

14. The Refugee Situation and Forced Repatriation

In conflict areas around the world there are increasing reports of extreme human rights violations against refugees, and a corresponding inability on the part of the international community to either stop the violations or protect the victims. The problems faced by those concerned with the protection of refugees are well illustrated by the plight of Burmese refugees, particularly in Thailand.

14.1. Refugees in Thailand

Despite the massive numbers of Burmese refugees in Thailand, the country does not technically consider them refugees, as Thailand is not a signatory to the “UN Convention and Protocol Relating to the Status of Refugees.” Technically the UN High Commission on Refugees (UNHCR) does not have a right to operate in Thailand, however, Thailand allows the UNHCR to maintain a limited presence in the country. Notwithstanding its presence, the UNHCR cannot legally protect Burmese refugees in Thailand as it can in countries that recognize the relevant UN Convention.

In 1996 and early 1997, two major SLORC offensives against the KNU in Tenasserim Division and in the Dooplaya Region caused a renewed and massive influx of refugees into Thailand. This mass exodus of villagers comes at a time when the SLORC is attempting to gain international legitimacy. In order to terrorize refugees into returning to Burma where they will not provide physical evidence of SLORC’s human rights abuses, the SLORC has undertaken a continuous string of joint SLORC/DKBA attacks across the Thai border. Moreover, SLORC’s policies of forced relocation, especially in Shan State, forced labor and portering, religious persecution, and excessive taxation have caused an almost continuous flow of refugees including Shans, Chins, Karens, Karennis, and Mons.

Thai refugee policies, in general, and Thai migrant worker policies illustrate Thailand’s lack of support for the refugees. Despite life threatening situations, the Thai authorities continue to forcibly repatriate Burmese refugees because it serves Thai economic interests in Burma. A new law passed in 1996, while on its face seems to provide some legitimacy for Burmese migrant workers, is also in the best interests of the Thai Government. Thai authorities, facing a shortage of unskilled workers in some provinces, enacted legislation to allow the legal employment of unskilled Burmese laborers.

14.1.1. SLORC/DKBA Border Incursions

Since its inception in December 1994, the DKBA has vowed to destroy all Karen refugee camps in Thailand and force Karen refugees back to Burma. Since early 1995, the DKBA has been conducting cross-border raids into Thailand to attack and burn Karen refugee camps, kidnap or kill Karen leaders and refugee camp leaders, and loot both refugee camps and Thai villages. The DKBA allied itself with SLORC as soon as it was formed, and SLORC has been supporting them in the aim of terrorizing refugees into returning to Burma. Furthermore, as SLORC forces have captured more and more of the territory directly adjacent to the Thai border, SLORC troops have also been conducting their own cross-border looting raids and attacks, as well as participating in the DKBA's attacks often masquerading as DKBA troops in order to escape blame for some of the attacks. On numerous occasions in 1996, armed DKBA and SLORC troops crossed the border into Thailand and attacked the Karen refugees camp. (*See list of incidents below.*)

Threats continue to be made against the refugees in an effort to coerce them to return to Burma. DKBA's main objective in driving the refugees back to Burma is to establish a civilian support base for themselves at its headquarters in Myaing Gyi Ngu (Khaw Taw) and at other locations; SLORC would benefit by being able to use many of the refugees in labor camps, while screening out and punishing those who participated in anti-SLORC activity or who have relatives in the KNU. SLORC also knows that the existence of Burmese refugees in Thailand is physical evidence of the human rights abuses performed by the SLORC. If the refugees return, SLORC could point to this as evidence of peace, stability, and improvement in the country.

Many of the attacks on the refugee camps inside Thailand were in fact carried out largely by SLORC troops disguised as DKBA. The DKBA now operates in most areas as a SLORC militia; its troops cannot make a move without SLORC permission, and usually just a few of them are taken along on operations with moving SLORC columns. A SLORC column of 50 or 100 soldiers will take about five DKBA soldiers along with them. When they arrive in villages, SLORC orders the DKBA soldiers to steal livestock and other supplies for them and point out any villagers who have formerly had contact with the KNU. SLORC then gets the loot and often executes the DKBA's prisoners, while the villagers blame it on the DKBA. The DKBA soldiers have little choice but to comply, because SLORC provides all their food, ammunition, uniforms, and salaries. None of these are provided in sufficient quantity, so most DKBA units have fallen into a pattern of looting villages, extorting money, and taking forced labor from villages for their own benefit as well as for the SLORC's.

The current strength of the DKBA is hard to estimate, but it is most likely somewhere between 1,000 and 2,000 soldiers, most of whom operate in Pa-an, Papun, and Thaton Districts. However, some of these soldiers have no weapons or only a few bullets, and they are very thinly spread over large areas. As yet, DKBA has no notable presence in Taungoo District in the north or in Tenasserim Division in the south. The DKBA is currently trying to make inroads into the KNU's 6th Brigade area south of Kawkareik, but its presence there is limited to only a few places. The DKBA army consists of only four brigades: 333, 555, 777, and 999.

The Thai authorities have not protected refugees from attack by DKBA and/or SLORC troops. When DKBA and/or SLORC forces have attacked, Thai guards are said to have vacated their posts in advance of the attacks and remained away throughout the attacks. Many refugees live in fear because the DKBA continue to threaten to attack their camps and they have little confidence that the Thai authorities will protect them. (*Source: KHRG*)

List of Incidents

The following lists the attacks into Thailand performed over the last year by SLORC and DKBA troops:

November 1995: A 10-man strong force of unidentified intruders encircled Ban Mae Salid Lung market in Tambon Mae Song on Tha Song Yang-Mae Sarang Highway and got away with 60,000 baht in cash and valuables. The market is 800 meters from the Ban Mae Salid police booth, and only one kilometer from a BPP checkpoint.

November 11, 1995: Eight men blocked the highway with a fallen tree at kilometer 103-104 and fired M-16 and AK-47 assault rifle rounds at pickup trucks driven by a police officer from Mae Moei. The shooting killed a nine-year-old girl and wounded four other passengers. The raiders escaped without taking anything, but left a shirt bearing KNU insignia.

November 26, 1995: Five Karen troops threw an M-26 grenade at a tourist van at kilometer 105 at Ban Mae Lemeng. The driver was killed instantly and ten tourists were seriously wounded. The van was destroyed. The attackers hung a shirt bearing KNU insignia and a pair of canvas shoes on a tree.

December 2, 1995: Some 50 DKBA soldiers crossed the border to attack the Sho Khlo refugee camp with assault rifles and rocket-propelled grenades. They

killed a Karen clergyman and seized three former KNU soldiers. The raiders robbed refugees of 10,000 baht in cash and valuables and torched an accommodation unit before escaping to Burma.

December 7, 1995: A group of 30 former KNU soldiers fired assault rifle rounds and M-79 grenades at a petrol station near the Mae Sod-Umphang highway at kilometer 44 in Phop Phra. An 11-year-old boy was wounded.

December 9, 1995: More than 100 DKBA soldiers forced the Thai driver of a long-tailed boat at gunpoint to take them from Bho Paw Hta camp, opposite Tambon Mae Song, Than Son Yang, to Sho Khlo. As 15 of them boarded the boat, two were killed in an attack by an unidentified band.

December 10, 1995: A villager in Ban Phakrajer, Phop Phra, was held hostage by 14 former KNU soldiers who demanded a 30,000 baht ransom but came under fire from Thai troops. A BPP officer and an infantryman were killed along with one Karen, and three others.

December 27, 1995: Some 30 DKBA soldiers encircled Ban Tee No Kho, Tambon Mae Usu, at kilometer 95 on the highway at 10:30 p.m. The troops sprayed a villager's house with machine-gun fire, killing an eight-year-old boy instantly and injuring his 53-year-old father. Before retreating to Burma, the renegades abducted the boy's 16-year-old sister, who has disappeared. They also took 100,000 baht in cash and gold ornaments from the house.

January 4, 1996: DKBA troops stole medical supplies from Sho Khlo camp.

January 9, 1996: At least 20 DKBA renegades killed retired Major-General Ta Ru, 71, of the KNLA. The retired KNLA officer had been paralyzed and was receiving treatment at Mae La camp.

January 14, 1996: DKBA requested a meeting near the river on the Thai side with the camp committee of Don Pa Kiang refugee camp.

January 24, 1996: The DKBA attempted an attack on Shokhlo and later were surrounded by Thai troops. An exchange of fire took place. On their way back, some of the DKBA stepped on mines planted by Thai Rangers. One Karen soldier was seriously injured.

January 26, 1996: A group of DKBA soldiers entered Don Pa Kaing camp. They announced that they would seek out and attack KNU leaders and foreigners providing assistance to refugees along the border.

January 30, 1996: In the middle of the night a large DKBA force attacked a Thai Karen Buddhist monastery at Mae U Su, about 90 kilometers north of Mae Sot along the paved road which parallels the border. A Buddhist monk, a 67-year-old lay helper, and a Thai policeman were shot dead by the troops. Before retreating back across the river to Burma, the troops looted the monastery as well.

January 31, 1996: About 100 DKBA soldiers slipped across the border at Ban Mae Usa, Tha Song Yang, attacked a Thai police officer, a monk, and a villager and left two of them seriously wounded. The renegades returned to Burma with 100,000 baht in cash and valuables.

February 6, 1996: 30 members of the DKBA entered Don Pa Kiang camp at around midnight. They announced that the DKBA was clearing space for them at Htee Sa Ra village, about 12 kilometers inside Burma. All refugees were expected to return by the end of the year, they said.

March 15, 1996: SLORC troops entered Don Pa Kiang camp looking for a defector.

March 23, 1996: Troops from the DKBA and SLORC LIB 301 robbed Mae La camp and arrested five people including two ABSDF members. Later Aung Aung, age 24, an ABSDF member, was killed.

April 1, 1996: Some 30 DKBA renegades with assault rifles and grenade launchers robbed five villagers in Ban Mae Lae Yang, Tha Song Yan, of 200,000 baht in cash and valuables. While crossing into Burma, the renegades clashed with a Thai BPP unit but escaped.

April 2, 1996: A Thai BPP unit fired two mortar rounds in an unsuccessful attempt to stop Burmese renegades from recovering a stolen motorcycle hidden in a bush and taking it to Burma.

April 3, 1996: At least 100 heavily-armed DKBA soldiers raided a processed wood factory near Ban Mae Tan Tha Song Yang. The factory was owned by Promsap Phiewnuan, son of former Third Army commander Lieutenant-General Prom Phiewunan. The raiders held a manager and two workers hostage before getting away with 100,000 baht in cash and valuables. They have threatened to torch the factory unless a 50,000-baht protection fee is paid.

April 7, 1996: Pol L/Cpl. Thananpong Parnkaew, an officer in the Thai Border Patrol Police, narrowly escaped injury after coming under machine-gun fire

while driving close to the Thai-Burma border in Tha Song Yan. The shooting was carried out by suspected members of the DKBA.

April 19, 1996: A 10-man strong DKBA band fired AK-47 rounds at a pick-up truck between kilometer 78-79 of the Mae Ramat-Tha Song Yang highway, killing Rungthip Khampradit, age 26, the driver, and robbing her ten passengers of 50,000 baht in cash and gold ornaments.

April 22, 1996: Two Thai villagers were robbed by a group of DKBA at gunpoint in Mae Taw, Mae Sod district. Two Thai villagers from Tambon Mae Tan in Tha Song Yan reported that two armed men flagged down their pickup between km 148-149 and robbed them of 3,000 baht in cash and valuables.

April 25, 1996: Some 15 armed DKBA members encircled Ban Panorkhi, Tambon Tha Song Yang, at 3 p.m. and robbed the headman and five villagers' homes stealing 13,000 baht in cash and valuables worth around 23,000 baht. They also ordered a pair of villagers to help carry the loot across the border.

April 27, 1996: A bomb exploded in Pwe Pa Lu. One KNU soldier was killed and two injured.

May 4, 1996: KNU attacked a DKBA base near Mae La (Palu Paw)

June 13, 1996: DKBA shelled Shokhlo. One refugee was killed and several wounded.

June 19, 1996: DKBA attacked the KNU's stronghold, hoping to retake the Pulpaw camp from the KNU.

June 20, 1996: The DKBA fired several shots towards the Shokhlo refugee camp in Tha Song Yan district, Tak.

July 3, 1996: At least ten DKBA soldiers with AK-47 assault rifles and M-79 grenade launchers entered Ban Mai, in Tabom Mae Ton on the Tha Song Yang-Mae Saraing highway. They opened fire on the house of assistant district chief Sananfa Donkhammon. They also fired an M-79 grenade at the BPP's headquarters and killed a truck driver Thaweesak Jaiyod, age 26. The owner of the truck, Siam Cheu-ar, age 23, was injured and taken to Mae Sot hospital. The soldiers also fired at a territorial defense unit at Ban Mae Tan before fleeing to Burma.

August 24, 1996: Don Pa Klan refugee camp in Ban Huey Bong, Mae Ramat

was raided by about 15 DKBA renegade troops before dawn. They robbed 3,000 baht from Mrs. Naw Da's store. They abducted two deputy chiefs of the camp. Kyaw Lawa, age 55, and Kyaw Swe, age 50, both Karens, were forced to go with the DKBA troops in two commandeered long-tailed boats belonging to Thai villagers.

August 25, 1996: Two Thai officials were wounded by a rocket propelled grenade when their patrol was ambushed by a unit of DKBA soldiers at a border village in Tha Song Yang district. Warrant officer Samran Changkhunthod, age 42, and Private Suchart Thamma, age 22, of the 4th Infantry Division were hit by shrapnel. They were attacked while conducting a joint patrol with forestry officials to inspect illegal logging in Mae Moei National Park near the border.

August 26, 1996: Around 30 DKBA armed soldiers crossed the Moei River to Na Kanasu village and opened fire at the nearby Huay Bong refugee camp with six rounds of mortar. No one was reported as injured. More than 3,000 Karen refugees in the Huay Bong camp fled further into Thailand for fear of future attacks by the DKBA.

August 28, 1996: At least 20 DKBA men crossed the Moei River at Ban Namdib Bonwan in Mae Ramat district and tried to arrest Captain Taw Kyae, former KNU forestry officer. He fled before the DKBA raided his house in a Thai village, but Thwe Kyaw, age 40, a farm worker was shot dead while trying to escape from the scene of the fighting. Upon leaving, the soldiers forced Moe Maw, age 25, and another unidentified Karen to go with them in their boats.

September 11, 1996: Six members of the DKBA and four others were wounded during an attack on a KNU base opposite Ban Muenruechia, Prop Phra, about three kilometers west of the Thai-Burmese border. The attack began at 11 p.m. when 100 DKBA entered the KNU temporary base with heavy weapons and rifles.

September 23, 1996: DKBA headquarters commissioner Lieutenant-General Sa Thwe issued an ultimatum to the 344th unit of the Thai BPP demanding the immediate release of two DKBA men -- Pa Selu and Me Tho -- who had been arrested on September 11. The commissioner threatened that an attack would otherwise be launched in the Thai border district of Tha Song Yang.

September 30, 1996: A battle between the BPP's 344th unit and the DKBA troops in Tha Song Yang district left one DKBA soldier dead. The BPP seized

an M-16 rifle, a pistol, and some ammunition. The clash occurred after the BPP unit discovered three DKBA crossing the Moei River into Thailand. The dead DKBA man, identified as Phaya Lay, was believed to be chief of the DKBA's 9th division.

October 1, 1996: Residents along the Thai-Burmese border are moving out of their homes after a Karen DKBA leader was killed in the clash with BPP on September 30, fearing that the group would retaliate.

November 7, 1996: About 30 armed members of the DKBA crossed the border and robbed three Thai stores and 11 Karens of cash, dried food, and goods worth about 50,000 baht. They were led by Lieutenant Ta Ner and had crossed the border into Wang Takhian village, Tambon Tha Sayluad, in Mae Sod. After the looting, they also threatened to burn the village if Karen refugees sheltered there refused to return to Burma.

December 10, 1996: At least 60 armed DKBA troops, accompanied by three Karen monks and led by Captain Maung Chit Tu, surrounded the village in Tambon Valley, Ban Muen Ruechai village, Phop Phra district. They then arrested former KNU governor Padoe Kyaw Ngwe Tin and his family, the wife and two sons of former KNU military officer Lieutenant Ta Ki, and 17 other Karens and Thais. The DKBA troops also robbed Thai territorial defense volunteers of three cars and a shotgun before retreating back into Burma with the hostages and valuables.

December 28, 1996: Three armed DKBA soldiers came into Ward No. 6, Hway Kaloke refugee camp, near Mae Sot and killed U Myint Naing, a Mon resident of the camp.

January 3, 1997: At about 2:30 a.m., 25 Burmese soldiers fired motor shells and automatic weapons into adjoining Karenni refugee camps in Mae Hong Son, about four miles inside Thailand. The attack killed two refugees and wounded ten others. Those killed were 19-year-old Ai Pyin and 35-year-old Aik Phone. Nearly 6,000 Karenni refugees immediately fled deeper into Thailand.

January 4, 1997: At about 4:30 p.m. a refugee camp was shelled with mortars fired from Baw Pa Hta, a former KNU trading gateway now occupied by SLORC and DKBA troops just across the Moei River. Five or six 2.5 mm mortar shells were fired into the middle of the camp, four of which exploded. The leader of Section 3 of the camp (Saw Pay, age 33) was wounded in the neck and the body by shrapnel; he died from his wounds on February 12 in the Mae Sot

hospital. At least two other refugees were wounded. The shells exploded in the market, at the monastery, at the church, and in front of Saw Pay's house.

January 8, 1997: Around ten DKBA soldiers crossed into Thai territory in pursuit of former KNU members who had attacked a sawmill owned by the DKBA and Thai businessmen. They fired several rounds of 60 mm motors at the fleeing KNU soldiers.

January 10, 1997: Approximately 40 DKBA troops slipped into the Karen refugee camp in Ban Nong Nam Khoo inside Thailand with the help of three Karen monks. They first seized a Burmese man who was guarding a nearby plantation and forced him to lead them into the camp. There they kidnapped six Karens, one of whom was identified as Sa Taw, age 37, a former missionary.

January 28, 1997: A force estimated at over 100 DKBA and SLORC soldiers attacked Huay Bon (Don Pa Kiang) refugee camp, which has a population of 3,678 (as of February 1997) and is located 20 kilometers north of Mae Sot. The force came on foot from the other side of the Moei River. They looted medicines and microscopes from the camp's medical clinic and other belongings from the refugees. They burned down the camp and shot a Thai merchant who was attempting to drive his truck away from the camp. The merchant died instantly. The houses were bamboo huts with leaf roofs tightly packed together, so the fire spread on quickly and about 95 per cent of the camp was completely destroyed. Only a couple rows of houses were left behind the market section of the camp.

January 28, 1997: At about 10:15 p.m, a force estimated at 150 to 200 SLORC soldiers attacked Huay Kaloke (Wan Kha) refugee camp, which contains a population of 6,576 (as of February 1997) and is located 10 kilometers north of Mae Sot. The group went first to the medical clinic and demanded a microscope. Upon obtaining one microscope, they smashed the other and then set the entire clinic on fire. Other soldiers went to the camp leader's house, the school, and other houses and set them all on fire. Witnesses estimate that there were 20 to 40 Karens and the rest were all SLORC soldiers.

January 29, 1997: A force of at least 30 to 40 DKBA and SLORC soldiers attacked the Mae La camp from the northwestern corner near the camp's Bible School. They were backed up by a larger force which remained outside the camp, between the camp and the border. The force came on foot from the other side of the border a few kilometers away and was supported by SLORC shelling from the Burma side. At least 35 shells were fired into the camp, and the

attackers themselves used assault rifles, rocket-propelled grenades, and M-79 grenade launchers. A rocket-propelled grenade killed one elderly woman trying to flee the attack. The Burmese soldiers managed to burn down 15 houses in the course of the attack. As the attackers moved into the camp, firing into houses and then setting them on fire, they encountered camp security forces who fought back and were later joined by Thai military troops. The attackers were eventually forced to retreat to the border, leaving behind two or three dead and taking along with them an unknown number of wounded.

January 30, 1997: A Thai military plane flying on a reconnaissance mission over northern Tak province was fired on by DKBA soldiers. The attack prompted the OV-10 Bronco aircraft, which narrowly avoided being hit, and Thai ground forces to return fire.

February 2, 1997: Thai paramilitary forces fought a gun battle with the DKBA, which had crossed the border into Tak province in Thailand in a bid to launch an attack on a Karen refugee camp.

February 15, 1997: Thai authorities disarmed security forces at several refugee camps. As a result, Don Pa Kyiang (Huay Bon) was attacked by the DKBA. Nearly the whole camp was burned down. Huay Kalok was attacked and burned by DKBA and SLORC. Approximately 1,110 houses out of 1,300 were burned. People panicked, but the Thai authorities did not allow them to leave the camp.

March 21, 1997: More than 200 armed troops from the Burmese 13th Battalion's 88th Division troops led by Lt Col. Than Kyu circled Ban Kor Tor village in Umphang district. Some of the troops entered a villager's house and abducted two former KNU soldiers -- Cha Wa and Kyaw Kyaw -- both of whom had sought shelter there. Before retreating to Burma, the troops threatened that they would attack any Thai villagers who provided shelter to former KNU men.

April 4, 1997: About 80 heavily-armed Burmese troopers slipped across the border into Huay Nam Nak village in Tambon Chong Khaeb in the early morning to harass the refugees. Frightened by the shots, two refugees ran from the scene, prompting Burmese troops to fire on them. A man named Ar Ngae, age 37, was shot in the back and died instantly. The other refugee was a woman by the name of Na Boe, age 40, who was seriously wounded. During the incursion, the Burmese soldiers also forced 40 other refugees to return to Burma.

April 27, 1997: A group of 15 to 20 armed DKBA soldiers crossed from Burma and invaded the Ta Per Poo camp, about two kilometers (one mile) inside

Thailand's northern Tak province. This camp was established as a result of SLORC's 1997 offensive in Dooplaya. The men looted the market, torched 19 shop stalls and houses, killed one refugee, and took eight refugees hostage (all of whom were later released). Thai civilian militia fought with the armed group, killing one of the Karen fighters who had invaded the camp. Ta Per Poo camp was to be moved to Noh Po shortly thereafter.

May 10, 1997: About 200 armed troops from the SLORC's IB 106 led by Major San Lwin attacked the Mon Refugee Camp (Halockhani). The camp is situated about 60 kilometers southwest of Sangkhlaburi district, Kanchanaburi province, Thailand. The same camp was attacked by SLORC's troops in July 1994 when the refugees' makeshift huts, along with all their belongings, were burned down while ASEAN ministers held a meeting in Bangkok. This time the SLORC troops occupied the refugees' rice store.

(Source for incidents: ABSDF, NCUB, MUL, and KHRG)

14.1.2. SLORC 1997 Offensive Against the KNU and the Renewed Refugee Crisis

SLORC's 1997 offensive against the KNU has resulted in more than 7,000 new refugees entering Thailand. Meanwhile, Thai authorities have stepped up their efforts to prevent entry to Burmese refugees, some of whom have been subsequently attacked by SLORC troops. Many remain displaced inside Burma near the Thai border and face difficult circumstances, having no fields to grow or any other means of making a living while SLORC carries on its war with the Karen and Karenni people.

In early 1997, SLORC launched two new major offensives against the KNU. Both were in areas formerly under the firm control of the KNU and the KNLA. During January and February, the SLORC commenced their attacks on KNU-held areas along the upper Tenasserim and Paw Kloh Rivers in Tenasserim Division, also known as KNLA 4th Brigade area. On February 12, they attacked the Dooplaya District of central Karen State, formerly controlled by the KNLA 6th Brigade and home to KNU Headquarters.

14.1.2.1. Offensive in Tenasserim Region against the KNU 4th Brigade

Over 4, 000 SLORC troops launched a new offensive against the KNU 4th Brigade area on January 7, 1997 called operation "Thu Ra." Strategic

command is in Tavoy township where the headquarters of the newly formed Coastal Command led by the notorious Major-General Thi Ha Thu Ra Sit Maung is located. Colonel Thura Maung Ni is the Deputy-Chief Strategic Commander, Lieutenant-Colonel Thein Win, Lieutenant-Colonel Saw Hla Min, and another unknown Lieutenant-Colonel are the field commanders of the three operation commands.

The SLORC's treatment of the people in this region has been particularly severe. SLORC has forcibly recruited civilians, along the roads and in villages between Tavoy and Palaw townships, as porters for the frontline area to carry military supplies, and to act as human mine-sweepers. In early February, SLORC troops were already conducting mass roundups of civilians all along the Andaman seaboard, from Moulmein (capital of Mon State) southward to Ye, Tavoy, and beyond. Troops surrounded Moulmein town market and other markets and captured all adult men, rounding them up on their way out of video halls and other gathering places, and even set up checkpoints along the main north-south road between Ye and Tavoy to stop passenger vehicles and capture all able-bodied men. SLORC troops have forced these porters to walk in front of the troops, in order to make it difficult for KNLA troops to launch guerrilla attacks on the SLORC columns. More than 1,000 civilians were recruited from Tavoy township and were ordered to perform forced labor on the roads leading to Htee-Kee (Minthamee). On another road project in this area, near Nan Thila village, over 1,000 forced laborers were used in order to complete the road into the KNU 4th Brigade headquarters area. Due to the recent massive recruitment of porters and forced laborers from Tenasserim Division and Mon State, many villagers have become internally displaced and are trying to flee to the Thai border in order to avoid continual recruitment as porters and forced laborers, and the accompanying ill-treatment and human rights abuses perpetrated by the SLORC.

Due to heavy fighting and the difficult terrain, there is as yet relatively little information available as to the behavior of SLORC troops on entering villages during the recent military activity in this area. Most information indicates that upon capturing each village, if there was any resistance encountered then the troops burned all or part of the village and tortured or executed some of the villagers. There are reports from several sources that when they reached Kaneh Khoh village in the Paw Kloh valley, SLORC troops captured 12 women and took them to Ler Muh village. After the fighting in Ler Muh village, the 12 women were all raped and killed as a retaliation, including Naw Kri May, age 25, who was raped in front of her husband and family by three soldiers and then executed with a knife. If there is no resistance encountered on entering a village, the troops are reportedly under orders not to destroy the village but

they often do anyway. Villagers who are caught outside their villages face possible execution or at least conscription as porters, while villagers found in their villages must depend on luck — their treatment depends on the mood of the troops. Women porters have been sighted with SLORC troops at Amla, Minthamee Kee, and other locations.

14.1.2.2. Refugee Influx from Tenasserim Region to Thailand

Notwithstanding the fierce fighting that has commenced in Burma during this year, Thailand has attempted to seal its border with Burma in this region and instituted a policy of forced repatriation for those refugees that have successfully crossed the border. In an effort to prevent armed combatants from entering Thailand, the Thai army's 9th Division in Kanchanaburi separated men aged 15 years and older from the women and younger children. The men and boys were forced to return to Burma and told to continue fighting. Obvious non-combatants including male children, sick and elderly men, and a priest were included among those forced to return to Burma. As evidence of their folly, on the morning of February 25, 1997, the Thai army also refused to allow U.S. embassy officials to pass through the Pu Nam Rawn checkpoint. (The embassy officials had planned to visit refugees and assess the situation.)

On February 26, about 3,000 women and children from Ban Bong Ti Pass in Sai Yok district and Ban Pu Nam Rawn in Muang district were loaded aboard trucks belonging to a Thai logging company and forcibly relocated to Suan Phung district, Ratchaburi, Thailand. From Suan Phung they were forcibly repatriated to Taw Ma Pwu village in Burma, a four hour walk away from active military fighting and heavy shelling. Fortunately, international pressure appears to have put a temporary stop to such actions. However, those fleeing across the border are still facing great insecurity, as Thai authorities continue to insist they are going to be repatriated. Meanwhile, the Thai 9th Division is actively spreading misinformation in the camps (which are closed to most outside access) that the fighting has subsided and that SLORC troops have withdrawn from the refugees' home villages.

Thailand's response to the refugees crisis has sent a clear signal that it will only provide temporary asylum. As there have been no former refugee camps in Ratchaburi, Kanchaburi, and south of Thailand before, Thai authorities have decided to set up new "temporary sites" and relocate the refugees camps in that region. About 5,000 refugees from Hway Sot and Ban Baw Wi were relocated in a new "temporary site" at Baw Rakha in Ratchaburi in May 1997. Similarly, refugees from Htee Lai Pah and Thukha were relocated in Don Yang,

while the refugees in Phu Muang were allowed to stay as of May 1997. The refugees are not allowed to build any semi-permanent structures, and many have been living in the dirt under plastic sheets in unshaded farm-fields for over a month, during a time when the weather varied between daily rains and blazing sun.

Another 6,000 new refugees from Tenasserim region have taken refuge along the Thai-Burma border near Hua Hin, Prachuap Kiri Khan, Chumphon, and Pran Buri, but so far have not been bothered, nor assisted, by the Thai authorities.

14.1.2.3. SLORC Offensive in Dooplaya Region Against KNU's 4th Brigade

The offensive against the Dooplaya District, Central Karen State was launched on February 12, 1997, with over 20,000 SLORC troops from at least six different Light Infantry Divisions 22, 44, 55, 77, 88, and 101 -- each Division contributed several, but not all, of its 10 battalions -- and other non-Divisional battalions moving in rapidly from several directions at once. One force consisting largely of troops from Divisions 88 and 101 sped down the Thai border from Thingan Nyi Naung/Myawaddy towards Kyo G'Lee and Sakanthit (Dta Law Thaw), with part of the force heading further east to KNU headquarters at Tee K'Pler. A second force came south from the Kyone Doh/Kawkareik area and was joined by a third force from Kya In Seik Gyi in the west. This combined force of Divisions 22 and 44 then swept southeastward through the fertile and heavily-populated Han Thayaw River plain, taking control of Kyaikdon, Saw Hta (Azin), Kwih Kler, and pushing on to the Thai border at Lay Po Hta/Ber Kler. Another force, mainly SLORC Divisions 55 and 77, head up along the border from Three Pagodas Pass in the south. The clear objective was to race for the Thai border, take control of the area, and then work back in, consolidating control over the civilians trapped inside.

The civilian population of the newly-occupied region is at least 50,000. Most villagers in the northern and northwestern areas (Kawkareik and Kya In townships) could only stay in their villages or briefly flee to the forests as SLORC troops passed through with Karen forces already on the retreat; for these people there is almost nowhere to run, as the Thai border is several days' walk away. In the central parts of the district and in areas closer to the border, all previously KNU-controlled, almost all of the villagers tried to flee to the forests and hills, but because the advance was so fast, they often found their escape already cut off by SLORC troops.

In many villages people only learned of the offensive when they heard shooting or when SLORC troops arrived a half-hour's walk from their village. Many farmers, working in their fields, were surprised by a SLORC column; when they tried to run, they were shot on sight. The troops opened fire on any villager seen running.

Upon occupying the villages, the first action of the SLORC troops was to capture any villagers they could find in the area, round them up, and send some of them out with orders to bring back other villagers -- sometimes holding their family members as a guarantee. The troops then arrested, tortured, and in some cases, executed any villagers they felt looked like KNU sympathizers, and any villagers who had been pointed out to them (usually by other villagers under torture) as having any knowledge of KNU activities in the area or the location of KNLA arms caches.

In each village, the troops then began systematically looting the houses, shooting the livestock for food, and stripping the fruit and coconut trees. They said that anyone who had fled must be KNU, so they looted everything from any house that was abandoned. They took as much rice as they wanted, and if there was excess rice, they poured it in the streams or spread it on the ground and walked all over it. The troops stole valuables, clothing, and other items to keep or to send to their families in the cities. Whatever they did not want, they destroyed or threw away in the forest, including the cooking pots and sleeping mats. The troops even stripped the houses of useful building materials to be sent to their camps. In many cases, the abandoned houses were then burned. Where the entire village was abandoned, such as in Meh Tharoh Kee, every house in the village was burned. After the torture and the looting, the troops began forcing villagers who had remained or had returned to stand by with their bullock carts to haul the loot to new SLORC camps, particularly to the new SLORC army camp being built at Saw Hta (Azin).

Villagers, usually men, are now taken as porters whenever needed by the troops. Thousands of people, including convicts, had previously been rounded up in Moulmein and other coastal towns and brought as porters for the offensive. At one point, Moulmein market was surrounded by SLORC soldiers and all able-bodied men were taken. However, many porters had died during the offensive and when the fighting was over, many of the non-convicts were released to find their own way home. As a result, the troops needed new porters to carry the supplies and loot they had taken from the villagers.

The villagers are also being forced to do shifts of labor building barracks, bunkers, trenches, and fences to establish new army camps in the area. The

principal village of Saw Hta (known by the Burmese as Azin) is being turned into a military base. The high school grounds have been turned into a helicopter pad, and movement is restricted even within the village. Other key posts have been established at Lay Po Hta and Sakanthit (known in Karen as Dta Law Thaw or Tee Hoh Kee), both adjacent to the Thai border, and at Kyun Chaung in the southern part of Dooplaya. Independent observers from Thailand have witnessed large groups of porters, including women, being herded at gunpoint as they haul loot from Lay Po Hta back to Kwih Kler and Saw Hta.

In most of the newly-occupied villages, everyone has been forced to hand over their entire rice supply to the local SLORC army camp. Then the villagers are only permitted a small ration of rice per family -- the SLORC soldiers take as much rice as they need, leaving the villagers with extremely small rations. Villagers who need to go to their farm-fields must obtain a movement pass from the army, valid for only 1 to 3 days. In many villages, people are allowed to go out in the morning but must return by sunset. If someone must cross areas controlled by several army units to reach his/her field, then he/she needs a pass from each and every unit. As one villager said, "to go work your field you need one pass, and to search for your cattle you need another pass. If we go to search for our cattle in 22 Division's area (very close by) we have to go and get a pass from them as well, one from 44 and another from 22." The penalty for exceeding the limits of a pass or not having one is being shot on sight or arrested and beaten on return. (*Source: KHRG*)

14.1.2.4. Refugee Influx From Dooplaya Region to Thailand

During SLORC's offensive against the region, over 10,000 villagers from the Dooplaya region made it across the Thai border, often after spending a week or more hiding in the forest dodging SLORC columns. However, the vast majority of villagers in this region were trapped in the newly-occupied areas, rounded up in their villages, or remain in hiding either in remote farm fields or in the forest.

As soon as SLORC began occupying villages in mid-February, refugees began flooding across the border into Thailand. At least eight to ten thousand refugees crossed the border within the first 10 days, at Tee K'Pler, Sakanthit, Htee Sgaw Sghi, Lay Po Hta, Meh Tharoh Kee, Kwih Law Der/Lay Taw Ko, Tee Hta Baw, and many other crossing points covering a stretch of border at least 100 kilometers long. Most of these first arrivals managed to get out of their villages before the SLORC arrived and fled either directly to the border or into the forest, gradually making their way to the border. Some died on the way,

shot by SLORC patrols or stepping on Karen landmines which were laid in a futile attempt to slow the SLORC troops. Many arrived at the border not knowing where their family members were after the sudden flight. Some had left children or parents behind, while others had given birth in the forest on the way. Some newborns and others died on the difficult journey over the mountains.

The treatment received by these groups from Thai authorities has varied. At Tee K'Pler and Sakanthit, the refugees were allowed to stay in Thailand but were pushed back to sites within easy range of SLORC mortars. Over 1,000 refugees from the Sakanthit area were placed in a farm-field with no decent water. The bulk of the refugees, who had crossed in the Lay Po Hta/Tee Sgaw Sghi area, were allowed to stay along the roadsides at Ka Hee Pa Leh, which is a safe distance from the border, but they were forced to stay on the ground in the dirt and gravel and in the rain gutters right along the edges of a dusty heavily-traveled road for over a month. Over 1,000 Muslims were separated from the group of refugees and moved one kilometer up the road toward the Burma border because the Thai authorities believe, in their words, that "Muslims are troublemakers." (Source: *KHRG, IA, and NCGUB*)

In marked contrast to the experiences of these refugees, No Pho refugee camp in Umphang District, Tak Province was officially opened on March 7, 1997 as a refuge for Burmese people escaping the Doooplaya offensive. Thai officials from Tak District attended the opening ceremony and have been monitoring the situation and ensuring that the basic necessities of the refugees are being met. New refugees are continuing to arrive at the camp every day. There are already over 12,000 refugees in the camp, including refugees from other camps in Umphang District which were located close to the border and in danger of attack. Refugees from other camps such as Lay Pho Hta, No Pa Law Wah, and No Pado have been moved to No Pho. At the site, each family has been allocated 25 by 30 foot lots for the construction of their homes.

Non-governmental organizations (NGOs) have been allowed access to provide humanitarian assistance including basic foods and necessary medicines to the refugees at No Pho. They have also supplied roofing materials and installed water pipes and taps throughout the camp.

Most of the new arrivals at No Pho had either remained in their villages willingly or were captured and forced back to their villages by SLORC. They recently fled because of the forced labor, looting, and other abuses committed by the occupation troops. At the same time, some of the refugees at Noh Po have returned to Doooplaya for various reasons: they have heard that SLORC is

taking all belongings and destroying the houses of those who have left, so they hope to save their property by returning; they believe that SLORC will attack and destroy the refugee camp; they believe that the Thai authorities plan to force them back to Burma and hope they will be treated better by SLORC if they go back willingly; and some hope that conditions will get better in their villages.

In fact, it appears unlikely that conditions will improve in Dooplaya. For the moment, SLORC has been limiting some of its abuses, such as forced labor and extortion, in villages very close to the border in hopes that refugees will be drawn back. However, further from the border this is not the case. New refugees already report that SLORC has begun using villagers as forced labor to improve some of the roads in the area, such as the road between Saw Hta and Kwih Kler. Convicts are also being brought in for this forced labor from Rangoon and Moulmein. These prisoners have been seen on the road between Saw Hta and Paw Taw Mu, some in white uniforms (worn by those with longer prison sentences) and some in blue (worn by those with shorter prison sentences). They are not shackled but are closely guarded. Every morning they must sweep this stretch of road for mines, in case any were planted overnight. On the road between Kyo G'Lee and Sakanthit, villagers are also being forced to sweep regularly for mines. (*Source: KHRG, NCUB, ABSDF, and IA*)

14.1.3. The Situation of the Mon Refugees

The SLORC and the New Mon State party (NMSP) agreed to a cease-fire on June 29, 1995 after nearly 40 years of conflict. Repatriation of some 10,000 refugees still living in camps in Thailand began in December 1995 and was completed by May 31, 1996. However, 65% of Mon refugees who had previously been in camps in Thailand had already been forcibly returned across the border in Burma before the major repatriation took place.

The Pa Raw refugee camp in Kanchanburi, Thailand, which once housed more than 2,500 ethnic Mon refugees from Burma, was burned down on April 2, 1996 by approximately ten Thai men in military uniform who flew into the camp on a helicopter.

In April and May 1996 alone, over 1,000 villagers fleeing human rights violations joined repatriated refugees at the new camps in Mon State administered by the NMSP. Others fled directly to Thailand. The refugees are fleeing forced labor projects on the 100 mile-long railway between Ye in the Mon State and Tavoy in Tenasserim Division. According to the Mon refugees, the cease-fire

between the SLORC and the NMSP has not benefited the Mon people, and the Mon refugees whom Thailand forced back into Burma following the cease-fire are no better off than they were before they originally fled to Thailand, in fact, many are worse off. They also said that human rights abuses such as forced portering, forced labor, and forced relocations continue in Mon areas.

14.1.3.1. New Mon Refugees in Thailand

Since the Mon Army, Mergui District (MAMD) split off from the NMSP and took control of the Mergui District area where the Mon and other ethnic refugee were taking refuge, the war in the area has resumed. The SLORC troops began an intensive offensive again in the third week of April 1997 in an effort to occupy the whole region. The SLORC troops arrested and used several civilian porters during their march through the area. The operation was organized by Coastal Region Military Command, based in Mergui, and utilized SLORC's LIB 626, 358, and 224 to conduct the offensive. Over 800 SLORC troops arrested a total of 300 villagers from Mergui, Tavoy, and Yebyu townships to be front-line porters. The porters were forced to carry ammunition and other supplies for the military; as in other areas, the soldiers also used them as human shields and mine-sweepers when they advanced across battlefields. Following the military attacks in the Mergui region from April 13 to 27, more than 2,500 Mon people, including 21 Buddhist monks, have become homeless --scattered throughout the jungle and facing food shortages.

Two Mon villages with about 300 makeshift shelters were set ablaze after Burmese forces overran a Mon military base at Tab Guncha on April 27, 1997. As a result, some 800 Mon refugees from Ban Chong Chi and Ban Tan Guncha villages created makeshift shelters at the border police checkpoint in Thai territory and many others are living in the jungle in Burma as internally displaced persons. Thai authorities provide them with temporary shelters close to the border checkpoint, but they may stay only temporarily and are quickly forced to resettle in Hlockhani, a Mon refugee camp border area in Kanchanaburi province.

14.1.4. The Situation of the Shan Refugees in Thailand

In January 1996, the SLORC agreed to a cease-fire with the Shan Muang Tai Army (MTA), led by drug warlord Khun Sa. Since the cease-fire thousands of MTA troops have surrendered their arms to the SLORC military. However, others who did not agree with the cease-fire have continued to retain their

weapons, along with other Shan nationalist armed opposition groups. The SLORC reacted to continued Shan resistance by forcibly relocating tens of thousands of villagers in an apparent attempt to sever any civilian links or support for these Shan armed opposition groups. Beginning in March 1996, the SLORC troops ordered village after village in eight townships -- Larng Kher, Murng Nai, Nam Zarng, Lai Kha, Murng Kerng, Kun Hing, Ke See, and Murng Su -- to move, turning once thriving farming communities into depopulated "free-fire" zones. Over 100,000 people from over 600 villages in Central Shan State have been relocated to 45 main sites. (See also Chapter 5 on Forced Relocation.)

Driven to desperation by a lack of food and security, it is estimated that over 20,000 Shans, including young children and elderly, have fled to Thailand. Unlike the Karen, Karenni, and Mon refugees from Burma, current Thai policy has denied these Shan fleeing to Thailand safe refuge and the right to receive humanitarian assistance. At this point, there has been no official Thai acknowledgment concerning this huge influx of Shan refugees. Foreign Embassy staff who have questioned local Thai officials in Chiang Mai province about the large numbers of refugees arriving since April 1996, have been told by the Thai officials that only the usual migrant laborers from Shan State have been coming across the border to work on farms and at other worksites.

Shan refugees, therefore, have been forced to survive as illegal migrants, seeking temporary shelter and food at construction sites or on farms. The refugees have ended up mostly on farms in Chiang Mai or Mae Hong Son provinces, or on construction sites in Chiang Mai or Bangkok. The main difference between these refugees and the usual migrant laborers from Burma is that the refugees generally consist of whole families including young children and grandparents, whereas migrant laborers tend to be mostly working adults without dependents. Their precarious status in Thailand has made it difficult for the Shan refugees to survive in Thailand. (*Source: SHRF*)

14.1.4.1. Forcible Repatriation of Shans by Thai Authorities

Some of the Shan refugees, without protection of any kind, have been forcibly repatriated by Thai armed forces.

At 6 a.m. on October 10, 1996, some 200 villagers from Ban Ai Long village in Shan State fled across the border to the Doi Tung area, northern Chiang Rai province in Thailand due to the widespread human rights violations in their area. They encountered Thai Rangers in Thailand, who are members of the

security forces often deployed in border area. On October 12, the commanding officer of SLORC Battalion 256 met with the Thai Ranger commanding officer, declaring that it was safe for the refugees to return. At about 11:30 a.m. on October 12, the refugees were ordered by the Thai Rangers to return to Ban Ai Long village. The 100 SLORC troops who remained in Ban Ai Long village forced the returnees to accompany them to their camp at Aye Tee in order to carry food, livestock, and other supplies which the SLORC troops had looted from them. The returnees were later permitted to go back to their village. (*Source: AI and SHRF*)

14.1.5. Thai Policies on Refugees

As Thailand and Burma increase their economic links, Thailand's support for refugees has correspondingly decreased. Indeed, Thai authorities along some stretches of the Thai-Burma border have increasingly yielded to SLORC pressure to return the refugees and not permit new refugees to enter Thailand. The primary motivation of the Thai authorities is their desire to promote Thai business interests in Burma, in which some Thai authorities may have personal stakes. Major Thai business and economic interests in Burma, both current and proposed, include the construction of gas pipeline from the Burmese coast to Thailand; a deep-sea port in Tavoy and the improvement of the road linking Tavoy to Thailand; development of another deep sea port on the Burmese coast near Kalegauk island; potential development of various tourist sites along the Burmese coasts; logging concessions; and numerous other Thai-backed projects and ventures.

Among specific actions by Thai authorities in recent years that indicate their yielding to SLORC pressure on the refugee question are: forcing residents of various refugee camps to relocate their camps to sites within Burma; pressing for the inclusion of a cease-fire agreement between SLORC and Mon insurgents; calling for the repatriation of Mon refugees, and forcing the Mon refugees to repatriate following the cease-fire; preventing thousands of new Burmese asylum seekers from entering Thailand and forcibly returning some who managed to cross the border; failing to adequately protect the refugees from cross-border attacks by armed Burmese forces; regularly keeping the refugees uninformed about plans being made regarding their future and sometimes purposely spreading misinformation; and forcing back refugees whose homes and camps have been destroyed during the attacks by the DKBA and SLORC.

On February 27, 1997, some 3,000 refugees were forcibly repatriated from Bon Ti in Kanchanaburi where an old World War II supply road once linked

Tavoy to Kanchanaburi. The road will be upgraded for the highway route between the Thai town and Burmese town. It will also be linked to Thailand by other roads which will help the construction of a deep water port at Tavoy. The area happens to lie to the south of the U.S. \$1 billion TOTAL/UNOCAL natural gas pipeline project. The pipeline will span southern Burma and provide a source of energy for Thailand. Refugee camps in the area would have inconvenienced the opening of this region to trade, hence the Thais have stepped up their efforts to repatriate Burmese refugees despite the danger they may face.

A Thai National Security Council (NSC) meeting, chaired by Thai Prime Minister Chavalit and attended by top military leaders on March 12, 1997, passed a resolution whereby Thailand will repatriate more than 100,000 ethnic minority refugees to Burma once fighting subsides and "peace" is attained.

The main instrument governing international standards of refugee treatment is the 1951 UN Refugee Convention. While Thailand is not a signatory to the convention, it is bound by certain provisions that are accepted as customary international law (CIL). The CIL provides that legitimate refugees must be given safe asylum and may not be forcibly repatriated as long as they are in danger in their country of origin.

As such, Thailand periodically allows international non-governmental organizations to clothe and feed the "ethnic refugees." According to the SLORC and some Thai officials, the fact that most ethnic groups have signed cease-fire agreements means that there is "peace" in those areas. However, it is widely understood that SLORC's cease-fire agreements often represent only a temporary truce; fighting could break out again at any time since no attempts have been made to reach a political settlement nor is SLORC true to its word. Moreover, as documented by many human rights groups, since the cease-fire agreements, human rights abuses committed by SLORC troops have increased rather than diminished. This is reflected in the number of "ethnic refugees" fleeing to Thailand. Two years ago, there were only 70,000 refugees, by March 1997 there were more than 120,000.

In order to continue to maintain control of the refugee situation, the request to formally allow the UN High Commission on Refugees (UNHCR) to provide aid and assistance to the refugees was denied by the Thai authorities. The Thai government insisted that the NGOs currently handling the situation were capable of continuing to do so. The Thai authorities further stated that the refugees had not fled the kind of warfare that might require the presence of the UNHCR. Thai Army Commander in Chief, Chettha Tanajarno said the

government considered the latest influx of refugees “victims of fighting inside Burma and not victims of warfare,” and that the UNHCR presence would complicate the border situation and cause misunderstandings with Burma. Moreover, he said, “if the UNHCR became involved, then the Thai government would have to consult them before repatriation could occur.”

Thailand believes that UN involvement will encourage more refugees to flood across the border causing the country to confront a similar situation to that of a decade ago when it hosted over 1.3 million refugees along the border, 380,000 of them Cambodians. In December 1996, Lieutenant-General Sanan Kajornklam of the Supreme Command and a veteran of the Cambodian border problem stated, “if we allow the UNHCR to help them, many more Burmese will come.”

14.1.5.1. Thai policy on Burmese Migrant Workers: a New 1996 Law

Estimates of the number of Burmese migrant workers range from 500,000 to one million. The number increased dramatically during 1995 and 1996, as human rights abuses forced many young men and women to leave Burma in search of a better life.

Originally, Burmese people saw Thailand simply as a place of refuge, but the booming economy in Thailand also attracted them to the potential for work. As with migrant labor all over the world, however, what this has meant is that the Burmese are used as the cheapest form of labor. They work under conditions some call the “three Ds workplace” -- the dirty, dangerous, and difficult workplaces where most Thais, who have choices, avoid employment.

Under the Thai Government’s labor law, foreign workers can be classified into four categories;

- (1) Those who have received a life-time work permit: These people emigrated before restrictions were placed on aliens working in Thailand. Chinese and Indians constitute the majority of this group. In 1992 (latest available figures), the number of aliens with such work permits was estimated to be 126,000.
- (2) Those who receive work permits under investment promotion legislation: Workers in this group are mainly professionals and high ranking administrators. Most are Japanese, Chinese, or American. In 1992,

3,466 such permits were granted and about 11,000 foreigners were believed to be working in Thailand under this scheme.

- (3) Those who receive work permits under other laws: These workers are mainly skilled or semi-skilled. In 1992, 8,191 work permits were issued under this category. The total number of such foreigners who retained such permits in the same year was 24,000.
- (4) Those who enter Thailand illegally: Burmese make up the majority of this group. They are usually unskilled and employed in wood cutting, rubber plantations, and fishing where the work is hard and the pay is low. Before the 1996 law was passed, their numbers were increasing as Thai nationals moved out of the unskilled labor market and into the more preferred skilled labor market.

In order to solve its unskilled-labor shortage problems and register illegal immigrants in Thailand, the resolutions concerning foreign laborers were passed between June 25 and August 27, 1996 during the administration of former Prime Minister Banharn Silpa Archa. On June 25, 1996 the Cabinet approved an NSC proposal for the government to impose controls on foreign laborers. In accordance with Thai Immigration Act 27 of 1979, illegal foreign workers have the status of foreign immigrants awaiting deportation. The resolution covers migrant workers from Burma, Laos, and Cambodia, but only affects those that entered Thailand after June 25, 1996.

According to the resolution, the Ministry of Labor and Social Welfare may grant temporary work permits, valid for two years, to foreign laborers in 39 provinces, conditioned on a guarantee paid by the employer. Under the scheme, firms are required to register their workers every three months. The workers may only perform unskilled jobs, specifically in the fishing industry and the manufacturing sector. A factory's foreign workers must not exceed 50 percent of the total number of its employees. Ten days prior to hiring foreign laborers, the factory must first announce the job vacancies for Thai nationals. In the process of registration, the Thai employers must pay 1,000 baht per person for registration fees and 500 baht for a medical examination. Another 1,000 baht is required for the work permits. While the Thai employers pay these fees, many later deduct the fees from the salaries of workers.

On July 2, 1996, the Cabinet approved the addition of Nonthaburi, Pathum Thani, Saraburi, and Lamphun to the list of provinces needing foreign labor under the scheme, bringing the total number of provinces permitted to hire migrant laborers to 43 (out of a total of 73). New allowances were made for

jobs that can be held by foreign workers, increasing the number of business sectors to eight, including agriculture, construction, fishery, fishery-related, manufacturing, mining, transportation for fishery production, and housework. Employers were given 90 days from September 1, 1996 to register their foreign workers (though Thai authorities have been lax on enforcing this deadline). As of March 1997, 340,819 foreign people had been registered by their employers.

The new regulations, while giving some legitimacy to the status of migrant workers, have proven difficult in practice. Foreign laborers covered by the new law may work only in the province in which they are registered, but those working in the construction industry are often required to move several times within their two-year registration period. When such workers are found violating the law, they are subject to harassment by the Thai police who either seek a bribe or threaten to arrest the workers.

The increase in legal migrant workers has caused Thai authorities to crack down more forcefully on those immigrants remaining in Thailand illegally. If arrested, these immigrants face the appalling conditions of Thai prisons, known for their overcrowding, sexual abuse, unsanitary conditions, and inadequate food rations. To be released from prison, these immigrants must pay 2,000 baht only to be deported back to Burma where they face life-threatening circumstances. (*Source: Thai Research papers on the illegal migrant workers in Thailand.*)

14.2. The Rohingya Muslim Refugees in Bangladesh

At least 300,000 Rohingya Muslim men, women, and children have fled to Bangladesh since 1991, at the rate of several thousand a day. (Rohingyas are Bengali-speaking Muslim people). They describe stories of rapes, killings, slave labor, and acts of religious discrimination in Burma. A UN-brokered agreement between Burma and Bangladesh for the “safe and voluntary” return of the refugees was reached on April 28, 1992, but contained no provisions for impartial screening of the refugees before they went back or for monitoring their well-being afterwards.

During the first forced repatriation from Bangladesh, between September 1992 and the end of 1993, the UNHCR was not permitted in Burma to provide assistance to returnees. Even more seriously, while the UNHCR was present in the camps in Bangladesh, it could not prevent serious abuses, including beatings and the denial of food rations by camp authorities directed at forcing the

refugees back to Burma. The vast majority of the 50,000 refugees who returned to Burma did so involuntarily, and it took well over a year before they received any assistance from the UNHCR.

The second repatriation effort took place after the UNHCR had established a limited field presence in Arakan State, Burma in 1994. It began promoting mass repatriation on the grounds that the situation in Arakan had stabilized, but the UNHCR failed to interview each refugee individually to ensure that she or he was returning voluntarily. In 1996, approximately 23,000 of the Rohingya Muslims who fled to Bangladesh in 1992 returned to Burma, bringing the total number of returnees to about 220,000.

The repatriation process agreed to by the UNHCR required that lists of people willing to repatriate, the names of the villages they had left in Burma, and any other identifying information be sent to Burma's Immigration and Manpower Department (IMPD) for verification. After checking with the village LORC, where lists of all householders are maintained, the person or family was then accepted or rejected as a resident of Burma. In some cases, this verification process was very lengthy, especially if the person married while in Bangladesh or if families had become separated while in the camps. When they arrived back in Burma, the returnees were photographed in a reception center where their village of origin, number of family members, and other details were verified. For a fee of fifty kyats, the returnees received a yellow card identifying them as having returned from another country, but giving them no legal status in Burma.

The UNHCR reported that the Bangladeshi authorities cooperated in investigating the isolated incidents of abuse that were reported. This particular repatriation is held up as a success story for the UNHCR in speeches by senior officials as well as in publications, including its annual *State of the World's Refugees 1995*. For the UNHCR, the return of most Burmese refugees to Burma by early 1996, most of whom had fled in 1991 and 1992, was a vindication of its shift from providing refugee relief to promoting voluntary repatriation as the most durable solution to refugee problems.

14.2.1. Rohingya Continue to Face Discrimination in Burma

Notwithstanding the UNHCR's claims of success, returning Rohingya refugees continue to face discrimination and persecution by the SLORC because of their ethnicity. Although the arrangement between Bangladesh and Burma and between Burma and the UNHCR was that returnees would be granted

“appropriate identification papers,” the yellow cards that were provided to the Rohingya returnees simply gave the SLORC further justification to mistreat this ethnic minority. As non-citizens, the SLORC can now more legitimately restrict their ability to travel freely within the country and deny them access to government-sponsored health care services and education, and even to employment. To move within Arakan State or from Arakan to other parts of Burma is virtually impossible for Muslims. Rohingyas who would like to travel outside their villages must apply to the local LORC, which then passes on the request to the nearest SLORC administrative base. Here, the Immigration and Manpower Department, police, riot police, military intelligence, and customs all have to agree to the request. In most cases, passes are only given for a twelve-hour round trip to nearby villages; only in exceptional cases are Muslims permitted to stay overnight. To travel further, such as to the township capitals at Maungdaw or Buthidaung or the state capital at Sittwe, was cited by both returnees and the UNHCR as virtually impossible.

These former refugees, like other members of their communities, have found it increasingly difficult to survive in Burma due to forced labor requirements and SLORC’s excessive taxation. The Rohingya people are forced to work on government-sponsored projects for no pay and in often appalling conditions. The frequency of work, determined by the SLORC’s ambitious plans for the development of road and rail links between Bangladesh and Burma, and by the desire for free labor on business ventures by corrupt members of the army, is such that often Rohingyas are left with no time to earn a living for their families. Massive forced labor projects, including building prawn ponds for the army in Ponnagyan, constructing the Kyauktaw- Myauk-Oo road, or building a new hydroelectric plant at Sayde-taung, are being carried out in the region. Since Arakan State is a particularly undeveloped region of Burma, and since the military would like to establish road and rail links from Bangladesh to Rangoon and to encourage tourism in the region, infrastructure projects abound.

The UNHCR has not denied that forced labor remains a problem for the returnees and other residents of northern Arakan, but it has determined that since forced labor also takes place everywhere else in the country, it cannot be considered a persecutory practice and therefore cannot generate “a reasonable fear of persecution on the grounds of race, nationality, religion, membership of a social group or political belief.” In its June 1995 Bulletin UNHCR stated: “Compulsory labor continues to be a nationwide practice in Myanmar. The UNHCR had intervened repeatedly on behalf of returnees being called for compulsory labor, and feels it has succeeded in reducing significantly the burden for the local population and returnees. The authorities have agreed to limit compulsory labor in Rakhine State to a maximum of four days of work from

every family per month.”

14.2.2. The 1996 Influx of Rohingya Refugees to Bangladesh

The plight of the Rohingya continues. Despite the UNHCR's statements that the situation has improved, the cycle of exodus has not ended. Since February, 1996, an estimated 10,000 new asylum seekers entered Bangladesh to escape economic hardship and human rights violations. On April 15, 1996, fifteen Burmese Muslims, all women and young children, part of a group of 150 who were seeking asylum in Bangladesh, drowned in the Naf River as they were being towed back to Burma by the Bangladesh Border Rifles, a branch of the Bangladesh army. This incident brought much-needed attention to the plight of the most recent Rohingya Muslim refugees in Bangladesh. On August 26, two refugees reportedly died after they stepped on landmines trying to cross the border into Bangladesh. The Bangladesh government effectively denied asylum for the new Rohingya arrivals by categorizing them as “illegal economic migrants.” Its security forces arrested 254 refugees without permitting them to apply for asylum and forcibly returned an estimated 200 others refugees, in violation of international standards. The Bangladesh government also denied UNHCR officials access to refugees who successfully entered Bangladesh. The UNHCR in Dhaka publicly stated that all the new arrivals were “economic migrants” who were escaping poverty not persecution, and stepped up efforts inside Arakan State to ensure that those planning to leave would not do so.

Sadly, the UNHCR has in many cases avoided addressing human rights concerns in Arakan State. In particular, the UNHCR must ensure that it does not neglect its responsibilities to the refugees in a situation where there is a conflict of interest: where the need to publicize and advocate against continued abuses takes second priority to the need to maintain good relations with both the country of origin and the host country. The UNHCR's policy since 1996 of discouraging and reportedly assisting the SLORC to prevent possible asylum seekers from leaving Burma is a cause for great concern.

14.3. Chin Refugees in India

Thousands of Chin people have fled to India to escape the ongoing brutality of the SLORC. According to the daily newspaper in Mizoram, India, there are currently about 40,000 refugees in India.

Chin refugees are mostly in India's Manipur and Mizoram States, although some have gone to Bangladesh. Chin refugees receive no aid and are subject to increasing harassment and forced repatriation by Indian forces. There are also about 2,000 Rakhine refugees from Arakan in Mizoram who receive no aid. Most people believe the abuse is increasing because the Chin are sympathetic to the Nagas in Burma and the Indians are fighting their own Naga people. "Operation Golden Bird," the new joint military operation between the Indian and SLORC armies undermines the humane treatment of Chin refugees in India. As such, the refugees are increasingly fearful of abuse by Indian forces and the joint Indian-Burmese military operations. In one refugee camp in India, Maung Pu Chay, there have even been reports of SLORC troops entering the camp and taking porters. In late September 1994, more than 5,000 Chin refugees were deported to Burma by the State Government of Mizoram. (Source: *CHRO and KHRG*)

14.3.1.Chin Leader Handed Over to SLORC

John Khaw Kim Thang (Burmese name No Than Kap), founder and former President of the Chin National Front (CNF), was living in Aizawl, Mizoram, India, until the last week of August 1996. On August 21, 1996, he met Colonel K.J. Griwell, alias Colonel Sathi, of the Directorate of Military Intelligence, Delhi. According to reports, Colonel Griwell told Mr. John that India was willing to train his men; he invited him to Vairengate Training Center, Mizoram, to meet a superior officer to discuss the proposal in detail. John and three of his men apparently accompanied Colonel Griwell to Vairengate, where he telephoned his wife to say that everything was fine, that she should not worry, and that he might continue on to Delhi. Contact with John was then lost until August 28 when a relative received information that the Indian Army had handed him over to the SLORC and that he was being held in Kalaymyo army camp in Burma. Indian intelligence services, the Research and Analysis Wing (RAW), attached to the Ministry of External Affairs, and the Special Intelligence Bureau (SIB), attached to the Home Ministry, have denied all knowledge of the matter. (Source: *ABSDF/West*)

(Also see under "Personal Accounts," interviews 3, 8, 11, 12, 14-18, 20, 23, 53, 58, 67, 70, 72, 74, 75, and 91-96)

Photo (45)

Shan villagers moving to a relocation site at Kho Lam, Shan State.
(Photo by SHRF)

A victim of SLORC's attack on Karenni refugee camp 2 in January, 1997.

Photo (58)

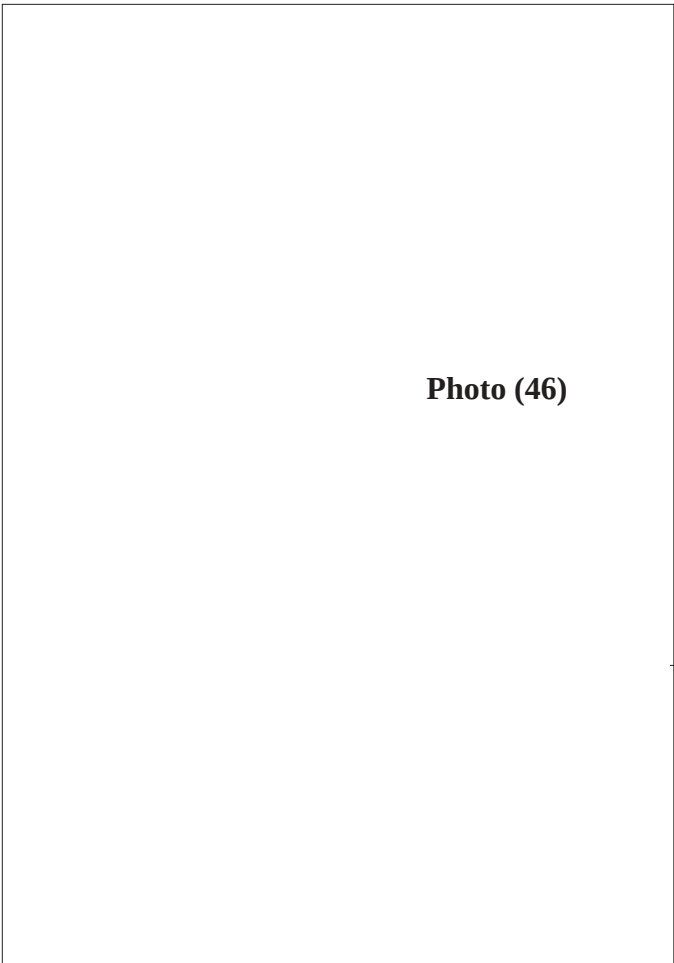


Photo (46)

Mon refugee woman and her baby in Pa yaw Mon refugee camp. The camp was later relocated to Burma.



Karenni refugees in Mae Hong Son, Thailand have been forcibly relocated several times in 1996. This refugee woman is carrying her baby and belongings during the relocation. (Images Asia)

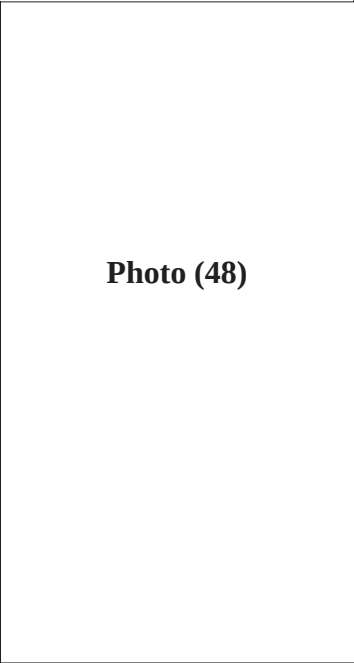


Photo (48)

Karen handicapped man and his children at Huay Nam Rawn temporary site in Kanchanaburi province, Thailand.

Photo (66)

An elderly man resting at the Hyay Suu refugee camp in Thailand (Photo by ABSDF)

Photo (64)

Photo (51)

Refugees watch hopelessly while almost all of Huay Kaloke refugee camp burns on the night of January 28, 1997. Fire spread so quickly through the tightly-packed bamboo huts that most could escape with nothing more than their children. (Photo by Brian McCarten)

After the fire: A child in the former Huay Kaloke camp searches through the ashes for belongings. (Photo by WEAVE)

Photo (53)

Photo (50)

Karen villagers run for their lives with whatever they can carry across the Thai border in mid-February 1997. The villagers were fleeing from villages throughout the Azin-Kyeikdon plain and crossing the Thai border near Dooplaya district.

Refugees having their food in the refugee camp in Dooplaya district and southern parts of Thailand. SLORC launched a mass offensive against KNU-led regions in February 1997. Thousands of new refugees streamed across the Thai border and are temporarily sheltering under such condition. (Photo by ABSDF)

Photo (59)

Photo (61)

In Tenasserim Division, refugees on their way to Thailand during the SLORC offensive.

Photo (57)

A Karen woman was also killed during an attack to Mae La refugee camp by the DKBA troops in January 1997.

Photo (68)

Burmese migrants arrested for illegal entry to Thailand. Economic hardship and political repression force thousands of Burmese to enter and work in Thailand illegally. They routinely face arrest and deportation back to Burma.

Burmese in Thai detention. Human rights abuses routinely take place during detention and deportation.

Photo (69)