment at Maak Kher Nu village in Saai Khaao village tract, Kun-Hing Township. Thereafter, the troops accused 2 farmers displaced farmers, Su Zit-ta (male, age 35) and Zaai Law Khin (male, age 37), of cultivating rice and gathering information for Shan resistance fighters. As a result, the soldiers tied up, interrogated, beat and tortured the men. The soldiers took the 2 farmers with them as they patrolled other relocated villages for 2 days and 2 nights. On 23 June 2005, the soldiers stabbed the 2 farmers in the chest and back causing them to die. (Source: “Displaced Farmers Shot, Tortured and Stabbed to Death, in Kun-Hing,” *SHRF Monthly Report*, SHRF, December 2005).

On 3 July 2005, a patrol of soldiers from SPDC LIB 246, led by Sgt. Aung Kyaw Moe, ventured to Laikam, Kunhing Township in search of cows for meat. There the troops found 2 boys herding cattle. The troops shot and killed Waling, age 16, after hitting him in the head. The troops then accused Sai Awng, age 12, of being a spy for the resistance fighters and forced him to produce a cow for consumption. (Source: “Junta Troops Shoot A Villager to Death,” SHAN, 28 September 2005).

On 10 November 2005, troops from SPDC IB 276 based in Moe Meik shot and killed 6 cattle traders and stole their 25 cattle near Moe Meik, Shan State. The 6 victims were:

1. Aik Maung, male, age 28, from Namkhan Township;
2. Aik Thaung, male, from Manwein village;
3. Kyaw Kyaw, male, age 25, from Moemate;
4. 2 men from Tagaung Township, Mandalay Division. (Source: "Army Kills Six Cattle Traders," *Mizzima*, 23 November 2005).

On 12 December 2005 at 7:30 am, a patrol of 60 troops from SPDC IB 33, based in Tangyan and led by Maj. Zaw Zaw Naing, shot at a group of villagers as they were herding their cattle near Nalooklao and Napang villages in Namlao village tract. Sai Hsa (male, age 30) sustained an injury to his leg and was severely beaten and thrown into the Nampang River where he drowned. (Source: "Killing In Ceasefire Area," SHAN, 14 December 2005).

## 8.5 Abuse of Ethnic Minorities by Ceasefire Groups

After being given or promised substantial benefits by the SPDC, several ceasefire groups have become allies of the junta. In return for local autonomy, material support, business opportunities and development projects, some ceasefire groups have supported the SPDC's tactics of controlling the ethnic civilian population through militarization and oppression. (Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003). Attenuated to supporting the SPDC in addition to advancing 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. 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 has become a challenge 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).

### **DKBA- Partial List of Incidents for 2005**

On 6 January 2005, DKBA Sgt. Maj. Pah Kler Kay ordered 12 villages in Thaton Township to give a total of 42,000 sheets of palm leaves. On 30 January 2005, DKBA Capt. Dah Bu also ordered 6 villages of Thaton Township to pay porter fees of 15,000 kyat each month. (Source: FBR, 5 April 2005).

In June 2005, KHRG reported that DKBA units in Dooplaya District abused and killed civilians with impunity. (Source: KHRG, 2005).

On 1 September 2005 at 4:00 pm, DKBA troops, led by Than Htun, opened fire on Ler Ka Law villager Kyaw Win's house, seriously wounding Kyaw Win's wife, Naw Mu Ngar (age 38), his daughter Naw Ko Thar (age 12), his son Maung Mya Win (age 6) and Kwee Lay villager Naw Mya Aye (female, age 46). (Source: KIC, 2005).

### **KNPLF- Partial List of Incidents for 2005**

Between February and June 2005 in Northern Karenni State each family was ordered to support SPDC and KNPLF troops with 16 kg. of rice per month. (Source: FBR, 6 September 2005).

The villagers in Sha Daw Township were reported to be living in fear and hiding in their fields to escape forced labor requests from the allied forces after SPDC sponsored attacks in May 2005. (Source: FBR, 6 September 2005).

On 11 August 2005, an armed group from the KNPLF tortured the village chief of Htukwesoe village, west of Pruso town without any known reason. As a result of the torture, both of his eyes were seriously wounded. (Source: KNAHR, 2005).

On 17 August 2005, an armed group from the KNPLF, jointly led by Sanda Aung and Lwizi, set off for Krukhu and arrived the next day. They arrested a villager named Phabu without any known reason and badly tortured him. (Source: KNAHR, 2005).

On 17 August 2005, an armed group from the KNPLF led by Cho Aye Mo killed villager Phakyeh, age 38, after accusing him of being an informer to Karenni resistance fighters. The following day KNPLF troops under the command of Baw Ei executed the Mawthito village secretary, age 33, under similar accusations. (Source: KNAHR, 2005).

### **UWSA- Partial List of Incidents for 2005**

On 15 April 2005, during hostilities with the SSA-S, Wa troops from the 171st Military Region arrested Nya-Lin-Da, age 18, and his wife, Naang Suay Ing, age 17, who were collecting wild vegetables in the valley of Nam Aw stream in Murng-Ton Township. They accused the couple of being Shan soldiers. They were tortured so severely that after 1 month they still had to eat boiled rice because they could not chew. (Source: "Arrest, Beating and Torture of Shan villagers by a 'Wa' Ceasefire Group, in Murng-ton," *SHRF Monthly Report*, SHRF, July 2005).

Since April 2005, troops of UWSA Battalion 214 had been forcing villagers of Naa Pa Kaao to dig holes for planting rubber trees at their rubber plantation in Murng-Ton Township. (Source: "Forced Labor Used by 'Wa' Troops in Murng-Ton," *SHRF Monthly Report*, SHRF, July 2005).

In April 2005, Wa troops from the 171st Military Region forced 60 villagers from Huay Aw village to bury 68 human corpses between Huay Aw and Pung An villages, causing 3 young villagers to fall sick and die about 12 days later. (Source: "Villagers forced to Bury Many Corpses by 'Wa' Troops," *SHRF Monthly Report*, SHRF, July 2005).

## **8.6 Interference and Denial of Cultural Expression and Events**

The SPDC views the diversity of culture among the ethnic nationalities as the root of economic instability and underdevelopment. To promote their goals of forming a homogenous culture and a centralized political order, the SPDC employs a brutal, systematic and widespread strategy of repressing ethnic cultural practices and events. Through determination and community strength, the ethnic groups have found ways to express their cultural identity. However, they face daily struggles to preserve the survival of their cultures.

### **Karen State**

On 10 January 2005, the commemoration of Karen New Year, SPDC soldiers disrupted celebrations in Kah Law Ghaw village of Kawkaeik Township, Dooplaya District, demanding that all KNLA soldiers leave the area. Fearing an attack, all 350 villagers fled to the Thai border. On 11 January 2005, SPDC soldiers shelled the village with mortars and rocket propelled grenades (RPGs). (Source: "SPDC Violates the Ceasefire during Karen New Year Celebrations; the Attack on Kah Law Ghaw Village, Dooplaya District," KHRG, 3 February 2005).

### **Mon State**

In September 2005, it was reported that soldiers beat and fined civilians from Bop Htaw village for not speaking Burmese. Bop Htaw village is located in Ye Township where the majority of the population cannot speak Burmese but are required to do so by a policy of "assimilation" promoted by the SPDC battalion in charge of the area. Villagers were kicked several times and fined when they failed to speak Burmese. (Source: "Villagers Beaten and Fined for Not Speaking Burmese," *Kaowao News*, 14 September 2005).

### **Shan State**

In 2005, it was reported that Shan literature and culture societies in Hsenwi, northern Shan State were prevented from organizing Shan literary classes during the summer holidays. Traditionally, Shan students, who learn Burmese at school, were taught how to read, write and converse in their mother tongue during the summer months. After the SSNA 11th Brigade "exchanged arms for peace" in April 2005, the people of Hsenwi were banned from teaching Shan by the township officer, who denounced the classes as an excuse for political gatherings. (Source: "No Peace Since 'Peace' Was Achieved," SHAN, 17 June 2005).

On 3 December 2005, SPDC authorities arrested 8 Shan organizers of Shan New Year celebrations. The Chairman of the Shan State Literature and Culture Committee, Dr. Sai Maw Kham, and a popular Shan singer, Sai Hpawn Hseng Moeng, were among those arrested. The Shan New Year celebrations were held on 1 December. (Sources: "Shan Leaders Arrested for Celebration National New Year," DVB, 8 December 2005; "Crackdowns Follow Shan New Year," SHAN, 7 December 2005).



## 8.7 Land Confiscation and Resettlement

*“The Rohingya villages will be in trouble if the NaTaLa villages are constructed near them. The lands belonging to the Rohingya villagers will be confiscated and the villagers will have to construct the NaTaLa villages. In addition, the Rohingya villagers will be forced to provide rice for the NaTaLa villages. Yet, at the moment, they are facing famine. The freedom of the Rohingya villagers is decreasing more and more as the NaTaLa villages are constructed. Their property will be lost and there will be no security for the Rohingya villagers.”* - Student from Buthidaung (source: “The SPDC Carry out Na-Ta-La Village Construction Project in Northern Arakan State,” *Kaladan News*, 25 September 2005).

Since the early 1990s, the SPDC has enacted a policy of land confiscation and forced relocation in Northern Arakan State, in order to establish “model villages” for Buddhist Burman and Rakhine settlers. The “model village” program is officially carried out by the Ministry for the Development of Border Areas and National Races. The Ministry is also known as NaTaLa. Thus, “model villages” are often referred to as “NaTaLa villages”. As a result of the construction of the “model villages”, large tracts of Rohingya land have been confiscated and entire communities have been forced to leave their homes and relocate. Furthermore, local residents are forced to provide free labor and building materials for the construction of the villages.

Among those of Burman ethnicity, the SPDC authorities have reportedly relocated released criminals, HIV patients, drug addicts, and retired armed forces personnel to inhabit the “model villages”. Furthermore, the junta has offered 257 Dinet Buddhists from the Bangladesh- Burma border to settle in “model” villages reportedly to outnumber the large Muslim population in Northern Arakan State. (Source: “Burma Offers Bangladeshi Buddhists to Settle in Northern Arakan,” *Narinjara News*, 3 January 2006). Those who are relocated to model villages are reportedly offered incentives to encourage resettlement. Residents are reportedly provided with a home, one to four acres of land and a pair of oxen.

In 2005, the SPDC continued to confiscate land in northern Arakan State from local farmers for re-allocation as NaTaLa Villages. In three northern townships of Arakan State, Rathidaung, Buthidang, and Maungdaw, there are over 30 “model villages” that have been built since 1990. In July 2005, local farms in Rathiduang Township situated near the villages of Zaydi Byin, Athet Nanra, Aut Nanra, Chuk Byin, Chin Wra, Thein Daung, Kyauk Ran, and Tha Pree Daw were confiscated by the SPDC authorities (source: “Authority Loots Local Farms for Modern Villages,” *Narinjara News*, 5 July 2005). In September 2005, the local SPDC authority in Buthidang and Maungdaw informed residents of plans to increase the number of NaTaLa villages three-fold, bringing the total to 110 “model villages” (source: “The SPDC Carry Out NaTaLa Village Construction Project in Northern Arakan State,” *Kaladan News*, 25 September 2005). In implementing these plans, in December 2005, 80 houses were built in Maungdaw. These houses were constructed with the use of forced labor of Rohingya villagers. It was reported that most of the new comers, Buddhist families from Burma proper, were retired army officers including officers who intend to be selected as representatives of the area in a future parliament. Nearby villages were forced to supply generators for the new comers as well as 1,000 kyat per family. (Source: “80-Family of New Buddhist Settlers Brought into Northern Arakan,” *Kaladan News*, 31 December 2005).

Meanwhile, in December 2005, it was reported that a group of the NaTaLa settlers were stealing farm products from local Rohingya villagers in Buthidaung Township. Although the

villagers reported the loss of fruits, vegetables and cattle from their plantations to the local authorities, their complaints were ignored. (Source: “Burman Settlers in Northern Arakan Steal Local People’s Properties,” *Kaladan News*, 13 December 2005).

## 8.8 Appendix I: SPDC List of Ethnic Minority Groups of Burma

| Kachin          | Karenni (Kayah)  | Karen (Kayin)      | Chin                | Burman | Mon | Rakhine   | Shan             |
|-----------------|------------------|--------------------|---------------------|--------|-----|-----------|------------------|
| Kachin          | Kayah            | Kayin              | Chin                | Bamar  | Mon | Rakhine   | Yun (Lao)        |
| Trone           | Zayein           | Kayinpyu           | Meithei (Kathe)     | Dawei  |     | Kamein    | Kwi              |
| Dalaung         | Ka-Yan (Padaung) | Pa-Le-Chi          | Saline              | Beik   |     | Kwe Myi   | Pyin             |
| Jinghpaw        | Gheko            | Mon Kayin (Sarpyu) | Ka-Lin-Kaw (Lushay) | Yaw    |     | Daingnet  | Yao              |
| Guari           | Kebar            | Sgaw               | Khami               | Yabein |     | Maramagyi | Danaw            |
| Hkahku          | Bre (Ka-Yaw)     | Ta-Lay-Pwa         | Awa Khami           | Kadu   |     | Mro       | Pale             |
| Duleng          | Manu Manaw       | Paku               | Khawno              | Ganan  |     | Thet      | En               |
| Maru (Lawgore)  | Yin Talai        | Bwe                | Kaungso             | Salon  |     |           | Son              |
| Rawang          | Yin Baw          | Monnepwa           | Kaung Saing Chin    | Hpon   |     |           | Khamu            |
| Lashi (La Chit) |                  | Monpwa             | Kwelshin            |        |     |           | Kaw (Akha-E-Kaw) |
| Atsi            |                  | Shu (Pwo)          | Kwangli (Sim)       |        |     |           | Kokang           |
| Lisu            |                  |                    | Gunte (Lyente)      |        |     |           | Khamti Shan      |
|                 |                  |                    | Gwete               |        |     |           | Hkun             |
|                 |                  |                    | Ngorn               |        |     |           | Taungyo          |
|                 |                  |                    | Zizan               |        |     |           | Danu             |
|                 |                  |                    | Sentang             |        |     |           | Palaung          |
|                 |                  |                    | Saing Zan           |        |     |           | Man Zi           |
|                 |                  |                    | Za-How              |        |     |           | Yin Kya          |
|                 |                  |                    | Zotung              |        |     |           | Yin Net          |
|                 |                  |                    | Zo-Pe               |        |     |           | Shan Gale        |
|                 |                  |                    | Zo                  |        |     |           | Shan Gyi         |
|                 |                  |                    | Zahnyet (Zanniet)   |        |     |           | Lahu             |
|                 |                  |                    | Tapong              |        |     |           | Intha            |
|                 |                  |                    | Tiddim (Hai-Dim)    |        |     |           | Eik-swair        |
|                 |                  |                    | Tay-Zan             |        |     |           | Pa-O             |
|                 |                  |                    | Taishon             |        |     |           | Tai-Loi          |
|                 |                  |                    | Thado               |        |     |           | Tai-Lem          |
|                 |                  |                    | Torr                |        |     |           | Tai-Lon          |
|                 |                  |                    | Dim                 |        |     |           | Tai-Lay          |
|                 |                  |                    | Dai (Yindu)         |        |     |           | Maingtha         |
|                 |                  |                    | Naga                |        |     |           | Maw Shan         |
|                 |                  |                    | Tanghkul            |        |     |           | Wa               |
|                 |                  |                    | Malin               |        |     |           |                  |
|                 |                  |                    | Panun               |        |     |           |                  |

|  |  |  |                    |  |  |  |  |
|--|--|--|--------------------|--|--|--|--|
|  |  |  | Magun              |  |  |  |  |
|  |  |  | Matu               |  |  |  |  |
|  |  |  | Miram<br>(Mara)    |  |  |  |  |
|  |  |  | Mi-er              |  |  |  |  |
|  |  |  | Mgan               |  |  |  |  |
|  |  |  | Lushei<br>(Lushay) |  |  |  |  |
|  |  |  | Laymyo             |  |  |  |  |
|  |  |  | Lyente             |  |  |  |  |
|  |  |  | Lawhtu             |  |  |  |  |
|  |  |  | Lai                |  |  |  |  |
|  |  |  | Laizao             |  |  |  |  |
|  |  |  | Wakim<br>(Mro)     |  |  |  |  |
|  |  |  | Haulngo            |  |  |  |  |
|  |  |  | Anu                |  |  |  |  |
|  |  |  | Anun               |  |  |  |  |
|  |  |  | Oo-Pu              |  |  |  |  |
|  |  |  | Lhinbu             |  |  |  |  |
|  |  |  | Asho<br>(Plain)    |  |  |  |  |
|  |  |  | Rongtu             |  |  |  |  |

\*Note: The SPDC does not recognize several ethnic minority groups that exist in Burma, such as the Rohingya population in Arakan State. Without official recognition by the regime, these groups lack access to basic entitlements including citizenship.

## 8.9 Appendix II: Map of Ethnic Minority Territory in Burma



(Source: BI, 2006).

## 8.10 Appendix III: 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           | <i>temporary</i>  |
| 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 (MNDAA-Kokang)                         | Phone Kyar Shin            | 21/3/1989         |
| National Democratic Alliance Army (NDAA-east Shan State)                        | Sai Lin (Lin Ming-xian)    | 1989              |
| National Socialist Council of Nagaland (NSCN)<br>NSCN East<br>NSCN Main faction | Khaplang<br>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-North)                     | 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

Rampant corruption, a lack of transparency, and severe economic mismanagement has resulted in a steady decline in education and increasingly poor healthcare in Burma. Due to widespread poverty, coupled with an appallingly low expenditure on public welfare, only an elite few are able to receive basic healthcare services or achieve a moderate level of education. Moreover, junta sponsored corruption in these sectors acts to further devalue the academic competency and the quality of healthcare. Burma remains one of the most isolated countries with one of the lowest standards of living and poorest healthcare records in the developing world.

The SPDC continues to fall short of fulfilling its obligations under international human rights law in respect to the rights to health and education. Plans and programs for reform in these sectors have failed to improve conditions. Meanwhile, the junta continues to arbitrarily shut down schools and implement policies that lower rather than raise the standard of living and quality of life throughout the country. Although there have been reports of increased regime cooperation and a willingness to engage with some UN agencies and NGOs, genuine progress in the field of health and education remains marginal.

Since 1990, the junta's expenditure on social sector services has steadily declined. According to the British government's Department for International Development, Burma has the lowest level of public investment in health and education services vis-à-vis military spending than any other ASEAN nation. Between 1992 and 2003, the SPDC allocated 29 percent of the central budget to defense. Meanwhile only eight percent went towards education and healthcare combined. 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," AHRC, April 2002).

### 9.2 Situation of Education

*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 Gen. Ne Win's 1962 military coup, Burma had a reputation of being one of the most highly educated countries in the region. Since then, however, Burma's education system has been hailed as one of the least efficient and most underdeveloped in the whole of Southeast Asia (source: "A Dangerous Journey to Get to School: Why Are Students Fleeing the Burmese Education System?" BI, July 2005). While in the past students worked independently under the tutelage of Buddhist monks in monastic schools, since the junta's rise to and consolidation of power the education system has become an institution of the regime. That the SPDC opts to jealously guard its power rather than promote free scholarship and academic excellence has contributed to the downturn in the country's public education. Under Burma's 1974 constitution, Article 52, "every citizen shall have the right to an

education” and such education shall be compulsory; however, education in Burma can hardly be considered free in terms of finance or principle.

In 2000, the junta began implementing a short-term four-year education program alongside a 30-year long-term plan for basic education. The four-year plan (2000-2004) had six main targets, which included: (1) revising the basic education curriculum, (2) introducing a new assessment system, (3) redefining the completion of basic education and (4) reassessing the matriculation system. The plan was also designed to introduce multi-media classroom facilities, upgrade the quality of teacher education, support all-around development activity and universalize primary education. The 30-year long-term education plan for basic education (2001-2031) aims at improving the quality of basic education.

Despite the junta’s best laid plans, 2005 saw little improvement in the quality of education in Burma. As parents must pay tuition fees on top of other fees extorted from pupils by teachers and other local officials, many families are unable to meet educational costs and children are unable to receive any education. At the beginning of the 2005-06 school year, on average, students faced an enrollment fee of 6,000-9,000 kyat in rural areas and between 10,000-15,000 kyat in urban zones. Some schools ask for additional money for renovation, as well as costs for textbooks, stationery and supplies, school uniforms, bus fares, private tuition fees and a yearly contribution to the Parent Teacher Association (PTA). The burden of textbooks is particularly controversial, as the junta forces students to purchase books that cost twice the amount of those available on the market. (Source: “Basic Education Fees Increased,” *Kaowao News*, 14 June 2005). The high cost of education is particularly prohibitive for children whose families often live hand-to-mouth existences. The situation is little better in urban centers where, according to the DVB, due to low salaries and high inflation rates, even civil servants find it difficult to send their children to school. (Sources: “High Drop-Out Rates in Government Schools and SPDC’s Oppression against Mon National Schools,” HURFOM, July 2005; “A Cartload of Sesame Seeds for a Child Education in Burma,” DVB, 6 June 2005).

Ethnic minorities and the rural poor are disproportionately underrepresented and discriminated against in the national education system. The SPDC bans the study of ethnic languages in all public schools, which has been viewed as a “political tool in the ‘Burmanization’ of ethnic regions” (source: Saw Ehna and C. Guinard, “A Dangerous Journey to Get to School: Why Are Students Fleeing the Burmese Education System?” BI, July 2005). Specific examples of the regime’s unfavorable policies toward ethnic minorities include the 1982 law on citizenship, which makes Rohingya in Arakan State essentially foreigners in their own country. In terms of education, the Rohingya, who are predominately Muslim, are prohibited from applying for posts in the public service or teaching in public schools, and are granted limited access to higher education. The situation has only worsened since February 2001 when the SPDC imposed a travel ban to Rohingya living in Sittwe, the capital of Arakan State. That they are prohibited from traveling freely means that Rohingya students are unable to seek higher education and professional training in the capital. Instead, they must study university level courses through distance education, which means little when they are unable to get permission to sit for the examinations in Rangoon (source: “Deprivation of Education in Arakan, Burma,” *Kaladan News*, 5 January 2005).

Since 2004, the military has forced over 63 self-funded Mon National Schools to close. Mon school closures occurred concurrently with the NMSP along with other ceasefire ethnic groups making demands for ethnic rights at the National Convention, the ongoing junta-

sponsored constitutional-drafting sessions. The junta responded by forcibly shutting down the traditional Mon National Schools, which were formerly allowed to teach the Mon language and history alongside the SPDC-mandated curricula (source: "Forced Labor Campaign to Build High Schools," *Kaowao News*, 11 January 2005). Some schools in Mon State have been forced to relocate. The relocation costs fall on the community with little to no compensation from the junta (source: Saw Ehna and C. Guinard, "A Dangerous Journey to Get to School: Why Are Students Fleeing the Burmese Education System?" *BI*, July 2005). In July 2005, when the SPDC forced a school in Lamine in southern Mon State to move, the community was offered 1.5 million kyat in compensation. The community, however, had originally spent nearly 20 million kyat to construct the school (source: "Mon National School Moved by SPDC," *Kaowao News*, 20 July 2005). In other areas the junta has simply confiscated school property without regard for the effect on local students' access to education. In Ye Township in Mon State, for example, soldiers threatened villagers not to maintain or repair their own schools and conscripted locals into a forced labor squad where one person from each household was required to work everyday to build junta-run high schools (source: "Forced Labor Campaign to Build High Schools," *Kaowao News*, 11 January 2005).

Burma's rural and ethnic minority children are also often unable to access a stable and secure education due to periods spent in hiding to avoid attacks or other abuses perpetrated by SPDC troops, including forced relocation and labor demands. These obstacles, along with high tuition fees, have meant that some students risk their lives to flee Burma in pursuit of education in neighboring countries. A number of young people have fled from Karen State to seek education in schools operating in refugee camps along the Thai-Burma border, where students can study according their ability and avoid the prohibitively costly tuition fees they face in their home villages (source: "Karen Kids Seek Good Education in Refugee Camp Schools," *Irrawaddy*, May 2005). In 2005, the E.U. donated US\$1.2 million to a UNHCR project focused on improving the education standards of Karen refugees in Thailand (source: "European Union supports Vulnerable Populations in and from Burma/Myanmar," *Financial Times*, 7 January 2005).

Through international study grants, some students of Burma are fortunate enough to obtain an education from abroad. However the ability to access these opportunities is largely limited by the regime. In 2005, the U.S. also offered a one-year scholarship called the Humphrey Scholarship for students from Burma with five years experience in a particular field to study in the U.S. After the scholarship term, students are to return to Burma to train others on their acquired knowledge. Since 2000, six faculty and students have received exchange grants to study in Thailand (source: "US to Offer Scholarship for Myanmar Students," *Xinhua*, 23 September 2005). The International Cooperation for Computerization in Japan also holds IT training courses for students from Burma in Japan. However, as with all educational opportunities, preference is given to those applicants with military connections (source: *Education Report 2002*, ABFSU-FAC, May 2003). Furthermore, students seeking to travel abroad must obtain travel documents, which are unduly controlled by the regime. The exception to the rule is scholarships designated to students living outside of Burma. In 2005, The World University Service provided funding to 115 students of Burma living abroad, many as refugees. The scholarships went to help cover the educational expenses of those deemed gifted and needy (source: "Students Living Outside Burma Get Scholarships," *Mizzima*, 14 October 2005).



Even where fees and insecurities do not threaten a child's access to education, the quality of education is often poor. Qualified teachers are lacking and facilities are generally in unsuitable condition. Though the SPDC claims to have increased its spending on information and technology (IT) education since 1988, only a few elite students and privileged schools in the Rangoon area can access IT programs. In the border areas, access to IT facilities is non-existent. Regardless, even with the level of education offered in Burma, few decent jobs are available for graduates. Gainful employment is limited to those with economic status, influence or military connections. Consequently, the sacrifices families make to send their children to school often outweigh the opportunities open to educated persons. In addition to a scarcity of jobs, education suffers from pervasive corruption, wherein exam proctors and university administrators accept bribes to turn a blind eye on cheating. As a result, few international institutions recognize the scholastic standards applied in institutes of higher education in Burma. (Source: "Burmese Education a Poison Plant," DVB, 21 March 2005).

Low salaries coupled with a high level of systemic corruption create the incentive and opportunity for educators to abuse their positions of power. An average teacher salary is lower than subsistence wages. According to a middle school teacher from Tenasserim Division, teachers generally earn only 7,000 kyat per month, of which only 3,000 remains after they furnish the authorities with the required payment for sports fees, calendar fees and other taxes. The remaining amount is barely sufficient to cover expenses for basic foods and commodities. Therefore teachers must find additional means of survival, and often organize extra classes during nights or weekends to receive an additional income (source: Saw Ehna and C. Guinard, "A Dangerous Journey to Get to School: Why Are Students Fleeing the Burmese Education System?" BI, July 2005). High school students reportedly pay 3,000-20,000 kyat per month for private tuition. One report contends that the majority of high school education is actually taught outside of normal school sessions, and students who have neither the financial means nor time to attend additional classes are hard-pressed to pass end-of-year examinations (source: "Burmese Students Against Private Tuition Ban," DVB, 14 February 2005). Children who cannot afford the supplemental classes are disadvantaged and discriminated against. In some areas where parents cannot provide extra payments, teachers cease work altogether or indigent students are expelled. As there is little consistency or regulation regarding the cost and quality of education, school and school-related fees fluctuate according to the whims of state and township officials. Finally, qualified and committed teachers who are disillusioned by the state of high school education frequently flee to neighboring countries in order to earn a livable wage under fewer professional restrictions (source: "Burmese Students Against Private Tuition Ban," DVB, 14 February 2005).

Members of the academic community also face severe restrictions on their academic freedom of speech, political activities and publications. Teachers are forced to follow regime-approved curricula filled with propaganda. Moreover, given the country's history of pro-democracy demonstrations, officials in Rangoon are paranoid of student movements, and the regime often arbitrarily shuts down schools and employs policies that limit the freedom of education. Students and teachers are routinely warned by the Ministry of Education against criticizing the junta and are banned from discussing politics. The junta actively forbids students and teachers from joining or supporting political parties or from engaging in any political activity, with the exception of joining the junta sponsored USDA, which is compulsory for all teachers. Teachers continue to be held responsible for the political activities of their students. Meanwhile, military officers and intelligence agents have been known to monitor classrooms throughout the country to ensure compliance. In short, there is

almost no freedom of expression and assembly in the academic community, and scholars who fail to comply with state regulations face arrest, torture or even dismissal from their positions. (Sources: *2004 Education Report*, ABFSU, February 2005; *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005; "Deprivation of Education in Arakan, Burma," *Kaladan News*, 5 January 2005). (For more information see Chapter 11 Freedom of Opinion, Expression, and the Press).

## **Primary Education**

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 put in place domestic legal measures that make primary education compulsory, free and available to all, as stated in Article 28, Paragraph 1(a) of the convention. These domestic measures were enacted in 1993 under section 20 of the Child Law, which states, "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...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." Despite these strictures, in its 2004 Education Report, the ABFSU reported that few children enroll in primary education and nearly half of those who enroll do not finish primary school (source: *Year 2004 Education Report*, ABFSU-FAC, February 2005).

The SPDC claims that it has taken proactive measures to fulfill its CRC obligations by working in conjunction with UNICEF to implement the "Education for All" National Action Plan that seeks to "facilitate children's accessibility to education even in the remote regions of the country" (source: "Statement by His Excellency U Nyunt Maung Shein," *Sixty First Session of the Commission on Human Rights*, 14 April 2005). SPDC statistics indicate that: (1) primary school enrollment rates for 2002-2003 were 93.1 percent, and the percentage of pupils completing primary school was 63.8 percent; (2) there were 40,505 basic education schools throughout the country in 2004, an increase from 33,747 schools in 1988; and (3) the number of primary students has grown from 5.24 million in 1988 to 7.55 million 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).

International observers note that there is an average of only one primary school for every two villages in the Burman-dominated areas, while there may be only one school for every 24 villages in ethnic border regions. Of these schools, only 46 percent are equipped with sanitation, and as little as 1 percent receives potable drinking water (source: Saw Ehna and C. Guinard, "A Dangerous Journey to Get to School: Why Are Students Fleeing the Burmese Education System?" *BI*, July 2005). In 2005, Germany donated US\$1 million towards UNICEF's primary education program to improve the quality of education and provide basic necessities such as water and sanitation facilities to impoverished children in Burma (source: "Germany Gives UNICEF \$1 Million for Children in Burma," *VOA*, 4 February 2005).

Even in areas where schools are not in disrepair, junta forced labor campaigns affect primary school attendance. As a policy children are not usually forced into labor, however, if parents are unable to fulfill the regime-imposed work obligations they may opt to send their children on their behalf. Another factor contributing to poor attendance records and high dropout rates

among primary pupils is military recruitment targeted at children. It is estimated that over 70,000 out of a total of around 350,000 soldiers in the SPDC armed forces may be children under the age of 18 (source: *Child Soldiers Global Report 2004: Myanmar*, Coalition to Stop the Use of Child Soldiers, 17 November 2004). Given these factors, it should come as little surprise that over one third of primary school children drop out before grade five, a phenomenon that places Burma second only to Papua New Guinea as having the poorest rate of primary school matriculation in the Asia-Pacific region (source: "Burma Struggling to Meet Millennium Development Goals," *Irrawaddy*, 7 September 2005).

## **Secondary Education**

While low standards of education and scarce resources are problems faced by many developing nations, Burma stands apart in the fact that the ruling military regime actively thwarts universal and advanced higher education (source: "Deprivation of Education in Arakan, Burma," *Kaladan News*, 5 January 2005). The regime views political activity among secondary and university students as one of the biggest threats to its grip on power. Through their control of the curriculum, the junta actively stifles academic freedoms and critical thinking. Secondary school courses promote and praise the role of the military, while criticizing democratic structures, free-forming political parties and independent civil institutions. Instead of fostering respect for human rights, the curriculum promotes the militarization of the country.

Secondary education suffers from a multitude of flaws that contribute to the high dropout rate among secondary school students. A policy of achievement based on merit has been virtually replaced with one of patronage that awards only those students with financial means or military connections. School facilities and course materials are insufficient. Though the Ministry of Education reports that 1,300 multimedia classrooms had been installed in public high schools by 2002, nearly all rooms remain closed, with the exception of when dignitaries visit. Even if every multimedia classroom was up and running, the above figure represents only 2.2 percent of all public secondary schools. Schoolbooks and books in school libraries are often very outdated and politically biased. (Source: *Year 2004 Education Report*, ABFSU-FAC, February 2005).

Corruption flourishes with many students paying bribes in order for teachers to pass them in their exams. Furthermore, students have been subject to physical and psychological abuses at the hands of their teachers, particularly students who fail to attend the costly private courses taught after school hours. It was reported that pupils are increasingly leaving No. 1 State High School in Taungdwinggyi, Magwe Division in central Burma due to the abuse of teachers. Teachers not only beat pupils until their bones crack, but also use abusive and inappropriate language when addressing them (source: "Burmese Teachers Mistreat Pupils at Magwe Taungdwinggyi," DVB, 23 August 2005).

In some areas, the local authorities have been inhibiting student access to private tuition teachers who supplement coursework and studies. Private tuition teachers often compensate for the inadequacies of the standard school instruction. In February 2005, the Township Education Officer (TEO) in Ramree, Arakan State banned private courses taught by a well-respected chemistry teacher. Due to the poor quality of teaching in Ramree, the students had requested additional courses by the chemistry teacher in order to prepare for the upcoming national examinations. When the TEO forced the sessions to end, 126 secondary students

protested in frustration. (Source: "Burmese Students Against Private Tuition Ban," DVB, 14 February 2005).

## **University Education**

In January 2005, Prime Minister Lt. Gen. Soe Win called on the country's youth to keep "national solidarity and the union spirit" alive at a public speech at the University for Development of National Races. Soe Win declared that the university had seven objectives, which included "upholding the causes of non-disintegration of the union, non-disintegration of the national solidarity and ensuring the perpetuation of the sovereignty of the state" (source: "Myanmar PM Calls for Keeping National Solidarity Alive," *Xinhua*, 31 January 2005). Along this line, the junta continued to locate new universities, while moving existing ones away from urban centers, to areas within a certain proximity to military barracks. The junta initiated efforts to move the main campuses of Rangoon University and Rangoon Institute of Technology to areas up to 20 km outside the city. In November 2005 it was reported that the Agriculture, Forestry and Veterinary Universities in Pyinmana, Mandalay Division were relocated to Kyaukse, Pyin Oo Lwin and Mhaw Bi respectively. To prevent students from congregating, the junta has also been separating departments at large, urban-based institutions into multiple campuses in suburban areas. Facilities are relocated in areas far away from the city center, which are unable to cater to the basic needs of the student population. There are no hostels, no adequate public transportation, no subsidized restaurants or shops and there is a total lack of security on university grounds. This arrangement has augmented the expense of tertiary education making it even more inaccessible to students (sources: *Year 2004 Education Report*, ABFSU-FAC, February 2005; "Junta Gears Up to Shift to Pyinmana," *Mizzima*, 3 November 2005).

As with primary and secondary education, ethnic minority groups face discriminatory practices at the university level. In an effort to control university students in Mon State, in July 2005 authorities set up new rules for Moulmein students who stay at private off-campus accommodation. The Town Peace and Development Council (TPDC) distributed the new rules for students, which included: 1) students must not be involved in any political party, and cannot read, save or possess publication or material against the state rule of law; 2) female students cannot go out after 8:00 pm and male students cannot go out after 10:00 pm; 3) students must sign out if they go out during weekends. The TPDC asserted that students who failed to follow the rules would be barred from the hostel (source: "University Students Face Tough Regulation," *IMNA*, 2 August 2005).

The value of university education in Burma is further undermined by the business of buying and selling matriculation examinations. Businessmen sell micro-books containing answers for all subjects so that students can cheat on exams that are held throughout the country. Academic dishonesty is reportedly a widespread problem throughout Burma's university system. Students who seek to pass exams must pay 300,000 kyat per subject (US\$330) or 1.5 million kyat (US\$1,650) for all subjects. In addition, exam proctors collect between 300 and 500 kyat from students to ignore cheating. In order to find out their mark on the exam, students are expected to pay 30,000 kyat in bribes per subject to the exam marker. High ranking officials, including ministers as well as professors and registrars of universities, are all reportedly involved in academic corruption. According to May Nyein, a senior lecturer of Dagon University in Rangoon who fled Burma in February of 2005, "It's difficult to find a teacher on a university campus who is not corrupt...[and] 30 percent of the students are on drugs, and some students even trade drugs, including amphetamines, and another 30 percent

are gamblers” (source: “Burmese Education a Poison Plant,” *Irrawaddy*, 21 March 2005). Meanwhile there is no guarantee that graduates will be awarded diplomas based on merit and students who have completed their courses through legitimate means have received devalued academic certificates.

In the past, universities were a site of active resistance to the military regime. As a result, the SPDC particularly targets universities. Universities remain subject to arbitrary closure and censorship by the junta (source: “Students Living Outside Burma Get Scholarships,” *Mizzima*, October 2005). Furthermore, the junta strictly controls the academic and political lives of students in an attempt to stymie activism. Scholars who criticize the junta or contradict regime policy are frequently prohibited from publishing articles in their field of study. The authorities have also persecuted students who publish booklets of poems or short stories fearing such publications will prompt political activities among students. Meanwhile, earlier crackdowns on the underground press by the regime reduced its activities. In 2005 the activities of the underground press were largely limited. Student unions are illegal and anyone participating in a student union is considered a criminal. Meanwhile many students continued to be forced to participate in junta-sponsored groups such as the USDA and the local women's affairs committees. In some areas, local authorities forced female students to wear the uniforms of the women affairs committee to school. Junta 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 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. (Source: *2004 Education Report*, ABFSU, February 2005; “Burmese Education a Poison Plant,” DVB, 21 March 2005).

In April 2005, the junta further restricted academics by declaring that civil servants, including university professors, must abide by a 13-point prohibition list in order to gain permission to further their studies abroad. Prohibited activities include communicating with pro-democracy dissidents in exile, launching a political organization and criticizing the regime by any means. Candidates who wish to further their careers through studying overseas must sign a seven page form that stipulates a penalty of five million kyat (US\$5,555) or jail term in case of violation. Furthermore, signatories must have at least five guarantors to pledge that they will be legally accountable for financial and other penalties should the signatory violate the agreement. (Source: “Burma's 13- point Prohibition for Government Staffs Studies Abroad,” *Mizzima*, 22 April 2005).

Meanwhile, Rangoon University was the recipient of US\$500,000 worth of laboratory equipment given by the government of India, under a bilateral education cooperation program. The equipment is intended to expand the scientific research activities and upgrade the physics, biotechnology and information technology laboratories. India is also funding a business training institute, where Indian academics will train students from Burma in sectors of IT, banking, managing small- and medium-sized enterprises and English. (Source: “Myanmar Enhances Education Cooperation with India,” *Xinhua*, 27 June 2005).

## **Disparity between Civilian and Military Education**

The regime operates several primary schools and institutions of higher education that are particularly reserved for family members of the military elite. These institutions are generally better equipped and more financially stable than the civilian counterpart facilities. Computer access, libraries and science labs at the military schools far outweigh the resources available at most civilian centers of education (source: *Year 2004 Education Report*, ABFSU-FAC, February 2005). Ensuring the superiority of regime-run institutions is a purposeful tactic of the SPDC to perpetuate long-term military rule in Burma. Due to the comparative quality of education in military institutions, an increasing number of civilian students have expressed interest in attending. Furthermore, students who attend military universities are endowed with certain privileges and are perceived as the future political, economic, military and social affairs leaders. Due to the high level of secrecy regarding these universities, statistics on enrollment and budget allocation are unknown.

The military operates 15 primary schools and several universities in Burma. The primary schools are reserved for the children of the military elite. These schools run summer camps with computer-training courses, English study and field trips. Students from these schools stand a much better chance at receiving highly-coveted international scholarships, which are awarded based on the student's connections with regime officials rather than academic competence. Each university level program accepts only 100 students annually. To apply, students must obtain recommendations from military and SPDC officials. Candidates are then chosen by selection boards made up of military personnel.

The oldest university level institution run by the military is the Defense Services Academy, which was established in 1955 and is where many of the ruling generals received their education. Since then, the regime has founded the Defense Services Institute of Medicine, the Defense Services Institute of Nursing, the Defense Services Technological Academy and the Defense Services Technical College. In 2002, the military opened the Maritime University, 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.

## **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)

### **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 the ethnic border areas, have steadily declined. At the time of the 1983 census, literacy rates stood at 82 percent for men and 71.3 percent for women. However, in ethnic states only 65 percent and 50 percent of men and women, respectively, were literate. Surveys conducted in the mid-1990s in refugee camps along the Thai-Burma border showed that less than 50 percent of Mon women between the ages of 20 and 30 were literate, 40 to 50 percent of Karen women of all ages were literate, and 60 percent of Karen women between the ages of 20 to 40 were literate. Some community leaders in the ethnic border areas claim literacy among women to be as low as 20 percent. In all areas, male literacy is notably higher than female literacy by 10 percent or more.

Precipitating factors for the low literacy rate among the ethnic minority groups include regime policies that result in low or non-attendance at school and high dropout rates. Children from an ethnic minority group have little incentive to attend primary schools because their classes are conducted only in the Burmese language, which many pupils can neither speak nor understand. Likewise, the SPDC fails to place a cap on tuition and school-related fees, which in poor ethnic regions decreases the number of eligible pupils. According to UNESCO, policies that discriminate against ethnic education contribute to Burma joining the list of 25 other developing countries that are falling short of the Millennium Development Goals' attempt to increase literacy rates worldwide by 30 percent by 2015 (source: "Statistic Show Slow Progress Towards Universal Literacy," UNESCO, 9 January 2002).

The military regime has made attempts to reverse the decline in literacy in recent years. Official statistics published by the SPDC note that the country's literacy rate grew to 92.6 percent for males and 91.02 percent for females in 2003. While a lack of reliable demographic information makes precise measurements problematic, the British government's Department for International Development challenges the junta's claim, and estimates that the national literacy rate as of October 2005 was 85.3 percent for both men and women (source: "Country Profiles: Burma," Department for International Development, 4 October 2005). The US Department of State offers an even harsher picture, and estimates that the functional literacy rate is closer to 30 percent (source: "Background Note: Burma" Bureau of East Asian and Pacific Affairs, U.S. State Department, August 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 event 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

A low level of education on health and safety issues, poor sanitation, ongoing armed conflict and a dramatic rise in HIV/AIDS cases are all factors contributing to Burma having one of the most dilapidated healthcare systems in the world. Despite the fact that the SPDC doubled its 2003-2004 budget for the Ministry of Health, spending on health still amounted to only 1.2 percent of total expenditures by the regime (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005). In many of Burma's remote rural areas, 75 to 85 percent of the population lack access to basic healthcare (source: "EU Approves 1.5 million Euros in Humanitarian Aid to Myanmar," DPA, 16 June 2005). Likewise, according to the World Health Organization's (WHO) 2003 Country Report on Myanmar (Burma), in 2002 the SPDC spent a mere six international dollars on public healthcare per capita, which represents a substantially lower figure than neighboring Thailand which spent 223 dollars per citizen. That same report notes that, on average, poor health shaves 6.3 and 8.4 years from the average adult male and female's expected lifespan, respectively (source: WHO, 2005). Women, children and ethnic minorities continue to be disproportionately affected by the shortage of medicines and poorly-funded public healthcare system. In 2002, the WHO reported that, on average, 105 out of 1,000 children die before reaching the age of five. Leading causes of death among children are malnutrition, diarrhea-related diseases, tuberculosis, malaria, measles and HIV/AIDS. Many of the fatal diarrhea-related deaths, such as vitamin deficiency and anemia, are relatively easy to prevent with well-targeted support and funding.

While many health related problems in Burma could be curbed through low-cost preventative measures, the military regime has been remiss in raising the standard of nutrition, eradicating nutrient deficiencies and encouraging hygienic and healthy eating habits. Lack of sanitation and access to clean drinking water remains a major concern and a major contributing factor to the high rate of mortality 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 percent for rural populations and 36 percent for urban populations. Only 39 percent of urban dwellers have sanitary living conditions compared with 35 percent of the rural population (source: UNICEF, 2005). In 2005 UNICEF targeted anemia in women and children by addressing vitamin A and iodine deficiencies and administering a deworming medication (source: "UNICEF Calls for Greater International Support for Improving Myanmar's Children's Nutrition," *Xinhua*, 8 September 2005).

Burma's weak health sector suffered two major blows in 2005: (1) the withdrawal of US\$98.4 million in international aid set aside for fighting HIV/AIDS, malaria and tuberculosis in Burma, and (2) the publication of a study that claims that strains of the HIV/AIDS epidemic in Asia can be traced through intravenous drug trade routes to Burma. On the first note, the Global Fund, the world's single largest funding body, withdrew much-needed funds on the basis of junta-imposed travel and import restrictions that prevented aid workers from providing critical medicines and accessing their project sites. On the second, in



July 2005 the Council on Foreign Relations, a New York-based foreign policy think tank and publishing house, released a study that employed molecular epidemiology, a new technology that genetically fingerprints strains of HIV. The study asserted that nearly all of the HIV viruses circulating throughout the Asia-Pacific region are of the same genetic family, which first appeared in Burma. In response to the Council on Foreign Relations' study, the UN Expanded Theme Group on HIV/AIDS noted that importation or origin should not be the focus of the battle against HIV but emphasized risk behaviors. The UN asserts, "Ascribing the origin of HIV strains and their spread to one country undermines the collective efforts required for an effective response, both regionally and internationally. This also alienates countries and governments and often entrenches the stigmatization of particularly vulnerable groups, thereby, further complicating efforts to stop the spread of HIV" (source: "Clarification on the Origin and Spread of HIV in Asia," UN Expanded Theme Group on HIV/AIDS, 28 July 2005). Regardless, it is clear that in a country where 330,000 suffer from HIV/AIDS, 97,000 cases of tuberculosis are reported annually and about 600,000 people are infected with malaria on a yearly basis, Burma cannot afford the withdrawal of international support for the country's HIV/AIDS programs. (Sources: *Fact Sheet: Global Fund Termination of Grants to Myanmar*, Global Fund, 18 August 2005; "Junta Pressure Forces AIDS Fund Out," *The Australian*, 20 August 2005).

The shocking state of Burma's public health sector can be traced to a variety of causal factors. Unfavorable regime policies, continuing armed conflict, and other SPDC abuses have forced thousands into the jungles as forced laborers and IDPs. People traveling and living in the war-torn jungles of Burma are exposed to not only tropical and semi-tropical maladies but also illnesses and injuries associated with widespread malnutrition, landmines and open military conflict along migration paths. The jungles are also breeding grounds for insects carrying malaria and dengue fever. The few who are fortunate enough to find employment within Burma face hazardous conditions within workplaces that lack appropriate health and safety regulations.

In 2005, Burma saw an influx in the number of unregistered medicinal drugs on the national market. The Ministry of Health has registered 7,840 kinds of medicines, but estimates that nearly 23 percent of the medicinal drugs on sale in the health sector are unregistered and not tested for quality. Other sources estimate as many as 95 percent of so-called legitimate medicinal drugs are part of an illicit trade network that smuggles unregulated medicines into Burma from Bangladesh and India (sources: "WHO Steps Up Action Against Fake Medicines," AP, 11 November 2003; "Bad Medicines," *Irrawaddy*, January-February 2003). A majority of the unregistered drugs are of substandard quality, mislabeled or simply placebos, and may be ineffective at treating a patient's illness or, worse yet, result in his or her death (source: "Myanmar Urges Import of Quality Medicines for Safe Consumption," *Xinhua*, 19 September 2005).

## **Access to Healthcare**

Inadequate facilities, an insufficient number of medical professionals and inappropriate treatment all undermine the efficacy of public healthcare in Burma. However, the primary hindrance for the majority of the population is merely gaining access to medical treatment. Treatment is typically too expensive for many. Hospitals charge an array of fees including fees for beds, bed sheets, cooking facilities, and hospital security, all of which must be paid for by the family of the sick. Thus treatment within the healthcare system of Burma is consequently a privilege of only an elite few with resources or the necessary contacts. Huge disparities in access to health services and education also exist as a function of a person's ethnicity, connection to the military and geographical location. (Source: "Dengue Endemic Hits Children in Arakan State," *Narinjara News*, 22 September 2005).

The 19 March 2005 opening of the privately licensed Thai-managed Pun Hlaing International Hospital in Rangoon marked the first privately licensed hospital. Owned by Serge Pun and Associates of Myanmar, the three-storey, 22,000 sq. m., US \$21 million investment will be staffed by 120 foreign and domestic physicians and specialists (source: "Private Hospital Has a Low-Key Opening in Myanmar," DPA, 21 March 2005). It includes 95 beds, six operating theaters, and nine intensive care units (source: "Myanmar Opening Hospital at Par with International Standards, AP, 21 March 2005). The establishment of the Pun Hlaing International Hospital may ensure that Burma's elite no longer have to go abroad for medical attention. However, it means little for the majority of the population. Public hospitals continue to lack adequate staffing as doctors neglect public duties to allot more of their time and attention to private practices. In justification, doctors cite insufficient salaries and inadequate staffing as a catalyst for their decision. At Kyauk Pyu Hospital in Arakan State, for example, a mere eight doctors are charged with caring for patients in a 300-bed facility. Delay in emergency medical treatment further increases the risk that patients either transmit or die from diseases that are otherwise treatable and preventable (source: "Kyauk Pyu Hospital Going Private Unofficially," *Narinjara News*, 8 October 2005).

The public hospitals also suffer from a shortage of medicine and supplies leaving families to seek the necessary prescriptions from the private clinics. Additionally, medical facilities struggle to meet the everyday demands of blood banks and are ill equipped to handle large-scale emergency situations. The inadequate level of blood bank supplies was particularly clear after the 7 May 2005 bombings that left 19 dead and 162 injured, according to SPDC figures (source: "Blood Bank Calls for More Donations for Blast Victims," *The Myanmar Times*, 30 May 2005).

Even where charitable organizations take on the burden of healthcare for some of Burma's poor, those in need of care and treatment are not guaranteed stable and reliable access to it. A recent example in September 2005 involves SPDC authorities at Monywa, Mandalay Division closing down a local health charity, the Golden Heart health support association, which boasted more than 700 regular patients, many of whom were HIV/AIDS patients. While the authorities reported that the association failed to apply for an official license, local residents indicated that the charity was closed for repeatedly refusing to allow the facility to be used for political propaganda purposes. Local authorities threatened the staff workers with six months of imprisonment and donors with a three-year sentence (source: "Jealousy Begins at Home: Health Charity Closed Down by Burma Junta," DVB, 19 September 2005).

## **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).

Despite Burma’s abundance of arable land, a report conducted by UNICEF and the Ministry of Health in 2000 revealed that 35.3 percent of children under five are moderately to severely underweight, 33.9 percent are moderately to severely underdeveloped and 9.4 percent 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). Likewise, the World Food Program (WFP) reported that in 2005 close to 15 percent of Burma’s 50 million people faced food insecurity. Thirty-three percent of young children are chronically malnourished and physically stunted. This number increases to 70 percent in the border areas (source: “UN Warns of Humanitarian Crisis in Burma,” *Irrawaddy*, 5 August 2005).

As a signatory to the CRC, Burma has an international obligation to combat disease and malnutrition among children. The military regime however is in part responsible for the exacerbation of food insecurity through regulations that disrupt food aid supply lines. Humanitarian organizations including UN agencies have suffered from a lack of access to their projects. Though the SPDC did agree to lift the 10 percent food tax, the WFP has never had to pay this type of food tax in any of their other humanitarian operations worldwide. Meanwhile, the WFP, which extends US\$3.6 million annually for emergency food security programs in Burma, continued to face an array of permits, checkpoints, local taxes and other restrictions that created difficulties in delivering food. In August 2005, for example, regime restrictions meant that the WFP was only able to deliver 430 tons of the 5,500 tons of rice set aside for vulnerable people in northern Arakan State. As the people of Arakan State faced starvation, the rice reserved for them sat with the suppliers (source: “Instability Leaves Burmese Orphans at Risk of Hunger,” DVB, 24 August 2005). Contributing to the food crisis in Arakan State, where food insecurity is a particular problem due to the regime’s heightened restrictions on aid groups operating there, WFP food supplies in Maungdaw Township were raided in January 2005. One thousand sacks of rice were stolen from the WFP stocks (source: “WFP’s Food Aid Looted by Robbers in Arakan,” *Narinjara News*, 25 January 2005). The lack of food in Arakan State has resulted in orphans and poor children taking refuge in orphanages, monasteries and nunneries. However, very few wealthy monasteries are able to adequately provide for their needs (source: “Instability Leaves Burmese Orphans at Risk of Hunger,” DVB, 24 August 2005).

## **Bird Flu**

Since late 2003, the H5N1 avian influenza strain, otherwise known as bird flu, has killed millions of birds and scores of people across Asia. Although Burma is situated directly in the path of migratory birds that may be spreading the virus, according to the SPDC there have been no cases of the bird flu reported in Burma. In January 2005, the junta banned poultry imports from countries affected by the bird flu, including Thailand and Vietnam (source: "Burma Bans Poultry From Bird Flu Countries," AP, 29 January 2005). Despite reports of thousands of chickens dying at six-mile hill in Moulmein, the SPDC continued to maintain that Burma was unaffected by bird flu. There were also reports of chicken deaths in Sagaing and Mandalay Division as well as sickly looking pigeons in Rangoon. The Veterinary Department of Mon State however confirmed in mid-March that the birds died of natural causes. Given the junta's dubious track record at providing accurate information and covering up unfavorable news items, international health officials were skeptical. Meanwhile, the SPDC has not permitted international organizations to conduct human or animal testing inside the country. Furthermore, the authorities imposed a news blackout on sickly birds in Burma (sources: "Myanmar: The World's Bird Flu Black Hole?," Reuters, 9 October 2005; "Bird Flu Outbreak Feared as Thousands of Chickens Die in Burma," DVB, 20 March 2005).

## **Dengue Fever**

Nearly 13,000 cases of Dengue Hemorrhagic Fever (DHF), a mosquito-borne viral disease for which there is no specific treatment or vaccine, broke out in Burma between January and October 2005, a sharp increase from last year's 6,000. There was a significant increase in dengue fever among children in Arakan State. The fever was previously assumed to affect mainly children during and after the rainy season particularly in the rural areas. However, the past two years have seen an unexpected increase in incidences of the disease among young people and adults in heavily populated areas from Rangoon's southeastern area of Thaketa (sources: "Increase of Dengue Fever Cases Reported in Myanmar," *Xinhua*, 24 October 2005; "Burmese Paper Reports Spread of Dengue Fever," *Myanmar Times* via BBC, 26 January 2005). DHF is caused by a lack of sanitation measures and the unhygienic environments that are associated with poverty. The absence of proper strategic preparation measures has meant a lack of provisions at public hospitals.

## **Measles**

Measles, a vaccine-preventable disease, has remained one of the leading causes of death for the 10.7 percent of children in Burma who die before their 5th birthday. In October 2005, UNICEF announced that it will work with health officials in Burma and other organizations in an effort to immunize 15 million children against measles in 2006. In 2004, Burma immunized 78 percent of children under age one against measles. UNICEF hopes that the largest-ever immunization program will reduce the infant mortality rate by two-thirds over the next 10 years, one of the Millennium Goals set by the international community. (Source: "UNICEF to Intensify Measles Program in Burma," *Irrawaddy*, 10 October 2005).

## **Malaria**

With around 600,000 cases and 3,000 deaths reported each year, malaria is the leading cause of death in Burma, particularly among children under five. Roughly 71 percent of the population is at risk, with 284 townships throughout the country known to be affected zones. Hospitals and clinics near the Three Pagodas Pass border town were overcrowded in May and June 2005 with malarial patients from Burma. Seeking entry into Thailand to escape economic hardships and human rights abuses, the migrants primarily contracted the disease while traveling through the malarial-ridden jungles (source: "Migrants and the Onslaught of Malaria," *Kaowao News*, 12 June 2005).

Like all insect transmitted diseases, malaria is easily preventable through low cost solutions such as mosquito nets and vaccines. However, the regime has failed to exert any effort to thwart the spread of malaria in Burma. Due to the proliferation of the disease, there has been an increase in the number of cases of multi-drug resistant forms of malaria. This has meant that much of the country's poor are unable to acquire the drugs required for adequate treatment. Moreover, drug resistant malaria is fuelling a roaring trade in counterfeit drugs. (Source: "Drug-Resistant Malaria Haunts Southeast Asia, Fuels Illicit Trade," AFP, 26 April 2005).

## **Tuberculosis**

Burma has one of the highest tuberculosis (TB) rates worldwide, with 97,000 new cases detected each year. Multi-drug resistant TB, the incurable TB strain that does not respond to cheap anti-TB drugs, has increased from 1.5 percent in 1995 to 4 percent among new patients and 15.5 percent among previously treated patients in 2005. The US Campaign for Burma attributes the escalation in TB cases to the mounting HIV problem. According to WHO, 6.8 percent of TB patients are co-infected with HIV/AIDS and 60 to 80 percent of AIDS patients also have TB. (Source: "The Global Fund Pulls Burma Fund After Junta Breaks Promises," US Campaign for Burma News Update, 19 August 2005).

Since 1997, the junta has adopted the Directly Observed Treatment Short Course (DOTS) strategy in treating TB, as recommended by the WHO. The strategy covered over 300 townships by 2004. Under the strategy, 60 percent of TB patients receive treatment annually and 82 percent of them are cured (source: "Myanmar to Get Huge Global Fund for Fighting Deadly Diseases," Xinhua, 25 July 2004). However, the TB prevention and treatment program could boast only limited improvement in 2005, in part due to the withdrawal of Global Fund aid. The Global Fund allotted a total of US\$ 17.12 million to fight against TB over a five-year period but withdrew the aid in July 2005 due to adversarial junta policies. Consequently, Burma has fallen short of the WHO global target of detecting 75 out of every 100 TB cases and administering treatment to 85 percent of those detected by 2005.

## **HIV/AIDS**

*“The scourge of AIDS and HIV in Burma is being fuelled by a mixture of ignorance, denial and lack of government action—a dangerous cocktail that could affect a quarter of the population within the next decade.”* (Source: “HIV-AIDS in Burma: A Time Bomb About to Wipe out Millions,” *BP*, 10 June 2005).

*“With the exception of one serious outbreak in China, virtually all the strains of HIV now circulating in Asia—from Manipur, India, all the way to Vietnam, from mid-China all the way down to Indonesia, come from a single country...Several research times have proven that these various HIV strains can be tracked along four major routes, all originating in Burma.”* (Source: “Myanmar Spreads AIDS in Asia, Study Says,” Reuters, 19 July 2005).

The HIV/AIDS virus was first detected in Rangoon in 1988, however, for over a decade military officials were in a state of denial, maintaining that Burma’s staunch moral fiber would protect the country from an HIV/AIDS epidemic. Thus, while Cambodia and Thailand introduced strategies in the 1990’s to control and reverse the spread of the HIV virus, the military regime in Burma prohibited the use of condoms, stigmatized and ostracized suspected victims and generally made little to no effort to prevent or treat the spread of HIV/AIDS. Though the military regime has recently come to terms with the fact that it may be facing a health crisis of huge proportions, its slow response has had dire effects and the UN and WHO agree that Burma has one of the most serious epidemics in the region. (Source: “It’s Time to Face the Blunt Truth on AIDS in Burma,” *Irrawaddy*, 9 September 2005).

It is now clear that HIV/AIDS can no longer be ignored in Burma. The number of HIV/AIDS cases has continued to grow at an alarming rate. The junta estimated that 177,000 people were infected with HIV at the end of March 2002. This figure nearly doubled by the end of 2004 with an estimated 339,000 cases. Estimates among international agencies are even more daunting. UNAIDS health experts estimated that 2005 HIV/AIDS cases between the ages of 15-49 alone may have totaled as many as 600,000 people (sources: “Taboos About Sex Hinder HIV Prevention in Myanmar, But Condoms Gain Ground,” AFP, 18 April 2005; “Myanmar Launches UN-sponsored Program to Prevent Mother-to-Child HIV-AIDS Transmission,” AP, 17 May 2005).

The sectors most at risk of HIV transmission are sex workers and intravenous drug users, and many of those who suffer from HIV/AIDS suffer from other sexually transmitted diseases. Voluntary testing revealed that 27 percent of sex workers in Burma are HIV-positive, as compared to 34 percent of intravenous drug users. While these represent national averages, there are pockets of higher infection rates within Burma. According to UNAIDS and WHO, 60 percent of drug injectors in Lashio, 47 percent in Myitkyina, 25 percent in Rangoon and 30 percent in Mandalay tested HIV positive in 2005 (source: “AIDS Epidemic Update: Asia,” UNAIDS/WHO, December 2005). In one village in Burma near the Thai town of Ranong, which has both a booming sex and drug trade, at least 10 percent of the male adults were diagnosed with HIV. The same is true in other parts of Burma according to HIV/AIDS expert Dr. Chris Beyrer. Beyrer contends that “[t]he explosion of HIV/AIDS in Shan State is frightening,” where he estimates that more than 10 percent of adults are HIV positive (source: “HIV-AIDS in Burma: A Time Bomb About to Wipe out Millions,” *BP*, 10 June 2005).

Aside from sex workers and drug users, international medical workers have raised concern that HIV/AIDS in Burma has been spreading extensively to lower-risk populations,

specifically to women and children. The prevalence of HIV among the women of Burma is not only due to the sex industry but can also be attributed to unprotected sex with husbands or boyfriends who had been infected while injecting drugs or buying sex. At least 10,000 HIV-positive women become pregnant each year, giving birth to between 3,000 to 4,000 infected children. According to UNICEF and UNAIDS, children are increasingly bearing the brunt of the HIV/AIDS pandemic in East Asia and the Pacific (source: "In East Asia and the Pacific, Face of AIDS Becoming Younger," UNICEF, 24 October 2005). In addition to mother-to-child transmissions, UNICEF estimates that there are at least 7,600 children living with HIV/AIDS in Burma with more than 3,000 new infections among children under 15 each year. Less than one percent of Burma's affected children are receiving Cotrimaxozole, a powerful antibiotic that decreases the mortality of AIDS among children by nearly 50 percent, and only costs a few cents per day (source: "UN to Intensify Fight Against AIDS in Burma," *Irrawaddy*, 27 October 2005). In an effort to assist the children of Burma, UN agencies plan to increase supplies of Cotrimaxozole, introduce HIV/AIDS prevention classes and increase efforts to prevent mother-to-child transmission. On this strand, in May 2005, UNAIDS and UNICEF, in conjunction with the SPDC, launched a program to prevent mother-to-child transmission of HIV/AIDS in Burma's 10 largest hospitals. UNICEF spends on average US\$2 million each year to support HIV-AIDS prevention and care programs in Burma (source: "Myanmar Launches UN-sponsored Program to Prevent Mother-to-Child HIV-AIDS Transmission," AP, 17 May 2005).

While a significant portion of the population is affected by HIV/AIDS, medical treatment remains unnecessarily unavailable and inaccessible. The junta conducted only 28,000 HIV tests in 2004, in a country of over 50 million (source: "There's Good News and Bad News; AIDS in Southeast Asia," *The Economist*, 2 July 2005). Due to the negligible budget expended by the regime for healthcare, HIV/AIDS patients lack access to life-prolonging antiretroviral drugs, which cost about 30,000 kyat (US\$30). The situation is likely to improve little with the withdrawal of international aid. In August, the Global Fund, a Geneva-based financial body comprised of governments, business and private groups set up in 2002 to fight HIV/AIDS, malaria and tuberculosis, announced its withdrawal of three grants totaling US\$98.4 million over a five year period. All operations ceased on 1 December 2005. Funding in 2004 provided approximately 32.6 million condoms and distributed or exchanged 430,000 needles for drug users and free antiretroviral drugs for confirmed HIV/AIDS patients. According to Global Fund sources, new travel clearance procedures imposed by the regime limited the accessibility of project sites for international aid workers. Furthermore, regime restrictions hindered the procurement of medical and other supplies. These policies effectively prevented the Global Fund from fulfilling its project goals. (Sources: "Termination of Grants to Myanmar," Global Fund, 18 August 2005; *Fact Sheet: Global Fund Termination of Grants to Myanmar*, Global Fund, 18 August 2005; "Junta Pressure Forces AIDS Fund Out," *The Australian*, 20 August 2005).

In addition to funding shortages, headway on combating the HIV/AIDS epidemic is constrained by the absence of an independent media, which means that a frank discussion of the country's problems is impossible. The junta is suspicious of NGOs and activists, and donors and aid agencies are leery of the military regime, which to date has not allowed any prevention campaigns on radio or television (source: "There's Good News and Bad News; AIDS in Southeast Asia," *The Economist*, 2 July 2005). The SPDC continues to suppress charitable activity based on political orientation. Local authorities in central Burma intimidate, arrest and imprison members of the NLD who distribute information on HIV/AIDS. For example, in Mandalay Kyaukpandaung Township, the local authority repeatedly harassed a

local NLD youth member, Zaw Win, who had been distributing HIV/AIDS educational leaflets featuring the NLD Youth seal. Zaw Win was threatened with a five year term of imprisonment or a 10,000 kyat fine. While some NLD youth continued to help assuage the mounting HIV/AIDS problem, many others are deterred by the authorities' systematic intimidation tactics (source: "NLD Members in Central Burma Intimidated but the Fight Goes On," DVB, 1 August 2005).

If Burma is to meet the UN Millennium Development Goals, which serve as an agreed-upon blueprint for donor countries and leading development institutions to meet the needs of the world's poorest, it must reach 80 percent of women in need of services to prevent HIV/AIDS transmission to their babies; provide 80 percent of children in need with pediatric HIV/AIDS and/or infection-fighting antibiotics; reduce the percentage of young people living with AIDS by 25 percent and reach 80 percent of children orphaned and made vulnerable by AIDS who are in need of support and protection (source: "In East Asia and the Pacific, Face of AIDS Becoming Younger," UNICEF, 24 October 2005). Prevention is key to halting the epidemic, but greater measures must be taken to assist those already infected, which involves stamping out the stigma on which the HIV/AIDS thrives.

### **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 among 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 armed conflict and the perpetuation of human rights abuses in Burma. The junta has not addressed the issue of mental health. Meanwhile the situation is exacerbated by a lack of resources and an inability to effectively care for and treat many of those who suffer from psychological disorders.

### **Support for People with Disabilities**

There are very few resources allocated to assisting persons with disabilities in Burma. No laws are in place to ensure accessibility for those with a disability. Furthermore, there are a limited number of local and international organizations assisting people with disabilities in the country. A majority of those who suffer from a disability must 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 junta 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. In the entire country, there are three regime-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 junta, 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 NGOs began entering Burma in the early 1990s, despite suspicions that the junta would thwart humanitarian efforts in an attempt to divert aid into the regime coffers. Many NGOs argue that the recalcitrance of the SPDC makes their role in Burma all the more necessary. They further maintain that a withdrawal or refusal of aid would have dire consequences, particularly on the spread of HIV. While the junta continues to impose untenable restrictions on the operations of several NGO projects, officials have shown a preference in working with particular organizations such as the WHO, UNICEF and UNDP. These groups however are not immune to the junta's restrictive policies.

With the exception of International Committee of the Red Cross (ICRC), NGOs wanting to operate in Burma must obtain advanced permission from the authorities. A Memorandum of Understanding (MoU), however, is normally only granted after lengthy negotiations with regime ministries. NGOs are restricted from interacting with any political bodies or opposition groups. This stricture not only limits the type of domestic organizations that international NGOs may partner but also creates a barrier to accurate information and access to certain populations. Furthermore, NGOs are prohibited from entering parts of the country, which leaves them essentially barred from reaching some of the most vulnerable people in Burma. NGOs seeking to bypass the junta face severe repercussions for their attempts. Meanwhile, the diluted impact of international aid is further exacerbated by contingencies imposed by NGO donors who restrict funding from agencies that engage with the regime. The combination of the regime restrictions and donor restrictions on aid dispersal severely curtails the amount of foreign aid into Burma.

Following the withdrawal of Global Fund aid, in September 2005 former student leaders called for the international community to continue providing humanitarian aid to Burma. The group, which is popularly known as 88 Generation Students, is comprised of prominent student leaders who were implicated in the 1988 uprising and subsequently jailed for their activities. These activists, led by well-known advocate Min Ko Naing, requested that the SPDC remove the restrictions it had imposed on international aid agencies. The 88 Generation Students also called for the SPDC, pro-democracy opposition groups within and outside Burma, UN agencies and international donors to work together in order to foster an impartial, open and transparent monitoring system conducive to addressing the mounting humanitarian crisis in the country (source: "Burma's Former Student Leaders Call for Humanitarian Aid," *Irrawaddy*, 7 September 2005). The NLD welcomed the proposal of the 88 Generation Students. Likewise, the exiled NCGUB under the leadership of Prime Minister Dr. Sein Win offered its full support for measures amenable to cooperation and a renewed commitment to international humanitarian aid (source: "Burmese Opposition Groups Welcome Students' Call for Cooperation," *DVB*, 7 September 2005).

## 10. The 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

### 10.1 Background

Burma is a predominantly Buddhist country with 90 percent of the population adhering to the Buddhist tradition according to official statistics. For the ethnic Burman majority and also the Mon, the Shan and the Rakhine (from Arakan State) ethnic minorities, Buddhism is the primary religion with Theravada being the most widely practiced form of Buddhism in Burma. The Christian population makes up around four percent of the population. The Chin and Kachin communities are largely Christian while the Karen and Karenni populations practice Christianity alongside Buddhism. Most Christians in Burma are Baptists. Roman Catholics, Anglicans and other Protestant groups also have an established presence in Burma. According to official statistics, four percent of the population is Muslim. Muslim leaders however dispute these figures and argue that followers of the Islam faith comprise 14 to 20 percent of the population. While there are Muslim communities throughout the country, the Islam faith is particularly visible in Arakan State where it is the primary religion of the Rohingya minority. The Muslim population is primarily Sunni. The remaining two percent of religions represented in Burma include forms of animism, Hinduism and even a small Jewish population in Rangoon. (Source: *International Religious Freedom Report-2005*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 8 November 2005).

Although there is no official state religion of Burma, the junta has actively promoted Buddhism over other religions. Buddhist doctrine remains part of the mandated curriculum for all primary level school children. Students are required to recite a Buddhist prayer everyday and only some schools allow Muslim students to opt out of Buddhist recitations. Since the military seized power in 1962, non-Buddhist minority religions have been marginalized. In 2005, for the sixth consecutive year, Burma was designated by the U.S. Secretary of State as a "Country of Particular Concern" under the International Religious Freedom Act for particularly severe violations of religious freedom. Members of minority religious groups continue to suffer from persecution, abuse, and severe discrimination by the military regime. Muslim and Christian groups, in particular, experience difficulty in obtaining permission to build new places of worship or repair existing ones. Required national identification cards indicating religious affiliations have led to the harassment and persecution of non-Buddhists by the regime. Meanwhile, non-Buddhists are constantly pressured and forced to convert. (Source: *International Religious Freedom Report-2005*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 8 November 2005).

The junta-imposed guidelines for the constitutional drafting sessions of the National Convention recognize the existence of minority religions in Burma and state that "citizens in the State should have the right to freely profess any faith of their choice." However, the guidelines also indicate religious groups should be denied any opportunity to engage in or

influence politics (source: “The State Also Recognizes Islam, Christianity, Hinduism and Animism as Some Religions Existing in the Union on the Date of the Coming into Force of the State Constitution,” *NLM*, 11 January 2006). This limitation could potentially provide justification for sustained surveillance and restrictions on the activities of religious groups. At present, SPDC personnel continue to infiltrate and monitor the meetings and actions of virtually all religious groups, Buddhists included. Meanwhile non-Buddhists are heavily underrepresented in the public sphere. Promotions and leadership positions within the military regime are reserved for Buddhists. (Source: *International Religious Freedom Report-2005*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 8 November 2005).

Theravada Buddhism, despite being the regime-preferred religion, is not free from interference. All monastic orders, apart from nine recognized by the junta, are considered illegal. Furthermore, monks are not accorded any special leniency due to their religious positions. Monks who are deemed to be in violation of the law are subject to the same punishment and abuse as other transgressors. In addition to the standard terms of punishment, monks are often also subject to public defrocking. Efforts by monks to promote human rights and political freedoms in Burma have been met with severe repercussions by the regime. The Assistance Association for Political Prisoners (AAPP), reported that 76 monks continued to languish in the prisons of Burma in 2005 for politically related reasons. (Sources: *International Religious Freedom Report-2005*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 8 November 2005; AAPP, 2005).

## 10.2 Religious Discrimination against Christians

Members of the Christian minority have been suppressed by successive military regimes since the seizure of power in 1962. In the mid 1960’s nearly all foreign missionaries were expelled and Christian schools and hospitals nationalized. While foreign clergy have in the past been allowed to enter the country on tourist visas, their supporting organizations must be careful not to give off the impression of proselytizing the local population, which is strictly prohibited by the regime. To limit proselytizing, Christian ministers attempting to relocate to new townships have been denied resident permits. Furthermore, printing and importing of bibles and other religious literature in ethnic languages is heavily restricted by the regime. Those found producing or in possession of such material are subject to arrest and confiscation of the illicit material. (Source: *International Religious Freedom Report-2005*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 8 November 2005).

Christian groups have been denied permission to construct new churches or other religious meeting places. On 9 September 2005, it was reported that the junta terminated the construction of a new Baptist church in Tachileik, Shan State without justification (source: “Junta Closes Popular Rangoon Church,” *Irrawaddy*, 9 September 2005). Permission to repair dilapidated worship structures has also been withheld. While some groups have been given unofficial permission to build small meeting places in inconspicuous locations, these establishments remain subject to closure at the will of the authorities. There continued to be reports of church closures and bans on home prayer services. Some churches, particularly in Rangoon, have been forced to pay bribes to the authorities in order to remain open (source: *International Religious Freedom Report-2005*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 8 November 2005). The most significant church closure during 2005 was the Full Gospel Assembly, a rapidly growing church in Rangoon, which was

ordered to cease all its activities in September 2005 (source: “Junta Closes Popular Rangoon Church,” *Irrawaddy*, 9 September 2005).

The people of Chin State have been particularly affected by religiously motivated abuses perpetrated by the regime. Because Christianity is integral to the identity of the majority of the Chin people, the junta has been particularly heavy-handed with implementing a campaign of Burmanization in Chin State. Through Burmanization, the regime has attempted to create a Burma of “One race, One Language, One Religion.” To dilute and eradicate the religious practices in Chin State, the regime has made extensive efforts to convert Christians to Buddhism through aggressive conversion drives and forced conversion campaigns. SPDC soldiers have been offered incentives to marry and convert Chin women. Furthermore, Chin Christian children have been forced into monasteries. The regime has also demolished churches and Christian religious symbols. Sites of former Christian structures have then been replaced with Buddhist pagodas, which have been constructed through the forced labor of Chin Christians. Abuses against members of the Christian faith are rampant in Chin State. Christians, including church leaders and ministers, have been tortured and killed for their beliefs. (Source: *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma*, CHRO, February 2004).

### **Persecution of Christians - Partial List of Incidents for 2005**

#### **Chin State**

On 3 January 2005, a large concrete cross that had stood on a hill in Matupi Township for decades was destroyed by SPDC IB 304 under the command of Col. San Aung sparking protests in Chin communities abroad. Later in the year, it was reported that there were plans to build a Buddhist pagoda on the former cross site. There were also reports of demands for material and labor for the pagoda construction. (Source: “Ethnic Groups Condemn Junta’s Brutality Against Religion in Burma” *Kaladan News*, 25 January 2005).

On 2 February 2005, it was reported that 20 predominantly Christian villages from Shinletwa village tract, Paletwa Township were forced by the SPDC LIB 354 to assist in the construction of a Buddhist Monastery near Shinletwa army camp. Camp Comdr. Lt. Thein Lwin ordered the headman of each of the 20 villages to collect 5,000 kyat per household no later than 15 January 2005 to fund the transportation of cement for the monastery. Villagers were also forced to provide labor or money to relocate the Shinletwa army camp in order to make way for the new monastery. Pathianthang and Para village tracts were told to provide 70,000 kyat and 50,000 kyat respectively to fund the relocation process. (Source: “Chin Christians Forced to Contribute Money and Labor for Construction of Buddhist Monastery,” *Rhododendron News*, CHRO, January-February 2005).

On 5 May 2005, it was reported that villagers in and around Sabawngte village, Maputi Township were ordered by Deputy Battalion Comdr. Maj. Hla Myint of SPDC LIB 140 to donate one tin of sand per household for the construction of a Buddhist monastery being built inside the army camp. The inhabitants of Hlung Mang village were also forced to contribute 25 bags of cement. (Source: “Chin Christians Forced to Supply Construction Materials for New Buddhist Monastery,” *Rhododendron News*, CHRO, May-June 2005).

On 8 June 2005, Col. San Aung, commander of Tactical Command No. 2, forced more than 300 local Christians in Matupi Township to attend the opening ceremony of a new Buddhist

pagoda. Construction on the pagoda, named Maha Thandi Thuta Aung, began in May. “Invitations” were sent out to all civil servants and community leaders of the area, with Col. San Aung and his wife Daw Htay Htay Lwin acting as hosts of the event. (Source: “Local Christians Forced to Attend Opening Ceremony of Buddhist Pagoda,” *Rhododendron News*, CHRO, July-August 2005).

On 18 June 2005, it was reported that Col. San Aung, commander of SPDC Tactical Command No. 2, announced during a public meeting, “I have the power to destroy any symbols and monuments, except Gen. Aung San, for the betterment of the people.” It is speculated that this announcement was made to justify the dismantling of two Christian crosses and the destruction of at least 20 houses without compensation in Matupi Township. The announcement came after radio reports criticized his actions. Radio Free Asia, Voice of America and Democratic Voice of Burma reported the destruction of a large cross in Boltlang. (Source: “SPDC Commander Justify His Barbaric Action,” *Rhododendron News*, CHRO, May-June 2005).

On 14 November 2005, it was reported that the military destroyed a village in Chin State after plans were exposed to build a new church and school in the village. No further details were available. (Source: Mission News Network, 14 November 2005).

### **Rangoon Division**

On 9 September 2005, it was reported that the Full Gospel Assembly in downtown Rangoon, had been ordered by the junta to cease all activities. The church had operated several programs in Rangoon, including Bible training courses, women’s and youth meetings, weekly worship services and monthly fasting and prayer. (Source: “Junta Closes Popular Rangoon Church,” *Irrawaddy*, 9 September 2005).

On 5 December 2005, it was reported that various Christian groups have been denied places of worship in Rangoon. Some pastors were forced to sign a blank sheet of paper that purportedly would be later filled in by the junta agreeing to the closures. Despite the fact that Buddhists use the public address system during their daily worship services, the junta has justified the ban on services on the basis that the noise is a public nuisance. The groups, of different denominations, have all been forced to conduct services at the Fundamental Far East Theological College, despite the fact that time and space is severely limited, especially on Sundays. (Source: “Conversion to Christianity on the Rise Despite Being Denied Places of Worship,” *Khonumthung*, 5 December 2005).

## 10.3 Religious Discrimination against Muslims

The Muslim population of Burma can be divided into four distinct groups, all of who follow the Sunni sect of Islam. The ethnically Chinese Hui generally live in Mandalay and the North. Muslims of Indian and Pakistani descent are found throughout Burma, particularly in the larger cities. Those who are ethnically Burman are thought to have been converted between the 9th and 14th centuries by Islamic merchants and scholars. The final group and most oppressed of the Muslims living in Burma are the Rohingya who speak a Bengali dialect and live mostly in Northern Arakan State. (Source: "Myanmar's Muslim Sideshow," Asian Times, 20 October 2003).

Like the Christian population in Burma, the junta largely interferes with the religious freedom of Muslims in the country. Muslims have been denied permission to build new mosques and have also experienced difficulty in obtaining permission to repair or expand existing religious structures. Furthermore, the authorities have arbitrarily and without notice ordered the closure of several Muslim worship centers. Those holding religious services in unofficially registered venues have been subject to arrest and severe punishment. The authorities have also prohibited Muslim celebrations and ceremonies without advanced permission. Even when permission is granted, the terms are often restrictive. (Source: *International Religious Freedom Report-2005*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 8 November 2005).

In addition to restrictions on their religious practices, Muslims also face abuse and discrimination based on their religious orientation. Muslims are subject to severe travel restrictions and are required to request permission from township authorities to travel outside their home villages. Such permission is frequently withheld from Rohingya and Rakhine Muslims while other Muslims are typically required to furnish a bribe. Bribes are also required to obtain National Registration Cards and passports, which are necessary documents for all forms of travel (source: *International Religious Freedom Report-2005*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 8 November 2005). Furthermore, the NaKaPa, border security forces in Arakan State, have been inspecting Muslim households to ensure that all family members are present and that the household is fully registered. Absent family members risk being deleted from the household registration lists, which could result in future repercussions (source "Nasaka Begins Operation to Check Registry of Burmese Muslim Family Members Along Border Area" *Narinjara News*, 4 June 2005).

Tensions between the Muslim and dominant Buddhist populations have frequently ruptured into violence, often under speculations of provocation by the SPDC. Following the 30 May 2003 attacks on Daw Aung San Suu Kyi and NLD supporters near Depayin, Sagaing Division, clashes broke out between Buddhists and Muslims in Rangoon and Kyaukse. It was believed that the junta orchestrated the riots as a method of deflecting interest in the incident at Depayin (source: *International Religious Freedom Report-2005*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 8 November 2005). Buddhist-Muslim violence also broke out on 20 January 2005 in Kyauk Pru, Arakan State after a Muslim street sweeper allegedly insulted a group of Buddhist monks near Naga Pariyeti Sathin Thik monastery. The street sweeper that provoked the violence was a known informant for the local army post. The clashes lasted several days and left three Muslims dead, including a religious teacher. The regime used the incident to justify an increase of security in the region, including tightening movement restrictions and cutting all telephone lines in the area (sources:

“54 Burmese Muslims Arrested While Illegally Entering Bangladesh,” *Narinjara News*, 1 February 2005; “Religious Riot in Arakan State” *Narinjara News*, 1 February 2005). Furthermore, on 22 June 2005, it was reported that the Chief Secretary of the USDA and Industry Minister, U Aung Thaung, had plans to distribute anti-Muslim propaganda and destroy the property of Muslim activists in Mandalay Division then blame the NLD in an attempt to provoke religious riots (source: “New Strategies Dreamt Up by Burma Junta to Destroy NLD,” DVB, 22 June 2005).

### **The Situation of Discrimination Against Rohingya**

The Rohingya are a distinct Muslim 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. Estimates place the Rohingya population of Arakan State at between 700,000 and 1.5 million, approximately 50 percent of Arakan State's population. The Rohingya experience severe legal, economic, social and religious discrimination. This, in part, stems from the fact that the junta does not recognize Rohingya as one of the 135 “national races” of Burma. (Source: *The Rohingya Minority: Fundamental Rights Denied*, AI, May 2004). (For more information, see Chapter 8 Rights of Ethnic Minorities).

Rohingya Muslims in northern Arakan State continued to face severe travel restrictions in 2005, which prevented them from moving from village to village, let alone throughout the country. Despite the disbanding of the NaSaKa on 19 October 2004 with the ouster of Gen. Khin Nyunt, the junta maintained a border security force in Arakan State, renaming it the NaKaPa in January 2005. Beginning on 1 October 2005, Muslims living in Sittwe have been banned from traveling outside the Sittwe area (source: The Arakan Project, 9 November 2005). Rohingyas living elsewhere were also required to obtain permission in advance to travel outside their home villages. The authorities, meanwhile, imposed a curfew and beginning in January 2005 all the VPDC Chairmen in Maungdaw and Buthidaung Township in Arakan State were ordered by NaKaPa commanders to begin fencing in each village. Although the fences were ostensibly for security reasons despite the virtual absence of potential infiltrators, Rohingya villagers believed they were more likely erected to contain villagers. (Source: Forum-Asia, 26 May 2005).

Due to their inability to travel freely, Rohingya villagers face tremendous difficulties in securing food sources outside their villages, including from their own remotely located farms. Furthermore, Rohingya have been required to purchase travel permits to collect World Food Program (WFP) humanitarian aid food rations. Due to this situation, Rohingya in Arakan State are particularly vulnerable to starvation. (Source: “Junta Restrictions Cause Food Shortages Among Rohingyas,” *Irrawaddy*, 23 September 2005). (For more information see Chapter 12 Freedom of Assembly, Association, and Movement).

Following the removal of Khin Nyunt, the Rohingya briefly enjoyed relief from previously imposed marriage restrictions in the townships of northern Arakan. In 2005, the restrictions were reinstated and extended to include the central Arakan townships of Kyauk Pyu and Ramree. Rohingya youth have often been arbitrarily accused of violating the marriage ban and subjected to arrest, extortion and harassment. While some Rohingya have married in secret, others have fled the country in order to marry without obstacle. (Source: *International*

*Religious Freedom Report-2005*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 8 November 2005).

To dilute the Muslim population in Arakan State, the junta has continued to establish “model villages” to resettle both Rakhine and Burman Buddhists onto Muslim land in northern Arakan State. As many as 39 “model villages” currently exist in northern Arakan State (source: “Nasaka Forcibly Extracts Labor and Donation from Rohingya Villagers,” *Kaladan News*, 18 October 2004). On 7 September 2005, 50 Buddhist families were brought in from Rangoon for resettlement in Taragu village tract. Rohingyas reportedly were forced to build houses for the new arrivals (source: “50- Family of New Buddhist Settlers Brought into Northern Arakan from Rangoon,” *Kaladan News*, 6 October 2005). The resettlement campaign continued in January 2006 with the junta expanding its recruiting efforts by providing incentives to Buddhists living in Bangladesh to relocate to northern Arakan State. Fifty-two Buddhist families, approximately 257 persons, had already been granted approval to relocate to NaSaKa region 3 in early 2006 (source: “Burma Offers Bangladeshi Buddhists to Settle in Northern Arakan,” *Narinjara News*, 3 January 2006).

### **Persecution of Muslims - Partial List of Incidents for 2005**

The SPDC imposed various restrictions and demands on Muslims in Arakan State celebrating Eid-ul-Adha on 21 and 22 January. Prayers were not allowed to be conducted at the Eid-Ghah, an open area of worship, and religious ceremonies in Mosques were restricted. The SPDC also extorted money and meat during Eid-ul-Adha. Muslims had to furnish payment of a “tax” of 1,000-1,500 kyat in addition to 300 kyat for each goat and 10 kilograms of meat for each cattle slaughtered. Furthermore Muslims in Maungdaw, Buthidaung, Rathidaung and Akyab Townships were prohibited from moving or gathering in large numbers. (Source: “Muslims Complain of Military Extortion During Religious Festival in Arakan,” *Kaladan News*, 25 January 2005).

In June 2005, 8 Muslims including the local imam were arrested for holding group prayers at the imam’s house in Shwepitha Township, Rangoon Division. By November 2005, they still had not been released. (Source: *International Religious Freedom Report-2005*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 8 November 2005).

In June 2005, the local authorities banned a Muslim private tutor from continuing his teaching activities in Rangoon Division. Although he was teaching only the public school curriculum, he was charged with conducting free courses to convert local children to Islam. (Source: *International Religious Freedom Report-2005*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 8 November 2005).

On 26 August 2005, Rashid Duhul, a 22-year-old Muslim student from Sittwe University, Arakan State, was attacked by a group of USDA members and died 3 days later from his injuries (source: “Burma Arakan Muslim Student Killed by ‘Unknown’ Thugs,” DVB, 4 September 2005).

On 8 November 2005, it was reported that a Muslim cleric in South Dagon, Rangoon Division was arrested for holding Qur’an courses for Muslim children at his house (source: *International Religious Freedom Report-2005*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 8 November 2005).



On 26 November 2005, a Rohingya, 55-year-old Oli Ahmed, was arrested for failing to conclude a religious lecture held on 10 November 2005 within the permitted time period. The lecture went overtime by only a few minutes. As a result, Oli Ahmed was sentenced on 29 November 2005 to 10 months imprisonment with hard labor under Police Act No.49, Raki 932/05. In addition, following the violation, the use of loudspeakers to broadcast the Azan (call to prayer) was banned. (Source: “A Rohingya Elite Jailed for Not Concluding Religious Lecture Within Fixed Time,” *Kaladan News*, 19 December 2005).

## 10.4 SPDC Control over Buddhism

There are over 400,000 Buddhist monks and novices in Burma who are supported by donations from the Buddhist population. As the dominant religion of the country and the religion of the ethnic Burmans, Theravada Buddhism enjoys a privileged place in the development of Burma’s history. In pre-colonial times, the king’s legitimacy was linked to his patronage of the Sangha, which is the Buddhist clergy. A head abbot called a Tha Tha Na Baing appointed by the king controlled the Sangha. When the British abolished the monarchy in 1886, they neglected to continue this role as head of the religion, which led to a lack of central control in the Sangha. During the anti-British nationalist movement of the 1920’s and 1930’s politicized monks were a common sight and some of Burma’s earliest nationalist heroes, such as the ethnic Rakhine U Ottama, were monks. This active role in politics has continued up to the present day.

Political awareness within the monastery has pitted some monks against the regime resulting in instances of tragic consequences. Six hundred monks were killed during the 1988 August pro-democracy uprising. On 8 August 1990, on 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 17 others were wounded in the attack. In response to the army’s brutal actions, the Monks’ Union (Sangha Samaggi) of Mandalay, led by Ven. Yewata, declared pattam nikkujjana kamma, “overturning the bowl.” In solidarity, monks from across Burma joined in “overturning the bowl” and refused alms from military personnel and their families as well as boycotted religious services organized by members of the regime. (Source: *Burma: A Land Where Buddhist Monks are Disrobed and Detained in Dungeons*, AAPP, November 2004).

In response to political opposition within the monastery, the regime arrested and disrobed the leader of the 1990 protests, Ven. Yewata. In addition, the regime issued orders to control the Sangha and punish monks who opposed the regime. On 20 October 1990, the regime issued Order 6/90 banning all Sangha organizations as “unlawful” except for nine. The nine orders recognized by the junta are under the authority of the junta-sponsored State Monk Coordination Committee (Sangha Maha Navaka Committee – SMNC). On 21 October 1990, the regime also issued Order 7/90 which allowed for monks to be brought 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 the junta established a code of conduct for Buddhist monks, violations of which are punishable by criminal penalties. (Source: *Burma: A Land Where Buddhist Monks are Disrobed and Detained in Dungeons*, AAPP, November 2004).

Buddhist monks continued to be persecuted under accusations of involvement in political activities or support of armed resistance groups throughout 2005. For example, in June 2005, it was reported that monks in Nyaung U, Mandalay Division, were forbidden from participating in celebrations for Aung San Suu Kyi's 60th birthday. The authorities also banned a local religious association from contributing to the celebrations. When it was discovered that NLD members had been accepted at a number of monasteries the local authority chairman, Maj. Tayza, reportedly summoned and rebuked religious leaders (source: "Monks Told Not to Participate in Aung San Suu Kyi's Birthday in Burma," DVB, 21 June 2005). Furthermore, the SPDC has continued to restrict the activities of the Buddhist clergy in an attempt to stifle potential political influence over the populace. Following the Rangoon bombings on 7 May 2005, on 17 July 2005 it was reported that the authorities required registration of all persons, including monks, who intended to remain overnight in monasteries during Buddhist lent. Monks were also required to remain in the same monastery for the entire 3 month period of lent (source: "Monks are Targeted as a Result of Burma's Security Scare," *Narinjara News*, 17 July 2005). Buddhist festivals organized by villagers were also heavily restricted by the SPDC.

Meanwhile, the military has attempted to derive legitimacy through its public patronage of Buddhism. SPDC officials have often been portrayed in the media attending religious services and supporting the monastery. The junta has also sponsored projects to construct, renovate or maintain Buddhist shrines and monuments. However, villagers, particularly in rural areas, have often been compelled to contribute donations of food, money or materials to the projects. (Source: *International Religious Freedom Report-2005*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 8 November 2005).

### **Persecution of Buddhists - Partial List of Incidents for 2005**

In January 2005, villagers in Ohn Pin Kwin and Phaung Daw villages, Yebyu Township, Tenasserim Division were forced to pay 200,000 kyat per village to SPDC LIB 273 Comdr. Moe San Winn for permission to hold a traditional Buddhist festival. Comdr. Moe San Winn justified the payment as necessary to ensure the security of the nearby Total gas pipeline during the festival. (Source: "Taxation by LIB No. 273," HURFOM, 9 September 2005).

In February 2005, the SPDC Comdr. of the Special Triangle Region ordered from Mandalay a new headdress for a Buddha statue in Kaeng-Tung town and required villagers in Kaeng-Tung, Murng-Sart and Ta-Khi-Laek Townships to contribute money for its costs and a ceremony. Although the headdress only cost 1,500,000 kyat, the authorities collected 20,500,000 kyat by 17 February 2005. Nonetheless, after the ceremony, the Comdr. continued to extort money from villagers until the sum reached 100 million kyat. (Source: "Situation of Extortion in Kaeng-Tung, Murng-Sart and Ta-Khi-Laek," *SHRF Monthly Report*, SHRF, June 2005).

In March 2005, it was reported that villagers in Kaeng Tawng sub-township, Murng-Nai Township had been fined 200,000 kyat for refusing to attend a religious ceremony organized by the SPDC on 23 and 24 March 2005. (Source: "Religion Used For Extorting Money in Murng-Nai," *SHRF Monthly Report*, SHRF, June 2005).

In May 2005, following the declaration of an independent Shan State Federal Government by a little known Shan group, the authorities arrested several Shan villagers, including Buddhist monks. Tae-Zin-Da, a Buddhist monk from Wan Paang village in Wan Hai village tract,

Murng-Nai Township, Shan State was arrested and his monastery burned down by SPDC troops under the command of LIB515. Pan-Nya-Sa-Mi of Hin He monastery in Murng Nawng village in Kae-See Township was also arrested by local SPDC troops. (Source: "Arrest and Detention, Forced Labour and Extortion in Central Shan State," *SHRF Monthly Report*, SHRF, August 2005).

On 14 July 2005, a Buddhist nun, Daw Thitsar Wadi, was arrested in Rangoon after being accused of having links with overseas opposition groups. (Source: "Buddhist Nun Arrested in Rangoon," *Narinjara News*, 14 June 2005).

On 8 November 2005, 15 Buddhist monks from Bop Htaw village, Kao Jear sub-town, southern Ye Township, Mon State fled to the Thai-Burma border fearing arrest by the SPDC after being accused of supporting the Mon resistance groups. (Source: "15 Buddhist Monks Flee Mon State Fearing Persecution," *Kaowao News*, 15 November 2005).

# 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 and Registration Division (PSRD), a division of the powerful Ministry of Information, examines every publication for anything perceived as "anti-regime." 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.

Despite an increase in the number of journals and publications approved for publication and distribution in 2005, the junta continued to tightly control people's access to news within the country. Meanwhile Burma's human rights situation has increasingly drawn criticism from foreign and exiled media groups, NGOs and foreign governments. At a conference of the Nonaligned Movement, which comprised 114 countries working towards establishing an Internet-based network for the exchange of news between member countries, in November 2005, the Minister for Information, Brig. Gen. Kyaw Hsan, accused the Western media of "jeopardizing" Burma's stability through the spread of false news. The Information Minister stated that the regime hoped to "rebuff the unfair and baseless news produced by the Western media." (source: "Burma's Information Minister Slams Western Media," *Irrawaddy*, 21 November 2005). To this end, Burma launched a "fight media with media" campaign in 2005. Throughout the year, journalists within the country were pressured to write articles in line with the regime's views and policies. Journals and newspapers were also forced to print an increased number of "planted" pro-junta articles. Furthermore, the regime conducted a journalism training program for USDA members designed to breed a new generation of pro-junta journalists within the country.

Despite the regime's domination of information sources, the people are well aware that much of the news from official sources is propaganda. 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 recent years, there has

been an increase in the import of cheap Chinese-manufactured short-wave radios and, therefore, a greater number of people have been able to access these stations. In addition to radio, DVB launched a new Burmese language satellite television service inside Burma on 28 May 2005. The service consists of Burma related news and information concerning the democracy movement. There were attempts by the regime to block the station's signal shortly after DVB began broadcasting. A limited number of publications by exiled groups working along the Thai-Burma border are also regularly smuggled into Burma. However, the SPDC is aware of and attempts to cut off these sources of information. Individuals caught distributing or possessing dissident news material were severely punished.

International media watchdog groups such as Reporters Sans Frontieres (RSF), Freedom House, and the Committee to Protect Journalists (CPJ) have repeatedly criticized the regime for its suppression of press freedoms and its imprisonment of journalists. RSF placed Burma in 163rd place out of the 167 countries reviewed for 2005. RSF noted that "no improvement was seen in Burma (163rd) [in 2005]" (source: "Worldwide Press Freedom Index 2005," RSF, 20 October 2005). Similarly, a Freedom House survey, ranked Burma as among the world's worst in terms of press freedom (source: "US-Based Media Group Rates Thai Press as 'Partly Free,'" *The Nation*, 14 February 2005). Furthermore, the CPJ found that Burma has one of the highest numbers of jailed journalists worldwide (source: "In Imprisoning Journalists, Four Nations Stand Out," CPJ, 3 February 2005). Further, only seven journalists were reported as freed from prison in 2005. Despite calls from the UN Special Rapporteur for Human Rights Paulo Sergio Pinherio, RSF and Amnesty International, U Win Tin, Burma's most prominent imprisoned journalist, remained imprisoned in 2005 (source: "Amnesty Urges Release of Myanmar Journalist Turning 75 in Prison," AFP, 11 March 2005).

As part of their overall effort to control information, the military regime severely restricts all forms of communication. Telephone lines reach less than 1 percent of the people in Burma (source: "How to Fool the Cyber Spooks," *Irrawaddy*, 30 March 2005). Without a permit, which is expensive and difficult to obtain, individuals can be arrested for possessing or using fax machines, mobile phones, photocopiers or computers. In 2005, the junta upgraded their Internet filtering software, sparking fears that Burma's system of Internet control may worsen. Furthermore, the cost of computers and Internet service charges has effectively barred most people in Burma from being able to use the Internet.

## **11.2 SPDC Laws Restricting Freedom of Opinion, Expression, and the Press**

### **The Official Secrets Act of 1923**

Pursuant to section five, this law makes it an offense to possess, control, receive or communicate any information that is likely to affect the sovereignty and integrity of the State or relations with foreign nations or is otherwise prejudicial to the safety of the State. There is no exception for the disclosure of classified information on public interest grounds. Anyone convicted under this law is liable to be punished with imprisonment for up to two years or a fine or both.

### **The Burma Wireless Telegraphy Act 1933**

This act makes it an offense to possess, without official permission, any “wireless telegraphy apparatus.” This law was amended in 1995 and 1996 to expand coverage to unlicensed fax machines and computer modems. Anyone found in possession of these devices without official permission is liable to imprisonment for up to three years or a fine of up to 30,000 kyat.

### **Section 122, Penal Code of Burma**

This section of the Penal Code outlaws treason. Treason is punishable with death or life imprisonment. It was used in late 1990 against several NLD functionaries who attended meetings in Mandalay with the intent of forming a provisional government-in-exile after the election results were disregarded by the junta. The functionaries were arrested and sentenced 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 offense to incite, demonstrate, deliver speeches, write statements or disseminate material that 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.” It also forbids anyone from drafting or distributing a national Constitution without legal authorization. Collaboration in any of the above-mentioned acts is also considered an offense under this law. Punishment ranges between three months to 20 years along with a possible fine. In addition, organizations convicted under these provisions risk being banned and confiscation of their properties.

## **Emergency Provisions Act of 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. “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” is punishable by death or life imprisonment according to Article 2. Similar punishment is prescribed for any act that is “intended to cause, or causes, sabotage or hinders the successful functioning of the State military organizations and criminal investigative organizations” under Article 3. Article 5(a) outlaws actions that violate or infringe upon “the integrity, health, conduct and respect of State military organizations and government employees.” Causing or intending to “spread false news about the Government” is similarly outlawed under Article 5(e) as is causing or intending to “disrupt the morality or the behavior of a group of people or the general public” under Article 5(j).

## **The Printers and Publishers Registration Law of 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 review to the SPDC prior to publication or, in some cases, prior to distribution. According to the censorship 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 provisions of this law have been used by the regime to preclude criticism and opposition of the regime. Transgressors could face imprisonment up to seven years and a fine of up to 30,000 kyat.

## **State Protection Law of 1975 (a.k.a. the "Law to Safeguard the State from the Dangers of Destructive Elements")**

Under section 4, the junta has the power to declare a state of emergency in a part or the whole of Burma and to restrict any rights of the citizens in specified regions or in the entire country. This law also allows the junta to restrict the movement of citizens. Pursuant to section 11, anyone can be confined to a specified area or have their freedom of movement otherwise restrained. The junta can also prohibit citizens from possessing or using specified material under section 11. Appeals of orders passed in accordance with this law are not allowed in any court. Only the Union Cabinet is authorized to hear appeals of such orders. Under a 9 August 1991 amendment to section 14, an executive order can subject anyone charged with suspicion of committing, committing, or about to commit any act that “endangers the sovereignty and security of the State or public peace and tranquility” to imprisonment for up to five years without trial.

## **The Television and Video Law**

This law provides for the compulsory licensing of television sets, video 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 is responsible 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. The requirement of obtaining censorship certificates has 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 a fine.

## **The Motion Picture Law**

This law applies to the censorship of conventional cinematography films. A license from the Myanmar Motion Picture Enterprise, a state agency, must be obtained to produce any kind of film. Violation of the terms and conditions of a license are punishable by a fine ranging from 5,000 to 50,000 kyat and 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 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 (MPT). The Ministry is granted absolute power to consider license applications and determine the license conditions. Failure to obtain a license is punishable by imprisonment for a term between seven and 15 years and a fine under sections 31 and 32.

Those who wish to set up a computer network or connect a link inside the computer network are also required to apply to the Ministry pursuant to section 28. In addition, the Ministry is responsible for approving the activities of computer-related associations. Pursuant to the Ministry's policy, only three types of associations may be formed in Burma: computer enthusiasts, entrepreneurs and scientists associations. All others are illegal. Anyone operating or belonging to an illegal association is subject to punishment up to three years, a fine, or both. (Source: Burma UN Service Office, 2005).



## 11.3 The National Convention: Increased Control over Expression

The junta continued to tightly control freedom of expression during the 2005 National Convention (NC) sessions, held in February and December. Foreign diplomats and journalists were consistently denied permission to attend the May 2004 session of the NC. At the re-convening of the 2005 sessions, on 17 February and 5 December, selected local and international media were permitted to attend. However, many international journalists who had previously written articles critical of the junta were refused visas to enter the country. Other foreign journalists were granted only a two day visa. Journalists in Rangoon also reported that only local newspapers with a good relationship with the censorship board were permitted to attend both the opening ceremony and the press conferences.

Furthermore, the junta limited coverage of the NC. Journalists were obliged to only report an overview of the ceremony and delegates were prohibited from answering questions directly in English. According to one foreign correspondent, journalists were denied the opportunity to report freely on the opening ceremony held in December. At a press conference on the NC, Lt. Gen. Thein Sein allocated little time to journalists and provided only brief responses to journalist's questions. (Sources: "Burma Restricts Convention Reporting by Foreign Journalists," DVB, 18 February 2005; "U.S. Slams Burmese Junta's National Convention," *Mizzima*, 6 December 2005).

The junta also invited foreign diplomats to attend the opening ceremonies of the 2005 sessions of the NC. Yet, both the U.S. and the E.U. have denounced the NC as lacking legitimacy as it has failed to include meaningful dialogue with political opposition groups, particularly the NLD. Therefore, diplomats from the U.S., the E.U. and also Australia declined the invitation to attend the opening ceremony of the February session of the NC. (Source: "Junta Reconvenes Constitutional Convention Amid Criticism," *Irrawaddy*, 17 February 2005).

The freedom of expression of the delegates attending the NC was also restricted. The Procedural Code, under which the NC operates, includes provisions that outlaw any criticism of the NC. Under order 5/96, any delegate who criticizes the NC can face imprisonment of up to 20 years. On 13 December 2005, several opposition leaders in Rangoon were warned by authorities that they would be prosecuted under order 5/96 if they criticized the NC and were told not to release information concerning the NC to media groups (source: "Shut Up: Burmese Opposition Warned Not To Criticize Junta's Convention," DVB, 14 December 2005).

Throughout the NC process, the junta has categorically denied all efforts to influence the predetermined agenda. 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 were able to only read the edited version. On 11 May 2004, six ceasefire groups in collaboration issued a joint statement with several proposals to be considered by the Convention delegations. The SPDC, however, refused to allow the proposals onto the agenda (source: "Situation of Human Rights in Myanmar," *Sixtieth session of the UN General Assembly*, Item 73(c) of the provisional agenda, 12 August 2005). According to delegates attending the February 2005 session, "The Wa tried...to recapitulate on what they had proposed during the last round but they were barred" as were the Karenni National Progressive Liberation Front (KNPLF)

(source: "Convention Rep: No Law in Burma," SHAN, 28 March 2005). The NMSP Secretary, Nai Hantha, cited the inability to freely discuss matters of concern as the reason behind the party's decision to not attend the December session of the NC. He stated that previous attempts by ethnic nationality delegates to raise issues at the NC were ignored by the junta and that they feared prosecution under order 5/96 if they were to continue to raise such issues at the NC (source: "Peace Group NMSP Won't Attend Burma's Convention," DVB, 5 December 2005). However, the NMSP did send three representatives to serve as observers.

Furthermore, according to one of the state-controlled newspapers, *Myanmar Ahlin*, Brig. Gen. Kyaw Hsan read to the delegates a "code of ethics and discipline" shortly after the opening ceremonies. This list of rules included a provision against walking out of the convention alone or in groups, 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." 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, the SPDC hand-picked most of the 1,081 delegates for the NC and session proceedings were held at an obscure location outside Rangoon. In 2004, UN Special Rapporteur Paulo 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. In 2005, it was reported that delegates were subject to a curfew and "essentially cut off from the outside world." (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; "Will the National Convention Legitimize the Junta," *Mizzima*, 2 December 2005).

## 11.4 State of Freedom of the Press in 2005

On 17 February 2005, Maj. Aye Thun, the director of the Press Scrutiny and Registration Board (PSRB) was forced to retire due to his links with the deposed former Prime Minister Khin Nyunt. In April, the PSRB was renamed the Press Scrutiny and Registration Division (PSRD) and moved from under the authority of the Ministry of Home Affairs to the Ministry of Information. In July, the new head of the PSRD, Major Tint Swe, issued a number of new press regulations, which were totted as "more flexible censorship policies." The new regulations included a lifting of the ban on media coverage of natural disasters, poverty and health issues including HIV/AIDS. Press coverage of such topics, however, would only be allowed if deemed "not [to] affect the national interest." Critical reports of regime projects were also included among the new "concessions" to the media, but only if deemed "constructive." A ban on negative reports and commentary about China, India and ASEAN remained in place. The new regulations also empowered the PSRD to block the transfer of a publishing license from one publisher to another and tightened control over authorized editorial teams. (Sources: "Burma's Private Media Face New Junta Threat," *Irrawaddy*, 5 August 2005; "Burma: Ban on Sensitive News Extended Despite Assurances of More Flexible Censorship Policies," SEAPA, 23 August 2005; "More Flexible Censorship Policies?" *Irrawaddy*, December 2005). Meanwhile the PSRD blocked the Burmese edition

of *Myanmar Times* from publishing an article on the new regulations. Only the English edition of the *Myanmar Times* was allowed to publish the information. (Source: “Burma Continues its Censorship Regime,” *Mizzima*, 28 August 2005).

In 2005, despite several internal changes within the censorship board and new regulations regarding press freedoms, Burma's press remained among the most repressed in the world. RSF placed Burma in 163rd place out of the 167 countries reviewed for 2005. RSF noted that “no improvement was seen in Burma (163rd) [in 2005]” (source: “Worldwide Press Freedom Index 2005,” RSF, 20 October 2005). Similarly, a Freedom House survey, ranked Burma as among the world’s worst in terms of press freedom (source: “US-Based Media Group Rates Thai Press as ‘Partly Free,’” *The Nation*, 14 February 2005). 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, VOA, DVB, and RFA. In 2003, it was reported that close to 95 percent 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: “More Flexible Censorship Policies,” *Irrawaddy*, December 2005).

The PSRD continued to heavily screen print material prior to publication in 2005 and stiff bribes were often required to get non-offensive material approved. It was reported in the *Myanmar Times* that the PSRD increased its staff in 2005 to approximately 100 employees, 60 of whom were reportedly assigned to censorship work. According to Maj. Tint Swe, the director of the PSRD, “Each staff [member] is now examining three periodicals every day” (source: “More Flexible Censorship Policies?” *Irrawaddy*, December 2005). The 400 or so private journals in Burma are required to submit an application for each publication listing every news article they wish to publish to the PSRD for approval. Each form requires a fee of approximately US\$1 and PSRD employees reportedly expect “sweeteners,” in the form of gifts or cash, to process the application. According to a journalist in Rangoon, “Bribing only helps to have your journal edited faster...It does not help sensitive stories pass.” (Source: “Keeping the Censors Sweet,” *Irrawaddy*, 17 August 2005). If an article is censored, the editors are forced to change the entire layout of the magazine to hide the removal of the objectionable material. There is, therefore, a strong incentive for magazine editors and writers to engage in self-censorship to avoid this time-consuming and expensive process.

Throughout 2005, the regime increased pressure on the private press sector to actively support regime policies. An article in *The New Light of Myanmar*, the junta's mouthpiece, stated that “all members of the literary profession holding the effective weapon [a pen] will become an extra strength of the nation if they protect the national interest. But if they remain indifferent, they will be pointed as persons who are not dutiful towards the nation [sic].” Throughout 2005, private journals were increasingly forced to run stories that perpetuated the junta’s views and supported their policies. In January 2005, several Burmese weekly publications were forced to publish an identical article accusing the NLD of using the CRPP as a “weapon.” The CRPP had been calling for the convening of a parliament within Burma. The article, which was signed by an unknown person, Maung Pyi Thu, accused the NLD and the CRPP of making unreasonable demands and threatened that the CRPP could be closed down as an unlawful organization. (Source: “NLD Accused of Using CRPP as a Weapon,” *Irrawaddy*, 13 January 2005). Following the arbitrary arrest and continued detention of several prominent Shan leaders in February 2005, reports surfaced that the Shan leaders had

been denied legal access. In response, in early March the junta forced several Burmese weekly publications to run identical articles proclaiming the trials of Shan leaders as “lawful.” The article, which was signed under the pseudonym Tein Ta Marn (A Cloud Messenger), stated that the trials of the Shan leaders were conducted in accordance with the law. The article also stated that the special trials inside Insein prison had been arranged in order to protect state secrets and that the NLD’s lawyers had been denied access to the defendants because their practices were not in accordance with the law. (Source: “Shan Leaders Trial Lawful,” *Irrawaddy*, 14 March 2005).

The PSRD was reported to have banned techniques previously used by private journals to make articles planted by the junta apparent to their readers, such as boxing articles or printing them on a separate page from the main body of the journal’s news. In-house reporters were also forced to write articles promoting regime policies in such a way as to make them indistinguishable from other news reports. Journalists in Rangoon were reported as saying that the situation of press freedom within Burma had deteriorated in 2005 and that the junta’s more sophisticated approach to propaganda posed a “serious threat” to the already tightly restricted private media sector within Burma. (Sources: “Burma’s Private Media Face New Junta Threat,” *Irrawaddy*, 5 August 2005; “Burma: Ban on Sensitive News Extended Despite Assurances of More Flexible Censorship Policies,” SEAPA, 23 August 2005; “More Flexible Censorship Policies?” *Irrawaddy*, December 2005).

Foreign journalists, while not subject to the same risk of arrest and intimidation as local journalists, also face restrictions on reporting news from Burma. The few foreign journalists who are allowed to live in Burma are subject to the same censorship laws as their local colleagues. For visiting foreign reporters, the junta requires a special journalist visa as well as a “Permit to Conduct Journalistic Activities.” In the past, reporters granted visas were kept under close surveillance by intelligence agents and impeded from accessing opposition leaders, including Aung San Suu Kyi (source: “Attacks on the Press in 2003,” CPJ, 19 May 2004). International journalists who write articles critical of the regime have been blacklisted from the country. In early 2005, approximately 10 journalists who had previously criticized the regime, including former BBC journalist and Burma affairs expert Larry Jagan, were denied visas into the country. In June 2005, Burma’s state-owned paper, *The New Light of Myanmar*, reported that the junta aimed to “launch a counter-offensive in all aspects against foreign media.” A month earlier, Brig. Gen. Kyaw Hsan accused the foreign media, including the BBC and VOA, of airing “false and fabricated” reports. (Sources: “Burma Restricts Convention Reporting by Foreign Journalists,” DVB, 18 February 2005; “Burma Regime Holds Second Press Conference Since Bombings,” *Irrawaddy*, 13 June 2005; “Junta Increases Propaganda Efforts,” *Irrawaddy*, 29 June 2005).

*The Myanmar Times*, which is 49 percent owned by Ross Dunkley, an Australian, and in previous years had been able to operate with slightly less censorship, lost the favor of the generals in 2005. The weekly magazine, launched in March 2000 and published in English and Burmese, was closely linked to former Prime Minister Khin Nyunt. Following Khin Nyunt’s removal from office in October 2004, the magazine’s Deputy CEO Sonny Swe was arrested on charges related to violating censorship laws and in April 2005 he was sentenced to 14 years imprisonment. Furthermore, in August 2005, Sonny Swe’s wife, Yamin Htin Aung, who had taken over a 51 percent stake in the magazine, was ordered by the Ministry of Information to sell her shares. It was reported that the Ministry of Information threatened to close down the magazine if Yamin Htin Aung refused to comply with the order. Dr Tin Tun Oo, who is closely aligned with the Ministry of Information and owner of Thuta Swe

publishing house, is suspected to be the most likely recipient of the shares. Analysts believe that the change in management is an attempt by the regime to strip the paper of previously enjoyed press freedoms. Throughout 2005, the magazine was required to print stories provided by the Ministry of Information almost every week. While in the past the magazine had been minimally censored by the regime, in 2005 it was subject to the same PSRD censorship process as other journals in the country. (Sources: “Myanmar Times On the Rocks After Share-Holder Pullout,” *Mizzima*, 14 September 2005; “Sign of the Times,” *Irrawaddy*, 13 October 2005).

To further dominate the mass media, the regime initiated a junta-run journalist training program in 2005 to co-opt members of the USDA into the journalism profession. Speaking to trainees on 14 September, Brig. Gen. Kyaw Hsan stated that the media “will lose its aims and will harm the national interest if it exercises excessive freedom.” He called on the media to help fight “saboteurs from inside and outside the nation [who] are trying to destroy the national development in all sectors.” (Source: “Myanmar Stresses Importance of Mass Media in National Construction,” *Xinhua*, 15 September 2005). Meanwhile, in June, UNICEF also ran its second journalist training program in Rangoon. According to UNICEF’s Rangoon communications officer, while the response to the training was positive, there were some areas in which the trainees were unable to apply journalistic ethics due to censorship laws. (Source: “Trying to Penetrate the Iron Curtain,” *Mizzima*, 1 July 2005).

The junta has also made extensive efforts to block certain news stories and limit access to information on sensitive topics deemed harmful to the regime’s image. Following the 26 December 2004 tsunami, the SPDC banned coverage of the 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. Rather there were only “messages of sympathy” sent by the generals to the affected countries. According to a report released by Altsean, a human rights advocacy NGO, “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.” (source: *Tsunami Impact on Burma-Update*, Altsean, 28 January 2005). Later estimates tallied a death toll of 60-80 people, however these estimates remained significantly lower than those reported by the World Food Program, various NGOs and independent news agencies. Meanwhile, an estimated 2,300 migrant workers from Burma residing in Thailand died when the tsunami hit and with thousands more missing and affected. However, no information about these survivors was reported in the Burmese media, leaving family and friends of migrant workers uninformed and unable to help (source: “Help Burmese Migrants, Says Rights Body,” *The Nation*, 22 January 2005).

In the enforcement of the ban on tsunami images, four video store owners in Sittwe, Arakan State, were reportedly arrested on 16 January 2005 for renting copies of tsunami footage and relief efforts they had obtained via satellite TV. Police seized copies of the tapes and arrested and fined the shop owners 30,000 kyat each for illegally distributing the uncensored tapes. One possible explanation for the junta’s reluctance to publicize the devastation of the tsunami may have been the traditional belief that earthquakes are an omen of regime change. (Sources: *Tsunami Impact on Burma-Update*, Altsean, 28 January 2005; “Survivors of the Tsunami Fined in Burma,” *Mizzima*, 24 January 2005).

The junta also blocked the flow of information after three bombs exploded in three different locations in central Rangoon on 7 May 2005. The junta both censored news of the bomb

blasts and also restricted coverage of casualties. Official state media reported approximately 20 deaths and 162 injured while eyewitnesses estimated the death toll as much higher. The authorities also banned hospital officials from speaking to international reporters about casualties (source: "All Journalists Censored: Cases of Attacks on the Press in 2005," CJP, 17 May 2005). The junta also heightened surveillance at Internet cafes throughout the country. It was reported that firewalls were upgraded and the number of keywords blocked in messages was expanded to include words such as KNU and NCGUB (source: "Dark Days amid Relentless Junta Crackdown," *Bangkok Post*, 8 June 2005). While blocking media coverage of the bombings, the junta also solicited the media's help to expose those behind the attack. At a press conference in June, Brig. Gen. Kyaw Hsan stated that all citizens were responsible for observing their surroundings and reporting any threat to officials. Meanwhile the responses given by the junta during a press conference to questions regarding the authorities' security efforts surrounding the bombings were either vague or non-responsive. (Source: "Burma's Regime Holds Second Press Conference since Bombing," *Irrawaddy*, 13 June 2005).

Reports on foreign relations and policy decisions were similarly restricted in 2005. On 26 July 2005, Burma's Foreign Minister Nyan Win notified ASEAN Ministers during a meeting in Vientiane that Burma had decided to voluntarily forgo the 2006 ASEAN chairmanship. Despite the significance of this decision, private journals in Burma, including *Kumudra*, *7-Day News* and *Flower News*, were banned by the PSRD from reporting the junta's decision. News of Burma's forfeit of the ASEAN chairmanship was only publicly reported in the state-run *New Light of Myanmar* one-week after the decision in a brief article. (Source: "Junta Breaks Press Silence on ASEAN Decision," *Irrawaddy*, 2 August 2005).

## 11.5 The State of Publications in 2005

Following the release of new regulations governing press freedom in July 2005, the PSRD granted licenses to 16 new journals and magazines. A further 15 magazines, journals and booklets, including *Yangon Times*, the *Yangon Post* and *Weekly Eleven*, were approved for publication and circulation in August, according to the *Flower News*. *Weekly Eleven* was launched in November by the powerful *Eleven Media Group*, who also publishes two weekly sports journals and a weekly international affairs publication, which have a combined circulation of some 200,000 copies per week. The journal is reported to be controlled by children of Burma's generals. According to the PSRD, there are 144 weekly journals and 234 monthly magazines in 2004, up from six journals and 35 magazines in 1988. (Sources: "New Burmese Journal to Launch in Burma," *Mizzima*, 14 September 2005; "A New Burma Pro-Junta Journal to be Launched in November," DVB, 13 September 2005; "More Publications of Journals Granted in Myanmar," *Xinhua*, 16 August 2005; "Burma's Private Media Face New Junta Threat," *Irrawaddy*, 5 August 2005).

In 2005, several publications were periodically shut down due to regime censorship. In February 2005, publication of *Han Thit* (New Style) was suspended for two months after the journal ran a Valentine's Day restaurant advertisement. Following an appeal by the journal, the suspension was commuted to one month. Valentine's Day is banned in Burma as it is seen as arising from negative Western influence. Also in February 2005, two further journals, *Nwe Ni* and *Myanma Dana*, were both suspended for one month after running cover pages that had not been approved by the censors. (Sources: "Magazine Suspended for Carrying St

Valentine's Day Advertisement," RSF, 28 February 2005; "Myanmar Magazine Suspended Over Valentine's Day Ad," AFP, 1 March 2005).

In February, *The Voice* was suspended from 14 to 27 February 2005 for publishing a report on the construction of a hotel in Chin State after the story was rejected by the Ministry of Hotels and Tourism. In April 2005, *The Voice* was suspended for the month of May after publishing a story concerning Vietnam's withdrawal from Water Festival celebrations in Mandalay. According to the news journal, the Mekong Sub-Regional Office was the main source of information, however the Ministry of Hotels and Tourism refuted the story. The PSRD also suspended *The Voice* for allegedly using falsified sources and writing in a "negative sense." (Sources: "Magazine Suspended for Carrying St Valentine's Day Advertisement," RSF, 28 February 2005; "Rangoon Journal Banned for a Month," *Irrawaddy*, 26 April 2005).

## 11.6 Journalists Freed in 2005

*"There were so many raw materials inside the prison [for a writer]. They are filled up in my heart, to the point of me not able to manage them... I will try my best to reuse those materials from within my head and heart. I will compose and express my feelings. I will try to make them appear on the pages soon [sic]."*-Aung Pwint on the day of his release, 6 July 2005 (Source: "Dead Shadows: Words of Burmese Political Prisoners Released on 6 July 2005," DVB, 6 July 2005).

In 2005, at least seven journalists were released. Six of the seven were released in two mass prison releases on 3 January 2005 and 6 July 2005. On 3 January 2005, thousands of prisoners were released in the wake of Prime Minister Khin Nyunt's removal from office in October 2004. The releases were justified by the regime as corrections of the "mistakes" made under Khin Nyunt's rule. Unfortunately, only four of those were journalists. Ohn Kyaing, Thein Tan, Aung Myint and Zaw Thet Htwe were all released on 3 January 2005. (Source: "Four Journalists Freed from Prison, Nine Remain Behind Bars," CPJ, 5 January 2005).

The SPDC released another 250 political prisoners on 6 July 2005 in advance of the ASEAN Ministerial meeting in Laos in an attempt to improve their image before the international community. Documentary filmmaker Aung Pwint and freelance journalist Sein Hla Oo were included in the mass release. (Source: *Burma's Withdrawal from the ASEAN Chair: Retreat or Defeat?* Altsean, 13 September 2005).

### Chit Swe

On 23 August 2005, Chit Swe, a 65-year-old cartoonist and NLD member, was released after serving a month prison term. Chit Swe's cartoons have appeared in two financial magazines, the *Dana* and *Myanmar Dana*, and highlight socio-economic conditions in the country. He was arrested in his home on 12 July 2005 and found guilty of "defying the orders of the authorities" under a state of emergency law on 3 August. Chit Swe was sentenced to one month imprisonment and a 6 month suspended sentence. (Sources: "Cartoonist Chit Swe Freed on Completing Sentence," RSF, 28 August 2005; "Cartoonist among 12 Democracy Activists Arrested in Myanmar," AFP, 20 July 2005).

## **Ohn Kyaing and Thein Tan**

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 that occurred in Mandalay on 8 August 1990.” Ohn Kyaing was the editor of the *Botahtaung* newspaper and a prominent journalist. 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**

Aung Myint was arrested on 14 September 2000 by intelligence 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 regime censors or rejected by privately owned magazines. (Source: *Burma - 2004 Annual Report*, RSF, 20 October 2004).

## **Zaw Thet Htwe**

Zaw Thet Htwe, a sports reporter, was arrested in 2003 and originally sentenced to death under charges of attempted assassination “high treason.” After considerable international pressure, his sentence was commuted to three years imprisonment. (Source: “Four Journalists Freed from Prison, Nine Remain Behind Bars,” RSF, 5 January 2005).

## **Sein Hla Oo**

Sein Hla Oo, a freelance journalist and former editor for the *Botahtaung* newspaper as well as an elected NLD MP, was arrested on 5 August 1994 on charges of contacting opposition groups and spreading damaging information about the regime. The authorities claimed that Sein Hla Oo had “fabricated and sent anti-government reports” to diplomats in foreign embassies, foreign radio stations and foreign journalists. On 6 October 1994, he was sentenced to seven years in prison. He had previously been imprisoned for his political activities with the NLD. Though his second sentence of seven years expired in October 2001, he was forced 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 Pwint**

Aung Pwint, who worked as a documentary filmmaker, editor and poet, was arrested in early October 1999 for making independent video documentaries that portrayed everyday life in Burma, including footage of forced labor and poverty in rural areas. Aung Pwint was convicted of “illegal possession of a fax machine” and of “sending news” to banned Burmese newspapers. He received an eight year sentence. In 2001, Human Rights Watch awarded Aung Pwint a Hellman-Hammett grant in recognition of his efforts to disclose the realities of life in Burma. In 2004, Aung Pwint was honored with the CPJ's 2004 Press Freedom award for his work. (Source: “Aung Pwint and Thaung Tun Imprisoned in Burma,” CPJ, 2004).



## 11.7 Continuing Detention of Journalists

At least seven journalists remained in prison at the end of the year. This number however is a rough estimate because it is difficult to obtain accurate information from the regime's prisons. The status and location of prisoners is often unknown.

### U Win Tin

U Win Tin, one of Burma's most prominent imprisoned journalists, turned 75-years-old inside the regime's prison this year. Amnesty International and RSF used the occasion of his birthday to renew calls for the release of the former editor-in-chief of the *Hanthawati* and vice chairman of the Burma's Writers Association. The UN Special Rapporteur on Human Rights in Burma, Paulo Sergio Pinherio, also marked the journalist's 75<sup>th</sup> birthday with a statement calling for his release. Pinherio stated that "even if we demand the release of all political prisoners, it is still important to plead for individual cases, especially Win Tin and other political prisoners who are old and ill." Despite these calls, in 2005, U Win Tin completed 16 years in prison of a cumulative 20 year sentence. He remained in extremely poor health and suffers from a degenerative spine disease as well as a prostate disorder. (Sources: "Leading Myanmar Journalist Turns 75 in Prison," AFP, 12 March 2005; "UN Calls for Release of Veteran Journalist," *Irrawaddy*, 11 March 2005; "Journalists in Jail on December 1, 2005: A Global Tally," CPJ, 2005).

U Win Tin's name appeared on a list of those prisoners scheduled for release in November 2004. However, this was ultimately denied. In 2005, U Win Tin's name was again among 10 political prisoners scheduled for release on 6 July. There were reports that he, along with 9 other political prisoners, had been shifted to a building, known as "Buwa," near the Insein Prison gate in preparation for their release. However, on the morning of 6 July, U Win Tin was returned to the main prison and no official explanation for his return was provided. Some observers in Rangoon believe that the authorities' actions were an attempt to demoralize U Win Tin. (Source: "Burmese Junta Tricks Detained Journalist Win Tin," *Mizzima*, 7 July 2005).

U Win Tin was originally arrested on 4 July 1989 for allegedly arranging a forced abortion for a member of the 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 was 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 Paulo Sergio Pinheiro about the conditions inside Rangoon's Insein Prison.

## **Aung Htun**

Aung Htun was imprisoned in February 1998 for contributing to a seven-volume text that documented the history of the student movement of Burma. He was 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, the 1950 Emergency Provisions Act, and the 1908 Unlawful Associations Act. In 2005, he remained incarcerated in Tharawaddy Prison. (Source: "Journalists in Jail on December 1, 2005: A Global Tally," CPJ, 2005).

## **Thaung Tun**

Thaung Tun, who worked as an editor, reporter and poet and who is better known by his pen name Nyein Thit, was arrested in early October 1999 alongside Aung Pwint. Thaung Tun and Aung Pwint produced independent video documentaries, which included footage of forced labor and rural poverty. Thaung Tun was sentenced to eight years in prison under the 1950 Emergency Provisions Act Article 5(j) for collecting and sending overseas information concerning human rights violations in Burma. In 2004, Thaung Tun was honored with CPJ's Press Freedom Award. Although Aung Pwint was released from prison on 6 July 2005, Thaung Tun remains incarcerated at Moulmein Prison. (Sources: "Attacks on the Press in 2004," CPJ, 14 March 2005; "Journalists Imprisoned," RSF, 2005).

## **Monywa Aung-Shin**

In September 2000, Monywa Aung-Shin (a.k.a. U Aye Kyu) was arrested and subsequently sentenced under both the 1962 Press Act sections 17 and 20, and under section 5(j) of the 1950 Emergency Provisions Act to a cumulative period of 21 years imprisonment. Monywa Aung-Shin began writing poetry in 1962 for several popular magazines in Burma. He was banned from publication in 1988 after becoming involved in the national uprising. He was also an editor for the magazine *Sar-maw-khung* (Literary World) before it was banned in 1990. He then worked as one of the NLD's press officers and was arrested, together with five others, for writing an NLD statement demanding the release of Daw Aung San Suu Kyi and other Central Executive Committee members, and for the HQs and (Rangoon) Division Branch to be reopened. It also called for urgent tripartite dialogue between the junta, the NLD and ethnic groups and denounced the unlawful action of the SPDC. The Voice of America published and distributed the statement. (Sources: "Unofficial Translation of Trial Report, No. 23 and No. 24 of the Year 2000," AAPP; *Burma - 2004 Annual Report*, RSF, 20 October 2004; "Imprisoned Author Monywa Aung Shin Health Deteriorates," DVB, 1 March 2004).

## **Ne Min (a.k.a. Win Shwe)**

Ne Min is a lawyer and former reporter for the BBC who was arrested in February 2004 along with four other activists, Maung Maung Latt, Paw Lwin, Ye Thiha and Yan Naing, on charges of passing information to unlawful organizations outside Burma. On 7 May 2004, Ne Win was sentenced to 15 years imprisonment by a special court inside Insein Prison. (Source: "Burmese Junta Sentences Former Political Prisoners to Long Term Imprisonments," AAPP, 11 May 2004). Ne Win was previously incarcerated in 1989 for "spreading false news and rumors to the BBC to fan further disturbances in the country" and for the "possession of documents including anti-government literature, which he planned to send to the BBC." He

served nine years of a 14 year sentence and was released in 1998. (Source: “Cases 2004: Asia,” CPJ, 30 June 2004).

### **Maung Maung Lay Ngwe**

Maung Maung Lay Ngwe wrote and distributed publications, collectively titled *Pe-Tin-Than* (Echoes). In September 1990, he was arrested and charged with writing and distributing publications that “make people lose respect for the government.” CPJ continued to include him among the list of journalists in prison in 2005. No information regarding his status was available at the time of this report. (Source: “Journalists in Jail on December 1, 2005: A Global Tally,” CPJ, 2005).

### **U Than Win Hlaing**

U Than Win Hlaing was arrested in June 2000 and sentenced to 7 years imprisonment under section 17/20 of the Press Act. In the 2nd edition of a 1995 history of prominent Burmese figures in political history, U Than Win Hlaing included information on Gen. Aung San. Although the censors approved the overall content of the book, the junta viewed the information pertaining to Gen. Aung San as a criticism of the present regime. In 2005, U Than Win Hlaing was incarcerated at Thayawaddy Prison and had reportedly suffered from health problems. (Source: *Myanmar: Travesties of Justice– Continued Misuse of the Legal System*, AI, 12 December 2005).

## **11.8 Academic Freedom**

The lack of freedom of expression in the academic community, together with an ever decreasing standard of education within the country, severely hinders student development. The junta strictly controls teachers, students, the academic curriculum and the academic environment. Critical thinking, creativity and respect for a diversity of thought are not promoted within Burma's education system. All new academic programs or courses must be approved by the regime as well as all instructional material used in the education system. 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 junta sponsored textbooks are available. Academic papers must be submitted in advance to the preparatory committee of the seminar for prior approval. Scholars who criticize the junta or contradict regime policy are frequently prohibited from publishing articles in their field of study. The authorities have also persecuted students who publish booklets of poems or short stories fearing such publications will prompt political activities among students. Meanwhile, earlier crackdowns on the underground press by the regime reduced their activities. In 2005 the activities of the underground press were largely limited. However in February, copies of a booklet, titled “Open Letters of Fighting Peacocks” were distributed throughout universities and colleges in Rangoon. The fighting peacock is the symbol associated with the pro-democracy movement. (Sources: *2004 Education Report*, ABFSU, February 2005; “Burmese Education a Poison Plant,” DVB, 21 March 2005).

Moderators and university faculty members are hand selected by the regime and are routinely warned against criticizing the regime. University professors are forbidden to say anything critical in their lectures about the curriculum, the education system or the military regime in

general. Teachers are also instructed not to discuss politics in the classroom and are prohibited from engaging in any sort of political activity. SPDC officials regularly join university meetings to remind academics of these laws to intimidate them into submission. There have also been reports of intelligence agents infiltrating classrooms and reporting on students and teachers who speak out against the regime. Moreover, the SPDC continues to coerce professors and teachers into joining the USDA. The Ministry also requires prior approval for meetings with foreigners. (Source: *2002 Education Report*, ABFSU, May 2003).

Control over teachers' lives extends to private teachers as well. In Pa'an, the capital of Karen State, a 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, restrictions on teachers' political involvement were primarily limited to civil servants. (Source: *2004 Education Report*, ABFSU, February 2005).

In 2005, students' lives and political activities were also strictly controlled. Student unions are illegal and anyone participating in a student union is considered a criminal. Student union activists have often been arrested on unsubstantiated charges and student rights defenders have also been imprisoned and tortured. Meanwhile many students continue to be forced to participate in junta-sponsored groups such as the USDA and the local women's affairs committees. In some areas, local authorities forced female students to wear the uniforms of the women affairs committee to school. Junta 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. (Source: *2004 Education Report*, ABFSU, February 2005)

In the past, universities were a site of active resistance to the military regime. As a result, the regime has become particularly sensitive to potential student uprisings and responds quickly to the slightest suggestion of impending campus protests. In 2005, the regime tightened security and restrictions in Rangoon University after a peacock appeared on the main campus on 9 March viewing the bird's presence as an auspicious sign. In October, the regime again feared protests after posters of the "fighting peacock," with a caption which read "the fighting peacocks are back," were found on doors and walls inside Dagon University campus. (Sources: "Underground Literature Spreading in Rangoon Campuses," DVB, 20 October 2005; "Pictures of Burmese Peacocks in Dagon University in Rangoon," DVB, 20 October 2005).

The regime has also made efforts to limit student activities by moving university campuses to remote locations. In November 2005, it was reported that the Agriculture, Forestry and Veterinary Universities in Pynmana, Mandalay Division were relocated to Kyaukse, Pyin Oo Lwin and Mhaw Bi respectively. The relocation can, in part, be attributed to the junta's desire to remove students from the area of the new capital. The relocation to remote areas also serves to isolate students from each other and inhibit collaborative activities. (Source: *2004 Education Report*, ABFSU, February 2005; "Junta Gears Up to Shift to Pynmana," *Mizzima*, 3 November 2005). (For additional information please see the Chapter 9 Rights to Education and Health).

## 11. 9 Freedom of Speech and Freedom of Expression

Freedom of speech and expression is not condoned by the SPDC and any dissent is quickly crushed by authorities. Consequently, public protests against the military regime's authority or policies have become increasingly rare. Those who dare to express criticism can face several years of imprisonment under national security laws. Throughout 2005, the regime continued to suppress all forms of expression deemed to undermine the authority of the military regime. Any discussion about the May bombings in Rangoon or subsequent investigations into the bombings was strictly forbidden as were any sort of political demonstrations. The movement and expression of delegates at the NC was also kept under tight control.

The junta prevents those who have suffered human rights violations at the hands of the military from speaking out about their cases, seeking legal redress or accessing international mechanisms of complaint. The authorities often intimidate, pressure, and harass victims to prevent news of human rights violations in the country from spreading to exiled media groups or the international community. For example, in June 2005, SPDC soldiers committed severe human rights abuses during a raid in which they surrounded and cut off access to Ta Hku Hkee village in Irrawaddy Division. Authorities arrested and detained 17 ethnic Karen villagers on suspicions of being involved in the 7 May bombings in Rangoon and hiding weapons for the KNU. One villager, Saw Stanford, died in interrogation as a result of torture. No evidence was found in the village and the surviving 16 villagers were released after a lengthy period of detention. Those released were warned not to reveal any details of their incarceration to anyone. In another incident in July 2005, a woman raped by a SPDC captain in Mon State was pressured by soldiers not to report her case to authorities or to seek legal redress. Similarly, in August 2005, five villagers in Karen State who had been subject to forced labor were forced to sign a document prepared by military authorities declaring that the battalion had not committed any human rights abuses in the area. Furthermore, in October 2005, lawyer Aye Myint was detained for providing information concerning the confiscation of villagers' farmlands to the ILO. (Sources: "Army Not Involved in Human Rights Violations, Forced Headman to Sign," IMNA, 23 August 2005; "Aye Myint Innocent, Testify Burmese Authorities," DVB, 11 October 2005; "Rangoon Bombing Suspects Released," *Irrawaddy*, 26 August 2005).

### **Partial List of Incidents of Individuals Arrested for Their Expression**

On 7 January 2005, police arrested Joseph Moynahan, age 81, after he staged a one-man protest against the junta in downtown Rangoon. Mr. Moynahan reportedly carried a sign which read: "Buddha says, 'Quality of sidewalk and quality of government is same thing.'" Mr. Moynahan stated that he was knocked to the ground and taken to a police station where he was questioned for three hours. He was then locked in his hotel room overnight before being put on a flight to Bangkok. (Sources: "Foreigner Detained for Protesting in Rangoon," AP, 9 January 2005; Malcolm Foster, "Rangoon Expelled American Solo Protestor," *Irrawaddy*, 12 January 2005).

In early January 2005 it was reported that a 70-year-old man from Khayan Township, Rangoon Division was arrested by the district control police officer Maung Maung Naing and detained for six hours for possessing and reading an educational leaflet on the prevention of HIV/AIDS. The man was accused of possessing an "illegal" leaflet and on release was told

not to leave his home for two days. (Source: “Burmese Authorities Arrested a Man for Keeping HIV/AIDS Prevention Leaflet,” DVB, 9 January 2005).

In February 2005, the trial of Saw Pan Koo, who was charged with distributing United Nations Development Program (UNDP) leaflets that contained the Universal Declaration of Human Rights, was concluded. Saw Pan Koo, along with 13 other NLD members from Bogale Township, Irrawaddy Division, was arrested on 6 December 2004 and charged with conspiring to celebrate National Day. Despite human rights being part of the official school curriculum and the leaflets being readily available at the UNDP information center, Saw Pan Koo was singled out and separately charged for distributing the leaflets. The charges were later dropped on 22 February 2005. (Source: “Bogale NLD Members Released by a Burmese Court,” DVB, 22 February 2005).

On 6 July 2005, Dr. Win Aung, NLD chairman of Kin-U Township, Sagaing Division, and two sympathizers, Soe Win and Khin Maung Win, were arrested at Dr. Win Aung's home while watching videotaped speeches of Daw Aung San Suu Kyi. The three men were charged with distributing the videotape and prosecuted under the Video and Print Act. Three days later, Dr Win Aung and Soe Win were sentenced to 10 years imprisonment while Khin Maung Win received a 3 year jail term. (Source: “Three Receive Prison Terms for Watching Suu Kyi Tape,” *Irrawaddy*, 11 July 2005).

## 11.10 Freedom of Expression in the Arts

Writers, poets, filmmakers, actors, musicians, painters and other artists in Burma are subjected to numerous restrictions that seriously inhibit their freedom of expression. The heavy censorship by the PSRD confines artistic expression to approved topics. The censorship board ensures that nothing produced in Burma or imported from outside is or can be interpreted as “anti-military” or “Western-influenced.” Meanwhile, the SPDC attempts to influence artists to advance pro-regime propaganda and produce pro-regime works through incentives such as grants, large subsidies, awards, luxuries and opportunities. For instance, in October 2005, filmmaker Myo Thandar Htun, who won the “Young Producer Award” in Rangoon for her screenplay “Ta Cho Ah Sin Hla Ta Cho Ah Sin Ma Hla” (Some People are Good Looking but Some Are Bad Looking), was invited to a filmmakers' workshop in Bangkok as part of Thailand's 3rd World Film Festival. It was reported that Myo Thandar Htun was warned by Brig. Gen. Kyaw Hsan that it was the “duty of all Burmese art— whether it be literature, music, dance or film— to conclude with the message that nationalism, patriotism, and the union spirit will be preserved by the leadership of the SPDC.” (Source: “Burma's Hollywood Dream,” *Irrawaddy*, November 2005). Artists who fail to fall in line with regime policy are isolated and unable to get their work published, distributed, or displayed. Many well known writers and artists are currently living in exile due to the content of their artistic expression.

## **Censorship of Film and Television**

The junta tightly censors film projects in Burma. Filmmakers are required to submit their scripts as well as completed films to the PSRD. 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 typically censored. Filmmakers in Burma are restricted in how much film they can buy. They are also required to occasionally produce junta propaganda films. Actors who work in pro-regime propaganda films often receive benefits and recognition from the junta. Some propaganda actors have been awarded the Burmese Academy Award. These actors have also been pictured on posters and TV specials that promote the army. Young female actors dressed in military uniforms have been featured on calendars stating, “We’re with you!”

In February 2005, the junta banned all foreign films in Burma, including cartoons and nature documentaries. The ban applied to the sale and distribution of foreign feature films on videotape, DVD and VCD. The ban was reportedly aimed at preventing the “corruption” of Burma’s youth through uncensored foreign films. According to a video rental shop owner, sales dropped 75 percent after the ban took affect. Video rental shops were left with only a limited number of local films, which reportedly sold at twice the price of cheap pirated foreign films imported from China. (Source: “With Foreign Films Banned, Myanmar Moviemakers Bring Back Ghost Stories,” AFP, 19 July 2005). In March, police launched a national crackdown on the sale of illegal foreign films, particularly pornographic films (source: “Myanmar Launches Crackdown on Porn Movies to Stop Rape,” AFP, 13 March 2005). In response to the ban, filmmakers successfully lobbied the censorship board to lift a 30 year ban on the making and screening of Burmese ghost films. The ban was put in place as part of an “education” campaign designed to rid people of superstitions.

Television is similarly subject to restrictions by the junta. The two state-run 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 and Korean TV programs that make their way onto the air. In 2005, China Central television (CCTV), Cable News Network (CNN) and the Japanese Broadcasting Corporation (NHK) provided TV Myanmar with satellite news. In September 2005, Deutsche Welle, a German company, also agreed to allow TV Myanmar to screen their satellite programs as part of a program exchange between the two countries. As part of the agreement, Deutsche Welle reportedly negotiated a clause allowing the company to terminate transmission rights if broadcasts were “manipulated.” (Sources: “Myanmar to Add More TV Relay Stations,” *Xinhua*, 20 September 2005; “German TV Broadcaster Signs Deal in Rangoon,” *Irrawaddy*, 12 September 2005).

On 28 May 2005, the DVB bypassed the censors and launched a Burmese language satellite television service inside Burma. The service broadcasts on Saturdays between 8:00 pm and 9:00 pm and on Sunday's from 12:00 pm until 2:00 pm providing coverage of Burma related news and information concerning the pro-democracy movement. News items covered in the first program included the May bombings in Rangoon, migrants from Burma living in Thailand and a documentary on the opposition movement entitled “A Force More Powerful.” (Sources: “Opposition Radio to Launch a TV Program,” *Irrawaddy*, 27 May 2005; “Overcoming a TV Channel's Teething Problems,” *Irrawaddy*, 3 June 2005). The regime has condemned the broadcast and has reportedly tried to block transmissions. On 22 August 2005, the authorities in Bassein, outside Rangoon, cut the electricity supply in the area when the

DVB program aired. (Sources: "Overcoming a TV Channel's Teething Problems," *Irrawaddy*, 3 June 2005; "Burmese TV Broadcasts from Norway," BBC News, 22 August 2005; "TV Channel in Norway Defies the Bad Generals," AFP, 16 December 2005).

### **Censorship of Music**

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 subject to the same censorship as other writings. In addition, the musical style itself is also censored. While rock music and other western influenced styles, such as rap, are becoming more common in Burma, the lyrics are translated and changed to be innocuous to the regime and "national culture." Some bands have attempted to bypass the censors by launching their music on the Internet. In August 2005 it was reported that acts such as "Offkeys," "Neo Deadz," and "Purple Duck" posted their music on [www.myanmar-xbands.com](http://www.myanmar-xbands.com). As of the end of 2005, the site remained active. Furthermore, the regime continues to monitor dress styles and hairstyles of musicians and forbids them from dancing during performances. The regime provides incentives to musicians that sing pro-military songs and perform at junta-sponsored events. Those who refuse risk having their music banned from production.

### **Censorship of Visual and Performance Arts**

Painters, photographers, sculptures and other visual artists are all subject 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 re-established 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 costly private tutelage or at the Cultural University (CU), a military institute in Rangoon. The CU only accepts 100-150 students per year and all students are required to be USDA members. The students have been guaranteed positions in the regime by the Minister of Culture if they refrain from participating in student strikes and protests. Meanwhile, students of music and the dramatic arts are prohibited from studying international music and western plays at CU. The professors and lecturers of the university are academics from the elite military society. Therefore, many visual artists rely on self-study and assistance from art books, which are scarce and expensive in Burma.

Art exhibitions are strictly censored in Burma. Exhibitions are usually only held in small, private galleries in Rangoon and Mandalay. Art pieces must be approved by the Ministry of Information prior to exhibition. Nonetheless, it is not uncommon for exhibitions to be closed down altogether. As modern art is more open to interpretation than traditional forms of art, according to one journalist, "people here (in Burma) believe that modern forms of art are attacked by the censorship board whether they understand it or not." (Source: "Performance Artists Arrested in Rangoon," *Irrawaddy*, 12 May 2005).

The performing arts in Burma are also strictly regulated by the regime. Although the SPDC has promoted dance as part of its campaign to retain "national culture," dancers are limited to performing in junta-sponsored events and venues. Comedy also suffers under military scrutiny. Comedians are often threatened, interrogated, and sometimes imprisoned even for telling innocuous jokes. Other forms of performance arts, such as street performances, are



also strictly controlled. On 6 May 2005, three street artists, Chaw Ei Thein, a leading female artist, Htein Lin, an experimental artist considered a performing art pioneer, and a third unidentified artist were arrested on suspicion that their work was politically motivated. The artists reportedly performed a piece that included setting up a stall and selling traditional medicine priced according to an obsolete monetary system. The three artists were held for investigation and released four days later with a warning not to perform such material again. (Source: "Performance Artists Arrested in Rangoon," *Irrawaddy*, 12 May 2005).

## **11.11 Control of Computer Technology and Communications**

Of Burma's population of 52 million, there are only 397,000 telephone subscriptions in the country. Over 6,000 villages have no direct phone lines. Despite estimates that mobile phone usage throughout Asia will top one billion by 2006, there were reportedly not more than 150,000 mobile phone users in Burma in 2005. The official price of a GSM mobile phone was 1 million kyat (approximately US\$1,100) while black market prices reached US\$2,000. Furthermore, applying for a mobile phone connection from the MPT takes years to process. As Burma's annual per capita income is US\$ 225, mobile phones remain accessible only to the military elite and wealthy businessmen. (Sources: "Burma 'Where Mobile Phones are Still a Status Symbol!'" *Mizzima*, 2 August 2005; "Burma Tycoon Takes Over Mobile Contract," *Irrawaddy*, 29 April 2005).

Throughout 2005, the junta 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 under the 1996 Computer Science Development Law with a prison sentence of 7 to 15 years and a fine. In October 2005, it was reported that Chit Swe of Ba Gu Nar and Ali Amad of Phwe Poa in Maungdaw Township, Arakan State were jailed for illegally possessing and using a mobile phone connected to the City Cell Mobile Network in neighboring Bangladesh (source: "Imprisonment– The Price of Using Cell Phones in Western Burma," *Narinjara News*, 18 October 2005).

SPDC intelligence agents also regularly screened telephone calls to limit communications between the general population and political opposition groups including those operating outside the country. In October 2005, it was reported that the intelligence increased the monitoring of overseas calls in Sittwe, the capital of Arakan State, following increased media coverage of the activities of the opposition movement and violations of human rights by the junta in Arakan State. Citizens in Rangoon also suspected that their calls were being screened by the authorities, particularly on weekends when people overseas are available to call relatives and friends in Burma. (Source: "Military Junta Taps Overseas Conversations of Akyab People," *Narinjara News*, 24 October 2005).

## **The Internet and Electronic Mail**

ACCESS HAS BEEN DENIED -

Access to the page:

<http://www.mizzima.com/archives/news-in-2004/news-in-jul/21-jul04-21.htm>

... has been denied for the following reason:

Banned site: mizzima.com

You are seeing this error because the page you attempted to access contains, or is labelled as containing, material that has been deemed inappropriate.

If you have any queries contact your ICT Co-ordinator or Network Manager.

Powered by [DansGuardian](#)

- Message displayed when Internet users are denied access to websites deemed “inappropriate” by the junta. (Source: “No More Ban on Mizzima Website in Burma,” *Mizzima*, 27 May 2005).

Burma was included as one of 15 countries identified by RSF as “Enemies of the Internet” in 2005. The prohibitive costs associated with home Internet connections, strict surveillance of Internet cafe users and systematic censorship of web-based e-mail and opposition sites earned Burma a place as one of the “very worst enemies of Internet freedom.” (Source: “Burma is One of the 15 Enemies of the Internet,” RSF, 17 November 2005).

Until this year, there were two Internet Service Providers (ISP) in Burma: the MPT and Bagan Cybertech (BC). In 2005, BC was absorbed by MPT following the ouster of Gen. Khin Nyunt from the post of Prime Minister in October 2004. The company had been thriving under the direction of Khin Nyunt’s son, CEO Ye Naing Win. However, Ye Naing Win was among hundreds arrested following the removal of Gen. Khin Nyunt. In July 2005, he was sentenced to 50 years imprisonment on charges of bribery and corruption (sources: “Myanmar Buys Some Time,” *Asia Times*, 26 July 2005; “Internet Censorship in Burma Worsening,” *Irrawaddy*, 12 October 2005). Following Ye Naing Win’s arrest, the junta assumed full control of BC. In June, the company announced that as of 1 July monthly broadband fees would double to US\$35 and that the creation of new accounts was suspended indefinitely. In September 2005, it was reported that BC had been fully taken over by the MPT. It was also reported that the price of a single Internet connection was expected to rise under the new management of the MPT. (Sources: “Bagan Cybertech Reported to be Taken Over by MPT in Burma,” *Mizzima*, 26 September 2005; *Internet Filtering in Burma in 2005: A Country Study*, OpenNet Initiative, October 2005).

Since the official introduction of the Internet in January 2000, the Internet has remained largely inaccessible by the general population and the cost of establishing an Internet connection in Burma has remained prohibitively high. Altogether there are only approximately 30,000 Internet subscribers in Burma, placing Burma’s Internet penetration at only 0.6 percent of the population. MPT broadband connections, which include ADSL, are

limited to SPDC institutions. When BC existed as a separate entity, the cost of establishing a broadband connection through BC cost US\$1,300. As a result of the high costs of broadband, most home internet subscribers use a dial-up connection. Fifteen hours of dial-up connection costs approximately US\$9 and those outside Rangoon and Mandalay must also pay long distance fees to connect to the service. Furthermore, a dial-up connection only affords access to the Myanmar Intranet, which is limited to mostly junta-sponsored websites and state-run e-mail services. To access the world-wide-web, people must rely on Internet cafes. One hour of Internet time in an Internet café costs approximately 1,000 kyat. The costs associated with access to the Internet in Burma puts the Internet out of reach for most of the population, who make an average annual per capita income of US\$225. (Sources: *Internet Filtering in Burma in 2005: A Country Study*, OpenNet Initiative, October 2005; “Number of Internet Users in Myanmar Rising,” *Xinhua*, 21 July 2005; “IT in Burma,” DVB, 3 January 2005).

Internet usage in Internet cafes is subject to heavy monitoring by the regime. Internet cafes first opened in March 2003. Currently there are an estimated 20 in Rangoon and Mandalay. Internet cafes operate under a license granted from the Myanmar Information Communications and Technology Development Corporation (MICTDC). Users must register their name, identification number and contact address before accessing the Internet. Under license regulations, Internet cafe owners are required to take screenshots of user activity every five minutes. A CD of the screenshots is sent to the MICTDC regularly for monitoring. While it has been reported that MICTDC only requests these CDs intermittently, such surveillance techniques prompt users to self-sensor their Internet activity. (Source: *Internet Filtering in Burma in 2005: A Country Study*, OpenNet Initiative, October 2005). Internet cafes suspected by the authorities as being used by dissidents to send information outside the country are also subject to raids. In early November 2005 it was reported that the SPDC raided an Internet cafe owned by a NC delegate from Mon State, U Soe Myint. Police suspected that the Internet cafe was being used to funnel information to radio stations outside the country. (Source: “Police Cracks Down on NC Representative's Internet Cafe,” IMNA, 8 November 2005).

The regime uses sophisticated software to filter and block users' access to information on the Internet. According to a study conducted between April and June 2005 by OpenNet Initiative, a collaboration between Harvard University, the University of Toronto and Cambridge University, titled “Internet Filtering in Burma in 2005: A Country Study,” SPDC censorship tactics are among the most extensive in the world. The study found that the regime’s censoring is motivated by its desire to “monitor e-mail communication by its citizens and control political dissent and opposition movements.” The study found that 84 percent of sites containing content known to be sensitive to the junta, such as political and ethnic opposition sites, human rights and pro-democracy organization sites were blocked. Web-based e-mail service providers, which offer the opportunity for global online communication, were also almost entirely blocked with 85 percent of sites tested being filtered. Other sites tested and found to be blocked included pornographic sites (65 percent), group websites (18 percent) and free web space sites (18 percent). The study concluded that compared to other countries, “Burma’s authoritarian laws and political system are replicated in its system of Internet control, making it one of the world’s most repressive regimes in terms of controlling and monitoring activity on the Internet.” (Source: *Internet Filtering in Burma in 2005: A Country Study*, OpenNet Initiative, October 2005).

In 2005, there were credible reports that Burma had shifted from DansGuardian filtering software to Fortiguard software produced by the U.S. Fortinet company, a charge denied by

the company. The change in software technology sparked fear among observers that Burma's system of Internet control may worsen. It was also reported in October 2005 that two British men were hired by BC to provide technical skills to further censor and filter information on the Internet and monitor e-mail communication. (Sources: *Internet Filtering in Burma in 2005: A Country Study*, OpenNet Initiative, October 2005; "Internet Censorship in Burma Worsening," *Irrawaddy*, 12 October 2005; "Two Britons Alleged to be Aiding Burma Internet Censors," *Mizzima*, 13 October).

There are several laws in Burma that regulate computer ownership, Internet access and Internet usage. In 2000, the MPT issued a set of web regulations to govern Internet content. These regulations ban any online material considered to be harmful to the country's interests and any message that directly or indirectly jeopardizes regime policies or state security secrets. All writing related to politics is banned and users are to inform the MPT of any threat to the regime on the Internet. Internet users are required to obtain prior permission before creating Web pages. Transgression of any of these regulations results in the termination of Internet use and legal action. Legal action can be brought against an Internet user under a range of pre-existing laws that regulate expression, including the Printers and Publishers Act, the Computer Science and Development Law, the Electronic Transactions Law and the Official Secrets Act of 1923. Under each of these laws, a user can be punished with a lengthy prison sentence and a fine. (Sources: *Internet Filtering in Burma in 2005: A Country Study*, OpenNet Initiative, October 2005).

While restricting web-based material, the junta has begun to use the internet to advance its own propaganda and agenda. In December 2005, it was reported that the junta had launched a spam campaign against the report "Threat to the Peace: A Call for the UN Security Council to Act in Burma." In October 2005, a month following the publication of the report, the Minister of Science and Technology, U Thaung, ordered thousands of students and teachers from computer and technology universities in the country to send e-mails to international governments and media groups refuting the report. (Source: "Students, Teachers Forced to Launch Spam Campaign," *South China Morning Post*, 3 December 2005).

Despite junta imposed regulations and controls on Internet access, the regime has been concurrently developing and implementing information and technology (IT) initiatives. In October 2000, ASEAN member countries reached the e-ASEAN Framework Agreement (AFA), which aimed at narrowing the IT gap among ASEAN members. Under the agreement, Burma has been receiving training assistance from ASEAN to boost its IT capacity. In 2002 and August 2003, Burma opened Information and Communication Technology (ICT) Parks in Rangoon and Mandalay to boost Burma's software industry. In January 2005, the ICT Park in Rangoon hosted its fourth week-long Computer Fair, during which BC was permitted to establish new e-mail accounts despite the year long suspension (source: "Reading the Cybertech Signposts," *Irrawaddy*, 25 March 2005). Furthermore, Burma has established the e-National Task Force (NTF) to support IT development in the country. The Electronic Transaction Law enacted in April 2004 set the framework to establish e-government projects, including e-passports, e-visa, e-procurement, e-certification authority and trade-data interchange (source: "Myanmar Enacts Electronic Transaction Law," Xinhua, 1 May 2004). These developments, however, have achieved little with regard to IT access for the people of Burma. Without basic access to the Internet, it is unlikely that such IT developments will provide any benefit for the people of Burma.

## **12. The Freedom of Assembly, Association and Movement**

### **12.1 Background**

Throughout 2005, the SPDC continued to monitor and restrict the movement of the people of Burma. In contravention to the Universal Declaration of Human Rights, the regime has actively impeded the ability of its people to travel both domestically and internationally. Villagers located in border areas and members of certain religious communities are particularly vulnerable to the regime's policies. Meanwhile, the increasing number of people fleeing Burma in search of safety and security abroad has led to one of the largest migration flows in Southeast Asia. Simultaneously, foreigners, including humanitarian agencies attempting to deliver much needed aid supplies, seeking entry and access to certain areas of the country, were similarly hindered by the regime.

Rights to assembly and association are also largely curtailed by the regime. Despite their obligations under domestic law and international treaties to recognize and respect the rights of workers, the junta has banned trade unions and labor organizations in Burma. Many political parties and social organizations have also been outlawed by the regime. Those that are allowed to exist have been denied the ability to function freely and securely. In particular, the regime has targeted the NLD and their members. Meanwhile, people have been forced to participate in junta-organized assemblies and as members of junta-sponsored organizations.

Certain events caused the regime to tighten the already substantial restrictions against movement and assembly during 2005, including the 2005 National Convention (NC) sessions and the spate of bomb explosions in Rangoon on 7 May. As the preliminary process to drafting a national constitution, the NC proceedings have been fully controlled by the junta since they began on 9 January 1993. The highly unrepresentative and undemocratic process continued until 31 March 1996 despite several groups, including the NLD and SNLD, walking out in protest in November 1995 (source: "Press Release on NLD Withdrawal," The NC Convening Commission, 28 November 1995). Sessions remained suspended until 17 May 2004 when international criticism of the regime following the attempted assassination of Daw Aung San Suu Kyi and death of several NLD supporters during the Depayin Massacre' on 30 May 2003 prompted the SPDC to resume the process. On 30 August 2003, the junta announced the renewal of the NC through a seven-point roadmap to democracy (source: "Prime Minister of the Union of Myanmar Met with Officials of the Ministries and Representatives of Non-Governmental Organizations," NLM, 30 August 2003). Without any notable accomplishments, the 2004 sessions adjourned on 9 July 2004. Despite the ouster of Gen. Khin Nyunt from the post of Prime Minister, the junta continued the NC in 2005 (source: "Democratization to Continue," BP, 27 November 2004). In light of the 2005 sessions, the junta increased restrictions on political activities and harassment of opposition and ethnic leaders in an attempt to stifle and intimidate their adversaries. Restrictions, monitoring, and harassment, particularly of the NLD, continued throughout the year as the sessions progressed. Meanwhile, the proceedings continued to be fully controlled by the junta. Similar to past sessions, delegates were under certain restraints and the junta limited access to the proceedings.

On 7 May 2005, several bomb blasts rocked Rangoon and resulted in increased restrictions throughout the country under the justification of security concerns. Political activists and villagers living in the border areas were particularly affected by the policies imposed following the bombings. The first explosion occurred at approximately 2:50 pm at the Rangoon Trade Center in Mingala Taungnyunt Township. Subsequent explosions occurred five minutes within each other at the Junction-8 Center in Mayangon Township and the Dagon Centre in Sangyoung Township, respectively (source: "More Than a Dozen Wounded in Myanmar Blasts," AFP, 7 May 2005). According to the SPDC, the blasts killed 11 and injured 162 although other news sources report higher figures (sources: "Bomb Explosions Occur in Yangon Due to Inhumane Acts Committed by Terrorists Bomb Blasts at Crowded Sites Left Innocent People Dead, Injured," NLM, 7 May 2005; "Myanmar Urges Vigilance as Post-bomb Rumours Swirl," Reuters, 10 May 2005; "More than 70 People Killed in Rangoon Blasts, Not 19 as Claimed by Junta," DVB, 24 May 2005). Immediately following the explosions, the regime initiated a widespread crackdown on their opponents and heightened travel restrictions across the country.

In addition to hindering the free movement of members of the general population, in 2005 the regime also imposed restrictions within their own ranks. Amid increasing rumors of a power struggle within the military top brass, it was reported on 1 February 2005 that the Vice Senior Gen. Maung Aye, the second highest military official in Burma, was prohibited from leaving Rangoon (source: "Junta's Deputy Leader Reportedly Banned from Leaving Rangoon," *Irrawaddy*, 2 February 2005). The junta also confined civil servants to Pyinmana, Mandalay Division, following the transfer of the regime's offices and ministries from Rangoon to the new capital on the auspicious date of 5 November 2005 (source: "Moving Target," *Irrawaddy*, 9 November 2005). Unprepared to receive the arriving workers, Pyinmana lacked proper accommodations, infrastructure, and adequate resources. To intimidate workers from fleeing back to Rangoon, the area was surrounded by barbed wire and armed guards. In addition, deserters were threatened with arrest under Article 5(j) of the Emergency Provision Act for treason and insubordination (source: "Burmese Civil Servants Kept within Barbed Wires at New Capital," DVB, 23 November 2005).

## 12.2 International Travel

*"Everyone has the right to leave any country, including their own, and to return to their country."* -Article 13, Universal Declaration of Human Rights

Authorized international travel for citizens of Burma continues to be tightly circumscribed by the military regime. In contravention of customary international law, citizens from Burma are routinely denied the right to travel abroad for any period of time. While most nationals of Burma possess a National Identification Card, this card does not grant them permission to travel internationally (source: *Myanmar: Leaving Home*, AI, 8 September 2005). To travel abroad, the authorities require three documents: a passport from the Ministry of Home Affairs; revenue clearance from the Ministry of Finance and Revenue; and a departure form from the Ministry of Immigration and Population (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005). Despite recent peripheral procedural improvements, acquiring the necessary documentation for a passport and overseas travel continues to be fraught with corruption, bribery, and intense scrutiny by the junta.

Since 6 August 2004, when new passport procedures were implemented, the SPDC has been issuing passports valid for: one year for incidental travel, three years for dependents, four years for employment and 18 months for business travel. Contrary to earlier policies, under the new regulations, individuals are allowed to retain their passports upon returning from abroad. (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).

Following the removal of the head of the passport department during the October 2004 purge of Gen. Khin Nyunt and his associates, the regime announced that passports would be issued within ten days. Beginning in 2004, the SPDC also began to distribute travel documents with electronic chips to businessmen and maritime merchants to improve security and to expedite the visa process. (Sources: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005; "Electronic IDs for Merchant Seamen," *The Myanmar Times*, 30 April 2004).

The overhaul of the passport department, however, failed to stem the corruption and bribery attenuated with acquiring travel documents. The process of issuing passports in Burma continues to be largely restricted by the SPDC. Applicants are still forced to pay unreasonable fees and bribes to the junta. In addition to the requisite bribes, an application form reportedly costs 200 kyat while the passport itself costs 8,000 kyat. Women, however, must pay 250,000 kyat in order to obtain a passport. The junta has justified this policy as a means to protect women from traffickers and entering the sex industry abroad. Furthermore, certain applicants are required to furnish additional fees to the junta. University graduates, for instance, are required to pay an educational clearance fee to reimburse the regime for the cost of their education. Meanwhile, bribes tend to range from 10,000 kyat to 1 million kyat. (Source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005).

Generally, only those able to afford to pay exorbitant fees and bribes or those affiliated with the SPDC are able to obtain a passport. In addition, those seeking to travel abroad are subject to extensive questioning by the regime. Even when permission is granted, it may be arbitrarily revoked at any time. Several SPDC ambassadors had their diplomatic passports revoked in the first week of January after being removed from their posts during the October 2004 purge. Foreign Minister Maj. Gen. Nyan Win informed the four former ambassadors to the UK, Australia, Canada, and Switzerland that they have no need to travel abroad again. The regime has since denied a request by the former ambassador to the UK, U Kyaw Win, to travel to Singapore to attend the wedding of a close family member. Meanwhile, political opponents and former political prisoners continue to be categorically denied passports. (Source: "Burmese Passports Still Difficult to Acquire," DVB, 29 January 2005)

## 12.3 Restrictions on the Movement of Women

“Everyone has the right to freedom of movement and residence within the borders of each state.” -Article 13, Universal Declaration of Human Rights

The SPDC continues to heavily control the domestic and international movement of women in Burma. In an attempt to stem sustained criticism of trafficking violations in Burma, the SPDC has imposed increasingly restrictive measures that, in effect, limit the ability of women to move freely in and around Burma. Ironically, by limiting women’s freedom of movement, the anti-trafficking provisions promulgated by the SPDC have forced women to rely on smugglers and corrupt officials thereby rendering them more vulnerable to exploitation, abuse and financial hardship. Meanwhile, despite the regime’s policies, the trafficking of women continues. (For more information see Chapter 7 Rights of Women).

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, making Burma one of the worst offenders of human trafficking in Asia. According to the U.S. State Department, women from Burma, particularly ethnic women, continue to be forcibly taken not only to other parts of Burma but also across international borders. (Source: *Trafficking in Persons Report*, U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, 3 June 2005).

Internal trafficking is most frequently perpetrated by the regime itself. Women are often forced to leave their homes and families in order to work as laborers and porters for the military (source: *Trafficking in Persons Report*, U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, 3 June 2005). On 17 May 2005, the Kachin Women's Association of Thailand (KWAT) released a report, *Driven Away: Trafficking of Kachin Women on the China-Burma Border*, which evidenced the use of internally trafficked women for forced work in karaoke bars and massage parlors (source: “Trafficking of Kachin Women Exposed,” *Irrawaddy*, 17 May 2005).

Faced with economic deprivation and targeted for human rights abuses by the regime in Burma, many women fall victim to international traffickers in their attempts to leave Burma in order to find employment and security abroad. Due to the numerous travel restrictions placed on women, women are forced to pay large sums of money to “carriers.” By relying on carriers, women are vulnerable to the opportunistic motives of traffickers who often promise work opportunities abroad in addition to guided passage through Burma. Meanwhile, even with a well-intentioned carrier, women face arbitrary fees and fines, confiscation of their identification documents, physical searches, arrests, confinement and potential deportation back home. In order to avoid harassment or conflict zones, the route out of Burma is often circuitous and lined with hunger, illness and generally harsh conditions. Moreover, those women who are successful in making it to their destination continue to be at risk of labor and sexual exploitation as well as traffickers in their host country. (Source: *Migrant Domestic Workers: From Burma to Thailand*, Institute for Population and Social Research, July 2004).

Women from Burma who fall victim to international traffickers are transported to all parts of Asia, including Thailand, China, Bangladesh, Taiwan, India, Malaysia, Korea, Macau, and Japan, where they are often forced into involuntary domestic servitude, sexual exploitation, as well as forced labor (source: *Trafficking in Persons Report 2005*, U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, 3 June 2005). According to the KWAT,



women as young as 14 from Kachin State have been transported into China where they are sold as wives or into the sex industry or they simply disappear (source: “Trafficking of Kachin Women Exposed,” *Irrawaddy*, 17 May 2005). While some women manage to escape trafficking situations, the collusion of local authorities, language barriers, and lack of financial resources hinders repatriation efforts (source: *Driven Away: Trafficking of Kachin Women on the China-Burma Border*, KWAT, 17 May 2005).

In reaction to increased criticism of trafficking violations in Burma, the regime has taken steps to create the appearance of a hard-line stance against trafficking. In 1998 the regime established a National Plan of Action for Trafficking Women and Children as well as a National Task Force. Burma also became a signatory to the UN Convention against Transnational Organized Crime and two of its protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children on 30 March 2004. (Source: *Driven Away: Trafficking of Kachin Women on the China-Burma Border*, KWAT, 17 May 2005). In October 2004 and March 2005, the SPDC participated in the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT). (Source: “Mekong Nations Gather in Hanoi to Boost Anti-Human Trafficking,” Vietnam News Briefs, 30 March 2005).

However, to counteract the trafficking problem in Burma, the policies of the regime have focused on enforcement and prosecution rather than root causes. On 13 September 2005, the SPDC enacted the “Anti-Trafficking in Persons Law,” which delineates harsh sentences ranging from 5 years to life imprisonment against human traffickers (source: “Burma Passes Anti-human Trafficking Law with Questionable Details,” DVB, 14 September 2005). Since July 2002, the SPDC claims to have prosecuted 474 cases related to trafficking for sexual exploitation. Despite extensive enforcement policies, no SPDC official has been charged with human trafficking. Meanwhile the SPDC continues to traffic women for use as forced laborers and porters (source: *Trafficking in Persons Report*, U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, 3 June 2005).

By ignoring the causes of trafficking, the regime’s “anti-trafficking” measures contribute very little in providing long-term solutions but instead target and oppress the ability of women to move freely, both domestically and internationally. Since 1997, many ethnic women under the age of 25 have not been permitted to travel between towns without a guardian or a special permit (source: Belak, Brenda, *Gathering Strength: Women from Burma on Their Rights*, Images Asia, January 2002). To enforce this policy, the regime has stationed police task force teams in border towns since 2004 to monitor the movements of women (source: *Trafficking in Persons Report*, U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, 3 June 2005). To limit the ability of women to travel internationally, the regime has made it prohibitively expensive for women to obtain an official passport. Fees for a man to acquire a passport amount to about 10,000 kyat, while a woman must expend 250,000 kyat. The regime has justified this cost differential as a measure to protect women from international traffickers (source: “Burmese Passports Still Difficult to Acquire,” DVB, 29 January 2005).

The most recent misguided “anti-trafficking” measure ratified in October 2005, which effectively prohibits women under the age of 25 from crossing the Thai-Burma border between Tachileik and Mae Sai without special authorization. Women with permission are required to leave their national registration card with immigration before entering Thailand, which is then returned upon reentry. Meanwhile, many women in the ethnic areas have never

been issued national registration cards and can only obtain one by paying substantial bribes. Without the necessary identification documents, women are even more dependent on traffickers. (Source: "No Stopping the Girls Leaving Home," SHAN, 27 October 2005).

## 12.4 Restriction on the Movement of Migrant Workers to Thailand

Severe economic deterioration over the past year in addition to continued militarization and internal conflict in Burma has contributed to a greater influx of migrant workers from Burma crossing into Thailand, both legally and illegally, in search of relief from daily hardships. Migrants from Burma often pay between 5,000 to 10,000 baht in fees and bribes to gain entry into Thailand (source: Jerrold W. Huguette and Sureeporn Punpuing, *International Migration in Thailand*, IOM, 2005). Most of those entering Thailand are from the ethnic conflict areas, including Karen, Karenni, Mon and Shan States as well as from Bago and Tenasserim Divisions (source: *Myanmar: Leaving Home*, AI, 8 September 2005). According to the most recent estimates, approximately two million people from Burma work in neighboring Thailand, making up approximately 80 percent of the migrant workforce in Thailand (sources: *Migrant Domestic Workers: From Burma to Thailand*, Institute for Population and Social Research, July 2004; *Myanmar: Leaving Home*, AI, 8 September 2005). Many of migrant workers from Burma work in the illegal, unregulated labor market or in "3-D jobs" (dangerous, dirty and difficult) that often pay well below the minimum wage. Meanwhile, neither Thailand nor Burma are signatories to the 1990 UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which provides basic human rights to those crossing international borders (source: *Migrant Domestic Workers: From Burma to Thailand*, Institute for Population and Social Research, July 2004). (For more information see Chapter 15 Situation of Migrant Workers).

As the recipient of hundreds of thousands of legal and undocumented migrant workers, Thailand has made efforts to regularize the migration flow. In July 2004, the Thai government initiated a registration program to document migrant workers within their borders and issue proper documents to work. Of the 814,000 persons who applied for work permits in Thailand, three fourths were from Burma. A one-year work permit cost approximately 3,800 baht. Meanwhile, the work permit did not permit travel outside the registered province and workers were only allowed to work for the registered employer. Due to this relatively high expense of obtaining a permit and the attenuated restrictions, many migrant workers remain unregistered. (Source: Jerrold W. Huguette and Sureeporn Punpuing, *International Migration in Thailand*, IOM, 2005). The 2005 registration process extended from June through August during which time 702,179 workers registered. The number of workers, however needed by Thai employers was at 1,800,000. Due to the shortage of workers, the Thai government announced another registration session in 2006, despite earlier announcements that the 2005 process would be the final period for registration. (Source: MAP, 2006).

While Thailand has attempted to regularize the migrant workforce, the SPDC has made efforts to stem the tide. On 13 October 2001, the SPDC went so far as to enact a law imposing stiff penalties on anyone who attempted to leave Burma illegally. More recently, the junta asked Thailand to forcibly return an estimated one million migrant workers in April 2005 in order to verify their identities and issue them proper documents to work abroad

(source: “Myanmar Wants Workers in Thailand to Return Home: Minister,” AFP, 12 April 2005). Thailand was hesitant to comply and alternatively proposed to pay for officials from Burma to travel to Bangkok to verify the nationality of migrant workers. The SPDC eventually backed down from their original demands. However, on 20 December 2005, the Thai authorities stated in a cabinet meeting that they would cooperate with the SPDC to establish a system to verify the nationality of workers from Burma.

Meanwhile, the Thai authorities continued to officially deport 400 undocumented workers to Burma each month in accordance with a June 2003 Memorandum of Understanding (MoU) between the two countries. The deportees are sent to a SPDC reception center in Myawaddy, Karen State (source: *Out of Sight, Out of Mind*, Human Rights Watch, February 2004). The reception center in Myawaddy was established following an earlier MoU between Thailand and Burma in November 2001 to build several centers along the Burma-Thailand border to facilitate the repatriation of returnees. In Myawaddy, returnees are screened by the Ministries of Health and the Interior, the police, the immigration authorities and the army and/or DKBA. They are photographed, fingerprinted, and checked against existing files. In direct contravention of the UN’s HIV Principles and Guidelines, all returnees are also tested for HIV as well as other communicable diseases. (Source: T. Caouette and M. Pack, *Pushing Past the Definitions: Migration from Burma to Thailand*, Refugees International and the Burma Project, December 2002).

Migrant workers from Burma were greatly affected by the tsunami that struck the Andaman coast on 26 December 2004. Thousands of migrant workers from Burma living in Thailand lost their lives (source: “2,500 Myanmar Migrants in Thailand Killed by Tsunami-NGOs,” AFP, 16 January 2005). Those that survived the massive tidal wave have since been struggling against callous discrimination by the Thai authorities and complete disregard by the SPDC. In the tsunami aftermath, migrant workers from Burma received the brunt of the blame for post-tsunami looting. As a result, Thai government officials began arresting and deporting migrant workers without official documentation. Thousands of migrants were deported to Burma following the tsunami (sources: “Call to Ease Migrant Worker Restrictions: Fear of Arrest Scares Burmese Labourers,” *BP*, 27 January 2005; “Thailand: Discriminatory Relief Operations and Forced Deportation against Burmese Migrant Workers Affected by the Tsunami,” AHRC, 19 January 2005; “A Khao Lak Diary,” Grassroots HRE and Development Committee (Burma), 21 January 2005). This action forced thousands of undocumented workers and survivors from Burma who had lost all their personal documentation in the tsunami into hiding (source: “Thai Authorities Send Unregistered Burmese Migrants Home,” BBC Monitor, 9 January 2005). In hiding, these survivors initially had limited access to much needed aid provisions. Discrimination against those from Burma affected by the tsunami continued during the one-year anniversary commemoration. While Thailand extended invitations to 5,000 foreigners to attend ceremonial events held in Southern Thailand, relatives of victims from Burma were markedly left off the list. (Source: “Relatives of Burmese Victims May Not Attend Tsunami Anniversary,” *Irrawaddy*, 17 October 2005).

In response to the natural disaster, the junta demonstrated a complete lack of concern for its own nationals affected by the tsunami in Thailand. Immediately following the tsunami, the regime made no effort to offer any support to survivors (source: “Myanmar Workers in Thailand Are the Forgotten Tsunami Victims,” AFP, 19 January 2005). The regime has also made no effort to claim the bodies of victims from Burma. With Rangoon refusing to certify the identity of bodies as nationals of Burma, Thailand has been unable to return the bodies to

Burma for burial. As a result, approximately 60 bodies remained on Thai soil at the end of the year (source: "Burmese Tsunami Bodies Caught in Red Tape," *Irrawaddy*, 23 November 2005). The regime has also been obstructive in the repatriation process of those returning to Burma. In late January, at least 40 survivors attempting to return to Burma at the Three Pagodas Pass border crossing were required to furnish fees to re-enter their home country despite having lost most if not all their possessions in the tsunami (source: "Survivors of the Tsunami Fined in Burma," *Mizzima*, 24 January 2005). Other returnees were barred from entering Burma at the Kawthaung border checkpoint in Tenasserim Division, Burma (source: "Burma Migrants Fear Expulsion from Thailand: Following the Disaster, Many Are in Hiding in the Hills," *Financial Times*, 13 January 2005). Meanwhile the process of reissuing lost work permits to workers from Burma remaining in Thailand progressed slowly (source: "Migrant Workers Given Back Permits," *Irrawaddy*, 28 February 2005).

## 12.5 Restrictions on Foreigners in Burma

To promote tourism, the SPDC has eased restrictions on tourists seeking entry into Burma and improved the visa application process. In 2005, the regime began issuing visas on arrival through the e-visa system, which allows foreigners to apply for a visa over the Internet. Foreigners were also able to obtain one-month visas within 24 hours from the Burmese embassy. (Source: *Country Reports on Human Rights Practices-2004*, Bureau of Human Rights, Democracy and Labor, U.S. Department of State, 28 February 2005).

Internal restrictions on tourists were also reportedly relaxed in 2005. Some non-citizens, however, including ethnic South Asians or Chinese were discriminatorily required to obtain advanced permission to travel internally in Burma. The SPDC also banned foreigners from traveling to Pinyinmana. One European tourist reported not being able to purchase a bus ticket to Pinyinmana. He was then denied accommodations at every guesthouse and hotel in and around Pinyinmana. When he attempted to stay overnight at a monastery, the police informed him that, "No foreigners can stay in Pinyinmana." He was then forced out of the area. (Source: Maxmilian Wechsler, "European Gets Cold Reception in Pinyinmana," *New Era Journal*, 2005). The regime also limited foreigners from entering university campuses and areas of active armed conflict without prior permission. In addition, all foreigners, other than diplomats, were required to obtain authorization prior to leaving Burma (source: *Country Reports on Human Rights Practices-2004*, Bureau of Human Rights, Democracy and Labor, U.S. Department of State, 28 February 2005).

While the SPDC minimized obstacles for tourists seeking visas into Burma, access for journalists, human rights activists, political figures and international NGO and UN agencies declined in 2005. The SPDC routinely refused non-tourist visas to these particular applicants (source: *Country Reports on Human Rights Practices-2004*, Bureau of Human Rights, Democracy and Labor, U.S. Department of State, 28 February 2005). On 18 December 2005, the junta denied access to Chuan Leekpai, the former Prime Minister of Thailand, citing security concerns without further explanation (sources: "Former Thai PM Denied Entry to Myanmar (Burma)," AFP, 20 December 2005; "Myanmar Junta Bans Entry of Former Thai Prime Minister," AP, 20 December 2005). There were some improvements from last year with regard to foreign journalists seeking entry into the country to cover the 2005 NC sessions. While, in previous years, the SPDC restricted access of foreign correspondents reporting on the constitutional drafting proceedings, in 2005 the regime issued visas to a select number of journalists. Burma focused journalists however continued to be denied entry

visas into the country (sources: “Media Invited, NC Slammed,” *Irrawaddy*, 16 February 2005; “Burma Restricts Convention Reporting by Foreign Journalists,” DVB, 18 February 2005).

Despite the junta’s continued exclusion of the UN Special Envoy for Burma Razali Ismail and the UN Special Rapporteur on Human Rights in Burma Paulo Sergio Pinheiro, the regime opened the country to two top level UN officials. In early August 2005, the regime allowed James Morris, the Executive Director of the World Food Program (WFP) into Burma, making him the most senior UN official to gain access to Burma since 2003 (source: “Top UN Official Due in Rangoon: Annan Visit May Be Discussed with Junta,” *BP*, 1 August 2005). Morris’ visit to Burma was followed by former Indonesian Foreign Minister Ali Alatas, who arrived in Rangoon on 18 August 2005 as one of UN Sec-Gen Kofi Annan’s Envoys to the 2005 World Summit (source: “Former Indonesian FM Will Meet Than Shwe,” *Irrawaddy*, 18 August 2005).

While UN projects and NGO groups have been allowed to operate inside the country, the junta has limited their presence and activities. UN organizations in Burma include the UN Development Program (UNDP), the UN Children’s Fund (UNICEF), the UN High Commissioner for Refugees (UNHCR) and World Food Program (WFP). The ILO has also maintained a liaison office in Rangoon, although its activities were largely circumscribed by the regime during the year following criticism of the regime’s ongoing forced labor practices. There were few international aid agencies and even fewer NGO’s operating in Burma due to the difficulty of securing an official MoU with the junta. The International Committee of the Red Cross (ICRC) is a notable exception with a substantial presence in Rangoon and Karenni, Shan, and Mon States. The SPDC continued to allow the ICRC to conduct prison visits throughout the year (source: *Myanmar: Leaving Home*, AI, 8 September 2005). The USDA, however, attempted to accompany the ICRC to a Tharawaddy prison in December causing the ICRC to cancel the visit. Furthermore, there continued to be reports of Shan villagers being tortured by SPDC troops after communicating with visiting representatives of the ICRC and human rights groups (source: “Myanmar’s Dissidents Plot Strategy as Junta Holds Charter Talks,” AFP, 27 February 2005).

Following the October 2004 ouster of Khin Nyunt and amid the ongoing 2005 NC proceedings, the SPDC tightened travel restrictions for all non-tourist activities, including for UN agencies and humanitarian aid organizations operating inside Burma (source: “Myanmar Tightens Screws after Abandoning ASEAN Chair: Analysts,” AFP, 15 August 2005). Advanced permission from the SPDC was required for all travel beyond certain designated tourist sites. In some cases, representatives from international NGOs and UN agencies were required to be escorted by an SPDC agent during field missions (source: *Country Reports on Human Rights Practices-2004*, Bureau of Human Rights, Democracy and Labor, U.S. Department of State, 28 February 2005). Junta-imposed procedural delays in obtaining permits to travel within the country further hampered humanitarian operations in Burma, particularly for organizations delivering aid to the border areas. Aid agencies seeking travel permits were required to deal directly with the Ministry of Defense. Lower level officials refused to grant approval as they had in the past. Meanwhile, previously negotiated MoU’s between the junta and NGO’s were disregarded (source: “NGOs Suffer from Tensions in Burma,” *Irrawaddy*, 21 June 2005). Further procedural delays were expected with the sudden relocation of SPDC ministries to the isolated mountainous region of Pinyin, Mandalay Division. The increased delays have threatened the viability of new projects and the sustainability of operating NGO’s with limited timeframes and resources (source: “NGOs Suffer from Tensions in Burma,” *Irrawaddy*, 21 June 2005).

For certain areas of the country, particularly in the border areas, the junta restricted any NGO from gaining access (source: “NGOs Suffer from Tensions in Burma,” *Irrawaddy*, 21 June 2005). During his visit to Burma, James Morris of the WFP expressed deep frustration over a range of junta-imposed policies that continued to actively obstruct aid operations in Burma, including the array of permits, checkpoints, local taxes and other restrictions (source: “Myanmar to Lift Food Aid Tax, Barriers Remain- WFP,” Reuters, 5 August 2005; *Myanmar: Leaving Home*, AI, 8 September 2005). These conditions have been needlessly hampering the activities of NGO and UN agencies operating in Burma. The WFP attributed the widespread food insecurity and child malnourishment on travel restrictions. Bhim Udas, the head of the WFP in Burma, blamed a three-month delay in transporting food aid to Maungdaw, Buthidaung and Rathedaung Townships in Arakan State on impediments imposed by the junta. Meanwhile, the Arakan Rohingya National Organization in September 2005 indicated that Arakan State was on the brink of a humanitarian crisis with villagers facing starvation (source: “Junta Restrictions Cause Food Shortages among Rohingyas,” *Irrawaddy*, 23 September 2005). In October, restrictions reportedly were eased for NGOs that registered with the Ministry of Health (source: The Arakan Project, 9 November 2005).

Following his visit to Burma, Mr. Morris recommended, “that the government would be well-advised to make it easier for people to move about, to buy and sell agricultural commodities, without so many check-points, without economic interference from the government” (sources: “Myanmar to Lift Food Aid Tax, Barriers Remain- WFP,” Reuters, 5 August 2005; *Myanmar: Leaving Home*, AI, 8 September 2005). The issue of movement restrictions on aid agencies came to a head when the Global Fund for HIV/AIDS, Tuberculosis and Malaria pulled out its funding for its programs in Burma on 18 August 2005 (source: “UN Aids Organization Leaves Burma,” BBC, 19 August 2005). Citing “an impossibly difficult environment to work in,” Global Fund terminated a total of \$98.4 million that had been allocated for a five-year period. All operations ceased on 1 December 2005. This move struck a heavy blow to a country where 330,000 suffer from HIV/AIDS, 97,000 cases of tuberculosis are reported annually and about 600,000 people are infected with malaria on a yearly basis. (Sources: *Fact Sheet: Global Fund Termination of Grants to Myanmar*, Global Fund, 18 August 2005; “Junta Pressure Forces AIDS Fund Out,” *The Australian*, 20 August 2005).

While the ILO was previously exempted from particular travel restrictions, which applied to other international organizations, the ILO fell into disfavor with the regime following harsh criticism of forced labor practices in Burma. On 4 June 2005, the ILO called on the international community to “intensify the review of their relations with Myanmar [Burma]” and “take the appropriate actions, including as regards foreign direct investment” (source: “International Labor Conference Convenes Special Sitting for the Fifth Time in as Many Years to Address Forced Labor Issues in Burma,” *ILO Press Release*, 4 June 2005). The SPDC retaliated by holding anti-ILO rallies, refusing to probe death threats against the ILO liaison officer Richard Horsey, and sentencing to prison Su Su Nway, a villager who had successfully sued local officials on forced labor charges. While the SPDC allowed the ILO to maintain a liaison office in Rangoon, they severely limited its activities. In August and September 2005, the office received 21 death threats cautioning it not to interfere with the internal affairs of Burma. U Thaung, the junta Minister of Labor, also threatened that Burma would withdraw from the organization but this threat never materialized. While ILO workers continued to conduct interviews of villagers, the junta monitored all ILO visits. Throughout the year, there continued to be reports of harassment of those in contact with ILO

representatives. (Source: “US Concern over Burma Junta's Reported Harassment of ILO,” DVB, 29 October 2005).

## 12.6 Restrictions on the Freedoms of Assembly and Association

*“Everyone has the right to freedom of peaceful assembly and association.”* -Article 20, Universal Declaration of Human Rights

In violation of basic human rights standards, 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 junta. By being implemented in an arbitrary and heavy-handed manner this law is typically used to suppress peaceful political dissidents. 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.

The SPDC has also been using the Habitual Criminal Offenders Act in order to restrict the activities of political leaders. This act was promulgated in 1961 to establish a permanent probation for repeat criminal offenders, forcing them to register with the authorities on a daily basis. While the act was originally devised to monitor and restrict habitual criminals, the SPDC has been employing the Act since July 1998 to tighten their control over former political prisoners, including NLD MP's. Under section 5/1(g), the SPDC has limited the ability of NLD leaders to move beyond a prescribed area.

Order 2/88 was enacted on 18 September 1988 to prohibit the gathering of more than five persons in one place. Under this law, the SPDC continued to crackdown on all ethnic and political gatherings, arresting participants and organizers of non-sanctioned activities.

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 such an organization may be subject to up to three years imprisonment (source: *Myanmar; Justice on Trial*, AI, 30 July 2003) On 29 August 2005, the junta used Act (16) of Unlawful Organizations to declare several established organizations illegal. Using the 7 May 2005 Rangoon bombings as their justification, the junta outlawed the NCGUB, the Federation of Trade Unions - Burma (FTUB), the All Burma Students' Democratic Front (ABSDF) and the SSA-S (source: “Press Conference,” SPDC, 29 August 2005).

While there are ten political parties legally recognized by the junta, they are still required to obtain permission from the authorities prior to conducting any meetings or assemblies. Legal recognition has also not spared political parties from severe restrictions and harassment by the authorities. The NLD, one of the ten, has been constantly oppressed by the regime, its

leaders and members targeted, activities limited, and movements monitored. Problems for the NLD continued throughout 2005 and its offices, except for the main office in Rangoon, remained closed. (For more information see Section 12.15 Restriction on the Movements and Harassment of Daw Aung San Suu Kyi and the NLD). Religious and ethnic organizations and gatherings have also been subject to extensive limitations by the junta.

To facilitate increased monitoring of people, the regime issued Order 1/90 on 22 May 1990 indicating that “action will be taken against all those who fail to report people illegally residing in their homes.” Under this law, any visitor to a house who stays for one night or more must be registered at the local township office. Violators are subject to section 124 of the criminal code, which includes “failing to disclose to the authorities concerned either an act or a conspiracy that amounts to high treason.” The authorities regularly rely on this Act during periods of increased tension. In the days leading up to the 27 March 2005 Armed Forces Day, the junta implemented a widespread crackdown on unregistered overnight guests. In conjunction with heightened security measures, Htwe Myint, Vice Chairman of the Democracy Party was arrested and detained for 15 days for failing to register with the authorities (source: “Security Measures Intensify,” *Irrawaddy*, 10 March 2005).

While the junta has suppressed free assembly, they have also organized forced assemblies. Following the controversial formation of an independent Shan State Federal Government by a Shan group in exile, some Shan resistance groups organized secret rallies in support of the new government (source: “Myanmar Declares Shan Ethnic Group as Outlawed Organization,” *Xinhua*, 19 April 2005). The junta, however, retaliated against villages believed to support what was later called the Interim Shan Government (ISG). In Wan Paang village, Lai-Kha Township, villagers accused of supporting the ISG were arrested, beaten and detained by troops led by Capt. Win Laing of SPDC IB 64 in late April and early May 2005. In addition, the junta forced villagers to participate in protests against the ISG. On 8 May 2005, the junta organized mass rallies and forced villagers from Wan Panng Village, Lai-Kha Township to attend. Villagers were forced to read speeches written by the military authorities condemning the Shan government and to shout slogans against the Shan government in unison (source: “Monk and Villagers Arrested, Detained and Tortured; Villagers Forced to Rally against Shan Resistance, in Lai-Kha,” *SHRF Monthly Report*, SHRF, June 2005). Throughout the year, the junta organized other mass rallies, primarily through their puppet organization, the USDA.

## 12.7 Restrictions on Political Parties

In 1988, political parties were allowed to form for the first time in decades. Over 200 parties formed. Burma held its first free and fair elections in 1990 where the NLD won an overwhelming majority of support. The junta however refused to honor the election results. Following the election, the junta initiated a widespread campaign to suppress their opponents, which continued up to and throughout 2005. Many of the elected-MPs have been imprisoned by the junta, 13 of which remain behind bars as of December 2005. Using the 1908 (1957) Unlawful Associations Act, the junta also began outlawing political parties. Notably, the first parties to be de-registered were those that represented ethnic groups, and those that had collectively called for a federal constitution in their party manifestos. Some ethnic parties that were initially de-registered were re-registered after they signed ceasefire agreements with the regime. In 2005, only ten political parties were legally recognized by the junta, including the NLD. Even with legal recognition, however, political activities are greatly circumscribed by



the junta and the members and leaders of political opposition parties are subject to harassment, intimidation and arrest.

In 2005 the junta heightened their targeting of political opposition groups in the hopes of stifling political activities, particularly in light of the ongoing, highly undemocratic NC proceedings. The regime employed various tactics to suppress pro-democracy leaders and members including arrests, arbitrary imprisonment, and heightened surveillance measures. In February 2005, Fu Cin Sian Thang, the Zomi National Congress (ZNC) chairman and a member of the CRPP reported being monitored by the authorities (source: "Shan Ceasefire Group Will Quit NC Unless Leaders Released," *Irrawaddy*, 14 February 2005). On 8 February 2005, military officials threatened Aye Tha Aung, Gen. Secretary of the CRPP, with arrest under Order 5/96, which prohibits criticism of the NC and carries a 20 year jail sentence. The authorities also confined his ability to move freely and disabled his telephone line. (Source: "CRPP General Secretary Threatened by SPDC Authorities," *Narinjara News*, 11 February 2005). As the junta's prime opponent, NLD members and leaders were a major focus of SPDC harassment. (For more information see Section 12.15 on Restriction on the Movements and Harassment of Daw Aung San Suu Kyi and the NLD). Other political organizations also were restricted from holding activities and celebrations. On 12 February 2005, the SPDC prohibited the United Nationalities Alliance (UNA), a leading coalition of pro-democracy political parties, from holding Union Day events (source: "Arrest of Pro-Democracy Leaders in Burma," U.S. Department of State, 11 February 2005).

Shan political parties were particularly targeted during 2005. Just days before the February 2005 NC sessions were set to resume, the SPDC arrested approximately 30 Shan leaders and activists from 7 to 9 February 2005. The regime accused the group of forming a new organization without permission from the authorities. On 7 February, Shan State Day, the Shan leaders and activists had met in Taunggyi and discussed the formation of the Shan State Joint Action Committee. Although a number of those arrested were later released, at least ten prominent Shan politicians remained under SPDC custody throughout the year, including Hkun Htun Oo and Gen. Hso Ten, Chairmen of the SNLD and SSPC respectively (source: "Ten Shan Activists Arrested in Myanmar for Conspiracy: Minister," AFP, 10 March 2005). Despite widespread outrage throughout the ethnic groups and the international community over the arrests and continued detention of the Shan leaders, on 3 November 2005 the regime handed unduly long prison sentences to the Shan leaders (source: "Shan Leaders Sentenced in Rangoon Insein Jail," DVB, 4 November 2005).

## 12.8 Other Social Organizations in Burma

*"No one may be compelled to belong to an association."* -Article 20, Universal Declaration of Human Rights

Very few social organizations exist in Burma. Social organizations that do exist must be approved by the regime according to the 1908 (1957) Unlawful Associations Act. The local authorities in Thanbyuzayat Township refused to grant the Mon Literature and Culture Committee (MLCC) permission to register as an official organization on 4 May 2005. The MLCC is the largest social organization in the Mon community and is focused on promoting Mon literature and culture. It has committees on the state, township, and village tract level which are usually led by Mon Buddhist monks and community leaders. The only MLCC permitted to register as an organization in 2005 was the one based in Rangoon (source:

“Authorities Denied Registration to Mon Community Organization,” *The Mon Forum*, HURFOM, 9 September 2005). The regime also banned a youth organization in Chin State following a skirmish between the police and the Chin National Army (CNA) that left one policeman dead and two injured. Col. San Aung, commander of Matupi Tactical II, retaliated by banning the Lung Ngo Youth Organization in Razua Township despite the lack of connection. The Youth Organization was created in 1999 to advocate against the sale of alcohol, aid those in need, and provide village protection and security services (source: “The SPDC Defunct Youth Organization In Chin State,” *Khonumthung*, 21 June 2005).

Even with approval, however, the regime strictly controls the mandate and activities of social groups. In March and April 2005, Mon community associations organized a ‘Mon Literacy Campaign’ to encourage the learning of the Mon language. The SPDC has banned the teaching of the Mon language in public schools since 1962. In February 2005, the USDA in Kyaikmayaw Township reiterated that the teaching of the Mon language was not aligned with national development and reconciliation (source: *USDA: The Organization Strengthening the Military Rule in Burma (Myanmar)*, HURFOM, April 2005). To diminish the impact of the “Mon Literacy Campaign”, the USDA held mandatory military trainings for their members at the same time. Because many Mon villagers have been forced to join the USDA, villagers who would normally attend the literacy workshops were not able to do so (source: *In-depth Analysis on SPDC-Supporting Organizations USDA and PSO*, HURFOM, November 2005).

While people in Burma are prohibited from associating with unapproved organizations most of the population is pressured to join organizations specifically formed by the junta to create the appearance of having a well-functioning civil society. Regime sponsored organizations include: The USDA, 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).

These groups are organized on the township level and are largely under the control of the regime. Regime-affiliates or USDA members often occupy top-level positions. Most of the members involved in these organizations have been pressured into joining. Members are expected to participate in regime or USDA sponsored rallies, which usually target opposition and pro-democracy groups as well as international agencies critical of the regime. During the year, the junta held a series of public rallies to denounce “internal and external destructionists,” condemn international NGO groups such as the ILO and lend support to the regime’s agenda, which were attended by military-sponsored groups and other junta-controlled organizations (source: “Myanmar Tightens Screws after Abandoning ASEAN Chair: Analysts,” AFP, 15 August 2005). Given the stricture and domination over authorized social organizations in Burma, the political agenda of the regime often takes precedence over the actual social issues they purport to address.

In 2005, the regime also formed the ‘People’s Strength Organization’ (PSO) whose main objective is to support stronger administrative systems and provide additional strength in times of an emergency. The PSO is essentially a paramilitary force that is training for the eventuality of a pro-democracy uprising or a foreign invasion. It is composed of its main supporters from the USDA, civil servants and police officers. The PSO is structurally similar to the military formations with the same leadership hierarchy. Township PSO battalions are required to engage in monthly trainings, which include how to suppress mass demonstrations

using the strength of the organization. Members are also trained to document information and take photographs during their operations, particularly of the leaders of demonstrations. (Source: *In-depth Analysis on SPDC-Supporting Organizations USDA and PSO*, HURFOM, November 2005).

While there were no independent women's organizations in Burma, during 2005 women were forced to join the junta-controlled Myanmar Women Affairs Federation (MWAF). On 9 August 2005, Col. San Aung of the Army Tactical II based in Matupi Township, Chin State ordered all members of the Matupi Village Council to distribute MWAF application forms. Every woman over the age of 18 was ordered to enroll in the organization and pay the 320 kyat membership fee. Similar orders were given in Chin State. The MWAF was formed on 3 July 1996 and is currently headed by Than Than Nwe, the wife of Prime Minister Lt. Gen. Soe Win. Military wives similarly occupy the other top positions in the organization. As of the latter part of 2005, the MWAF reported a membership of approximately 1.5 million women. (Source: "Chin Women Compel to Join MWAF by Junta," *Rhododendron News*, CHRO, 27 September 2005).

Some local religious and church-backed organizations were able to operate limited social programs during the year. The SPDC however confines them to religious activities. They are not allowed to register as NGOs in Burma and are instead registered under the Ministry of Home and Religious Affairs. Without NGO status, these groups are limited in their ability to access overseas funding and conduct in-country training with foreign experts. Participants, meanwhile, are kept under constant surveillance by the SPDC authorities and SPDC informers.

## **12.9 The Union Solidarity and Development Association (USDA)**

The USDA was formed by the regime on 15 September 1993 in order to feign civil society support for the activities and policies of the junta. Their official mandate is to maintain the union, national solidarity, sovereignty, promote national pride, and support the emergence of a prosperous and peaceful nation. In reality, the USDA is fully controlled by the junta and its members are forced to bolster the regime's agenda (source: *In-depth Analysis on SPDC-Supporting Organizations USDA and PSO*, HURFOM, November 2005). The USDA receives financial, technical, and leadership support from the regime. USDA Executive Committees exist in every level of administration, including on the township and village level. The sub-level USDA authorities are guided by the USDA Central Executive Committee, which is made up of generals and veteran military commanders (source: *USDA: The Organization Strengthening the Military Rule in Burma (Myanmar)*, HURFOM, April 2005).

As of November 2005, the total membership of the USDA according to the regime was estimated to be at about 22.8 million, comprising almost half of Burma's total population (source: *The Game Plan of Nazi Generals in Burma*, NDD, 9 December 2005). Despite claims that membership is voluntary, most members were either required or coerced to enroll and attend meetings. During 2005, the SPDC increased efforts to forcibly recruit new members into the USDA. In Mon State, the authorities ordered schools to enroll students as USDA members. In Chaung-zone Township, Mon State, the entire township has been forced to become members of the USDA. The local authorities in Mon State have also surveyed the

organizational affiliation of villagers. Those who are not members of any organization have been pressured into registering with the USDA. Members of political and social organizations, meanwhile, have been intimidated into withdrawing their membership and enrolling with the USDA. Those who refuse to resign from their organizations have faced harassment by the SPDC. For example, in July 2005, Nai Sein Aye, the Chairman of the MLCC in Thanbyuzayat Township, was arrested and detained for a month after refusing to resign from the MLCC. (Source: *In-depth Analysis on SPDC-Supporting Organizations USDA and PSO*, HURFOM, November 2005).

In return for perpetuating the facade of grassroots support for the regime, the SPDC bestows power and privileges to USDA members, such as appointments to local authority posts and the ability to travel freely throughout the country (source: *Burma Briefing: Issues and Concerns Vol. 1*, Altsean, November 2004; "USDA Plans for Upcoming Election," *Kaowao News*, 21 April 2005). Unlike most civilians, USDA Central Executive Committee members are able to contact directly the Minister of Foreign Affairs to obtain a passport and permission to travel abroad. In Thanbyuzayat Township, Mon State, the local USDA told villagers that if they joined, they would be exempt from forced labor practices as well as many types of taxes. Many villagers join to receive such benefits while others join out of fear and intimidation (source: *USDA: The Organization Strengthening the Military Rule in Burma (Myanmar)*, HURFOM, April 2005). In addition, USDA local leaders compete to recruit more members in the hopes they will be rewarded with promotions (source: *In-depth Analysis on SPDC-Supporting Organizations USDA and PSO*, HURFOM, November 2005).

Since the regime announced the seven-step "roadmap to democracy" on 30 August 2003, the USDA has been particularly active in criticizing opposition groups, monitoring their activities, and organizing rallies against anti-junta elements. All levels of the USDA have been instructed to organize against the NLD and ethnic political parties (source: *USDA: The Organization Strengthening the Military Rule in Burma (Myanmar)*, HURFOM, April 2005). As the main political opponent to the regime and the winner of 81 percent of the vote during the 1990 elections, the NLD has been the primary focus of USDA intimidation and harassment.

The USDA has been attributed with responsibility for the 30 May 2003 Depayin Massacre during which Aung San Suu Kyi, her entourage and her supporters were violently attacked. More recently, the USDA has been actively involved in organizing demonstrations demanding the abolishment of the NLD and calling for the resignation of NLD members. After the NLD suspended 18 members from their duties effectively expelling them from the party on 16 February 2005, the USDA was quick to take advantage of the situation by organizing mass public rallies to denounce and discredit the party. (Sources: "NLD Expels 18 Members," *Irrawaddy*, 18 February 2005; "Burma Junta Prepares to Renew Attacks on NLD," *DVB*, 21 March 2005; "Burma Junta Tempting NLD Members to Quit Party," *DVB*, 31 March 2005).

Following the Depayin Massacre, the SPDC began to militarily prepare USDA members for conflict situations. USDA members have been required to attend military training to learn how to suppress mass protests or defend against foreign aggressors. The regime has also been relying more heavily on the USDA to monitor and gather information. During the year, the USDA formed an intelligence team of higher-ranking USDA members for each township led by Brig Gen. Myint Swe (source: *USDA: The Organization Strengthening the Military Rule in Burma (Myanmar)*, HURFOM, April 2005). The intelligence unit has been charged with

monitoring and informing the SPDC of suspicious events, the activities of opposition and armed resistance groups, compliance of USDA members with the mandate of the organization, and the movement of foreigners within the country (source: *In-depth Analysis on SPDC-Supporting Organizations USDA and PSO*, HURFOM, November 2005).

While the USDA has been operating under the pretense of being part of civil society for the last 12 years, the regime has increasingly pushed the USDA towards playing a more active role in Burma's political sphere. On 6 December 2005, Gen. Secretary of the USDA, Brig Gen. U Htay Oo announced that the USDA would be reconstituted as a political party (source: *The Game Plan of Nazi Generals in Burma*, NDD, 9 December 2005). The SPDC has also instructed local USDA leaders to begin selecting candidates to run in a future national election in order to compete for the 75 percent non-military-reserved seats (source: *In-depth Analysis on SPDC-Supporting Organizations USDA and PSO*, HURFOM, November 2005).

Moreover, since the initiation of the highly unrepresentative NC, the regime has used the USDA as a tool to demonstrate support for the junta-controlled proceedings. During the 2005 sessions, USDA members constituted a majority of the delegates in attendance (source: "Burma Junta Invites Delegates to Attend Convention," DVB, 5 February 2005). The SPDC also organized forced rallies to feign support for both 2005 sessions of the NC. In February and March 2005 villagers from Kaeng-Tung Township were ordered to attend mass meetings in Rangoon under threats of a 1,000 kyat penalty. Members of the junta-sponsored USDA and the Women's Affairs Organization also led a 7 1/2 hour long rally in support of the NC without providing the participants with food or water (source: "People Forced to Attend Mass Demonstration in Kaeng-Tung to Support the "National Convention" Held in Rangoon (Yangon)," *SHRF Monthly Report*, SHRF, May 2005).

Concurrent to its domestic activities, the USDA has been gaining increased international recognition. Visiting UN representatives and foreign diplomats also increasingly arrange meetings with the USDA in addition to meeting with the SPDC. (Source: *The Game Plan of Nazi Generals in Burma*, NDD, 9 December 2005).

## 12.10 Prohibition of Free and Independent Trade Unions

"Everyone has the right to form and to join trade unions for the protection of his interests." - Article 23, Universal Declaration of Human Rights

Under the 1926 Trade Unions Act workers may form trade unions with the authorization of the SPDC. In addition, Burma ratified the Freedom of Association and Protection of the Right to Organize Convention 1948 (No. 87) in 1955. As a member of the ILO, the junta is also bound to the ILO Declaration of Fundamental Principles and Rights at Work, which includes the freedom of association and collective bargaining (source: *Myanmar: Leaving Home*, AI, 8 September 2005). In practice, however, the regime has banned the organization of independent trade unions and harasses workers who attempt to organize. Striking is also prohibited by the regime (source: *Country Reports on Human Rights Practices-2004*, Bureau for Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005).

Due to the ban on unions, there were no internationally affiliated unions in Burma in 2005. Furthermore, the regime prohibited individuals from having any contact with the exiled FTUB and the International Transport Workers' Federation. The exiled FTUB was

criminalized by the regime as a “terrorist group” and individuals who were discovered to have had contact with the FTUB were subject to arrest and imprisonment. Individuals also risked arrest and imprisonment for having contact with the ILO. (Source: *Country Reports on Human Rights Practices-2004*, Bureau for Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005).

## **12.11 The National Convention (NC): Increased Control over Movement, Assembly and Association**

As in the past, the 2005 NC proceedings took place under heavily restrictive conditions as the junta attempted to dominate every aspect of the process. The NC sessions resumed on 17 February to 30 March 2005 and again on 5 December 2005 after the 2004 sessions adjourned on 9 July. Some 1,072 delegates reconvened to “participate” in the preliminary proceedings to developing a national constitution. After refusing to attend the May to July 2004 sessions, the 44 delegates from the NLD, the SNLD and the Shan State Kokang Democratic Party (SSKDP) were excluded from the list of invitees in 2005 (source: “Myanmar NC to Approve Power Sharing Principles,” *Xinhua*, 1 February 2005). Following the arrest and detention of several Shan leaders and activists in February, the SSA-N and SSNA also announced that they would boycott the February sessions (sources: “Shan Ceasefire Group Will Quit NC Unless Leaders Released,” *Irrawaddy*, 14 February 2005; “Rangoon, Shans: No More Mr Nice Guys,” SHAN, 15 February 2005). After considerable deliberation, the SSA-N, however, resumed their attendance during the December proceedings (source: “Shut up: Shan Group Told Not to Complain About Imprisonment of Leaders,” DVB, 22 November 2005). Concurrently, major political leaders, including several elected MPs, remained in prison as the NC continued in 2005. Ceasefire NC delegates in Shan and Mon State also reported being monitored by the SPDC Special Bureau in mid-September (source: “Ceasefire Groups to Complete Constitutional Convention,” SHAN, 20 September 2005). Furthermore, a majority of the delegates who attended the 2005 NC were members of the junta-sponsored USDA (source: “Burma Junta Invites Delegates to Attend Convention,” DVB, 5 February 2005). Despite this, the junta continued to claim that the 2005 NC was a representative process (source: “Will the National Convention Legitimise the Junta?” *Irrawaddy*, 2 December 2005).

In keeping with the 2004 NC, the delegates to the 2005 sessions were again confined to the lavish accommodations of the a specially constructed camp near the village of Nyaung Hna Pin, 45 km north of Rangoon (source: “Burma Junta Invites Delegates to Attend Convention,” DVB, 5 February 2005). Masked by every conceivable luxury, including top-rate medical facilities, a golf course, theater, massage parlors, and karaoke bar, the compound surrounded by military bases was designed as much to imprison as to pamper the delegates. Although delegates were allowed off the premises more often than in previous years, they were not allowed to travel beyond Rangoon (source: “Myanmar's Constitutional Talks Break for Weekend,” AFP, 26 February 2005). The junta however continued to strictly control access to the outside world. The SPDC instituted a curfew, banned delegates from leaving the compound and prohibited open communication with outsiders including reporters (sources: “Myanmar Resumes Constitution Talks Amid Sharp Criticism,” AFP, 17 February 2005; “Will the National Convention Legitimise the Junta?” *Mizzima*, 2 December 2005). Such extreme measures led the UN Special Rapporteur for Human Rights in Burma Paulo Sergio Pinheiro to liken the NC to “mass house arrest,” (source: “Myanmar to Reopen Charter Talks, Critics Skeptical,” Reuters, 15 February 2005).

While there were some improvements in media access during the 2005 NC, these improvements were slight and highly circumscribed by the junta. Whereas all foreign journalists were systematically refused visas during previous NC sessions, the junta extended invitations to both domestic and international media correspondents to cover the 2005 convention (source: “Media Invited; NC Slammed,” *Irrawaddy*, 16 February 2005). Journalists with a focus on Burma issues however continued to be denied visas. (Source: “Burma Restricts Convention Reporting by Foreign Journalists,” DVB, 18 February 2005).

## 12.12 Restrictions Subsequent to the 7 May 2005 Rangoon Bombings

A series of bombings in Rangoon on 7 May 2005 caused the regime to implement further movement restrictions under the justification of security measures. Bomb explosions that occurred within minutes of each other in various areas of Rangoon left at least 20 dead and 162 injured according to the regime’s figures (source: “Bomb Explosions Occur in Yangon Due to Inhumane Acts Committed by Terrorists Bomb Blasts at Crowded Sites Left Innocent People Dead, Injured,” *NLM*, 7 May 2005). The junta blamed the bombings on “destructive elements within and without, with the intention of encroaching upon the sovereignty of the Union,” (source: “Myanmar Urges Vigilance as Post-bomb Rumours Swirl,” Reuters, 10 May 2005). Specifically, without any evidence, the junta named the NCGUB, the Federation of Trade Unions - Burma (FTUB), the ABSDF and the SSA-S. The junta later expanded their list to include the United States and the CIA. The regime then declared these groups and affiliates of these groups to be illegal (sources: “Myanmar (Burma) Declares Four Anti-Govt Organizations as Unlawful Associations,” *Xinhua*, 29 August 2005; “Dissidents and Activists Suffer after Bomb Blasts,” *Irrawaddy*, 2 June 2005). Meanwhile leaders of the groups accused by the regime have denied responsibility (source: “Myanmar Urges Vigilance as Post-bomb Rumours Swirl,” Reuters, 10 May 2005).

A widespread crackdown on political leaders and activists followed the bomb blasts. More than 600 of the regime’s political opponents were detained. At least two reportedly died during interrogations (source: “Dark Days Amid Relentless Junta Crackdown,” *BP*, 8 June 2005). Family members of exiled activists and dissidents were also targeted, including the family of Aung Din, the policy director and co-founder of U.S. Campaign for Burma. The junta reportedly detained Aung Din’s mother, sister, and brother following the bombings. They were released after a few days of interrogation. (Source: “Dissidents and Activists Suffer after Bomb Blasts,” *Irrawaddy*, 2 June 2005).

In the days and weeks after the explosions, under the justification of security concerns, the junta imposed restrictive measures against movement in and around Rangoon. On 9 May 2005, the regime declared a state of emergency throughout Burma. The authorities also blocked roads and cleared people from the area of Aung San Stadium in Mingalar Taung Nyunt Township after a suspicious object was found in a phone booth (source: “Bomb Scare at Sports Stadium Increases Fear in Rangoon,” *Irrawaddy*, 10 May 2005). In the days that followed, the regime established roadblocks every 30 km. on all roads leading into Rangoon. All buses and passengers entering and leaving the capital were subject to multiple searches (source: “Dark Days Amid Relentless Junta Crackdown,” *BP*, 8 June 2005). Frequent searches and checkpoints largely impeded the traffic movement (source: “Security Lockdown Strains Yangon with Searches, Road Blocks, Army Patols,” AFP, 12 June 2005). The SPDC

also heightened security measures along gas pipelines, major bridges and roads in Mon and Karen States as well as in Tenasserim Division. The military troops also increased patrolling operations and imposed more travel restrictions for villagers traveling beyond their villages (source: *Commentary- Security and Movement Restriction by SPDC*, HURFOM, November 2005). Meanwhile, travel into Rangoon substantially decreased as people feared the tense climate. Some Rangoon residents and students went to stay with relatives living outside the city (source: "Security Tightened in Rangoon after Blasts," DVB, 10 May 2005). Following the bombings, it was reported that more people were seeking entry to Thailand, particularly residents from Rangoon, Pegu, Moulmein, Yay, Mergui (Beik) and Tavoy. To stem the tide of migrants, Thailand increased the cost of border passes to 1,500-2,000 baht following the bombings (source: "More Burmese Migrants Flood into Thailand Despite Arrests," DVB, 2 June 2005).

As a result of fear, many Rangoon residents refused to leave the security of their homes and many avoided public places immediately following the bombing. The junta also cancelled several crowd-drawing events including two concerts by the popular band Emperor scheduled to perform in Rangoon (sources: "Bomb Scare at Sports Stadium Increases Fear in Rangoon," *Irrawaddy*, 10 May 2005; "Myanmar Urges Vigilance as Post-bomb Rumours Swirl," *Reuters*, 10 May 2005). The junta installed metal detectors in shopping malls and hotels (source: "Dark Days amid Relentless Junta Crackdown," *BP*, 8 June 2005). The authorities also restricted people in cinema halls from leaving before the performance was over. Employees were required to don identity tags in several workplaces, including supermarkets. The junta also began conducting round-the-clock searches of private homes in Rangoon. Residents were required to sign documents pledging not to harbor terrorists. Meanwhile the authorities levied fines and prison time to punish those who failed to report overnight guests (source: "Security Lockdown Strains Yangon with Searches, Road Blocks, Army Patrols," *AFP*, 12 June 2005). While most of the roadblocks and checkpoints were removed by mid-June, residents continued to be subject to searches before entering shopping centers and public areas (source: "Security Checks Decrease in Rangoon," DVB, 12 June 2005).

Heightened restrictions on movement spilled into other regions of the country as well. All border trade with China was suspended (source: "State of Emergency Ordered," *SHAN*, 10 May 2005). In Mandalay, the local authorities instituted a strict 10 p.m. curfew on all businesses. Businesses that continued to operate past the curfew risked confiscation of their goods by the local authorities (source: "Curfew Imposed on Businesses in Mandalay," *Irrawaddy*, 4 August 2005). In Tachilek, Shan State, a 10 p.m. curfew was also established (source: "State of Emergency Ordered," *SHAN*, 10 May 2005). All the markets in Tachilek were also ordered to close and foreigners were forced to leave the town. All vehicles entering and exiting the area were subject to thorough searches by the military. The junta also stepped up security in Myawaddy, Karen State and began searching everyone crossing the Thai-Burma border on 10 May 2005 (source: "Shops and Markets Close as Tension Rises in Tachilek," *Irrawaddy*, 10 May 2005). In Sittwe, Arakan State, the military heightened their presence and monitoring of public areas, including town entrances, marketplaces, bus stations, and official buildings (source: "Increased Security Measures in Arakan After Rangoon Bomb Blast," *Narinjara News*, 8 May 2005). In the weeks that followed the bombings, the junta arrested more than 500 Muslims, primarily from Arakan State. In June it was reported that every passenger on board a flight from Kawthaung to Rangoon was arrested after the junta suspected that a bomb had been carried aboard (source: "Dark Days amid Relentless Junta Crackdown," *BP*, 8 June 2005). Soldiers at Kawthaung also continued to conduct security



checks on all travelers going between Burma and Thailand in June (source: “Security Tightened at Burmese Border Towns Close to Thailand,” DVB, 11 May 2005).

## 12.13 Restrictions on Villagers in Border Conflict Areas

*“Everyone has the right to freedom of movement and residence within the borders of each state.”* -Article 13, Universal Declaration of Human Rights

The SPDC military sharply restricted the movement of villagers in border and ethnic resistance areas throughout 2005. The movement of villagers has been fully controlled by the junta through a series of unwieldy policies implemented by troops stationed in the ethnic areas. SPDC-imposed restrictions have included establishing stringent curfews, erecting an extensive array of checkpoints, and confining villagers to their respective villages.

In 2005, villagers were frequently required to obtain travel permits or “letters of recommendation” to travel outside their villages. The cost of these permits varied and they often remained valid only for an 18-hour period. Generally, villagers were required to return before 6:00 pm and were not allowed to remain outside the village overnight. In a report released on 8 September 2005, Amnesty International expressed particular concern over junta-imposed restrictions of movement in Ye Township, Mon State, and in Shan State. (Source: *Myanmar: Leaving Home*, AI, 8 September 2005).

Other villagers were altogether banned from traveling outside their village, even to engage in trade with a neighboring village or to tend to their farmland. Beginning in early July and continuing throughout the year, the SPDC blockaded villages in Tantabin Township, Toungoo District in Karen State detrimentally impacting 69 villages and almost 10,000 villagers. The regime’s closure of the Toungoo-Bawgali motorway further affected another 46 villages located along the Thautyaykhurt stream in Toungoo District causing severe hardships for about 3,000 Karen villagers living in this area. The SPDC also intensified travel restrictions in Nyaunglebin District, Karen State on 1 October 2005, essentially restricting all forms of travel in the area. (Sources: *Taungoo Blockade!!!*, KIC, September 2005; “KNU Says Junta Carries Out All Cuts Policy to Karen Areas,” *BBC Burmese Service*, 2 October 2005).

To monitor the movement of villagers and ensure compliance with the restrictive travel policies, the SPDC has established a series of checkpoints on roads in the border areas. Between Toungoo to Kler Law in Karen State, in addition to four regular checkpoints at Four-Mile, Than Daung Myothit (13-Mile), Pa Leh Wah, and Maw Pa Der (20-Mile), the SPDC has erected checkpoints at every 20 mile interval. At each checkpoint, travelers are required to present travel permits and furnish bribes to the officials. (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).

The SPDC has also instituted rigorous and frequent household registration checks. The checks include documenting new births, deaths, absent family members, and previously unregistered family members. Those absent from the household for more than 21 days are struck from the record. A fee or fine accompanies all amendments to the household records. In 2005, under the justification of security concerns, the SPDC has increased the frequency of the forced household censuses in certain areas, particularly in Muslim dominated areas.

(Source: "Stringent Checks on Family Records in North Arakan State," *Narinjara News*, 2 September 2005).

The SPDC has justified travel restrictions in the ethnic areas for decades as part of a strategy to limit villagers' support of and communication with the armed resistance and opposition groups operating outside the villages. Villagers who failed to comply with the SPDC's policies have been accused of supporting or having contact with ethnic resistance forces, which has led to arrests, torture and executions. Meanwhile, members of various armed ethnic groups also reported increased monitoring of their movements and SPDC-imposed travel restrictions in 2005. (Source: *Myanmar: Leaving Home*, AI, 8 September 2005).

The inability of villagers to move freely has further jeopardized their access to other basic human rights, including the right to an adequate standard of living and health care (source: *Myanmar: Leaving Home*, AI, 8 September 2005). Particularly in areas where all forms of travel has been completely cut-off by the junta, villagers unable to access their own farms, neighboring villages or other food sources have struggled with starvation (sources: *Taungoo Blockade!!!*, KIC, September 2005; "KNU Says Junta Carries Out All Cuts Policy to Karen Areas," *BBC Burmese Service*, 2 October 2005).

### **Restriction of Movement of Villagers in Conflict Areas - Partial List of Incidents for 2005**

Beginning in January 2005, SPDC troops prohibited villagers in Htee Ghu Thaw (Tee Po Than) village, Kru Tu (Kyone Doh) Township, Dooplaya District, Karen State from remaining overnight on their plantations despite the considerable distance of the plantations from the village. (Source: *Continued Militarisation, Killings and Fear in Dooplaya District*, KHRG, 2 June 2005).

It was reported on 3 January 2005, SPDC LIB 273 prohibited villagers located in the area of the Total gas station in Yebyu Township, Tenasserim Division from traveling outside their villages. Those who left the villages, meanwhile, were not allowed to return, despite having travel authorization. (Source: "France's Oil Giant Total and Human Rights," *Kaowao News*, 3 January 2005).

On 15 January 2005, it was reported that villagers from Tunzang and Tiddim Townships, Chin State were confined to army bases after being forced by soldiers from SPDC LIB 269 to transport supplies and building materials to army outposts located 30 miles from their villages. (Source: "Burma Army Uses Forced Labour at Chin State," DVB, 15 January 2005).

Since April 2005, SPDC IB 248 required villagers of Loi La village, Nam-Zarng Township, Shan State to purchase passes each time they travel outside their village tract. Each pass costs 1,500 kyat. (Source: "Forced Labour, Restrictions and Extortion in Nam-Zarng," *SHRF Monthly Report*, SHRF, August 2005).

In early May 2005, the SPDC established a curfew in Sittwe, Arakan State following the murder of a military official and his father on 17 April 2005. The authorities began patrolling the streets and arresting anyone out past 8:00 pm. (Source: "Curfew Placed on Akyab," *Narinjara News*, 5 May 2005).

On 8 May 2005, SPDC LIB 66 ordered village heads from Hu Mu Doe and Kheh Doe in Toungoo District, Karen State to restrict villagers from leaving their farm huts. Villagers were also banned from traveling outside the village to collect vegetables. (Source: KIC, 2005).

On 25 May 2005, villagers of Wal Township, Thaton District, Mon State were ordered to destroy their paddy field huts and confined to their villages. (Source: KIC, 2005).

On 25 May 2005, SPDC troops from Command 2 under the Southern Command banned villagers from Noekhohtee and Hteeywabaw in Mone Township, Nyaunglebin District, Karen State from leaving their villages. (Source: KIC, 2005).

From 24 to 31 May 2005, the authorities began scrutinizing certain travelers going between Namkham and Muse in Shan State under the justification of security precautions. Cars carrying goods had to provide a 1,000 kyat fee and drivers were required to present their National Identity Card. ID cards were never required for travel between Namkham and Muse in the past. Meanwhile motorbikes were exempt from the heightened scrutiny. (Source: "Bombing in May Trouble the Border," PYNG, 2005).

In late May 2005, the SPDC issued orders restricting villagers in central Shan State from traveling to remote farms or forests. (Source: "More Restrictions and Extortion, and Forced Relocation, in Central Shan State," *SHRF Monthly Report*, SHRF, August 2005).

Beginning on 4 June 2005, the SPDC LIB 349 and IB 26 troops banned villagers in Tantabin Township, Toungoo District, Karen State from traveling on roads after 6:00 pm. Villagers also could not remain on their farms or plantations overnight. (Source: KIC, 2005)

As of 7 June 2005, Column-2 Comdr. Khaing Ngwe of SPDC LIB 104 began requiring villagers of Atetnaungkatoe, Autnaungkatoe and Tarwehwa in Thaton Township, Mon State to acquire travel passes to go to their fields. The passes cost 50 kyat. (Source: KIC, 2005).

On 10 June 2005, the SPDC IB 75 ordered villagers of Mya Swa Chaung, On Bin Chaung and La Mine Chaung in Tantabin Township, Toungoo District, Karen State to acquire travel passes during ongoing military operations. (Source: KIC, 2005).

On 30 June 2005, troops of DKBA 999 led by Comdr. Poe Law Eh required villagers from Kyaikhto Township, Thaton District, Mon State to purchase temporary visas to gain access to their farms and fields. The visas were good for one day and cost 500 kyat. (Source: BI, 2005).

In July 2005, SPDC tactical Comdr. Kin Maung Oo banned all trucks from traveling in Taw Oo, Kler La and Kaw Thay Der, Toungoo District, Karen State. (Source: *Human Rights Violation Update: Northern and Western Karen State*, FBR, July 2005).

On 6 July 2005, it was reported that that Bureau of Special Investigation (BSI) agents arrested villagers from Arakan State while they were traveling to visit relatives in nearby villages. Without any evidentiary support, they were accused of returning from a foreign country. They were required to pay 50,000 to 100,000 kyat in bribes to gain their release. (Source: "Substitute of BSI in the Place of MIS," *Kaladan News*, 6 July 2005).

Following a 7 July 2005 raid that resulted in the arrest of approximately 50 villagers, troops from SPDC IB 93 surrounded Tagu village, Einme Township in Irrawaddy Division. Tagu village along with several other villages in the area remained surrounded throughout mid-August, restricting villagers from entering or exiting the area. (Source: "More Karen Villagers Detained in Delta Burma," DVB, 12 August 2005).

On 7 July 2005, SPDC Tactical Operations Command 3 closed off roads that functioned as a rice supply route in Toungoo District, Karen State. (Source: *Taungoo Blockade!!!*, KIC, September 2005).

From 20 July to 23 August 2005, all automobiles were banned from traveling inside Tantabin Township, Toungoo District, Karen State. On 20 July 2005, truck drivers from certain villages were banned from using their trucks for trading. These villages included:

1. Kler La, Kaw Thay Doe;
2. Klaysoe Khee, Kaw Soe Kho;
3. Wah Tho Kho, Ler Ko; and
4. Peh Kaw Doe villages.

Orders were given on 22 July 2005 to restrict all trading and transport near Pa Let Wa motorway. All traffic on Toungoo-Baw Ga Li Gyi motorway, including bicycles and trishaws, were similarly banned from 1 to 8 August 2005 and remained closed into October. (Source: *Taungoo Blockade!!!*, KIC, September 2005; KIC, 3 October 2005).

In August 2005 it was reported that in Kaeng Tawng, Murng-Nai Township, Shan State the SPDC required farmers to obtain permission to gain access to their farms. Farmers had to pay 500 kyat for a 2-3 day pass. Farmers located on remote farms were required to pay the SPDC an additional 500 kyat to be transported on mini-tractors to the nearest SPDC office where they obtained the passes. (Source: "More Restrictions and Extortion, and Forced Relocation, in Central Shan State," *SHRF Monthly Report*, SHRF, August 2005).

From 1 to 8 August 2005, residents in and around Thandaung village, Toungoo District, Karen State were prohibited from remaining on their plantations and farms (source: *Taungoo Blockade!!!*, KIC, September 2005). Comdr. Ko Ko of the Southern Command and Operation 1 Comdr. Khin Maung Oo also blocked all traffic on Toungoo-Bawgaligyi highway, including bicycles and trishaws (source: KIC, 12 October 2005).

On 18 August 2005, it was reported that local authorities in Sittwe, Arakan State prohibited villagers from leaving their houses after 10:00 pm under threats of arrests. (Source: "Going Outside Prohibited After 10 p.m.," *Narinjara News*, 18 August 2005).

On 16 August and 22 August 2005, the authorities began frequent household record checks in Buthidaung and Maungdaw Townships in Arakan State, respectively. Residents reported that the checks were conducted more rigorously than in the past. (Source: "Stringent Checks on Family Records in North Arakan State," *Narinjara News*, 2 September 2005).

There continued to be reports on 26 August 2005 that Ye Township, Mon State residents were required to purchase permits to be able to work on their farms. (Source: "Villagers' Farm Work Restricted in Ye Township," IMNA, 26 August 2005).

In September 2005, authorities in Mon State set up several checkpoints along major roads and bridges. All passengers were subjected to searches and scrutiny over the reason for their

travels. The authorities also began collecting higher fees at checkpoints without justification. Each checkpoint station required a 1,000 kyat fee. (Source: "More Restriction to the Civilians' Movement," *The Mon Forum*, HURFOM, August 2005).

In September 2005, the SPDC military closed 3 main roads in Toungoo District in an attempt to block all rice supplies to IDPs and assistance from the villagers to the KNU/KNLA in that area. The affected roads were:

1. The Toungoo-Kler La to Mawchi road;
2. The Tantabin to Mon road; and
3. The New Thandaung to Old Thandaung road.

Civilian villagers reported a loss of revenue as they could not transport their primary crops of durians, dog fruit and mangosteen. Rice also could not be brought out from the plains of Toungoo and this was a serious problem as many IDPs rely on the purchase of rice from the Toungoo area. The road blockade was a deliberate attempt to starve the IDPs in the mountains north and west of Toungoo. It was also an attempt to put pressure on the KNU. (Source: "Burma Army Attacks IDPs and KNLA in Western Karen State, Closes Roads in the North. 18-21 Sept 2005," FBR, 25 September 2005).

Beginning on 1 September 2005, all travel, communication and farming activities were completely prohibited in Toungoo District, Karen State. To enforce this policy, troops from SPDC IB 73 Column 2 patrolled fields and farms and posted sentries at road junctions. (Source: KIC, 3 October 2005).

Beginning on 2 September 2005, SPDC troops prohibited all travel on Zayatkyi-Toungoo highway in Karen State (source: KIC, 12 October 2005). Meanwhile, trucks carrying rice were restricted from operating on any day other than Sundays. (Source: *Taungoo Blockade!!!*, KIC, September 2005).

On 5 September 2005, the SPDC Southern Command, Comdr. Ko Ko, banned all movement of people and boats along Thaut Ye Khart stream in Tantabin Township, Toungoo District, Karen State. (Source: KIC, 3 October 2005).

On 6 September 2005, Lt Zaw Win Naing and 2nd Lt. Kyaw Thu Ya from the 2nd Column of SPDC IB 28 prohibited villages located along the Karennigon Zayahkyi highway and those east of Shasayla Taunggyi highway up to the foothills from traveling to Za Yat Kyi village in Karen State. (Source: KIC, 3 October 2005).

Beginning on 6 September 2005, students traveling to schools in Nat Ywa, Zayatkyi and Tantabin Township, Toungoo District in Karen State were required to show "letters of recommendation." (Source: KIC, 3 October 2005).

Beginning on 7 September 2005, villagers in Tantabin Township, Toungoo District, Karen State were prohibited from traveling on the highway. (Source: BI, 2005).

On 7 September 2005, some villagers of Tie Ta Bie were forbidden from leaving the village and the military authorities prohibited all travel by boat. (Source: BI, 2005).

It was reported on 8 September 2005 that villagers from Puan Pang village tract, Kunhing Township, Shan State were allowed to be outside their houses only from 7:00 am to 3:00 pm

hindering their ability to access their farms and fields. (Source: *Myanmar: Leaving Home*, AI, 8 September 2005).

On 9 September 2005, villagers from Yin Sha village, Taungoo Township, Karen State were ordered by Tin Lwin U and Aung Thu Ka of SPDC IB 73 to remain within their village area. (Source: BI, 2005).

On 10 September 2005, villagers from Thaunthonlon, Hayda, and Kyaukmetaw in Mergui-Tavoy District, Tenasserim Division who were fleeing to Thailand to escape SPDC abuses, such as forced labor and extortion, were each required to pay 5,000 kyat to column Comdr. Kyaw Win of SPDC LIB 103 in order to traverse the area under his command. (Source: KIC, 3 October 2005).

On 11 September 2005, SPDC IB 48 led by column 2 Comdr. Htun Naing Win, deputy Comdr. Saw Myo Naing and 2nd Lt. Kyaw Thura blockaded routes in Taw Gon and Yay Shurn villages in Toungoo District, Karen State leading to the outlying fields. The troops also destroyed small bridges in and around the villages. The blockades inhibited villagers from tending to their fields and orchards. Other villages subject to a similar blockade by IB 73, LIB 599 and IB 22 included:

1. Do Sa Chi,
2. Dei Yu Chi;
3. Po Mu Chi,
4. Ti Lo;
5. Ka Se Do (Taunggyi);
6. Tha Hpan Chaung;
7. Chaung Ma Gyi;
8. Yaut Thar Chaung. (Source: KIC, 3 October 2005).

On 25 September 2005, troops from SPDC LIB 599, IB 48 and 73 took up posts along the Za Ya Khi road restricting villagers from Sha See Bo, Zee Pwu Gon and Taung Gon villages in Tantabin Township, Toungoo District, Karen State from engaging in inter-village trading. Troops were similarly posted on Mo Kee road to block movement in the Klar La and Kaw Thin Der area. (Source: BI, October 2005).

In October 2005, the SPDC banned villagers in Daw Pa Ko Township, Toungoo District, Karen State from traveling outside their villages to buy and sell goods. (Source: BI, October 2005).

In October 2005, it was reported that SPDC IB 48 troops led by Myo Nieng took position in Tantabin Township, Toungoo District, Karen State and began blocking villagers from leaving the village to go to their fields to collect food for their livestock. The villagers were required to request permission each day to gain access to their fields and report back upon returning from their fields. (Source: BI, October 2005).

On the 1 October 2005, troops from SPDC IB 73 erected a military base at Bo Ma Tea village in Toungoo District, Karen State and restricted villagers from leaving the village to engage in trade. (Source: BI, October 2005).

On the 1 October 2005, Column Comdr. Htun Nai Win, Duty Column Comdr. Zaw Myo Hsai and officer Kyaw Thu Ra from SPDC IB 48 forbade villagers from Zayaikyi and Kereni Gon

(Tawtahtu Township) in Taungoo District, Karen State from going to their fields. Villagers from Zayaikyi were also prohibited from going to Nan Ywa village to buy goods. Students studying in Htatabin school had to furnish the SPDC authorities with a fee as well as a “letter of recommendation” from the headmaster. (Source: BI, October 2005).

It was reported on 12 October 2005 that while Karen villagers in Tantabin Township, Taungoo District in Karen State were denied travel passes to work in their farms and fields located outside their villages, Burman villagers were allowed to work in the vacant farms and fields. (Source: KIC, 12 October 2005).

Beginning on 25 October 2005, under threat of death, all travel and communication between villagers living in Mehtintain, Taunggyi, Tawgon, Hsaypalehgon, Tatepu, and Binba in Taungoo District, Karen State was banned pursuant to an order by SPDC IB 48 Column 2 Comdr. Htun Naing Lin. All travel in Bonmatee and Thabyaynyunt was similarly banned (source: KIC, 12 October 2005). The Pya Nyo villagers were also prohibited from leaving their village. Those living at the base of the eastern side of the mountain, meanwhile, were banned from traveling into the village. (Source: BI, October 2005).

On 31 October 2005, columns of SPDC LIB 599 and LIB 48 required Maytar villagers in Taungoo District, Karen State to purchase travel passes costing 100 kyat for a six day pass to gain access to their farms and fields. (Source: KIC, 12 October 2005).

It was reported in November 2005 that villagers in Mon and Karen States as well as in Tenasserim Division were subjected to tighter travel restrictions in light of increased security measures following the 7 May 2005 Rangoon bombings. Villagers were required to keep their ID cards on them at all times and present them at various military checkpoints. To travel beyond their area, villagers had to obtain permission in advance from the SPDC authorities, including to gain access to their farms. Villagers were also required to pay security fees. (Source: “Commentary- Security and Movement Restriction by SPDC,” *The Mon Forum*, HURFOM, November 2005).

In November 2005, the DKBA restricted the communication of villagers in Pa-an District, Karen State. To enforce the order, Comdr. Po Bih and Po Kwe took up positions in the Pa-an area. Comdr. Poe Kyo, Thun Tun and Maung Chit along with 200 soldiers were stationed in Bilin Township in Mon State to block the movement and communication of villagers from Kaw Poe Plae, Shway O and Kaw Tae. (Source: BI, October 2005).

On 17 November 2005, Comdr. Tun Nay Lin of SPDC IB 48 prohibited villagers from traveling outside K’Ser Doh in Taungoo District in Karen State and threatened them with death. On the same day, a female villager was caught working on a betel nut plantation located outside the village and was fined two viss of hen as a result. (Source: BI, October 2005).

Travel and fishing bans resulted in Kyaukphu, Taungup and Man Aung Townships in Arakan State after seven navy personnel deserted their ranks on December 2005. On 27 December 2005, it was reported that troops from SPDC LIB 34, LIB 55 and IB 20 took boats from civilians in order to search for the deserters. (Source: “Desertion by Navy Men Creates Problems for Local People,” *Narinjara News*, 27 December 2005).

## 12.14 Restriction on the Movements of Religious Minorities

Religious abuses have been increasing in the Christian and Muslim communities in Burma with the goal of “Burmanizing” the population. Buddhism is the military regime’s preferred religion and all other practices are forcibly restricted. The inability to travel freely in Burma has severely impacted religious minorities jeopardizing their ability to gain food security, find employment, and access adequate healthcare.

The junta continued to register and monitor registration lists of religious minority communities. In four districts in Arakan State, it was reported on 14 June 2005 that the authorities began surveying the Hindu population. The survey resulted in a list of 5,000 Hindus. While the purpose was unclear, other religious groups were not included in the survey (source: “Burmese Authority Surveys the Hindu Population in Arakan State,” *Narinjara News*, 14 June 2005). Meanwhile, on 1 June, the NaSaKa began to check lists of registered Muslim family members in Maungdaw Township. The registration check regularly occurs four times a year. Officials levy fines against households for any amendments to the list. Previously Muslim families provided substantial bribes of 1 to 2 million kyat for absent relatives. It was reported that the NaSaKa was no longer accepting bribes causing families to be concerned for relatives working abroad who were not present for the census. (Source: “Nasaka Begins Operation to Check Registry of Burmese Muslim Family Members along Border Area,” *Narinjara News*, 4 June 2005)

Rohingya Muslims in northern Arakan State continued to face severe travel restrictions in 2005, which prevented them from moving from village to village, let alone throughout the country. Most Rohingya Muslims are not eligible for a national identity card under the 1982 Citizenship Act, which is necessary for travel within Burma. Under this act, a citizen must be able to prove that they are one of the 135 “national races” or that their ancestors settled in Burma prior to British colonization in 1823. The junta refuses to recognize the Rohingya as one of the 135 “national races” of Burma and most are unable to furnish proof of their ancestral origins. Those without a national identity card must obtain permission from the authorities prior to any domestic travel.

Rohingya must procure authorization to travel outside their village (source: *Myanmar: Leaving Home*, AI, 8 September 2005). To travel to a village within the same township, a Rohingya must apply and pay for a local travel pass at the VPDC. To travel beyond the township limits a Rohingya must obtain a travel permit from the Immigration Department at the NaSaKa camp, otherwise called a “Form 4.” During the first week of December 2005, the Immigration police arrested Rohingyas in Sittwe for failing to acquire a Form 4, which is required for foreigners temporarily traveling in the country. Rohingyas have been periodically compelled to hold a Form 4 since 1988 because they are not recognized as citizens of Burma by the regime. Those arrested were sentenced to six months in prison (source: “SPDC Authorities Arrest Rohingyas in Sittwe,” *Kaladan News*, 2 January 2006).

Travel to Sittwe, the capital of Arakan State, or Rangoon has been effectively prohibited for the Rohingya since February 2001 following violence between the Muslim and Buddhist population in Sittwe (source: *The Rohingya Minority: Fundamental Rights Denied*, AI, May 2004). Beginning on 1 October 2005, Muslims living in Sittwe have been banned from traveling outside the Sittwe area (source: The Arakan Project, 9 November 2005). The ban



includes restrictions on Rohingya students seeking to travel to Sittwe for higher education (source: “SPDC Authorities Arrest Rohingyas in Sittwe,” *Kaladan News*, 2 January 2006). As restrictions intensified in Arakan State during the year, students studying at Sittwe University were forced to return home (source: The Arakan Project, 9 November 2005).

There were also reports that Rohingya were discriminatorily required to pay bribes at various checkpoints (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 28 February 2005). Because about 60 percent of Rohingya are day laborers, most cannot afford the fees and bribes required to obtain permits to travel outside their villages (source: *The Rohingya Minority: Fundamental Rights Denied*, AI, May 2004). However, following the removal of Prime Minister Khin Nyunt on 19 October 2004 and the subsequent disbanding of the NaSaKa border security force, there were reports that travel fees for Rohingya had decreased. Due to their inability to travel freely, it is incredibly difficult for Muslim Rohingya to secure food sources outside their villages, including from their own remotely located farms. Furthermore, Rohingya have been required to purchase travel permits to collect WFP food rations. Due to this situation, Rohingya in Arakan State are particularly vulnerable to starvation (source: “Junta Restrictions Cause Food Shortages among Rohingyas,” *Irrawaddy*, 23 September 2005).

Travel permits meanwhile are only issued for a specific period of time. Travel passes are now required even for short day trips. Those who overstay their passes have been impeded from returning to their villages and risk being deleted from their family list. If they are deleted from the family list, they must either pay money to the authorities to be re-listed or remain as guests in their own homes. (Source: *Conflict, Discrimination, and Humanitarian Challenges in Northern Arakan State*, Forum-Asia, 8 October 2003).

Despite the disbanding of the NaSaKa on 19 October 2004, the junta maintained a border security force in Arakan State, renaming it the NaPaKa in January 2005. The authorities, meanwhile, imposed a curfew and beginning in January 2005 all the VPDC Chairmen in Maungdaw and Buthidaung Township in Arakan State were ordered by NaKaPa commanders to begin fencing in each village. Although the fences were ostensibly for security reasons despite the virtual absence of potential infiltrators, Rohingya villagers believed they were more likely erected to contain villagers. (Source: Forum-Asia, 26 May 2005).

### **Partial List of Incidents Involving the Rohingya Minority and Restrictions of Movement in 2005**

Following religious riots on 20 January 2005 that began in Arakan State when a Muslim youth insulted several Buddhist monks in Kyauk Pru, the authorities cut off the telephone lines in the area and Rangoon sent troops into Arakan State (sources: “Religious Riot in Arakan State,” *Narinjara News*, 25 January 2005; “Ethnic Groups Condemned Junta’s Brutality against Religion in Burma,” *Kaladan News*, 25 January 2005). Soldiers of SPDC LIB 34 blockaded three monasteries in Kyauk Pru and arrested five students in an attempt to stem the rioting (source: “Riots Spread Near Kyauk Pru,; Army Besieges 3 Buddhist Monastery in Arakan,” *Narinjara News*, 27 January 2005).

Muslims in Arakan State gathering to celebrate Eid-ul-Adha on 21 and 22 January 2005 faced various restrictions by the SPDC. The regime refused to allow prayers services at the Eid-Ghah, an open area of worship, and religious ceremonies in Mosques were restricted.

Muslims in Maungdaw, Buthidaung, Rathidaung and Sittwe Townships were also prohibited from traveling or assembling in large numbers. (Source: "Muslims Complain of Military Extortion during Religious Festival in Arakan," *Kaladan News*, 25 January 2005).

## **12.15 Restriction on the Movements and Harassment of Daw Aung San Suu Kyi and the NLD**

To stifle potential opposition by the NLD, the junta continued to target, intimidate and imprison NLD members and leaders throughout 2005, particularly in light of the ongoing NC proceedings. Throughout the year, the NLD reported extensive monitoring of their activities and harassment by the SPDC. Several prominent NLD leaders, including Gen. Sec. Daw Aung San Suu Kyi and Vice-Chairman U Tin Oo, had their terms of detention arbitrarily extended in 2005 (source: "Locked up Forever? Burma Campaigners Seek Ruling from United Nations on Ten Imprisoned Dissidents," *U.S. Campaign for Burma*, 21 March 2005). Meanwhile fresh arrests of NLD members increased in 2005. The regime arrested at least 34 NLD members, including 3 elected NLD MPs (source: NCGUB, 1 January 2006). According to Amnesty International, more NLD MP's were arrested in February and March 2005 than in the 21 months following the Depayin Massacre on 30 May 2003. NLD spokesperson U Lwin also indicated that the NLD seemed to be having more problems with the special police. In May and June there was an increase in the number of articles in the state-run media criticizing the NLD. This intensified targeting by the SPDC led to reports that the regime intended on eliminating NLD oppositionists and their families by 2006 (source: "NLD Faces New Junta Threat," *Irrawaddy*, 21 June 2005). Additionally throughout the year, the SPDC resorted to threats of arrest and bribery to pressure NLD members into quitting the party (source: "NLD Youth Received Threatening Letters from Burma Junta," DVB, 5 January 2005; "Burma Junta Enticing NLD Members to Quit Party in Maymyo," DVB, 10 June 2005). The junta also stifled NLD organized activities and events. Throughout the year, several NLD groups outside of Rangoon were prohibited from holding celebrations and anniversary events throughout the year.

Despite the regime's oppression, Burma's main opposition party continued to carry out its political activities. The NLD was able to register their position on various events and activities affecting conditions in Burma through statements and designated spokespersons. For the first time since the May 2003 Depayin Massacre, all free NLD MP's gathered together for a three-day meeting on 24 October 2005 during which they renewed their appeal for dialogue with the junta. (Source: "Suu Kyi's 10 Years Detention Marked Worldwide," *Irrawaddy*, 25 October 2005)

### **Harassment of the NLD- Partial List of Incidents for 2005**

On 12 February 2005, some NLD groups were barred from organizing Union Day events to commemorate the signing of the Panglong agreement establishing a federal union. (Source: "Burmese Union Day Celebrated by NLD," DVB, 12 February 2005).

On 13 February 2005, the sentence of NLD Vice Chairman U Tin Oo was extended for another year (source: "Myanmar Extends Detention of Opposition's Deputy Leader," AP, 15 February 2005). Dr. May Win Myint, NLD MP from Mayangon Township, Rangoon Division was similarly informed on 2 February 2005 that she would remain detained despite

the completion of her sentence in 2004 (source: “Jail Terms of NLD Representatives Extended,” DVB, 9 February 2005).

In March 2005, 5 NLD members were detained for failing to register as houseguests while attending a wedding in Twente Township, Rangoon Division. They were released on 18 March. (Source: “Five NLD Members Freed by Burma Junta,” DVB, 19 March 2005).

On 10 March 2005, it was reported that Lt. Col. San Aung of the Matupi Township Tactical Command in Chin State seized and destroyed the house of Pa Lian Thang, the Assistant Secretary of the NLD for Matupi Township. Pa Lian Thang fled to India fearing arrest by the junta in July 2003. His family left Matupi to join him following the confiscation of their house and continued harassment, interrogations, and intimidation by the SPDC. (Source: “SPDC Unlawfully Destroyed House of Local Leader of National League for Democracy Party,” *Rhododendron Publication*, Volume III No II, CHRO, 10 March 2005).

On 17 March 2005, U Kyaw San, elected NLD MP of Taze Township, Sagaing Division, was detained when the SPDC found material from the Democratic Karen Buddhist Army (DKBA) in his house that belonged to friends of his son. U Kyaw San was recently released last November after serving nearly 10 years in prison (source: “Sagaing Div NLD Chairman U Kyaw San Detained,” DVB, 17 March 2005). Following his arrest, he engaged in a hunger strike (source: “NLD MP, U Kyaw San Still Not Allowed to See Wife,” DVB, 22 March 2005). (For more information see Chapter 3 Arbitrary Detention and Enforced or Involuntary Disappearances).

Also on 17 March 2005, Kyaw Min, elected MP of the NLD for Buthidaung Township, Arakan State and CRPP member, was arrested for unknown reasons (source: “Myanmar Junta Arrests Two Politicians,” Reuters, 18 March 2005). (For more information see Chapter 3 Arbitrary Detention and Enforced or Involuntary Disappearances).

On 27 March 2005, the main NLD office in Rangoon held events for the 60th Anniversary of Anti-Fascist Resistance Day to commemorate the beginning of the resistance movement against Japanese occupation. However, the celebrations took place under heightened security following a series of bombings earlier in the month. (Sources: “Burmese Activists and Leaders Mark 60th Anniversary of Resistance Day,” DVB, 27 March 2005; “Another Bomb Exploded in Rangoon,” DVB, 19 March 2005). Meanwhile, the NLD in Taungdwingyi Township, Magwe Division were told on 25 March to stop their preparations. The junta informed the NLD groups that only regime-sponsored celebrations were allowed. The SPDC similarly banned NLD-organized celebrations in nearby Natmauk Township. (Source: “NLD Members in Taungdwingyi Not Allowed to Mark Resistance Day,” DVB, 28 March 2005).

On 30 March 2005, Saw Hlaing, the elected NLD MP of Indaw Township, Sagaing Division was arrested and imprisoned in Katha prison. It is unclear why he was arrested (Source: “Yet Another NLD Leader Arrested by Burma Junta,” DVB, 31 March 2005).

On 1 May 2005, 9 days after being arbitrarily arrested, NLD youth member Aung Hlaing Win died due to torture during SPDC interrogations. A medical report documented 24 external bruises, 3 broken ribs, a bruised heart, a swollen throat as well as infected stomach and intestines. (Sources: “Myanmar Opposition Party to File Complaint Over NLD Member's Mystery Death,” AFP, 17 May 2005; “Doctors Confirm Torture of NLD Youth Member,”

*Irrawaddy*, 8 June 2005; “Myanmar Court Says NLD Member Died in Custody of Natural Causes,” AFP, 10 June 2005).

On 19 June 2005, Aung San Suu Kyi’s 60<sup>th</sup> birthday, SPDC authorities arrested NLD members who tried to celebrate by releasing 61 doves at the Shwedagon pagoda in Rangoon in her honor. They were released after they removed T-shirts that pictured Daw Suu Kyi’s photo and the slogan “Set her free.” (Source: “Thousands Rally to Call for Suu Kyi’s Release,” *The Nation*, 20 June 2005).

On 7 July 2005, 2 NLD members were detained following an SPDC raid on Tagu village, Einme Township in Irrawaddy Division. (Source: “More than 30 People Detained in Delta Region,” DVB, 5 August 2005).

On the 20 July 2005, the 58th anniversary of the assassination of Burma’s independence leaders, the SPDC prohibited the NLD from holding Martyr’s Day ceremonies to honor fallen heroes, including Daw Aung San Suu Kyi’s father, Gen Aung San. (Source: “Myanmar Bars Opposition from Honouring Slain Independence Leaders,” AFP, 19 July 2005).

On 15 September 2005, the SPDC and USDA of Twante Township, Rangoon Division demolished a local NLD office under the justification of a road-widening project (source: “Rangoon Twante NLD Office Demolished by Burmese Authorities,” DVB, 15 September 2005). Meanwhile the NLD office building in Kawthaung Township, Tenasserim Division collapsed in disrepair after SPDC authorities refused to allow NLD members to make the necessary repairs. NLD offices in 9 other townships were similarly dilapidated and in need of serious repair. (Source: “NLD Office at Kawthaung Collapses in Southern Burma,” DVB, 23 September 2005).

It was reported on 20 September 2005 that the SPDC in Dawpon Township, Rangoon Division forced the NLD to close a home for HIV/AIDS patients. (Source: “NLD Urge Burmese Authorities to Cooperate on Fight against AIDS,” DVB, 20 September 2005).

NLD members were subject to interrogation about their preparations for the 27 September 2005 17th Anniversary of the NLD. Although they were allowed to hold the event, afterwards several NLD participants continued to be harassed by SPDC authorities (source: “Burmese Authorities Interrogate NLD Leaders in Pegu,” DVB, 29 September 2005). NLD members from Taungdwinggyi and Magwe Township, Magwe Division were forced to sign a pledge agreeing to refrain from organizing any events to celebrate National Day on 25 November 2005 (sources: “Magwe NLD Told Indirectly Not to Mark Burmese National Day,” DVB, 11 November 2005; “Taungdwinggyi NLD Warned Not to Mark Burmese National Day,” DVB, 10 November 2005).

On 5 October 2005, the SPDC election commission in Yamethin Township, Mandalay Division informed NLD leaders that they were barred from carrying out political activities due to an insufficient number of members and threatened them with arrest. (Source: “Burmese Authorities Intimidate NLD Leaders Again,” DVB, 6 October 2005).

## 13. Internally Displaced People and Forced Relocation

*“If Burmese soldiers continue to burn down houses and torture villagers, nobody will dare live in the villages. The villages will be empty soon.”* - Mon villager (Source: “Burmese Army Burns Down Three Mon Villages,” IMNA, 27 January 2005).

### 13.1 Background

In recognition of the plight of those forcibly displaced within their home countries, the international community has attempted to develop relevant protection mechanisms. Internally displaced persons (IDPs) covered under such mechanisms are defined by Article 2 of the 1998 UN Guiding Principles on Internal Displacement as:

*“persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”*

In principle, restrictions on forced displacement were first established as international norms under the 1948 Universal Declaration of Human Rights. Article 12 protects against arbitrary interference or attacks on the home and Article 25(1) also accords the right to housing. These protections were reiterated in the 1966 International Covenant on Civil and Political Rights (ICCPR) and the Covenant on Economic, Social, and Cultural Rights (ECOSOC). Article 12(1) and 17(1) of ICCPR state respectively that:

*“Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence;”* and

*“No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.”*

Article 11(1) of ECOSOC recognizes “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions.”

The rights of IDPs were most explicitly stated in the 1998 UN Guiding Principles on Forced Displacement. This document elucidated wider IDP rights from previously established international humanitarian and human rights law. According to Principle 5, States’ authorities “shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.” Furthermore when displacement does occur Principle 5 dictates that States “have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.” Enforced prohibitions against the forced displacement of persons and adequate provisions for their protection when such displacement does occur are necessary requisites for the fulfillment of the legal requirement of international human rights instruments.

Despite the panoply of international mechanisms established to protect the rights to non-displacement and protection after displacement, Burma has to date signed only the Convention on the Elimination of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). These two international legal instruments, however, require that the authorities in Burma take appropriate measures to ensure women and children have access to adequate housing under Article 14(2)(h) and 27(3) respectively.

Furthermore, Article 17 of the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), states that:

*“1. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.*

*2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.”*

Although Burma has neither ratified nor signed the Protocol II under the Geneva Convention, the principles of which are widely regarded as reflecting customary international law, thus making it binding on all States and non-state actors regardless of their ratification status.

In 2005, Burma continued to perpetrate abuses that violate both international human rights and principles of humanitarian law pertinent to freedom from forced displacement and the protection of those displaced. In the 12 August 2005 report to the UN General Assembly, the UN Special Rapporteur of the Commission on Human Rights in Burma Paulo Sergio Pinheiro stated explicitly that the practice of forced relocation was ongoing and that, “The requisitioning of possessions, forcible evictions, house destruction and the burning of civilian dwellings are more prevalent in counter-insurgency areas. A large number of villages in ethnic minority areas have reportedly been burnt down and the villagers forced to relocate as a result of military offensives against armed opposition groups.” (Source: “Interim Report of the Special Rapporteur on Human Rights in Myanmar,” *Sixtieth session of the UN General Assembly*, Item 73(c) of the Provisional Agenda, 12 August 2005).

Countrywide statistics on Burma’s IDP population are incomplete, although some estimates have placed the number at around one million (source: *Visit to the Thai-Burmese Border*, CSW, November 2005). Most forced relocation occurs in the ethnic minority areas. In such contexts, the SPDC military directly targets villagers as part of its ongoing campaign to assert military control over all areas of the country. According to Amnesty International, “Those who had fled from militarized areas in Myanmar were much more likely to have had their land confiscated by the Myanmar military...House destruction by the Myanmar military occurs more frequently in counter-insurgency areas than in peaceful ones” (source: *Myanmar: Leaving Home*, AI, 8 September 2005).

The displacement of villagers, ostensibly conducted as part of a wider ‘counter insurgency’ campaign, is most acute in eastern Burma among the Karen, Karenni, Shan and Mon ethnic groups (source: *Burma: Displacement Continues Unabated in One of the World’s Worst IDP Situations*, Global IDP Project, 27 June 2005). The Thailand Burma Border Consortium (TBBC) documented a rise of around 14,000 IDPs in this area to reach an estimated 540,000

individuals as of October 2005 (source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005). Those displaced within eastern Burma have either entered SPDC-designated resettlement sites, areas controlled by ethnic ceasefire groups, or fled into hiding in the jungle. Due to systematic military practices, two thirds of those displaced since 1995 continue to live as IDPs without a sustainable resettlement option (source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005).

Policies of forced displacement, whether through urban relocation programs or ostensible ‘counter insurgency’ campaigns, testify to the SPDC’s disregard for its internationally mandated ‘responsibility to protect.’ Furthermore, lack of regime assistance to IDPs obstructs the development of sustainable livelihoods for those displaced. Those displaced within Burma illuminate the high humanitarian costs of continuing policies of sustained military rule.

## 13.2 Causes of Displacement in Burma

Factors instigating forced displacement in Burma have their roots in attempts by the SPDC to further extend military control over the country. As such, forced displacement has been pursued to bolster the position of SPDC troops vis-à-vis ethnic armed opposition groups or coordinate urban ‘development’ programs. More specifically, the causes of forced displacement in Burma are primarily: violent conflict between SPDC or junta-supported troops and ethnic opposition groups, human rights violations committed largely against ethnic minority villagers, military directives as part of the ‘four cuts’ strategy; development projects, and landmine deployment in villages.

### **Conflict-Induced Displacement**

Violent conflict between SPDC troops or SPDC-backed troops and the various armed resistance groups is a major cause of civilian displacement in Burma. The gradual expansion of SPDC campaigns further into areas of ethnic opposition has left few non-military controlled regions that are free from outbreaks of violence. Meanwhile disregard by the SPDC for the humanitarian fallout leaves villagers living in conflict zones in a highly insecure situation. Human Rights Watch documented in 2005 that conflict between SPDC and Karen National Liberation Army (KNLA) troops has been a prime stimulus for the abandonment of villages in KNLA-patrolled territory. Villagers reported fleeing their homes upon learning of the impending arrival of SPDC military troops. In such cases, the evacuation process was arranged and carried out by members of the KNLA who assisted the movement of villagers to temporarily secure locations. (Source: “*They Came and Destroyed Our Village Again:*” *The Plight of Internally Displaced Persons in Karen State*,” HRW, June 2005). Further displacement occurred in Karen State as the result of conflict between the SPDC and KNU fighters. For example, on 11 January 2005, villagers abandoned their homes in Lawse village, Lawkhee region after more than 300 troops from SPDC IB 250 clashed with KNU Battalion 201 who were celebrating Karen New Year at the village (source: “Clash between KNU and Burmese Troops,” DVB, 11 January 2005). In the beginning of 2005, Mae Shwe Eu villagers fled their homes as the result of conflict between the SPDC and KNPP in Karenni State (source: “Nya-mo Military Camp Expected To Be Attacked Again,” *Kantarawaddy Times*, 3 August 2005). Continuing conflict between the SPDC and KNPP led to the displacement of 200 villagers on 17 December 2005 (source: “Fighting Continues in Karenni State,” *Mizzima*, 20 December 2005). An increasing number of Shan villagers

abandoned their homes after hostilities escalated between UWSA troops supported by the SPDC and SSA-S fighters from January to April 2005.

## **Human Rights-Induced Displacement**

Widespread violations of human rights have likewise incited mass displacement of civilians. Abuses such as extortion, torture, arbitrary detention, extrajudicial execution, and forced labor as causes of displacement are most prevalent in areas of ethnic opposition where SPDC and SPDC-backed troops harass villagers under the rubric of 'counter-insurgency' tactics. Such abuses are employed for the purposes of extracting information about armed opposition groups, punishing suspected resistance sympathizers, extorting money and property, enforcing military orders, and instilling a general fear in the civilian populace. (Source: *"They Came and Destroyed Our Village Again": The Plight of Internally Displaced Persons in Karen State*, HRW, June 2005).

Commenting on the situation of human rights abuses, particularly in Burma's ethnic minority areas, the UN Special Rapporteur on the Situation of Human Rights in Burma, Paulo Pinheiro, cited the extensive use of:

*"forced labour, rape and other sexual violence, extortion and expropriation by Government forces...While those in areas where counter-insurgency operations are taking place are particularly badly affected, there are also reports of violations in ceasefire areas, where large contingents of Government forces continue to be present."* (Source: "Interim Report of the Special Rapporteur on Human Rights in Myanmar," *Sixtieth session of the UN General Assembly*, Item 73(c) of the Provisional Agenda, 12 August 2005).

The continuation of human rights abuses in Burma's ethnic minority areas heightens pressure on villagers to flee their homes to search for some form of safe haven even if only in the transient security of internal displacement.

## **Military Directed Relocation**

The SPDC perceives ethnic minority villagers as integral to the support of armed resistance groups and as possible elements of opposition in and of themselves. As a consequence, civilians in areas of armed opposition are targeted as part of the SPDC's military strategy. More specifically, the SPDC's 'four cuts' campaign has sought to undermine the support base of armed opposition groups by severing their connection to recruits, information, supplies and finances. This policy has been implemented by forcibly relocating villagers from 'brown' (contested) areas to 'white' (SPDC-controlled) areas, thereby isolating villagers from resistance forces and placing them more firmly under military control. (Source: *Burma: Displacement Continues Unabated in One of the World's Worst IDP Situations*, Global IDP Project, 27 June 2005).

The military typically gives villagers scheduled for relocation less than a week's notice to abandon their homes. After this period, SPDC military troops enter the village, loot homes and businesses, and then destroy all buildings and crops as a means of dissuading the return of villagers. To further inhibit the return of villagers, troops frequently lay landmines throughout the abandoned village as well as along nearby paths and within agricultural fields. After the departure of villagers, the area becomes a 'free fire' zone where anyone found risks



being shot. (Source: *Burma: Displacement Continues Unabated in One of the World's Worst IDP Situations*, Global IDP Project, 27 June 2005).

## **Development-Induced Displacement**

Despite continuing claims by SPDC officials about positive trends in social and economic development, the actual alleviation of poverty remains negligible. Moreover, the junta's Border Areas Development Program, which ostensibly serves to improve the situation of those in Burma's ethnic minority areas, has in actuality been used as a means to extend military control over the country's contested border areas. Human Rights Watch has observed that "the most common causes of displacement include...land and crop confiscation—often in the context of junta-sponsored development projects." (Source: *"They Came and Destroyed Our Village Again:" The Plight of Internally Displaced Persons in Karen State*, HRW, June 2005).

Development projects that have led to forced displacement in Burma include the construction of infrastructure, mines, irrigation systems, and natural gas and oil extraction facilities as well as commercial agricultural fields and military bases (sources: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005; *"They Came and Destroyed Our Village Again:" The Plight of Internally Displaced Persons in Karen State*, HRW, June 2005). According to EarthRights International, an international human rights and environmental advocacy organization, "Dozens of large-scale dams (fifteen meters in height) have been already built or are currently under construction throughout Burma, especially in the central region of the country" (source: *Flooding the Future: Hydropower and Cultural Survival in the Salween River Basin*, ERI, 2005). The construction and resulting water displacement of such hydro-electric dams necessitate the mass relocation of those living in the affected area.

Erratic civil planning has also required the resettlement of urban communities to rural 'satellite towns.' Most notable in 2005 was the relocation of Burma's capital from Rangoon to Pyinmana District, Mandalay Division, 400 km. north of Rangoon. In conjunction with the move, villagers and farmers have been forced off their land to make way for the building of new administrative offices, residential homes and military barracks. Many were forced into the suburbs of Pyinmana. (Source: "Burmese Junta Grabs Land From Farmers to Build Offices at Pyinmana," DVB, 9 November 2005). The move to Pyinmana has also resulted in the destruction of people's property. On 18 November 2005, the authorities ordered the destruction of 100 households along the U Razat and Maung Khin roads in Pyinmana to widen a road leading to the new capital. The U Razat and Maung Khin roads connect the train station and Kyetpyay, where the new capital is being constructed. The authorities also destroyed the living quarters built for railway workers situated on the new Pyinmana – Kyetpyay road. (Source: "100 Homes Dismantled by Burmese Authorities for New Capital," DVB, 21 November 2005). On 6 December 2005, it was reported that 500 more homeowners lost their homes for road widening projects associated with the Pyinmana move. (Source: "More Homes Destroyed and Relocated at Burma's New Capital," DVB, 6 December 2005).

## **Landmines**

Although landmine use represents an element of conflict-induced displacement, it is a more multifaceted stimulus than overt violence between regime and armed resistance forces. The indiscriminant and durable nature of landmines as well as the targeted placement by the SPDC military in ethnic minority villages, croplands, and footpaths contributes heavily to the

long-term displacement of villagers in the ethnic minority areas. On a similar vein, UN Special Rapporteur for Human Rights in Burma Pinheiro reported that the “continued practice of laying landmines in fields and forests, and the lack of mine clearance, has had a negative impact upon the freedom of movement of civilians and their economic right to earn a living” (source: “Interim Report of the Special Rapporteur on Human Rights in Myanmar,” *Sixtieth session of the UN General Assembly*, Item 73(c) of the Provisional Agenda, 12 August 2005).

Individuals interviewed by HRW who had been displaced within Burma cited the prevalence of landmines as a prime catalyst for abandoning their homes (source: “*They Came and Destroyed Our Village Again: The Plight of Internally Displaced Persons in Karen State*,” HRW, June 2005). Not only do landmines force villagers to flee, but their deployment in and around villages, agricultural fields, and travel routes prevents the return of those who are internally displaced. The widespread distribution of landmines constitutes a fundamental obstacle to any sustainable solution to internal displacement in Burma.

### 13.3 Destinations of the Displaced and Forcibly Relocated

Internal displacement in Burma has left civilians in varied circumstances. While some have chosen to flee into neighboring countries, or spontaneously relocate to urban centers the majority are pressured into one of three general contexts: (1) SPDC-designated relocation sites; (2) hiding sites; or (3) areas administered by ceasefire groups.

#### Relocation Sites

As a means of furthering the militarization of Burma’s border areas, the SPDC has implemented extensive relocation campaigns from areas occupied by armed resistance groups into areas more firmly under their control. In such cases, villagers living in politically sensitive border regions are transferred to a new residential center or required to join an already inhabited settlement, usually near a military base or roadway. Villagers are given no more than a few days notice as to their imminent transfer and are required to dismantle their homes and carry any transportable property or food supplies. Many villagers choose to flee into hiding rather than resettle to areas under SPDC control. After departing for relocation sites, SPDC military troops burn down and destroy structures of the former villages to thwart return. (Source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005).

In most cases the actual relocation site is typically a desolate patch of land lacking any pre-existing infrastructure. Relocated villagers are given no financial or in-kind assistance to establish their new lives in resettlement sites. They must construct simple huts out of materials they have to procure themselves. Limited access to clean water and sanitation facilities coupled with a lack of adequate health care facilities multiplies villagers’ propensities to illness and disease. Any educational facilities must be built and staffed by those resettled and most relocation sites lack access to any electrical supply. (Source: *Burma: Displacement Continues in One of the World’s Worst IDP Situations*, Global IDP Project, 27 June 2005). Military-designated relocation sites provide no sustainable solution for IDPs as they lack adequate means for civilians to establish their livelihood. What little agricultural land exists around relocation sites is usually confiscated for military use or already tended by

local inhabitants. Furthermore, so long as IDPs are restricted from traveling outside of their assigned relocation sites, their new residences serve as prison camps.

Villagers are given no official recognition as to the legitimacy of their inhabitation in resettlement sites, thus perpetuating the insecurity of their lives. In order to travel outside of relocation sites to farm their land, conduct trade, or visit friends or relatives, IDPs are required to request travel passes from SPDC authorities. These may be issued for up to a week, but typically allow for no more than a day's travel outside of relocation sites. Despite the provision of travel passes, villagers are guaranteed no security while venturing outside of relocation sites. In such situations, SPDC forces have leveled accusations that villagers are only traveling to support insurgent forces. Acts of rape against women outside of camps have been frequently documented and local military authorities are notoriously negligent in their investigation of such crimes.

The greater nearness of villagers to SPDC military troops increases the likelihood of human rights abuses. The most frequent violations committed against villagers in resettlement sites include forced labor, arbitrary taxation, and restrictions on movement (source: "Toungoo District: Civilians Displaced by Dams, Roads, and Military Control," KHRG, 19 August 2005). Moreover, they must assist in the construction of military infrastructure and provide material for this construction as well. Forced labor has also been used for clearing bushes and trees from the roadsides both inside and outside the relocation sites, cleaning military buildings, cultivating military crops, hauling water, building fences around the military camps, digging bunkers, road construction, porter duty for the military and other general services.

The most extensive use of resettlement sites to detain IDPs has occurred in eastern Burma in Shan, Karen, Karenni and Mon States and Tenasserim Division. In 2005, roughly 108,000 individuals were displaced into resettlement sites in these areas. Within this figure, the largest groups were the 23,700 IDPs in southern Shan State and 56,600 IDPs in Tenasserim Division. There was thus an increase of 31,000 IDPs from TBBC's estimates as of October 2004. Most of this increase, however, occurred within Tenasserim Division due to the use of adjusted data collection methods. (Source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005).

### **Hiding Sites**

Villagers in remote border areas displaced as a consequence of harassment, abuse or the SPDC military's 'scorched earth' policy often choose to remain in hiding within the vicinity of their abandoned or destroyed villages rather than flee into neighboring countries, SPDC-assigned relocation sites, or ceasefire areas. Those living in hiding are assumed to be supporters of resistance groups and therefore treated as military opponents. The SPDC military conducts search and destroy missions against IDP hiding sites and deploys landmines along paths and within abandoned villages and agricultural land. Villagers found in the 'free-fire' zones are subject to detention, torture, and summary executions. (Source: *Seeing through the Smoke of Ceasefires*, KHRG, 9 June 2005).

By their very nature, IDP hiding sites are wilderness areas lacking the most basic village infrastructure. The necessity of remaining undetected by SPDC military patrols forces these IDPs to perpetually relocate and limits the extent to which they can develop new facilities to meet their basic needs. As a consequence, villagers in hiding are unable to access clean water

and healthcare facilities. Malaria, diarrhea and other preventable illnesses are commonplace leading to high mortality rates. According to IDPs interviewed by the Karen Human Rights Group (KHRG), the most pressing problem for those living in hiding is the lack of food security. SPDC troop patrols confiscate and destroy food stocks, crops and wild fruit trees in order to obstruct the possibility of surviving in the surrounding jungle. The deployment of landmines by SPDC troops also severely restricts the possibility of villagers returning to harvest their plantations. When IDPs do manage to continue farming, the necessity of evading military patrols means that they can only produce about three to four months worth of rice. Cash crops such as betel nut and cardamom are a more stable source of income as they can be cultivated on relatively small plots of land. Reliance on fish is also precarious as SPDC soldiers are known to shoot those found fishing and landmines are frequently laid along river banks (source: "Toungoo District: Civilians Displaced by Dams, Roads, and Military Control," KHRG, 19 August 2005). Some IDPs have been able to arrange to be paid laborers to supplement their limited subsistence capacities. IDPs in hiding sites interviewed by TBBC indicated that their primary methods of coping with food insecurity and military patrols were to hide food stocks in various locations and "prepare alternative hiding sites in case of emergency evacuation." (Source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005).

The available data suggests that the majority of IDPs living in hiding are located in eastern Burma. According to TBBC, there were 92,000 individuals in hiding within eastern Burma as of October 2005. This figure indicates a rise of 12,000 people over the course of the previous year. Most of this increase has been ascribed to SPDC offensives and attacks led by ceasefire groups against the SSA-S in southern Shan State. Displacement also continued in northern Karen State and eastern Pegu Division despite an informal ceasefire pact between the KNU and SPDC forces. Such continued displacement, led TBBC to conclude that "the human rights dividend of the ceasefire agreement has been negligible for internally displaced Karen persons hiding in the most remote areas." (Source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005).

Systematic harassment and abuse of IDPs by military patrols, threats to livelihood through destruction of food sources, and the extensive deployment of landmines all "prohibit the possibility of a more sustainable return of resettlement" (source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005). The extent to which displaced persons choose to live in hiding reflects the fact that SPDC policies target civilian elements outside of their control. As KHRG has argued, "Burma's conflict is not primarily between the SPDC and armed opposition groups, it is between the SPDC-controlled state wanting to control the entire population and every inch of sovereign territory, and anyone who resists that control" (source: *Seeing through the Smoke of Ceasefires*, KHRG, 27 June 2005).

### **Ceasefire Areas**

According to TBBC, displaced civilians living within areas administered by ethnic ceasefire groups constitute the largest segment of IDPs in eastern Burma. Many flee to these areas because human rights abuses are generally less pervasive. However, this is not the case in all ceasefire areas. For example, in 2005, roughly 10,000 relocated villagers fled from areas administered by the UWSA in southern Shan State. (Source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005).

While ceasefire areas may provide temporary refuge for villagers fleeing conflict or human rights abuses, most ceasefire authorities are insufficiently equipped to provide adequately for the well being of IDPs under their administration. Resettlement in ceasefire areas is often unable to provide a sustainable solution due to the high population density, the limited availability of suitable agricultural land, SPDC restrictions on travel outside of ceasefire areas, and the inability of ceasefire authorities to provide financial assistance to those in need. (Source: TBBC, *Internal Displacement and Protection in Eastern Burma*, October 2005).

Estimates for 2005 indicate that approximately 340,000 IDPs lived in various ceasefire-controlled areas in eastern Burma. This figure indicates a decrease of 25,000 individuals displaced within ceasefire areas since 2004. The overall decline is attributable to villagers leaving relocation sites in southern Shan State administered by the UWSA due to severe constraints placed on them as well as limited access to an adequate means of livelihood, a reduction in the area administered by the DKBA, and heightened SPDC restrictions on ceasefire authorities and those living within their jurisdiction. Despite the overall reduction in IDPs living in ceasefire areas, some regions, such as those administered by the NMSP, saw an increase in IDPs who fled from SPDC controlled areas. Other ceasefire areas with significant IDP populations include areas controlled by the Karenni National People's Liberation Front (KNPLF), the SSA-N and the DKBA, which administer roughly 65,000; 40,000; and 20,000 villagers respectively. (Source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005).

## 13.4 Humanitarian Assistance

The obligation of the SPDC to protect those who have been internally displaced is derived from international standards of human rights and articulated within the UN Guiding Principles on Internal Displacement. Under principle 3(1), "National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction." The adequacy of humanitarian assistance can be measured in its effectiveness in addressing the immediate harm faced in the short-term, supporting the longer recovery process of those harmed, and promoting positive change in the attitudes and structures that neglect human rights and contribute to such harm. The SPDC, however, fails to provide any humanitarian assistance to IDPs, primarily because IDPs are largely not unintended victims of conflict. Rather IDPs are mostly ethnic minority villagers who have been specifically targeted as part of the SPDC's ongoing mission to militarize the country's border areas. As such, humanitarian protection for IDPs is incongruous with the SPDC's agenda.

Without protection from the regime or other sources, IDPs are in need of substantial humanitarian assistance. Severe threats to IDP health arise from restricted access to food supplies and the related nutritional deficiencies. Furthermore, unhygienic conditions in which many IDPs are located contribute to various types of infection. The most prevalent illness amongst IDP groups is malaria, while other illnesses include HIV/AIDS, "[g]astric problems, coughs, anemia, worms, chest infections and skin disease" as well as "common colds, respiratory infections, digestive problems..., diarrhoea, dysentery, skin infections, vitamin deficiencies, dizziness, fatigue, and depression" (sources: "Medical Mission to IDPs: Southern Karen State March/April 2005," FBR, 28 August 2005; "Toungoo District: Civilians Displaced by Dams, Roads, and Military Control," KHRG, 19 August 2005).

Although IDPs are able to manage some illnesses with traditional herbal medicines, these are often insufficient.

Destruction of villagers' crops and food stores, deployment of landmines, restriction on the movement of IDPs as well as the fear of encountering SPDC military troops all contribute to undermining food security. While some villagers are able to return to tend their crops many are forced into famine conditions. One pregnant displaced woman who spoke with medics from the Free Burma Rangers (FBR), a humanitarian relief organization, said, "I want to eat some noodles, do you have any? If only I could eat some noodles just once then I can die" (source: "Report of Relief Mission to Toungoo District, Karen State, Burma", FBR, 31 January 2005). This desperation arises in direct correlation to specific SPDC policies targeting civilians.

The SPDC has consistently restricted the access of NGOs to conflict-affected areas because of the political sensitivity of these regions. Such restrictions have been heightened since the ouster of former Prime Minister Khin Kyunt in October 2004 and the 7 May Rangoon bombings (source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005). International NGO assistance to IDPs has been largely inhibited. Meanwhile, domestic NGOs operating inside Burma to provide humanitarian assistance to IDPs are organized under SPDC auspices and are highly restricted in their activities. Regardless, humanitarian assistance for IDPs remains minimal. (For more information see Chapter 12 Freedom of Assembly, Association and Movement).

The primary conduits for humanitarian assistance to IDPs in Burma are ethnic community-based organizations that work across national borders. Medecins Sans Frontiers (MSF), an international health organization, has also been involved in delivering emergency medical assistance to IDP communities in southern Burma by crossing over from Thailand (source: "Medical Workers Afraid of Treating Emergency Patients After MSF Withdrawal," IMNA, 5 January 2006). This practice was however terminated in December 2005 when the Thai Ministry of the Interior refused to grant MSF continued permission for border crossings.

## 13.5 Situation in Arakan State

The SPDC has specifically targeted the populace of northern Arakan State in a concerted campaign to dilute the ethnic makeup of the region. Like other border areas, northern Arakan State is relatively remote and is furthermore separated on its eastern side from central Burma by a mountain chain running north-south. The population of northern Arakan State is estimated at around 800,000. (Source: *Burma: Displacement Continues in One of the World's Worst IDP Situations*, Global IDP Project, 27 June 2005). Approximately 82 percent of those living in this region are identified as Rohingya Muslims and are concentrated in Maungdaw, Buthidaung and Rathedaung Districts. The remaining population of Arakan State comprises the majority Rakhine Buddhist population and small numbers of Mro, Daignet, Kamein, Thet and Chin (source: *The Rohingya Minority: Fundamental Rights Denied*, AI, May 2004). The origin of the Rohingya is a particularly salient issue in Burma and Bangladesh, as both countries refute claims that the group belongs within their borders. This dispute has particularly palpable effects in Burma as reflected in the denial of their legal citizenship by the authorities and targeted abuses. (For more information see Chapter 10 The Freedom of Belief and Religion).

Displacement in northern Arakan State typically occurs as villagers flee human rights abuses by SPDC forces or are forcibly relocated to make way for the construction of ‘model’ villages. In previous years, NaSaKa border patrol units were the primary culprits of human rights abuses. The dissolution of the NaSaKa in 2004 after the ouster and arrest of former Prime Minister Khin Nyunt, who oversaw their operation, led to expectations that human rights abuses in the region would subside. Reports of incidents from 2005 suggest that this has not been the case, as the units were reformed under the title of NaKaPa and incorporated within an adapted military hierarchy. (Source: Forum-Asia, 26 May 2005).

The forcible relocation of villagers for the purposes of securing land for the construction of ‘model’ villages continued in 2005. For example, in June 2005, it was reported that SPDC authorities were constructing over 30 more ‘modern’ villages in the northern part of Arakan State (source: “Villagers from Government's 'Modern' Villages Suffer Famine,” *Narinjara News*, 23 June 2005). Rohingya villagers, in particular, were frequently told that their houses had been built on land not assigned for residential construction. They were therefore required to abandon their homes, which were subsequently destroyed. Mosques and other village infrastructure were similarly destroyed. The cleared area was then designated as the location of a new ‘model’ village where Buddhist residents from central and northern Burma, members of ceasefire groups or surrendered armed resistance fighters were to be resettled. The ‘model’ village program serves to dilute the ethnic makeup of northern Arakan State and, in turn, lessen the social cohesion of any local opposition movements.

In some cases Rohingya villagers who had been displaced from their homes were made to porter construction materials for the new houses. In his August 2005 report to the UN General Assembly, Special Rapporteur Pinheiro said that he “remains very concerned about reports of ongoing discrimination against the Rohingya ethnic minority in northern Rakhine state, including the destruction of mosques by Regime forces and the forced labour practice of ordering civilians to construct “model villages” to resettle Buddhists onto Muslim land” (source: “Interim Report of the Special Rapporteur on Human Rights in Myanmar,” *Sixtieth session of the UN General Assembly*, Item 73(c) of the Provisional Agenda, 12 August 2005).

### **Forced Relocation in Arakan State - Partial List of Incidents for 2005**

As of April 2005, 160 acres of land had been confiscated for the construction of around 80 houses in Nu Ru Lah, a new model village in Central Maungdaw Township. As of late May 2005, 12 houses had been built for 25 families who had already taken up residency. Although the materials used to build the houses were brought by the regime from outside the area, villagers had to provide porters to carry the construction material to the site. (Source: Forum-Asia, 26 May 2005).

In May 2005, Rakhine villagers abandoned their homes as a consequence of a SPDC ban on hillside cultivation in northern areas close to the Bangladesh border. Those who fled included members of the Mro, Mru and Khami ethnic groups, many of whom relocated to areas further inside Arakan State such as Kyauk Taw Township. (Source: “Arakanese Desert Border Homes After Hillside Cultivation Prohibited,” *Narinjara News*, 24 May 2005).

Between June and October 2005, large tracts of land were confiscated in several areas of Maungdaw and Buthidaung Townships ostensibly for new model villages. There are reports that a large area was confiscated along the river between Taung Bazaar and Ba Da Gar, and

the authorities stated that 8,000 families would be brought from other parts of Burma. (Source: The Arakan Project, June to October 2005).

On 18 July 2005, SPDC troops ordered local hill farmers living in border areas to relocate following a battle between the ALA and the SPDC military which resulted in the death of a SPDC officer. (Source: "Armed Clash Occurs Between Arakan Liberation Army and SPDC," *Narinjara News*, 12 August 2005).

On 7 August 2005, local SPDC authorities revealed that a total of 110 NaTaLa villages were to be constructed with 50 in Buthidaung Township and 60 in Maungdaw Township. The villages were reportedly going to be constructed east of the May-yu River. A VPDC chairperson indicated, "One village will be constructed on the roadside near the ferry harbor east of Buthidaung and another village will be constructed near the Da-blu River Bridge. There are 22 villages to be constructed east of the May-yu River and 25 villages to the west of the May-yu River." (Source: "The SPDC Carry Out Na-ta-la Village Construction Project in Northern Arakan State," *Kaladan News*, 25 September 2005).

## 13.6 Situation in Chin State

Chin State, lying along Burma's western border with India, is one of the country's "most underdeveloped" regions. Although no reliable census has been conducted within Chin State in recent years, analysts estimate that the population lies at around 300,000 to 400,000. The larger Chin group is comprised of several tribes including the Asha, Cho, Kuki, Laimi, Lushai and Zomi. An estimated 90 percent of Chin people follow some branch of Christianity. Religious persecution has shaped much of the abuse committed against the Chin as the SPDC seeks to dilute the religious character of the state. (Source: *Visit to the Thai-Burmese Border October 19 – November 4*, CSW, November 2005).

Subsequent to the country-wide popular protests in 1988, the Chin National Front (CNF) established themselves in support of democracy and Chin self-determination. The SPDC military has sought to subvert the rise of the CNF through the increased militarization of the state since the 1990s. As of 2005, there were approximately 8,000 SPDC soldiers deployed within the state (source: *Visit to the Thai-Burmese Border October 19 – November 4*, CSW, November 2005). The intensified military presence has led to increased human rights abuses against local civilians and detrimental humanitarian fallout. Specific abuses committed against Chin villagers previously documented include forced labor, arbitrary taxation, destruction of homes, land confiscation, extortion, torture, and extra-judicial killing. Economic woes have compounded these issues and forced many villagers to abandon their homes.

The relative isolation of Chin State from international observers has restricted the flow of information regarding incidents of abuses involving IDPs or their current demographic breakdown. The most recent estimates suggest that several thousand Chin are displaced within Burma. (Source: *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma*, CHRO, February 2004).



## 13.7 Situation in Kachin State

The relative isolation of Kachin State in the most northern regions of Burma has constrained the dissemination of information about human rights abuses in general as well as the scale of internal displacement. As such, no accurate figures on internal displacement within Kachin State are currently available. The area has however seen a long history of armed resistance against the military authorities. Numerous armed groups, most notably the Kachin Independence Organization (KIO), struggled for autonomy from the 1960s to the 1990s. During this period the SPDC military forcibly relocated as many as 100,000 non-combatants as part of their counter insurgency campaign (source: “Kachin State,” BERG, September 2000).

More recently Kachin State has seen an increase in control by the SPDC military, especially since the KIO signed a ceasefire agreement in 1994. As a consequence, the SPDC has sought to intensify its exploitation of Kachin State’s vast mineral reserves including jade, gold, platinum and coal. Given the pattern of human rights abuses associated with the increased militarization of natural resource exploitation and ‘development’ projects, there is little doubt that villagers living around such resources face continuous harassment. At the close of 2004, EarthRights International reported on the displacement of local artisans by the increasingly industrialized mining program in Kachin State (source: *Mining, Gender and the Environment in Burma*, ERI, November 2004). The SPDC and private companies have previously worked together to forcibly evict villagers living in areas where the regime has granted mining concessions. This practice is consistent with the countrywide pattern of increased militarization of rural border areas, ostensibly for purposes of national ‘development.’

Non-combatants in Kachin State were also displaced during 2005 as a consequence of clashes between conflicting factions of the New Democratic Army-Kachin (NDA-K), a ceasefire group. On 21 September 2005, soldiers loyal to Zahkung Ting Ying, the recently deposed chairman of the NDA-K, captured the Kachin town of Hpimaw on the China-Burma border north of the NDA-K HQ in Pang Wah. Many Pang Wah residents fled the town anticipating fighting between the two sides. The villagers headed for the Kachin State capital of Myitkyina and to the nearby China border. (Source: “NDA-K Loyalists Take Hpimaw,” *Irrawaddy*, 22 September 2005).

## 13.8 Situation in Karen State

Since independence in 1948, sections of Karen State have been in a continuous state of armed resistance. Conflict-induced displacement has thus remained pervasive. In conjunction with sustained military presence, the main causes of internal displacement are the various human rights abuses inflicted on Karen villagers by the SPDC military and its proxies. Of these, forced labor, extortion and land confiscation have been the most significant catalysts (source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005). A verbal ‘gentlemen’s agreement’ ceasefire arranged between former SPDC Prime Minister Khin Nyunt and a delegation led by former KNU President, Gen. Bo Mya, in January 2004 has done nothing to mitigate human rights violations inflicted by SPDC and DKBA troops. Violations of the ceasefire have been continuous since its inception. In 2005, the SPDC proceeded to construct new roads, deploy troops and construct new bases in order to further militarize Karen State. The ceasefire agreement has served to provide greater latitude to

SPDC offensives under the pretense of peace. Furthermore, the ceasefire process has come to a halt since the ouster of Prime Minister Khin Nyunt. While the KNU has made repeated requests to continue discussions, the SPDC has been unwilling to consider anything less than full surrender from the KNU.

Events leading to internal displacement in 2005 mimic earlier patterns of civilian harassment, land confiscation, and direct attacks against villagers. For example, in January 2005, villagers were forced to flee their homes after SPDC troops attacked villages celebrating Karen New Year. In Thanduang Township in the far north of Karen State, increased militarization surrounding the reconstruction of a road connecting Toungoo to Mawchi in Karenni State has resulted in civilian abuses leading to displacement (source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005). Meanwhile the SPDC has conducted search and destroy missions on 3 villages leading to displacement along the Kyaukgyi to Saw Hta road east of the Yunzalin River in March and April. Furthermore, from March to June, SPDC military offensives in Nyaunglebin District against the KNLA were supplemented with attacks against villagers who were tortured and killed as well as being seriously wounded by landmines. (Source: "Proliferation of SPDC Army Camps in Nyaunglebin District Leads to Torture, Killings and Landmine Casualties," KHRG, 7 July 2005). Such abuses prompt villagers to flee from their homes leading to a greater number of IDPs.

In 2005, plans for the construction of the Weigyi dam in Karen State continued. Villagers living near the area remained displaced and tens of thousands will have to be relocated if construction proceeds. The dam, which is being funded by investment from Thailand, is expected to flood an area up to 380 km. upstream in both Karen and Karenni States in order to export electricity to neighboring Thailand. (Sources: *Visit to the Thai-Burmese Border*, CSW, November 2005; *Flooding the Future: Hydropower and Cultural Survival in the Salween River Basin*, ERI, 2005). The Weigyi dam will likely cause even greater displacement in Karen State.

As of October 2005, estimates for Karen State indicate that 89,900 individuals remained internally displaced. This figure shows a marked decrease of 45,400 IDPs from October 2004. The SPDC-KNU informal ceasefire agreement likely contributed to a decrease in the number of IDPs in southern Karen State. A significant number of IDPs also moved out of areas controlled by the DKBA and Karen Peace Army ceasefire groups to resettle in areas of mixed-administration. (Source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005).

### **Forced Relocation in Karen State - Partial List of Incidents for 2005**

As of 30 May 2005, about 8,000 villagers were still living as IDPs in the area around the Salween River on the Thai-Burma border. These villagers had been forcibly evicted from their homes by the SPDC military in order to clear the banks of the river in preparation for a proposed Salween Dam. The dam is to be constructed as a joint venture of the Thai government and the junta. (Source: "Mass Signature Campaign against Salween Dam," Mizzima, 30 May 2005).

On 26 to 27 November 2005, SPDC military troops launched attacks on ethnic villages near the Thai-Burma border, setting fire to homes and forcing 1,000 civilians to flee. Regime forces raided 6 villages in Karen and Karenni states burning 100 homes and rice barns according to Mhan Shar La Pan, Sec. Gen. of the KNU. "They have arrested some villagers

and fired artillery at civilians who had fled,” he said, adding that he had no reports of casualties. (Source: “Myanmar (Burma) Govt Attacks Ethnic Villages,” 1,000 Flee,” Reuters, December 2005).

### **Doooplaya District**

On 10 January 2005, 350 villagers fled Kah Law Ghaw village fearing conflict between KNLA and SPDC forces after KNLA soldiers refused to leave the village during Karen New Year celebrations upon repeated demands by soldiers from SPDC IB 230, LIB 356, and LIB 545. The villagers spent the night hiding in caves on the Thai border. Most were without food, water, or blankets. (Source: “SPDC Violates the Ceasefire During Karen New Year Celebrations; the Attack on Kah Law Ghaw Village, Doooplaya District,” KHRG, 3 February 2005).

On 11 January 2005, villagers abandoned their homes in Lawse village, Lawkhee region after more than 300 troops from SPDC IB 250 clashed with KNU Battalion 201 who were celebrating Karen New Years at the village. Just prior to this incident, SPDC troops burned down 100 homes and rice barns belonging to Karen villagers in nearby Shwekyin District. (Source: “Clash between KNU and Burmese Troops,” DVB, 11 January 2005).

### **Nyaunglebin District**

Between 1 and 22 April 2005, a column from SPDC LIB 111 began patrolling the Kheh Der, Ler Wah, and Kwih Lah village tracts in Kyauk Kyi Township causing most of villagers in the area to flee into hiding in the forests for several days while the troops remained in the area. (Source: “Proliferation of SPDC Army Camps in Nyaunglebin District Leads to Torture, Killings and Landmine Casualties,” KHRG, 7 July 2005).

From 14 November 2004 until January 2005, at least 5,736 villagers fled to the jungle following a series of offensives by SPDC LIB 20, 264, 350, 368, 382 and 589 against villagers in Nyaunglebin District. SPDC troops looted and burned down homes, and destroyed 388,000 kg of rice. (Source: *Interim Report Card: July 2004 – February 2005: A Summary of Political and Human Rights Developments in Burma*, Altsean, February 2005).

From 31 March to 4 April 2005, Column Comdr. Hla Thein Shwe and troops under his command came to Ler Klah area of Saw Ka Doe village tract (Region No. 4) of Mon Township. Fearing mistreatment, villagers fled to hide in the jungles. (Source: KIC, 9 April 2005).

On 12 June 2005, troops from SPDC IB 57 led by Tain Shwien forced 3 villages to relocate to the area of Shwien Da. The village leader begged and even paid the SPDC military 60,000 kyat for each village, but the military refused to excuse the villagers. (Source: “June 2005: Inhumane Treatment Continues in the Nyaunglebin District, Western Karen State in Eastern Burma,” FBR, 1 August 2005).

On 20 June 2005, SPDC LIB 351 forced Teh Htu village to move to Kler Ko village. The villagers refused to move, so the SPDC military fined each of the 94 families 10,000 kyat. After that, Column Comdr. Khin Soe forced the villagers to relocate again on 5 July. This time the Teh Htu villagers had to move to Kler Ko village. (Source: “June 2005: Inhumane

Treatment Continues in the Nyaunglebin District, Western Karen State in Eastern Burma,” FBR, 1 August 2005).

On 6 July 2005 at 6:00 pm, SPDC Operation Command 2 Comdr. Khin Soe Naing ordered Pa Ta Lar village tract to relocate to a nearby motor road. The village was required to pay 150,000 kyat if they did not want to relocate and the commander prohibited the villagers from telling anyone. (Source: KIC, 2005).

On 5 August 2005, Bo Gyi Myint Thein of SPDC LIB 439 informed Thoo Ka Bee village elders that Pa Ta La, Wet Ler Daw, Noe Gaw, Thoo Ka Bee and Inn Net village tracts were required to relocate. (Source: KIC, 2005).

On 18 September 2005, villagers fled from Kwee Koo, Kyauk Kyi (Ler Doh) village after 2 SPDC military battalions, Columns 1 and 2 of LIB 4 and IB 12 under TOC 332, attacked KNLA forces. The number of IDPs was unknown. (Source: “SPDC Military Attacks IDPs and KNLA in Western Karen State, Closes Roads in the North. 18-21 Sept 2005,” FBR, 25 September 2005).

On 21 September 2005, SPDC Battalions LIB 4 and IB 4 conducted a raid on the HQs of the 9th KNLA battalion in Ler Wa, Kyauk Kyi, Nyaunglebin District causing 400 villagers to go into hiding in the area. (Source: “SPDC Military Attacks IDPs and KNLA in Western Karen State, Closes Roads in the North. 18-21 Sept 2005,” FBR, 25 September 2005).

From 21 September to 3 November 2005, 400 IDPs from Nyaunglebin District were forced to flee their temporary villages and hide for 1 and a half months when SPDC military IB 4, IB 42, IB 76 and LIB 12 advanced into the area. Some were able to return to their homes at the start of November, although IDPs from Kwee Lah village were unable to do so as their homes had been destroyed by SPDC troops. The soldiers also deployed 15 landmines prior to departing the village. The KNLA were attempting to de-mine the area at the time of this report in late November. Schools serving these IDPs closed during the previous month and a half and had not yet reopened as of the start of November. In addition to the destruction of homes, the SPDC military stole the thatch and walls from houses in order to make their own shelters. The SPDC military also stole or destroyed the villager’s property and materials such as cooking pots, water containers, and sleeping mats. (Source: “400 Villagers Forced to Flee - Village Destroyed,” FBR, 23 November 2005).

On 16 November 2005, 400 villagers fled from Ler Wah Township after the SPDC TOC 332 led by Myo Win and under the control of SPDC military Division 33 attacked and subsequently took control of the HQs of the 9th KNU Battalion. (Source: “Relief Mission Report 25 August – 30 August 2005,” FBR, 16 November 2005).

On 29 November 2005 at 6:00 pm, SPDC LIB 599 under the command of Myit Sone attacked and burned down Ter Kweh Lay Ko village in Mon Township, destroying 15 houses causing the displacement of 60 to 80 villagers. (Source: “Village Burned as Civilians are Attacked by the Burma Army,” FBR, 30 November 2005).

On 29 November 2005, SPDC LIB 599 from Ma La Daw camp under the command of Gen. Ko Ko, burned 15 houses in Ter Kweh Lay Ko village causing the following losses to the following villagers:

1. Naw Pwe Paw Htoo – 248,000 kyat;
2. Naw Khin La – 300,000 kyat;
3. Saw Kweh Say – 400,000 kyat;
4. Saw Mg Nyot – 500,000 kyat;
5. Saw Paw Hae – 390,000 kyat;
6. Saw Wei Say – 274,000 kyat;
7. Saw Keh Mg Puu -350,000 kyat;
8. Saw Ta Ku lu – 420,000 kyat;
9. Saw Hae Kgay – 460,000 kyat;
10. Sei Khin Mg 550,000 kyat;
11. Saw Chit Khin – 290,000 kyat;
12. Saw Klo Lay Htoo – 350,000 kyat;
13. Saw Taw Lay – 310,000 kyat;
14. Saw Ma La Ka – 430,000 kyat;
15. Saw Raw Ner – this house was not completely burnt down.

Fearing similar attacks, nearby villagers of Maw Keh Tha Per Ko and Ma La Daw villages packed all of their household goods and supplies and kept them outside their houses in case they were required to flee suddenly. (Source: “Burma Army Activities in Nyaunglebin District, Western Karen State,” FBR, 17 December 2005).

On 30 November 2005, villagers from Htee Hser Day, Kwe So Ko, Keh Ka Ko villages fled into the jungle after SPDC IB 76 led by Battalion Comdr. Lt. Col. Zaw Thu with 150 soldiers began patrolling in Saw Ka Der village tract. Without anyone to tend to the fields, some of the paddy farms were damaged. (Source: “Burma Army Activities in Nyaunglebin District, Western Karen State,” FBR, 17 December 2005).

### **Toungoo District**

From 31 December 2004 to January 2005, villagers in the Mawdalaw, Mon Township area were forced to dismantle their homes and build new camps for SPDC LIB 599 on the site of their former homes. (Source: “Report of Relief Mission to Toungoo District, Karen State, Burma,” FBR, 31 January 2005).

In January 2005, 440 villagers comprising 70 households from Saw Wah Der village, Tantabin Township remained in hiding following an attack on their village by SPDC IB 73 and LIB 439 on 26 December 2004. Following the attack the SPDC military looted the village and captured Saw Ta Tan (age 38) and Saw Tu Kru (age 40). These 2 men were taken to the SPDC military camp at Kaw They Der where they were reportedly executed. The SPDC military continued to patrol the area into January. Displaced families had to sleep on the ground in the jungle. Night time temperatures in January were as low as 40 degrees Fahrenheit. IDPs from Saw Wah Der village joined others from Yaw Tha Bei and Wah Baw Kee villages that had fled earlier. The Free Burma Rangers reported that many were weakened by exposure and many were sick with malaria, respiratory infections, diarrhea and typhoid. (Source: “Report of Relief Mission to Toungoo District, Karen State, Burma,” FBR, 31 January 2005).

On 14 April 2005, Gen. Ko Ko, commander of SPDC Southern Command HQs, forced Taing-myok villagers and Kah-baung villagers to relocate to a place on the east side of a nearby motor road under the rationale that the Kah Baung and Pa The Chaung dams were in danger of flooding. (Source: KIC, April 2005).

On 21 July 2005, troops from SPDC IB 26 forced Maw La Daw villagers, except a few elderly, to return to their old village site in order to begin building a new military camp in Maw La Daw. (Source: "Human Rights Violation Update: Northern and Western Karen State," FBR, 9 September 2005).

On 24 August 2005, troops from SPDC LIB 599 based at Swa Lo village ordered villagers living near Koon Chan village to relocate to Swa Hta village in 3 days threatening to destroy the houses and huts of those who failed to relocate. They also extorted 3,000 kyat from the owners of oxen or buffalo carts. (Source: KIC, 2005).

Between 26 and 28 November 2005, troops from Columns 1 and 2 SPDC IB 75 attacked Hee Daw Kaw village burned 32 houses and captured 7 villagers, including a 1-year-old baby, with the assistance of a small force of the Karenni breakaway faction, the Karenni National Solidarity Army (KNSA). The 300 villagers of Hee Daw Kaw and 600 from the surrounding villages of Hoki, Sho Ser, Wah Soe, and Ha To Per fled their homes on 26 November. A total of 159 families were displaced:

1. 51 families from Hee Daw Kaw;
2. 43 families from Hgo Khi;
3. 33 families from Shro Hser; and
4. 32 families from Wah Soe.

The SPDC military then burned down homes in Hee Daw Kaw on 28 November. After hearing of the attack, over 1000 more people living further west up to the Saw Wah Der village area fled as well. As of 30 November, the IDPs remained in hiding in the jungle without basic necessities as SPDC IB 75 remained in the area. (Source: "Message from a Relief Team Leader: A response to Burma Army Attacks," FBR, 30 November 2005).

## 13.9 Situation in Karenni State

Conflict between the regime and armed resistance forces has persisted in Karenni State since the 1950s. The KNPLF agreed to a ceasefire with the SPDC in 1994 and has since become an ally of the regime, often acting as a proxy for the SPDC military. The KNPP meanwhile formed a ceasefire pact with the junta in March 1995. However the agreement quickly broke down after the SPDC increased troop deployment in the area. In August 2005, the SPDC informed the KNPP that they wished them to reinstate the abandoned 1995 ceasefire agreement. Although the KNPP has continually expressed interest in establishing a lasting peace agreement with the SPDC, the regime remained unwilling to propose anything but a full surrender by the KNPP, which is unacceptable to the resistance movement. (Source: "Peace Broker Contacts Burma's KNPP for 'Arms for Peace' Deal," *Mizzima*, 22 August 2005). As a result, Karenni villagers continue to be subject to sustained violent conflict between SPDC forces and the KNPP, causing constant levels of displacement from the Karenni community.

Internal displacement in Karenni State has primarily stemmed from military directives for civilian relocation and spontaneous flight from violent conflict. Relocation campaigns

continued throughout 2005 as the SPDC forced villagers out of areas controlled by KNPP fighters. An increasing number of villagers fled conflict zones following reports of the SPDC's use of chemical weapons against resistance fighters in Karenni State during 2005, which led to illnesses among exposed villagers (source: "Nya-mo Military Camp Expected to Be Attacked Again," *Kantarawaddy Times*, 3 August 2005). There were also cases during 2005 of Karenni villagers from both Karenni and Shan States fleeing forced conscription into the Shan Nationality Liberated Group (SNLG). In other cases villagers fled resettlement sites after conditions in these areas proved unbearable.

In 2005 the number of IDPs in Karenni State rose by more than 4,000 over the previous year to reach a total of 92,000 individuals according TBBC. Out of this number, 75,000 were living in ceasefire areas, mostly under control of the KNPLF. A further 7,500 were living in SPDC-designated relocation sites while the remaining 9,500 were in hiding. (Source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005).

### **Forced Relocation in Karenni State - Partial List of Incidents for 2005**

In the beginning of 2005, Mae-shwe-eu villagers fled from their homes as the result of military operations carried out by combined forces of the SPDC and KNPLF. (Source: "Nya-mo Military Camp Expected to Be Attacked Again," *Kantarawaddy Times*, 3 August 2005).

In July 2005, 120 Karenni IDP families from Daw Ta Hay village, who were residing in an SPDC controlled compound since 2004, were forced to sign a contract by SPDC LIB 530 stating that fighting would not occur in the area if they were permitted to return to their former homes. Those who agreed to sign were allowed to return, while those who refused remained in the SPDC compound. (Source: "Military Government Demands That Villagers Sign Statement If They Want to Go Back to Their Native Village," *Kantarawaddy Times*, 26 July 2005).

On 23 July 2005, 3 villages from SNLG controlled areas fled and other villages prepared to flee to Karenni State following an order requiring 2 to 10 villagers to report to SNLG HQs in Si-Sai City, Naung-Htaung battalion camp by 27 July in order to attend military training. In the last week of July, 10 family groups from the SNLG area attempted to cross the Than-lwin River and enter Thailand but were unable to do so for lack of a boat. The group subsequently returned to their village. (Source: "Authorities (Ya-la-la-pa) Forcibly Collected the Villagers to Attend the Military Training," *Kantarawaddy Times*, 30 July 2005).

In December 2005, the following SPDC military battalions conducted operations to find and attack IDP hiding sites:

1. LIB 421 (70 SPDC troops, 6 KNSO troops), Maj. Myo Min Aung;
2. LIB 424, (110 SPDC troops) Maj. Myo Ting Aung;
3. LIB 426, (110 SPDC troops, 60 KNPLF troops), Maj. Taung Taung Win; and
4. LIB 428, (110 SPDC troops), Maj. Wing Zaw.

Karenni villages targeted in this operation included:

1. Papo,
2. Katho,
3. Kwa Thi,
4. Wi Wa,
5. Yaw Ah Ta Ka, and

6. Pu Klo LW. (Source: "Burma Army Kidnaps Three Women, Assaults Villagers and Attacks Karenni Internally Displaced Persons (IDPs) in Karenni State," FBR, 27 December 2005).

On 17 December 2005, more than 200 villagers from 3 villages were forced to flee from their homes due to continued fighting between SPDC and KNPP soldiers. The IDPs were largely concentrated in the free fire zone near Mawchi, District 2. (Source: "Fighting Continues in Karenni State," *Mizzima*, 20 December 2005).

### **Loikaw Township**

In April 2005, SPDC troops ordered villagers from Daw Tahe and Konna villages to relocate to SPDC specified areas. Villagers were not provided with food or building materials. Villagers were reportedly allotted an 80 square foot area of land to live on without land for farming and were unable to exit the area for work or travel without possession of a permission document from the village headman. The relocation sites were reported to be overcrowded and without clean drinking water. In addition, villagers living in the site were subject to SPDC demands for forced labor to build military camps, clean gardens and construct fences. As a result of the conditions in the military controlled area, 32 people from 8 families fled. (Source: "The IDPs Who Were Forcibly Relocated to A Combined Village Site Fled to Border," *Kantarawaddy Times*, 21 April 2005).

In mid-December 2005, SPDC troops from LIB 530 in Loikaw Township arrested local villagers and subsequently, forcibly relocated their village without reason. More than 700 villagers were forced to leave without their possessions. Furthermore, villagers were required to provide information about the KNPP activities to the SPDC's Lwoilinlay camp every week. (Source: "Residents in Lwai-kaw Township Are Arrested and Forcibly Relocate Their Village," DVB, 21 December 2005).

### **Pruso Township**

On 9 April 2005, all residents of Buko Village, Pruso Township were forcibly relocated to Nanpeh, situated on the Loikaw - Mawchi main road, by a local SPDC military commander. In total 23 families made up of 100 villagers were relocated. The villagers were provided with no assistance for the relocation. At around the same time, villagers from Lawkyiku, Khoraku, Markrawshe and Lawjar in Kaylya Township were ordered by the same commander to relocate their villages to Nanpeh in the near future. The forced relocations were reported to be a result of recent clashes between the SPDC military and the Karenni Army and subsequent accusations that Karenni villagers were supporting Karenni Forces. (Source: "New Forced Relocation of Villages by SPDC," *Kantarawaddy Times*, 11 April 2005).

### **Sha Daw Township**

In early 2005, SPDC troops from IB 424 and 94, based in Shan State, launched attacks after hearing of an alliance between the SSA and the Karenni Army. The attacks led to displacement of villagers in Sha Daw Township and along the Karenni and Shan border. (Source: "Karenni Relief Mission Report," FBR, 6 September 2005).



In June 2005, 50 Karenni villagers from Daw Ta Naw village, Leh Du Khee village tract, Sha Daw Township, Daw Ta Hay area, and Wok Ngaw village in Lwoi-kaw Township abandoned their homes after being accused of collaborating with the KNPP and being forced to sign statements assuring there would be no more fighting. The villagers were told that their villages would be burned down if any fighting occurred nearby. Because they could not guarantee that no fighting would occur, the villagers fled in fear of attacks by SPDC military troops. (Source: "More Karenni Refugees Advanced to the Thai Border," *Kantarawaddy Times*, 24 June 2005).

## **13.10 Situation in Mon State**

Areas of Mon State have been relatively free of overt armed conflict since the NMSP's ceasefire agreement with the SPDC in 1995. Despite this ceasefire, violent conflict between SPDC military troops and Mon splinter groups continued to occur in Ye Township in southern Mon State as well as Thaton and Bilin Townships along the northern border with Karen State. As a consequence of such conflict and the occurrence of human rights abuses in SPDC controlled and mixed administration areas, internal displacement continued to occur. Most of those abandoning their homes fled to areas controlled by the NMSP. Internal displacement is also related to various violations human rights, committed mostly by SPDC troops. Specific human rights violations that lead to internal displacement in 2005 included land confiscation, forced portering, forced labor in SPDC construction projects, arbitrary taxes, destruction of homes, extortion, and fear of sexual assault. (Sources: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005; "No Protection to Innocent Civilians and Population Displacement," *The Mon Forum*, HURFOM, 31 January 2005).

2005 saw an increase of 17,700 IDPs over the previous year (source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005). In Ye Township alone TBBC documented the displacement of close to 10,000 people during the year leading up to the wet season of 2005. The situation was similar in KNLA patrolled areas. The Mon Relief and Development Committee (MRDC) reported that roughly 40,000 people were internally displaced in Mon State at the start of 2005 and over 12,000 returned refugees remained in NMSP controlled territory or a Mon refugee resettlement site (source: "No Protection to Innocent Civilians and Population Displacement," *The Mon Forum*, HURFOM, 31 January 2005). TBBC documented a similar number of IDPs in Mon State. Out of a total of 48,700 IDPs, 2,500 were in hiding, 6,200 dwelt in relocation sites, and 40,000 were staying within areas controlled by the NMSP (source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005). Although a few families returned to their original homes in 2005 this was not feasible for the majority of those displaced.

### **Forced Relocation in Mon State - Partial List of Incidents for 2005**

On 31 March 2005, Thai authorities, following an order by the SPDC, agreed to relocate approximately 50 houses belonging to Mon villagers in a disputed area of land along the Thai-Burma border at Three Pagodas Pass. Those living in the relevant houses had no legal citizenship registration within either country and many had lived in the area for more than 20 years. Upon learning of the impending relocation the villagers began leaving the area, many returning to Burma proper. (Sources: "Bomb Explodes at Three Pagoda Pass Border,"

*Kaowao News*, 1 April 2005; “Disputed Houses at Three Pagodas Pass Relocated,” *Kaowao News*, 1 April 2005).

On 8 May 2005, the TPDC chairman in Three Pagoda Pass, No. 3 quarter, U Aung Kyaw Min ordered the relocation of all 50 houses from town quarters No. 3 and 4 by 23 May to make way for a road construction project and new guest houses for gambling businesses. The construction projects were proposed by a Thai businessman and agreed to by the SPDC township authorities. The villagers were forced to pay 750 baht in May and another 750 baht in June for a plot of land in Saw Khin, the relocation site, to build a 20 by 40 foot house. (Source: “50 House Relocations Forced for 3 Pagoda Pass Casino,” IMNA, 11 May 2005).

### **Ye Township**

In January 2005, SPDC troops from Southeast Tactical Command No. 3 burned down about 40 houses in Pauk Pinkwin (Wae Kwao) and 60 houses in Ma Kyi (Mang Glong) and Hoay Kyar villages of southern Ye and Yebyu Townships accusing the villages of supporting a splinter faction of the NMSP. Hundreds of villagers fled. Many arrived in a Mon resettlement camp near the Thai-Burma border. (Source: “A Hundred Families Fled to Mon Resettlement Camp,” *Kaowao News*, 26 January 2005; “Burmese Army Burns Down Three Mon Villages,” IMNA, 27 January 2005).

During April 2005, SPDC troops drove farmers and families from their land by confiscating 600 plantations and private gardens in the Kay Halae area in Ye Township for the building of new artilleries for the SPDC military. (Source: “Farmland Seized: BA’s Destructive Land Use Policy,” *Kaowao News*, 19 April 2005).

## **13.11 Situation in Shan State**

The people of Shan State have experienced ongoing conflict since independence, as various armed groups have struggled for autonomy and control of the state’s vast natural resources. From 1989 onwards, patches of ceasefire areas throughout the north and east and regions of overt armed conflict in the south, where the SSA-S has remained actively resisting SPDC expansion, have mottled Shan State. (Source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005). Throughout 2005, conflict-induced displacement occurred in Shan State as the SPDC-aligned UWSA, backed by SPDC forces, conducted an extensive military offensive against SSA-S patrolled areas in the south and southeast of Shan State. In some areas, villagers were forced to abandon their homes when they were directly targeted during such attacks. The Shan State Nationalities People’s Liberation Organization (SSNPLO), an ethnic Pa-O ceasefire group, conducted military offensives in concert with SPDC forces against SSA-S positions in townships around Mawmai. As a consequence of these attacks over 3,000 villagers fled their homes between March and April 2005. (Source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005).

Displacement caused by forced relocation and various human rights abuses has been, however, more substantial contributors to the flight of IDPs in Shan State. Shan State has seen some of the most extensive forced relocation in Burma. Since 1996, campaigns of forced relocation in Shan State have continued in line with the SPDC’s ‘four cuts’ strategy. Villagers suspected of supporting armed opposition groups such as the SSA-S have been relocated to areas securely under SPDC control. During 2005, 17 villages were relocated as

the SPDC continued their strategy of severing connections between the SSA-S bases located along the Thai border and villagers within the more central areas patrolled by SSA-S troops (source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005). Extensive forced relocation has also been enforced under the pretense of eradication of poppy agriculture and drug production. Mass relocation of Wa villagers from northern Shan State into Mon Hsat Township continued in 2005 as Wa Supreme Leader Bao Youxiang continued with his stated intention of declaring a total ban on drugs in Wa regions by 26 June 2005, the International Day Against Drug Abuse and Illicit Trafficking (source: *Report From Shan FBR Team*, FBR, 1 June 2005).

The SPDC also bolstered their military presence in Mon Pan Township that serves as the point of entry for access to the 3,600 megawatt hydro-electric dam that is to be built at Ta Hsang. Analysts have estimated that the dam will run 188 meters wide and flood an area of hundreds of square kilometers. Prior to 2005, over 2,000 households had already been relocated to clear area for the dam's construction and reservoir. (Sources: *The Salween Under Threat: Damming the Longest Free River in Southeast Asia*, Salween Watch and Southeast Asia Rivers Network (SEARIN), September 2004; *Flooding the Future: Hydropower and Cultural Survival in the Salween River Basin*, ERI, 2005).

Villagers have been subject to torture, extortion, rape, forced labor and other abuses of human rights, contributing to the forced displacement of civilians as they continue to flee areas of abuses in search of greater human security (source: FBR, 1 June 2005). The SPDC military incited displacement after SPDC forces arrested and punished villagers who had rallied in support of a 17 April declaration of independence by the newly formed in exile Interim Shan Government. The abuse associated with this crackdown led the estimated population of IDPs hiding in southern Shan State to more than double during 2005. (Source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005).

According to TBBC, the cumulative effects of forced displacement in Southern Shan State resulted in a total of 219,000 IDPs as of October 2005. This indicated an increase of just over 3,000 displaced persons from 2004. Of this number 20,800 were in hiding, 23,700 had been resettled in relocation sites, and 174,500 remained in ceasefire areas in southern Shan State. (Source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005).

### **Forced Relocation in Shan State - Partial List of Incidents for 2005**

On 22 February 2005 between 3:00 and 5:00 am, 60 mm mortar shells bombarded Paker, an Akha village in Loi Tawkham village tract, Tachilek, resulting in the destruction of 21 of the 24 homes in the village as well as the flight of villagers. Subsequently, 5 households from the village fled to Piangfah IDP village, near the SSA's Loi Kawwan base. It was believed that the mortars were launched from the SPDC IB 43 base in Mongpiang, however, SPDC forces claimed the incident was the result of a rebel attack. (Source: "Army Bombards Village of Allies," SHAN, 28 February 2005).

In March 2005, villagers fled major military offensives in Shan State instigated by SPDC military and UWSA troops against the SSA-S. Thousands of villagers were affected by the fighting and attenuated human rights abuses, which included forcible relocations. (Source "Burma: Army and Proxies Attack Shan Civilians," HRW, 26 May 2005).

In April 2005, shells landed near an IDP settlement during UWSA attacks on a SSA-S base at Loi Tai Lang. While no IDPs were injured in the attack, the SSA-S transferred over 1,000 IDPs, who had been living nearby, to safer positions in the western and southern region of Loi Tai Leng. (Source: "FBR Reports: Attacks Against the Shan," FBR, 28 April 2005).

### **Kae-See Township**

On 24 September 2005, a combined force of troops from SPDC Division 77 and LIB 286, based in Kae-See Township, forced villagers who had returned to their original villages to return to the Murng Nawng relocation site. Approximately 50 households from Wan Tong and Long Yaan villages as well as 8 households from Paa Kaang villages were subject to the order. (Source: "People Forced to Relocate Again in Lai-Kha and Kae-See," *SHRF Monthly Report*, SHRF November 2005).

### **Laikha Township**

From the end of April until 20 May 2005, close to 500 Shan villagers fled their homes in Laikha Township as a consequence of a SPDC military offensive targeting supporters of the Interim Shan Government. In one instance on 4 May 2005, troops from SPDC IB 64 and LIB 515 encircled Wanpang village in Wanheng village tract, burned down the local temple and detained village elders including Rev Tejinda. (Source: "Hundreds Fleeing from Shan State Hot Spot," SHAN, 20 May 2005).

On 14 September 2005, troops from SPDC Division 77 forced the following villages in Wan Pung village tract to relocate to Wan Pung village in retaliation of support for the Interim Shan Government:

1. Wan Zan, 60 households;
2. Kun Keng, 40 households;
3. Si Kung, 30 households; and
4. Loi Saai, 25 households.

These villages had been subject to relocation orders in 1997-98, however, some had been allowed to return to their original villages in 2002. (Source: "People Forced to Relocate Again in Lai-Kha and Kae-See," *SHRF Monthly Report*, SHRF, November 2005).

On 4 October 2005, the SPDC LIB 346, 372, 542, 544, 562, 563 and 566 ordered the 40 households of Koonkieng village and the 60 households of Wanzon village to relocate to Wanpong village tract causing many villagers to abscond into Thailand. The relocations were an attempt to break the connection between the Shan resistance and local population following fighting between SPDC forces and the former SSA-S 758th Brigade, which had recently aligned with the Interim Shan Government. Comparable incidents reportedly transpired in Kehsi, Mongkerng and Mongnawng Townships. (Sources: "Junta Launches New Scorched Earth Campaign," SHAN, 16 October 2005).

### **Mok Mei Township**

In April 2005, SPDC troops forcibly relocated over 250 families from villages in Kandoo village tract, Mok Mei Township. (Source: "Update on Shan IDPs," FBR, December 2005).

## **Mong Ton Township**

From December 2004 until mid-February 2005, over 3,000 Wa were resettled in Mong Ton along the Thai-Burma border under orders of the Wa leadership in preparation for the 26 June deadline for the establishment of a drug-free zone throughout the Wa region. Estimates of resettled villagers, along with their recipient village are as follows:

1. Mongjawd: 1,100;
2. Mongtaw-Monghta: 350;
3. Namyoom: 450;
4. Nawng Yahsai: 1,000; and
5. Namhu Jawnghtam: 100.

Those resettled were provided rice for 1 year and 1,000 baht. Nevertheless, many relocated villagers reportedly returned quickly to their former homes north of Mong Ton Township. According to Wa statistics, 50,000 - 60,000 had been resettled as of mid-February. At least 1 in 4 relocated villagers was ethnic Chinese. (Sources: "Wa Relocations Have Resumed," SHAN, 5 January 2005; "More Wa Arrive on the Border," SHAN, 16 February 2005).

On 26 April 2005, over 1,800 Shan villagers fled the Mong Ton area after UWSA troops attacked SSA-S soldiers based in eastern Shan State. During the fighting, several Shan villages were burned down by UWSA forces. (Source: "Burma Border Fighting Hits New Pitch," *Irrawaddy*, 27 April 2005).

## **Namkham Township**

In December 2005, villagers living in the Namkham area abandoned their homes as SPDC and SPDC-backed militias increased their use of forced portering and sentry duty, especially from among Namthi, Hopon and Nam villages. Combined forces from the USDA, local proxy-militias and SPDC troops were organizing sentry duty and enforcing a curfew around Namkham City. In addition, 40 villagers from Wanapon, Kwunpon, Wanpon and Waneh villages were forced to perform sentry duty for Shweli Bridge. (Source: "The SPDC Practice the Forced Labor in Namkham Area," DVB, 30 December 2005).

## **Nam Zarng Township**

In late May 2005, SPDC authorities forced villagers who had been permitted to go back to their original homes in Haai Laai village tract, Nam-Zarng Township to return to the Kho Lam relocation site. (Source: "More Restrictions and Extortion, and Forced Relocation in Central Shan State," *SHRF Monthly Report*, SHRF, August 2005).

## 13.12 Situation in Tenasserim Division

The SPDC military began to intensify its presence within Tenasserim Division in 1988, when a policy shift towards an export economy induced the regime to further exploit the area's natural resources. The local inhabitants, who base their livelihoods mostly around rubber, palm and orchid plantations; paddy farming, and fishing, have been treated as obstacles to the effective exploitation of the land. The result has been an increase to 46 battalions deployed throughout Tenasserim Division. Ten of these are situated in Yebyu Township alone to guard the SPDC's Yadana natural gas pipeline and the 110-mile-long Ye-Tavoy railway. The increased militarization of Tenasserim Division has been followed by increased abuses against civilians and related internal displacement. (Sources: *The Mon Forum*, HURFOM, September 2005; *Internal Protection and Displacement in Eastern Burma*, TBBC, October 2005).

The resistance situated within northern Tenasserim Division has been a particular target of Burma's ruling junta. Forced relocation programs in Yebyu, Tavoy, and Palaw have sought to undermine support for the KNU and NMSP, which are both active in these areas. The SPDC has applied its egregious 'four cuts' strategy to areas where the influence of opposition exists. In 1997, the SPDC military conducted an extensive campaign to dominate KNU-controlled land. In conjunction with military offensives, this campaign involved the forced relocation of rural inhabitants into military-controlled relocation sites. However, the effect of this program was the flight of tens of thousands of villagers into hiding in the surrounding areas or further into Thailand.

Despite the limited documentation of incidents of forced displacement, TBBC estimated that the total IDP population within Tenasserim Division during 2005 was about 68,600 persons. The vast majority of these individuals, 56,600 in all, were living in SPDC-controlled relocation sites. A further 5,000 people were dwelling in the areas in the north-east of the division controlled by the NMSP and 7,000 remained hiding in the land surrounding their abandoned villages. (Source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005).

### **Forced Relocation in Tenasserim Division - Partial List of Incidents for 2005**

#### **Yebyu Township**

In January 2005, SPDC military troops from Southeast Tactical Command No.3 targeted villages in an attempt to uproot support for a Mon splinter group. The soldiers razed around 40 houses in Wae-Kwao (Paukpingwin) village in Yebyu Township causing displaced villagers to flee to a NMSP-administered IDP village in Tavoy Township. (Source: *The Mon Forum*, HURFOM, September 2005).

#### **Mergui-Tavoy District**

In February 2005, a unit of SPDC troops ordered Za Di Win villagers to relocate to Has Kwa village by the deadline of 20 February. As a result, 210 persons from 30 households of Za Di Win village abandoned their village and fled. (Source: KIC, 27 March 2005).

## 13.13 Forced Relocations in Other States/Divisions

### Relocation of the Capital from Rangoon to Pyinmana

The sudden relocation of Burma's capital from Rangoon to Pyinmana in southern Mandalay Division beginning on 6 November 2005 introduced forced displacement and relocation in areas previously untroubled by such practices. Forced relocation connected with the move affected residents of both Mandalay and Rangoon Divisions. Land developed for the new capital's infrastructure was expropriated from villagers previously residing in Pyinmana District who were forced to relocate elsewhere. The SPDC initiated a vigorous development program on confiscated land involving the construction of new infrastructure including mansions for senior generals, regime offices, national HQs for ceasefire groups and the USDA, bunkers, tunnels, a large military hospital, apartments, airstrips, a golf course, two luxury hotels and two large supermarkets (source: "UN Takes Big Step to Address Myanmar (Burma) Issues," *Thai Press Reports*, 7 December 2005). Civil servants working at regime ministries in Rangoon were ordered to transfer along with their departments to the new capital.

Following the initial transfer of civil servants on 6 November, the SPDC forbade the resignation of those required to move and stated that anyone caught abandoning their post would be charged and imprisoned under Article 5(j) of the 1950 Emergency Provisions Act for treason and insubordination (source: "Burmese Civil Servants Kept Within Barbed Wires at New Capital," DVB, 23 November 2005). At the time of the initial arrival of relocated civil servants, infrastructure was still incomplete and regime employees were deposited in a large hall with provisions for only two days, although there were no adequate sources of supplementary food in the vicinity. Although communication lines out of the new capital complex were limited, some relocated workers managed to contact family members in Rangoon from whom they asked for food. One of those relocated said, "There is nothing to eat, drink and nothing to buy. Just nothing." (Source: "SPDC's Leaders Take to the Hills," *Asia Times*, 23 November 2005). In relation to the transfer, one civil servant said, "Government servants who refuse to move there are told they will be fired and therefore cannot expect any pension" (source: "Civilians to Be Moved for New Capital Site in Central Burma," SHAN, 24 June 2005).

The land used for the capital was confiscated from thousands of villagers (source: "Burma's Rulers Take the Road to Mandalay," *The Independent*, 8 November 2005). By October 2005, hundreds of residents living in the area around Ayelar and Leway, two towns south and southwest of Pyinmana respectively had been forcibly displaced. The confiscated land was to be used for the construction of an airport for the country's new capital. The regime ministries of Forestry, Energy, Agriculture and Irrigation, and No.1 Industry and Irrigation received orders in June to resettle on the same land. (Source: "Civilians to Be Moved for New Capital Site in Central Burma," SHAN, 24 June 2005). In mid-November, the authorities relocated, dismantled and destroyed 100 homes in Pyinmana in order to widen a road leading to the new capital at nearby Kyappayay region renamed Naypyidaw Military HQs. The majority of homes earmarked for relocation and destruction, situated on U Razat and Maung Khin Roads which connect the train station and Kyappayay. Moreover, the authorities also destroyed some living quarters and bungalows built for railway workers situated on the new Pyinmana-Kyappayay Road. Plans were also underway to remove a further 5,000 villagers from the area by the start

of 2006. (Source: “Burma's Rulers Take the Road to Mandalay,” *The Independent*, 8 November 2005).

### **Displacement Following Fire in Hlaing Township, Rangoon Division**

On 28 November 2005, a fire in Hlaing Township, Rangoon Division destroyed a large residential area. Those made homeless by the fire were initially transferred to provisional shelters at sports stadiums, interrogation centers and guest houses. Subsequently, they were moved without warning and taken to No.3 Ward near No.4 Hmawbi Road, approximately 20 miles away from their original homes. However, only some were provided with new living arrangements and some were provided with 35,000 kyat in compensation from the authorities. For lack of a place to reside, some remained in fields. (Source: “Rangoon Fire Victims Forcibly Relocated Out of Town,” DVB, 13 December 2005).

## **13.14 Appendix I: IDPs in Eastern Burma**

| States and Divisions | IDPs in Hiding |               | IDPs in Relocation Sites |                | IDPs in Ceasefire Areas |                | Total IDPs     |                |
|----------------------|----------------|---------------|--------------------------|----------------|-------------------------|----------------|----------------|----------------|
|                      | 2004           | 2005          | 2004                     | 2005           | 2004                    | 2005           | 2004           | 2005           |
| South Shan           | 9,300          | 20,800        | 21,800                   | 23,700         | 185,000                 | 174,500        | 216,100        | 219,000        |
| Karenni              | 7,000          | 9,500         | 6,400                    | 7,500          | 75,000                  | 75,500         | 88,400         | 92,500         |
| East Pegu            | 13,500         | 13,400        | 4,500                    | 7,900          | 0                       | 0              | 18,000         | 21,300         |
| Karen                | 46,900         | 38,800        | 13,400                   | 6,100          | 75,000                  | 45,000         | 135,300        | 89,900         |
| Mon                  | 2,300          | 2,500         | 3,800                    | 6,200          | 25,000                  | 40,000         | 31,100         | 48,700         |
| Tenasserim           | 5,000          | 7,000         | 27,100                   | 56,600         | 5,000                   | 5,000          | 37,100         | 68,600         |
| <b>Overall</b>       | <b>84,000</b>  | <b>92,000</b> | <b>77,000</b>            | <b>108,000</b> | <b>365,000</b>          | <b>340,000</b> | <b>526,000</b> | <b>540,000</b> |

(Source: TBBC, *Internal Displacement and Protection in Eastern Burma*, October 2005)



## 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

Throughout 2005, villagers, political dissidents and others continued to flee across Burma’s borders driven out by the military regime’s policies and practices that suppress their freedoms and violate their human rights. According to the U.S. Committee for Refugees and Immigrants’ (USCRI) *World Refugee Survey 2005*, more than 650,000 refugees and asylum seekers from Burma remained in Bangladesh, India, Malaysia and Thailand after fleeing from forced labor, forced portering, torture, rape and other human rights violations perpetrated by the SPDC military and junta-sponsored actors. As the SPDC has continued its efforts to eliminate all armed and unarmed resistance, the military’s presence and involvement in every area of the country and in all aspects of life has also continued to grow. In turn, increased militarization has forced many civilians to leave their homes and flee to neighboring countries or to become displaced within Burma. There are an estimated one million IDPs in Burma with the potential of becoming cross border refugees.

According the *World Refugee Survey 2005*, Thailand hosts a population of approximately 453,500 refugees from Burma, the majority of whom are from the Karen, Karenni, Mon and Shan ethnic groups. At the same time, there are more than one million migrant workers in Thailand who have left Burma for many of the same reasons as refugees yet who identify themselves by their immediate economic needs. In Bangladesh, over 20,000 Rohingya refugees reside in the two remaining official refugee camps while approximately 100,000 others live and work in the Bangladesh community. Rohingya have also fled to Malaysia where the USCRI reported a refugee population of approximately 10,000 Rohingya and 15,000 Chin. In India, the refugee population of approximately 60,000 consists of mostly ethnic Chin people. Although in smaller numbers, other ethnic groups have also fled to Bangladesh, India, Malaysia and Thailand. (Source: *World Refugee Survey 2005*, USCRI, 15 June 2005).

Under the 1951 Convention on the Status of Refugees (Refugee Convention), States are prohibited from returning a refugee to any area “where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) also prohibits the return of “a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” By forcibly returning refugees and asylum seekers back to areas where they are vulnerable to severe human rights abuses, including persecution and torture, the governments of Bangladesh, India, Malaysia and Thailand continue to violate the principles delineated in both Conventions. Meanwhile, only India has signed onto the CAT. None of the governments hosting a majority of refugees from Burma have ratified either Convention.

## 14.2 Situation of Refugees from Burma in Thailand

### 2005 Demographics of Refugees and Asylum Seekers in Thailand

At the end of 2005, the Thailand Burma Border Consortium (TBBC) reported a population of 142,917 persons inhabiting the nine refugee camps located along the Thai border with Burma (source: TBBC, 2005). From the end of 2001 through the majority of 2005, a population of un-registered asylum seekers had grown in the camps because the Provincial Admissions Boards (PABs), the Thai Government body which grants permission for refugees to remain in the camps, did not function. As a result, there was a growing discrepancy between the official camp population as recorded by the Thai Ministry of the Interior (MOI) and the actual population. To gather more comprehensive information about the population in the camps, from October 2004 to November 2005 the UNHCR and the MOI conducted a new registration exercise to re-register previously registered refugees and to collect information about the unregistered population. While the registration results have not been officially approved, the UNHCR/MOI registered 101,992 persons from the original 1999 registration plus 35,867 others, a total of 137,859. By the end of 2005, the PABs were revived and commenced processing the unregistered cases. (Source: *Six-month Report*, TBBC, July-December 2005). Meanwhile, in June, the TBBC reported that approximately 300 new refugees arrived to the camps each month (source: *Six-month Report*, TBBC, January-June 2005).

The breakdown by age and sex reported by the Karen, Mon and Karenni Committees in December 2005 was as follows:

| Group        | Families      | Adult*        |               | Children      |               | Under 5 years |               | Total          |
|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|
|              |               | Male          | Female        | Male          | Female        | Male          | Female        |                |
| Karenni      | 4,397         | 7,340         | 6,148         | 2,466         | 2,790         | 1,826         | 1,763         | 22,333         |
| Karen        | 23,018        | 40,636        | 38,485        | 12,370        | 11,478        | 8,697         | 8,372         | 120,038        |
| Mon          | 2,289         | 3,685         | 3,935         | 1,514         | 1,401         | 648           | 692           | 11,875         |
| <b>Total</b> | <b>29,704</b> | <b>51,661</b> | <b>48,568</b> | <b>16,350</b> | <b>15,669</b> | <b>11,171</b> | <b>10,827</b> | <b>154,246</b> |

\* For Karen and Mon, this is over 12 years old, for Karenni over 14 years old. (Source: TBBC, January 2006)

A significant number of refugees and asylum seekers reside outside 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 USCRI's *World Refugee Survey 2005*, Thailand hosted a population of more than 300,000 ethnic Shan refugees (source: *World Refugee Survey 2005*, USCRI, 15 June 2005). In addition, at the end of 2005, there were approximately 589 Persons of Concern (POC) recognized by the UNHCR while approximately 11,000 people in urban centers had registered with the UNHCR in order to be reviewed by the PABs for entrance into the border refugee camps (For more information see Section on the Provincial Admissions Boards).

## **Thai Government Policy Towards Refugees and Asylum Seekers**

Thailand is one of the main destinations for asylum seekers, political dissidents and others fleeing the oppressive policies and practices of the SPDC military regime. While Thailand directly borders Shan, Karenni, Karen and Mon States as well as Tenasserim Division, 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 Refugee Convention and therefore is not obligated to follow any international norms or standards contained within the Convention regarding 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 NGOs or the UNHCR will serve as a "pull" factor encouraging immigrants to enter the country and deterring those that are in Thailand from voluntary repatriation. According to Thai policy, the over 140,000 inhabitants of the camps are temporarily displaced persons fleeing the effects of fighting. Refugees living outside the camps, asylum seekers and migrant workers who are also asylum seekers 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 grown increasingly intolerant over the past few years concurrent to improving Thai-Burma economic and political relations. Since elected to office in 2001, Thai Prime Minister Thaksin Shinawatra has endeavored to improve the historically tenuous relations between the two countries. Economic and commercial agreements have coincided with Thailand's public support of the SPDC as well as a tough stance towards refugees and asylum seekers from Burma. Since 2002, Thailand has expressed that foreign opposition groups would not be permitted to engage in activities against neighboring countries from Thai soil. As a result, pro-democracy activists from Burma seeking asylum and attempting to continue their activities in Thailand have been subject to pressure, harassment, arrest, detention and deportation. Moreover, in the beginning of 2004, the Thai Government ordered the UNHCR to halt the refugee status determination process for asylum seekers from Burma living outside the camps as part of a plan to limit options for protection to residing within the confines of the refugee camps. However, this plan was not fully implemented by the end of 2005. Thailand has been consistently criticized for compromising humanitarian protocol for the sake of economic interests.

With few avenues of protection available, refugees and asylum seekers from Burma are vulnerable to Thailand's tightening policies towards illegal migrants. Registered refugees living outside of the camp, asylum seekers waiting to be processed by the PABs and undocumented asylum seekers have been subject to arrest, detention and deportation on the charge of illegal entry as the Thai authorities have cracked down on illegal migrants. The vulnerability of refugees and asylum seekers to arrest and deportation has been of particular concern since June 2003 when Thailand and Burma signed a Memorandum of Understanding (MoU) agreeing to officially deport 400 undocumented migrants every month to Burma. In addition, Thailand also informally deports approximately 10,000 migrants each month at various checkpoints along the border and not necessarily into the hands of the SPDC authorities. As abuse, extortion and detention of deportees upon return to Burma have been reported, both methods of deportation have raised concerns for the fate of asylum seekers and refugees. Meanwhile, refugees and asylum seekers facing deportation are frequently unable to contact the UNHCR for assistance. Regardless, deportations are often carried out

despite UNHCR intervention. (Source: HRDU, 2005; *World Refugee Survey 2005*, USCRI, 15 June 2005). (For more information see Chapter 15 Situation of Migrants Workers).

### **The UNHCR, the Refugee Status Determination Process and Persons of Concern**

Until the end of 2003, individual asylum seekers living outside the refugee camps were able to apply to the UNHCR in urban areas for recognition as a refugee pursuant to the 1951 Refugee Convention. An asylum seeker determined to be a refugee, also known as a Person of Concern (POC), received a document certifying his/her status as a refugee which contained a photograph and biographical information. In the event that a POC encountered difficulty with Thai authorities, the document could be presented and the UNHCR could be contacted to advocate on behalf of the POC. Asylum seekers who had registered with the UNHCR but whose cases had yet to be determined were also provided with a certificate indicating that they were under the protection of the UNHCR. Yet, POC status and possession of UNHCR documents never ensured greater protection under Thailand's Immigration Act. Due to their status as illegal immigrants under Thai immigration law, POCs and asylum seekers awaiting determination were subject to such abuses as confiscation of documents, extortion, arrest and deportation.

In mid-2003, the UNHCR's refugee status determination process came under fire as Prime Minister Thaksin accused the UNHCR of undermining the sovereignty and security of Thailand by failing to properly share information about the agency's activities with the Thai Government. Prime Minister Thaksin objected to POCs' ability to "roam freely around the country" and relegated all POCs wishing to access UNHCR protection to one of the border refugee camps. (Source: "Thai Border Camps to Take 1,500 Myanmar Refugees," AFP, 2 July 2005). Furthermore, the Thai Government announced that the only process available for all future asylum seekers from Burma would be limited to admission to the refugee camps through a process administered by the Thai government. The PABs were revived for this purpose (for more information see section on The Provincial Admissions Boards (PABs)). In accordance with these provisions, on 6 January 2004, the Thai Government officially ordered the UNHCR to halt the refugee status determination process. Aside from 100 emergency or urgent cases from 2004, all asylum seekers who approached the UNHCR after 1 February 2004 were registered only for the purpose of referral to the PABs. The UNHCR continued to register asylum seekers in urban areas for the PAB process until mid-October 2005 when the registration process was suspended in part to prevent a backlog of the over 11,000 asylum seekers who had already registered. Commencing in mid-October to the end of the year, the UNHCR in Mae Sot assigned registration numbers but did not issue any official documents. Instead, asylum seekers' names were recorded to be contacted in the future when the registration process resumes.

In January 2004, the U.S. announced their intention to expand their resettlement program for POCs from Burma. Australia, England, Finland, New Zealand, Norway, Sweden and Switzerland also agreed to resettle POCs in varying numbers. While the option for resettlement had been available to POCs before this time, it was a protracted process due to limited resettlement options and a backlog of cases within the UNHCR. By the end of 2004, approximately 1,500 POCs had departed Thailand for resettlement in a third country. The process continued throughout 2005.

As the resettlement process advanced, the deadline for relocation to the border refugee camps was continually pushed back. However, the Thai Government held firm to its policy that all POCs should eventually be relocated to the camps. On 7 and 11 March 2005, the UNHCR issued formal notices that all POCs were required to relocate to one of three border refugee camps by 31 March in accordance with an order of the Thai Government. POCs in the Mae Sot area were required to register with the UNHCR to be assigned a relocation date. On the day of relocation, POCs reported the Immigration Detention Center where they were processed and photographed. They were then relocated to Nu Po camp in Tak Province. Bangkok area POC's similarly had to report to the Special Detention Center for processing. They were relocated to either Ban Don Yang camp in Kanchanaburi Province or Tham Hin camp in Ratchaburi Province. POCs with resettlement departure dates scheduled before the end of April were required to remain in the Special Detention until the date of their departure. Approximately, 100 POCs received official exemptions from entering the camps and were permitted to remain in urban areas, largely for medical reasons. Of the approximately 900 POCs in the Mae Sot area, 792 entered Nu Po refugee camp. Of the nearly 3,000 POCs in the Bangkok area, 830 entered the camps with 410 going to Tham Hin and 420 going to Ban Don Yang. Meanwhile, 243 POCs remained in the SDC waiting for their April resettlement departure dates. A total of 752 POCs did not enter the camps in accordance with the deadline. POCs who failed to comply with the Thai Government's order forfeited their eligibility for third country resettlement as well as their POC status and the attenuated layer of protection against arrest and deportation.

POCs who failed to relocate to the camps without an official exemption did so for several reasons. Some POCs consciously decided to forgo opportunities for resettlement due to their involvement in the pro-democracy movement. In other cases, POCs did not wish to be separated from spouses, partners or other family members who had not received the same status and were therefore ineligible for entrance to the camps. Other POCs were wrongly advised by unofficial actors or misunderstood the process. Some later reregistered with the UNHCR to be reconsidered for admission into the refugee camps by the PABs.

POCs who complied with the relocation order have been provided housing and rations like all other camp refugees. Initially, only 50 houses were available in Nu Po camp to host the incoming POC population. As the 50 houses accommodated only 150 to 200 persons, POCs temporarily inhabited schools, churches, monasteries and any unused buildings. Adequate housing was available approximately one month after the relocation had transpired when the construction of 75 houses and three long houses was completed. The Bangkok population was relocated to existing structures that formally housed the residents of the Maneeloy Student Center in Tham Hin camp. Once these shelters were filled, POCs were transferred to Ban Don Yang camp.

While POCs were permitted to bring small personal belongings to the camp, they were prohibited from holding mobile phones, computers and other electronic communication devices. POCs also face restrictions on their freedom of movement, inability to seek employment, limited food rations and primary healthcare services. Unaccustomed to the camp conditions, many POCs voiced discontent. On 25 June 2005, nine POCs living in Ban Don Yang camp fled vowing never to return citing inadequate rations and inability to obtain employment and a supplementary income (source: "Nine 'POC' Refugees Escape from Camp," IMNA, 29 June 2005). Similarly, a POC fled from Tham Hin camp due to the conditions, lack of money, poor health and inability to communicate with her spouse who was outside the camp (source: HRDU, 2005).

Several security-related incidents in Ban Don Yang camp exacerbated already existing fears of abuse at the hands of Thai authorities. On 27 April 2005, a group of drunken “awsaw” personnel, a Thai militia group partially responsible for monitoring camp security, entered the home of Khin Maung Win, a POC in Ban Don Yang camp, without reason. The awsaw personnel proceeded to point their guns at, shout at, beat and threaten him. According to one account, a group of approximately 100 refugees gathered outside of the house. The awsaw shot their guns three times without causing injuries. The awsaw personnel also pushed pregnant Ma San San Nwe, a refugee serving as a translator for Khin Maung Win. The following day, at least 30 POCs commenced a sit-in protest in a camp school calling for guarantees of their security and safety. Despite threats from a Thai official, the group continued the protest. Subsequent security related incidents however were also reported. (Source: “Open Letter to United Nations High Commissioner for Refugee,” Camp Committee: Ban Don Yang Camp for POCs, 3 May 2005).

By the end of 2005, approximately 589 POCs remained in the three camps as the resettlement process continued. In addition, the approximately 11,000 asylum seekers who registered with the UNHCR to be processed by the PABs remained waiting for the procedure to commence in urban areas.

### **The Provincial Admission Boards (PABs)**

The Thai Government first established the PABs in 1999 to handle the admission process for new arrivals from Burma seeking entry into the refugee camps. While functioning, the PABs granted admission to those determined to be fleeing from internal armed conflict. From the middle of 2000 until 2001 when they ceased functioning, the PABs rejected the majority of cases on the basis that they did not fulfill the required condition. During the PAB process, the UNHCR’s role was limited to observer status.

Concurrent to the Thai Government’s mid-2003 decision to narrow the avenues of protection available to asylum seekers from Burma to admission to the border refugee camps, the PABs were resurrected. As the UNCHR refugee status determination process was eliminated in January 2004, the PABs assumed administration of the admission process to the refugee camps. Under this mandate, the PABs serve to evaluate the claims of both new arrivals to the camps and urban asylum seekers seeking entry to the camps.

The new PABs are generally comprised of 9 persons including the provincial governor, the deputy governor, the provincial defense officer, the deputy provincial defense officer, a representative from the border patrol police, a representative from the army, a National Intelligence Agent, a representative from the Immigration Bureau and a representative from the UNHCR. Unlike the former PABs, the UNHCR has been granted participant status. Occasionally, the PABs are attended by additional participants such as a refugee camp commander or a district officer. In addition, the criteria for admission to the camp have been expanded to include fleeing from the consequences of fighting.

The PABs resumed operations in October 2005 in Kanchanaburi Province. Mae Hong Son and Tak Province, PABs resumed in December 2005. The first priority for the PABs was to evaluate the approximately 18,500 unregistered refugees residing in the camps who arrived between the end of 2001 and July 2003. Unregistered refugees in the camps who arrived following July 2003 were scheduled to be processed in early 2006. Processing of asylum

seekers residing in urban areas was anticipated to commence in 2006 following the completion of the first two groups. By the end of 2005, the exact procedure for urban-based refugees was unknown. According to Thai Government-approved UNHCR announcements, all asylum seekers must remain in holding centers in the border camps while their claims are being considered by the PAB. Those who are denied by the PAB will have an opportunity to appeal through a Bangkok-based "Appeal Board." If denied by the Appeal Board, the asylum seeker will be subject to Thai immigration law.

### **Situation in the Refugee Camps in Thailand**

Fleeing from ongoing armed conflict and gross human rights violations, civilians from Karen, Karenni, Mon and other border ethnic areas, excluding Shan State, continued to seek entry into the nine refugee camps throughout 2005. While refugees attempt to live in the camps in search of greater security, they continue to face many risks including abuses perpetrated by members of their own community, by Thai citizens or by Thai security personnel. The camps are situated in close proximity to the borderline, presenting the constant potential of threats from across the border. In addition, refugees are faced with heavy restrictions on movement that prevent them from exiting the camp. If refugees do go outside the camp, they are considered illegal migrants and vulnerable to arrest, detention, deportation and harassment at the hands of Thai authorities or the Thai population. (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 a greater area of land near the border, 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 lifestyle. As the Tatmadaw began to increasingly dominate the border areas, the Thai Government tightened control of the refugees' movement making self-sufficiency 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 on relief organizations for other basic living necessities such as cooking materials, clothing, housing materials and cooking fuel.

Due to the inability of refugees to supplement their diet, the nutritional health of refugees has suffered. Refugees receive a basic food basket of rice, salt, yellow beans, oil, blended food and fish paste from relief agencies. In 2001, the then Burmese Border Consortium (BBC), since renamed the Thailand Burma Border Consortium (TBBC), conducted a food consumption/nutritional 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. The BBC survey indicated that the average monthly expenditure for food was about 55 to 70 baht (approximately US\$1.40 to US\$1.75) per family. In addition, registered refugees often share their rations with those who are unregistered and do not receive any. As a result of poor living conditions, frequent infection and a diet lacking in animal protein and micro-nutrients, the BBC survey indicated that most refugees, including children, suffer from chronic malnutrition. Meanwhile the acute malnutrition rate for refugee children is averaged at 4.9 percent, which is on the verge of being considered unacceptable

according to the World Health Organization (WHO) guidelines that consider anything above 5 percent to be unacceptable. (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 surrounding the camps has become an increasing source of tension for the Thai authorities and forestry services. Despite reports that indicated that illegal logging activities in the areas had caused greater environmental detriment, Thailand has heightened 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 the TBBC, to supply building materials. (Source: *Six-Month Report*, BBC, July–December 2003). To further prevent refugees from participating in illegal logging operations, the Forestry Service erected barbed wire and concrete fences around the perimeters of the border camps during 2004 (source: "Tighter Conditions at Thai Camp," *Far Eastern Economic Review*, 23 September 2004).

In late 2003 and early 2004, Thai authorities relocated Mae Khong Kha refugee camp from Mae Sariang District of Mae Hong Son Province to Mae La Oon, a new site near the Salween River and approximately four kilometers from the Thai-Burma border. Shortly after the relocation was complete, the dangers of floods became apparent giving rise to fears of erosion, landslides and lack of access to the camps. By the end of 2004, 96 houses determined to be in areas of high risk were relocated to Pwe Ber Lu. The Pwe Ber Lu site had been under consideration as a viable site during the initial camp relocation but was rejected on the grounds that it was too close to the border. In 2005, a survey conducted by the Asian Institute of Technology from 2 to 5 April found several additional houses were located in vulnerable areas. Following the survey, 360 additional houses were relocated to Pwe Ber Lu, drainage ditches were dug and an emergency evacuation plan was designed. (Source: *Six-Month Report*, TBBC, January–June 2005).

Plans for the relocation of residents of Tham Hin refugee camp in Ratchaburi Province were also developed during 2005. Since the camp was constructed in 1997, the amount of designated space has been below international standards. Approximately 9,000 refugees, comprised of ethnic Karen, former residents of the Maneeloy Student Center and POCs relocated from the Bangkok area reside in a 16-acre campsite with each family inhabiting a five square foot space. Insufficient space and overcrowded homes, as the average family is seven to 10 persons, have consistently provoked concern for health and sanitation conditions within the camp. At the end of 2004, the poor conditions of sanitation were punctuated when Medecins Sans Frontieres (MSF), an international health NGO, reported that the toilets built beneath the refugees' houses were full and could not be drained or replaced. In late April 2005, Thai Senator Kraisak Choonhavan likened the conditions of Tham Hin to a concentration camp after conducting a visit with four other senators. While Thai authorities had long denied requests for additional land for the camp, by mid-2005, Thai authorities finally conceded to the relocation of 71 houses from Zone 2 and expansion of the area. In addition, the Thai Government consented to the resettlement of the Tham Hin population to third countries. While the U.S. offered to resettle the approximately 9,000 residents of Tham Hin, there are concerns that new security legislation in the U.S. may prevent most Tham Hin refugees from being accepted. (Sources: "Thai Senators Blast Myanmar Refugee



Relocations,” AP, 24 April 2005; *Six-Month Report*, TBBC, January-June 2005; *Thailand: Complications in the Resettlement of Burmese Refugees*, RI, 12 December 2005).

In May 2005, refugees in Mae Ra Ma Luang camp protested the quality of healthcare services provided by Malteser Hilfsdienst Deutschland (MHD), a German health NGO. According to some sources, the protest was a culmination of years of discontent with MHD that had reached a breaking point. Refugees reportedly protested and posted signboards around the camp with slogans such as “Stop MHD.” To address the concerns of the community, the Health Action Improvement Group (HAIG) was established, and on 20 May MHD closed all its Out Patient Departments (OPDs), except for those in section 7 and 7B, and largely withdrew from the camp. According to one Mae Ra Ma Luang resident, the In-Patient Departments remained open. The UNHCR, the Committee for the Coordination of Services for Displaced Persons in Thailand (CCSDPT) and others contributed to mediation efforts and a compromise was eventually reached through a meeting on 12 and 13 July. MHD returned to the camp under the new name of Maltezer International (MI) with modifications to its staff and services. The situation has reportedly improved since the organization's return as MI. (Sources: HRDU, 2005; *Six-Month Report*, TBBC, January-June 2005).

### **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 to 49 and there are relatively few single mothers. The average family size is 5.6 people. Single women head nearly 6 percent of households in refugee camps. 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 addressing women's rights issues. (Source: *Six-Month Report*, TBBC, January-June 2005).

Most refugee women are from the ethnic minority community and have suffered a wide range of human rights violations prior to their arrival in the camps. Ethnic minority women living in conflict areas are frequently conscripted by the SPDC for use as forced laborers on infrastructure projects and as porters for the military. They are also subject to the constant threat of rape with virtually no personal security. (For more information see Chapter 7 Rights of Women). Within the camps, refugee women continue to be vulnerable to abuse. Domestic violence is a particular problem for refugee women. Due to the strict regulations on the ability of refugees to freely go outside the camp, traditional ideas of gender roles are challenged as households are forced to depend on humanitarian agencies for their livelihoods. According to EarthRights International, a human rights organization, such dependency prevents refugees from being able to fulfill cultural gender roles leading to a sense of frustration and powerlessness, particularly by male heads of households who are unable to provide for their families. In turn, this sense of frustration frequently results in domestic violence as refugees struggle to exert control over some aspect in their lives. (Source: “Facing Violence Amongst Ourselves: Domestic Violence in Refugee Communities,” ERI, 2003).

## **Situation of Refugee Children**

Although the decision to flee one's home impacts all members of the household, children are particularly affected by the consequences of flight. The physical dangers for children during flight are immense. Not only are children threatened by landmines and sudden attacks but also their health is put at severe risk due to long days of walking without adequate food and water. In this situation, children are at risk of malnourishment, which lowers resistance to diseases such as malaria. Unaccompanied children, in particular, are vulnerable to neglect, military recruitment, sexual assault and other types of abuse. Children also suffer greatly from the emotional affects of fleeing their homes. They leave behind friends, relatives, possessions and established social structures. They also witness the fear and uncertainty of adult authority figures. Furthermore, refugee children often have been exposed to a range of human rights violations including killings, torture, rapes, forced labor, etc. These factors, along with shortages of basic resources, detrimentally impact the physical, psychological and social development of refugee children.

Once in Thailand, refugee children living within the border camps not only face the daily hardships of camp life but also uncertain futures, particularly since they have limited educational opportunities to prepare them for future vocations. Children residing in the refugee camps have access to education up to grade 10. Higher educational opportunities, however, are unavailable to refugee children. Instead, there are limited opportunities for vocational training. In mid-December 2005, the Thai Ministry of Education announced plans to provide Thai language programs as well as educational resources for refugee children residing in the camps. The Thai Office of the Non-Formal Education Commission will be responsible for providing instructors not only for Thai language, but English and occupational skills as well. The Commission will also afford the camps with education materials including computers, satellite receivers, solar power generators, textbooks and televisions. The program is anticipated to commence in April 2006 and is to be primarily directed toward secondary level students. The program will also provide educational certificates upon the completion of the studies. (Source: "New Program Will Enhance Burmese Refugee Education," *Irrawaddy*, 15 December 2005).

Children of refugees and asylum seekers living outside the refugee camps in Thailand face even greater difficulties obtaining access to an education. These difficulties have existed despite the fact that 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, according to Thai law, admission to a school cannot be contingent upon possession of civil registration documents. However, most children from Burma have been unable to access Thai schools. The few that have attended Thai schools reportedly have been "unable to attain an official degree or certificate permitting the young person to pursue further education or to find a job." On 5 July 2005, however, the prospects for children from Burma obtaining an education in Thailand outside of the refugee camps ostensibly improved when the Thai Cabinet passed a resolution granting non-Thai and undocumented children access to the Thai education system from kindergarten through university. According to the resolution, children under this category are entitled to receive a 13-digit registration number that would allow them to attend school. Moreover, undocumented children would be permitted to travel within Thailand for approved education-related purposes. However, by the end of 2005, the resolution had yet to be implemented, the procedures for accessing educational institutions remained unknown and the situation of children remained largely unchanged. (Sources: "Stolen Future: The Stateless

Children of Burmese Asylum Seekers,” RI, 25 June 2004; *World Refugee Survey 2005*, USCRI, 15 June 2005).

An issue of increasing concern is the growing population of stateless children born to refugees and asylum seekers from Burma in Thailand. Under Thai law, they are not eligible for Thai citizenship due to their status as illegal immigrants. At the same time, they are not eligible for citizenship in Burma under the Citizenship Act because they were born outside of the country to parents who left illegally. The SPDC also denies citizenship to such children on the basis that they do not have birth certificates. As a result, a growing population of stateless children is emerging in Thailand. Although 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. (Source: “Stolen Future: The Stateless Children of Burmese Asylum Seekers,” RI, 25 June 2004). Beginning on 1 July 2003, the Thai Government has allowed delivery certificates to be issued to babies born in the camps to registered camp refugees. Refugees and asylum seekers are also allowed to obtain a delivery certificate in public hospitals. However, a delivery certificate is not the same as a birth certificate and does not grant citizenship to refugees. Without legal recognition in Burma or Thailand, refugee children born in Thailand are considered stateless, which renders them ineligible for even basic privileges. (Sources: *World Refugee Survey 2005*, USCRI, 15 June 2005; *Six-Month Report*, BBC, July–December 2003).

## **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 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 discriminated against Buddhist KNLA soldiers. The split was partly engineered by the SPDC as part of their “divide and rule” strategy. Since 1994 the DKBA troops have attacked Karen villages inside Burma as well as Karen camps located along the Thai border, sometimes in cooperation with the SPDC armed forces.

After more than 50 years of armed struggle, the KNU and SPDC came to a verbal ceasefire agreement, also known as the gentlemen’s agreement, at the end of 2003. Despite attempts by the KNU to solidify a formal ceasefire agreement with the SPDC, by the end of 2005 the KNU and SPDC continued to operate under the tenuous, informal agreement. Yet, even with this agreement, SPDC forces continued to perpetrate gross human rights violations in Karen areas. In October, the SPDC reportedly intensified efforts to suppress and eliminate civilian support of the KNU through economic blockades, which included bans on food transport, trade and travel in the Mawchi, Thandaung and Toungoo areas of northern Karen State. The economic blockades created increased obstacles for Karen villagers to sustain their livelihoods (source: “Burma Army Intensifying Cuts on KNU Supporters,” DVB, 2 October 2005). Other abuses perpetrated included arbitrary killing, torture, forced relocation, looting, extortion and forced labor. At the same time, hostilities between KNU and SPDC forces

broke out throughout the year. (For more information, see Chapter 8 Rights of Ethnic Minorities). As a result of the ongoing suppression and violation of their rights, Karen villagers continued to flee from their homes across the border to Thailand in search of refuge during 2005.

### **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 military regime. The enduring conflict contributed to the flow of Karenni refugees into Thailand. In 1992, as a result of mass forced relocations carried out by the regime and increasing pressure, the KNPLF submitted to a ceasefire agreement. The KNPP also signed a ceasefire with the military regime in March 1995, but it remained intact only three months. It was discarded after the terms were violated in June by the regime. In 1996, the military began a large-scale forced relocation program in areas perceived to be sympathetic to the KNPP. As a result of the continuing armed conflict and mounting human rights violations, by the end of March 1998, there were approximately 12,500 Karenni refugees in Thailand. (Source: HRW, 2001)

While the KNPP continued to express the desire to negotiate a lasting peace agreement with the SPDC, throughout 2005, the regime increased intense pressure on the KNPP to submit to a full surrender under the terms of the failed 1995 ceasefire agreement. (For more information, see Chapter 8 Rights of Ethnic Minorities). As a result of such pressure, Karenni villagers continued to endure violations of their human rights perpetrated by the SPDC military, the pro-junta KNPLF and other junta-supported actors. Seeking safety from the armed conflict and abusive tactics employed by the SPDC against Karenni villagers, the flow of refugees from Karenni State into Thailand continued throughout 2005. At the end of 2005, there were approximately 22,333 Karenni refugees in refugee camps in Thailand (source: *Six-Month Report*, TBBC, July-December 2005).

### **Situation of Mon Refugees**

With a population of nearly two million people, Mon State has struggled for autonomy since 1948, led by the NMSP and its armed wing, the Mon National Liberation Army (MNLA). 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 (MNRC), to coordinate assistance to the refugees. In June 1995, the NMSP signed a ceasefire treaty with the regime, which enabled them to retain their arms within a few areas in Mon State. The agreement also required the repatriation of Mon refugees from Thailand. The following year, the refugees were repatriated but they remained afraid to return to their homes and instead established new camps or resettlement sites in NMSP-controlled territories. 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 within Mon State have remained dependent upon humanitarian assistance. (Sources: *Six-Month Report*, TBBC, July-December 2004; HRW, 2001).

During 2005, new checkpoints and restrictions on movement in both Thailand and Burma adversely affected residents of the Mon resettlement sites. In early May, Thai authorities

closed the road from Halockhanee to Ban Don Yang refugee camp in Sangkhlaburi Province, Thailand, effectively restricting communication between Mon refugees in the camps and those living in Mon State. Only tourists able to supply the Thai authorities with a 1,500 baht fee as opposed to the normal 1,000 baht fee were permitted to cross the border to Thailand. The road closure followed accusations by Mon refugees that drunken NMSP soldiers beat and robbed them in Holockhanee. (Source: "Refugee Road Shut Down," *Kaowao*, 7 May 2005). The TBBC also reported that a new Thai checkpoint and travel restrictions in Sangkhlaburi created problems for humanitarian agencies providing necessary assistance to the resettlement sites in Mon State. Similarly, a new SPDC military checkpoint in Yebyu Township, Tenasserim Division has inhibited those in the resettlement sites from accessing rice provisions and markets for cash crops. (Source: *Six-Month Report*, TBBC, January-June 2005).

### **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 the 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 and most ethnically diverse state in Burma. When independence from the British was won in 1948, the Shan were promised the right to secede from the Union of Burma after 10 years. Yet, following independence and the subsequent military take-over of the country, the agreement has not been honored and conflicts between the regime and armed resistance fighters have reigned over Shan State. For decades, Khun Sa, the notorious drug warlord, ran in 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 military regime. At the same time, the military regime implemented a large-scale relocation program to both eliminate support for armed resistance groups and to gain control of the region's natural resources. From March to September 1996, more than 450 villages in the area between Namsan-Kurng and Heng-Mong Nai were moved to relocation sites. By 1998, an estimated 300,000 Shan villagers in central Shan State were affected by the relocation programs. In connection with sustained military presence in Shan State, Shan villagers have been consistently subject to human rights abuses at the hands of SPDC troops throughout the years resulting in a steady flow of asylum seekers from Shan State into Thailand. (Source: Caouette, Therese M, and Mary E. Pack, *Pushing Past the Definitions, Migration from Burma to Thailand*, OSI & RI, December 2002)

According to the USCRI's *World Refugee Survey 2005*, over 300,000 refugees from Shan State remained in Thailand (source: *World Refugee Survey 2005*, USCRI, 15 June 2005).

According to the TBBC, the arrival rate to the Fang District of Thailand alone ranged from 700 to 1000 persons per month in the first half of 2005 (source: *Six-Month Report*, TBBC, January-June 2005). Thailand, however, has consistently refused to recognize any Shan persons as refugees, primarily due to the prevalence of Shan migrant laborers in Thailand. Because Shan language and culture is closely related to Thailand's, the Shan have been able to secure employment without facing the same obstacles as other ethnic groups from Burma. As a result, the Thai Government categorically classifies Shan asylum seekers as "economic migrants." Thailand is also hesitant to recognize the Shan as asylum seekers due to the extensive drug trade between Shan State and Thailand. Consequently NGOs in Thailand are largely prohibited from providing any assistance to the Shan people. 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 number of Shan arriving in Fang district was reported to be around 4,000 per year, primarily 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 has increased to 8,000 to 15,000 each year. Unlike those who arrived prior to 1996, there has been no seasonal correlation to their arrival time. In addition, 32 percent are under 18 years old and 15 percent are 45 years or above. Only half are working age adults. SHRF argues that the difference in age groups indicates that full families are arriving in search of safety and not in search of work. (Source: *Charting the Exodus from Shan State*, SHRF, 2003).

The majority of Shan who have fled Burma live in the fields and orchards of Chiang Mai, Chiang Rai and Mae Hong Son Provinces, Thailand. 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. Furthermore, prolonged unprotected exposure to pesticides in the orange orchards where they live and work has contributed to health problems for the Shan population in Thailand. Meanwhile, they have limited if any access to proper healthcare. (Source: *Six-Month Report*, BBC, July-December 2003). Other Shan asylum seekers settle in one of the three unofficial refugee camps located along the border in close proximity to Shan State Army-South (SSA-S) bases. In addition, approximately 600 Shan refugees reside in an official refugee camp in Wieng Heng district, Chiang Mai Province, which was established in 2002 and permitted to receive humanitarian assistance. (Source: *Six-Month Report*, TBBC, January-June 2005)

In early April 2005, approximately 100,000 troops from the SPDC military with the assistance of the UWSA commenced a heavy offensive against the SSA-S base in Doi Taleng in the Mong Ton area of southern Shan State. As a result of the increased hostilities, 1,800 villagers were displaced from their villages. The SSA-S requested official permission for Shan villagers to take refuge in Mae Hong Son Province, Thailand. The Thai authorities consented on the condition that all Shan must return to Burma when the fighting ceased. (Source: "Thailand Allows Shan Temporary Refuge," *Irrawaddy*, 22 April 2005). Although security and stability in Shan State remained uncertain, on 18 May, Maj. Gen. Manas Paorik, deputy commander of the Thai Third Army, indicated that the refugees were required to return to Burma by the end of May. On 28 May, six local Shan organizations appealed to the Thai Government to reconsider the deadline, which was rescheduled to 7 June. To expedite

the repatriation process, the Thai authorities cut off food supplies for Shan refugees by prohibiting supply trucks from reaching the border area. (Source: "Shan Refugees Face Difficulties," *Irrawaddy*, 7 June 2005). TBBC reported that approximately 400 refugees returned to Burma (source: *Six-month Report*, TBBC, January-June 2005).

Shan refugee outflow was also exacerbated by the formation of the Interim Shan Government (ISG) by a little known Shan group in exile on 17 April 2005. Laikha, Kehsi, Mongkerng and Mongnawng Townships demonstrated the primary base of support for the ISG. Consequently, these four townships were subject to ongoing crackdowns by the regime. In mid-May 2005, approximately 250 Shan refugees arrived in Thailand after SPDC IB 64 and LIB 515 launched attacks after a pro-ISG rally. (Source: "Hundreds Fleeing from Hot Spot Township," SHAN, 20 May 2005). More Shan refugees were expected following forced relocation orders issued in several townships in southern Shan State in retaliation to ISG support. On 4 October, the 60 households of Wanzan village and 40 households of Koonkleng village, Laikha Township were ordered to relocate the Wanpong village tract in the same township. Comparable orders were reported in Kehsi, Mongkerng and Mongnawng Townships. (Source: "Junta Launches New Scorched Earth Campaign," SHAN, 16 October 2005).

### **Resettlement Process**

Third country resettlement was initially approved for the formerly urban-based population of POCs in early 2004. Following the onset of the resettlement process, the Thai Government granted permission for the camp-based refugee populations to be taken into account for possible resettlement. Yet, concerns have emerged regarding the selection process for resettlement of the camp populations. These concerns specifically relate to the broad definitions of terrorism under the USA Patriot Act and the Real ID Act, which would preclude resettlement to the USA of anyone who provided any form of "material support" to terrorists or insurgents." Armed resistance groups operating in the ethnic minority areas have been expansively interpreted as "terrorists or insurgents." Furthermore, "material support" may include minimal provisions such as food and water. As most refugees in the camps have provided some form of minimal support such as food to opposition forces, there is increasing concern that many refugees will be rejected from resettlement to the U.S. While the U.S. is not the only country with a resettlement program for refugees from Burma, it operates the largest program. Another concern has been the lack of consideration for the resettlement of former child soldiers, a particularly vulnerable population. As of the end of 2005, only New Zealand accepted child soldiers for resettlement. (Source: *Thailand: Complications in the Resettlement of Burmese Refugees*, RI, 12 December 2005).

Refugee advocates have also indicated a lack of substantive information regarding the resettlement process resulting in refugees making uninformed decisions to accept resettlement opportunities. As third country resettlement presents many hardships alongside advantages, refugee advocates such as Refugees International have argued that it is not a durable solution for all members of the refugee population. (Source: *Thailand: Complications in the Resettlement of Burmese Refugees*, RI, 12 December 2005).

The resettlement process also has an impact on the refugee population remaining behind. Community leaders and educated persons among the refugee population generally have more opportunities for resettlement. However, departure of skilled and educated members of the community has adverse consequences for those who depend on their leadership and expertise

in the camps. (Source: *Thailand: Complications in the Resettlement of Burmese Refugees*, RI, 12 December 2005).

## **Timeline of Major Refugee Related Events on the Thai-Burma Border in 2005**

### **January**

In early January, the E.U. announced a 9.5 million euro contribution to five different projects supporting populations both inside Burma as well as those residing in Thailand. The projects supported in Thailand included an IOM-run health program targeting Shan IDPs and migrants from Burma, a UNHCR program for Karen refugee education and TBBC efforts to alleviate malnutrition in Mae La Oon and Ma Ra Mu Luang refugee camps as well as to provide supplies to all border camps. (Source: "European Union Supports Vulnerable Populations In and From Burma/Myanmar," *Financial Times*, 7 January 2005).

On 10 January, NGO workers were advised against entering the two Karenni refugee camps after SPDC forces attacked a KNPP military base across the border from Mae Hong Son Province, Thailand. According to the KNPP, the Burma Army discharged 50 artillery shells at the camp and a further 10 shells landed in Thailand. Thai authorities also issued a security warning in the area. (Source: "Thai Security Alert after Border Shelling," *Irrawaddy*, 11 January 2005).

On 11 January, 370 Karen villagers crossed into Umpang District, Tak Province, Thailand after SPDC attacks on KNU's Battalion 201 in Kalaw Waw camp in Dooplaya District, Karen State during Karen New Year celebrations. The villagers remained in a temple in Wah Khie Kho village and received humanitarian assistance. (Source: "Hundreds Flee Burma Border Fighting," *Irrawaddy*, 12 January 2005).

### **March**

On 11 March, the UNHCR announced that all POCs residing in urban areas were required to relocate to a border refugee camp by 31 March or risk loss of UNHCR protection, arrest and deportation. (Source: "Notice to All Myanmar POCs," UNHCR Regional Office for Thailand, Cambodia, Laos and Vietnam, 11 March 2005).

### **April**

On 5 April, a UNHCR survey group assessed the safety of houses in Mae La Oon refugee camp. The group determined that houses situated on either side of the riverbank and at the base of the mountains were vulnerable to the effects of possible landslides. As a result, in late May, plans were initiated to relocate the residents of sections 6-A, 10, 11-A, 12 and 13 to Pway Baw Lu before the rainy season. (Source: "Sections from Mae La Oon Refugee Camp Were Forced to Relocate Due to Their Location," *Kantarawaddy Times*, 21 May 2005).

On 22 April, eight families or 32 people from Daw Tahe and Konna villages, Loikaw Township arrived in Karenni Refugee Camp 1, fleeing from SPDC forced relocations. Each family could carry only two baskets of rice and ran out of food during the journey. As a result, the families went without food for three days. (Source: "New Arrivals Reach at a Karenni Border Camp," *Kantarawaddy Times*, 22 April 2005).



On 22 April, Thai Army chief Gen. Pravit Wongsuwan agreed to allow a group of Shan refugees to temporarily remain in Thailand until conditions were conducive to return. The Shan villagers were fleeing ongoing fighting between the UWSA and the SSA-S in Mong Ton, Shan State. (Source: "Thailand Allows Shan Temporary Refuge," *Irrawaddy*, 22 April 2005).

On 27 April, a group of drunken Awsaw personnel, a Thai militia group responsible for security in Ban Don Yang camp, beat, threatened and pointed their guns at POC Khin Maung Win. In response, the next day, 30 POCs commenced a sit-in demonstration in a school in Ban Don Yang camp calling for guarantees for their safety in the camp. (Source: "Open Letter to United Nations High Commissioner for Refugee," Camp Committee: Ban Don Yang Camp for POCs, 3 May 2005)

## May

On 14 May, Karenni refugee Ko Reh (age 38) was killed by an SPDC soldier 7 km. from Karenni refugee camp 2, Mae Hong Son District after he and two friends left the camp to collect vegetables in the forest. Maung Kaw also sustained injuries as a bullet grazed his forehead. On 15 May, Ko Reh's decapitated body was found with a bullet wound in his waist and hands cut off. (Source: "A Karenni Refugee Found Dead Without His Head," *Kantarawaddy Times*, 25 May 2005).

In mid-May, approximately 250 Shan villagers from Laikha Township fled to Thailand as a result of crackdowns on ISG supporters. (Source: "Thailand Allows Shan Temporary Refuge," *Irrawaddy*, 22 April 2005).

On 18 May, Maj. Gen. Manas Paorik, deputy commander of the Thai Third Army, ordered approximately 500 Shan refugees, including 200 orphans, who had been granted permission to remain on the Mae Hong Son side of the border in April to return to Burma by the end of the month. Ten days later six local Shan organizations appealed to the Thai authorities to reconsider deadline. (Source: "Shan Refugees Face Difficulties," *Irrawaddy*, 7 June 2005).

On 20 May, MHD withdrew from Mae Ra Ma Luang camp in Mae Sariang District following increased tensions with the refugee community who protested against MHD, calling their services inadequate. (Source: *Six-Month Report*, TBBC, January-June 2005).

In late May 2005, residents of Karenni Camp 1 were still enduring a water shortage that had commenced in April. Dry season and limited rainfall led to shortages and ensuing restrictions on water usage in sections 1, 17 and 18 of the camp. As several sections of the camp do not have a well, they must obtain water from a tank in section 11 between 6:00 to 12:00 am and 1:00 to 8:00 pm. (Source: "Karenni Refugee Camp Facing Insufficient Water Problem," *Kanatarrawaddy Times*, 30 May 2005).

## June

On 7 June, it was reported that Thai authorities in Mae Hong Son Province had prevented supply trucks from reaching Shan refugees near the border in an attempt to motivate the refugees to comply with the 7 June deadline to relocate back to Burma. (Source: "Shan Refugees Face Difficulties," *Irrawaddy*, 7 June 2005).

On 22 June, more than 50 Karenni people arrived in Karenni Camp 1 in Mae Hong Son Province. The groups fled from their homes after SPDC authorities accused them of maintaining communication with the KNPP. The SPDC authorities also ordered the villages to sign an avowal that there should be no hostilities between SPDC and KNPP forces, which the villagers refused to sign. (Source: "More Karenni Refugees Advanced to the Thai Border," *Kantarawaddy Times*, 24 June 2005).

On 25 June, nine POCs left Ban Don Yang refugee camp in Ratchaburi Province citing intolerable living conditions and movement restrictions. The POCs reported that the supplied rations were insufficient and restrictions on exiting the camp prevented them from earning money to supplement the rations. (Source: "Nine Persons of Concern Escape from Thai Camp," IMNA, 29 June 2005).

## **July**

As of the week of 4 July, it was reported that vegetable and meat sellers were not permitted to enter Umpium Mai refugee camp in conjunction with tighter security measures. As a result, refugees were forced to subsist on their rations alone. (Source: HRDU, 2005)

On 5 July, the Thai Cabinet passed a resolution that granted non-Thai and undocumented children access to the Thai education system until university. (Source: World Education, 2005).

On 11 July, it was reported that approximately 1,000 Shan villagers arrived in Fang District, Thailand from January to June 2005 following increased rice shortages and incidents of forcible conscription in Kunhing Township, Shan State. (Source: "Rice Shortages Forcing More People to Leave," SHAN, 11 July 2005).

On 16 July, the body of Karenni refugee Saw Khu Paw (age 21) was found floating in the river following flooding after he had fallen into the swollen river attempting to retrieve logs for his bible school. A boy discovered his body nearly 2 km. from the camp. (Source: "A Karenni Refugee Found Drowned due to Flooding," *Kantarawaddy Times*, 18 July 2005).

## **August**

In mid-August, it was reported that two new buildings would be constructed in Karenni Camp 1 in anticipation of an influx of new arrivals. Building supplies would be provided by TBBC while wages for workers would be provided by IRC. (Source: "Buildings Preparation for the New Refugees," *Kantarawaddy Times*, 12 August 2005).

## **September**

On 19 September, it was reported that ongoing rainfall caused the Mae Sariang River to overflow and flood Karenni Camp 2, Mae Hong Son Province. The floods caused chickens, ducks, pigs and a few houses to be swept away. Other houses were damaged. Several refugee families prepared to relocate to safer areas in the camp. (Source: "Karenni Refugees Prepare to Escape Deluge," SHAN, 20 September 2005).

## October

In mid-October, it was reported that SPDC forces were leading forced relocation campaigns in Laikha, Kehsi, Mong Kerng and Mong Nawng Townships in Shan State in retaliation for support in those townships for the ISG. As a result of the relocations, Shan villagers were reportedly fleeing across the border to Thailand. (Source: "Junta Launches New Scorched Earth Campaign," SHAN, 16 October 2005).

In mid-October, at the request of the Thai Government, the Mae Sot UNHCR stopped issuing documents to asylum seekers who registered to be processed by the PABs for entrance to the border refugee camps. Asylum seekers who approached the UNHCR after this time were provided with a registration number on a small slip of paper instead. Bangkok UNHCR stopped issuing documents later in the year. As of the end of 2005, both offices were no longer permitted to issue any type of document as per the orders of the Thai Government. (Source: HRDU, 2005).

On 24 October, representatives from Finland, New Zealand and the U.S. were interviewing approximately 475 Karenni refugees in Ban Tractor refugee camp in Mae Hong Son Province for resettlement. In addition, representatives from Norway conducted resettlement interviews with approximately 200 refugees from Mae Ra Ma Luang. (Source: "Burmese Refugees Interview with UNHCR for Resettlement," *Irrawaddy*, 24 October 2005).

## December

In mid-December 2005, the Thai Ministry of Education announced a plan to provide Thai language programs as well as educational resources for refugee children from Burma residing in the camps. (Source: "New Program Will Enhance Burmese Refugee Education," *Irrawaddy*, 15 December 2005).

## 14.3 Situation of Refugees from Burma in Bangladesh

The refugee population from Burma in Bangladesh can be divided into three categories: (1) Rohingya refugees residing in the two official refugee camps; (2) Rohingya refugees classified as illegal immigrants living outside the camps; and (3) Rakhine Buddhist refugees recognized as POCs by the UNHCR residing mostly in Dhaka, the Chittagong Hill Tracts, and in Cox's Bazaar District. Bangladesh has not signed the 1951 Refugee Convention and does not have a legal framework through which refugees can find protection. The Bangladesh Government restricts UNHCR protection and assistance to those residing in the two official refugee camps and to individual Rakhine in Dhaka who have received POC status. While new Rohingya asylum seekers have continued to flee to Bangladesh in search of refuge, they have been denied access to the camps. As a result, new arrivals have no choice but to remain outside the camps as illegal migrants without protection or assistance. Regardless of their status in Bangladesh, refugees from Burma live in appalling conditions, whether it is in the camps, the slums or the jungles.

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 Gen. 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 regime enacted a new Citizenship Law in 1982, which has rendered the Rohingya de facto stateless. The Rohingya are not considered one of the 135 national races according to the regime. Without citizenship, Rohingya are particularly vulnerable to abuses and extensive restrictions. In 1990, the increased military presence in Arakan State escalated human rights abuses perpetrated against the Rohingya, such as forced labor, forced relocation, execution, torture, and rape. As a result, 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. However, the UNHCR did not gain access to oversee the mass repatriation program until April 1994. 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 refugees to coerce them into returning. In 1997, the repatriations halted and commenced again the following year but only in very limited numbers.

Since the mass repatriations in the mid-1990's, access to the refugee camps has been denied to new arrivals. Despite the fact that extensive violations of human rights and increasingly intolerable conditions in Burma have forced new asylum seekers and refugees who were previously repatriated from Bangladesh to cross the border, the Government of Bangladesh labels them economic migrants. Therefore, all new comers from Burma are considered illegal in Bangladesh. As they are denied access to the refugee camps, they are not eligible for humanitarian assistance. Therefore, they are relegated to hide in the jungle or in slums of 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. By 2005, approximately 236,000 Rohingya were repatriated while approximately 20,500 remained in the two refugee camps at Kutupalong and Nayapara in the Cox's Bazaar area. The Government of Bangladesh has consistently maintained the perspective that all the Rohingya refugees must return to Burma and has worked to continue the process of repatriation. The government's position was highlighted in a 17 February 2005 discussion in Parliament when the issue of Rohingya refugees was raised. Minister of Home Affairs Lutfozzaman Babar reported both the size of the remaining camp population and the fact that the Bangladesh Rifles (BDR), Bangladesh border security forces, were ordered to turn away new refugees. In the same discussion, Minister of Foreign Affairs M. Morshed Khan noted that 95 percent of the Rohingya refugee population had already returned to Burma and the government was actively working to complete the repatriation of the remaining 5 percent. (Source: "Rohingya Refugee Issue in Bangladesh Parliament," *Narinjara News*, 18 February 2005).

Previously the repatriation process imposed by the Bangladeshi Government was impeded by the fact that the SPDC had not fully cleared the remaining refugees in the camps for return. In addition the SPDC had created extensive bureaucratic procedures that complicated the repatriation process. Marking improved diplomatic and economic relations between the two countries in 2003, the SPDC lifted conditions obstructing repatriation and agreed to accept the remaining refugees in the camps who opt for voluntary repatriation. The SPDC's willingness to receive the refugees was reiterated when SPDC Foreign Minister Nyan Win visited and met with Prime Minister of Bangladesh Begum Khaleda Zia on 24 February 2005. Concurrent to discussions of bilateral trade and implementation of various economic development agreements, Prime Minister Zia broached the topic of the remaining refugee population in the two camps. In response, Foreign Minister Nyan Win reportedly guaranteed

that the SPDC would receive the residual Rohingya refugee population. (Source: “Rohingya Refugees to Be Taken Home,” *Xinhua*, 24 February 2005).

### **Situation of Rohingya Refugees in Nayapara and Kutupalong Camps**

*“This is a difficult protection environment for UNHCR to work in. In the camps we are doing our best to curb arbitrary punishment, such as beatings and the confiscation of family books, both of which are totally unacceptable...Many of these people have been here for 14 years, and it's time to have a really realistic assessment of their future and make an attempt to reach a pragmatic solution.”* Christopher Lee, UNHCR representative in Bangladesh (source: “Rohingya Refugees Living in Tough Conditions in Bangladesh Camps,” UNHCR, 21 September 2005).

Of the 14 original camps that were erected to accommodate the mass of refugees in 1991, only Nayapara camp near Teknaf and Kutupalong camp near Ukhia remain. As of the end of 2005, the total population of the two camps stood at approximately 20,500 persons. On 24 November 2005, the UNHCR commenced a registration exercise in the two camps to ascertain the correct number of refugees as well as their profile information (source: “Bangladesh: Registration Starts in Camps,” UNHCR, 25 November 2005). According to a UNHCR/World Food Program (WFP) joint assessment mission conducted in September 2004, the average family was comprised of 6.8 persons. Moreover, 40 percent 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 during harsh weather. In September 2005, the UNHCR reported that camp housing was “badly in need of repair or renewal.” The UNHCR has sought permission from the government to remedy the situation for the past two years. Yet, as of September 2005, the government had yet to consent to the repairs. (Sources: *Joint Assessment Mission Report*, UNHCR and WFP Bangladesh, October 2004; “Rohingya Refugees Living in Tough Conditions in Bangladesh Camps,” UNHCR, 21 September 2005).

Rohingya refugees are not permitted to access local education or health institutions. Moreover, prior to 1997, the government prohibited education in the refugee camps as well. While education has become 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 and minimal teacher training. Teachers are also subject to intimidation by camp officials as they are often accused of assisting refugees in contacting the UNHCR, engaging in political activities or organizing the refugees. Educational instruction is conducted in Burmese presenting further challenges for Rohingya children whose primary language is a dialect of Chittagong, which is similar to the language of the local Bangladeshi community. Children, who comprise 65 percent of the camp population, are taught for only two hours each day. Overall camp literacy rates stand at 12 percent. Higher education or vocational training is not available. (Sources: “Bangladesh: Burmese Rohingya Refugees Virtual Hostages,” RI, 9 May 2005; “Rohingya Refugees Living in Tough Conditions in Bangladesh Camps,” UNHCR, 21 September 2005).

Rohingya refugees live with heavy restrictions on the freedom of movement. Officially, they are prohibited from exiting the camp or seeking external employment. Those who are caught doing so may be subject to punishment from camp authorities. Despite this risk, the UNHCR and WFP reported that 40 percent of refugee families have secured outside sources of income in low level jobs such as rickshaw drivers and brick-makers. 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 illegally outside of the camps, most refugees are completely dependent upon humanitarian assistance for their survival. As a result of the inability to supplement their dietary needs, 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 camps are organized and managed by the Bangladeshi authorities. 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 intimidate and oppress members of the camp population. There are no camp committees of refugee representatives to facilitate the participation of refugees in the decision making or administration process of camp policies. Camp residents are prohibited from organizing meetings, 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 subject to jail time or other forms of punishment for vocalizing opposition of their situation. (Source: "Bangladesh: Burmese Rohingya Refugees Virtual Hostages," RI, 9 May 2005).

The camp organization and harsh treatment of refugees resulted in several conflicts between refugees and camp officials during 2004, including a hunger strike in June and an altercation in November that resulted in the death of three refugees and detention of approximately 42. In 2005, the situation in the camps remained relatively quiet in comparison, albeit appalling. Dissatisfied with the situation of human rights in the camps, the UNHCR had yet to sign its annual agreement with the Bangladesh Ministry of Disaster Management as of late May 2005. As a result, the future of both the UNHCR's involvement and the repatriation process were at question. (Source: "UNHCR Threatens to Win Up Bangladesh Operations," BDNews, 21 May 2005). Shortly after the UNHCR expressed disapproval of the situation of human rights in the camps, the Officer-in-Charge of the Refugee Relief and Repatriation Commission (RRRC) reportedly ordered the Camp-in-Charge to organize refugee families in both Kutupalong and Nayapara to deny the UNHCR's statements and to exhibit positive sentiments towards repatriation (source: "Bangladeshi Camp Officials Step Up Propaganda against Rohingya Refugees," *Kaladan News*, 19 June 2005).

### **UNHCR Disengagement and Forced Repatriation**

In early 2003, the UNHCR announced a plan to phase out their presence along with their partner NGOs through promotion of "self-sufficiency pending voluntary repatriation." Responsibility for administering assistance programs in the two camps would be transferred to the Bangladesh authorities. In response, the Government of Bangladesh expressed concern both over its lack of capacity and resources to manage assistance programs. There were also fears that the self-sufficiency program would create an incentive for refugees to remain in Bangladesh rather than repatriate. In September 2004, the Government of Bangladesh formally rejected the UNHCR's proposal highlighting repatriation as the only durable solution. In 2005, Refugees International reported that the UNHCR remained committed to

developing a strategy for phasing out their presence and establishing a modified self-sufficiency plan which would include freedom of movement and permission for temporary stay in Bangladesh. To encourage repatriation, the UNHCR also introduced an incentive program granting 15,000 taka for housing assistance for refugees choosing to repatriate. (Source: *Bangladesh: Burmese Rohingya Refugees Virtual Hostages*, RI, 9 May 2005).

As the UNHCR is the only international organization with a protection mandate, the announcement of the disengagement plan in 2003 raised concerns that without the agency's presence abuses would ensue. These concerns proved to be valid as evidence of forcible repatriation emerged in May 2003. Camp police, Camp-in-Charges, camp staff and majees have been responsible for coercing refugees to repatriate through harassment, intimidation, confiscation of ration books, arbitrary detention and enforced separation from family members. Through advocacy and increased UNHCR protection staff presence in the camps, the reports of physical threats and numbers of refugees repatriated have decreased. In 2004, the number of repatriated refugees significantly decreased to 210 as opposed to the approximately 3,000 in 2003. In 2005, approximately 92 refugees were repatriated none of whom were reported to be forced. Yet, reports of harassment and intimidation of refugees as a means to coerce repatriation continued. For example, in mid-January 2005, five refugees were reportedly arrested and detained in the Cox's Bazaar jail following their refusal to repatriate. (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; *Overview of the Bangladesh-Burma Border*, Forum-Asia, 10 November 2004; "Five Refugees Jailed for Refusal of Forced Repatriation," *Kaladan News*, 28 January 2005).

### **The Unofficial Rohingya Refugees**

Outside of the two official refugee camps, the unofficial Rohingya refugee population has been estimated to be anywhere from 100,000 to 300,000 persons. Access to the camps has been denied to those who arrived after the mass repatriation started in 1994. Those categorized as new arrivals are both Rohingya fleeing from Burma for the first time as well as those who were repatriated and fled to Bangladesh again after finding the conditions in Burma intolerable. Despite the fact that both categories have fled Burma to escape increasingly abusive conditions and a range of human rights abuses targeted specifically against the Rohingya population, the Government of Bangladesh continues to consider Rohingya from Burma as "economic migrants" and therefore illegal immigrants in Bangladesh. Denied access to the camps, most have settled in the Cox's Bazaar and Teknaf areas of southern Bangladesh.

Because they are considered economic migrants, the unofficial Rohingya refugee population does not have access to humanitarian support. They are vulnerable to harassment from both the authorities as well as the local population. In particular, the Rohingya community is often targeted as the source of social problems and environmental degradation by the media, which results in heightened tension and poor relations with the local community. In order to survive, most Rohingya refugees find employment in low paying jobs 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).

Prior to November 2002, many members of the unofficial Rohingya refugee population resided in the Teknaf area. At that time, the Bangladeshi authorities forcibly evicted the Rohingya from their homes. With nowhere to relocate to, an unofficial makeshift camp in Teknaf near the Naf River was established to house a population of approximately 4,000 refugees. In 2004, the camp population increased to nearly 10,000 persons despite the poor living conditions, lack of sanitation and minimal access to water. Moreover, relations with the local community remained precarious and the camp residents experienced several attacks perpetrated by local residents.

Due to increased hostility between the local population and the camp residents in Teknaf, on 19 October 2004, the camp was relocated to Dumdumia near Ukhiya, approximately 6 km north of Teknaf and the former site of another refugee camp (source: "Overview of the Bangladesh-Burma Border," Forum-Asia, 10 November 2004). The conditions of the makeshift camp at Dumdumia remain deplorably comparable to those of the former camp in Teknaf. Shelters are constructed from pieces of plastic, thatch and foraged wood. With no access to humanitarian aid, some refugees subsist on scavenged food. In addition, the camp has no water supply, sanitation system or access to social services, rendering refugees vulnerable to disease and sickness, particularly diarrhea. Situated on the tidal flats between the Naf River and the road, the site is also vulnerable to floods. This became particularly evident on 24 May 2005, when the camp was hit by a flash flood causing refugee shelters and possessions to be washed away. (Sources: "Rohingyas from Myanmar Living in Risky Conditions in Bangladesh," UNHCR News, 19 July 2005; "About 10-Thousan Refugees Inundated in Teknaf Flash-Floods," *Kaladan News*, 25 May 2005).

The need for access to humanitarian assistance was highlighted again on 15 July when a delegation comprised of diplomats from Australia, the European Commission, Italy, Norway and the USA as well as representatives from the UNHCR visited the makeshift camp at Dumdumia. Observing the lack of sanitation, lack access to social services and unsuitable housing, the diplomats expressed willingness to provide assistance for the refugees pending the Bangladeshi government's approval. (Source: "Western Diplomats Visit 'Unlisted' Burmese Refugee Camp," *Narinjara News*, 17 July 2005). Moreover, in its 2006 *Country Operations Plan for Bangladesh* published in October 2005, the UNHCR indicated an intention to expand assistance and services to the unofficial refugee population (source: 2006 *Country Operations Plan for Bangladesh*, UNHCR, October 2005).

### **Situation of Rakhine Refugees in Bangladesh**

At the end of 2005, there were approximately 110 Rakhine, mostly from Arakan State in Dhaka, Bandarban and Cox's Bazaar areas who were recognized as POCs by the UNHCR. The Rakhine POC population 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 that would allow them to legally obtain employment. The UNHCR provided monthly financial support to the POCs until 1998 when the assistance was cut and a refugee self-reliance program was promoted instead. The UNHCR has offered a lump-sum small business grant to refugees. Recognizing the obstacles facing refugees attempting to make a living in Bangladesh, including cultural differences and language barriers, the UNHCR also provides some skill and language training (source: *The Situation of Burmese Refugees in Bangladesh*, Forum-Asia, 6 November 2003). Many refugees however 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).

Despite the difficulties endured by refugees in contending with the self-reliance program and loss of the monthly subsistence allowance, the Rakhine POC population was presented with increased challenges in 2005. On 1 November, the UNHCR announced the discontinuation of the monthly subsistence allowance for dependent children of Rakhine POCs. As approximately 30 of the nearly 150 Rakhine POCs are children, the policy change greatly impacts Rakhine families. Orphan children, however, remain unaffected by the policy change. Furthermore, the UNHCR will continue to cover the costs of education. (Source: “Bangladesh: UNHCR to Cut Financial Support to Refugees’ Children from Burma,” *Narinjara News*, 15 December 2005). Partially as a means to seek a solution to the cut in subsistence allowance for children, a group of five Rakhine POCs created the Arakanese [Rakhine] Refugees Affairs Committee (ARAC) to address the issues and concerns of both UNHCR recognized POCs and newly arrived asylum seekers. While collaborating with the UNHCR to seek a solution to the discontinuation of the monthly subsistence allowance for dependent children, the committee was also advocating for other issues such as third country resettlement. (Source: “Committee for Arakanese Refugees In Bangladesh,” *Narinjara News*, 28 November 2005).

Aside from POCs, a significant number of Rakhine seeking UNHCR recognition also reside outside of Dhaka in the jungles of the Chittagong Hills and in Cox’s Bazaar District. Unable to sustain themselves in Dhaka for the duration of the UNHCR’s determination process, some Rakhine asylum seekers inhabit the jungles of the Chittagong Hills instead. Conversely, many asylum seekers are unable to meet the costs of multiple journeys from the jungle to Dhaka, which may be necessary for their application process. (Source: “Burmese Refugees’ Hunger Strike in Dhaka: Respite after Talks with High Officials,” *Narinjara News*, 8 February 2003).

Both Rakhine POCs and Rakhine asylum seekers faced increased difficulties following a series of bomb blasts by extremist Islamic groups in Bangladesh in mid-August, which led to tightened security, especially in the border areas. In conjunction with the heightened security measures, 2,000 personnel from both the Bangladesh Rifles (BDR) and the Bangladesh army conducted a special operation in the hill areas of Bandarban in search of terrorists hiding there. Prior to the special operation, Bangladeshi authorities arrested approximately 30 foreigners in the area, the majority of whom were from Burma and one was a UNHCR-recognized POC. Man Wa, the POC, was arrested on 25 July reportedly without reason while eating dinner with his family. He was held in police custody under Section 19(A) of the Arms Act. On 1 September, he was brought before the Bandarban District Court without legal representation. On 8 September, the UNHCR indicated that they would provide Man Wa with legal representation. However, by the end of the year, Man Wa remained in detention in Bandarban jail. (Source: “Who Can Help Them?” *Narinjara News*, 26 August 2005). Again on 3 December, Bangladesh police arrested San Won, a newly arrived Rakhine asylum seeker, in Lama town, Bandarban District. Police apprehended San Won as he distributed newspapers written by exiled Burma opposition groups, such as *Mizzima* and the “Shwe Gas Bulletin.” in the market. San Won had submitted an application for recognition as a refugee with the UNHCR in Dhaka on 30 November and came to Bandardan to wait for his interview. Following his arrest, San Won was detained in the Bandarban jail. As of the latter part of December, the UNHCR had yet to take any action on behalf of San Won. (Source: “Arakanese Asylum Seeker Arrested in Bangladesh,” *Narinjara News*, 21 December 2005).

## **Refugees from Burma in Bangladeshi Prisons**

More than 500 Burmese remained in detention in Bangladeshi prisons during 2005. These detainees are mostly “released prisoners” who have completed their prison sentences but because the SPDC does not recognize them as citizens, they cannot be returned to Burma. Some have been detained for over 10 years after the completion of their sentence. Half of these detainees are Rohingya and half are fishermen from areas such as Mon State and Tenasserim Division, who were employed by Thai fishing boats and arrested for fishing in Bangladeshi waters. (Source: Forum-Asia, 2004).

Following agreements between the SPDC and Bangladeshi authorities, some prisoners from Burma were repatriated in 2005. On 12 March, approximately 115 prisoners were scheduled to return to Burma. Some sources however indicated that 172 prisoners were repatriated on 27 April. In return the SPDC released and returned 75 Bangladeshis from prisons in Burma. As the agreement to exchange prisoners came following SPDC Foreign Minister Nyan Win’s visit in late February, some observers believed it to be a sign of strong relations between the two countries. (Source: “Burma and Bangladesh to Exchange 200 Prisoners,” *Kaladan News*, 8 March 2005). Conversely, in early June, it was reported that SPDC authorities refused to accept a group of 151 prisoners from Burma for unspecified reasons. Furthermore, the SPDC authorities reportedly denied four subsequent requests from the Bangladeshi authorities to transfer prisoners. (Source: “Burmese Authorities Refuse to Accept 151 Prisoners from Bangladesh,” *Narinjara News*, 2 June 2005). Despite return of prisoners in both 2004 and 2005, one report indicated that more than 600 prisoners from Burma languished in Bangladeshi jails as of the end of November 2005 including refugees and approximately 200 prisoners who had already completed their sentences (source: “Over 600 Burmese Prisoners Languish in Bangladesh,” *Narinjara News*, 23 November 2005).

## **14.4 Situation of Refugees from Burma in India**

The population of approximately 60,000 refugees and asylum seekers from Burma residing in India is largely comprised of ethnic Chin with smaller numbers of Kachin, Burman and a few other ethnic groups. The Chin Human Rights Organization (CHRO) has indicated that the arrival of refugees from Burma can be divided into two groups. The first group is activists, university students and others who escaped from Burma following the 1988 pro-democracy uprising. As a result of this outflow, the Indian government established refugee camps in Champai, Mizoram State. In 1992, these camps were closed and all humanitarian assistance was halted. The second group is asylum seekers who have fled ongoing human rights abuses perpetrated by the military regime and other junta-endorsed actors. Abuses include ethnic discrimination, forced labor, rape, extortion and torture. Religious persecution has also been a particularly significant cause of flight for the Chin who are largely Christian. The occurrence of human rights abuses in Chin State has only increased as SPDC military presence has increased over the years causing a consistent flow of refugees to countries such as India. Yet, India is not a signatory to the 1951 Refugee Convention and does not have a legal framework through which refugee status determination can be made. Therefore, refugees from Burma who flee to India face continued insecurity and instability. (Sources: *World Refugee Survey 2005*, USCRI, 15 June 2005; CHRO, 2003).

## **Situation of Refugees and Asylum Seekers in New Delhi**

Approximately 1,500 mostly ethnic Burman, Chin and Kachin refugees were living in New Delhi in 2005. While New Delhi supports the largest population of UNHCR-recognized POCs in the world, only approximately 1,400 are refugees from Burma. As POCs, Burmese refugees receive residence permits but not work permits. As a result, obtaining employment is difficult and risky. The informal sector remains one of the few possible areas that refugees from Burma may secure employment with the attenuated risks of dangerous working conditions, unfair wages and exploitation. Until 2003, the UNHCR provided all POCs with a monthly subsistence allowance of 1,400 rupees (about US\$30) per month. The monthly allowance was intended to provide for food and housing costs. An education allowance was also provided for each child to cover school costs, ranging from 2,500 to 3,100 rupees (US\$55-68). Many refugees reported that the subsistence allowance was not sufficient as the costs of housing and education expenses far exceeded the amount allotted resulting in some children being forced to drop out of school. In addition, children often face difficulties enrolling in public schools. Those who are enrolled face a high level of discrimination. As the medium of instruction is usually Hindi, the lessons are inaccessible to the refugee population. Many children therefore attend private schools that require higher course fees. (Source: "India: The Situation of Burmese Refugees in New Delhi," RI, 24 November 2003).

In 2003, the UNHCR announced the phase-out of monthly subsistence allowance and institution of a self-reliance program. The UNHCR argued that the monthly subsistence allowance created a culture of dependency among refugees, preventing refugees from integrating into the community, learning the local language and obtaining new skills. In an attempt to prepare the refugee population for integration, the UNHCR has been providing Hindi, English, computer, and vocational training. Despite such training, refugees have indicated that the trainings fail to equip them with a skill level sufficient enough to compete with the high number of unemployed Indians. Furthermore, the lack of proper work permits and severe discrimination continue to impede refugees from Burma from obtaining jobs. (Source: "India: The Situation of Burmese Refugees in New Delhi," RI, 24 November 2003).

By the end of June 2005, the subsistence allowance of most POCs was fully phased out, rendering many POCs unable to meet their daily survival needs. Refugees were evicted from their homes due to the inability to pay rent forcing many refugees to live in slums such as in the Vikas Puri suburb area of New Delhi where rents ranging from 500 to 2,000 rupees per month. Rented rooms are often shared with extended family members. Many refugees fear abuse or harassment from their neighbors as well as arbitrary eviction. Potable water is not readily available to refugees in several areas. As a result, the same water which is pumped from the ground for the toilet is often utilized for cooking and drinking purposes. Local residents often prevent refugees from accessing potable water brought to the areas by trucks, forcing some to travel to neighboring areas to obtain water from leaking pipes. Daily nutrition has also been impacted and many are only able to afford one meal per day. Some refugees have resorted to procuring spoiled vegetables from night markets after closing either for discounted rates or for free. (Source: *CHRO's Presentation at the US State Department Bureau for Population, Migration and Refugees*, CHRO, 12 October 2004). Children have also been forced to drop out of school as their parents are unable to meet the costs. During 2005, students were not permitted to sit end of the year exams without paying school fees. However, possession of the certificates from these exams is necessary to be eligible for financial support from the UNHCR for school fees. As a result, refugees were forced to negotiate with the schools to allow children sit examinations for a 25,000 rupee fee but not to

attend classes. Yet, to enroll for the next school year, students were required pay all outstanding fees.

Since the time of its announcement in 2003, the subsistence allowance phase out has been consistently criticized by both refugees and refugee advocates. Discontent with the new policies coupled with increased difficulties in maintaining livelihoods has frequently led to demonstrations and protests. On 29 March 2005, 35 refugees from Burma commenced a sit-in protest in front of the Young Men's Christian Association (YMCA), which is a UNHCR partner organization responsible for distributing subsistence allowance to refugees. The protestors called for the YMCA to provide them with employment in order to sustain a livelihood. The person in-charge of the YMCA indicated that while the refugees were permitted to conduct their sit-in, the YMCA would not be held responsible if the police arrested the refugees. (Source: "Homeless Burmese Refugees Stage Sit-in," *Mizzima*, 30 March 2005). The protest ended on 1 April after the YMCA organized provisional shelter and food for the protestors. When the YMCA arrangements fell through, however, 44 refugees commenced a new sit-in in front of the UNHCR on 7 April calling for reinstatement of subsistence allowance. In response, the UNHCR reportedly agreed to assist refugees in securing jobs through Don Bosco, a Christian NGO, supply rations until jobs were found, and reinstate the monthly subsistence allowance for refugees suffering from health conditions that prevented employment. Refugees were also asked to temporarily lodge in the All Burma Refugees Committee (ABRC) office, a New Delhi based NGO. At the same time, the UNHCR warned that continued demonstration would result in arrest, leading the refugees to cease the second sit-in on 11 April 2005. (Source: "Burmese Refugees Withdraw Protest against UNHCR," *Mizzima*, 12 April 2005).

In an attempt to promote the self-reliance scheme, the UNHCR implemented a plan to assure minimum wage in accordance with the Indian Minimum Wages Act. For six months starting in May 2005, Don Bosco provided refugees who received less than the minimum wage of 2,864 rupees per month the difference. Only one person from each family was eligible for the compensation and the support was limited to employment secured through Don Bosco Ashalayam. Approximately 80 refugees with dependents reportedly obtained support by the program. However, the agency has not been able to place all refugees in positions of employment, leaving many without a stable source of income. (Source: "UNHCR Launches Basic Minimum Salary Scheme for Burmese Refugees," *Mizzima*, 22 April 2005).

Despite the UNHCR's attempts to address the issues resulting from the elimination of the subsistence allowance, in mid-May 2005, an Indian refugee advocacy NGO called Other Media criticized the UNHCR in an open letter to Lennart Kotsalainen, the UNHCR Chief of Mission in New Delhi. The Other Media indicated that the UNHCR was insufficiently addressing the needs of the refugee community and the UNHCR's policies and actions denied the refugees "their rights to live with dignity and honor" (source: "Burmese Refugees Are Under Threat from the UNHCR," *Mizzima*, 18 May 2005). The letter argued that the Self Reliance program did not properly prepare refugees to become self-reliant. The UNHCR failed to assess the existing skills of the community and therefore provided skill training for jobs that already enjoyed a vast pool of labor. The Other Media further argued that the new salary scheme was not a solution but instead an attempt to lead refugees to falsely believe that obtaining employment was possible. As Indian policy does not allow for refugees from Burma to legally procure employment, the Other Media argued that the UNHCR was promoting unregulated employment. (Source: "Letter to UNHCR Chief of Mission, New Delhi," The Other Media, 17 May 2005).

In response to the ongoing concerns expressed both by advocacy groups and the refugee community from Burma, the UNHCR conducted a survey from May to July 2005 to assess the current situation of refugees and measure the consequences of the elimination of the monthly subsistence allowance (source: "Great Expectations for Burmese Refugees in New Delhi," *Mizzima*, 16 June 2005). As a result of the survey, the UNHCR continued to refer some cases for resettlement to third countries such as Australia, Canada and New Zealand (source: "High Hopes for Burmese Refugee Resettlements," *Mizzima*, 15 September 2005). Furthermore the UNHCR increased the monthly subsistence allowance for newly recognized individuals or heads of families from 1,400 to 2,245 rupees in October. The newly recognized POCs however will continue to be subject to the phase out program. Support at the newly increased level will continue for six months. Thereafter support will be reduced for another six months and after a year it will cease. (Source: "UNHCR Increases Benefits before Total Cuts in A Year," *Mizzima*, 17 October 2005).

In August 2005, the government of Japan contributed US\$500,000 to the operations of the UNHCR in New Delhi, which in part would serve to support the refugee population from Burma. According to Carol Batchelor, the UNHCR Deputy Chief of Mission, the funds are allotted to address the education of children of refugees as well as high rates of joblessness within the community. (Source: "Japan's Support Will Be Beneficial to Burmese Refugees: UNHCR," *Mizzima*, 5 August 2005).

### **Situation of Chin Refugees and Asylum Seekers in the Northeastern States of India**

Approximately 50,000 Chin asylum seekers reside in the northeastern states of India, with the majority living in Mizoram State and a small number living in southern Manipur State. The Indian Government does not allow foreigners or the UNHCR access to these areas. Only approximately 50 persons from the 88 student generation residing in the Leikhun Camp, under the control of the Chandel District authorities in Manipur State, receive assistance from the Manipur authorities. Aside from this, there is no humanitarian aid available to asylum seekers living in this area and they remain classified by the government as illegal migrants. As a result, most Chin find employment in low-paying jobs, such as weaving or road construction, and attempt to integrate into the local community in order to survive. Although the Mizo, the local ethnic group of Mizoram State, and the Chin are ethnically and linguistically related, in recent years, the Chin have met increasing intolerance from the local population. They are often blamed for social problems such as crime and drug trafficking. Asylum seekers are often targets for local political organizations like the Young Mizo Association (YMA) that threaten the Chin population with eviction, arrest and deportation. In July 2003, the alleged rape of a nine-year-old Mizo girl by a man from Burma led the YMA to launch the "Quit Mizoram Campaign" to evict all of the Chin from Mizoram. As a result, an estimated 6,000 Chin were forced back to Burma while approximately 10,000 were rendered homeless.

While there were no mass evictions reported during 2005, Chin asylum seekers in Mizoram remained vulnerable to arrest as the authorities cracked down on undocumented migrants. For example, local authorities in Saiha town arrested 10 to 15 asylum seekers each day from 7 to 9 July in an attempt to clear the area of undocumented immigrants. Those arrested were also subject to fines of 100 to 200 rupees. On 7 July, the Mizoram authorities attempted to deport at least 20 asylum seekers back to Burma but were unable to because the border was closed at the time of the deportation. (Source: "Tomorrow Deadline for Expulsion of Seven Burmese

Refugees,” *Khonumthung*, 14 July 2005). On 13 July, authorities in Aizawl arrested people from Burma who had been living and working in the area as market sellers or as goldsmiths, including two NLD-LA members who had residence permits from the District Council of Aizawl. Despite possession of these permits, the police charged them with working illegally. (Source: “Burmese Nationals Driven Out of Mizoram,” *Mizzima*, 15 July 2005). Again in mid-October 2005, the Mizoram authorities commenced a crackdown on undocumented migrants from Burma. While some were able to provide payment of 500 rupees for their release, others were detained. (Source: “Mizoram Officials Arrest Illegal Burmese Migrant Workers,” *Mizzima*, 21 October 2005).

### **Crackdown on Chin Opposition Groups**

In October 2004, marking strong relations between the two nations, the Government of India and the SPDC signed a MoU by which the two countries agreed to prevent armed resistance groups from functioning on each other's soil. The MoU also affirmed the two countries' intentions to maintain peace along the border and to engage in economic development of the border areas. In implementing the terms of the MoU, SPDC armed forces led a crackdown on Indian rebel groups operating in northwestern Burma during the following winter. Meanwhile, the Government of India charged the Government of Mizoram State and the Assam Rifles, the border security forces, with the task of removing resistance fighters from Burma from Indian territory. In early June 2005, the police superintendent of Saiha Township ordered all persons to vacate Camp Victoria, the Chin National Army's (CNA) largest base located in the jungle of Mizoram State, by 8 June. The CNA is the armed wing of the Chin National Front (CNF). From 17 to 21 June, the Mizoram Armed Police engaged in “Operation Hailstorm,” overrunning Camp Victoria. Over 200 CNA soldiers and supporters fled the area and approximately 40 were arrested. Members of the YMA reportedly appealed to local authorities to prevent the deportation of those arrested. (Sources: “India to Crack Down Burma's Chin Rebels,” *Mizzima*, 3 June 2005; “Mizoram Police Storm Myanmar Rebels' Camp,” NEPS, 23 June 2005; “Deported Myanmar Rebels Face Death, Says India NGO,” Reuters, 29 June 2005).

In conjunction with the crackdown on Chin oppositionists, on 8 June 2005, the Mizoram Police raided the home of a Chin National Confederation (CNC) member in Bawngkawn, Aizawl where 12 CNC members were hiding. They were arrested and detained in the Central Jail for “foreigner violations and forcibly collecting donations from the Burmese residing in Mizoram.” Those arrested included CNC Vice-President Fung Kung and Treasurer Van Lin. (Source: “Mizoram Government Started to Arrest Burma Rebels,” *Khonumthung*, 10 June 2005). In addition, Cinluaia, Lalbiakhawma and Teiliankhin, three CNC members residing in the border town of Champhai, were also arrested and later deported into the hands of the SPDC on 13 June (source: “Mizoram Opposition Blames MNF for Harboring Rebels,” *Khonumthung*, 18 June 2005). Following the deportation, the CNC members were detained and interrogated by SPDC LIB 268 at the Rih military camp in Falam Township facing possible prison sentences of at least 20 years (source: “The Repatriated CNC Are under Interrogation in Chin State,” *Khonumthung*, 20 June 2005).

## 14.5 Situation of Refugees from Burma in Malaysia

Asylum seekers and refugees from Burma make up the second largest group of refugees in Malaysia. In the *World Refugee Survey 2005*, the USCRI reported a population of 25,000 asylum seekers and refugees from Burma residing in Malaysia. According to the UNHCR approximately 10,000 are Rohingya asylum seekers while the Chin Refugee Committee (CRC) reported a population of nearly 12,000 Chin. The CHRO reported that flight to Malaysia provides a layer of security to asylum seekers from Burma because in the event of arrest and deportation they will be sent to Thailand and not back into the hands of the SPDC military authorities. However, this is a false sense of security since Thailand has returned deportees to Burma after they are sent from Malaysia. Regardless, Malaysia is not a signatory to the 1951 Convention on the Status of Refugees resulting in a lack of security for those seeking protection. According to Malaysian law, refugees and asylum seekers are considered illegal immigrants and are subject to severe penalties under the Immigration Act. Like all illegal immigrants, refugees and asylum seekers from Burma are similarly vulnerable to extortion, theft, sexual abuse, arrest, deportation, and many other difficulties in Malaysia. (Sources: *World Refugee Survey 2005*, USCRI, 15 June 2005; *Nowhere to Go: Chin Refugees in Malaysia*, CHRO, July 2005; “23 Rohingya Refugees Detained,” *New Straits Times*, 8 March 2005)

In August 2002, the Malaysian Parliament implemented new laws for immigrants including jail time and caning for people caught without proper entry documents. Those found to have entered the country illegally or overstayed their visas are liable to a maximum fine of 10,000 RM (US\$2,600), a jail term of up to 5 years and up to 6 strokes of a cane. Those arrested under the 2002 provisions have been detained in detention camps for unspecified lengths of time awaiting mass deportations. Some migrants from Burma have been held for up to a year or longer in these overcrowded prisons. While in detention, they are often subject to “assault, sexual abuse, inadequate living conditions, lack of medical treatment and even death.” (Source: “Overview of the Situation of Refugees and Asylum Seekers in Malaysia,” SUARAM, 6 November 2003).

In an effort to secure some level of protection, a few asylum seekers have attempted to apply to the UNHCR in Kuala Lumpur for recognition as refugees despite the fact that Malaysian police frequently block access to and arrest asylum seekers outside of the UNHCR compound. In 2005, approximately 6,000 Chin asylum seekers were registered with the Chin Refugee Committee, the first step in the UNHCR refugee recognition application process. However, the CHRO reported that unless considered vulnerable or urgent, applicants must wait for up to two years for an interview. As of July 2005, the UNHCR was only interviewing 18 Chin applicants per week. (Source: *Nowhere to Go: Chin Refugees in Malaysia*, CHRO, July 2005). However, the UNHCR has attempted to provide Rohingya asylum seekers with a more immediate solution by issuing temporary protection letters because the UNHCR recognizes that the Rohingya are stateless in Burma (source: Yap Mun Ching, “Rohingya Discontent Troubles Malaysia,” *Malaysiakini*, 27 April 2004). During 2005, the UNHCR commenced issuing refugee cards to all temporary protection letter holders and refugees. Yet, possession of all UNHCR documents has not ensured refugees and asylum seekers protection against arrest, harassment, detention and deportation at the hands of the Malaysian authorities.

Both refugees and asylum seekers do not have access to social services such as health and education. In addition, they face considerable difficulties maintaining their livelihoods and often live in precarious living arrangements. The CHRO reported that Chin asylum seekers

who are able to afford housing in urban areas usually live in overcrowded conditions of 20 to 40 people in a two-bedroom apartment. Others live in the Cameron Highlands in sheds or warehouses as well as in the Putrajaya jungles in tents, which are intermittently raided and burned down by the police. (Source: *Nowhere to Go*, CHRO, July 2005). Meanwhile, Rohingya asylum seekers also endure deplorable conditions. In protest of these conditions and the inability to sustain a living, a group of 24 Rohingya asylum seekers engaged in a hunger strike in the UNHCR compound on 8 March 2005. Calling for resettlement to a third country, the protest was halted after only eight hours when immigration police arrested and detained the group in the Semenyih Detention Camp. (Source: "23 Rohingya Refugees Detained," *New Straits Times*, 8 March 2005)

### **Arrests of Pro-Democracy Activists from Burma**

On 16 June 2005, 64 pro-democracy activists from Burma engaged in a demonstration in front of the Embassy of Burma in Kuala Lumpur, calling for the release of Daw Aung San Suu Kyi. The group was arrested and detained. An additional four persons were arrested for not possessing valid immigration documents when they went to visit the 64 in detention. Facing charges of unlawful assembly and immigration violations, the 68 detainees pled innocent at their initial trial on 10 August 2005. A group of Malaysian lawyers advocated for the case to be dismissed and planned to file a formal request pending confirmation from the UNHCR that all 68 people were either POCs or asylum seekers. The trial date was set for 12 December. Meanwhile, reports of abusive treatment of the detainees emerged. (Source: "Trial Date Set for Burmese 68," *Irrawaddy*, 11 August 2005; "A Cautious Suu Kyi Celebration in Malaysia," *Irrawaddy*, 20 June 2005).

### **Crackdown on Undocumented Immigrants**

In July 2004, Malaysian Home Minister Azmi Khalid announced a crackdown to clear the country of illegal immigrants and to gain greater control of its workforce. Prior to the crackdown, the government granted migrants an amnesty to leave the country. Initially, the amnesty was scheduled for 29 October until 4 November 2004. However, a disappointing response led the government to extend the amnesty to the end of 2004. (Source: "Illegal Immigrants Seek UN Protection Ahead of Crackdown in Malaysia," AFP, 28 February 2005). The amnesty was extended again to February 2005 following the 26 December 2004 tsunami and a request from Indonesian President Susilo Bambang Yudhoyono (source: "Malaysia Extends Migrant Amnesty," BBC, 2 February 2005). Migrants arrested during the crackdown were to be subject to punishment under the Immigration Act prior to deportation. (Source: *Malaysia: Human Rights at Risk in Mass Deportation of Undocumented Migrants*, Amnesty International, 2 December 2004)

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, Malaysian officials recruited about 500,000 members of the People's Volunteer Corp. (*Ikatan Relawa Rakyat* (RELA)) who were given policing powers and monetary incentives to find undocumented migrants. Human rights groups expressed concern over the minimal training of these groups and the cash rewards for capture of undocumented migrants, suggesting these factors were likely to encourage indiscriminate arrest of refugees and asylum seekers. Government statements indicated that the operation would be carried out humanely and that UNHCR document holders would not be arrested, although doubts were cast over the ability of the government to control the volunteer groups entrusted with the



power to arrest. Concern was also expressed that refugees and asylum seekers arrested during the crackdown would not be able to contact the UNHCR for assistance because of inadequate reporting mechanisms. Furthermore, it was feared that the poor conditions of detention centers coupled with overcrowding during the crackdown would lead asylum seekers to choose to voluntarily repatriate to an environment of persecution in their countries of origin rather than remain in detention. (Sources: “Malaysia’s Massive Crackdown on Migrants Sparks Rights Fears,” AFP, 30 January 2005; *Malaysia: Human Rights at Risk in Mass Deportation of Undocumented Migrants*, Amnesty International, 2 December 2004).

In October 2004, 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 and protecting them from the crackdown (source: “U.N. Refugee Agency Worried Over Looming Malaysian Clampdown,” AP, 3 December 2004). However, by the end of the amnesty, this plan was not implemented rendering Rohingya asylum seekers as equally susceptible to the consequences of the crackdown as the Chin and other refugees and asylum seekers from Burma.

In light of the high potential for human rights abuses and vulnerability of refugees and asylum seekers, UNHCR, human rights groups, and the governments of Indonesia and Philippines pressured Malaysia to extend the amnesty period (source: “Government Delays Crackdown on Illegal Immigrants,” AFP, 1 February 2005). The pressure worked and on 2 February 2005 the Home Ministry announced an indefinite extension of conditional amnesty (source: “Malaysia Extends Amnesty for Illegal Immigrants,” AFP, 2 February 2005). Leniency, however, was short-lived. On 14 February Prime Minister Abdullah Ahmad Badawi set the new deadline for 1 March. In an attempt to provide some level of protection, the UNHCR sent mobile teams into the jungles and outskirts of cities to register asylum seekers before the onset of the crackdown (source: “UN Combs Malaysian Jungles for Refugees Ahead of Crackdown,” AFP, 1 December 2004). On 28 February, one day before the crackdown was scheduled to begin, it was reported that at least 300 people queued in front of the UNHCR in an attempt to obtain provisional refugee status (source: “Illegal Immigrants Seek UN Protection Ahead of Crackdown in Malaysia,” AFP, 28 February 2005).

At the onset of the crackdown, UNHCR personnel were reportedly put on 24-hour alert and established three hotlines for refugees to obtain assistance and for Malaysian law enforcement personnel to verify a refugee or asylum seeker's claim. In addition, the UNHCR reported that RELA, the volunteer corps assisting with the crackdown, invited UNHCR personnel to join them during raids to verify valid refugees and asylum seekers on location. Nonetheless, the UNHCR reported the arrest and detention of at least 29 persons with UNHCR documents. UNHCR personnel were sent to the detention centers to ensure deportations would not follow. (Source: “Malaysia: Crackdown against Illegal Migrants Begins,” UNHCR Briefing Notes, 1 March 2005).

On 3 March, concern for UNHCR recognized refugees was raised again when the Deputy Prime Minister reportedly stated that those who held UNHCR documents would be treated the same as illegal migrants. Moreover, the UNHCR was accused of arbitrarily giving out refugee protection letters prior to the crackdown. The UNHCR firmly denied these accusations. On 4 March, it was reported that at least 12 UNHCR document holders, including two Rohingya, were being held in immigration detention centers. (Source: “UNHCR Urges Malaysia to Protect Refugees During Crackdown,” UNHCR, 4 March 2005). In June, Volker Turk, the head of the UNHCR in Malaysia, reported that approximately 900

persons under the protection of the UNHCR were in detention awaiting trial and sentencing as a result of the crackdown (source: "Refugees to Be Absorbed," *New Straits Times*, 1 August 2005).

Subsequent to the crackdown, Malaysia suffered a severe labor shortage. According to the Human Resources Minister Fong Chan Onn, the construction sector was in need of nearly 200,000 workers while the plantation sector was in need of 300,000 laborers. In an effort to alleviate the shortage, the Malaysian Government began recruiting labor from countries including Burma. Concurrently, the UNHCR advocated for UNHCR recognized POCs to be granted permission to work addressing both Malaysia's labor shortage as well as the economic needs of the refugee community. On 5 July 2005, Home Affairs Minister Azmi Khalid announced that the population of approximately 60,000 UNHCR recognized refugees would be granted temporary work permits to fill the labor shortage. A committee was scheduled to meet in August to organize a strategy for implementing the decision. Yet, by the end of 2005, little information about this plan was known. (Sources: "Malaysia to Allow Thousands of Refugees to Work to Solve Labour Crunch," AFP, 5 July 2005; "UN Urges Malaysia to Allow Refugees to Work Amid Labor Shortages," AFP, 13 June 2005; "Refugees to Be Absorbed," *New Straits Times*, 1 August 2005).

## 14.6 Refugees from Burma in Other Locations

### Japan

On 16 March 2005, refugees from Burma participated in a demonstration in front of the immigration office in Tokyo, calling for a reduction of restrictions on foreigners and asylum seekers in detention. One regulation cited was that detainees are unable to receive food provided by outsiders. The protestors were joined by human rights activists who hope to promote greater acceptance of foreigners in Japanese society. (Source: "Rally Held to Protest Plight of Thousands of Foreign Detainees," Japan Economic Newswire, 16 March 2005).

On 8 April 2005, a 41-year-old NLD Youth member and former aid to Daw Aung San Suu Kyi filed suit against the Japanese government seeking 11 million yen in compensation for being unfairly held in prolonged detention after providing sufficient and compelling evidence for his asylum claim. The man had arrived in Japan with a false passport and a short term visa in May 1999. He was arrested in April 2003 and initially charged with overstaying his visa, which was later modified to illegal entry. In June 2003, he applied for political asylum in Japan. His claim was initially rejected in September 2003. Following the rejection of his claim, he remained in detention until he was granted an interim release in November 2004. Yet, in March 2005, without providing a reason, the Immigration Bureau altered its decision and accorded the man a special residence permit. (Source: "Suu Kyi's Aide Sues Japanese Gov't for Damages Over Detention," Japan Economic Newswire, 8 April 2005).

On 15 June 2005, the Osaka High Court overturned the Osaka District Court's rejection of an asylum seekers claim from Burma. In overturning the decision, the high court prevented Maung Maung (male, age 37) from being deported. Unlike the district court, the high court determined that Maung Maung faced legitimate fear of physical and mental harm if forced to return to Burma. This was the first instance of the high court preventing a deportation.

(Source: “In first, Japanese High Court Blocks Deportation of Asylum-Seeker,” AFP, 15 June 2005).

## **South Korea**

On 20 April 2005, the Government of South Korea rejected the appeals of nine NLD members seeking asylum in the country. The nine activists filed for asylum in May 2000, however, they claimed their interviews with immigration officials were conducted unfairly. They lacked an adequate translator throughout the process. Furthermore, both the asylum seekers and Korean civil society organizations requested copies of the interviews and the standards on which the decision would be based. These requests were denied providing the asylum seekers without an explanation for their rejection. Despite the asylum seekers' active participation in the pro-democracy movement both in Burma and in South Korea, on 11 March 2005, they were found not to fit the criteria necessary for obtaining asylum. They were then ordered to exit the country within five days. The applicants filed an appeal and a request for a three month extension to stay in the country on 17 and 18 March, respectively. On 20 April, the final rejection was issued with concurrent orders for the asylum seekers to depart from the country in five days. Their deportation, however, was scheduled for 18 July. In the latter part of May, the asylum seekers with the assistance of some Korean NGOs indicated that the case would be brought to a higher court. (Source: “Forwarded Appeal (South Korea): Denial of Refugee Status for Burmese Nine,” AHRC, 26 May 2005).

## 15. Situation of Migrant Workers

### 15.1 Background

Throughout 2005 thousands of people from Burma continued to leave their country in order to seek employment abroad. Due to a range of political, economic and social factors, the population of Burma is highly mobile. Mass migration out of Burma has continued since the 1962 Ne Win military takeover of the country. The ongoing exodus represents one of the largest migration flows in Southeast Asia. It is estimated that 10 percent of Burma's population has migrated to other countries. Most migration from Burma involves overland cross-border travel to neighboring countries, including Bangladesh and India to the west, China to the north, and Laos, Malaysia and Thailand to the east. The greatest concentration of migrant workers from Burma is in Thailand followed by Malaysia, Singapore and Japan. Accurate demographic data of migrant workers from Burma in most countries however is difficult to obtain because many are undocumented and unregistered in their destinations.

In many cases migration is the only option for those targeted by the regime and caught in the middle of military conflict, particularly those of ethnic minority groups. Systematic human rights violations such as mass forced relocation, arbitrary arrest, torture, rape, and extra judicial killings carried out by the SPDC leave no other option other than to seek refuge in other countries. Because entry into refugee camps in Thailand and Bangladesh is limited and only some are granted refugee status, many are forced to either enter the camps illegally or seek unauthorized employment. Many who have fled severe human rights abuses in Burma with valid claims to refugee status are categorized as economic migrants and therefore are vulnerable to involuntary repatriation.

### 15.2 Migrants from Burma in Thailand

The size of the migrant population from Burma in Thailand is estimated to be from 400,000 to 2 million persons, making up approximately 80 percent of the migrant workforce in Thailand (sources: *Migrant Domestic Workers: From Burma to Thailand*, Institute for Population and Social Research, July 2004; *Myanmar: Leaving Home*, AI, 8 September 2005). Many of migrant workers from Burma work in the illegal, unregulated labor market or in "3-D jobs" (dangerous, dirty and difficult) that often pay well below the minimum wage. The migrant community from Burma is comprised of a myriad of ethnic groups from conflict areas from all across Burma's 14 states and divisions. Due to the combination of economic and humanitarian reasons prompting migration into Thailand, it is difficult to distinguish between economic migrants and asylum seekers. While many are forced to flee their homes in Burma due to continuing systematic human rights violations, migrants are also drawn across Thailand's expansive border to escape Burma's continually deteriorating economy in the hopes of benefiting from Thailand's booming economy and constant demand for cheap labor. Regardless of the motivations perpetuating the constant flow of migrants from Burma into Thailand, the Thai Government maintains a strict and sometimes arbitrary policy on classifying all people from Burma who arrive in Thailand as illegal immigrants. In turn, many victims of direct human rights abuses are refused access to refugee camps, international humanitarian aid, and are subject to deportation. Meanwhile, neither Thailand nor Burma are signatories to the 1990 UN International Convention on the Protection of the Rights of All

Migrant Workers and Members of their Families, which provides basic human rights to those crossing international borders (source: *Migrant Domestic Workers: From Burma to Thailand*, Institute for Population and Social Research, July 2004).

### **Patterns of Migration and Trafficking**

Migrants from Burma enter Thailand through a variety of methods. Some cross the border legally with work permits and return to Burma upon expiration of their registration. Others enter at legal border crossings such as Mae Sai and Mae Sot on day passes, establish new lives in Thailand and fail to return to Burma. Thai immigration records indicate that up to 15,000 of the 50,000 people from Burma entering Thailand in a month do not return. Many others cross at illegal border points, swimming or wading across rivers, hiking long distances through mountains or smuggled by human traffickers. People entering this way usually have to pay large sums of money as fees for carriers for guided passage as well as bribes to police and officials on both sides of the border.

Once inside Thailand, many migrants remain in border areas because jobs are easy to find and a well-networked migrant community from Burma already exists. Furthermore, they face greater risk of arrest if they attempt to leave the border areas without proper documentation. In the border town of Mae Sot, for example, there are an estimated 150,000 migrant workers employed in approximately 250 factories. It is estimated that 95 percent of factory workers in this area are from Burma. Other places of employment in Mae Sot and the surrounding Tak Province include fruit and vegetable plantations, flower farms, and informal work sectors such as the domestic service industry. Elsewhere many people from Burma, particularly from Shan State, work in the northern Thai-Burma border areas as seasonal agricultural workers. Thousands of people from Burma, mostly from Mon State, are employed in the fisheries, rubber plantations, service industries, and post-tsunami construction sites in the six southern provinces of Thailand.

To reach destinations beyond the border areas, migrants must frequently rely on the assistance of traffickers and carriers. Migrants from Burma have reported paying 6,000 to 14,000 baht to be transported from the border town of Three Pagodas Pass to other locations inside Thailand. A 14,000 baht fee will secure transport to Hat Yai in southern Thailand. Migrants in Three Pagodas Pass who are unable to furnish the high fees of traffickers are forced to hike over the Bilauktaung mountain range to avoid checkpoints of Thai law enforcement personnel. (Source: "Hundreds Waiting to Cross the Border," *Kaowao News*, 5 May 2005). In 2005, there were reports of a group of human traffickers receiving 20,000 baht from 41 migrants from Burma for transportation from Mae Hong Son to construction sites in Mae Chaem, Chiang Mai Province. In addition, a group of 5 women from Burma paid 10,000 baht each to be carried from the Mae Sai border area, Phrae Province to Nakhom Pathom in a car belonging to a Thai police sergeant. (Source: "50 Burmese Held in Illegal Alien Sweep," *The Nation*, 5 June 2005). Migrants who contract the services of traffickers frequently end up in abusive or exploitative employment settings.

In an attempt to contend with trafficking, Thai law enforcement officials engaged in several crackdowns throughout the year to apprehend human traffickers. In addition, the Thai government established the National Committee on Prevention and Suppression of Human Trafficking in March 2005. Thailand also announced the enactment of new human trafficking laws during the year. Despite such efforts, trafficking in Thailand remains a widespread problem, earning Thailand a place on the second tier of the U.S. human trafficking

monitoring system in 2005 for its failure to combat the problem (source: *Trafficking in Persons Report - 2005*, U.S. Department of State, 3 June 2005). Moreover, in its concluding observations of the review of Thailand as a signatory to the International Covenant on Civil and Political Rights, the UN Human Rights Committee expressed concern “that Thailand is a major country of origin, transit and destination in trafficking of persons for purposes of sexual exploitation and forced labor” (source: “Concluding Observations of the Human Rights Committee: Thailand,” *Eighty-fourth session of the UN Human Rights Committee*, 28 July 2005).

Burma has also been subject to international criticism for its failure to address the occurrence of trafficking both within the country and across international borders. Since 2001, Burma has been ranked as a Tier 3 country by the U.S. Department of State for failing to comply with the minimum standards of the 2000 Trafficking Victims Protection Act (source: *Trafficking in Persons Report-2005*, U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, 3 June 2005). While Burma has also claimed to have implemented various measures to combat trafficking, these efforts have been criticized for failing to address the push and pull factors that perpetuate its existence. For example, the restrictions placed on the movement of women, particularly in border areas, force them to become increasingly dependent upon traffickers. At the same time, the increasing numbers of checkpoints along travel routes have contributed to higher travel and trafficking costs, as bribes are required to complete the journey. In addition, Burma’s anti-trafficking efforts have failed to address the complicity of officials that perpetuate the practice by accepting bribes. In 2004, the Shan Women’s Action Network (SWAN) reported that nine distinct groups of public officials profit from the practice of trafficking: Immigration, Military Police, Military Intelligence, Police Special Branch, Customs, Narcotics Control, Army, TPDC and municipal officials (source: *Shan Women’s Action Network Newsletter*, SWAN, September 2004). (For more information see Chapter 12 Freedom of Assembly, Association and Movement and Chapter 7 Rights of Women).

### **Situation of Female Migrant Workers**

Women make up an estimated 40 percent of adult migrants from Burma. In Thailand there is a strong demand for female labor. Yet female migrant workers in Thailand consistently earn less than males. (Source: *Burma Economic Watch*, January 2005). Women who emigrate are more likely than men to work as undocumented workers. This is partly due to the fact that many women are forced to take jobs in the informal sector that are not included in the government registration process. Women working in the informal sector are also not accorded protections under Thai labor law and therefore are vulnerable to abuse and exploitation.

Many women migrant workers are recruited into the domestic services industry. There are at least 100,000 female domestic migrant workers from Burma in Thailand, and possibly many more that are unaccounted for. Although the Thai Ministry of Labor officially recognized domestic workers when registering migrant workers in 1996 and again in 2001, the Thai Labor Protection Law does not afford any rights or protections to these workers. Instead, “migrant domestic workers [are] expected to work on demand, without agreed upon responsibilities or a written contract delineating working hours, days off, accommodations, salaries, sick leave, care or pay.” Nearly all domestic workers in Thailand earn less than the legal minimum wage, with many earning less than half that. Meanwhile, 80 percent of domestic migrants surveyed in Thailand indicated that they emigrated for the purpose of

procuring money to send back to their families in Burma. (Source: *Migrant Domestic Workers: From Burma to Thailand*, Institute for Population and Social Research, July 2004).

While women are subject to the same poor working conditions and abuses as men migrant workers, women also suffer gender specific abuses. Many women face sexual harassment and sexual assault in the workplace, in government detention centers, and in their homes and communities. Undocumented women migrant workers 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. There have been numerous allegations from human rights bodies of sexual molestation and rape of female migrant workers on the border by police and immigration officials. In several cases, factory owners in Thailand have allowed police to enter the women's sleeping quarters and intimidate women. As a result of such incidents, a number of young migrant women have reported feeling pressure to marry to have some protection against unwanted sexual advances from others.

In December 2004, the Thai Labor Ministry attempted to institute a policy that would allow the Thai Government to deny work permits to women found to be pregnant. This policy was reminiscent of a similar January 2002 enactment. (Source: "Thai Government To Deport Pregnant Foreign Workers," ASEAN Watch, 27 December 2004). The December announcement was met with outrage from labor and human rights advocates. As a result, the government revised the policy to entitle female migrant workers to remain in Thailand for a year after birth or indefinitely if they find employment or can be supported by their husband (source: "Thailand Not to Deport Pregnant Illegal Workers," MCOT NEWS, 16 December 2004).

### **Health Issues of Female Migrant Workers**

Despite an estimate from the Thai Ministry of Public Health that the cost of providing health services to a migrant worker is on average 250 baht per year, the vast majority of female migrant workers in Thailand lack access to medical care. Women are inhibited from accessing healthcare due to the prohibitive cost when paid for on an individual basis and the difficulties associated with traveling to receive healthcare services. Not only are some employers unwilling to allow women to travel but also undocumented women risk arrest and potential deportation when traveling. According to Dr. Cynthia Maung of the Mae Tao Clinic, a clinic for refugees and migrants on the Thai-Burma border, such fears are justified as "The local Mae Sot police do stand outside the clinic and harass and arrest patients..." (Source: Suzanne Belton and Cynthia Maung, *Working Our Way Back to Home*, Melbourne University and OSI, 2005).

As in Burma, most migrant women suffer from a lack of access to reproductive healthcare, information on sexually transmitted diseases and contraceptives. In Burma, it is estimated that only 28 percent of fertile-age women use a modern method of contraception, compared to 72 percent 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, the cost of condoms is over half a day's average wage and migrant workers have limited access to free condoms. Meanwhile, according to staff from the Mae Tao Clinic, female in-patients have readily accepted a range of temporary and permanent contraceptive methods when offered and were "very interested" in talking about family planning. In Thai hospitals, however, women requiring medical care following serious abortion complications "are discharged without education, counseling or

contraceptive supplies.” Furthermore, a one-year contraceptive injection costs US\$2.10 and female sterilization costs US\$11.60. (Sources: Suzanne Belton and Cynthia Maung, “Fertility and Abortion: Burmese Women’s Health on the Thai-Burma Border,” *Forced Migration Review*, Issue 19, January 2004; Suzanne Belton and Cynthia Maung, *Working Our Way Back to Home*, Melbourne University and OSI, 2005).

Reproductive health issues continue to be complicated by labor concerns. Pregnancy remains a ground for dismissal by many employers (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). In a study of female migrant workers in Thailand, a typical interviewee reported, “When I was pregnant I went to end my pregnancy with the *let thay* (traditional midwife/women’s healthcare practitioner) because my female boss didn’t want me to be pregnant. She shouted and swore at me. I would lose my job.” (Source: Suzanne Belton and Cynthia Maung, *Working Our Way Back to Home*, Melbourne University and OSI, 2005). Furthermore, pregnant migrant workers are generally not offered maternity leave and breast-feeding is often forbidden during work hours (source: Marwan Macan-Markar, “Thailand: Motherhood a Risk for Burmese Migrants,” IPS, 23 September 2003). In addition to job retention, women from Burma also cite poverty, domestic violence, ill timing, and community pressure as reasons to terminate a pregnancy. Financial reasons for terminating pregnancy are especially common, with many women reporting that “pregnancy interrupts family plans to save money, pay off debts or feed the extended family back in Burma.” (Source: Suzanne Belton and Cynthia Maung, *Working Our Way Back to Home*, Melbourne University and OSI, 2005).

The illegality of abortion in both Thailand and Burma forces migrant workers to seek assistance outside formal channels, often to the detriment of their physical and mental wellbeing. Key findings from research on women’s health issues on the Thai-Burma border, found:

- At least a quarter of women with post-abortion complications have had self-induced abortions.
- A third of the women interviewed had 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 practical 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 percent 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).



## **HIV and AIDS**

*“The HIV infections among the migrant communities look like those of Thai people about ten years ago. It’s infected so fast at that time. Now migrant workers are like this because they don’t know how to prevent HIV and some people think HIV/AIDS is not a big problem for them.”* -Staff from the Migrant Assistance Program (MAP) Foundation (Source: “Fear, Ignorance Raises Risk of HIV in Migrant Workers,” SHAN, 28 November 2005).

Social taboos prohibiting open discussions about sex and lack of public information regarding sexually transmitted diseases render migrants from Burma at high-risk for contracting HIV/AIDS. The migrant community’s knowledge of sexually transmitted diseases is riddled with myths, including the belief that transmission can occur via toilet seats, kissing and coughing. Of greater concern is the belief that contraceptive pills act as transmission preventatives. (Source: “The Aids embargo: Cover Story,” *Irrawaddy*, 1 January 2002). Other reports have revealed a belief among fishermen that a “persons HIV status can be discerned from appearances, citing fair skinned women and those with cool skin as ‘clean’” (source: “Migrant Fishermen’s Risky Behavior Spreads HIV,” *Vietnam News*, 17 July 2004). In Burma, the SPDC has been unwilling to engage in any large-scale education campaigns and references to condoms are still heavily restricted in the Burmese media. Lack of understanding and awareness of HIV/AIDS among the migrant population is exacerbated by limited Thai government-sanctioned prevention initiatives targeting the migrant population (source: “HIV/AIDS Stalks Burmese Migrant Workers,” *Mizzima*, 11 July 2005). NGOs have initiated some prevention campaigns in areas with high migrant worker populations and HIV infection rates such as Samut Sakhon, Mae Sot, Ranong and Chiang Mai. Migrants from Burma living in Chiang Mai also have access to HIV/AIDS counseling services at the New Life Friends Center. Fearing ostracism by their employers and community members, most seek counsel via telephone. Thai media provides some information however it is generally inaccessible to migrants from Burma who typically have low levels of comprehension of the Thai language. (Source: “Fear, Ignorance Raises Risk of HIV in Migrant Workers,” SHAN, 28 November 2005).

In addition to lack of access to information, HIV/AIDS in the migrant community is perpetuated by a lack of access to healthcare, lack of protection for pregnant migrant workers in the work force, and the prevalence of trafficking, violence and exploitation. Such discriminatory treatment renders the migrant community to be more susceptible to HIV/AIDS than the local population 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). Consequently, the UNDP reported that 4.3 percent of pregnant migrant women were HIV positive as opposed to 2 percent of pregnant Thai women (source: “HIV/AIDS Stalks Burmese Migrant Workers,” *Mizzima*, 11 July 2005).

Reports have indicated that “although credible data is not available, infection rates among Burmese sex workers in the border towns of Mae Sot, Mae Sai and Ranong are considered high” (source: Aung Zaw, “The Aids Embargo: Cover Story,” *Irrawaddy*, 1 January 2002). In addition, the Suphamitr Foundation, a Thai NGO, reported that gonorrhea, syphilis and other sexually transmitted diseases continue to spread within the migrant population of Mae Sot. The spread of disease is attributed partly to the daily cross border migration of sex workers from Burma and the patronage of migrant workers from Burma. (Source: “Thailand: STDs Spread along Mae Sod Border due to Immigration Labor Sexual Activity,” Thai Press

Reports, 21 June 2005). Statistics from Mae Sot Hospital revealed that 11.11 percent of sex workers who have quarterly checkups at the hospital are HIV positive (source: Jean-Baptiste Ronat, *Migrant Population Assessment in Mae Sot District: Health Access Situation Analysis*, MSF, October 2005). The high rate of infection among sex workers due to unprotected sex implies that their clients also suffer high rates of infection and may unknowingly transmit diseases to their partners and spouses.

### **Situation for Migrant Children**

Ninety-three thousand children below the age of 15 accompanied the 1.3 million adult migrants from Burma, Laos and Cambodia who registered as workers in Thailand in 2004. Sixty-three thousand were children from Burma below the age of 12 (source: "Thailand Risks Creating 'Lost Generation' of 100,000 Child Migrants: IOM," AFP, 23 August 2005). According to a study conducted by Save the Children UK from 1999 to 2001, children from Burma as young as 13 years of age migrate either independently or alongside relatives to neighboring countries in search of employment. Thai law stipulates the minimum age of employment to be 15 years of age. (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). However, the International Confederation of Free Trade Unions (ICFTU) revealed that children from Burma as young as 8 years old work in a number of workplaces within Thailand including such industries as textiles, garments, bottle making, tinning, domestic work, snack bars, dish washing, fishing, construction, and agriculture. Migrant children are also employed as sex-workers, however, efforts by the Thai government to eliminate the practice has caused a significant decrease in the number of children involved in the sex industry. The exact number of child laborers in Thailand is difficult to ascertain due to their undocumented status and clandestine presence in the workplace. (Source: *Growing Up Under the Burmese Dictatorship*, ICFTU, August 2003).

Like adult migrants, young people and children from Burma have been involved in abusive, exploitative and sometimes violent situations and working environments. Those with minimal levels of education are more vulnerable to these circumstances. In its concluding observations of Thailand as signatory to the International Covenant on Civil and Political Rights, the human rights committee expressed "concern about the significant proportion of children, often stateless or of foreign nationality...who engage in labour and are often victims of trafficking." Furthermore, the Committee recommended that "the state party should make every effort, including preventative measures, to ensure that children who engage in labor do not work under conditions harmful to them and that they have access to education." (Source: "Concluding Observations of the Human Rights Committee: Thailand," *Eighty-fourth session of the UN Human Rights Committee*, 28 July 2005).

An issue of increasing concern has been the growing population of stateless children of migrants from Burma. In August 2005, the International Organization for Migration (IOM) reported that over 100,000 migrant children in Thailand were stateless (source: "Thailand Risks Creating 'Lost Generation' of 100,000 Child Migrants: IOM," AFP, 23 August 2005). Under the 1982 Citizenship Law of Burma, citizenship is refused to children whose parents have left Burma illegally. Therefore, children born in Thailand whose parents are nationals of Burma are denied citizenship in Burma. At the same time, Thailand denies citizenship to undocumented migrants from Burma. In addition, Thai Ministry of the Interior (MOI) regulations prohibit registration of the births of children born to undocumented migrants. While children born in either refugee camps or government health facilities may obtain a

delivery certificate, a delivery certificate is not the same as a birth certificate. Furthermore, very few migrant births occur in either location. As a result, a class of stateless children born to migrants from Burma has developed in Thailand who will be “unable to prove that they are from Myanmar [Burma] should they ever go there.” (Source: “Prospects for Hope? Myanmarese Refugees in Thailand,” *World Refugee Survey 2005*, USCRI, 15 June 2005).

Children of migrants also face great difficulties accessing education and health institutions. As a signatory to the Convention on the Rights of the Child as well as under 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, Thai law prohibits admission determinations that are contingent upon possession of civil registration documents. However, most children of Burma are unable to access the Thai school system. According to Thai Ministry of Education statistics, only 13,500 children of migrants from Burma, Laos and Cambodia under the age of 15 were enrolled in Thai schools. The few that have been able to attend Thai schools reportedly have been “unable to attain an official degree or certificate permitting the young person to pursue further education or to find a job.” The IOM indicated that because many migrant children learn both Thai and Burmese, the lack of a formal education prevents full literacy in either language. Furthermore, without receiving a proper level of education, migrant children are often only equipped for low level employment in Thailand and are unprepared to return to Burma. (Sources: “Stolen Future: The Stateless Children of Burmese Asylum Seekers,” RI, 25 June 2004; *World Refugee Survey 2005*, USCRI, 15 June 2005; “Thailand Risks Creating ‘Lost Generation’ of 100,000 Child Migrants: IOM,” AFP, 23 August 2005).

The inaccessibility of Thai schools often forces children to attend unauthorized schools funded and operated by NGO’s, ethnic minority groups from Burma, religious organizations and political groups. In some cases, these schools lack an appropriate curriculum or the necessary resources for students to attain a high level of education. The informality of these schools also results in an ‘unaccredited’ education that is unable to provide the necessary documentation or recognition for more advanced educational placement. (Source: *Growing up under the Burmese Dictatorship*, ICFTU, August 2003). While some children from Burma are able to access education available in one of the border refugee camps, the quality of this education is at risk due to the number of refugee teachers being resettled to third countries. Additionally, those children who complete camp education receive a certificate issued by ZOA Refugee Care (Netherlands) that is neither recognized by Burma nor Thailand. (Source: *International Migration in Thailand*, IOM, August 2005).

On 5 July 2005, the prospects for attaining an education in Thailand seemingly expanded when the Thai Cabinet passed a resolution granting non-Thai and undocumented children access to the Thai education system from kindergarten through university. According to the resolution, children under this category are entitled to receive a 13-digit registration number allowing them to attend school. Moreover, undocumented children would be permitted to travel within Thailand for approved education related purposes. However, by the end of 2005, the resolution had yet to be implemented and the situation for children from Burma remained largely the same. (Source: World Education, 2005)

## **Thai Migration Policy and Legal Registration of Migrant Workers**

Thailand's policy on migration prioritizes economic development and national security, often instead of protecting the rights of migrant workers. For nearly the past decade, 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. Compounding this problem is the traditional high degree of autonomy that local police, military and immigration officials are allowed to operate with further inhibiting consistent implementation.

Thai law defines an illegal migrant 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 allowing them to work legally in Thailand. The permit limits work to specific industries in designated parts of the country. 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 838,943 migrants registering for work permits, 625,886 of whom were from Burma. However, in 2005, the number of migrants who completed the registration process decreased again.

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.

In an attempt to establish a legal labor import system, Thailand and Burma signed a Memorandum of Understanding (MoU) in June 2003, comparable to agreements previously signed with Cambodia and Laos. The terms, initially aimed to commence in 2004, entitled all legal migrants to have passports, visas, official contracts and limited terms of stay. Specifically, imported workers from Burma 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 Burma, theoretically to help with the costs of repatriation. The migrant workers would have to cover the costs of the medical examination and work permits, while employers would be charged around 3,000 baht for permits and for arranging utilities and other services for their staff. In addition, there were anticipated changes to the permitted categories of labor for migrants. The Thai Ministry of Labor has further plans to allow migrant workers into Thailand for the day to work in border factories, as long as they return home in the evenings. By the end of 2004, however, the SPDC failed to meet their set of obligations.

To implement the terms of the MoUs, the Thai government planned to send registered workers' records to Burma. In turn, the SPDC would be responsible for verifying worker's information and issuing travel documents. By mid-April 2005, the SPDC had done little to

act on their responsibilities. Conversely, as of the same time under comparable MoUs, the Cambodian government had commenced the verification process for 183,541 migrants while Laos had already authorized 1,300 migrants. In order to complete the process, the SPDC authorities requested that the Thai government send the entire migrant population of approximately 1,000,000 persons back to Burma, arguing that the authentication and document issuing procedure should transpire in Burma. (Source: "Burma's Nationality Check 'A Ploy,'" *BP*, 13 April 2005). Determining the plan to be impractical, the Thai government proposed to host SPDC officials in Bangkok to perform the work (source: "Myanmar Wants Workers in Thailand to Return Home: Minister," *AFP*, 12 April 2005).

On 10 May 2005, the Thai cabinet passed a resolution allowing migrants with work permits or temporary IDs to register for a work permit for an additional year. The resolution also granted permission to dependents of migrants with work permits to remain in Thailand for an additional year. New arrivals or those who had not registered in 2004 however were not permitted to register. In addition, only migrants employed in construction, domestic work, farming, fishing, labor for shipping, manufacturing, plantation and rice mills sectors were eligible for registration. Unlike the 2004 registration process, migrants no longer retained the option to register only for a temporary ID or temporary residence permit. The registration process also includes the final step of nationality verification necessary for the implementation of the June 2003 MoU. The resolution has also allowed for workers in close proximity to the border to cross into Thailand on a daily basis for seasonal employment on the condition that they return to their country of origin at night. Finally, provincial governors have been granted authority over the determination of whether migrant laborers should be employed. The process commenced on 1 June 2005. (Source: MAP, 2005).

The fees for registration varied according to whether or not a migrant obtained a work permit or only a temporary ID card during the 2004 registration. Migrants already in possession of valid work permits and who planned to remain with the same employer paid 1,900 baht for medical related fees. The work permit cost 1,800 baht for one year, 900 baht for 6 months and 450 baht for 3 months. Meanwhile, migrants registering with new employers or with expired work permits faced additional fees of 650 baht to cover work permit application and renewal fees from 2004. Migrants who possessed only a residence permit/temporary ID from 2004 were charged the same additional fees on top of the work permit costs. Furthermore, health related fees amounted to 2,900 baht. Therefore, migrant laborers were required to expend from 3,700 to 5,350 baht for legal permission to work and live in Thailand until June 2006. (Source: MAP, 2005).

Upon the close of the registration process at the end of August 2005, Thailand faced a severe labor shortage. While employers reported a need for 1,800,000 workers only a total of 702,179 migrants registered, which included migrants from Burma, Lao and Cambodia. In November 2005, Minister of Labor Somsak Thepsuthin reported a plan to import an additional 200,000 workers from Cambodia and Laos through agreements with the respective governments. A further 300,000 migrants from Burma would be recruited from among the migrant population already residing within the Thai borders without proper documentation. However, the Thai Cabinet had yet to endorse the plan. (Source: "Thailand Eyes Workers from Neighboring States to Fill Shortages," *Asia Pulse*, 9 November 2005).

In December 2005, a new resolution was passed allowing for another registration period in 2006. Yet, unlike previous registration exercises, employers will be required to furnish a 10,000 to 50,000 baht registration fee deposit, aside from the fees for the work permit, for

each worker. The deposit is meant to serve as insurance in the event that workers change jobs unofficially or participate in illegal activities. Also in December, plans were reported to create “One Stop Service Centers” for work permit registration. The centers are planned to be located in Chiang Rai, Kanchanaburi, Tak and Ranong Provinces. (Source: “Migrant Policy Shift Draws Fire,” 23 December 2005).

Migrant and labor advocates have voiced strong concern over the possible repercussions of the new regulations. Increased deductions in migrant workers’ wages and greater employer control over employees leading to heightened vulnerability and abuses were some of the possibilities cited. Others argued that the high cost of the deposit will lead employers to hire fewer registered workers and more illegal workers, rendering larger communities without the protection of labor laws. (Source: “Migrant Policy Shift Draws Fire,” *Irrawaddy*, 23 December 2005). By investing in securing a work permit, there is a strong disincentive for workers to change employers. This hinders the ability of workers to leave abusive work environments.

### **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. Life inside the factory is attenuated with low sanitary conditions with hundreds of workers forced to share very few bathing facilities, cramped living quarters and the low quality drinking water. These harsh conditions typically lead to incidences of violence, intimidation and threats of violence. Isolation in the factory also heightens worker dependence on their employer. In this situation, according to section 76 of the Labor Protection Act, unlawful and disproportionate deductions are taken from a worker's wage to pay for accommodation, water, and rice. Such deductions are a reason cited for the low rates of remuneration received by migrant workers. (Source: Dennis Arnold, “The Situation of Burmese Migrant Workers in Mae Sot, Thailand,” *Working Papers Series*, No. 71 September 2004).

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 blocked. Furthermore, it may be difficult for workers to access healthcare since many employers do not provide sick leave. Access to healthcare is a particular problem for migrants that live on the employer’s premises.

### **The Labor 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 LPO is invested with the power to act as negotiator and arbitrator in disputes between employees and employers. Yet, criticism has persisted over perceived ambivalence to violations of labor rights and biases toward the interests of employers. In January 2004, there were reports that the LPO relayed a message to labor rights focused NGO’s “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.” (Source: Dennis Arnold, “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: Dennis Arnold, “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 to 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: Dennis Arnold, “Work, Rights, and Discrimination against Burmese Workers in Thailand,” *Asian Labour Update*, December 2004).

### **Migrant Workers’ Rights Organizations**

The growth of labor activism and the prominence of worker organizations focused on migrants from Burma, including exiled trade unions from Burma, have begun to address the labor and human rights abuses that traditionally characterize the conditions that the migrant labor force faces in Thailand. These organizations include: Federation of Trade Unions-Burma (FTUB), the Migrant Assistance Program Foundation (MAP), Yaung Chi Oo Workers’ Association (YCOWA), shelter organizations and other smaller groups. These groups are dedicated to promoting the observance of labor rights and disseminating information about labor rights to migrant workers in their own language, issuing press releases, and assisting in the preparation of complaints to initiate compensation proceedings. However, due to restrictions on their activities, these organizations have been impeded from representing the interests of migrant workers in the Thai court system. (Source: Dennis Arnold, “Work, Rights, and Discrimination against Burmese Workers in Thailand,” *Asian Labour Update*, December 2004).

Employer organizations and Thai law enforcement personnel have continuously attempted to intimidate and discredit the workers’ organizations and those who work for them (source: Dennis Arnold, “Work, Rights, and Discrimination against Burmese Workers in Thailand,” *Asian Labour Update*, December 2004). For example, on 5 September 2005, Thai police assaulted a man standing on the road in front of the YCOWA office. When the man attempted to run inside the YCOWA office, the police forced their way in, retrieved him and continued to beat him. The victim however was not a YCOWA member but a visitor to friends in the organization. YCOWA filed a complaint with the immigration office. However, as of 8 September, the police failed to take any action. (Source: “Burmese Labor Group Targeted by Police,” *Irrawaddy*, 8 September 2005). In addition, employers have reportedly offered a 300,000 baht bounty for the death of five YCOWA members (source: “Burmese Workers Intimidated by Thai Police and Employers,” DVB, 5 September 2005).

## **Deportation of Migrants**

When undocumented migrant workers are arrested in Thailand, they are dealt with in a number of ways. Some are quickly released after paying a bribe to the police either on the spot or after being held for a short time at a police station. Others are sent to the Immigration Detention Centers (IDC) 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, which entails being dropped off on the Thai side of the border or taken across the border. Migrants informally deported at the Mae Sot – Myawaddy border crossing maybe taken across the river to areas controlled by the junta-aligned DKBA. Thai Immigration statistics estimate that the number of unofficial deportations from Mae Sot in 2003 averaged about 10,000 people per month. Migrants deported in this fashion are frequently able to bribe their way or contract traffickers to secure passage back across the border or into town. Therefore, these workers are caught 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.

Other undocumented migrants in the IDC are transferred to the Special Detention Center (SDC), which is primarily reserved for political activists. It is very difficult for people held here to gain release.

Finally, an undocumented migrant worker may be released from IDC by “formal” deportation, a process that returns migrants from Burma directly into the SPDC holding center in Myawaddy. The holding centre, known as *Ke Say Yee Sa Kan* in Burmese, was established in February 2002 following negotiations between the Royal Thai Government and the SPDC. 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, ties to ethnic armed resistance groups or who test positive for HIV.

As a result of the June 2003 MoU, the deportation process has been accelerated as the SPDC has agreed to accept all undocumented migrant workers, regardless of ethnicity. In the past, Thai officials had to verify the names and citizenship status of undocumented workers with the SPDC before deportation. Thus, the Thai government was often required to hold deportees in detention centers for long periods while the SPDC determined whether or not to allow the return of its nationals. However, 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 each day. (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 undocumented economic migrants 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).

In the formal deportation process, SPDC officials accept the deportee into the Myawaddy holding center. Conditions in the holding center are reportedly poor, however, aside from occasional visits from the ICRC, there are no international organizations regularly monitoring the conditions at the reception center. Upon entry, the SPDC authorities specifically screen returned migrants to identify those opposed to the regime-rule. 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 and though questioning each deportee 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. Furthermore deportees are subject to potential arrest and imprisonment up to 7 years for illegal emigration pursuant to SPDC regulation 367/120-(b)(1). Returned migrants are also tested for a number of communicable diseases such as HIV/AIDS, malaria, tuberculosis, and sexually transmitted diseases. A number of human rights organizations have protested this mandatory HIV/AIDS testing, and the reported separation of at least 20 individuals who tested positive for HIV/AIDS. Such mandatory testing contravenes UN HIV Principles and Guidelines, of which both Thailand and Burma are signatories. Moreover, aside from occasional visits from the ICRC, there are no international organizations regularly monitoring the conditions at the reception center.

At the end of the screening process, deportees are dealt with in several 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. The remainder are transported by truck back to their home districts. 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.

## **The Tsunami**

On 26 December 2004, 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 migrant workers from Burma were employed in the effected provinces, however, only 22,504 were registered with the Ministry of Labor. 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,'" *BP*, 30 December 2004). Although everyone in the area at the time the wave struck was impacted by the tsunami, migrant workers from Burma suffered particularly severe hardships when the waters receded due to their marginalized status in Thailand.

The number of deaths of migrant workers from Burma caused by the tsunami remains unclear, although estimates range from 1,000 to 7,000 dead. The unknown number of migrant workers from Burma in the southern provinces before the wave hit has contributed to the problem of determining the number of such workers affected by the tsunami. Thai relief agencies and police were also criticized for ignoring corpses of victims from Burma and failing to take

official record of the deaths. (Source: "Tsunami Impact: Thai Compassion for Burmese Migrants Wears Thin," IPS, 13 January 2005). Meanwhile, 200 migrant workers from Burma have been reported missing by family members and are likely to be among the 1,800 unidentified bodies recovered from the tsunami disaster (Source: Thailand to Lead Tsunami Victim ID, *Irrawaddy*, 23 August 2005; *Tsunami Action Group Final Report*, TAG, November 2005).

Difficulties in establishing the numbers of dead and missing were also related to the reluctance of migrant workers from Burma to claim the dead bodies of friends, family 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. The death of employers also left registered workers with no one to vouch for them. Regardless, police indiscriminately arrested unregistered as well as registered migrant workers, rendering the entire segment of the population vulnerable to potential deportation (source: "Tsunami aftermath; Help or Hurt? An Uncertain Future," *BP*, 16 March 2005). In turn, migrant workers from Burma were discouraged from entering areas with a Thai law enforcement 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 migrant workers from Burma continued to be arrested and deported each day.

Unfounded Thai television and media news reports attributing post-tsunami looting to migrant workers from Burma served to heighten tension and discrimination against them and escalated the crackdown against migrant workers without documents. Accusations of looting were also used as a pretext to strip migrant workers of their possessions and even cash. (Source: "Tsunami Impact: Thai Compassion for Burmese Migrants Wears Thin," IPS, 13 January 2005). Following the reports, 14 migrant workers from Burma were arrested. Nine confessed to the charges under promises of leniency in sentencing. As of the end of 2005, they were serving 30 months in detention. The five others maintained their innocence and were acquitted on 3 November 2005. They were released after having spent 10 months in prison. (Source: "Burmese Migrants Acquitted, *Irrawaddy*, 4 November 2005). The Thai police were heavily criticized by the international community for providing false and misleading information to the Thai media and the Thai media was criticized for their use of racially inflammatory language in the reports.

Fear of arrest and deportation also prevented both registered and unregistered migrant workers from Burma 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, there were numerous reports that migrant workers from Burma were denied humanitarian relief at distribution points despite contrary statements by Thai public health officials that migrant workers from Burma were entitled to relief. (Source: "Tsunami Impact: Thai Compassion for Burmese Migrants Wears Thin," IPS, 13 January 2005).

By April 2005, no Thai agency had set aside any portion of their budget to assist the foreign population in Thailand affected by the tsunami. Although Thai survivors received US\$500

from the Thai government, survivors from Burma received nothing. (Source: “Migrant Workers from Myanmar, Forgotten Victims of Tsunami, Now Rebuild Thai Resorts,” AP, 24 June 2005). The Labor Ministry, however, approved a portion of the funds raised from the last worker registration period to go to family members of foreign victims of the tsunami. Through this decision, relatives of victims killed in the tsunami would receive 20,000 baht while family members of missing victims 15,000 baht. (Source: “Alien Survivors of Tsunami in Need of More State Assistance,” BP, 20 April 2005).

In addition to the difficulties faced by migrant workers from Burma in accessing humanitarian aid, reports of Thais intervening to prevent aid agencies delivering assistance to people from Burma 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 Thai fears of 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).

Months after the disaster, thousands of survivors from Burma continued to have no access to healthcare services and tsunami aid provisions. In light of the difficulties in accessing equal treatment in Thailand, the Tsunami Action Group (TAG) was set up through the coordinated efforts of several Burma NGO’s and human rights organizations to provide targeted relief services and legal advocacy to the overlooked population of migrant workers from Burma. Many survivors without proper documentation, however, remained in hiding. (Source: “Fear, Disease Grip Myanmar Tsunami Victims,” Reuters, 20 June 2005). Although TAG focused efforts on re-registering migrants and obtaining new ID and healthcare cards, the process progressed slowly. By July, only 320 workers had received replacement documents. (Source: *Tsunami Action Group Final Report*, TAG, November 2005).

The junta, meanwhile, demonstrated complete disregard for its own nationals affected by the tsunami. No effort was made to offer any support to tsunami survivors or family members of victims living in Thailand. (Source: “Myanmar Workers in Thailand are the Forgotten Tsunami Victims,” AFP, 19 January 2005). The regime was not only unresponsive to the needs of survivors but obstructive in the repatriation process of those returning to Burma. At least 40 survivors at the Three Pagodas Pass border crossing were required to furnish fees to re-enter Burma despite having lost all their possessions in the tsunami. (Source: “Survivors of the Tsunami Fined in Burma,” *Mizzima*, 24 January 2005). Other returnees were barred from entering Burma at the Kawthaung border checkpoint. (Source: “Burma Migrants Fear Expulsion from Thailand: Following the Disaster, Many are in Hiding in the Hills,” *Financial Times*, 13 January 2005).

In addition to impeding the repatriation process of tsunami survivors, the regime has also impeded the identification and repatriation process of tsunami victims. In general, the identification process of victims from Burma has been difficult. Initial reports indicated that Thai police denied the access of migrant workers from Burma to the corpses in order to identify family members, friends, and colleagues. In one instance, Aung Myo Min, an activist-in-exile and director of the Human Rights Education Institute of Burma (HREIB), attempted to identify and retrieve the bodies of friends but was prevented from doing so by local search and rescue teams. (Source: “Tsunami Impact: Thai Compassion for Burmese Migrants Wears Thin,” IPS, 13 January 2005). In April the Thai Tsunami Victim Identification’s Information Management Center approved a plan to use DNA testing. The

Thai Action Committee for Democracy in Burma and the Law Society of Thailand led efforts to help families of migrant workers fill out the necessary documentation and travel arrangements. (Source: "Operation to Trace Burmese Tsunami Victims Underway," *Irrawaddy*, 20 May 2005). Although the testing process commenced in July, some migrant families were inhibited by fears that participation would lead to arrest and deportation by the Thai authorities. Others were prevented by their employers from missing work to participate in the process. (Source: "Burmese Tsunami Search Underway," *Irrawaddy*, 4 July 2005). By the year end, 80 bodies were identified for repatriation to Burma. The bodies however remain in Thailand due to the lack of detailed information necessary for their return and the lack of cooperation from the SPDC. (Source: "Lack of Identity Papers Holds up Return of Tsunami Bodies," *Irrawaddy*, 2 December 2005). In late November, a forum of NGO representatives and Thai officials met to formulate a strategy to expedite the process (source: "Burmese Tsunami Bodies Caught in Red Tape," *Irrawaddy*, 23 November 2005)

Discrimination against survivors and family members of victims from Burma continued on the one year anniversary of the tsunami. While the Thai government invited thousands of foreigners impacted by the disaster to attend commemorative events, people from Burma were markedly left off the list of invitees. Furthermore, there was no mention of victims from Burma nor any provision to remember them in the ceremony organized by the Thai government. (Source: "Burmese Migrant Survivors of Tsunami Remain Invisible," *Mizzima*, 24 November 2005).

## **Timeline of 2005 Events Relating to Migrant Workers in Thailand**

### **January**

Throughout the first half of January 2005, several reports surfaced claiming discriminatory distribution of aid among tsunami victims. Migrant workers from Burma were reportedly told by Thai authorities that they could not access the aid or participate in body identifications like Thai nationals or other non-Thais.

During the first week of January 2005, Thai media reports accused migrant workers from Burma of widespread looting in tsunami affected areas. The reports fuelled racist sentiments and caused both Thai authorities and community members to be hostile towards migrants from Burma. Subsequently, more than 500 migrants from Burma were arrested and deported. (Source: "Tsunami Impact: Thai Compassion for Burmese Migrants Wears Thin," IPS, 13 January 2005).

On 13 January 2005, local Thai employers detained a group of aid workers from World Vision, a humanitarian NGO, in a cage in Tap Lamu fishing village, Phang Nga province, after employers feared that they were arresting and deporting the workers, jeopardizing their investments in work permits. (Source: "Tsunami-hit Thai Villagers Assault Health Workers Aiding Burmese Labourers," *The Nation*, 13 January 2005).

On 24 January 2005, SPDC immigration officials in Three Pagodas Pass fined migrants from Burma 700 baht each when they attempted to return home from working in Phuket, Thailand following the tsunami. (Source: "Survivals of the Tsunami Fined in Burma," *Mizzima*, 24 January 2005).

## February

On 1 February 2005, Thai police arrested a man from Burma for having counterfeit passports that he intended to sell to migrants. The police also confiscated over 100 Burmese, Bangladeshi and Panamanian passports and document forging equipment. The man purchased the old passports in Mae Sot, Tak Province for 2,000 baht each. After replacing the photos with those of his customers, he sold the passports for 4,000 to 8,000 baht. (Source: "Thai Police Arrest Burmese Man on Passport Forgery Charges," *Bangkok Post*, 1 February 2005).

In early February 2005, the IOM, multiple UN agencies and the World Bank went to tsunami affected areas in Thailand to determine the affect on the migrant community. The delegates noted the unfair distribution of aid to victims and the fact that migrants from Burma were reluctant to access aid out of fear of arrest and deportation. The agencies called on the Thai authorities to re-issue worker documents and ensure equal access to available assistance. (Source: "Burmese Migrant Tsunami Victims Suffer Discrimination in Thailand," VOA, 8 February 2005).

## April

On 12 April 2005, a senior member of the Thai Foreign Ministry reported that he had received a letter from the SPDC requesting that the population of approximately 1,000,000 migrants from Burma be sent to Rangoon to carry out Burma's obligations under the MoU of 2003. (Source: "Myanmar Wants Workers in Thailand to Return Home Minister," AFP, 12 April 2005).

On 15 April 2005, 68 migrants from Burma were arrested in Ranong Province after police were informed that two boats from Burma anchored in Pak Am. The 38 men and 30 women arrested were from Song Island and had paid 1,500 baht each in order to get to Phangnga Province in the hopes of finding employment. (Source: "Illegal Myanmar Immigrants Arrested in Thailand," *Xinhua*, 15 April 2005).

On 29 April 2005, a 17-year-old Karen domestic worker filed a complaint against her employer with the police in Huai Khwang District. The woman reported that her employer had assaulted her with a heavy metal object and beat her when she was sad and missed her home in Burma. The woman sustained a broken back, fractured skull and shattered ribs resulting in medical costs of approximately 400,000 baht. It was reported that police arrested the employer on 27 April under charges of "physical assault as well as sheltering and employing an illegal immigrant." However, the employer was released after he posted bail of 200,000 baht. (Source: "Domestic Violent: Employer Accused of Beating His Young Maid," *The Nation*, 29 April 2005).

In early April 2005, it was reported that the rising cost of petrol resulted in loss of jobs for about 8,000 Rakhine migrants working in the fishing industries of southern Thailand in areas such as Chumphon. (Source: "Arakanese Migrant Workers Facing Uncertain Future after Being Sacked from Their Jobs in Thailand," *Narinjara News*, 6 April 2005).

## May

On 8 May 2005, Thai authorities arrested over 200 documented and undocumented migrants from Burma in Ranong, Thailand. Some of those arrested were attempting to secure employment in various locations in Thailand while others hoped to find work in Malaysia. On the Burma side of the border in Kawthaung, a special board of army, customs and police personnel inspected travelers and visitors to arrest persons believed to be en route to Thailand. (Source: "200 Burmese Migrants Arrested in Thailand Border," *Mizzima*, 8 May 2005).

On 10 May 2005, the Thai cabinet agreed to permit daily workers from Cambodia, Laos and Burma to cross the border to work as seasonal laborers during the day and return to their home countries in the evening. (Source: "Migrant Day Laborers Allowed to Work in Thailand," *Xinhua*, 11 May 2005)

On 19 May 2005, two Thai men dressed in plain clothes and carrying walkie-talkies abducted workers' rights advocate Ko Moe Naung from his home in Ranong. A week later, his whereabouts remained unknown. Unofficial reports suggested that Thai gangsters were responsible for his abduction and that he was sent to the SPDC LIB 431 base in Kawthaung, Burma where he was killed during interrogation. However, others refute these reports insisting that there were no new detainees at the base. (Source: "Former Trade Union Member Missing," *Mizzima*, 26 May 2005).

On 20 May 2005, police arrested a Thai couple after finding 14 dehydrated and underfed persons from Burma detained in a house in Suphani Province. The couple was responsible for trafficking the group for work in Thailand. Male workers were sold to Thai employers for 5,000 baht per head while females were sold for work in the entertainment industry for 10,000 to 15,000 baht each. (Source: "14 Trafficked Myanmar People Rescued in Thailand," *Xinhua*, 20 May 2005).

On 30 May 2005, the first court hearing in the case of six workers against B.B. Top factory in Mae Sot was held after the group filed a complaint for unfair wages and asked for 200,000 baht in back-pay. The workers initially attempted to come to a settlement with their former employers out of court. However, when this did not render positive results, they took legal action. (Source: "Burmese Migrants, Labor Groups Fight for Fair Wages," *Irrawaddy*, 16 June 2005).

## June

On 4 June 2005, two groups of migrants from Burma were arrested as they were being trafficked in northern Thailand. A group of 41 migrants destined for a construction site in Mae Chaem, Chiang Mai were arrested as they traveled from Mae Hong Son. One human trafficker was also arrested while three were able to runaway. The migrants had paid 20,000 baht for the trip. In a separate incident on the same day, 5 women from Burma driving a car belong to Police Sgt. Sithi Wanna from Bang Len District, Nakhon Pathom were arrested at a border checkpoint in Phrae Province. The women reported paying 10,000 baht each to reach Nakhon Pathom. (Source: "50 Burmese Held in Illegal Alien Sweep," *The Nation*, 5 June 2005).

On 16 June 2005, police arrested 110 undocumented migrants employed in construction sites and factories in Chiang Mai, Thailand. (Source: "Thailand Arrests Illegal Myanmar Immigrants," *Xinhua*, 17 June 2005).

## July

On 3 July 2005, a DNA matching project commenced for the purpose of identifying 110 missing migrant workers from Burma who may have been victims of the tsunami. (Source: "Burmese Tsunami Search Underway," *Irrawaddy*, 4 July 2005).

On 12 July 2005, fishing operators called for the return of migrant workers from Burma as they were needed in order to fill jobs unwanted by the Thais and revive the local economy. While approximately 1,000 migrants had lived in the area prior to the tsunami, only a few hundred were there as of mid-July 2005. (Source: "Recovery Needs " Migrant Workers," *BP*, 12 July 2005).

On 20 July 2005, the Mae Sot LPO ruled in favor of a group of workers from Uni Ocean factory who filed a complaint against their employer for unfair wages. As a result, the employer was ordered to pay the workers approximately 2,000,000 baht in back wages. (Source: "Migrant Workers Get Compensation," *Irrawaddy*, 21 July 2005).

## August

On 10 August 2005, it was reported that 4 male Mon migrant workers had been killed in Phangha District potentially due to the increase competition for more profitable rubber collection jobs. (Source: "Mon Killings Increase in Southern Thailand Due to Competition for Jobs," *IMNA*, 10 August 2005).

On 23 August 2005, *International Migration in Thailand*, a report commissioned by the IOM, ILO, WHO, UNICEF and the UNDP, was presented in Bangkok. The report called for, among other things, the Thai government to make the work permit registration process more straight forward, reduce fees for registration and to provide migrants with more information about their rights. The report also called for the Ministry of Labor to enforce proper labor standards for workplaces and anti-human trafficking laws. (Source: "Thailand Urged to Ease Migrant Labor Regulations," *Irrawaddy*, 23 August 2005).

On 30 August 2005, more than 700 migrant workers from Burma were fired from their positions at a sardine factory in Banbon, Bangkok after being recently hired under the mistaken notion that they would be able to obtain work permits in the 2005 registration process. When this proved false, their positions were terminated and they were forced to leave the factory premises within 2 days. Most of the group had paid traffickers 7,000 baht to be transported from Burma to the factory. (Source: "Thai Sardine Factory Lays Off 700 Burmese Workers," *Mizzima*, 30 August 2005).

On 30 August 2005, police, immigration and local militia commenced arresting illegal migrant workers in Mae Sot. (Source: "Crackdown on Unregistered Workers Begins," *SHAN*, 1 September 2005).

On 31 August 2005 was the deadline for migrants to register for work permits. Migrants who failed to register were vulnerable to arrest and deportation. Employers who did not comply

also faced a maximum punishment of 3 years in jail or a 60,000 baht fine. (Source: "Thai Government Set to Crack Down on Migrant Workers," TPR, 1 September 2005).

## September

On 1 September 2005, police arrested 106 migrant workers from Burma during a 1:00 am raid of the Tain Pyar food factory in Mahachai, Bangkok. Only 2 workers had photocopies of their work permits while the other 104 had no documentation at all. The group was held in a Bangkok police station for deportation at the Mae Sot-Myawaddy border. (Source "Over 100 Burmese Workers Arrested in Mahachai," *Mizzima*, 1 September 2005).

On 4 September 2005, it was reported that 250 workers from Burma were excused from their positions in the Htee Char Phannit Factory in Khao Ke Township in eastern Thailand after striking against the 12 hour work day calling for a 9 hour work day instead. When workers protested the arrest and deportation of the strike leaders, the employer dismissed and deported all the protestors. MAP was reportedly attempting to assist the workers in obtaining permission to remain in Mae Sot. (Source: "250 Burmese Workers Sent back to Thai-Burma Border," *Mizzima*, 4 September 2005).

On 5 September 2005, Thai police beat a man standing in front of the YCOWA office in Mae Sot. When the man entered the office in an attempt to escape the beating, the police barged their way in, retrieved him and resumed the beating. The man was visiting a YCOWA member friend but was not a member himself. (Source: "Burmese Labor Group Targeted by Police," *Irrawaddy*, 8 September 2005).

On 7 September 2005, the Lawyers Council of Thailand identified 15 bodies of migrant workers from Burma killed in the tsunami. Again on 13 September, the Lawyers Council of Thailand identified an additional 29 bodies. (Source: "More Burmese Tsunami Victims Identified," *Irrawaddy*, 26 September 2005).

## October

On 13 October 2005, a group of more than 10 persons beat and raped a female migrant worker from Burma and tied up her father in their home in Phang Nga Province. The woman sustained injuries causing her to remain in the hospital for 2 days and reportedly tried to commit suicide. Despite the fact Thai authorities reportedly possessed photos of the rapists, as of a week later they had yet to be apprehended. (Source: "Rape Case Heads to Court," *Irrawaddy*, 21 October 2005).

On 27 October 2005, it was reported that Thai industrial estate experts were assessing Mongton, Moulmein, Myawaddy and Pa-an, all in Burma, for the purpose of creating industrial areas on the Burma side of the border to provide migrant labor with employment opportunities within their own country, alleviate poverty in Burma and help to control the flow of migrants across the border. The Thai government would reportedly subsidize the project, 70 percent through loans and 30 percent through grants. Thailand would also support infrastructure projects like a 18 km road from Myawaddy into Burma. (Source: "Thais Help Search for Industrial Zone," *Irrawaddy*, 27 October 2005).



## November

On 3 November 2005, a court in Phang Nga Province found 5 migrant workers from Burma accused of looting following the tsunami to be innocent. The 5 were among 14 migrants from Burma arrested. The 9 others plead guilty and were sentenced to 30 months imprisonment. (Source: "Burmese Migrants Acquitted," *Irrawaddy*, 4 November 2005).

On 9 November 2005, the Saint Hein knitting factory in Mae Sot dismissed approximately 130 workers who protested against 400 baht deductions in their salaries to cover the costs of their work permits. The employers first denied the workers entry to the factory for three days before terminating their positions. According to Thai labor law, workers may be dismissed if they are absent from their positions for 3 days. The workers reportedly planned to take legal action against their employer. (Source: "Mae Sot Factory Fires 130 Burmese Workers," *Mizzima*, 10 November 2005).

On 23 November 2005, it was reported that migrant worker Zaw Lin from Burma received 5,000 baht compensation for two broken hands sustained while working for Pau Si Yan cargo handling company in Mae Sot after filing a complaint against his employer with the LPO. Zaw Lin was also to resume his position at the company. (Source: "Thai Labour Office Awards Compensation to Burmese Worker," *Mizzima*, 23 November 2005).

On 30 November 2005, the beaten and charred remains of 28-year-old migrant worker Kyaw Naing Tun were discovered in the outer parts of Mae Sot. Kyaw Naing Tun had worked for the Jiab Tuk garment factory and disappeared two days after expressing dissatisfaction about the low salaries to a company liaison officer. (Source: "Migrant Worker's Burned Body Found," *Irrawaddy*, 2 December 2005).

On 30 November 2005, police arrested and deported 46 undocumented migrants from Burma in Hat Yai after raiding the Inter Toptour Co. Ltd. the previous day as part of increased security measures along the border. The company owner, Than Tun, was a Muslim man from Burma and police questioned his responsibility in transporting the migrants to Thailand. (Source: "Burmese Migrants Held in Southern Thailand Security Sweep," *Irrawaddy*, 30 November 2005).

On 31 November 2005, a plan to cultivate cassava, oil palm, rubber and sugarcane on 7,000,000 hectares of land in Burma was presented to the Thai Cabinet. In addition, Thai factories would receive the produce. The contract farming agreement was part of the Ayeyarwaddy-Chao Phraya-Mekong economic Cooperation Strategy (ACMECS). The project is hoped to contribute to addressing the flow of migrants to Thailand as well as to help develop the area. (Source: "Myanmar Agrees to Cultivate Seven Million Hectares Under Contract Farming with Thailand," *TPR*, 1 December 2005).

## December

On 8 December 2005, police arrested 138 undocumented migrant workers from Burma during a raid on a garment factory in Mae Sot. The workers were detained for one week before being deported to Myawaddy. However, 9 women were not deported to be used by the police to press charges against the employers. As of 16 December, most of the workers had returned to Mae Sot. (Source: "Deported Burmese Workers Return," *Irrawaddy*, 16 December 2005).

On 20 December 2005, the Thai Cabinet passed a resolution allowing for another work permit registration process. However, employers would be required to pay a deposit of 10,000 to 50,000 baht for each worker they registered to serve as insurance in the event that a worker broke the law or changed employers with authorization. (Source: "Migrant Policy Shift Draws Fire," *Irrawaddy*, 23 December 2005).

## 15.3 Migrants from Burma in Malaysia

As of mid-2004, approximately 1,300,000 foreign migrants worked legally in Malaysia. However, estimates of the number of undocumented migrants in Malaysia have ranged from 700,000 to 1,200,000 (source: *Malaysia: Human Rights at Risk in Mass Deportation of Undocumented Migrants*, AI, 4 December 2005). 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 undocumented migrants. According to the UNHCR, there were approximately 15,000 Rohingya asylum seekers in Malaysia and the Chin Refugee Center reported that 9,000 Chin have initiated the first steps of the asylum seeker process. However, under immigration policy, all undocumented people including asylum seekers are considered "illegal immigrants" and are therefore subjected to harsh and arbitrary immigration laws.

For undocumented migrants, work is somewhat scarce in Malaysia because employers are reluctant to hire them. The work that they can find is often daily work for daily pay with very little security. According to one source, some migrant workers from Burma go unpaid for months at a time and have no legal recourse against their employers. Undocumented workers also typically lack access to basic healthcare and education services. Migrants are demonized in the mainstream Malaysian media, portrayed as social parasites and law-breakers who contribute to crime and poverty in the country. Moreover, undocumented migrants are also vulnerable to extortion by police and government agencies as well as harassment and exploitation in their workplace.

In August 2002, the Malaysian Parliament implemented new laws for immigrants including jail time and caning for people caught without proper entry documents. Those found to have entered the country illegally or overstayed their visas are liable to a maximum fine of 10,000 RM (US\$2,600), a jail term of up to 5 years and up to 6 strokes of a cane. Those arrested under the 2002 provisions have been detained in detention camps for unspecified lengths of time awaiting mass deportations. Some migrants from Burma have been held for up to a year or longer in these overcrowded prisons. While in detention, they are often subject to "assault, sexual abuse, inadequate living conditions, lack of medical treatment and even death." Although human rights groups have expressed concern over abusive detention conditions, Home Affairs Minister Azmi Khalid assured, "Compared to Guantanamo Bay, we are a five-star hotel." To expedite the deportation process, family or friends must pay for their transportation back Burma. Employers harboring undocumented migrants also face a jail term of 1 year, fines of up to US\$13,000 for each undocumented worker as well as possible canings. (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; "Malaysia's Massive Crackdown on Migrants Sparks Rights Fears," AFP, 30 January 2005; "U.N. Refugee Agency Worried Over Malaysia's Migrant Crackdown," AP, 4 March 2005).

In 2004, the Malaysian government announced a crackdown on undocumented workers in an attempt to gain greater control and regulation over its migrant workforce. Prior to the crackdown, undocumented workers were granted an amnesty period to leave the country (source: “Malaysia Warns Illegals: Amnesty Your Last Chance,” *The Manila Times*, 1 November 2004). This period commenced on 29 October 2004 and was originally scheduled to end on 14 November 2004. However, a disappointing response to the general amnesty caused the Malaysian government to extend it until the end of December (source: “Malaysia Extends Amnesty Deadline for Migrant Workers,” *The Jakarta Post*, 6 November 2005). In the wake of the 26 December 2004 tsunami, the amnesty was again extended to the end of February 2005 following a request from Indonesian President Susilo Bambang Yudhoyono (source: “Malaysia Extends Migrant Amnesty,” BBC, 2 February 2005).

Many illegal migrants chose to return to their home countries during the amnesty while others fled to hide in rural areas. It was estimated that 400,000 to 450,000 undocumented migrants departed from the country while approximately 400,000 remained (source: “Illegal Workers in Malaysia Go into Hiding,” AP, 2 March 2005). A number of reasons were cited for the poor response to the amnesty period. Of particular relevance to undocumented workers from Burma was the cost of transport to return home, coupled with the likely prospect of arrest and detention upon arrival at the Burma border for illegally leaving the country and continuing fear of human rights abuses and religious persecution once inside Burma.

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, Malaysian officials recruited about 500,000 members of the People’s Volunteer Corp. (*Ikatan Relawa Rakyat* (RELA)) who were given policing powers and monetary incentives to search for non-complying migrants who failed to leave Malaysia during the amnesty period. Human rights groups expressed concern over the minimal training of these groups and the cash rewards for capture of undocumented migrants, suggesting these factors were likely to encourage vigilantism. Government statements indicated that the operation would be carried out humanely, although doubts were 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 2005).

Fearing the high potential for human rights abuses and vulnerability of asylum seekers and trafficked victims in raids by untrained volunteers, UNHCR, human rights groups, and the governments of Indonesia and Philippines pressured Malaysia to extend the amnesty period (source: “Government Delays Crackdown on Illegal Immigrants,” AFP, 1 February 2005). The pressure worked and on 2 February the Home Ministry announced an indefinite extension of conditional amnesty (source: “Malaysia Extends Amnesty for Illegal Immigrants,” AFP, 2 February 2005). Leniency, however, was short-lived. On 14 February Prime Minister Abdullah Ahmad Badawi set the new deadline for 1 March. In an attempt to secure a degree of protection during the crackdown, some people from Burma sought temporary refugee status through the UNHCR. In addition, UNHCR personnel sent mobile teams to register asylum seekers living in communities in the jungles and outskirts of cities before the onset of the crackdown. (Sources: “Illegal Immigrants Seek UN Protection Ahead of Crackdown in Malaysia,” AFP, 28 February 2005; “UN Combs Malaysian Jungles for Refugees Ahead of Crackdown,” AFP, 1 December 2004). Subsequently, the UNHCR was criticized by the Malaysian government for issuing refugee status arbitrarily. The UNHCR denied the charge. Even with UNHCR papers, however, some migrants were arrested and

sent to detention centers. (Source: "UN Body Urges Malaysia to Free Aceh, Myanmar Migrants Detained in Crackdown," AFP, 6 March 2005).

When the crackdown finally commenced on 1 March 2005 many undocumented migrants went into hiding. Some migrants from Burma fled across the border to Thailand. On the first day of the crackdown 500 to 800 persons, including some from Burma, were arrested (source: "Illegal Workers Go into Hiding," AP, 2 March 2005). While the crackdown was aimed at removing undocumented migrants from the country, official statements indicated that expulsion did not preclude re-entry with legitimate documentation (source: "Malaysia Widens Recruitment for Foreign Workers," DVB, 4 April 2005). However, the requirements of legal re-entry include payment of a 1,325 RM (US\$ 348) government levy and 180 RM (US\$ 47) for medical tests. With monthly incomes for migrant workers estimated at approximately US\$ 144 per month, the costs associated with legal re-entry are prohibitively expensive. Another problem for migrant workers from Burma attempting to enter Malaysia legally is the inability of many to obtain proper travel documents due to the cost of such documentation.

As a result of the crackdown, Malaysia suffered from a severe labor shortage. According to the Human Resources Minister Fong Chan Onn, the construction sector was in need of nearly 200,000 workers while the plantation sector was in need of 300,000. In an effort to alleviate the shortage, the Malaysian government began recruiting labor from countries such as Burma, India, Nepal, Sri Lanka and Vietnam. Concurrently, the UNHCR advocated for POCs to be granted permission to work to also address the economic needs of the refugee community in Malaysia. On 5 July 2005, Home Affairs Minister Azmi Khalid announced that the population of approximately 60,000 UNHCR-recognized refugees would be granted temporary work permits to fill the labor shortage. A committee was scheduled to meet in August to organize a strategy for implementing the decision. By the end of 2005, however, little information about this plan was known and it had yet to be implemented. (Sources: "Malaysia to Allow Thousands of Refugees to Work to Solve Labour Crunch," AFP, 5 July 2005; "UN Urges Malaysia to Allow Refugees to Work amid Labor Shortages," AFP, 13 June 2005; "Refugees to Be Absorbed," *New Straits Times*, 1 August 2005).

The Malaysian government also introduced several new procedures and methods to increase regulation of the migrant labor force. In August 2005, the Malaysian government initiated a stringent medical screening process for migrant workers requiring workers to be tested within a month of starting their employment for HIV/AIDS, tuberculosis, hepatitis B, leprosy, syphilis and other diseases. Migrants found with communicable diseases would be deported. (Source: "Malaysia Tightens Medical Screening for Foreign Workers," AP, 7 July 2005). In addition, in October, Minister of Home Affairs Azmi Khalid reported that biometric identity cards would be distributed to migrants in the agricultural, construction, manufacturing and restaurant sectors. The cards would contain a microchip with personal information about the migrant. The cards are designed to be impossible to alter and serve to combat the problem of false passports and the presence of undocumented migrants. (Source: "Malaysia to Issue Biometric ID Cards to Foreign Workers," AFP, 13 October 2005).

## 15.4 Migrants from Burma in Japan

There were an estimated 10,000 people from Burma living in Japan in 2004, according to the Tokyo-based People's Forum on Burma. More than half of these people either entered the country illegally or entered legally and overstayed their visas. The Japanese Immigration Department listed the number of undocumented workers at around 250,000 in 2004. (Source: Naw Seng, "New Fees for Burmese in Japan," *Irrawaddy*, 8 January 2004)

As of 1 January 2004, the Embassy in Japan introduced a new fee and graded income tax program for those applying to renew or for a new passport. The new fee structure as of the beginning of 2004 is as follows:

|                               | <b>Fee (Yen)</b> | <b>Income tax (Yen)</b> |
|-------------------------------|------------------|-------------------------|
| Renewal                       | 17,500           | Graded                  |
| Passport expiry 1-5 years ago | 17,500           | 200,000                 |
| Passport expiry 5+ years ago  | 17,500           | 300,000                 |
| No documents                  | 35,000           | 300,000                 |

The Japanese Ministry of Justice and the Tokyo government also announced a plan in 2004 to crackdown on the number of undocumented workers in the country over the next five years. The government aims to halve the size of the undocumented population through the enforcement of increasingly strict immigration laws. The high fees for authorization to remain in Japan and the crackdown against undocumented migrants renders them with few options but to remain 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).

Migrant workers from Burma have increasingly found themselves in Japanese detention facilities because they tend to work in low-income generating sectors of Japanese society and are unable to afford the cost of legal documentation or the cost of returning home. Meanwhile, hundreds of individuals, including asylum seekers, are detained in Japan while their immigration status is pending. To protest the continued detention of immigration detainees, 300 people including asylum seekers from Burma and human rights activists held a demonstration on 16 March 2005 near the Tokyo immigration appealing for their release. The protestors also called for the Japanese government to relax restrictions that prevent detainees from receiving food from visitors. (Source: "Rally Held to Protest Plight of Thousands of Foreign Detainees," *Japan Economic Newswire*, 16 March 2005).

In July 2005, a technology transfer agreement was signed between the SPDC Ministry of Labor and the semiofficial Japan International Training and Cooperation Organization (JITCO) to recruit about 2,000 people from Burma to work as trainees in small and medium sized businesses. Representatives from 40 licensed employment agencies in Burma that are responsible for recruiting the trainees traveled to Japan to source the first job offers. Under the agreement, each Japanese employer will recruit up to nine trainees from Burma. The trainee must have at least three years of job experience and 200 hours of Japanese language instruction. From 1992 to 2003, prior to this agreement, only 254 persons from Burma came to Japan with the support of JITCO. (Source: "Myanmar to Send about 2,000 Workers to Japan Annually," *Japan Economic Newswire*, 23 July 2005).

## 15.5 Migrants from Burma in India

Migration to India, primarily from Chin State in Burma, continued throughout 2005. Fearing religious, cultural and political persecution, as well as economic destitution, many Chin Christians have continued to flee across the border and into Mizoram and Manipur States, India. However, India has not ratified the 1951 Refugee Convention nor does India allow the UNHCR access to either of these states. Therefore, Chin Christians seeking refugee status and the protection of the UNHCR are labeled illegal immigrants by the Government of India and fall within the jurisdiction of India's Foreigners Act of 1946.

Approximately 50,000 Chin reside in Mizoram State and an estimated 10,000 are thought to be engaged in unofficial 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). During 2005, there were continued reports of crackdowns on undocumented Chin migrants in Mizoram State during 2005. For example, in July, it was reported that authorities in Saiha town arrested and deported undocumented Chin migrants. On 13 July 2005, authorities in Aizawl arrested people from Burma living and working in the area as market sellers or as goldsmiths. Asylum seekers and those with resident and work permits were among those deported. (Sources: "Tomorrow Deadline for Expulsion of Seven Burmese Refugees," *Khonumthung*, 14 July 2005; "Burmese Nationals Driven Out of Mizoram," *Mizzima*, 15 July 2005).

Some Mizo nationalist groups in Mizoram employed intimidation tactics against migrants from Burma in an attempt to force them to return to Burma. On 11 July 2005, an underground Mizo youth group known as the Mizo Tlangval (MTV) sent a threatening letter to five migrants from Burma and a human rights lawyer from the Mizo Human Rights and Law Network accusing them of drug running and arms smuggling. They were told to return to Burma by 15 August or face persecution. (Source: "'War on Drug' Group Threatens Burmese Baptists, Mizo Human Rights Activist," *Khonumthung*, 14 July 2005). Also in July, 50 persons from Burma were arrested under charges of drug trafficking, among other crimes. Most of the arrests were made in the state capital of Aizawl as part of an offensive named 'Operation Hailstorm,' which was aimed at armed resistance groups and drug traffickers from Burma. Some were arrested for not having authorization to be in Mizoram. (Source: "50 Myanmar Nationals Arrested in Mizoram," Indo-Asian News Service, 16 July 2005).

In early October 2005, approximately 1,000 members of the Champhai YMA engaged in a campaign to curtail both import of illegal goods as well as influx of migrant workers by blockading border crossing points from Burma (source: "Mizoram Youth Group Blocks Roads from Burma," *Mizzima*, 4 October 2005). As per the orders of Mizoram State Governor A. R. Kholi, who indicated that the state had no right to interfere with trade agreements forged by the Indian government and the SPDC, the blockades were removed on 6 October (source: "YMA Lifts Mizoram Blockade," *Mizzima*, 6 October 2005). Meanwhile, in mid-October, the Mizoram authorities commenced a crackdown on undocumented migrants from Burma. The crackdown was reportedly intended to endure for six months. While some were able to provide payment of 500 rupees for their release, others were detained. Members of the YMA supported the crackdown by verifying work permits in a workplace in Tuithiang Veng Ward. (Source: "Mizoram Officials Arrest Illegal Burmese Migrant Workers," *Mizzima*, 21 October 2005).

## 15.6 Migrants from Burma in Singapore

For decades, migrants from Burma have worked legally in Singapore. Since the mid 1980's when the country experienced a construction boom and simultaneous labor shortage, the number of migrant workers from Burma has increased. Before January 1998, travel to Singapore was facilitated by the fact that people from Burma could obtain a visa-on-arrival for a seven-day stay. Currently, however, pre-departure visas from the Singapore Embassy in Rangoon are necessary. Some migrants from Burma in Singapore are highly educated and have obtained work as doctors and professors. However, the majority of workers labor in low-level jobs including construction work, carpentry, welding, and painting.

Approximately 300 people from Burma go to Singapore each month to either work or study. Two thousand two hundred and eighteen Burmese workers have been sent to work in Singapore through official channels typically through Department of Labor agreements recruiting skilled migrants from Burma to work in Singapore. For example, in July 2004, the Port Authority of Singapore announced a need for more electricians, container drivers and mechanics, targeting 160 people for an October start and offering to pay for transportation, accommodation and medical care. Employment through this avenue requires prospective employees to meet the criteria established by the Department of Labor. (Sources: "Singapore: Port Authority to Hire Burmese Workers," *Asian Labour News*, 29 July 2004; Ye Lwin, "Singapore Port Hires Myanmar Workers," *The Myanmar Times*, 7-13 February 2005).

Only educated individuals are eligible to receive work visas for Singapore. 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, nationals of Burma with Permanent Resident (PR) status in Singapore, or to those who have already been granted an official Employee Pass (EP). 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, these fees are only part of the cost necessary 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 passports, air tickets and job training that can last up to six months. This preparation process to immigrate to Singapore can take up to eight months. There are also a large number of fly-by-night brokers who frequently swindle people out of their money.

For the majority of people in Burma, the high costs associated with obtaining legal employment in Singapore effectively prevent them from entering through official means. The majority of undocumented migrants from Burma 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.

Migrant workers from Burma arrested in Singapore for illegal entry are repatriated back to Burma, provided they have the money to pay the transport costs. If they are unable to afford the transportation costs back to Burma, they are forced to work in prisons 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

### 16.1 Background

The deployment of anti-personnel landmines increased by the SPDC and its forces in Burma during 2005. This increase has transpired despite widespread international condemnation over the use of landmines due to the extensive indiscriminate humanitarian consequences of the devices. As a result of growing international consensus against the manufacture, deployment and trade of landmines, government and non-governmental bodies drafted the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (a.k.a., the Mine Ban Treaty) in 1997. This treaty to date has been signed by 122 countries. Burma, however, has refused to sign the treaty. More recently, the United Nations General Assembly voted in favor of Resolution 59/84, which called for universally accepting the Mine Ban Treaty, in December 2004. Burma was one of 22 countries that abstained from the voting process. In addition, Burma failed to send an observer to the First Review Conference of the Mine Ban Treaty that took place in Nairobi, Kenya in November-December 2004 (source: *Landmine Monitor Report 2005: Toward a Mine-Free World*, ICBL, 23 November 2005). The SPDC claims that ongoing insurgency and armed conflict within the country prevent them from acceding to the Mine Ban Treaty.

Despite the different types of anti-personnel landmines, all are victim-activated weapons that indiscriminately kill and maim civilians. Landmines remain functioning years after military personnel have left the area and hostilities have ceased. As a result of their hidden presence, landmines often inflict injury in situations that might otherwise appear peaceful. Civilians may falsely perceive that their environment is safe following the cessation of conflict unaware of the concealed threat of existing landmines. (Source: *Analysis of the Impact of Landmines in Burma*, Nonviolence International, 2002).

According to the International Campaign to Ban Landmines, approximately 1,500 persons each year die or suffer from serious injury resulting from landmines in Burma. The high rate of injury has required the International Committee of the Red Cross (ICRC) to provide Burma with the second largest amount of prostheses and crutches of any country. Only Afghanistan receives a greater amount (source: "Burma's Killing Fields," *Irrawaddy*, 21 September 2005). Furthermore, Nonviolence International estimates that one-third of Burma's landmine casualties are civilians (source: *Analysis of the Impact of Landmines in Burma*, Nonviolence International, 2002).

Following the removal and arrest of Prime Minister Khin Nyunt in October 2004 and the ensuing reshuffle within the SPDC and top ranking officials, the SPDC heightened their military presence in the ethnic minority areas, particularly in the eastern border areas of Karen, Karenni and Shan States. During 2005, both SPDC forces and armed non-state actors were responsible for extensive deployment of landmines. In conjunction with military offensives and the SPDC's counter-insurgency campaigns, thousands of Karen and Shan villagers were displaced from their homes and forced into the landmine littered jungles of eastern Burma (source: *Landmine Monitor Report 2005: Toward A Mine-Free World*, ICBL, 23 November 2005).

In direct violation of Article 13 of the Universal Declaration of Human Rights, which protects the freedom of movement, landmines are used not only to injure and kill civilians but

also to effectively restrict their travel within Burma. Routes to and from villages have been mined making the return of IDPs hazardous and sometimes impossible. Human Rights Watch has documented the inability of villagers to remain in or return to villages in eastern Burma due to “the placement of landmines in otherwise usable land” (source: *‘They Came and Destroyed Our Village Again’: The Plight of Internally Displaced Persons in Karen State*, HRW, June 2005). Such widespread landmine contamination also impedes or prevents the development of infrastructure projects, farming and other forms of economic activity. A UNHCR seminar in November 2004 identified the threat of landmines as “one of the most serious impediments to the safe return of internally displaced persons and refugees” to Burma (source: *Landmine Monitor Report 2005: Toward a Mine-Free World*, ICBL, 23 November 2005).

Mine clearance activities continued to be neglected by international organizations and humanitarian agencies throughout 2005. Mine risk education activities in refugee camps, however, have been conducted by NGO’s such as Nonviolence International. The ICRC has also engaged several ethnic armed opposition groups within Burma to advocate against the deployment of landmines. In December 2003, various armed resistance groups were encouraged to adhere to the Geneva Call Deed of Commitment, which renounces the use and possession of anti-personnel mines. By 2004, only three armed groups had signed the Deed. During 2005, one of those groups, the Arakan Rohingya National Organization, ceased its military activity altogether. The extent of landmine use by other armed resistance groups is unclear. (Source: *Landmine Monitor Report 2005: Toward a Mine-Free World*, ICBL, 23 November 2005).

In his report to the UN General Assembly on 12 August 2005, Paulo Sergio Pinheiro, the UN Special Rapporteur on the Situation of Human Rights in Burma summarized the situation regarding landmines in Burma as follows:

*“The Special Rapporteur is very concerned to hear that the use of landmines by Government forces and some non-State armed groups continues, affecting nine out of 14 states and divisions. He is disturbed by reports of the ongoing practice of “atrocious demining” whereby civilians are forced to act as human mine-sweepers by the military, resulting in severe mutilation and sometimes death. It is believed that Myanmar continues to produce landmines, with devastating effects. The lack of provision of adequate care and assistance for victims affected by landmines is to be very much regretted. The continued practice of laying landmines in fields and forests, and the lack of mine clearance, has had a negative impact upon the freedom of movement of civilians and their economic right to earn a living. Livestock are understood regularly to be maimed or killed in landmine incidents.”* (Source: “Situation of Human Rights in Myanmar,” 60th session of the UN General Assembly, Item 73 (c) of the provisional agenda, 12 August 2005).

## 16.2 Human Minesweepers

The SPDC military continued to forcibly conscript villagers to act as laborers and porters throughout 2005. Forced conscription of civilians was particularly prevalent in ethnic border states where the majority of military campaigns transpire and where landmine deployment and density is the greatest. Civilians conscripted as laborers or porters were often forced to engage in mine clearing activities that frequently resulted in mutilation and/or death. Military troops forced villagers to walk in front of them while carrying large loads of military supplies

for the purpose of clearing any mines in their paths with their own bodies. A recent report released in January 2005, documented the increasing use by SPDC troops of prisoners as porters. Out of 22 former prisoner porters interviewed by Burma Issues, a human rights advocacy organization, five had been forced to walk through mine fields ahead of SPDC patrols (source: *From Prisons to Frontline*, BI, January 2005).

Reports of human landmine sweepers have emerged from various parts of the country. In November 2005, for example, military authorities ordered villagers residing in SPDC-controlled territory along the Sittaung River in Karen State plains area to clear forest growth along both sides of the approximately 50 km. long Shwegyin to Kyauk Kyi motor road. This area is riddled with KNLA and SPDC landmines. To avoid the hazards attenuated with the forced labor, many villagers fled the area. (Source: "Karen Human Rights Group Report from the Field," KHRG, 9 December 2005).

## 16.3 Situation in the Ethnic Minority Territories

Burma's countryside, particularly in the ethnic minority areas, has been left heavily mined as a result of ongoing conflict between armed resistance groups and the military regime. Nine out of 14 states and divisions in Burma are contaminated by landmines, most frequently with anti-personnel mines. Many villagers claimed that 2005 was the worst year in memory, as they faced forcible conscription as porters or laborers and the dangers associated with such work as well as facing life as displaced persons and the attenuated dangers of unmarked landmine fields (source: "Toungoo District: Civilians Displaced by Dams, Roads, and Military Control," KHRG, 19 August 2005).

SPDC forces typically lay landmines as a method of preventing opposition forces from penetrating the central region of the country while simultaneously attempting to control the movement of villagers in areas of resistance. SPDC troops have continued to undermine the support base of ethnic opposition groups through a counter-insurgency strategy known as the "four-cuts" whereby villagers are targeted to remove the supply of food, recruits, intelligence and funds used by opposition groups. This strategy involves forcibly relocating ethnic villagers to military-controlled relocation sites. Typically, after civilians have been removed, SPDC troops raze abandoned buildings and deploy landmines throughout the village area. (For more information see Chapter 13 Internally Displaced People and Forced Relocation).

In addition, the *Landmine Monitor Report 2005* documented the use by at least 12 non-state armed groups of anti-personnel landmines in Burma during 2004 and 2005. These groups include the Karenni Nationalities People's Liberation Front (KNPLF) and the Karenni National Solidarity Organization (KNSO), (both newly confirmed in 2005 as landmine users), the Shan State Army (SSA), the Karenni army, the All Burma Students' Democratic Front (ABSDF), the People's Defense Forces (PDF), the Myiek-Dawei United Front, the Wa National Army, the Pa-o People's Liberation Front (PPLF), the Chin National Army (CNA), the All Burma Muslim Union (ABMU) and several smaller organizations (source: *Landmine Monitor Report 2005: Toward a Mine-Free World*, ICBL, 23 November 2005). Karen National Liberation Army (KNLA) troops have also used landmines "defensively and offensively." However, unlike SPDC forces, the KNLA have reportedly informed local villagers of mine locations and sometimes also assisted in the removal process when they were no longer necessary (source: "Report from the Fields," KHRG, March 2005). The combined effect of landmine deployment by both the Tatmadaw and opposition forces over

the years has created pockets of non-traversable land. These barriers hinder the capacity of villagers to pursue their livelihood or safely flee from the encroaching military presence.

The eastern part of the country suffers from the heaviest concentration of landmines (source: *Landmines in Burma/Myanmar: Cause of Displacement, Obstacle to Return*, Nonviolence International, 15 June 2005). The SPDC and allies of the SPDC have made regular use of landmines throughout the region, particularly in civilian inhabited areas and along transport routes. Along with landmine deployment in villages and fields, paths and roadways have been covered with mines in attempts to restrict the movement of both soldiers and villagers. Paths leading to Thailand have also been mined to prevent flight from the country. Meanwhile thousands of villagers from Karen and Shan States were internally displaced during 2005 as a result of SPDC military operations and the strategic use of landmines. The deployment of landmines in and around villages effectively prevents the return of villagers who fled during fighting. The proliferation of landmines in eastern Burma has also undermined villagers' subsistence capacities as villagers fear venturing into potentially land mined territory in order to gather and hunt food. For example, villagers in Nyaunglebin District have been killed while gathering wild honey near SPDC military camps that are tripwire mined (source: *Proliferation of SPDC Army Camps in Nyaunglebin District Leads to Torture, Killings and Landmine Casualties*, KHRG, 19 August 2005).

According to the Karen Human Rights Group (KHRG), the Tatmadaw (the SPDC armed forces) have continued to plant landmines around their own camps to thwart villagers from entering or approaching the area. KHRG has also reported that despite the informal ceasefire established between the SPDC and KNU in the beginning of 2004, Tatmadaw forces have persisted in establishing new army bases in Nyaunglebin District and increasing their military presence. As part of this operation additional landmines have been laid causing serious injuries and traumatizing local villagers, including children, who were forced to travel through mined areas to obtain food and provisions despite the known risk (source: *Proliferation of SPDC Army Camps in Nyaunglebin District Leads to Torture, Killings and Landmine Casualties*, KHRG, 7 July 2005).

According to Nonviolence International, the prevalence of mines along the Salween River opposite Thailand's Mae Hong Son Province prevented the delivery of equipment from across the border for the construction of a hydro-electric dam. Mines were also reportedly heavily laid in eastern Pegu Division to prevent insurgent forces from reaching central Burma. Mines are known to be placed along the 200 km. stretch of river dividing Thailand and Burma, along the mountains in Karen State, and in areas to the north, east and south of Papun. The west, south and north of Myawaddy are all also heavily mine affected, as are areas in Dooplaya District of Karen State. (Source: *Landmines in Burma/Myanmar: Cause of Displacement, Obstacle to Return*, Nonviolence International, 2004).

The Free Burma Rangers (FBR), a humanitarian relief organization, reported numerous mine laying activities during 2005, especially in Karenni State in the area between Mawchi in the southwest corner and the Karen State border, where around 1,000 M-14 mines were laid by the SPDC and the KNSO, an SPDC-aligned militia. Another heavily mined area is close to Shwekyin Shweygyn, where the Tatmadaw constructed new frontline camps (source: *Landmine Monitor Report 2005: Toward a Mine-Free World*, ICBL, 23 November 2005). Between 14 to 17 April 2005, KNPLF and KNSO troops planted landmines supplied by SPDC forces throughout villages and paths used by IDPs in southern Karenni State. FBR alleged that the mines were laid in order to block the return of displaced villagers. The mines

were locally made copies of US M-14 type anti-personnel landmines (source: “Landmines Placed in Karenni State, 14-17 April 2005,” FBR, 3 May 2005). Other mined areas include places where gem mining occurs and infrastructure exists, such as the Lawpita hydroelectric power station in central Karenni State (source: *Landmine Monitor Report 2005: Toward a Mine-Free World*, ICBL, 23 November 2005).

Areas in the western part of the country, such as Arakan and Chin States, are also deemed mine-affected areas. Since 1991, to counter the flood of 250,000 Rohingya Muslim refugees fleeing Arakan State, the Tatmadaw planted landmines along the Burma side of the border with Bangladesh. According to the SPDC, the mines were laid to restrict the cross-border movement of insurgent forces and smuggled weapons. As a result of the landmine deployment, travel in this area has become extremely dangerous for both refugees fleeing from and returning to Burma from Bangladesh. Cross-border economic migrants and traders are also vulnerable to landmines.

## 16.4 Landmine Devices

Human Rights Watch has identified Burma as one of only three countries that continues to deploy landmines on a regular basis; the other two being Russia and Nepal (source: *Human Rights News*, HRW, November 2005). Moreover, the Tatmadaw has appeared to be increasing its use of US M-14 type mines, the origins of which are unknown. The Myanmar Defence Products Industries, a junta-run company, is known to manufacture anti-personnel landmines for use by military forces. They include the MM1 mine, modeled after the Chinese type 59 stake-mounted fragmentation mine, the MM2, similar to a Chinese type 58 blast mine, and the Claymore type directional fragmentation mines. In the past, the authorities have also employed mines manufactured in China, India, Italy, Russia and the USA. (Source: *Landmine Monitor Report 2005: Toward a Mine-Free World*, ICBL, 23 November 2005).

Armed resistance groups in Burma are also capable of producing a variety of mines, including blast mines, fragmentation mines, Claymore-type mines, and mines with anti-handling fusing. Locally made landmines are manufactured from easily accessible materials such as PVC piping and bamboo. Such mines usually have batteries as their source of power, and thus a relatively short lifespan as power is lost when the batteries expire. Some armed resistance groups also maintain stockpiles of anti-personnel mines, the details of which are unknown. The stockpiles are collected through a variety of methods such as lifting SPDC mines from the ground, seizing them from SPDC stocks during raids, and from the clandestine arms market. (Source: *Landmine Monitor Report 2005: Toward a Mine-Free World*, ICBL, 23 November 2005).

## 16.5 De-mining

During 2005, there were no de-mining activities for humanitarian purposes reported in Burma. Furthermore, there were no surveys conducted by either SPDC authorities or armed opposition groups to map mined areas. There is no clear or systematic fencing or marking of mines. In some areas, there are unofficial marks to indicate mines, such as crosscuts on trees, a particular type of fencing, or mine parts left visible. In addition, some armed opposition groups claim to inform local villagers of the location of mines laid nearby. However,

landmine survivors have reported being unaware of such of warnings. (Source: *Landmine Monitor Report 2005: Toward A Mine-Free World*, ICBL, 23 November 2005).

The lack of de-mining activity and the failure to clearly mark mine sites directly contributes towards civilian injuries and casualties. The number of victims will continue to accumulate in the future, even if hostilities cease, due to the absence of recorded landmine locations. Moreover, the unknown location of landmines will inhibit the return of villagers displaced by conflict and prevent infrastructural development in the border areas. (Source: Global IDP Database, 27 June 2005).

## 16.6 Thailand-Burma Border

Many people from Burma consider Thailand a country where they may seek both treatment and refuge from landmines. In 2004 and 2005, landmine survivors sought treatment from hospitals in refugee camps and other border areas of Thailand such as Tak, Chiang Mai, Mae Hong Son, Mae Sariang, Kanchanaburi and Ratchaburi. Organizations such as Handicap International, Médecins Sans Frontières, ICRC, International Rescue Committee, American Refugee Committee, Aide Médicale Internationale and Malteser Germany provided assistance to landmines victims in Thailand. Handicap International's Thailand-Burma border program reported 53 new mine casualties between January 2004 and February 2005. The organization also reported providing medical treatment to 858 landmine survivors, distributing 227 prostheses, 77 other "assistance devices," 37 crutches, and 19 wheelchairs to those in need. Between December 2004 and April 2005, the Srisangwal Hospital in Mae Hong Son treated 8 landmine casualties. In addition, the Mae Tao Clinic, a refugee and migrant clinic in the border town of Mae Sot in Thailand, provided 181 prosthetic limbs and rehabilitation for landmine survivors. (Source: *Landmine Monitor Report 2005: Toward a Mine-Free World*, ICBL, 23 November 2005).

In 2004, the UNHCR began a preliminary contingency planning process with the Thai government for the repatriation of refugees from Burma in the event that the political climate in Burma was conducive for return (source: *Landmines: When Repatriation Becomes an Act of Murder*, BI, 1 October 2004). As Thailand is not a signatory to the 1951 Convention Relating to the Status of Refugees, it is not obligated under international law to adhere to its principles and protections. The Thai government considers refugees to be temporarily seeking shelter from situations of conflict. Following the submission of some armed resistance groups to ceasefire pacts or ceasefire discussions with the junta, the Thai government claimed that refugees no longer required a safe haven from conflict and could return to Burma. However, Thailand abandoned plans for repatriation after Gen. Khin Nyunt, the architect of the ceasefire campaign, was ousted from the post of Prime Minister in October 2004. Regardless, the safe return of refugees to Burma, either voluntarily or through forcible repatriation, remained improbable any time soon due to the extensive mine pollution in Burma's border areas. (Source: *Landmine Monitor Report 2005: Toward a Mine Free World*, ICBL, 23 November 2005).

## 16.7 Bangladesh-Burma Border

The border dividing Bangladesh and Burma stretches along 208 km. of rugged terrain and continues to be one of the most heavily mined areas in the country. The mines were allegedly laid by the NaSaKa, although the SPDC denies this. The People's Republic of Bangladesh formally opposes the laying of mines, and attempts have been made in Bangladesh to destroy those already laid. The Government of Bangladesh ratified the Mine Ban Treaty in 2001 and was preparing domestic legislation in 2005 to implement the terms of the Treaty. By February 2005, the Government destroyed 189,227 stockpiled landmines in Bangladesh. Bangladeshi government forces also recovered 33 landmines and other materials used in their production from the Naikongchary border area. Since 2001 Bangladesh has requested the authorities of Burma to survey and assess minefields in their border areas. To date, however, the SPDC has taken no action in relation this request. (Source: *Landmine Monitor Report 2005: Toward a Mine Free World*, ICBL, 23 November 2005).

## 16.8 India-Burma Border

Although the border between Burma and India has been more sparsely mined than the country's eastern regions, the potential for landmine victims has remained. The Republic of India has not yet signed the Mine Ban Treaty and, by the end of 2005, failed to vote on any pro-Mine Ban Treaty resolutions in the UN.

Insurgents from Burma based along the Burma-India border previously planted landmines inside India. In June 2005, 2,500 landmines were found planted in at a former CNA site in the Indian State of Mizoram, which borders Burma. (Source: *Landmine Monitor Report 2005: Toward a Mine Free World*, ICBL, 23 November 2005). Although they may have been targeting the Tatmadaw, such acts directly undermine the security of civilians living and traversing in the area. For example, on 6 November 2005, a migrant laborer woman from Bandoola village, Sagaing Division, Burma stepped on a landmine two miles from the Burma border inside India and was killed (source: "Burmese Woman Killed by Indian Landmine," *Mizzima*, 17 November 2005). No comprehensive data listing landmine victims in this area is available, mainly because of the area's remoteness, and the lack of transport and communication facilities (source: *Landmine Monitor Report 2005: Toward a Mine Free World*, ICBL, 23 November 2005).

## 16.9 Mine Risk Education

Concurrent with the heightened use of landmines in Burma, landmine risk education conducted by several international NGOs has also increased. Organizations such as Handicap International, Nonviolence International, Asian Disaster Preparedness Center (ADPC), Mines Advisory Group, and Norwegian People's Aid have all engaged in Burma-related mine risk education. Handicap International operates a landmine awareness program targeting refugees from Burma in camps along the Burma-Thailand border. Between 2002 and 2004, Nonviolence International received funds of US\$30,500 from the Japan Campaign to Ban Landmines and other private donors to establish a mine risk education program in Karen State for public health personnel. Early in 2005 this program was passed to the recently formed NGO, Shanti Sena, which has taken over delivering mine risk education programs in

Karen State. The UNHCR also sponsored several landmine training programs for Rohingya refugees living in Bangladesh who were to be repatriated to mine affected areas in Burma. Despite continued education efforts by the UNHCR, researchers for the *Landmine Monitor Report* found that villagers living on the Bangladesh-Burma border incorrectly believed that the Burmese side of the border area had become safer than in the past. (Source: *Landmine Monitor Report 2005: Towards a Mine-Free*, ICBL, 23 November 2005).

## 16.10 Landmines – Partial List of Incidents for 2005

### Karen State

Between October 2004 and January 2005 and again in March 2005, the Tatmadaw allegedly deployed landmines along the sides of the Kushaw-Shwekyin road in northern Karen State so as to prevent use of the road by insurgents. (Source: *Landmine Monitor Report 2005: Toward a Mine-Free World*, ICBL, 23 November 2005).

In January 2005, FBR reported that while working as a forced laborer clearing the Toungoo-Mawchi and Kler Lah-Busakee roads in Toungoo District, a 15-year-old boy in the Klay Soe Kee area lost his leg after stepping on a landmine. (Source: “Report of Relief Mission to Toungoo District,” FBR, 31 January 2005).

On 6 January 2005, villager Pa Taw Way stepped on a SPDC landmine while working at Tu Mu Ka Pu in Papun District and lost his left leg. (Source: BI, February 2005).

On 26 January 2005, troops from the SPDC based at Baw Ga Li ordered 7 truck owners and 34 villagers from Baw Ga Li, Kaw Thay Doe and Kaw Soe Kho villages, Toungoo District to repair the road between Pet Let Wa to Bu Hsa Khee and to clear landmines. (Source: KIC, 2005).

On 1 February 2005, it was reported that 2 villagers living as IDPs in Toungoo District lost their legs to SPDC landmines. (Source: “Report of Relief Mission to Toungoo District,” FBR, 31 January 2005).

On 2 February 2005, the 1<sup>st</sup> Comdr. Khin Soe and G-2 Myo Min Hlaing of SPDC Southern Command HQs ordered 7 villagers of Gar Mu Doe village to clear landmines between Koe Day and Tha Aye Hta in Toungoo District. (Source: KIC, 2005).

In March 2005, it was reported that members of the People’s Militia (*Pyitthu Sit*) were forced to guide SPDC patrols in areas that the SPDC suspected had been mined by the KNLA. Also, SPDC troops ordered villagers along the Kler Lah-Bu Sah road in Karen State to clear road edges and harvest vegetables and wood while cognizant of the existence of landmines in the area. (Source: *Landmine Monitor Report 2005: Toward a Mine-Free World*, ICBL, 23 November 2005).

On 25 July 2005, a woman referred to as ‘Naw GG’ was killed by a SPDC military landmine in Toungoo District. (Source: “Human Rights Violation Update: Northern and Western Karen State,” FBR, 9 September 2005).



On 14 September 2005, DKBA Central Security Unit troops under Moe Kyaw Heh planted 70 landmines throughout Shwe Oe village tract, Thaton District. They subsequently planted 1 landmine in Kaw Heh village. (Source: KIC, 2005).

On 12 October 2005, it was reported that 2 elephants, Mojay and Motoo, sustained severe foot injuries as a result of stepping on landmines in Thaton District. The elephants were treated in Bangkok, Thailand. (Source: "Elephant Hurt After Stepping on Landmines," *The Daily Telegraph*, 12 October 2005).

On 27 November 2005, SPDC Operation Command 1 Comdr. Thein Tun, based at Baw Ga Li Gyi camp, Tantabin Township, Toungoo District required all villagers from Ku Laung, Pyaung Tho, Sa Ba Gyi and Baw Ga Li Gyi to clear weeds and bushes, construct a motor road and clear landmines between Baw Ga Li Gyi and the nearby motor road. (Source: KIC, 2005).

On 28 November 2005 at approximately 9 am, SPDC Column 1 Comdr. Thaung Sein and Column 2 Comdr. Sint Naing from SPDC IB 75, Tantabin Township, Toungoo District burnt down 25 houses in Si Daw Ko village and planted M-14 landmines at the bottom of the front stair of the Christian church. (Source: KIC, 2005).

On 21 December 2005, soldiers from SPDC IB 30 based in Thandaung Township, Toungoo District forced local villagers to clear bushes and landmines on a section of Maw-chi motor road, from Ye Thoe Gyi to Tha Aye Ta camp. The villagers were:

1. Saw Nar Kar Htoo;
2. Naw Yee Shu Moe;
3. Naw Ma Thi Paw;
4. Saw Tha Law;
5. Saw Bar Htoo;
6. Saw See Aye;
7. Saw Eh Yee;
8. Saw Say Mu;
9. Naw Eh; and
10. Saw Htoo. (Source: KIC, 2005).

## **Karenni State**

On 12 February 2005, Win Myine, a forced prisoner porter, stepped on a landmine while attempting to escape from SPDC custody. (Source: "Injured Prisoner Porter Gets Treatment in Mae Hong Son Hospital," *Kantarawaddy Times*, 20 February 2005).

On 20 March 2005, villagers from Oh Kay village in Nam Meh Township triggered a landmine while traveling along the Demoso-Hprusu motor road. Saw Lwin (male, age 36) died instantaneously and Saw Lu Moo was injured and subsequently taken to Loikaw State Hospital. The KNPLF accused the KNPP of planting the device however the KNPP denied the allegations, claiming that the landmine was located in area controlled by the KNPLF. (Source: "Karenni Rivals at Odds over Landmine Blast," *Irrawaddy*, 22 March 2005).

## **Pegu Division**

On 16 May 2005, Saw Pah Ter Ler from Saw Dee Klee Hta village, Shwegyin Township, Nyaunglebin District detonated a trip wire of a MM1 stake mounted mine at Baw Loh River crossing laid by SPDC LIB 349 resulting in shrapnel wounds to his face, hands and chest and leaving him blind. He was traveling to Mu Say Koh village along with 11 other villagers. Following the explosion, SPDC LIB 349 soldiers stationed nearby fired an M79 grenade towards the river crossing. The villagers fled to Yah Aw village carrying Saw Pah Ter Ler. (Source: *Proliferation of SPDC Army Camps in Nyaunglebin District Leads to Torture, Killings and Landmine Casualties*, KHRG, 7 July 2005).

Between 29 August and 5 September 2005, SPDC LIB 351 planted landmines in and around the following villages in Nyaunglebin District:

1. Por Pee Doe;
2. Kyauk Tan;
3. Hsaw Wah Doe; and
4. Tae Kweh Lay Kho. (Source: KIC, 2005).

On 31 August 2005, Saw Thaw Htoo (male, age 28) and a Mau Pu villager, Saw Per Kaw (male, age 24), stepped on landmines laid by the SPDC military in Nyaunglebin District. Saw Thaw Htoo died leaving behind a pregnant wife. Saw Per Kaw also died on 4 September 2005. (Sources: KIC, 2005; "Relief Mission Report," FBR, August 2005).

On 6 September 2005, an Aung Chan Tha villager was killed at Tee Lo Place by a landmine planted by SPDC LIB 351 in Mone Township, Nyaunglebin District. (Source: KIC, 2005).

From 21 September to 3 November 2005, villagers from Kwee Lah village, Nyaunglebin District who fled the village to avoid fighting between the SPDC and armed resistance fighters were unable to return due to 15 landmines that were placed in the area by the SPDC forces. In November 2005, KNLA troops were reportedly attempting to remove the landmines. (Source: "Update on IDP Situation – Nyaunglebin District," FBR, 23 November 2005).

## **Tenasserim Division**

On 28 January 2005, U Kyi Tha (male, age 43) from Inn Waing village stepped on a landmine in Ya Da Na Bon, Mergui-Tavoy District while working as a forced porter for SPDC LIB 585, led by Column 1 Comdr. Maj. Than Htay, under Military Operation Command-13. As a result, his right leg was severely wounded. (Source: KIC, 2005).

On 4 April 2005, Saw Po Reh (male, age 16) of Pah Wah Mee Laung Gwin village, Mergui-Tavoy District stepped on a landmine planted by SPDC troops, killing him instantaneously. (Source: KIC, 2005).

## Resources and Contributors

|                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>All Burma Federation of Student Unions (ABFSU-FAC)</b><br>P.O Box 102, Mae Ping P.O.<br>Chiang Mai 50301, Thailand<br>E-mail: <a href="mailto:bakatha@loxinfo.co.th">bakatha@loxinfo.co.th</a><br><a href="mailto:abfsu@abfsu.net">abfsu@abfsu.net</a>                                                                                                           | <b>All Burma Student League (ABSL)</b><br>(Headquarters)<br>3, Krishna Menon Marg<br>New Delhi 110011, India<br>Tel: ( 91-11) 301 7172 or 301 6035<br>Fax: ( 91-11) 379 3397                                                                                                                                                                                                                                                                                                                                                             |
| <b>All Burma Student's Democratic Front (ABSDF)</b><br>P.O. Box 31<br>Mae Sarieng P.O.<br>Mae Hong Son, 58110, Thailand<br>E-mail: <a href="mailto:absdfhq@loxinfo.co.th">absdfhq@loxinfo.co.th</a>                                                                                                                                                                 | <b>Alternative Asean Network on Burma [Altsean] BURMA</b><br>P.O Box 296, Lardprao P.O.<br>Bangkok, 10310, Thailand<br>Tel: (66)-1-850-9008<br>Fax: (66)-2-693 4939<br>E-mail: <a href="mailto:altsean@altsean.org">altsean@altsean.org</a>                                                                                                                                                                                                                                                                                              |
| <b>Amnesty International</b><br>99-119 Rosebery Avenue<br>London, EC1R 4RE<br>United Kingdom<br>Tel: (+44 20 7814 620)<br>Fax: (+44 20 7833 1510)<br>Website: <a href="http://www.amnesty.org.uk">www.amnesty.org.uk</a>                                                                                                                                            | <b>Amyin Thit Media Agency</b><br>P.O Box 157<br>Chiang Mai University P. O Box<br>Chiang Mai 50202, Thailand<br>E-mail: <a href="mailto:amyinthit@amyinthit.com">amyinthit@amyinthit.com</a><br><a href="mailto:office@amyinthit.com">office@amyinthit.com</a><br><a href="mailto:letters@amyinthit.com">letters@amyinthit.com</a><br><a href="mailto:info@amyinthit.com">info@amyinthit.com</a><br><a href="mailto:editor@amyinthit.com">editor@amyinthit.com</a><br>Website: <a href="http://www.amyinthit.com">www.amyinthit.com</a> |
| <b>Asian Forum for Human Rights and Development (Forum-Asia)</b><br>Baan Vichien, Apt. 3B<br>220 Sukhamvit 49/12,<br>Klongton Nua, Wattana<br>Bangkok, 10110, Thailand<br>Tel: (66) 2391-8801<br>Fax: (66) 2391-8764<br>E-mail: <a href="mailto:info@forum-asia.org">info@forum-asia.org</a><br>Website: <a href="http://www.forum-asia.org">www.forum-asia.org</a> | <b>Assistance Association for Political Prisoners-Burma (AAPP)</b><br>P.O. Box 93<br>Mae Sot, Tak Province<br>63110, Thailand<br>E-mail: <a href="mailto:aappb@cscsoms.com">aappb@cscsoms.com</a><br>Website: <a href="http://www.aappb.net">www.aappb.net</a>                                                                                                                                                                                                                                                                           |
| <b>Badar Road &amp; Shwekhamauk</b><br>P.O. Box 34, Mae Sot<br>Tak, 63110, Thailand<br>E-mail: <a href="mailto:khamauk@cscsoms.com">khamauk@cscsoms.com</a>                                                                                                                                                                                                         | <b>Bamboo Youth Project</b><br>E-mail: <a href="mailto:helpbyp@yahoo.com">helpbyp@yahoo.com</a><br>Website: <a href="http://www.byp2002.homestead.com/byp.html">www.byp2002.homestead.com/byp.html</a>                                                                                                                                                                                                                                                                                                                                   |
| <b>Burma Alert</b><br>c/o Harn Yawngghwe<br>R.R. 4, Shawville<br>Quebec, Canada, JOX 2YO, Canada<br>Tel: (819) 647 5403<br>Fax: (819) 647 5405<br>E-mail: <a href="mailto:yawngghwe@qquest.net">yawngghwe@qquest.net</a>                                                                                                                                            | <b>Burma Debate</b><br>P.O. Box 19126<br>Washington, DC 20036. U.S.A<br>Fax: (301) 838-0587<br>E-mail: <a href="mailto:burmad@clark.net">burmad@clark.net</a><br>Website: <a href="http://www.burmaproject.org">www.burmaproject.org</a>                                                                                                                                                                                                                                                                                                 |
| <b>Burma Campaign UK</b><br>28 Charles Sq.<br>London N1 6HT<br>Tel: 020 7324 4710<br>Fax: +44 20 7324 4717<br>E-mail: <a href="mailto:info@burmacampaign.org.uk">info@burmacampaign.org.uk</a><br>Website: <a href="http://www.burmacampaign.org.uk">www.burmacampaign.org.uk</a>                                                                                   | <b>Burma Information Group</b><br>P.O. Box. 14154<br>Silver Spring, MD 20911<br>USA<br>E-mail: <a href="mailto:waddy@cm-sun.cm.ksc.co.th">waddy@cm-sun.cm.ksc.co.th</a>                                                                                                                                                                                                                                                                                                                                                                  |

|                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Burma Issues</b><br>The Peace Way Foundation<br>1/11 Soi Piphat 2, Convent Road<br>Silom, 10500<br>Bangkok, Thailand<br>E-mail: <a href="mailto:durham@mozart.inet.co.th">durham@mozart.inet.co.th</a><br>Website: <a href="http://www.burmaissues.org">www.burmaissues.org</a>                                     | <b>Burma Labor Solidarity Organization (BLSO)</b><br>P.O. 37, Mae Sot, Tak<br>63110, Thailand<br>E-mail: <a href="mailto:blso21@cscsoms.com">blso21@cscsoms.com</a>                                                                                                                  |
| <b>Burma Lawyers' Council (BLC)</b><br>P.O. Box 29, Huamark P.O.<br>Ramkhamheang Road<br>Bangkok, 10243<br>Thailand<br>E-mail: <a href="mailto:blcsan@ksc.th.com">blcsan@ksc.th.com</a>                                                                                                                                | <b>Burma News International (BNI)</b><br>Tel : +66(0)7 1690 971<br>+66(0)1 530 283 7<br>Fax : +66 (0)34 595 443<br>E-mail : <a href="mailto:taingtaw@yahoo.com">taingtaw@yahoo.com</a><br><a href="mailto:aungn@yahoo.com">aungn@yahoo.com</a>                                       |
| <b>Burma Office</b><br>Labor Council Building, Suite 6, 8th Floor<br>377-383, Sussex Street, Sydney,<br>NSW 2000, Australia<br>Tel: (02) 9264 7694<br>Fax: (02) 9264 7693<br>E-mail: <a href="mailto:burma@sydney.net">burma@sydney.net</a>                                                                            | <b>Burmese Women's Union</b><br>P.O. Box 40<br>Mae Ping PO,<br>Chiang Mai, 50180<br>Thailand<br>E-mail: <a href="mailto:bwunion04@loxinfo.co.th">bwunion04@loxinfo.co.th</a>                                                                                                         |
| <b>Chin Human Rights Organization</b><br>2-Montavista Avenue<br>Nepean, Ontario K2J 2L3<br>Canada<br>Tel: +1-613-843-9484<br>Website: <a href="http://www.chro.org">www.chro.org</a>                                                                                                                                   | <b>Chin National Journal (C.N.F)</b><br>62D, Possangipur<br>Janak Puri, New Delhi-58<br>E-mail: <a href="mailto:kmtchro@hotmail.com">kmtchro@hotmail.com</a>                                                                                                                         |
| <b>Committee for Internally Displaced Karen People (CIDKP)</b><br>P.O. Box 22, Mae Sot<br>Tak, 63110, Thailand<br>E-mail: <a href="mailto:kidpc@cscsoms.com">kidpc@cscsoms.com</a><br>Tel/Fax: 055-531-330                                                                                                             | <b>Committee for Protection and Promotion of Child Rights(Burma) (CPPCR)</b><br>E-mail: <a href="mailto:cppcr@cscsoms.com">cppcr@cscsoms.com</a>                                                                                                                                     |
| <b>Democratic Voice of Burma</b><br>P.O. Box 6720, St. Olavs Plass<br>N 0130, Oslo, Norway<br>Tel: (47) 22 868474<br>Fax: (47) 22 868471<br>E-mail: <a href="mailto:dvb@sn.no">dvb@sn.no</a>                                                                                                                           | <b>Drum Publications</b><br>P.O. Box 66<br>Kanchanaburi, 71000<br>Thailand<br>E-mail: <a href="mailto:htoo@loxinfo.co.th">htoo@loxinfo.co.th</a>                                                                                                                                     |
| <b>Earth Rights International ( ERI )</b><br>P.O. Box 123<br>Chiang Mai University P.O.<br>Chiang Mai, 50220, Thailand<br>E-mail: <a href="mailto:infoasia@earthrights.org">infoasia@earthrights.org</a><br>Tel: 66-1-531-1256                                                                                         | <b>Free Burma Rangers</b><br>Website: <a href="http://www.freeburmarangers.org">www.freeburmarangers.org</a>                                                                                                                                                                         |
| <b>Global Witness Publishing Inc.</b><br>8th floor, 1120 19th Street NW,<br>Washington DC , 20036<br>Tel: +44 (0)20 7272 6731<br>Fax: +44 (0)20 7272 9425<br>E-mail: <a href="mailto:burma@globalwitness.org">burma@globalwitness.org</a><br>Website: <a href="http://www.globalwitness.org">www.globalwitness.org</a> | <b>Human Rights Documentation Unit (HRDU)</b><br>P.O. Box 70,<br>Mae Sot, Tak<br>63110, Thailand<br>E-mail: <a href="mailto:hrdums@yahoo.com">hrdums@yahoo.com</a>                                                                                                                   |
| <b>Human Rights Education Institute of Burma (HREIB)</b><br>P.O. Box 37<br>Chiang Mai University P.O.<br>Chiang Mai, 50202, Thailand<br>E-mail: <a href="mailto:hreburma@loxinfo.co.th">hreburma@loxinfo.co.th</a>                                                                                                     | <b>Human Rights Foundation of Monland (HURFOM)</b><br>The Mon Forum<br>P.O. Box 11,<br>Ratchburana P.O.<br>Bangkok, 10140, Thailand<br>E-mail: <a href="mailto:mforum@np.anet.net.th">mforum@np.anet.net.th</a><br>Website: <a href="http://www.rehmonnya.org">www.rehmonnya.org</a> |

|                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Human Rights Watch/Asia</b><br>350 Fifth Avenue, 34th floor<br>New York, NY 10118-3299, USA<br>Tel: 1-(212) 290-4700<br>Fax: 1-(212) 736-1300<br>Email: <a href="mailto:hrwnyc@hrw.org">hrwnyc@hrw.org</a>                                | <b>Images Asia</b><br>P.O. Box 2, Prasingha P.O.<br>Chiang Mai, 50200, Thailand<br>Tel: (66) 53-278 948<br>Fax: (66) 53-279 544<br>E-mail: <a href="mailto:sitti@cm.ksc.co.th">sitti@cm.ksc.co.th</a><br><a href="mailto:images@cm.ksc.co.th">images@cm.ksc.co.th</a>                                                                                          |
| <b>Institute for Asian Democracy</b><br>1518, K St. N.W., Suite 410<br>Washington, DC 20005, USA<br>Tel: (202) 7374101<br>Fax: (202) 2320474<br>E-mail: <a href="mailto:76513.1112@compuserve.com">76513.1112@compuserve.com</a>             | <b>International Rescue Committee (IRC) (Thailand)</b><br>19 Soi 33, Sukhumvit Rd<br>Bangkok, 10110<br>Thailand                                                                                                                                                                                                                                                |
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| <b>Karen Human Rights Group (KHRG)</b><br>Website: <a href="http://www.khrg.org">www.khrg.org</a><br>Email: <a href="mailto:khrg@khrg.org">khrg@khrg.org</a>                                                                                 | <b>Karen Information Center (KIC)</b><br>P.O. Box 22<br>Mae Sot, Tak 63110 Thailand<br>E-mail: <a href="mailto:kicinter@loxinfo.co.th">kicinter@loxinfo.co.th</a>                                                                                                                                                                                              |
| <b>Karen Teacher Working Group</b><br>P.O. Box 39<br>Mae Sariang, MHS<br>58110, Thailand<br>Email: <a href="mailto:ktwghq@hotmail.com">ktwghq@hotmail.com</a><br>Website: <a href="http://www.ktwg.org/home.html">www.ktwg.org/home.html</a> | <b>Karen Women's Organization (KWO)</b><br>PO Box 19<br>Mae Sariang, 58110<br>Mae Hong Son Province<br>Thailand<br>E-mail: <a href="mailto:kwo@loxinfo.co.th">kwo@loxinfo.co.th</a>                                                                                                                                                                            |
| <b>Karenni National Progress Party (KNPP)</b><br>P.O. Box. 19<br>Mae Hong Son, 58000, Thailand<br>E-mail: <a href="mailto:ooreh@cm.ksc.co.th">ooreh@cm.ksc.co.th</a>                                                                         | <b>Karenni News Agency for Human Rights (KNAHR)</b><br>P.O. Box 19<br>Mae Hong Son, 58000, Thailand<br>E-mail: <a href="mailto:ooreh@cscsoms.com">ooreh@cscsoms.com</a>                                                                                                                                                                                        |
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| <b>National Council of the Union of Burma (NCUB)</b><br>P.O. Box 38<br>Mae Sot P.O.<br>Tak, 63110, Thailand<br>E-mail: <a href="mailto:ncoffice@cscoms.com">ncoffice@cscoms.com</a><br>Website: <a href="http://www.ncub.org">www.ncub.org</a>                                                                                                                          | <b>National Democratic Front (NDF)</b><br>P.O. Box 31<br>Mae Sot P.O.<br>Tak 63110, Thailand<br>E-mail: <a href="mailto:unity@loxinfo.co.th">unity@loxinfo.co.th</a>                                                                                                                      |
| <b>National League for Democracy (Liberated Area)</b><br>P.O. Box 34<br>Mae Sot P.O.<br>Tak 63110, Thailand<br>E-mail: <a href="mailto:nldlahq@loxinfo.co.th">nldlahq@loxinfo.co.th</a>                                                                                                                                                                                 | <b>National League for Democracy - Liberated Area (Youth)</b><br>P.O. Box 156<br>Mae Sot P.O.<br>Tak 63110, Thailand<br>E-mail: <a href="mailto:nldlayouth@csloxinfo.com">nldlayouth@csloxinfo.com</a>                                                                                    |
| <b>Network for Democracy and Development (NDD)</b><br>P.O. Box 91<br>Chiang Mai University P.O.<br>Chiang Mai 50202<br>Thailand                                                                                                                                                                                                                                         | <b>Orchestra Burma</b><br>P.O. Box 54<br>Chiang Mai University P.O.<br>Chiang Mai, 50202, Thailand<br>E-mail: <a href="mailto:lokanat@cm.ksc.co.th">lokanat@cm.ksc.co.th</a><br>Website: <a href="http://www.freeburma.org/lokanat/obstart.htm">www.freeburma.org/lokanat/obstart.htm</a> |
| <b>Palaung Women Organization (PWO)</b><br>P.O. Box 108, Mae Sot<br>Tak, 63110, Thailand<br>E-mail: <a href="mailto:ta_angnnt@yahoo.com">ta_angnnt@yahoo.com</a>                                                                                                                                                                                                        | <b>Palaung Youth Network Group</b><br>P.O. Box 108<br>Mae Sot P.O.<br>Tak, 63110, Thailand<br>Thailand<br>E-mail: <a href="mailto:ta_ang@ksc.th.com">ta_ang@ksc.th.com</a><br><a href="mailto:palaung@yahoo.com">palaung@yahoo.com</a>                                                    |
| <b>Parliamentary Democracy Party (PDP) GHQ (Liberated Area) Burma</b><br>P.O. Box 28<br>Central City<br>Bang Na Post Office<br>Bangkok 10264, Thailand<br>E-mail: <a href="mailto:emlmpdp@aol.com">emlmpdp@aol.com</a><br>Website: <a href="http://www.pdp-burma.net">www.pdp-burma.net</a>                                                                             | <b>PD Burma</b><br>Keysergate 1<br>0165 Oslo<br>Norway<br>Tel: +47-22-989005<br>Fax: +47-22-114988<br>E-mail: <a href="mailto:pdburma@online.no">pdburma@online.no</a>                                                                                                                    |
| <b>Radio Free Asia (RFA)</b><br>2025 M Street, N.W. Suite 300<br>Washington, DC 20036, USA<br>Tel: (202) 530 4985<br>Fax: (202) 721 7401                                                                                                                                                                                                                                | <b>Refugee Newsletter</b><br>P.O. Box 339<br>Chiang Mai, 50000<br>Thailand                                                                                                                                                                                                                |
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| <b>Shan State Army News - Thailand</b><br>Tel: 053-384 100<br>E-mail: <a href="mailto:ssanews@loxinfo.co.th">ssanews@loxinfo.co.th</a><br>E-mail: <a href="mailto:kenneri@loxinfo.co.th">kenneri@loxinfo.co.th</a>                                                                                                                                                      | <b>Shan Women's Action Network (SWAN)</b><br>P.O. Box 120<br>Phrasing P.O.<br>Chiang Mai 50200, Thailand                                                                                                                                                                                  |

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| <b>Shwe Gas Movement</b><br>(Thailand branch)<br>E-mail: <a href="mailto:thailand@shwe.org">thailand@shwe.org</a><br>(Bangladesh branch)<br>E-mail: <a href="mailto:shweprue@shwe.org">shweprue@shwe.org</a>                                                             | <b>Students And Youth Congress of Burma (SYCB)</b><br>P.O Box 123<br>Mae Sot, Tak<br>63110, Thailand<br>E-mail: <a href="mailto:sybccongress@gmail.com">sybccongress@gmail.com</a>                                                                                                                                                       |
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| <b>Thailand Burma Border Consortium</b><br>12/15 Convent Road<br>Silom Road, Bangkok, 10500, Thailand<br>Tel: (662) 236 0211<br>Fax: (662) 236 7000<br>E-mail: <a href="mailto:web@tbbc.org">web@tbbc.org</a><br>Website: <a href="http://www.tbbc.org">www.tbbc.org</a> | <b>Thai Action Committee for Democracy in Burma (TACDB)</b><br>90 Soi U-omsin, Jaransanitwong 40<br>Bangyeekhan, Bangplad, Bangkok 10700, Thailand<br>Tel: (662) 424-9173, 883-4428<br>Fax: (662) 424-9173<br>Email: <a href="mailto:tacdb@ksc.th.com">tacdb@ksc.th.com</a><br>Website: <a href="http://www.tacdb.org">www.tacdb.org</a> |
| <b>The Ad hoc Commission on the Depayin Massacre</b><br>P.O. Box 29<br>Hua Mark P.O.<br>10243 Bangkok, Thailand<br>E-mail: <a href="mailto:ahcdm@cscsoms.com">ahcdm@cscsoms.com</a>                                                                                      | <b>The Arakan Project</b><br>P.O. Box 74<br>Bung Thong Lang Post Office<br>Bangkok, 10242<br>Thailand<br>Phone: (66) 9-951-8612                                                                                                                                                                                                          |
| <b>The New Era (Khit Pyaing) Journal</b><br>P.O. Box 115<br>Raminthra P.O.<br>Bangkhan, Bangkok 10220, Thailand<br>E-mail: <a href="mailto:newera@ksc.th.com">newera@ksc.th.com</a><br>Website: <a href="http://www.khitpyaing.org">www.khitpyaing.org</a>               | <b>The Lighting</b><br>P.O Box 91<br>Mae Sot, Tak<br>63110, Thailand<br>E-mail: <a href="mailto:binamojo@cscsoms.com">binamojo@cscsoms.com</a>                                                                                                                                                                                           |
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| <b>Yaung Chi Oo Workers' Association</b><br>P.O. Box 37<br>Mae Sot, Tak<br>63110, Thailand                                                                                                                                                                               | <b>Yoma-3</b><br>P.O. Box 4, Sangkhlaburi<br>Kanchanaburi, 71240<br>Thailand                                                                                                                                                                                                                                                             |



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