

14. The refugee Situation and Forced Repatriation

14.1 Background

Widespread human rights violations in Burma's ethnic minority states have had a significant negative impact on neighboring countries, particularly Thailand, Bangladesh, and India, which have all been affected by large refugee flows. But other countries have also been faced with large numbers of refugees — some 10,000 Rohingyas, or Muslims from the Arakan State, remain in Malaysia and until very recently 10,000 Kachin refugees were in China's Yunnan Province. Presently there are over 100,000 refugees in Thai camps alone, and at least that number outside of these camps in Thailand, where refugee numbers from Burma are at an all-time high. The continuing economic downturn throughout Asia makes it even more difficult for these countries to cope with more refugees, as they are faced with widespread unemployment and other problems. In addition incursions by SPDC troops and various armed opposition groups into Thai territory are a security threat, and several Thai nationals have been killed as a result during the last four years.

Rampant systematic human rights abuses have driven at least a million people from Burma away from the security of their homes. Their flight, however, does not guarantee their safety. Many refugees risk terrible dangers on their journey towards the border, or when crossing the border itself, and they later face further human rights violations, such as forcible return from the country where they have sought asylum. Refugees from Burma are in double jeopardy: at home, and as refugees abroad.

Since the first refugees crossed from Burma into Thailand fifteen years ago, the UNHCR have not been allowed a role on the border the two countries share. The Royal Thai Government (RTG) did not want to recreate a similar situation to that which had grown up on the Cambodian border with the Khmer refugees: a refugee growth industry with many expatriate NGO workers providing a range of assistance. The Cambodian camps gave residents formal and non-formal education, skills and vocational training, and income-generating programmes, greatly outstripping what was made available by the RTG to local Thai villagers.

Until now refugees are still in camps strung along the border with Burma. Some - the Mon people - are now 'repatriated' across the border, but continue to live in camps in areas protected by a cease-fire agreement with the military government in Rangoon and the New Mon State Party. They still fear returning to their original homes because of the continuing human rights abuses by the Burmese military, including forced relocation and forced labor, both of which make a sustainable livelihood for subsistence farmers well nigh impossible.

Others, including some 95,000 Karen, remain on the Thai side strung along several hundred miles of the border. The SPDC now controls almost all of the border in these areas for the first time in history and the local Karen peoples are treated as hostile enemy. Often without warning their villages come under mortar and rifle attack. Their lives are at peril, their property looted, their fields, food stores, and animals are requisitioned or destroyed.

Such attacks may be the first they know that they have to relocate. All other areas are designated 'free-fire' zones where any person found will be shot out of hand. With the Karen opposition forces losing most of the land they once held, the first six months of 1997 saw a greater influx of Karen refugees into Thailand than in any other previous six month period. The flow of refugees into Thailand steadily continued throughout 1998.

Moving further north around the top of Thailand things become more difficult for people fleeing from the aggressions of the Shan military. Those from Shan State are not allowed to seek sanctuary and live in designated camps where they can be assisted by NGOs, like the Karen and Karenni peoples in the camps to the south. These people, when caught, are treated as illegal immigrants seeking work in Thailand, and detained until they are deported back to the border. It is recently estimated that some 300,000 people have been affected by the SPDC military's village relocations in this area of Burma.

14.2. Situation of Karen refugees

Human rights violations took place in the context of widespread counter-insurgency activities against the Karen National Union (KNU), one of the last remaining armed ethnic minority opposition groups still fighting the SPDC. Guerrilla fighting between the two groups continues, but the primary victims are Karen civilians. Civilians are at risk of torture and extrajudicial executions by the military, who appear to automatically assume that they supported or were even members of the KNU. Civilians also became sitting targets for constant demands by the SPDC for forced labor and portering duties.

When the military reasserted power in September 1988 after suppressing a nationwide pro-democracy movement, they adopted a policy of negotiating cease-fires individually with ethnic minority armed opposition groups rather than engaging with umbrella organizations which grouped them together. Since 1989 they have agreed 17 cease-fires with various armed opposition groups. Although peace talks have taken place between the KNU and the central government, the KNU apparently rejected the government's offer in late March 1999 for the resumption of cease-fire talks. The KNU state that they will only enter negotiations for a full-scale political settlement, rather than a limited military cease-fire agreement.

The KNU has been fighting for freedom from the military government for 50 years. The government stepped up its counter-insurgency activities against the KNU in 1984, when Karen refugees began to flee to Thailand. In December 1994 the KNU suffered a major setback when a group of disaffected Buddhist Karen troops left the KNU and formed their own group, the Democratic Karen Buddhist Army (DKBA). After the split, the then SLORC immediately formed a tactical alliance with the DKBA, providing them with supplies and propaganda support, although no formal cease-fire agreement between the two is known to have taken place. In early 1995 SPDC and DKBA troops captured Manerplaw and Kawmoora, the KNU's two largest remaining bases. By early 1997 the KNU had lost the vast majority of its territory to the SPDC army.

The Karen State continues to be subject to a high level of militarization as the DKBA and the SPDC conduct joint operations against the KNU to occupy villages. Although the present status of the DKBA vis-a-vis the SPDC is not entirely clear, it is clear that the DKBA operates with the cooperation and support of the SPDC. The DKBA number over

1,000 troops, and their headquarters is at Myaing Gyi Ngu, near Pa-an, capital of Karen State, where they claim to take responsibility for some 50,000 civilians. Both the DKBA and the SPDC are responsible for widespread human rights violations. As well as the DKBA, there are other local Karen-led or ex-KNU militia groups, some of whom have cease-fire agreements with the SPDC, and special counter-insurgency SPDC forces. The activities of these various armed factions have led to great instability in some parts of the Karen State, characterized by forcible relocations, village burning, and extrajudicial executions.

SPDC and DKBA troops have accused villagers of helping the KNU in various ways, and punished them for their purported actions. In addition, DKBA and SPDC troops stole villagers' rice, livestock, and other possessions, adding yet another hardship. According to reports SPDC officers do not provide their troops with adequate supplies, so troops in effect live off the villagers. Villagers were also frequently required to pay various forms of arbitrary taxes, including fees to avoid forced portering and labour and fines if the SPDC claimed there was KNU activity in the area.

Another hardship suffered by Karen farmers is forcible relocation, which the SPDC uses as a means of breaking up alleged support or links between civilians and armed ethnic minority groups. Forcible relocations are part of the army's "Four Cuts" counter-insurgency strategy, which entails cutting alleged links of intelligence, food, money and recruits between armed opposition groups and local civilians. Since 1996 hundreds of thousands of ethnic minority civilians have been pushed off their land and homes by the SPDC in the Karen, Karenni, and Shan States. Such disruption has caused tens of thousands of internally displaced people to seek refuge across the border in Thailand. There are approximately 84,000 Karen refugees in camps there, and thousands of other displaced Karen civilians on the Burma side of border.

Many of the Karen civilians from Karen State had been forced off their land by the SPDC troops. In 1995-1996 Burmese military presence increased in some areas in Karen State and in 1997, 102 villages were reportedly destroyed in Pa-an district alone by the army. As a result 40,000 people were believed to have been displaced; some fled to Thailand, others went to SPDC-designated relocation sites, and still others hid in the forest. All of these groups have lost their land, homes, and most of their possessions. Some had previously been forced out of their villages by the SPDC, and had been hiding in the forest. Conditions there were poor, as it was almost impossible for them to farm. They also feared being shot on sight by the military because they occupied "black areas", where the insurgents were allegedly active. Many others fled directly from their home villages in the face of village burning, constant demands for forced labor, looting of food and supplies, and extrajudicial killings at the hands of the military. All of these people were farmers who typically grew small plots of rice on a semi-subsistence level.

More than 300 refugees from Burma arrived at Zala refugee camp in northern Thailand on January 11, 1999 following widespread and indiscriminate looting and killing by Burmese army troops. According to the refugees, at the beginning of December 1998 the Burmese army began using guerrilla-style smaller units instead of regular infantry columns in the military operation against the Karen National Union (KNU). The units, with code-names such as "Sweeping Broom", "Dragon" and "Tempest", were commanded by Burma's Southern Military Region. Human rights violations by the Burmese army have been reported in this area for a number of years. Sources report that these new units, however,

have been given express permission to loot and burn villages and to kill any villagers in sight. Refugees report that rape by the new units is commonplace. (*Source: ABSDF*)

14.3. Attack on the refugee camps inside Thailand in 1998

The first cross-border attacks came in February 1995, just after Manerplaw had fallen and thousands of new refugees had fled across the border into Thailand. The DKBA immediately started attacking Thailand, kidnapping or killing refugees and burning their houses in attempts to frighten them into returning to Burma. Refugees were ambushed and gunned down at Huay Heng, refugee leaders were kidnapped at Mae Kong Kha and Ber Lu Ko, and part of the new Mae Ra Mo Kloh refugee camp was burned. As 1995 continued the DKBA began targeting long-established refugee camps. In late April, Baw Noh and Kamaw Lay Ko camps were completely destroyed and had to be consolidated into other existing camps. As tension increased and other camps were threatened, refugees were moved and camps such as Gray Hta (Mae Salit) and Kler Ko were closed before they could be attacked. However, only a small minority of refugees returned to Burma; for most refugees, the attacks only strengthened their resolve not to return to live under soldiers who conduct such atrocities.

From 1995 to the present, there have been hundreds of incursions into Thailand by DKBA and SLORC/SPDC troops to conduct attacks. Most have been small-scale attacks by local DKBA units to loot Thai shops and villages, or to kidnap or kill KNU officials. In the process, even Thai villages have been attacked and many Thai civilians have been killed in armed robberies by cross-border attackers. The major attacks on refugee camps also continue to occur every year, usually between January and April. Some of these attacks have included over a hundred DKBA and SLORC troops, in some cases with clear evidence of SLORC support such as mortar barrages from SLORC Army positions across the border. In January 1997, Huay Kaloke and Huay Bone camps were attacked and almost completely destroyed, and attackers also assaulted but failed to destroy Beh Klaw camp. Huay Bone camp was subsequently closed and the refugees moved to Huay Kaloke and Beh Klaw, while Huay Kaloke was rebuilt on the same site. After each wave of major attacks, especially those in 1997, Thai Army leaders have said it will never be allowed to happen again. But every year it does.

Thus far in 1998, three major refugee camp attacks have occurred: on the night of March 10-11 Huay Kaloke refugee camp was attacked and almost completely burned down, killing four refugees and wounding many more, Bae Klaw (a) Mae La camp was attacked for several days over the following week but not destroyed, and on the night of 22-23 March 22-23, Mawkel camp was attacked and 50 houses were burned down and 14 were wounded. Subsequent to these attacks tensions in other camps also increased and there were fears of imminent attack, particularly in Noh Po camp. The attacks were carried out by the Democratic Karen Buddhist Army (DKBA), backed by troops and support of the State Peace & Development Council (SPDC), military junta currently ruling Burma.

14.3.1. Huay Kaloke refugee camp

Huay Kaloke refugee camp is three kilometers from the Moei River, which forms

the border with Burma. It is home to almost 9,000 Karen refugees. There is a paved road from the Thai village of Ban Wan Kaew, right on the border, to the main gate of the camp. This road then goes through the Thai village of Huay Kaloke, going around the camp to the south, and continues eastward to join with the main north-south highway five kilometers further east.

This main group of attackers entered Section 1 of the camp from the east, firing M79 grenades and rocket-propelled grenades ahead of them, firing assault rifles, and then setting fire to each house as they passed. Most refugees estimate that there were about 50 attackers, but they divided into at least two groups and it is hard to be exact. They marauded through the entire camp, burning 84% (about 1,300) of the houses and shooting up the entire camp before leaving. The houses were all built of bamboo with leaf or thatch roofing, and burned very quickly giving off extreme heat. Upon hearing the shots and explosions, most refugees attempted to flee. There were no bunkers in the camp, so most people tried to flee to the surrounding farm fields. In 1997 as the attackers come from the west side, many refugees tried to flee eastward (away from the border), only to find that the main attack was coming from that direction, so people panicked and fled in all directions, trying to carry their children. Most had no time to save any of their belongings.

While fleeing, some people were fired on by the attackers and some came face to face with them. The attackers spoke Karen and the general consensus appears to be that most or all of the attackers in the camp were Karen from the DKBA, though there is some confusion about what they were wearing. Most witnesses say that most of them were wearing camouflage uniforms while others were in plain olive uniforms, and they were wearing a mixture of Burmese Army hats and military-style baseball caps. Witnesses consistently state that the attackers were clearly drugged or drunk; they were hyper-aggressive, their eyes were glazed and they were unaware of exactly what they were doing. When they encountered refugees they stole personal bags, watches and jewelry, and usually asked "Are you Buddhist or Christian?" Most refugees answered "Buddhist" regardless of their religion; the attackers often then said they would kill all the Christians, or asked the Buddhists why they haven't yet returned to Burma. Some attackers told refugees they would return 3 days later to kill all refugees who still remained in the camp.

36 refugees were wounded by bullets, shell fragments and burns. A 36-year-old woman named Ma Pein (a.k.a. Daw Pein) was shot and then burned to death beside her house; she had 2 children and was pregnant with her third. A 7-year-old boy named Pa Lah Ghay was hit in the head by shrapnel and died on the way to hospital. His elder brother was also wounded and is still in hospital. One entire family tried to hide from the shooting in a concrete well behind their house, but the intense heat from the burning houses turned the well into an oven and they were all very severely burned by the time they got out. Their 15-year-old daughter Naw Thweh Ghay Say Paw died of her burns three days later. Several weeks later, her 17-year-old sister Naw Sheh Wah Paw also died in hospital of her burns.

There was no resistance by Thai forces, who abandoned their checkpoints and withdrew from the camp well before the attack, just as they have done before almost every refugee camp attack since 1995. In fact, in this attack many refugees believe they recognized the vehicles which brought the attackers as Thai Army vehicles. The refugees fled to the camp monastery, which wasn't burned, and the fields surrounding the camp. Between 2 and 3 a.m. the Thai soldiers reappeared and wandered through the field, telling the refugees

to sit still and beating six people who could not understand Thai, including one 70-year-old woman whom a Thai soldier kicked in the back with his Army boots. Later the Thai soldiers ordered all the refugees to go back and stay in the ashes of the camp.

Three days after the attack Thai soldiers went around the fields and the Thai village, again ordering all the refugees to go back and stay in the ashes of the camp, telling them that if they didn't obey then the Thai Army would burn the makeshift shelters they had put up and push them back to Burma at gunpoint. The refugees were afraid to do so, because during the attack DKBA soldiers had told refugees that they would come back after three days and kill anyone who remained in the camp. That night a jeep once again entered and toured the camp, leading some refugees to believe that the Thai Army was bringing the SPDC or DKBA to inspect the results of their work.

14.3.2. Bae Klaw (a) Mae La refugee camp

Beh Klaw (a) Mae La refugee camp is fifty kilometers north of Huay Kaloke. Up to 1995 it housed about 5,000 Karen refugees, but when other camps were destroyed or closed many of them were ordered to move to Bae Klaw by Thai authorities. The latest population moved to Bae Klaw consisted of most of the 10,000 refugees at Sho Kloh, which was closed in February 1998 as part of the Thai plan to consolidate camps. By March 1998 Bae Klaw had a population of over 30,000 refugees, making it the largest refugee camp on the Thai-Burma border. In January 1997 the DKBA tried to attack Bae Klaw but were driven back by Karen camp security and Thai forces. This year of 1998, fears of an attack began when a small group of DKBA troops crossed the border on February 15 and tried to fire M79 grenades into the camp. The grenades fell short and the soldiers went back, but from then on refugees in the camp were extremely tense. In early March there were reports that they may be about to be attacked, and many people started leaving the camp every night to sleep in the forested hills to the east, on the other side of the main north-south highway. On March 10, there were reports that an SPDC or DKBA force had crossed into Thailand, looking for ways to attack Beh Klaw while laying landmines on Thai soil. This force entrenched itself in Thailand until March 16. Most refugees in the camp began digging bunkers.

On the nights of March 11, 12, and 13, Thai soldiers based outside the camp and further south at the Maw Pa Thu turnoff fired some flares and mortar shells toward Burma, though witnesses claim the mortar shells were either blank or not aimed at Burmese or DKBA positions. On March 14, the DKBA based at Maw Pa Thu fired three mortar shells at the Thai post at the Maw Pa Thu turnoff. Only two of the shells exploded. They also fired shells at the Thai village of Nya Mu Kloh, setting fire to some houses. The DKBA captured a cliff in Burma from the KNLA, putting the camp and the Thai positions in easy shelling range. On the morning of March 15, these troops fired eight mortar shells into an area southwest of Beh Klaw, hoping to drive out the Karen camp security force which was blocking the SPDC/DKBA force in Thailand from reaching the camp. At about noon, they fired seven 105-mm artillery shells at the camp itself. Three shells landed inside the camp, wounding Pa Kyot Klot, a middle-aged man.

By this time many more Thai troops had been moved into the area, and they began firing shells at the SPDC/DKBA position across the border. Another Burmese force crossed

into Thailand, kidnapped five Thai citizens from Nya Mu Kloh village and mined the area around the village. The villagers were later released, but three Thai soldiers were wounded when their vehicle hit a mine along the road near the village. More Thai troops were sent in, and armored personnel carriers were patrolling the roads. At the same time, fighting was continuing on the Burma side of the border between KNLA and SPDC/DKBA forces. By March 16, small groups of SPDC and DKBA troops were still in Thailand trying to find ways to attack the camp, but they failed and eventually went back across the border.

14.3.3. Mawkel refugee camp

On the night of the March 22, 1998, a combined DKBA/SPDC force crossed the border and attacked Mawkel refugee camp, 49 km. south of Mae Sot and home to about 8,400 Karen refugees. The attack force first positioned itself at the main Karen Buddhist monastery in the camp, Wah Lay monastery. One group remained at the monastery and fired 2.5 inch mortars and M79 grenades into the camp while at least 2 other small groups of four to eight attackers headed into sections 6 and 7, firing small arms and setting houses alight. It is not known how many attackers stayed beside the monastery, but most of the refugees believe they were SPDC troops while the groups burning the houses were Karen DKBA troops. Several witnesses saw the Karen troops cursing the Burmese, shouting “Mother fuckers! We are in front of you, why are you shelling us?” The attackers burning the houses appeared quite disorganized, arguing with each other over whether or not to shoot and whether or not to burn the houses, and asking each other for lighters to start the fires. On encountering refugees, the attackers didn’t hurt them but usually asked “Where are the Muslims?” There is a sizable Muslim population in Mawkel, but the attackers never reached that part of the camp. Some witnesses say that some of the attackers were young boys in uniform, and most of the refugees who encountered them say the attackers were confused and afraid. It appears they were too afraid to stay long in the camp, as they left within an hour having burned only 50 houses (45 in Section 6 and 5 in Section 7), the small Buddhist monastery, and a community hall (the camp’s main Karen Buddhist monastery was not burned). No houses were burned in other sections of the camp, though some refugees were wounded in Sections 1 and 3.

An estimated 291 refugees were left homeless. 14 refugees were injured, including 4 who were seriously wounded. One 7-day-old baby named Tha Tha had both of his legs broken, and his mother (Nha Ma Chan, age 25, Muslim) and father were also hit by shrapnel. Moo Rah Paw, a 2-year-old girl, was hit in the lower jaw by mortar shrapnel. “Daw Sein” (not her real name), 25, was shot in her hand while trying to carry her baby away from her house, and had to have a finger amputated. No one was killed. Fortunately, most of the refugees had already dug small bunkers behind their houses in fear of such attacks, so most people ran into their bunkers and sheltered there rather than trying to flee the camp. On seeing people in their bunkers, the attackers usually just asked them where the Muslims were or what village they were from, and then left them alone. Some people were even told to get back in their bunkers.

Thai soldiers supposed to protect the camp were nowhere to be seen, and had apparently withdrawn several hours prior to the attack. Karen refugees acting as camp sentries raised the alarm, but they were unarmed so they could do little. Despite the fact

that Thai soldiers provided no resistance to the attack, on their way to or from the camp the attackers captured four Thai soldiers and took them back to Burma. Thai Army sources later confirmed that these Thai soldiers were executed in Burma. This may have occurred in retaliation for the Thai Army's part in preventing Bae Klaw camp from being destroyed the week before.

Refugees claim that there were SPDC troops among the attack force. In Huay Kaloke people claim to have encountered Burmese troops among those who were shooting up the camp; in Maw Ker they claim that the troops hiding behind the monastery were Burmese; at Beh Klaw, Karen camp security people claim to have encountered SPDC troops inside Thailand; and at Noh Po, Thai soldiers have reported encounters with SPDC units entering Thailand on a daily basis to seek a way to attack Noh Po camp. In spite of this, the fact remains that when the camp attacks have occurred, the majority of the attackers have been Karen DKBA troops. Given the availability of DKBA troops and the SPDC's control over them, it would be foolish for the SPDC to arrange the attacks in any other way.

Regardless of whether or not its troops entered the camps, the SPDC has definitely been involved in organizing and supporting these attacks. The DKBA is totally reliant on the SPDC for all of its supplies, weapons and ammunition, and freedom to move within Burma. There is no way they could carry out such attacks without at least tacit SPDC support. Furthermore, DKBA units along the border exist as small local groups attached to SPDC Battalions and under the direct control of those Battalions. They are even used to loot chickens from Karen villages, as messengers, and to round up and supervise forced labor on SPDC road projects. They have no opportunity to assemble for large-scale cross-border attacks unless this can be arranged by the SPDC. The SPDC has never trusted the DKBA; this is why it has replaced them with the KPA in most of Doooplaya District, and why DKBA soldiers regularly complain that the SPDC keeps them on tight ammunition rations of a few bullets each. There is no way the SPDC would allow 100 or more DKBA troops to assemble for operations which are not under its control. Nor does the DKBA have a strong enough command structure to prepare such an operation. When DKBA units do act on their own, it is in groups of four or five, demanding petty extortion from local villages or crossing into Thailand to loot a Thai shop. In contrast, the attacks on refugee camps of this year and previous years have involved DKBA troops being transported several hundred kilometers through SPDC territory by truck, mortar barrages on Thailand from SPDC-held positions, and other similar support measures which require time and skill to organize effectively, as any experienced Army officer can testify. When SPDC leaders claim they have no involvement in the attacks and no control over the DKBA, this is beyond belief. When leaders of the Thai Government and the Thai Army pretend to believe it, they are most likely doing so to protect their close relationship with the SPDC and their economic interests in Burma.

14.3.4. Current status of the camps attacked in 1998

For some time after the attacks, the atmosphere in all of the camps remained extremely tense. Now with the initial onset of the rains tensions have relaxed somewhat, although Thai soldiers based at Huay Kaloke have told refugees there to dig bunkers in case of further attack and most refugees have done so. Most refugees in Beh Klaw, Maw

Ker and Noh Po have also made bunkers near their houses, and many refugees in Huay Kaloke still leave the camp every night at sundown to sleep in the nearby Thai village. The main concern in the minds of the refugees now, particularly in Huay Kaloke, is wondering what is to happen next to their camps.

In Maw Ker, refugees whose houses were destroyed have been trying to rebuild them. After the attack there was further discussion about moving the camp, but this appears to have been postponed for the time being. At Huay Kaloke it was made clear shortly after the attack that the camp would be moved but the Thai authorities have been acting extremely slowly, possibly in the hope that some refugees would get tired of living in tiny shelters among the ashes and return to Burma. As a result, they have now been living in those shelters for over 2 months. Entire families are crammed into lean-to's with roofs of straw or plastic sheeting with nothing but sleeping mats for a floor. This was unbearable enough under the sun of the hot season, but now that the rains have arrived it is completely unlivable. Under international pressure, the Thai authorities have finally located a new site for the Huay Kaloke refugees, but their move there is currently being delayed by policy disagreements between different departments of the Thai Government. As a result, at the time of printing it appears that the Huay Kaloke refugees may be 'temporarily' moved to Beh Klaw in the first half of June until the Thai authorities can make a final decision on the new site. Moving and building houses in rainy season, which will continue until October, would be very difficult for the refugees and could lead to problems of illness. There is also disagreement among the NGOs who care for the refugees over the wisdom of moving the refugees to the new site, which is over 60 kilometers from the Burma border. Some argue that this is the best way to prevent further attacks, while others argue that it would be impossible for new refugees to make it there without being arrested and deported on the way, and that the Thai authorities would seal off the camp and make it like an internment camp in order to prevent the refugees from 'escaping' into central Thailand. However, it is generally agreed that some sort of new site is urgently required for the Huay Kaloke refugees.

14.3.5. Refugees from Burma killed by Thai security forces in 1998

Saw Ru, 27-year-old son of Saw Po Lu and Naw Ahku were shot by the Thai security guard and hit gunshot at his leg while he was trying to exit from the No Pho camp with other refugees on the night of January 12, 1998. No Pho is situated in Omphum district, Tak province. (*Source: HRDU*)

Nyan Lin, age 32 was killed on March 15, 1998 by Thai soldiers guarding Mawker refugee camp in Tak Province, western Thailand, which houses Karen refugees. He returned to the camp after the 6 p.m. curfew established by the Thai authorities, and was beaten to death. Three refugees, including Nyan Lin, tried to enter the camp at 6:30 p.m. after finishing work outside when they saw a group of Thai security forces coming towards them. Two of them escaped, but Nyan Lin hid in the bushes. Thai forces initially left the scene, but they returned, and one discovering Nyan Lin, beat him with their rifle butts. They reported this to the camp leader, who found Nyan Lin unable to walk or talk. He was then carried back to the camp on a stretcher, and eventually taken to the local hospital, where he was pronounced dead on arrival. A Thai military officer paid Nyan Lin's wife, Cherry 20,000 baht as compensation, but no criminal action was taken against the soldiers. The camp has

been under curfew from dusk to dawn, since Huay Kaloke refugee camp came under attack on the morning of March 11, 1998. (*Source: HRDU*)

14.4. Karenni refugees: Continuing flight of villagers to Thailand

During the first half of 1996, the SPDC, or SPDC's armed forces, began a massive relocation program of civilians as part of its counter-insurgency strategy in the Karenni State, eastern Burma. 20,000- 30,000 members of the Karenni ethnic minority were forced from their home villages into designated sites, where there was inadequate food, water, medical care, and sanitation facilities necessary for survival. In the last three years hundreds of people have reportedly died of treatable diseases, thousands have fled to Thailand, and still others have chosen to hide in the forest in an attempt to live outside of military control. During February 1999 Amnesty International interviewed dozens of those Karenni civilians who had escaped to Thailand in late 1998 and early 1999. They reported recent widespread incidents of forced labour and portering, arbitrary arrests and torture, and extrajudicial killings by the military, which occurred in the context of the internal displacement of civilians in the Karenni State.

Most of the human rights violations described below have taken place in relation to SPDC's counter-insurgency campaign against the ethnic minority armed opposition group, the Karenni National Progress Party (KNPP), who have been fighting for a free and independent Karenni State for over 50 years. Although the KNPP had agreed a cease-fire with the SLORC in March 1995, it disintegrated by June of that year when fighting resumed. The most recent cease-fire talks broke down in May 1998 in Rangoon after some KNPP units attacked SPDC troops near Loikaw, the capital of Karenni State. Although there are continuing skirmishes between the two, it is the civilians, caught in the middle of these forces, who suffer the vast majority of casualties. Since mid-1996 the SPDC attempted to gain complete control over areas of Karenni State near the border with Thailand. To support this military campaign, at the same time the junta launched a mass forced relocation campaign against rural villagers throughout the state, hoping to undermine the KNPP by removing or wiping out the entire civilian population in rural areas. Since then over 200 villages covering at least half the geographic area of the entire state have been forcibly relocated, burned and destroyed by Burmese Army troops under the command of the military regime, which was renamed the State Peace & Development Council (SPDC) in November 1997. There is no accurate census data available, but most of the villages only have 10 to 50 households and estimates of the number of villagers affected range between 30,000 and 50,000.

The SPDC ordered all villagers to move into Army-controlled relocation sites within one to two weeks, after which anyone seen in their home areas would be considered as enemy, i.e. shot on sight, and all houses and belongings found in villages would be confiscated or destroyed by the military. Over the following year relocation camps were established at several sites, including Shadaw and Nwa La Bo in northern Karenni, Ywathit, Daw Tama, Baw La Keh, Tee Po Kloh, Kay Lia, Mar Kraw She, and Daw Tama Gyi in central Karenni, and Mawchi and Pah Saung in southwestern Karenni. Several hundred people were ordered to move into each of the smaller sites, while several thousand people were ordered into larger sites like Shadaw. On arrival at the sites they were provided with nothing, and many people began to starve and die of disease.

They were not allowed to farm, though some were allowed to return to their villages to retrieve some food supplies. Many used this opportunity to flee into hiding in the forests, joining others who had hidden in the forests rather than go to the relocation sites.

Since 1997 there has been a steady trickle of families escaping from the relocation sites back to hide in the forests surrounding their home villages. According to reports from some of these villagers, conditions in the relocation sites have steadily deteriorated since the beginning. Villagers in the sites were provided with nothing at first, though once when many of them started to starve, the Army began giving small rations of rice in some sites. This rice, which was most likely confiscated from farmers in other areas, was quickly cut to less than half what people need to survive. People only have access to medicines if they can pay inflated prices for them and bribe the government medics, so many have died of treatable diseases such as malaria, diarrhea and dysentery. Other infectious diseases are also widespread.

According to villagers who fled the sites recently, in response to starvation the army now allows villagers in Shadaw relocation site to plant food, but the area of land allocated is very small and the soil is bad so the villagers have only been able to grow a small quantity of corn and nothing else. At the same time, villagers in Shadaw relocation site are still being used for forced labor both inside and outside the relocation site. The Army forces them to maintain Army facilities and a school, and also to maintain roads. There are reports that they are now being used to build a new road as well, though it remains unclear where this road is going.

According to escaped villagers, at Nwa La Bo relocation site north of Loikaw the Army is using the interned villagers as forced labor on an Army rubber plantation. There is no school, hospital or clinic in the camp, so those who get sick can only get treatment if they can get a pass to go to Loikaw town and pay for transport and treatment. Villagers also report that at Daw Te Her, a newer site north of Loikaw, boys aged 13 and above have been taken away in groups of twenty for military training, and that none of them have been seen since.

People who have recently fled the Mawchi area in southwestern Karenni claim that in Mawchi relocation site villagers have been forced to hand over all of their rice to the Army. Their rice is stockpiled in a church under Army guard, and they can only obtain a three days' supply at a time. There have also been reports that relocated villagers around Mawchi as well as Mawchi townspeople are being used as forced labor on the new road being built from Mawchi to Toungoo. This road winds through rough terrain for something like hundred miles, and is following the route of an old destroyed pre-war British road.

In towns such as Mawchi and Loikaw it appears that the townspeople are also living under intense restrictions. KNPP sources say that there are now four SPDC Battalions based in and around the state capital of Loikaw, and that townspeople have to obtain passes in order to leave the town limits.

Townspeople, villagers in the relocation sites and those in hiding in the forest have all been affected by the drought which caused the failure of the 1998 rice crop. Some estimates claim that the combination of the drought and the SPDC campaign of village destruction has caused the crop for the entire state to be no more than ten per cent of normal for this year. It appears that because of this the SPDC is now freely allowing people to flee the relocation sites, and many people have taken advantage of this to flee back to the

forests surrounding their home villages to try to survive there. It is difficult to obtain reliable information on how many people remain in the relocation sites, but there are probably still one or two thousand people in Shadaw, the largest relocation site, and several hundred up to a thousand in most of the other sites.

Many people have been living in hiding in the forests for two to three years now, and they are regularly joined by more who are fleeing the relocation sites. SPDC patrols have destroyed almost all of the 200 or more villages which have been relocated, but people still try to live in small shelters in the forest and grow small amounts of food in their old fields or in patches of cleared ground. In northern and eastern Karenni, the KNPP says that there are three SPDC platoons currently doing most of the sweeps to eliminate villagers. These patrols pass through destroyed villages as often as every week or two to hunt out and destroy shelters and food supplies and shoot on sight any villagers that they find. According to the KNPP, the SPDC patrols have also placed landmines and booby-traps in some of the villages they have destroyed because they know that the villagers in hiding regularly revisit their destroyed homes. In Mawchi area of southwestern Karenni, the patrols only come through every two to three months but when they come they are much more thorough than their counterparts in the north, covering every village and all the surrounding territory. When the relocations first started in 1996 many people in the area northwest of Mawchi simply ignored the orders and managed to stay in and around their villages, but in 1997 and 1998 SPDC troops razed villages throughout the area and physically drove people into the relocation sites. Now many of the villagers from Mawchi area have moved southward to the forests along the border with Karen State and have been trying to survive there.

For the people in the forests throughout Karenni the situation has been desperate for some time now. They have to regularly flee SPDC patrols, survive on little to no food and no medicine, and many of them have died of treatable diseases such as malaria, diarrhea and dysentery. Some villagers from the area around Mawchee say that many in the forests there have already died of diarrhea. The villagers in the forests long ago exhausted whatever food supplies they had hidden before the relocations began, and the drought and crop failures of 1998 have hit them very hard by wiping out whatever small quantities of food they were growing to survive. As a result of the complete lack of food and the continuing sweeps by SPDC troops, many more of them have been forced to consider the difficult and dangerous flight to refugee camps in Thailand.

Until mid-1998 the SPDC troops were actively trying to block escape routes to Thailand, but it appears that the food situation and a shift in military thinking may have changed this. While still hunting out and killing villagers in the forest, they also seem to be allowing more villagers to head for the Thai border. The military may be thinking that forcing people into relocation sites is no longer viable because there is no food, and that if people flee to Thailand then this still clears the area of civilians, which is one of their main military objectives.

For people in northern and central Karenni the flight to the Thai border is extremely difficult and dangerous; it takes several weeks travelling with the entire family, there is little or no prospect of food being available along the way, and there is always the possibility of encountering an SPDC patrol. However, many have been making the trip. Immediately following the first wave of relocations in mid-1996, about 3,000 people arrived at existing Karenni refugee camps in Thailand. A few months later another 1,300 arrived, and then the

flow decreased to a trickle as most people settled in to live in hiding in the forest or were effectively blocked from escape by SPDC troops. However, since January 1999 approximately 1,200 people have arrived in the refugee camps, most of them fleeing the Shadaw area of north-central Karenni. Some have been living in hiding in the forest for one to three years and fled because they could no longer produce or obtain any food. Others recently fled relocation sites back to the forests around their villages, but quickly found that there was no food to be had there and that SPDC patrols posed a constant danger. Most of the new arrivals are in very bad physical shape when they reach the border, sick, weak from the journey and emaciated from lack of food. There have also been handfuls of new arrivals from the Mawchi area; many more from this area would like to flee, but it is twice the distance of the trip from northern Karenni and twice as difficult and dangerous to travel, and there are few or no people available who can guide them along the way.

17 men, 10 women and 3 children from Seven families from Shadaw relocation camp fled across the border to seek safe shelter on Thai soil at the end of October 30, 1998. They said that they had decided to flee several times because they were almost starving. And they were even forced to work in military base.

Again in the next week after October 30, 1998, a group consisting 6 people arrived at a refugee camp in Thailand. These fleeing people from Daw Pa Pah and Won Ngaw villages, Loikaw township, fled across border and sought safe shelter. They were always threatened by SPDC troops of arrest with unasserted imputations. Before fleeing to the border they had stay in the forest for several days with little hope.

Seventeen families with 86 members of the Karenni internally displaced people fled across the border and made it to the refugee camp near Mae Hong Son in Thailand on November 30, 1998. Among them, 22 were men, 30 were women and 34 children. These fleeing people were Daw Soesha, Daw Lawbu, Daw Meku, Daw Shasei, Daw The and Daw Ei Sha. Seven families escaped from Shadaw relocation camp, nine families from Nwar La Boe relocation camp and a family from Palong relocation site. All these people complained that they fled because they were starving and could die. They could not afford any food. They worked for the military five days per week in their bases without allowing anyone to support them. However, they never provided them any food for their work.

Again, on December 2, 1998, 21 families comprising 130 of Karenni internally displaced people arrived at Karenni refugee camps near Mae Hong Son. Ten families from Htee Pokloe relocation site, four families from Daw Tamadu relocation site and seven families from Shadaw relocation camp. The fleeing people from Htee Pokloe and Daw Tamadu took 20 days to march to the border. Two elders over 70, were in the group. "There are many persecutions and difficulties in relocation camps," said a fleeing person.

Thirty-three families consisting 164 people fled across Thai border and made it to the refugee camp near Mae Hong Son on January 5, 1999. Among them, 62 were men, 83 were women and 19 children. The majority of these people escaped from Shadaw and from Palong relocation camp. They fled due to the lack of food supplies and extensive order of force labor demands by the military. Many of their family members had died due to the starvation and lack of medical care, the new refugees reported.

Sixty-six families comprising 382 population fled across Thai border and made it to the refugee camp near Mae Hong Son province on January 16, 1999. One hundred and ninety-nine were men and 183 were women. Twenty-six families from Shadaw relocation

camp, four families from Palong, fifty-five families from Daw The relocation site and twenty-one families from hide-out sites on Karenni-Shan border. People those who escaped from relocation camps complained that they fled because the military forced them to work at their base or at road construction project. They had to serve as porters without wages and had to raise food to feed their own families.

Most of the new arrivals have been accepted into the refugee camps by Thai authorities, though most of them are in a site called Karenni Camp 2 and there are serious concerns over the safety of this site. The camp is just 20 minutes' walk from an SPDC Army post just across the border, and has been attacked before by SPDC-backed forces. The attack occurred on January 1997; three refugees were killed and nine others were wounded, and there was no attempt by Thai forces to defend the camp.

14.5. Situation of Shan refugees in Thailand

The population of the Shan State, the largest of the seven ethnic minority states in Burma, is approximately eight million people. Of these, some four million are ethnic Shan. Other groups in the state include the majority Burmans, and the Pa'O, Akha, Lahu, Palaung, and Wa ethnic minorities. The Shan people are ethnically related to the Thai, have a similar language, and live in southern China and northern Thailand as well as in Burma. Most of them are Theravada Buddhist rice farmers. In pre-colonial times, the area that is now the Shan State was ruled by Shan princes who sometimes owed allegiance to Burman or Thai overlords and were sometimes independent. Under British colonial rule, the Shan areas were administered separately from the rest of Burma.

During negotiations between Britain and Burma about independence, Shan and other ethnic minority leaders demanded guarantees of minority rights in return for an agreement to join in a Union of Burma. These were conceded in an agreement between the Burmese Government and the Shan, Kachin, and Chin representatives in 1947 in Panglong, a Shan town. After Burmese independence in 1948, however, disputes arose between some Shan political figures and the central administration in Rangoon over the handling of Shan affairs. In 1958 the first Shan armed opposition group was organized, and since then various other groups took up arms. Since 1989 some of these groups have agreed cease-fires with the State Peace and Development Council (SPDC, the ruling military government), but the Shan States Army - South, or SSA, numbering some 3,500 troops, has continued in its armed struggle against the SPDC in central and southern Shan State.

When the military reasserted power in September 1988 after suppressing a nationwide pro-democracy movement, they adopted a policy of negotiating cease-fires individually with ethnic minority armed opposition groups rather than engaging with umbrella organizations which grouped them together. Since 1989 they have agreed 17 cease-fires with various ethnic minority armed opposition groups, including the Mong Tai Army (MTA, led by Khun Sa) in January 1996. Although Khun Sa surrendered to the SLORC, thousands of Shan troops have continued to fight for greater autonomy against the central Burman authorities. After Khun Sa's surrender, troops from the newly-formed Shan State Army-South began to move north from former MTA areas along the Thai-Burma border to the central Shan State.

Once the SSA-South moved into new areas, the SPDC began major counter-

insurgency activities against them. However as is generally the case in guerrilla warfare, most of their victims were Shan civilians, not SSA troops. Forcible relocation was the main tactic which the SPDC has employed in its counter-insurgency strategy against the SSA -South. Of the 300,000 relocated civilians in the Shan State, there are approximately 100,000 people in relocation sites, about 50,000 people hiding in the forest, some 50,000 people who have fled to other areas, and over 100,000 who have escaped to Thailand. Most of these people have been deprived of the right to earn a livelihood after they were pushed off land where they cultivated rice and raised livestock.

Regrettably, the Thai government continues to deny refuge to people fleeing human rights violations in Shan State. Shan refugees fleeing to Thailand have been repeatedly pushed back across the border by the Thai authorities, and unlike refugees from several other ethnic minority groups in Burma, Shan refugees receive no assistance from international aid organizations. When foreign embassy staff and representatives of the UNHCR have questioned Thai officials in Chiang Mai province about the large numbers of Shan refugees arriving since April 1996, they have been told that only the usual number of migrant laborers from Shan State have been crossing the border to work on farms and other work-sites. The result of Thai government policy means that to the present, any Shan refugees fleeing to Thailand must try to survive as illegal immigrants in Thailand. The risks and difficulties this involves have compounded their suffering.

For most refugees arriving Thailand, their main fear is that they will be arrested for illegal entry, the punishment for which is one month prison sentence or a fine of about 2,000 *baht*. Since the onset of Thailand's economic crisis in mid-97, and the resulting Thai government policy to expel illegal immigrants, there has been an increase in mass arrests along routes from the border and at work-sites in towns. This has greatly increased fears among refugees trying to survive in Thailand.

Most Shan refugees have ended up working on farms in Chiang Mai or Mae Hong Son provinces, or on construction sites in towns such as Chiang Mai or Bangkok. A Shan refugee from Laika township says, "In Thailand there are many people from Shan State now working in lychee orchards, in cultivation, in construction sites, and also in shops washing dishes..... Almost every shop, every house has Shan servants now."

The main difference between these refugees and the usual migrant workers from Burma is that the refugees generally consist of whole families, including young children and grandparents, whereas migrant workers tend to be mostly working adults without dependents. If adult refugees can earn a usually irregular wage for their labor, it is extremely low and must be used to support their children or elder relatives as well as themselves. This has made it very difficult for the refugees to survive.

Thai farmers in the border provinces have in recent years increasingly relied on migrant labor, and many Shan people have long been employed in farms and orchards along the Mae Hong Son, Chiang Mai and Chaing Rai borders. Thus, when large numbers of Shan refugees fled into Thailand over the last two years, many headed first to stay with friends and relatives in farming communities in the vicinity of the border. Farm workers tend to stay in huts located in the fields. Wages range from 30-100 *baht* a day, but the work is seasonal and sporadic. Many refugees who to survive on farms are later forced to move to cities in the hope that they could better survive by doing construction work. They hardly leave their work-site in case they are arrested by police, who often patrol the roads. They

will slip out only to buy supplies from local markets. When ill, they are unwilling to go to a Thai hospital, and prefers to buy medicine to treat themselves. When they move to work at the construction site, they only earn wages about 70-80 *baht* per day for women and 100-120 *baht* for men. However, the wage for digging ditches or collecting rubbish around the site can be as low as 35 *baht*. Work is also often only available for as little as ten days a month. Large numbers of workers live together in corrugated iron or bamboo shacks at the construction site. Members of several families may live crowded together in one room, in which food is also cooked. Common makeshift latrines and washing huts are usually located next to the living quarters.

By mid-1997, the work situation for Shan refugees had become increasingly difficult. The constant influx of refugees arriving in border areas meant that there was less agricultural work available. In the towns, the high numbers of refugees competing for work meant that it was an “employer’s market” - with a constant source of cheap labor available, employers found it easier to cheat their workers. For example, refugees worked at a site for one or more months with a promise of payment, then the employers called the police to come and arrest the workers.

Because of their illegal status, all Shan refugees are at risk of exploitation by unscrupulous agents and traffickers. Particularly in danger are girls and young women. For example, in the third week of February 1998, a woman refugee from Keng Kham, age 25, who had been working on a farm west of the district town of Fang for several months, was approached by a motorcycle-taxi driver at Fang market. He offered her a job for 3,500 *baht* per month. She agreed to go with him, and he handed her over to another man who paid the taxi driver 8,000 *baht*. She traveled by car to Bangkok, and then to a high-rise building near the sea. She was locked inside the ground floor, where there were all refugees from areas of forced relocation in Shan State, such as Laika, Munrg Nai, Keng Kham and Kengton. The youngest was a 13-year-old. The women were locked up all the time, and only let out when male customers took them out at night. Fortunately, for the woman from Keng Kham, she was able to escape after a week and return to Fang. Within two days of arriving back in Fang, the motorcyclist and agent from Bangkok came to find her at her former workplace, but luckily she had already moved on.

In the second half of 1997, the economic crisis began to have an impact on construction projects. In Chiang Mai, construction began to slow down on the large housing estate in outlying areas of the town, where thousands of migrant workers were working. Many employers stopped paying their workers. At the end of 1997, in an attempt to solve its economic crisis and create jobs for its increasing numbers of unemployed citizens, the Thai government began drawing up plans to repatriate the estimated one million immigrant workers inside Thailand, including approximately 800,000 migrants from Burma. Then began mass arrests in work-sites around the country, followed by “pushing back” immigrants to the border areas. In Chiang Mai, there have been repeated raids in construction sites since the beginning of 1998. Some groups of illegal immigrants have been sent back to the border and allowed to disperse on the Thai side. Some groups have actually been repatriated into the hands of SPDC troops at the border crossing of Nong Ook where they continue to face more abuses. For example, on January 20, 1998, a group of 60 Shan people who had been officially repatriated were forced by SPDC troops to go to Munrg Ton, and then to the Salween River at Ta Sarng. There they were made to work by the SPDC soldiers from IB

65 at a gravel-pit, crushing stones for a construction company.

Despite Thailand's economic problem, the resulting shortage of jobs and increased police crackdowns on migrants, refugees are continuing to pour over the border, coming from the relocation areas of Shan State. Several thousands of Shan civilians crossed the border in 1998. In the first four months of 1999, over 5,000 Shan refugees arrived in Thailand at one border crossing alone, and since March 1996, over 100,000 Shan refugees have fled to Thailand. They stated that they were aware of the problems in Thailand, but that they had no other choice if they were to survive inside Burma. In April 1998, new Shan and Lahu refugees arriving in Thailand reported that thousands of people had fled the Thai clampdown back across the border into Shan State, but they are living just inside the Shan State border, internally displaced but afraid or unable to return to their destroyed home areas. They are reportedly suffering severe food shortages, and many have committed suicide.

In March 1998 SPDC troops crossed into northwestern Thailand to attack a group of Shan refugees who had fled fighting between SPDC and the SSA near Ho Murng. After the attempted attack and the international concern expressed for these refugees, Thai authorities for the first time allowed a group of over 200 Shan refugees to move into an existing Karenni refugee camp. If this leads to further recognition of the Shan as legitimate refugees it could be a very positive move. However, current Thai policy is to deny asylum to all new refugees except in the case where they are "temporarily fleeing fighting", so there are still serious concerns that Thai authorities may decide to force these Shan refugees back across the border once they decide the "fighting" around Ho Murng has stopped and the SPDC indicates its willingness to "accept the refugees back".

At present there is no sign that the SPDC has any plan of letting up on its campaign against the Shan civilian population. The regime has already rejected the possibility of negotiations toward a ceasefire with the SSA, and apparently plans to continue wiping out the civilian population in the hope of eventually wiping out the opposition militarily. There is no telling how far the forced relocations will reach in the end, whether they could extend as far as Taunggyi in the west, to Kengtung in the east, or to Lashio in the north. Right now the area being wiped out is growing larger week by week and month by month. For the farmers of central Shan State, life in their villages has become impossible, life in the relocation sites means forced labor and starvation, and nothing but exploitation and eventual arrest and forced repatriation awaits them in Thailand. If they are to survive, this must be stopped.

14.6. Thai policy on refugees from Burma

From 1984 to the mid-1990s, Thai authorities allowed wave after wave of Karen refugees fleeing Burma to stay in camps along Thailand's western border. Despite the fact that the country is not party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol, Thailand is a member of the inter-governmental Executive Committee of the Program of the United Nations High Commissioner for Refugees (UNHCR Excom). This body, which meets once a year in Geneva, oversees the work of the UNHCR and adopts conclusions regarding issues of refugee protection and assistance. It is the only international forum where refugee issues are discussed in a comprehensive manner, and its

conclusions represent an authoritative international consensus regarding standards of refugee protection. Ironically, all refugees who are present in Thailand without authorization are branded as 'illegal immigrants' and are at risk of refoulement to their country of origin at any time. UNHCR's visits to the border refugee camps are sometimes permitted but Thai authorities maintain it would allow only local organizations to care for the refugees. However, Thailand allows the UNHCR to maintain a limited presence in the country.

In November, 1997, a change of government in Thailand and the new administration promised that it would conduct its foreign policy in accordance with the principles of human rights. However, new refugees trying to enter Thailand found that Thai authorities were reluctant to recognize their claim of asylum. Thai authorities declared that Thailand could provide asylum only to those 'fleeing fighting'. On the ground this was clearly being interpreted as those 'fleeing immediate armed combat' and since the ethnic armies were deemed to have been defeated almost no new arrivals were considered to fit the asylum criteria. This resulted in a de facto 'no new refugees policy' in many camps. New refugees continued to cross the border and entered the camps near northern Karen State with many human rights abuses stories. Yet many new arrivals still remained outside the camps and as yet there is no clear policy for their future.

In March 1998, Thailand's Prime Minister Chuan Leekpai announced that the United Nations High Commissioner for Refugees (UNHCR) would be allowed to play a role in managing aid for refugees and administering the camps. In April 1998, the Thai government agreed to the presence of the UNHCR on the Thai-Burma border, which in principle should help to prevent the practice of refoulement. The government has made the following comment about UNHCR's role; *"Thailand will also facilitate their return to their homeland with safety and dignity.... The UNHCR's role will cover four important areas of work, namely, to witness the process of admission, to assist the Thai authorities in registration, to assist the Thai authorities and give suggestion (if any) on the relocation of temporary shelter areas, and to assist the Myanmar displaced persons for their safe return."* In June 1998, the Royal Thai Government formally requested UNHCR's assistance in caring for some over 100,000 refugees from Burma accommodated in 13 camps scattered along the border between the two countries. UNHCR acceded to this request and decided that the agency's role should focus primarily on protection monitoring. Since then, the UNHCR has established offices and staff in Mae Sod, Mae Hong Son and Kanchanaburi, gained access to the camps, and begun implementing its programs to fulfill its mandate of protection.

In the past, Thailand has allowed the UNHCR only limited access to the Burmese refugee camps and has been asked to help on a case-by-case basis. Thailand has been concerned that the presence of the UNHCR would attract more asylum seekers across the border, and the refugee camps would become more permanent. The Thai government is concerned that allowing the UNHCR an enhanced role along the border may upset Rangoon. Although the UNHCR's work is considered humanitarian and nonpolitical, the Burmese government views the agency as representatives of the western community which it repeatedly criticizes. Thailand is no doubt concerned that by upsetting its volatile neighbor, existing and potential economic agreements could be threatened. However, Thailand also wants to solve the expensive and often embarrassing refugee problem, and realizes that it will only be safe and acceptable to send refugees back when the civil war ends. However, the Royal Thai Army has faced increasing criticism for its inability to protect the over

100,000 refugees in camps from cross-border attacks. This year has already seen repeated attacks on Huay Kaloke (a.k.a. Wangka), Bae Klaw (aka Mae La) and Mawker camps, and other camps are currently on alert fearing further attack. The Thai government now hopes a UNHCR presence will provide more protection for the refugees, and help deflect criticism for inadequate security when the camps are threatened or attacked.

In January, 1999, before the full details of UNHCR's role had been decided upon and before permanent staff were in their field offices, the agency faced two situations where the Thai authorities were threatening to repatriate new arrivals. In Karenni (near Mae Hong Son) and Karen (near Mae Sot) camps, the Thai authorities rounded up new arrivals and announced that they would be sent back to Burma. In both situations, NGO and UNHCR staff intervened and prevented the threatened refoulement. Though they excluded the UNHCR from the process in the Karenni camp, the Thai authorities agreed to jointly interview the new arrivals with UNHCR staff in the Karen camp to determine if they were legitimate refugees. Presumably, they wanted to screen out Burmese immigrants working in surrounding towns who were using the camp as a base and others who fled to Thailand for purely economic reasons. In February, the status of some of the families was unclear, but by mid-March the UNHCR announced that all the new arrivals had been screened into the camps and were being provided with rations and housing. However, this status is not official, and the refugees themselves have not been informed of any permanent status.

14.7. Arrest and harassment of Burmese opposition groups in Thailand

Burmese dissident groups in and around Bangkok have always been particularly at risk of arrest by the Thai authorities. On May 20, 1998, in Nonthaburi province near Bangkok, a large group of police raided the office of the Human Rights Documentation Unit of the National Coalition Government of the Union of Burma (NCGUB). Fourteen people were arrested, including asylum-seekers and refugees. Documents about the human rights violations in Burma and many office equipment were confiscated at the same time and the office was searched. The group was then taken to Nonthaburi police station. On May 22, they were taken to court, charged with illegal entry to Thailand, fined and taken to IDC that evening. On May 23, the group was taken to Thai-Burma border and sent by Thai police across the Moei River to Burmese territory, where the group dispersed.

Another group of 31 Burmese students was arrested outside the Burmese Embassy in late August 1998 after a prolonged peaceful sit-in protest about the human rights situation in Burma. The group was taken to the Bangkok Immigration Detention Center (IDC) where they were held for two weeks and then transferred to the Special Detention Center at Bankhen Police Academy. Although seven were released on November, the other 24 are being detained until the end of 1998, and have not been brought to trial.

14.8. Thai policy on migrant workers from Burma

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 has also been an attraction for Burmese migrants.

It is impossible to make a simple distinction between the economic hardships faced by the Burmese population and the human rights violations suffered throughout the country. Many people from Burma who have fled to Thailand do not have enough to eat, due in part to the widespread practice of forced labor. Such people work under conditions so harsh that they are prevented from earning a living. Their situation has often resulted in people drawing of purely 'economic' assessments of the reasons for their migration, but such assessments are not easy to make when they are based upon sweeping generalizations. Many migrant workers themselves state that they have left Burma because of economic hardships. But in reality, many have fled from serious human rights violations. The distinction between the economic abuses suffered by the Burmese population and the serious violations of their civil and political rights is not necessarily a clear one; many of migrant Burmese in Thailand have been unable to make a living in their homeland because of forced labor and forced relocations.

Similar to the situations of migrant laborers all over the world, the Burmese have provided Thailand with a cheap form of unskilled labor that has become crucial to the country's economy. Burmese laborers work under conditions known as the 'three Ds' - the dirty, dangerous, and difficult work, in areas where Thai people, when given the choice, refuse to work.

Thai Government considers all Burmese asylum seekers 'illegal immigrants' and makes no distinction between them and other migrants. Thai police arrest and detain refugees and asylum-seekers, particularly Burmese nationals, on a regular basis in and around Bangkok and other cities. Such detainees are not given an opportunity to challenge the legality of their detention as required by international standards. Burmese asylum-seekers convicted of illegal entry are fined and imprisoned in immigration detention centers before being taken to the border between Thailand and Burma. Even those asylum-seekers who are under the protection of UNHCR in Thailand are often detained and harassed by the Thai authorities, to the point that many of them are forced to abandon their efforts to seek asylum.

Thai policies on Burmese in Thailand have resulted in creating more difficulties for asylum seekers who wish to remain protected in Thailand. The Thai government is currently discussing extensive plans to deport the thousands of illegal immigrant workers from Burma, and as such, new refugee arrivals are being denied admission into existing refugee camps; increased restrictions are making the camps less habitable; and major camp consolidation programs will result in a 'loss' of camp residents. These policies can be interpreted as 'push' factors, forcing Burmese refugees to leave camps in Thailand. Under such conditions, decisions that are made by refugees cannot be accurately be described as voluntary decisions.

To solve its unskilled-labor shortage problems and in an effort to document the illegal immigrant population in Thailand, significant resolutions concerning foreign laborers were passed between June 25 and August 27, 1996 during the administration of former Thai Prime Minister, Banharn Silpa Archa. The Thai cabinet approved a NSC proposal for the Thai government to impose controls on foreign laborers on June 25, 1997. In accordance

with Thai Immigration Act (1979), illegal foreign workers were viewed as immigrants awaiting deportation. The resolutions allowed select illegal immigrant worker groups to work in 43 of Thailand's 72 provinces under a variety of conditions.

According to the resolution, the Ministry of Labor and Social Welfare granted a temporary work permit, valid for two years, to foreign laborers in 43 provinces out of a total 73. Under the scheme, Thai firms were required to register their workers every three months. The Interior Ministry wants employees to register alien workers, for which they are charged 1,000 *baht* for the registration fee, 1,000 *baht* for the work permit, 700 *baht* for a medical check-up and another 800 *baht* for a health insurance card for each worker. Many business people cannot afford to do this. The workers could only perform unskilled jobs in the fishing industry and the manufacturing sectors. As of March 1997, 340,819 foreign people had been registered by their employers.

However, at the beginning of November 1997, the Thai Government announced that it would launch a crackdown on 'illegal alien workers' in Thailand. The crackdown came amid the depths of Thailand's worst economic crisis in decades, which threatened to send the number of unemployed soaring from around one million to 2.8 million in 1998. The Thai Government chose to discontinue the temporary allocation of work permits to foreign laborers as part of their campaign to find new jobs for Thais. This action aimed to prevent illegal migrant workers seeking low-paid unskilled jobs in Thailand, a need that the government agreed Thai workers could fulfil. Chairman of the Thai House Labor and Social Welfare Committee said that the committee had decided to push non-registered alien workers back home to help jobless Thais because, "...the influx of alien workers has posed a threat to national security as well as to Thai workers who could lose their jobs to these immigrants. If they are not sent back home, Thai workers will suffer."

At the beginning of December, Thai Government announced that it would launch a crackdown on illegal alien workers in Thailand. Estimates of their numbers vary but go as high as one million. The Thai Government has chosen to discontinue the temporary allocation of work permits to foreign labor as part of a campaign to find jobs for Thais. At the end of 1998, more than 270,000 illegal foreign workers have been reportedly deported since January 1998 as part of government policy to replace alien workers with Thais. According to the Immigration Department, the office has so far deported 271,019 illegal foreign workers and arrested 34 people for smuggling foreigners into the country. Furthermore, 111 others have been arrested for housing foreign workers since January 1998.

14.9. Discrimination against the Rohingya in Burma

Notwithstanding the UNHCR's claims of success, returning Rohingya refugees continue to face discrimination and persecution by the SLORC/SPDC because of their ethnicity. The pattern of repression occurs in the context of the SLORC/SPDC's denial of citizenship rights to the Rohingya. Under the 1982 Citizenship Law, which was promulgated shortly after Rohingya refugees returned from the 1978 exodus to Bangladesh and was designed specifically to deny citizenship to the Rohingya. Under this Law, a person in order to become a full citizen must prove the residency in Burma of all his or her ancestors back to 1823, the year before the British government annexed Arakan.

Under this Law, there are three categories of citizenship, 'citizens', 'associate citizens', and 'naturalized citizens'. Full citizenship was limited to 'nationals such as Kachin, Karen, Chin, Burman, Mon, Rakhine or Shan and ethnic groups as have settled in any of the territories included within the State as their permanent home from a period prior to 1185 B.E. or 1823 A.D'. If a person cannot give proof of residence of all ancestors prior to this date, he or she can be classified as an associate citizen if one grandparent, or pre-1823 ancestor, was a citizen of another country. Those persons who had qualified for citizenship under the 1948 law, but who would no longer qualify under this 1982 law, were also considered associate citizens if they had applied for citizenship in 1948. However, under the new law, applications for associate citizenship had to be made within one year of the promulgation of the law, since then, all former foreigners or stateless persons can only apply for naturalization. A naturalized citizen, according to law, is one who has a parent who was a full citizen and one who was an associate citizen (or is so qualified for citizenship under the 1948 law). But a naturalized citizen must also 'speak well one of the national languages', 'be of good character', and 'be of sound mind'. According to the terms of the law, only full and naturalized citizens are entitled to enjoy the rights of a citizen under the law, with the exception from time to time of the rights stipulated by the State.

Under the new law, few Rohingyas could qualify for full citizenship, and many would not be entitled to either associate or naturalized citizenship, due not only to their individual histories but also to the difficulty of providing legal evidence. Thus, most Rohingyas are only recognized as foreign residents.

Following the promulgation of the 1982 law, all residents in Burma had to reapply for citizenship, exchanging their old identity documents for new ones. In 1989, a further change was made and all residents had to apply for new Citizenship Scrutiny Cards, (in Burmese 'naing-ngan-tha si-sit-ye kat-pya') rather than the old Identity Cards (in Burmese 'hmat-pon-tin'). The new cards are color-coded for easy identification of the citizenship status of the bearer. Pink cards are given to full citizens; blue is for associate citizens and green for naturalized citizens. Foreigners Registration Cards (FRC) are white. The cards are used to control the movement of people internally and to ensure that associate and naturalized citizens and foreigners do not receive benefits to which they are legally entitled. ID cards have to be shown in Burma for the smallest of transaction, and at each of these the card number is noted down, often in triplicate to be sent to the relevant ministries and government departments. This includes buying a bus, boat, train or plane tickets, applying for a place in school; visiting a friend outside one's ward; or applying for any government job.

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/SPDC further justification to mistreat this Muslim minority. 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 *kyat*, the returnees received a yellow card identifying them as having returned from another country, but giving them no legal status in Burma. As non-citizens, the SLORC/SPDC 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.

Moreover, extensive recruitment for compulsory labor is one of the main reasons for the influx of refugees in the first half of 1997. Although UNHCR has focused on this issue and has repeatedly intervened with regard to returnees being called for compulsory labor, the SLORC/SPDC authorities agreed to exempt the returnees only for the first two months after their arrival and to limit compulsory labor for the entire population in the area. Rohingyas and other ethnic minorities including the Arakanese and Mro, were forced to work on roads and bridges by the SLORC/SPDC in December 1996 and during the first half of 1997. Local populations in Arakan State are forced to provide physical labor for 7 to 10 days a month without pay. Prisoners in chains and villagers were forced to work on roads from Kyauktaw to Buthidaung and from Sittwe to Kyauktaw in 1997. Because civilians are forced to perform labor for substantial amounts of time, they are often unable to provide for their families. People are subject to compulsory labor ordered by different authorities. The border patrol administration in Arakan State, known as 'Na Sa Ka', were reportedly one of the security forces responsible for seizing laborers.

Confiscation of land and property of the Rohingyas is another violation in the region. In many parts of Maungdaw, Buthidaung and Kyauktaw townships in Arakan State, the military has confiscated land to build roads, military barracks, hydro-electric stations, prawn farms and other commercial activities. In case where land is taken, there is no compensation for the owner and no recourse to law. The authorities in the region ordered the Muslim to move outside of Maungdaw and Buthidaung and move Burmese or Arakanese families into 'model villages' in the wealthiest parts of Muangdaw and Buthidaung.

In addition to these abuses, Rohingyas have also been subject to increasing many forms of taxation since 1992. Every family in northern Arakan State has to pay a chilli tax, regardless of whether they actually grow chilies. As a result, many Rohingyas are forced to buy chilies at the market rate of 500 *kyat*, and sell them to the Nakasa at the government rate of 100 *kyat*. The Rohingya also report that they have to pay a fee when going on to the river to fish and when going to forest to cut bamboo. New arrivals in 1997 said that the taxes had been extended to farm animals; the owners of a cow had pay to 80 *kyat* a year, while a goat was assessed at 30 *kyat* a year. Also, the Rohingyas have to pay for permits to travel from their village to the next, or to the market village to sell whatever produce they may have.

14.10. Situation of Rohingya Refugees in Bangladesh

At least 300,000 Rohingya refugees arrived in Bangladesh during 1991 and 1992 due to the massive human rights violations occurring in Arakan State, including extrajudicial executions, torture, forced labor and portering. The Rohingya are Bengali-speaking Muslim people from Burma. Some Rohingya refugees describe stories of rape, killings and acts of

religious discrimination in Arakan state. The range and extent of these abuses constitutes widespread repression of the Rohingyas by the SLORC/SPDC security forces, resulting in unprecedented numbers of refugees fleeing the country.

A UN-brokered agreement between Burma and Bangladesh for the 'safe and voluntary return of Rohingya 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.

In the first repatriation exercise, between September 1992 and the end of 1993, UNHCR was not present in Burma and had no agreement with the Burmese authorities about providing assistance to refugees to return. Later, when the UNHCR was present in Bangladesh, it was unable to stop concerted efforts by the Bangladeshi authorities to force refugees to return home. Among the methods used were beating and the withdrawal of food rations. 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.

In 1994, during the second repatriation of Rohingya, the UNHCR did establish a presence in Arakan State and promoted mass repatriation on the grounds that it was safe for refugees to return home. In one month alone, September 1994, nearly 14,000 refugees were repatriated. However, 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.

However, the flight of Rohingyas was not over. Some 10,000 to 15,000 new asylum seekers entered Bangladesh since the end of February 1996. Most of them who described increased forced labor, heavy taxation of Muslims and some instances of rape arrived in the first half of 1997. Local Bangladeshi authorities reported in June 1997 that there was an influx of at least 5,000 Rohingyas in one month alone, stating that 500 of them had been sent back across the border over a two week period. UNHCR and International NGOs were not formally permitted to have access to the new refugees. Those who had relatives or close friends in the refugees camps sometimes tried to live in the camp. However, the Bangladeshi authorities in the camps rooted out new arrivals from the camp and had them charged with illegal entry. Those who did not enter the camps hid in jungle areas or in slums around Cox's Bazaar. Because of the continued human rights violations in the region, some 10,000 Rohingyas entered Bangladesh in 1996, but they were not welcomed by the Bangladeshi authorities. Many of the them were sent back to Burma. On April 20, 1996, fifteen Rohingyas, 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. All fifteen were women and young children. This incident brought much-needed attention to the plight of new asylum-seekers in 1996.

The events of the first six months of 1996 repeated in the first six months of 1997 when some 10,000 to 15,000 new Rohingya arrived in Bangladesh. Because these new arrivals did not enter refugee camps but instead stayed in local villages, it is difficult to get the precise numbers. Similarly, they were stopped by the Bangladeshi authorities from entering into Bangladesh. Lt-Col. Khaled Reza, a commander of Bangladesh's border security force stated, "...if caught, we are pushing the infiltrators back or sending them to

jails.” In July 1997, Cox’s Bazaar Police Superintendent, Matiur Rahman, stated that more than 2,000 newly-arrived Rohingyas had been sent back to Burma within the previous few months.

Although the repatriation process was scheduled to be completed by mid-1997, delays in the repatriation process made 21,800 Rohingya refugees remain in the two camps- Nayapara camp and Kutu Palong camp- at the end of June 1997. The SLORC/SPDC delayed the process until July 15, 1997, when they agreed to receive only those of the 21,800 refugees who had been cleared by them by the August 15 deadline. The SLORC/SPDC has agreed to accept only 7,500 of the remaining 21,800 Rohingyas in the camps. The UNHCR has requested the Bangladeshi authorities to allow the remaining 14,300 Rohingyas to settle in Bangladesh. However, with local hostility towards the refugees increasing, and with Islamic fundamentalist elements actively working within the refugee camps, the Bangladesh government refused the offer of increased assistance and resettlement packages to 21,400 caseload of Rohingyas.

Instead, the Bangladeshi government began forced repatriation in 1997. On July 19, 1997, the Bangladeshi security forces entered Nayapara refugee camp in Cox’s Bazaar district intending to arrest refugees cleared by Burma for repatriation. Apparently no one volunteered for repatriation, so the authorities picked mostly women and children to be sent back. The refugees resisted, with some throwing stones, and tear gas was used to quell the protests. 111 refugees, mainly women and children, were held in the camp office overnight and on the next morning, these people along with 76 other refugees were driven in buses to a repatriation point and forced onto boats to be taken to Burma. A partly paralyzed man and a heavily pregnant women were among those taken.

After the refugees from Nayapara Camp were taken by bus to the river, a group in that camp attacked security forces with canes, iron rods, and bows and arrows, who responded by firing shots and lobbing tear gas canisters. As a result, 15-20 people were reportedly injured, including several policemen. A group of refugees was arrested at the time.

The second forcible return took place in July 22, 1997 in Kutapalong camp. There was no resistance by the refugees at that time, but The UNHCR was not allowed access to the refugees. Some 212 refugees were returned on this occasion.

In 1997, the repatriation process stalled when the SPDC refused to accept more than 21,000 refugees. Burmese authorities said they were mostly “economic refugees” hoping for a better life in Bangladesh camps.

However, the repatriation resumed in 1998 after a recent visit to Rangoon in early 1998 by Bangladesh Foreign Minister Abdus Samad Azad. After several rounds of discussions between Dhaka and Rangoon, the Burmese authorities agreed to take back remaining 7,000 refugees, and according to the latest arrangement between the two countries, 50 refugees in a batch would be repatriated every Wednesday beginning November 25, 1998. In the third week of November 1998, Forty-six Moslem refugees were sent back to Burma from Bangladesh in the first wave of repatriations since they were halted in 1998, government officials said. A group of 46 Rohingya Muslims were seen off by officials of the Bangladesh government and the UNHCR at Teknaf, according to the Bangladeshi officials. However, the repatriation of Rohingya refugees staying in Bangladesh has been stalled again less than one month after. The Burmese authorities conveyed to Bangladesh

that it could not take back the Rohingya refugees during the Ramadan, the holy month of fasting for Muslims across the world. Bangladesh, on the other hand, insisted that it would continue the repatriation process in accordance with the agreement reached earlier between the two sides. Only 100 refugees had been repatriated so far in 1998 because the non-availability of permission from the Burmese authorities and the unwillingness of some refugees to return.