15th Annual Edition

BURMA

HUMAN RIGHTS YEARBOOK 2008

HUMAN RIGHTS DOCUMENTATION UNIT
NATIONAL COALITION GOVERNMENT OF THE UNION OF BURMA

This report, the Burma Human Rights Yearbook 2008, like all previous Burma Human Rights Yearbooks before it, is dedicated to the many and varied people of Burma who have sacrificed their homes, freedom, and lives to lifting the veil of terror that shrouds the truth in Burma today. It has been an honour to have served you over the past 15 years.

Burma Human Rights Yearbook 2008

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Cover Photo: After initially forming in the Bay of Bengal on 27 April 2008, Tropical Cyclone Nargis later struck the Burmese coastline on 2 May 2008 with winds of up to 215 KPH (135 MPH) in what became the single-most catastrophic natural disaster in Burma's history and the second deadliest named cyclone in the world's recorded history. In the wake of the cyclone, it was estimated that as many as one million people had been displaced, at least 146,000 had lost their lives, and that the damage bill was in excess of US$10 billion. This photograph, taken on 19 May 2009, two weeks after the cyclone struck shows a group of displaced villagers huddling together in the rain beside a road in Dedaye Township, Irrawaddy Division. These villagers, like millions of others like them, were still waiting for assistance after their homes and livelihoods had all been lost. What was already a very serious natural disaster quickly became far worse as a result of the military regime's gross negligence. Not only did the junta fail to provide any advance warning of the impending cyclone, but they were also slow to respond after the cyclone had hit. Foreign aid workers were initially denied entry to the country, and much of the relief supplies sent into the country were either misappropriated by the military or relabelled so as to appear to local communities that it was the SPDC who was responsible for the provision of aid. Reports later emerged of villagers in the Irrawaddy Delta being forced to repay the regime for the aid that they received. Meanwhile, the junta's planned constitutional referendum went ahead as planned on 10 May 2008, despite the high death rate and considerable damage caused. In July 2009, 15 months after the cyclone struck, the UN estimated that less than seven percent of the needs for shelter had been met. *[Photo: © Reuters]*

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Though the HRDU retains copyright of the *Burma Human Rights Yearbook*, it does not belong to one organization alone, but to all the many varied and diverse peoples of Burma who have lived too long under the oppressive weight of military rule. The *Burma Human Rights Yearbook* is thus dedicated to the people of Burma who have sacrificed their homes, freedom, and lives to lifting the veil of terror that shrouds the truth in Burma today.

The Human Rights Documentation Unit (HRDU) is the research and documentation department of Burma's government-in-exile, the National Coalition Government of the Union of Burma (NCGUB). This, and all previous editions of the *Burma Human Rights Yearbook* may be viewed on the NCGUB website at www.ncgub.net or on the Online Burma Library at www.burmalibrary.org
Questions or comments can be submitted to the HRDU at enquiries.hrdu@gmail.com.

BURMA

HUMAN RIGHTS YEARBOOK 2008

Violations against the dignity, livelihoods, and fundamental rights of the people of Burma

HUMAN RIGHTS DOCUMENTATION UNIT
NATIONAL COALITION GOVERNMENT OF THE UNION OF BURMA

Preface

The Human Rights Documentation Unit (HRDU) began monitoring the human rights situation in Burma 15 years ago with the publication of the *Burma Human Rights Yearbook 1994*. Since that time, the HRDU has continued to monitor and document the human rights situation in Burma, culminating in this present report, the *Burma Human Rights Yearbook 2008*. Indeed, this current report represents the 15th annual instalment of the *Burma Human Rights Yearbook* series. Collectively, the *Burma Human Rights Yearbooks* embody the most complete historical account of the human rights situation in Burma over those past 15 years. To date, the HRDU has published over 10,000 pages of highly detailed human rights documentation. Together, the *Burma Human Rights Yearbooks* present an unparalleled and unbroken historical record of the systematic and egregious nature of the human rights abuses committed by the military regime and its allied ceasefire armies spanning the past one and a half decades, and as such will be of paramount importance following the eventual democratization of Burma and the convening of a truth commission or transitional justice program to hold the perpetrators to account for their actions.

Few organizations working to document human rights in Burma, or indeed anywhere in the world for that matter, can boast such a comprehensive body of work. While most organizations working on human rights issues in Burma limit the scope of their work to a particular thematic issue, ethnic group or geographic area, the HRDU, through the publication of the *Burma Human Rights Yearbook*, addresses the full gamut of human rights abuses being perpetrated in all areas across the country. Similarly, few other organizations working to promote human rights in Burma can claim the longevity of the HRDU.

At 1,092 pages in length, comprised of approximately half a million words (excluding the endnote citations; of which there are over 4,800), this present publication, the *Burma Human Rights Yearbook 2008*, is the single largest, most comprehensive, most inclusive report ever produced by any organization in the world detailing the human rights situation in Burma.

This, however, in itself is no cause for celebration. Sadly, many of the issues examined in this current report remain the same as those discussed in the very first *Burma Human Rights Yearbook*, 15 years ago. The military remains firmly entrenched in power and wholesale oppression of the civilian population continues. Despite ongoing documentation activities, increased public awareness of human rights, repeated examples of public dissent and calls for reform, coupled with unprecedented levels of international awareness and condemnation of the situation in Burma, the State Peace and Development Council (SPDC) military regime has persistently failed to address (or even listen to) the grievances of the general population.

Alas, the sheer size of this present report and the undeniable volume of evidence which comprises it, indicates that there has been little discernable improvement in Burma since the HRDU first began monitoring the situation 15 years ago.

The year 2008 proved to be yet another tumultuous year for the people of Burma. Not only did we witness the single most catastrophic natural disaster in the nation's history in the form of Tropical Cyclone Nargis which struck Burma's coastline on 2 May 2008 and claimed an estimated 140,000 lives in the process, we also saw the extent of the regime's malevolence manifested through its near-complete lack of response to the tragedy. Though an estimated 2.4 million people had been adversely affected by the cyclone, approximately one million of whom had been displaced, the junta scarcely lifted a finger. Even when the international community was beating on the door with generous offers of relief and assistance for those affected, the SPDC actively prevented the provision of aid. Offers were turned down and visas for aid workers were rejected. It was not until the junta's obstruction of the aid effort was equated with Crimes Against Humanity, that international aid organizations were allowed in, although even then, they were still denied access to some of the worst affected areas.

Still, the SPDC announced its intention to move ahead with its planned constitutional referendum scheduled to take place on 10 May 2008, just over a week after the cyclone had struck and while the vast majority of cyclone survivors had still yet to receive any form of aid whatsoever. Reports soon emerged of cyclone survivors being evicted from emergency relief centres set up in schools, monasteries and community halls so that these spaces could be used as polling stations. By July 2008, the SPDC had prematurely closed almost all of the relief centres set up in Irrawaddy and Rangoon Divisions, ordering those who had been seeking refuge there back to their decimated villages despite UN estimates that aid would need to be provided for at least six months. The last two remaining aid centres in Labutta Township in Irrawaddy Division, one of the worst hit areas, were ordered shut on 10 August 2008. The displaced villagers were simply told that, *"[t]he government has given you enough assistance and relief material so you must go back home"*. Meanwhile, an estimated 20,000 square miles of farmland remained inundated with salt water.

The only respite that the SPDC offered cyclone survivors was to postpone the referendum for two weeks in the worst affected areas. All other areas were still force to vote on 10 May 2008. However, before these communities were able to even cast their votes, on 15 May 2008, the SPDC announced that the constitution had been *"overwhelmingly approved"* with a referendum result of 92.4 percent in favour. Unsurprisingly, this result was met with widespread scepticism and condemnation of being little more than a sham designed to assure the military's continued grip on power.

Meanwhile, throughout the country, SPDC army soldiers continued to perpetrate widespread and egregious human rights violations against the civilian population. Thousands of reports emerged throughout the year detailing military involvement in cases of arbitrary arrest, torture and extra-judicial executions, rape, the use of forced labour, widespread deployment of antipersonnel landmines in civilian areas, the recruitment of child soldiers, the restriction of fundamental freedoms, the oppression of minority groups, deprivation of livelihood and the destruction of property, and complicity in the drug trade, all within a climate of near-complete impunity.

Sadly, such trends appear likely to continue. The approval of the constitution almost guarantees the military of their privileged position as a class unto itself. Moreover, the SPDC's frequently displayed intransigence for compromise or reform, and its apparent inability to demonstrate any form of common decency towards the civilian population of Burma, indicates that the coming year will only spell more of the same.

How many years and lives will it take to put a stop to these crimes? What will it take for the international community to stand behind the people of Burma and demand that these atrocities be put to a stop? Though the HRDU, and other grassroots organizations like us, have been bringing these abuses to the world's attention for the past 15 years, it must not be forgotten that the people of Burma have suffered under military rule and its concomitant human rights abuses for the past half a century. The time is long overdue to demand respect for human rights, justice and human dignity for the people of Burma. Enough is enough!

The Director
Human Rights Documentation Unit
National Coalition Government of the Union of Burma

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The Human Rights Documentation Unit (HRDU) is indebted to all of the sources cited throughout this report. The HRDU would like to thank all of the organizations and individuals for their valued contributions that lead to the production of the *Burma Human Rights Yearbook 2008*, of which, there are regrettably far too many to list here.

The HRDU would also like to convey its appreciation to the indebted team of volunteers who assisted in the production of the *Burma Human Rights Yearbook 2008*, the publication of which would not have been possible without your generous support. Specifically, the HRDU wishes to thank the following individuals for the assistance that they offered to the HRDU throughout the *Yearbook* process: James Campbell, Carina Brandow, Eleanor Byrne-Rosengren, Edmund Clipson, Rose Ehler, Rachel Eichholz, Sena Galazzi, Shannon Gough, Jenny Hedstrom, Mairead Heffron, Victoria Hilliard, Padmini Mungunta, James Souter, Joe Stockton, Tahlia Thompson, and Rene Williams.

Last, but by no means least, the HRDU would also like to express its most sincere gratitude and respect to those individuals who continue to risk their freedom and indeed their very lives in the ongoing struggle for peace, justice and democracy in Burma, who we are unfortunately, and for reasons of security, unable to list here by name. This report, the fifteenth annual edition of the *Burma Human Rights Yearbook* is as much yours as it is ours.

May our collective dreams of a free Burma one day be realized to be shared by all.

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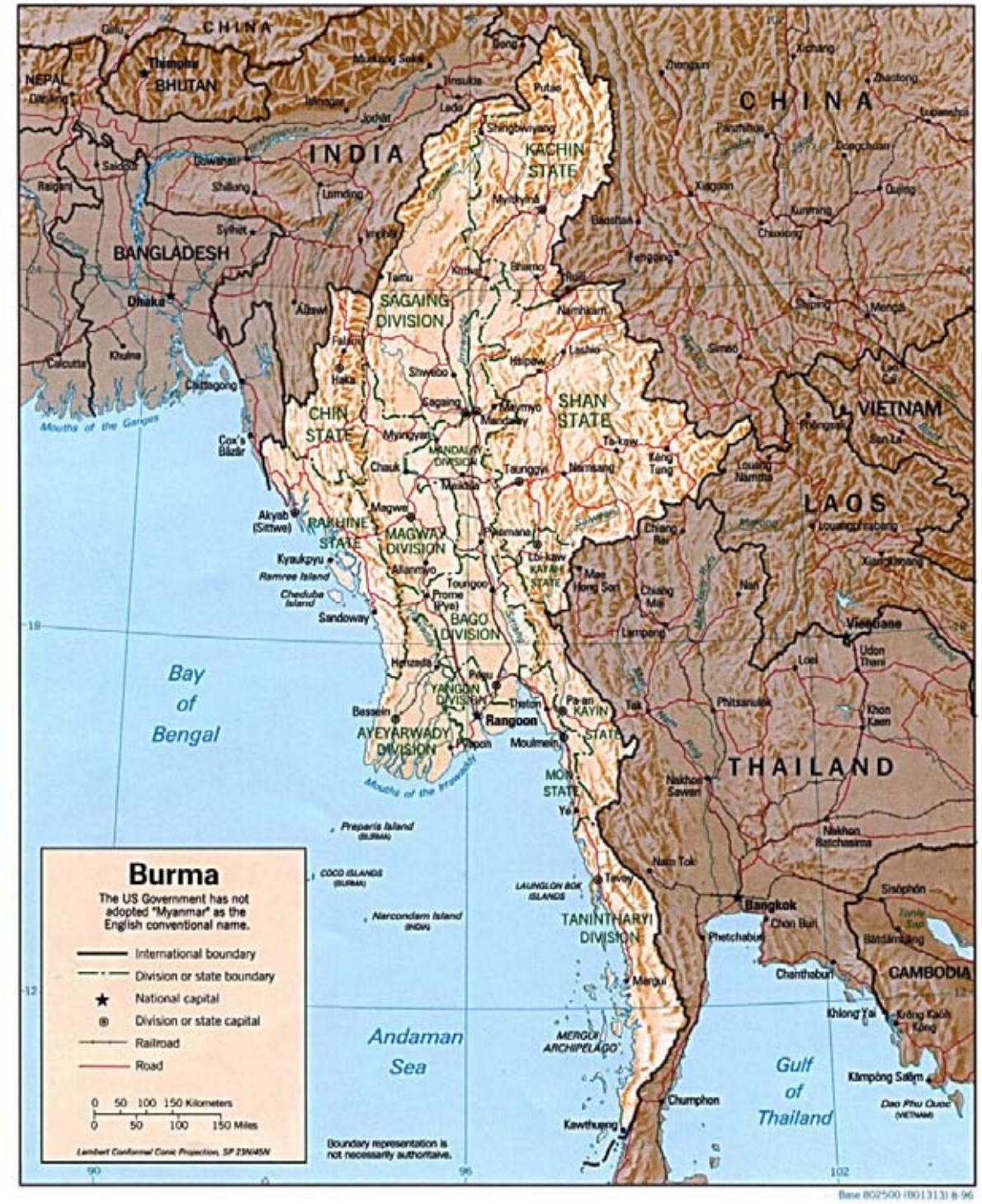
Map of Burma



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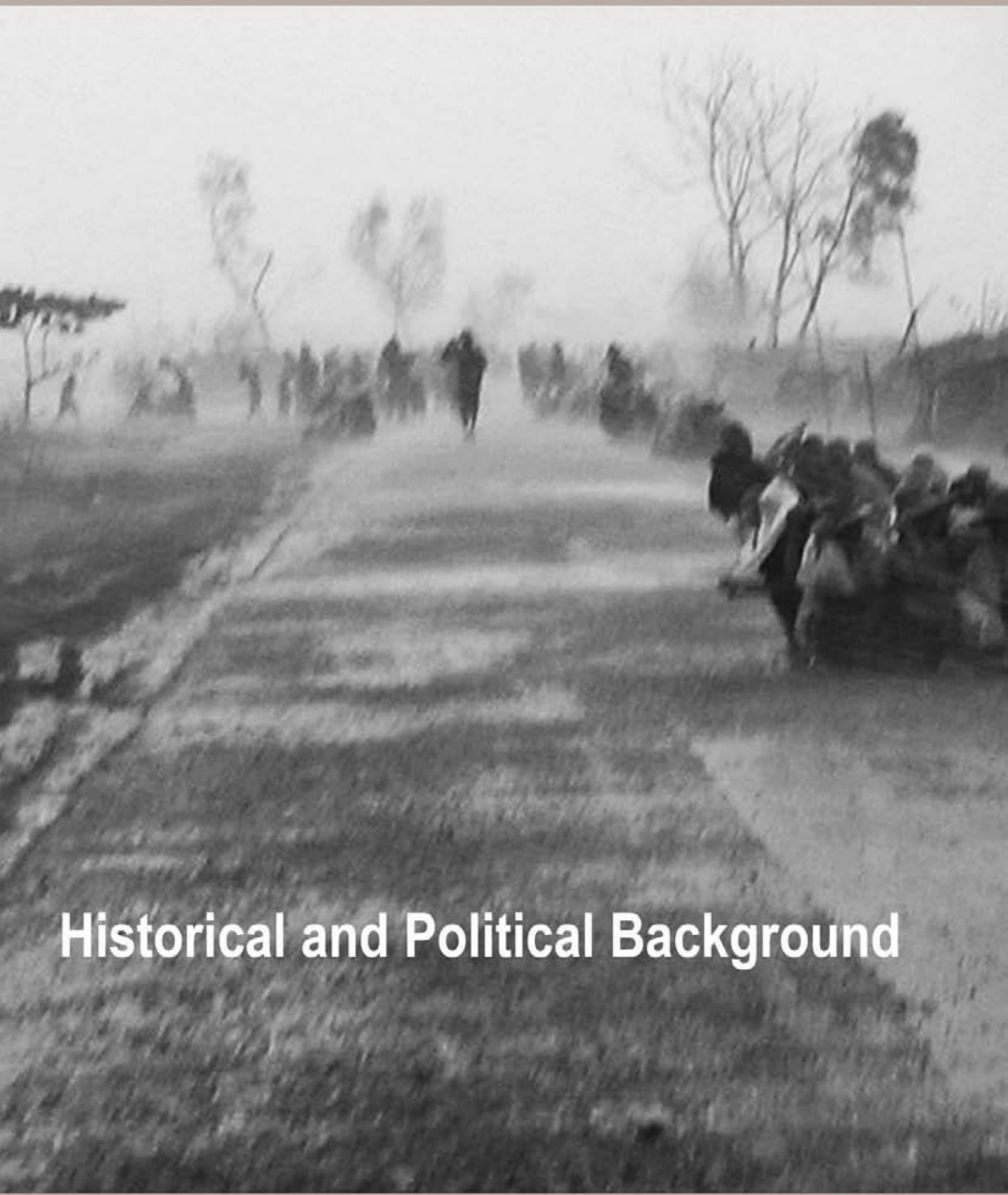


Historical and Political Background

BURMA

HUMAN RIGHTS YEARBOOK 2008

Introduction

Since 1992 the United Nations Human Rights Council (HRC) has placed Burma under a "*mandate on the situation of human rights in Myanmar*" and appointed successive Special Rapporteurs on the situation of human rights in Burma to monitor the progress of human rights development in that country.[1] With little positive improvement, the mandate has been renewed every year. The widespread use violence against ethnic minorities and women, the illegal detention of prisoners in appalling conditions, and the persistent use of child soldiers feature on the list of abuses that have earned Burma this dubious honour from the UN. A brief review of Burma's history over the last sixty years clearly indicates that this hostility towards the population of Burma is typical of the Burmese military.

Burma has been plagued by civil war since it gained independence from the United Kingdom (UK) on 4 January 1948. The State's repeated failure to acknowledge the legitimate grievances of insurgent groups and the populations from which they arise has seen civil war continue. Stathis N. Kalyvas, a prominent authority on the use of violence in civil warfare, has observed that violence often becomes the only tool of control in a civil war and those who monopolize violence in civil war assume the mantle of power.[2] In Burma, the military has done just this. Kalyvas has further noted that when the incumbent enjoys 'strong' control over their population, incidences of violence will be unlikely, but when the incumbent maintains only 'secure' but not 'strong' control over an area, insurgents may organise clandestine cells and attack the establishment. Thus violence by the incumbent is typically more frequent in a zone of only 'secure' control, as they fear possible defection to the opposition movement.[3]

In the context of civil war, counter-insurgency campaigns are typically designed to target civilians who, it is feared, will provide support for the insurgents. In Burma, the military has largely monopolized the exploitation and allocation of resources, the means of communication and political power at the expense of the civilian population. In the eyes of the military, this renders civilians who may protest for the right to participate in political activity and the right to decide on the management of the economy as potential insurgents and autonomous organization in civil society is deemed an anti-State activity. Political activity is only permissible if it manifests itself as consent to the military's rule and aims. The prevention of the defection of civilians to the opposition movement requires the constant surveillance of society to ensure that any dissent is promptly and effectively suppressed. The Burmese military has relied heavily on a political intelligence apparatus to ensure that society never coheres or organizes in an 'insurgent-like' manner. This, and the continued violence exercised against ethnic minority groups who seek to manage their own affairs, has ensured that Burma exists in a 'secure' but never 'strong' state of control, and thus creating an environment for a high frequency of human rights abuses.

Constitutional Period (1948 – 1962)

On 4 January 1948, Burma gained its independence from the British who, in the nineteenth century, fought three wars against the Burman Empire and finally conquered it in 1886. Civil war on independence was an inevitable outcome of the violence of the preceding years. A group of Nationalist Burmese calling themselves the *Thakins* ("masters") had agitated against British colonial rule during the thirties and invited the Japanese imperial army into their country in 1942 after having been promised that they would help Burma regain her independence from the British. The Japanese had provided military training to the *Thakins*, who then formed the nucleus of a national army, named the Burma Independence Army (BIA).

During the Second World War, the Japanese succeeded in driving the British out of Burma and governed the country under military rule until 1 August 1943, when they granted Burma her independence under Japanese 'protection'. However, on 27 March 1945, the *Thakins* turned against the Japanese and defected to the Allies and the country once again came under British colonial administration. The population of Burma was scarred by its experience of the war. Japanese, British and American forces who had all been active in the arena had armed the different peoples of Burma against one another and communities retained a vast number of firearms after the war's end. Prior to the war, the British had often armed village militias to aid to aid its forces in counter-insurgency operations.

The *Thakins* received their military training from Japanese colonialists who had extensive experience in brutal repression of the populations in China and Korea, and under the Japanese occupation, the BIA had massacred ethnic Karen communities for their sympathies with the British colonialists. In a civil war, local grievances often underlie violence. At the war's end, grievances in Burma were manifold and the fault lines for a bitter civil war were all present.

Insurgencies, violent crime and assassinations flared during the British transfer of power. The British Labour government had agreed to hand over powers to a local government led by *Thakin* General Aung San, who had been the leader of both the BIA and the nationalist civilian Anti-Fascist People's Freedom League (AFPFL). However, Aung San and a number of his colleagues were assassinated on 19 July 1947 as the constituent assembly that was writing a new constitution was in recess. Power was then given to *Thakin* U Nu to lead the independent government of Burma. A number of the details of the transfer of powers exacerbated the tensions among numerous ethnic and political factions in the country. Ethnic groups felt marginalized by the new constitution, and the Communist Party of Burma (CPB) considered the agreements for military cooperation with the British a betrayal to the anti-imperialist cause. Within three months of independence, the CPB had revolted, resulting in the defection of two army battalions. Counter-insurgency operations against the CPB had used Karen troops, which fostered greater animosity between Karen and Burmese communities. In December 1948, Karen dissent was stoked by the bombing of a Karen Church and in January 1949, Karen representatives also instigated an insurgency against the central government with the formation of the Karen National Union (KNU). With a high proportion of Karen soldiers and Communist sympathisers defecting from the government army, the Burmese military was desperately under-resourced and inadequate to the task of suppressing the numerous insurgencies which began to open up across the country.

At this point in history, the government of the Union of Burma was so weak that it was known as the 'Rangoon Government' as it had little administration over the rest of the country. In January 1949, the newly-formed Karen rebellion came within miles of the capital. The army was so under-resourced that field commanders were told to supply themselves from their local environment.[4] Paramilitary units that were affiliated to landowners or politicians were a more significant presence in Burma than the military itself. Local grievances vented

themselves in armed conflict. Indeed, Bertil Lintner has noted that CPB membership was based more on clan loyalty than ideological fidelity.[5] Nevertheless, the U Nu government's control of key resources enabled it to buy the loyalty of factions around the country and push back the various insurgencies. Communist-held towns were taken back and the Karen had retreated from central Burma by 1950. British and Indian support for U Nu's government aided its survival in the early years of independence.

In 1950, however, the government was undermined by an invasion into Shan State. The nationalist, anti-communist Chinese Kuomintang (KMT) fled China after the victory of the Chinese Communist Party (CCP), and those who arrived in Burma sought to establish a base in Yunnan Province, bordering Shan State. Around this time, and much to the disappointment of American anti-communist foreign policy makers, Burma had adopted a neutralist stance in global politics.[6] The United States Central Intelligence Agency (CIA) escalated support for the Kuomintang to launch armed attacks on Yunnan, motivating the Burmese government to rearrange its armed forces. The Burmese military is said to have become reorganized as a *"structured, centrally administered armed force for large-scale operations".*[7] Meanwhile, the KMT supported itself by capitalizing on the opium trade in Shan State. The threat posed by the persistence of the KMT encouraged U Nu to bestow a number of new powers to the military, which allowed it to attain a position of great influence over civilian affairs. The security apparatuses, counter-insurgency tactics, the role allocated to the civilian population in times of war and the definition of the enemy, which dominate Burma's contemporary history, were all developed in the 1950s.[8]

Thakin Ne Win, Burma's defence minister, was then able to expand his role in State affairs as head of counter-insurgency operations. The War Office secreted control of the defence budget from the civilian government, and the military used the Defence Services Institute (DSI) to provide an independent economic base for the military. Originally, the DSI provided welfare needs for soldiers in the field, however, under Ne Win; the military used it to enrich themselves with tax-free business opportunities. In the absence of stability and a secure standing in the country, U Nu charged the military with the task of *"ridding them of internal and external elements"*.[9] Violence against political opponents of the State was quickly becoming a tool of control in independent Burma.

U Nu's AFPFL government was *"increasingly intolerant"* as civil war heightened in intensity.[10] This intolerance entailed a number of totalitarian measures, including imprisonment without trial. Intelligence agencies were increasingly called upon to aid control of the civilian population, rather than to merely provide intelligence for military operations.[11] In a civil war the opponents struggle for control of civilians; their compliance is crucial to the rule, order and security of the party struggling for dominance. Intelligence becomes vital to deterring defection to the opponent while directing force and repression to selected targets. In the absence of reliable intelligence, however, counter-insurgents attempt to deprive the insurgent of civilian support by more severe and indiscriminate means of violence. While a number of insurgencies still flared in Burma, the government sought the intelligence services to provide an understanding of civilian attitudes to the government to enable it to maintain power.

In early 1953, the Burmese army was defeated in battle by the KMT. This saw the most drastic overhaul of its organization, outlook and ideology to date. Developing an army capable of defending against a foreign invader for a three-month period then became paramount as Burma had feared reprisals against the KMT from China. Burma army officers had reportedly expressed the necessity of *"mobilising the population"* against an invader at Commanding Officers conferences, and at the Commanding Officers conference in 1956, a Psychological Warfare directorate was established to counter the influence of communist propaganda. According to Mary Callahan, this was *"U Nu's personal project"*.[12] The notion of civilians as a battleground for control was becoming firmly entrenched in State power.

That same year Burma held a general election. The AFPFL was returned to power but U Nu absented himself from the premiership and delegated authority to his subordinate Ba Swe. Ba Swe had strong sympathies for the military, which used his brief tenure to expand its powers, its military intelligence apparatus, and the DSI's profit base.[13] U Nu returned to politics in February 1957 to find civilian rule further compromised. Meanwhile, the army did not enjoy a hegemonic identity; Ne Win was struggling to achieve control over dissenting opponents within the military ranks. Field and staff commanders were divided, with the field commanders having enjoyed a significant degree of autonomy from central control thus far.

Factionalism ran rife within mainstream politics as well. In mid-1958, the AFPFL split into two factions: one lead by U Nu and the other by Ba Swe. On 4 June 1958, Ba Swe filed a motion of no confidence against U Nu which was put to a vote later that month. U Nu won the vote, but by a margin of only eight votes. As a result of growing instability in the country, on 26 September 1958, U Nu stepped down from office and recommended that Army Chief of Staff, General Ne Win take over as the head of a "caretaker government" until such time as new elections could be held.

Ne Win was sworn in as the country's fourth Prime Minister on 27 October 1958. Ne Win's "caretaker government" of 1958-1960 consolidated the army's developments in internal security and the Psychological Warfare Department stepped up its propaganda against communism, utilising Buddhism in its support.[14] In addition, the military produced a paper entitled: *Some Reflections on our Constitution*, in which they outlined the role of the army in holding the Union together and suggested that civilians were too easily influenced, and thus untrustworthy.[15] The negative implication of this is that, by definition, the population was incapable of winning the trust of the military. Suspicion of the population required constant tabs on their attitudes towards the caretaker government. Ne Win understood this well and embarked on his *"pet project"* to form a Military Intelligence (MI) apparatus that went beyond military intelligence duties to monitor the civilian population. A number of camps were set up throughout the country to train officers in intelligence gathering duties. Ne Win's training under the Japanese secret police, the *Kempeitai*, was the reference point for the security services. A network of spies and informers was cast over society and the MI became an "*integral part of the administration*".[16]

Where the caretaker government was unable to rely on the intelligence network to enforce its control over society, it resorted to the use of indiscriminate violence. In Shan State, counter-insurgency operations against KMT bases had taken their toll on the local population. The KMT was less the target than the civilian population. According to Kalyvas, *"Civilians are the primary and deliberate target"* in a civil war.[17] The caretaker government actively opposed the autonomous organization of civilians. Meanwhile, young Shan nationalists claimed their right to secede from the Union of Burma and in 1959 launched an attack on a government-affiliated paramilitary outpost in Shan State. Similarly, Kachin nationalists who likewise reserved the right to secede under the 1947 constitution rose up against the central government after years of neglect and poverty[18]. The founding of the Shan State Independence Army (SSIA) and the Kachin Independence Army (KIA) resulted in a confrontation with the military that would endure for decades.

The caretaker government clamped down on freedom of expression and the Psychological Warfare Department circulated information deemed appropriate for the population. Meanwhile, Ne Win increased the numbers of military personnel within the administration. In the capital, thousands of the poorest members of society were relocated to new settlements. Ne Win's aim was the *"disenfranchisement of the weaker sections of society"*, and the suppression of alternative forms of political, social and economic organization paved the way for a major expansion of DSI ventures.[19] The DSI quickly became the biggest business in the country after its purchase of a number of transport, industry and other enterprises. To further entrench its position, the caretaker government also dismantled all forms of the U Nu

government's local administration apparatus. Ne Win's government had no popular mandate and instead used propaganda and intelligence to control people, and where this was inapplicable or difficult to enforce, indiscriminate violence was the rule.

The military consolidated its organization, power and outlook during the 16 month term of the caretaker government. General parliamentary elections in February 1960 saw U Nu returned to power. The electorate was tired of military rule. However, U Nu's return did not ameliorate Burma's escalating problems. Floods and low fuel supplies, combined with the new insurgent uprisings across the country caused widespread dissatisfaction with the central administration. U Nu had then provoked dissent among Christian and Muslim minorities when he called for Buddhism to become the official State religion. The KMT had also renewed its campaigns and an American airplane providing them with supplies was shot down over Shan State, exacerbating fears of a foreign invasion.[20] U Nu also provoked the military itself when he attempted to nationalize Burma's import and export trade at the DSI's expense.[21] By this stage, the military had become a class in its own right and had enough force to repress threats to its political and economic privileges. When violence is often the only tool of control in civil warfare, those who wield it monopolize authority.

The military's role as protectors of Burma's unity was further threatened by the organization of ethnic groups into a Federal Movement, which called for greater rights under the constitution of Burma. U Nu sponsored an Ethnic Nationalities Seminar in 1962 as a forum for minority representatives to air their grievances, during which, the army's heavy repression came in for particularly scathing criticism. However, much of this fell on deaf ears. The military was convinced that only it could lead the nation. Its ideological indoctrination and the propaganda of the Psychological Warfare Department had persuaded its officers of their supremacy.

During the caretaker government, Ne Win had suppressed dissenting factions within the military and had consolidated the command and organization of the army. The impoverished and divided population was not able to unify and organize in opposition to the army, and Ne Win planned to keep them in such a condition to enable military rule. The caretaker government had provided Ne Win with a trial run for long-term rule, which he moved to establish in 1962.

BSPP Military Rule (1962-1988)

On 2 March 1962, before U Nu was able to implement the recommendations from the ethnic nationalities seminar held earlier in the year, Burma army units seized control of Rangoon in an organised *coup d'etat*. There was no other arm of the State capable of defending parliamentary government and the coup was thus carried out without fear of any resistance. Soon after taking power, Ne Win established a Revolutionary Council (RC) comprised of 17 senior military officers. He appointed himself as its chairman and very carefully filled the positions of the other 16 members with officers who were loyal to him. In July 1962, the Revolutionary Council founded the Burma Socialist People's Party (BSPP) as the only legitimate political party in the country, effectively ending Burma's only period of parliamentary democracy.

The BSPP produced a book, the *System of Correlation of Man with his Environment* to inform the population of the correct way to behave in the new society. Many of the concepts outlined in this work paralleled earlier Psychological Warfare propaganda and it became apparent that Ne Win was less interested in legitimizing the rule of the new administration with the people than with persuading them to concede to its authority. The civilian population became the contested ground for control in a civil war, not participants in society with economic, social and political rights.

Ne Win's actions against protesters post-coup confirmed this; students rallying against the regime's rules in 1962 were shot down. The student union was dynamited, according to fellow students, with hundreds still inside.[22] In 1963, rallies held in support of peace talks with the CPB and ethnic factions were repressed with ruthless violence. Educational facilities were filled with informants for the regime to ensure that dissent could be quickly repressed with minimal disorder. Meanwhile, rural communities fared no better. In 1963, a General Staff Office report observed that it was *"difficult to distinguish insurgents from villagers"*.[23] Repression and Ne Win's intransigence towards opposition groups' political demands exacerbated insurgencies. Only a refined use of intelligence could aid the BSPP's efforts to repress dissent with the minimal amount of violence possible; where government presence was insecure and an intelligence flow at a minimum, the use of violence was heightened. Nowhere was this truer than ethnic minority areas where local informers were unlikely to be forthcoming and where there was a tendency to consider all members of the ethnic group to be sympathetic to the insurgents, if not insurgents themselves.

In the meantime, the DSI had monopolized control of the economy. Foreign-owned businesses were taken over and the private sector was all but eliminated. Farmers were made to sell their rice to the State at rates that were well below the prevailing market values. This widespread nationalization of the economy was less about a socialist redistribution of wealth to the poorest than *"the material foundation for the emergence of the Tatmadaw [Burmese armed forces] as a privileged, self-perpetuating caste"*.[24]. Ne Win was content not to engage with foreign trade, even for military materiel. Isolation provided a better pay-off for ensuring the continuance of the military caste. However the plan backfired by producing a thriving black market along Burma's borders benefiting the insurgent groups who administered taxes along informal trade routes.

The military moved to repress these insurgencies. It had adapted its counter-insurgent strategy after its experiences of the first decade of independence. There was a decrease in large-scale operations and a move towards smaller-scale operations more suitable to counter-guerrilla style warfare.[25] The Revolutionary Council, incapable of facing down all insurgencies at once, made pacts with local warlords and their militias in an effort to contain local disorder. In Shan State, for example, they allied with leading drug warlord Lo Hsing Han, permitting him trading privileges in return for ensuring security in the area. These

militias, known locally as *Ka Kwe Ye* (KKY) were established in numerous rural ethnic areas across the country. Khun Sa was another local warlord who rose to prominence through the KKY system. Perhaps rehashing recommendations made by the army's commanding officers in the 1950's, the military high command the adopted the notion of a *"people's war"*, to inspire the general population to fight on the side of the military.[26] Neutrality was not an option, nor even a concept, and areas such as Shan State in which the KKYs operated were devastated. Civilian sympathies for the insurgents marked them out for severe repression.

Integrating the civilian population into the State by affording them economic and political benefits was discarded in favour of increasing efforts to establish a monopoly of violence over the population. According to some analysts, *"[t]he main objective"* of counter-insurgency strategies *"is to deprive insurgents of civilian support"*. Counter-insurgents have often resorted to relocation of the civilian population into concentrated areas of control *"in order to 'dry the sea' in which insurgents swim like fish"*.[27] The military organised their forces according to this principle and implemented the 'Four Cuts Policy'. The four 'cuts' which lend themselves to the name of this Policy were to 'cut' the recruitment base, intelligence, food supply and funds of insurgents, which lay in the rural villages. Villagers were cordoned off and ordered into strategic villages under direct military control.[28] In these villages, the residents were ordered to form village militias to suppress dissent in the local area and widespread violence and destruction was levelled against civilian villagers. The Four Cuts Policy was responsible for a great number of the human rights abuses for which Burma became notorious.

In order to more effectively implement the Four Cuts Policy, the military created the Light Infantry Divisions (LID): large readily-mobilized offensive forces comprised of up to ten infantry battalions to violently suppress any opposition to continued military rule. The LIDs have been referred to as the *"backbone of Ne Win's support"* and received preferential treatment among the army.[29] In areas where there was likely to be a total absence of any local collaboration or informers, especially in insurgent-held areas and/or ethnic minority regions, the LIDs were mobilized and indiscriminate violence was utilised. The Revolutionary Council had a map of Burma which was divided it into military-secured 'white areas', contested 'brown areas' or insurgent-held 'black areas'. The aim was to turn the map white, and rather than understanding white as representing safety and an end of conflict, the white zones would be areas where the regime could rely on informers to monitor dissent and where they could exploit local populations to serve the interests of the military. This would see a shift from indiscriminate violence to selectively applied violence and pressure.

In central Burma, Ne Win moved to replace all vestiges of civil society with loyal mass organizations that would support the military. Peasant workers and council organizations were initially founded in the 1960s and their support base eventually grew into the millions over the years. The civilian population was part of the strategic planning of the military's master plan: they were expected to participate in the *"people's war"*. Roads were developed to ostensibly improve trade routes, though when needed, would form part of the military's communications infrastructure and facilitate the rapid mobilization of large numbers of troops. Similarly, civilian organizations developed during times of peace could mobilize support for the military during times of war. Complementary to this were the ideological indoctrination training courses compulsory for all military personnel, which were rigorously observed.[30]

Much of the conflict that has been waged in Burma since independence has been guerrilla warfare, which is far more complex than conventional warfare. To effectively counter a guerrilla war requires activity on political, social and economic grounds as well as military capacity. Psychological Warfare, MI agents, provocateurs and informers were the means of countering potential support for insurgents. For example, in 1967, in response to popular anger over widespread food scarcity, Ne Win provoked communal riots against the Chinese in Burma, bearing striking similarities to an earlier tactic of Ne Win's Japanese mentors who

had provoked ethnic riots in the hope of *"uniting"* the Burmese.[31] As the CPB, backed by the Government of China, took over vast swathes of land in northeastern Burma in 1968, Ne Win accelerated his efforts to *"solidify the nation in the wake of the 'Communist invasion'"*.[32] He even made some approaches to U Nu and other opponents, however, when it became clear that Ne Win would not compromise, U Nu fled the country in 1969 and later formed the Parliamentary Democracy Party (PDP) which was allied with a number of ethnic insurgent groups and had vowed to unseat Ne Win from power. Through the implementation of the Four Cuts Policy, the military eventually pushed the CPB out of central Burma. Ne Win was confident enough of his power to call for a new constitution in 1974.

The constitution won the approval of 90 percent of the electorate. After years of building up a mass base of support within the BSPP, Ne Win mobilised this following to ensure support for the constitution. That it was not a constitution based on the participation of constituents is evident from the arrests made of those who dared to contribute suggestions.[33] Politics in Burma at the time was a battleground for control, not a forum for participation. Following adoption of the new constitution in March 1974, the Revolutionary Council was dissolved and the country was proclaimed the Socialist Republic of the Union of Burma. The second constitution of independent Burma differed markedly from its predecessor. The *Pyithu Hluttaw* or People's Assembly, a single chamber legislature, became the highest governing structure in the country and Ne Win, who was the head of the BSPP, took over the Presidency. Under the one-party regime, freedom for the people of Burma was largely repressed.

The security apparatus was also revised again at this time to provide a more centralised means of intelligence gathering and the National Intelligence Bureau (NIB) was formed. Improved intelligence gathering was required to maintain the functioning of the new constitution. However, the intense MI counter-intelligence operations failed to suffocate widespread discontent over the economy.[34] Violent repression was employed against striking workers and Ne Win's mishandling of former Burmese UN Secretary-General U Thant's funeral provoked major agitation. In response to the protests, indiscriminate force was applied and unknown numbers killed by the security forces. Afterwards, universities were closed down at the first sign of any agitation and Ne Win narrowly averted a coup by younger officers in 1976.

At the same time, the counter-insurgency operations in the border regions were escalating in ferocity. Tactics had changed with the abandonment of the KKY program. Drug warlords had become too powerful and Ne Win had a new ally in destroying civilian support for insurgents: the US Drug Enforcement Agency (DEA), which had bolstered the Ne Win regime with military materiel for countering opium traffickers. Critics of the program at the time considered it to *"provide the very equipment that makes deprivation of human rights more efficient"*.[35] The situation worsened in the 1980s when the DEA had supplied the BSPP with a herbicide to poison opium crops. The poison, however, was primarily used by the military in its counter-insurgency campaigns to poison the land and water used by local villages in an attempt to depopulate those areas.

Deteriorating Chinese support for the CPB aided the military's operations against their bases in the Northeast culminating with the assassination of numerous prominent communist leaders. Divisions were rife among other insurgencies as well; rapprochement with the CPB was a sore point among some insurgent groups. U Nu's reluctance to concede on the question of federalism had ended his short-lived alliance with several insurgent groups. Meanwhile, ideological tensions divided the insurgent groups against each other, such as the CPB and the KNU under their anti-communist leader Bo Mya.[36] Despite these differences and the best efforts of the military, the insurgencies would not disappear; the political demands of the local populations still persisted. Ne Win's intransigence aggravated the grievances of ethnic populations. Into the 1980s the army was suffering from the

isolation of the country and their lack of materiel. They simply did not have the resources to occupy the areas in which the insurgents operated. Prominent Burmese military analyst, Andrew Selth has maintained that, *"[t]he army was frequently outgunned, and out manoeuvred by its opponents, who often enjoyed better sources of supply … and greater support from the local populatio*n".[37]

The persistent and bitter civil war was ruining the nation and Ne Win applied for 'Least Developed Country' status from the United Nations in 1987. A series of demonetisations aimed at denying black market support for insurgent groups devalued people's savings overnight. Economic policy was oriented to military requirements. The widespread human rights violations perpetrated by the military were beginning to come to the attention of the world. For instance, the operation against the predominantly Muslim Rohingya in Arakan State in 1978 which drove approximately 200,000 refugees over the border into Bangladesh resulted in the emergence of numerous reports of army harassment, rape and looting. Amnesty International (AI) revealed that extra-judicial executions, torture, rape and the burning of villages were frequent in areas subject to the Four Cuts Policy. The notions that economic, political and social affairs were subordinated to military ends ensured that development was neglected. Political negotiation with insurgents, the only means of ensuring peace, was anathema to a ruling caste that only understood politics insofar as it meant mobilizing citizens in support of the military project and its self-serving objectives. Nevertheless, even the military elite recognised the constraints of isolation and deterioration. Tensions were running rife throughout the 1980s and they culminated in a confrontation with the army that would stimulate as revolutionary an adaptation as their earlier response to the KMT invasions.

SLORC Military Rule (1988 – 1997)

Tension within the country escalated to a breaking point in 1988. In March of that year, a teashop brawl ended in the death of a student from the Rangoon Institute of Technology (RIT) following the intervention of riot police. Daily protests by RIT students ensued which quickly spread to other universities. Protest was met with repression which escalated with increasing violence and the murder of hundreds of students. After twelve days of violent clashes with police, the regime closed the universities, just as they did back in the mid-1970s. The riots left several students dead and missing. When the universities reopened in June, the students resumed protests, calling for accountability into the student deaths and injuries. The military, however, responded with force, killing at least 20 more students and arresting hundreds of others. Once again the universities were closed.

The wave of social unrest spread as the people of Burma became unified in their demand for political change. In response, the military declared a state of martial law. The instability had seemingly convinced Ne Win that his time was up and he resigned. On 23 July 1988, the BSPP appointed General Sein Lwin as the new party head and later president. Sein Lwin was a veteran of repression of civil protest; he was behind the crackdown on student dissent in 1962 and again in 1974, and his appointment was widely met with revulsion.

On the auspicious date of 8 August 1988 (8/8/88), students and activists organized a peaceful nationwide strike to demonstrate their opposition to continued military rule. The now-notorious 8888 uprising led to the death and arrest of thousands of protestors and demonstrators at the hands of the regime. Even 20 years on, the death toll remains unknown, but is believed to be somewhere in the vicinity of 3,000 protestors. The uprising, and the severe reprisals levelled by the military, focussed unprecedented levels of world attention on Burma and became one of the most infamous events in Burma's contemporary history.

Records of the 1988 uprising provide an inspirational account of the remarkable efforts of Burmese citizens to organise independently of the State. The failure of the state to provide for the needs of the people stimulated the rise of independent democratic councils throughout urban centres of Burma that took over the running of society where the ordinary channels of control had broken down. Many of these were somewhat *ad hoc*, but student activists had operated networks of communication for years prior to 1988 which provided a means of organization for the protests. Underground literacy groups had flourished in the years prior to the uprising.[38] The web of military informants had a few holes in it and they failed to pick up on these areas of dissent. Activists were well aware of MI's role in their repression and where protestors were able to establish secure zones in 1988 they meted out harsh justice against suspected intelligence agents. The protests escalated to the level of insurgent warfare when citizens used rocks, catapults and sharpened staves against riot police. Where the counter-insurgent's intelligence apparatus breaks down and selective pressure can no longer be applied, they resort to indiscriminate use of violence and the Light Infantry Divisions were called in from rural areas around the country to carry out the crackdown.

Following the protests and their brutal suppression, on 12 August 1988, the BSPP was dissolved and its president, General Sein Lwin was replaced by a civilian lawyer named Dr. Maung Maung. However, the period of civilian rule was not only superficial but short-lived. On 18 September 1988, the military regained power through a bloody coup. During the month of civilian leadership, agents of the military spread rumours that criminals had been released into the general population, the water supply was poisoned and that other heinous acts had been committed in order to stimulate an environment of fear and chaos. The revived military dictatorship forcibly took control under the name, the State Law and Order Restoration Council (SLORC).

On 23 September 1988, SLORC chairman, General Saw Maung, publicly declared that the sole aim of military intervention was to restore law and order, improve the economic conditions of the people, and organize multiparty elections as soon as possible. He insisted that it was not his intention to *"cling to State power for long"* and promised that multiparty elections would be held in 1990. In spite of these statements, the SLORC declared martial law, suspended the 1974 constitution and brutally suppressed all opposition through force, resulting in thousands of deaths and arrests.

Within months political parties began to register for the promised election. Though in the months leading up to the elections, the SLORC moved to frustrate the campaigns of its political opponents, particularly the National League for Democracy (NLD), lead by Daw Aung San Suu Kyi, daughter of Burma's independence hero General Aung San. As word spread of the appearance of the fabled Aung San's daughter, the NLD quickly emerged as the leading opposition party. Daw Aung San Suu Kyi and her colleagues travelled throughout the country attracting large crowds, despite the SLORC decrees limiting public gatherings to four persons. As her following expanded, the military tried to discredit her. They accused her of not having *"pure"* motives, disparaged her marriage to a foreigner, questioned her loyalty to Burma, and suggested that she was being manipulated by Communists in her party. Unable to sway her supporters, in July 1989, the SLORC placed Daw Aung San Suu Kyi under house arrest and disqualified her from participating in the elections. However, in spite of these tactics, the NLD achieved a landslide victory in the elections which were held on 27 May 1990, winning 392 of the 485 seats contested. The SLORC-backed National Unity Party (NUP), in comparison, had won only ten seats.

In direct contrast of the earlier words of Saw Maung, the SLORC refused to step down from power and simply dismissed the results of the election. They instead moved for a new constitution to replace the now-suspended 1974 constitution before any further moves towards parliamentary democracy. Given the SLORC's efforts to massively increase their military capacity after 1988 it was not altogether unsurprising that they refused to take a back seat in party politics in Burma. Meanwhile, the SLORC maintained control over the country through martial law. There was an apparent continuity of thought in the military's approach from the Ne Win era, in that politics remained a battleground for control. The military's confrontation with protestors in urban areas which continued into 1990, demonstrated that civilians were regarded as potential insurgents. The Urban Relocation Programme moved thousands of citizens into impoverished satellite towns; a preferred tactic of counter-insurgency operations. By viewing the population as insurgents or potential insurgents made it easy for the SLORC to dismiss the will of the people voiced in the elections.

On 27 July 1990, the SLORC promulgated Declaration 1/90 stating that, "*[the SLORC] is not an organisation that observes any constitution; it is an organisation that is governing the nation under Martial Law*". Following this announcement, the SLORC began to arrest, harass, and intimidate NLD members as well as members of other political parties. As the SLORC persisted in its refusal to hand over power, in December 1990 numerous members of the elected Parliament established the National Coalition Government of the Union of Burma (NCGUB) as Burma's parallel government in exile.

On 24 April 1992, the SLORC issued Order No. 11/92, entitled the *"Convening of a National Convention"*. This edict declared that a National Convention (NC) would be convened *"in order to lay down basic principles to draft a firm constitution"*. However, on 2 October 1992, the regime delineated six objectives to *"guide"* the NC without ever having consulted any members of the political opposition or ethnic minority leaders. The sixth principle virtually guaranteed a dominant role for the military in any future Burmese government. In January 1993, the convention finally assembled with 702 delegates, of whom only 106 were elected representatives. Daw Aung San Suu Kyi remained under house arrest at the time and was

not permitted to attend. The remaining delegates were either handpicked by the SLORC to *"represent"* farmers, labourers, intellectuals, the ethnic minorities, and service personnel, or were *"specially invited persons"*. Sessions were repeatedly suspended after ethnic delegates had persisted in opposing a centralized State structure. The regime responded to all alternative proposals by imposing another 104 principles to *"guide"* the constitutional drafting process, all of which were carefully worded to benefit the military. Later, to further suppress any and all opposition to the NC, the SLORC issued Order No. 5/96 on 7 June 1996 prohibiting criticism of the NC. The order carries a potential 20 year sentence.

On 10 July 1995, Daw Aung San Suu Kyi was finally released from house arrest after almost six years. Though her release had initially raised hopes for an improvement in the human rights situation in Burma, nothing changed. Rather, the pace of political arrests and persecution accelerated dramatically after November 1995 when the NLD withdrew, along with other groups, from the SLORC-controlled NC due to its entirely undemocratic nature. The SLORC responded to the NLD withdrawal by expelling the NLD permanently from the convention. Increased targeting and harassment of NLD members and supporters followed soon thereafter. On 9 November 1996, a group of approximately 200 young men attacked Daw Aung San Suu Kyi's motorcade with iron bars and sticks. The men were thought to be members of the Union Solidarity Development Association (USDA), a puppet organization created by the regime to feign civilian support and intimidate the pro-democracy movement. In December 1996, more than 2,000 people, including hundreds of students, were arrested after engaging in peaceful demonstrations calling for genuine reforms. Public gatherings on weekends in front of Daw Aung San Suu Kyi's home were banned soon after.

The SLORC embarked on yet another major overhaul of the armed forces; with few modern weapons or training the army was failing against the armed resistance groups which continued to oppose them. Military materiel was bought from China where Burma army personnel were also sent for training. Recruitment surged to expand the armed forces by thousands throughout the 1990s and a large proportion of Burma's GDP was spent on defence and military procurement after 1988. Analysts have observed that the SLORC was bent on creating a modern army capable of conventional warfare.[39] At the same time, Military Intelligence units were expanded across the country. Numerous Burma watchers have noted that throughout the 1990s, surveillance was all pervasive, and similarly that the *"presence of military personnel was a daily reality"*.[40] The two complemented one other.

This military expansion impacted severely on the lives of Burma's people. Boosting cash reserves for military materiel required exports and the SLORC drained the country's natural reserves for revenue. With a minimal industrial base, Burma possessed few products for export. Areas rich in natural resources were devastated by Burma army campaigns. For example, the race for resources in Mon and Shan States resulted in *"enormous internal dislocation, enforced labour, relocations, rape, murder and other serious human rights abuses"*.[41]

Hostilities between the SLORC and armed ethnic resistance groups meanwhile continued throughout this period. The SLORC maintained a military presence throughout the ethnic minority areas, instigating attacks against resistance fighters. During this time, the CPB fell apart after ethnic factions within it had rebelled against the politburo in 1989. These ethnic factions, most notably the Wa from Shan State, formed their own paramilitaries. Lieutenant General Khin Nyunt was quick to arrange ceasefires with these groups with the latter receiving concessions for limited political autonomy in a move resembling the KKY agreements from the 1960s. Since then approximately thirty armed ethnic factions across Burma's ethnic states have entered ceasefire arrangements with the junta. However, not a single ceasefire has resulted in improved conditions for citizens living in ceasefire areas. In some areas, conditions have actually deteriorated. For example, in areas controlled by the SPDC-allied Kachin Independence Organization, poverty of the local population has actually

worsened.[42] Meanwhile countries such as Singapore, China, and Pakistan supported the SLORC campaign by supplying the weaponry needs of the regime. Thailand disregarded increased offensives against border groups after the SLORC granted timber and fishing concessions in the border areas. In 1989, the SLORC heightened aggressive tactics in an effort to pressure opposition groups into one-sided ceasefire pacts. At this time, several resistance groups succumbed to the regime's pressure and signed onto restrictive ceasefire agreements. Meanwhile attacks have continued in the ethnic minority areas. During the offensives, the military committed a range of human rights violations and abuses against ethnic minority villagers living within the conflict zones.

The SLORC's purported moves towards a market economy were, as Donald Seekins has stated, designed to promote the power of the military in the same way that Ne Win's so-called socialist programme had been. Members of the military hierarchy afforded themselves major welfare benefits, subsidised shares in the new investment outfit the Union of Myanmar Economics Holding (UMEH) and reserved health and educational facilities. As the army's privileges increased at the expense of the civilian population, the human rights situation in Burma deteriorated further. If society itself was a threat to the military's expansion and privilege efforts needed to be increased to divide and weaken that society.

SPDC Military Rule (1997 – 2008)

On November 15, 1997, the SLORC was reorganized and renamed the State Peace and Development Council (SPDC). Although the three most senior members of the regime retained their posts in the SPDC, 14 former members, all senior military officers, were replaced and a four-member SPDC advisory group was established. In late November 1997, three members of this advisory group were placed under house arrest. The three were former Tourism Minister Lieutenant General Kyaw Ba, the former Commerce Minister Lieutenant General Tun Kyi, and the former Agriculture Minister Lieutenant General Myint Aung. A number of their aides and staff at other ministries were also placed under investigation. Following their detention, the advisory group was dissolved on 10 December 1997, less than a month after its formation. Official reports maintained that the members of the advisory group no longer held their military posts. However, the changes did not stop there. On 20 December 1997, there was an unexpected reshuffle within the second tier of the military regime's cabinet. Another eight posts in the cabinet were reshuffled and one new member was added. SPDC leaders conducted another reshuffle of the top generals in November 2001, and in March 2002 arrested four relatives of former BSPP chairman General Ne Win. The four were accused of plotting to overthrow the current regime in a military coup, and were given death sentences on charges of high treason in September 2002.

The opposition Committee Representing the People's Parliament (CRPP) was formed on the 16 September 1998 in response to the military regime's failure to cede power, thus enabling the elected representatives to form a parliament and the NLD to form a government within the country. A total of 251 elected members of parliament (52 percent of all those elected in 1990) gave their endorsements to the ten founding members of the CRPP. This endorsement was given based on the principle articulated in the 1974 *Pyithu Hluttaw* Law that requires State authorities to convene parliament if 34 percent or more of the members of parliament so desire. The CRPP's stated objective was to convene the parliament until all members of parliament (MPs) elected were able to do so. The CRPP's first act was to issue a proclamation that repealed all SLORC & SPDC orders, decrees, notifications, rules and laws. The SPDC, unsurprisingly, declared the CRPP to be an illegal organization. However, despite serious restrictions and the almost immediate arrest and imprisonment of Chairman Dr Saw Mra Aung, the CRPP survived and on 16 September 2002 held a ceremony at NLD headquarters to celebrate its fourth anniversary.

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

On 6 May 2002, Daw Aung San Suu Kyi was once again released from house arrest after having been detained for the past 19 months. Burmese military intelligence operatives, however, continued to monitor NLD leaders and attend many NLD meetings conducted in Rangoon. While, Suu Kyi's release was met with widespread international applause as a positive step in the right direction, upcountry, the SPDC launched a massive forced relocation campaign in southern Karen State which resulted in the forced relocation of at

least 60 civilian villages and the displacement of an estimated 6,000 individuals, safely hidden away behind the fanfare of the release of a woman who should never have been detained in the first place.

Following her release, the junta allowed Daw Aung San Suu Kyi and the NLD a greater measure of freedom to travel around the country and to meet with representatives of foreign governments and international organizations. The regime recognized the NLD as a legal entity and permitted the party to reopen approximately 90 out of 300 offices throughout the country. Meanwhile, scores of other political and ethnic opposition groups remained officially banned.

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

On 30 May 2003, a motorcade carrying Aung San Suu Kyi, NLD members and numerous supporters was violently attacked by members of the USDA and *Swan Arr Shin*, armed with bamboo sticks and metal rods, on the outskirts of Depayin in Sagaing Division. The attack resulted in the re-arrest of Aung San Suu Kyi, NLD Deputy Chairman U Tin Oo, and all members of the Central Executive Committee of the NLD. Though the attack was carried out by State-sponsored groups, the SPDC insisted that Suu Kyi be placed back under house arrest once again *"for her own safety"*. Unknown numbers of NLD members and supporters were killed, injured, or imprisoned during or following the attack. NLD offices across the country were ordered to close and all political opposition activities were banned.

The attack on the NLD and the ensuing crackdown on the democracy movement resulted in international outcry and demands for the release of Aung San Suu Kyi as well as an independent and transparent investigation into the events of 30 May 2003. The SPDC has not allowed such an investigation to take place and has claimed that the attacks were instigated by the NLD. Moreover, the SPDC has reported that only four people were killed and 50 people were injured in the attack. However, eyewitness accounts and unofficial sources have indicated that the actual numbers of dead and wounded are significantly higher and that possibly as many as a hundred had been killed. In addition to other international reactions, the crackdown on the democracy movement resulted in tougher economic and trade sanctions enacted by the United States (US) and the European Union (EU).

Despite repeated calls for more open lines of communication, the SPDC increasingly withdrew from further discussions and throughout the first half of 2003 the regime refused to schedule further talks. The regime then excluded Razali Ismail, the UN Special Envoy for Burma, and Paulo Sergio Pinheiro, the UN Special Rapporteur on Human Rights in Burma, from entering the country for several years. Razali later resigned his office on 8 January 2006, citing an inability to effectively carry out his mandate, while Pinheiro continued in his post as Special Rapporteur until the end of his term in March 2008, when he was replaced by Tomas Ojea Quintana.

On 25 August 2003, the SPDC reshuffled its cabinet, stripping Lieutenant General Khin Nyunt of his position as Secretary 1 of the SPDC and chief of the Military Intelligence Services (MIS), and appointing him as Prime Minister. Lieutenant General Soe Win, who is believed to have orchestrated the 30 May 2003 Depayin attack, replaced Khin Nyunt as Secretary 1. Almost immediately after his appointment as Prime Minister, Khin Nyunt announced the SPDC's "Seven Step Roadmap to Democracy" on 30 August 2003. It is believed that this was done to deflect international criticism following the Depayin Massacre only three months prior. One of the steps of the "Roadmap" was the reconvening the stalled 1993 National Convention through which a State Constitution would eventually be drafted. Thereafter, the Constitution would be voted on in a national referendum, and free and fair elections would eventually ensue. Yet, the plans for the National Convention included no mention of the participation of the NLD or the ethnic groups.

By the end of 2003, the SPDC was placing greater emphasis on the participation of the ethnic groups in the National Convention, both those engaged in ceasefires with the regime and those which continued to oppose it. Many ethnic ceasefire groups had initially indicated that they would participate if certain conditions were met, such as the release of all political prisoners or the equal participation of all political and ethnic groups, both ceasefire and non-ceasefire. However, despite the fact that these conditions went unmet, 34 ceasefire groups sent delegates to the National Convention, which was convened on 17 May 2004. This included the 17 major ceasefire groups and various splinter groups.

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

In total, 1,076 out of the invited 1,088 delegates attended the 2004 session of the National Convention. Of these, only 15 MPs elected in the 1990 general elections attended. In addition, only seven legally registered political parties that participated in the 1990 elections attended. Eight political parties, aside from the NLD, had boycotted the National Convention. These included the National Unity Party (NUP), the Kokang Democracy and Unity Party (KDUP), the Union Pa'O National Organization (UPNO), the Khami National Solidarity Organization (KNSO), the Lahu National Development Party (LNDP), the Wa National Development Party (WNDP), the Shan Nationalities League for Democracy (SNLD) and the Shan State Kokang Party (SSKP).

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

In November 2003, the SPDC sent a delegation to meet with Karen National Union (KNU) leaders based in Mae Sot, Thailand. By this stage, the KNU had been fighting against the military regime in Rangoon for the past 54 years. This visit was followed by a KNU delegation visit to Rangoon. By the end of 2003, the KNU and the SPDC agreed upon a verbal ceasefire and formal ceasefire discussions commenced in early 2004. Though, by the end of 2004, a formal ceasefire agreement had still yet to be reached. Despite the verbal ceasefire agreement, SPDC army units used the freedoms granted to them under the ceasefire to further encroach upon KNU territory and commit human rights violations against Karen civilian populations without fear of reprisal. Unsurprisingly, the negotiations fell apart and the KNU soon returned to arms.

Hot on the heels of the KNU's decision to engage in ceasefire talks, the Karenni National Progressive Party (KNPP) also announced plans to engage in ceasefire discussions in late 2003, and while talks had been scheduled for early 2004, progress was thwarted when the KNPP and SPDC disagreed over the KNPP's position of negotiation. Like most other ceasefire 'negotiations', the SPDC had demanded a full surrender and would not entertain anything which could be considered a compromise. Human rights abuses perpetrated against the civilian population of Karenni State by the SPDC and its allied ceasefire groups continued to be reported throughout 2004, yet in spite of this, the KNPP continued to express the desire to engage in formal ceasefire discussions with the junta.

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

In conjunction with the reshuffle, on 22 October 2004, the 1983 law on the National Intelligence Bureau (NIB) was annulled, and the NIB as well as the MIS, which had been under the direct authority of Khin Nyunt, were dissolved. In the months that followed, 300 top level former MI agents were arrested, some 1,500 were *"allowed to retire"*, and approximately 2,500 were transferred to active combat duty. Dismemberment of the NIB, however, did not spell the end to MI in Burma. Intelligence operations have since been reorganized to function under the Office of the Military Affairs Security and report directly to the regional military commands.

The removal of Khin Nyunt as prime minister and dissolution of the NIB was followed by three mass prison releases over the course of 2004. However, out of the 14,318 prisoners released from prison during November and December 2004, only 76 were political prisoners. Among the 76 political prisoners released was well known activist Min Ko Naing, chairman of the All Burma Federation of Student Unions (ABFSU), who had been imprisoned for over 15 years. Another mass release of prisoners occurred on 3 January 2005, with the NC a little over a month away and the regime desperate to gain political favour. The SPDC released 5,588 inmates from prisons around the country, however, this time; only 23 political prisoners were among those released.

Since the ouster of Khin Nyunt, the military leadership has been in a state of constant flux. At the end of May 2005, the regime underwent yet another major reorganisation with a reshuffle of about half of the regional commanders. Then, in August 2005, several high ranking SPDC officers were removed from their posts and placed under house arrest or were *"permitted to retire"*. The following year saw the continuation of this power struggle

within the upper echelons of the SPDC. On 26 January 2006, Lieutenant General Myint Swe, a known close ally of Than Shwe, vacated his post as commanding officer of the Rangoon Command to be appointed as chief of the newly created Bureau of Special Operations (BSO) under the Ministry of Defence. Subsequently, yet another large-scale shake-up was initiated in mid-May 2006, which called the country's top 12 generals together, and on 16 May 2006 it was announced that four top officials were "*ready to retire"*. It was believed at the time that Senior General Than Shwe was favouring a younger generation of graduates from the National Defence Academy who could contribute to a new program of economic liberalization and transition to civilian government in which Than Shwe could adopt the role of President-for-Life.

Meanwhile, in an attempt to feign some level of stability and progress within the country, the regime announced plans to recommence the National Convention on 17 February 2005. In the lead up to the February 2005 session, the junta made efforts to stifle all potential opposition to the process by targeting and harassing opposition groups. Political and ethnic minority leaders were subject to arrest, detention, and other abuses at the hands of the SPDC in an attempt to silence resistance to the regime's agenda. The regime arbitrarily extended the detention of ten prominent political dissidents, including NLD leaders, Daw Aung San Suu Kyi and U Tin Oo as well as several elected MP's. Military build-up and increased hostilities in the ethnic areas also continued. The SPDC also arrested several prominent Shan activists and leaders, including General Hkun Htun Oo and General Hso Ten, chairmen of the Shan Nationalities League for Democracy (SNLD) and the Shan State Peace Council (SSPC) respectively, only days before the February session was scheduled to resume. These leaders were later charged with treason and handed severely harsh sentences ranging from 70 years to 93 years imprisonment following the announcement of the establishment of an Interim Shan Government on 25 March 2005 and the later declaration of the independence of Shan State. The February 2005 sessions of the NC adjourned on 31 March 2005 without achieving any genuine progress towards democratic reform.

Before the NC was reconvened, the SPDC made the sudden and unexpected move of relocating its ministries, civil servants and operations to a remote site near Pyinmana in Mandalay Division, approximately 320 kilometres north of Rangoon. The move occurred at the auspicious time of 6:37 am on 6 November 2005. Civil servants were forced to relocate without advance notice, leaving families and businesses behind. The civil servants meanwhile found the site of the new capital near Pyinmana, later named Naypyidaw ("seat of the king"), unprepared for their arrival, with basic accommodations, facilities, and commodities lacking. Those who tried to resign were threatened with imprisonment, leading some to go into hiding. The site itself was reportedly surrounded by barbed wire and under heavy military guard. No official reason was given for the surprise move, although analysts have proffered numerous theories. Some of these have included: concerns over possible civilian protests in Rangoon; foreign criticism of the SPDC; fear of a sea-borne foreign military invasion; the need to locate the SPDC more centrally to direct its military campaigns against ethnic insurgencies along the eastern border; and to mark the establishment of a new dynasty just as the Burmese kings of old. Building and construction at Naypyidaw continued on a massive scale throughout 2006 and 2007, for which land was confiscated from thousands of local residents, and villagers and convicts alike were conscripted as forced labourers. In April 2006, in an apparent attempt to ease the tensions of the relocation, the SPDC awarded five to ten-fold salary increases to the nation's estimated one million civil servants, *"from Senior General Than Shwe right down to the country's road sweepers"*.[43] The salary increase, however, only precipitated runaway inflation and resulted in the foreign exchange rate hitting an all time low of 1,450 kyat to the US dollar. Less than a month after the announcement, civil servants were informed that ten percent of their salaries was to be withheld and placed in trust on their behalf (although they were not permitted to retain the bankbooks or otherwise gain access to the money), and that their electricity and travel subsidies had been cut.

Meanwhile, the situation in many of the ethnic states continued to deteriorate. In November 2005, the SPDC launched its largest military campaign in Karen State in over a decade. In northern Karen State, Toungoo, Nyaunglebin and Papun Districts were flooded with thousands of SPDC army soldiers who proceeded to mount military attacks on undefended civilian villages without warning or provocation. During the attacks, SPDC army units deliberately and directly targeted Karen villages and their inhabitants, and operations resulted in egregious and large scale human rights abuses. The attacks continued into 2006, and unlike previous offensives, where the soldiers would withdraw from the hills with the onset of the monsoon, the attacks continued throughout the rainy season. Since that time, the attacks on civilian villagers and internally displaced communities, their food supplies and their livelihoods have persisted unabated. At the time of publication, the ongoing offensive was in its fourth year without pause or respite. Tens of thousands of villagers have been displaced as a result and an unknown number have been killed. Similarly, in central and southern Shan State, security forces continued to engage the opposition Shan State Army – South (SSA-S), with the SPDC employing other ethnic militias as auxiliary forces to suppress the rural population in these areas. The military maintained a program of forced relocation of villagers in the region that was accompanied by killings, rapes, and other abuses of civilians. In ethnic minority areas where the SPDC had established near total control over the local population, forced labour and extortion were rife, often enforced through the threat of arrest and torture.

Meanwhile, back in Rangoon, the NC reconvened in December 2005, only to adjourn again on 31 January 2006 without any discernable advancement. It once more resumed its activities on 10 October 2006 before going into recess on 29 December 2006. Participation in both 2006 sessions remained highly unrepresentative with several political and ethnic minority groups excluded from the proceedings. Like past sessions, the majority of the delegates in attendance were members of SPDC-sponsored organizations, such as the USDA. Furthermore, open discussion was largely circumscribed by the regime who actively stifled all proposals initiated by delegates that were not in keeping with its predetermined agenda. On 18 October 2006, the 179th Session of the Inter-Parliamentary Union (IPU) Governing Council in Geneva passed a resolution regarding the NC process, which was later endorsed by the UN Special Rapporteur on Human Rights in Burma, stating that:

> *"[T]he National Convention, in its present form, is designed to prolong and legitimize military rule against the will of the people as expressed in the 1990 elections, and that any transition towards democracy will fail so long as it is not genuinely free, transparent and reflective of the people's will, and preceded by the unconditional release of all political prisoners and the lifting of all restrictions on human rights and political activity".*

In the face of no real progress toward democratic reform and continued human rights abuses, certain sectors of the international community made some attempt to pressure the junta for reform. In September 2005, the global law firm DLA Piper Rudnick Gray Cary published *Threat to the Peace: A Call for the UN Security Council to Act in Burma*, a report commissioned by Vacláv Havel, former President of the Czech Republic, and Desmond Tutu, Archbishop Emeritus of Cape Town and Nobel Peace Prize Laureate. The report provided a detailed argument of why the United Nations Security Council (UNSC) was obliged to act on the situation in Burma, and added huge impetus to the international campaign to bring Burma before the Security Council. Following its publication, the United States (US) took up the case of having Burma placed on the UNSC's formal agenda. Due to opposition from China and Russia, on 2 December 2005, the 15 Council members reached a compromise to receive a briefing on the situation in Burma.

UN Under-Secretary General for Political Affairs, Ibrahim Gambari, briefed the Council on 16 December 2005. In response, the SPDC invited Gambari to visit the country, where he was allowed to meet with Daw Aung San Suu Kyi. Subsequently, Gambari again briefed the Council on 31 May 2006, and the US stepped up their attempts to pursue a UN Security Council resolution underlining the international community's concerns about the situation in Burma. While France, Britain and other council members supported the US position; UNSC Permanent Members Russia and China continued to oppose their efforts.

On 1 September 2006, the US formally requested that the President of the Council, Greece, put Burma on the formal agenda of the Council. On 15 September 2006, after procedural voting of ten in favour (United States, Argentina, Denmark, France, Ghana, Greece, Japan, Peru, Slovakia and United Kingdom), four against (China, Congo, Qatar, Russia) and one abstention (United Republic of Tanzania), Burma was officially adopted onto the formal UNSC agenda. On 27 September 2006, three prominent members of the 88 Generation Students Group; Min Ko Naing, Ko Ko Gyi, and Htay Kywe, were arrested after issuing a statement in support of the impending UNSC debate. On 29 September 2006, the Security Council initiated discussions on Burma, but continued opposition from China and Russia as well as South Africa frustrated attempts to pass a resolution.

The year 2006 also saw a significant toughening of the International Labour Organization's (ILO) stance towards the Burmese regime. At the ILO Governing Body meeting in March 2006 the members agreed to begin reviewing new courses of action which could be taken against the regime for its non-compliance with the Forced Labour Convention, to which it is a States Party. The key sticking point was the continued lack of any viable complaints mechanism for accusations of forced labour, and the new practice of prosecuting people for *"false complaints"*. Three options for future action were presented to the annual ILO conference in June. Two involved referring Burma to the International Court of Justice (ICJ) and the other would see the establishment of an *ad hoc* tribunal to rule on the matter. In response to this increased threat of international legal measures the regime immediately released prominent labour rights activist Daw Su Su Nway, who had been imprisoned after bringing convictions against local officials for forcing villagers to work on a road building project. On her release, Su Su Nway declared that she would be keeping her prison uniform as she knew that the regime would only move to re-arrest her again in the future. The SPDC later released another high profile prisoner, U Aye Myint, who was being held on similar charges. Despite these releases, it was widely felt among ILO members that the actions did not go far enough and as a result the ILO remained firm on its insistence that effective action on the establishment of a complaint mechanism had to be made by November 2006. This deadline subsequently passed with no further progress on the issue. The ILO Governing Body then agreed to begin full preparations to refer Burma to the ICJ for an advisory opinion on the matter and placed the issue on the agenda for a final decision at the Governing Body meeting in March 2007.

While the Association of South East Asian Nations (ASEAN) has traditionally preached non-interference in the internal affairs of its member states, the year 2006 saw unprecedented pressure placed on the SPDC from its neighbours, compelling Burma to decline its first opportunity to chair ASEAN. The SPDC also agreed to host an ASEAN envoy to assess their progress towards democratic reform. After constantly delaying his visit, the envoy was finally authorized to visit the country in March 2006, although he interrupted his mission and left the country when the SPDC refused to allow him to meet with Daw Aung San Suu Kyi. Subsequently, several ASEAN members issued very critical public statements highlighting the significant absence of progress, in terms of democracy and human rights, within Burma.

Regardless of international pressure and condemnation, the regime continued to commit severe and widespread human rights abuses against the civilian population of Burma, including the use of forced labour, forcible recruitment of child soldiers, extra-judicial killings,

arbitrary arrests, rape, torture, forced relocation and the confiscation of property. Similarly, the regime continued to heavily restrict fundamental freedoms, including the freedoms of speech, assembly, association, press, movement, and religion. While such abuses were committed under the rubric of counter-insurgency, security and development; in actuality they have significantly impeded civilian's attempts to sustain their livelihoods, and have created large scale human insecurity within the country.

Harassment against political organizations continued, with a widespread campaign mounted throughout 2006 to pressure members of the NLD and SNLD to resign their posts, and the regime again extending the terms of house arrest for Daw Aung San Suu Kyi and U Tin Oo on 27 May 2006 and 13 February 2006 respectively. On 12 February 2006, Burma's Union Day, the NLD issued a statement offering to recognise the SPDC as the country's legitimate government *de jure*. The unprecedented (and somewhat suspicious) proposal came on condition that Daw Aung San Suu Kyi be released from house arrest and a parliament convened in accordance with the election results of 1990. The NLD further pressed for its offices to be reopened nationwide and for a cessation to the pressure on its members to resign. The NLD's Union Day proposal was formerly rejected in April 2006 by Information Minister Brigadier General Kyaw Hsan who warned that the NLD could be criminalized as it maintained contact with *"terrorist"* organizations – a common euphemism for organizations operating in opposition to the central military regime.

In 2007, public outrage against the SPDC boiled over in the single-largest display of discontent against the regime in almost twenty years. Not since the nationwide protests in 1988 had there been such a unified public outcry against the military. During the months of August and September, anti-SPDC protests were staged in 66 towns and cities in all of Burma's seven states and seven divisions across the country. At least 227 separate protests were reported to have been staged across the country. In August 2007, the SPDC suddenly announced sharp increases in the prices of fuel. The price of diesel had doubled overnight, while Compressed Natural Gas (CNG), which powered the vast majority of Burma's public vehicles, had increased by over 500 percent. Commodity prices shot up accordingly with some reports maintaining that the cost of a standard plate of noodles at a roadside food stall had tripled in the space of two weeks. Over the following weeks, hundreds of civilians in Burma's cities had begun to protest to rising prices, and on 28 August 2007, Burma's monastic community (the *"Sangha"*) had become involved. The sharp increase in food and commodity prices had threatened to upset the important bond between the monastic and lay communities, in which the former rely on the latter for food, and the latter upon the former for spiritual guidance. Many civilians were no longer able to afford to support the monks in addition to their own families. On 5 September 2007, a demonstration of approximately 500 monks and nuns in Pakokku, Magwe Division, was dispersed when SPDC army soldiers had fired warning shots over their heads and beaten a number of them with the butts of their rifles. One monk was confirmed killed and the situation quickly escalated. Two days later, on 7 September 2007, an underground association of Buddhist monks, referring to themselves as the All Burma Monks Alliance (ABMA) issued a series of demands on the SPDC, which included: a public apology for the mistreatment of their fellow monks, an immediate reduction of all basic food and commodity prices, the unconditional release of all political prisoners, and the immediate commencement of genuine dialogue with the democratic opposition for national reconciliation. The ABMA warned that if their demands were not met within ten days, they would call upon the monastic community throughout the country to enact a *Patam nikkujjana kamma* ("overturning of the alms bowl") boycott of the regime and its associates. This boycott, which represents the harshest criticism that the monastic community can deliver, proscribes all religious activities involving the junta, including the acceptance of alms. On 17 September 2007, without a single demand being met, the excommunicative decree of the SPDC was read out in numerous locations around the country.[44]

The following day, on 18 September 2007, the "Saffron Revolution" began with a procession of an estimated 1,000 Buddhist monks marching through the streets of Rangoon, protected by thousands of civilians who formed a human chain around them. Other, similar sized processions were reported from around the country, including Pegu, Sittwe, Aunglan, Pakokku, Mandalay and Kyauk Padaung. Protests continued across the country over the next few days, until, in an unexpected turn of events, on 22 September 2007, a crowd of an estimated 2,000 protestors, approximately half of whom were monks, were allowed to pass security checkpoints and continue on to the home of detained opposition leader Daw Aung San Suu Kyi who reportedly emerged tearful from her home to pay her respects to the monks. It remains unknown why the SPDC had allowed this to happen as this act only served to fan the flames of the protestors. By 24 September 2007, crowds estimated to number somewhere in the vicinity of 100,000 protestors were taking to the streets of Rangoon, Sitwe, and other locations around the country. Buddhists and Muslims reportedly walked side by side, unified in their fight against the regime where one Burmese Muslim later commented: *"For the first time in our lives we felt a sense of solidarity with the Buddhist Burmese"*. The daily protests continued, despite the imposition of night time curfews and warnings issued by the SPDC.[45]

On 26 September 2007, a day which will live on in infamy in the annals of Burmese history, hundreds of SPDC army soldiers, riot police and members of the USDA and *Swan Arr Shin* were stationed throughout Rangoon; monasteries were sealed and barricades were set up at strategic points around the city. A procession of approximately 1,000 protestors were cornered by security forces as they approached the Shwedagon Pagoda and the soldiers had ordered the monks into waiting trucks so they could be returned to their monasteries. The monks refused and a standoff ensued. At approximately 11:30 am, a senior monk, reported to have been over 80 years of age, approached the security personnel to negotiate a solution but was immediately pushed to the ground and beaten with the butt of one of the soldier's rifles. Enraged over the treatment of so senior a monk, a number of youths attempted to intervene, but also became targets and were beaten about the head with bamboo staves. Soon after, the riot police attacked the trapped protestors, beating and arresting whoever they could get their hands on. At least three protestors were killed in this initial confrontation. Those who were able to escape reassembled a short distance away near the Sule Pagoda, where again they were met with violence at the hands of the security personnel. Some reports maintained as the day progressed; SPDC army soldiers had begun to fire indiscriminately into the crowds with live ammunition.[46]

That night, a number of monasteries around Rangoon were raided by security personnel to remove the monks and the legitimacy they gave to the demonstrations. Hundreds of monks were arrested and detained. The following morning, numerous monasteries were littered with spent rubber bullets, broken glass and pools of blood.[47]

Despite the heavy presence of security forces on the streets and the use of lethal force the previous day, the demonstrations continued in Rangoon on 27 September 2007 and over the days which followed. The number of monks participating in the protests, however, was much smaller than on the previous day, largely due to the night time raids on a number of monasteries throughout Rangoon, and ongoing security presence at others.

It remains unknown how many people were killed during the protests. Information networks were disabled; security personnel deliberately targeted journalists and individuals with cameras and mobile phones; the bodies of the wounded and dead were quickly removed following each protest; and there were credible reports of secret night time cremations, all designed to cover up the actual number of dead. SPDC Police Chief Khin Yi has maintained that only 15 persons had been killed during the crackdowns. This figure was widely dismissed as being little more than an attempt to conceal the true number of those who had lost their lives. Paulo Sergio Pinheiro, the UN Special Rapporteur on the Human Rights

Situation in Burma, reported of having uncovered evidence of twice this number of deaths in Rangoon alone. Meanwhile, at the time of publication, the Assistance Association for Political Prisoners in Burma (AAPPB) alleged that several hundred protestors who had been arrested by security personnel during the demonstrations still remained unaccounted for, approximately two years after the protests. With protests staged in no fewer than 66 towns and cities across the country, many of which lack reliable information, coupled with the systematic removal of the dead and wounded from the site of each crackdown, and the disposal of the bodies during secret night time cremations, the number of fatalities may well be as high as 100. Sadly, as with the mass public protests of 1988, we may never know the true human toll of the Saffron Revolution.[48]

Following the protests, the SPDC launched a *"witch hunt"* in search of those who had participated in the protests, and by the first week of October 2007, it was reported that an estimated 6,000 people had been arrested. The arrests, however, did not stop there and continued into 2008. Many activists were forced to flee or go underground to escape the authorities. Hundreds fled the country as refugees.

Just as the country was recovering from the aftermath of the Saffron Revolution, the people were thrust right back into crisis. On 2 and 3 May 2008, Tropical Cyclone Nargis struck the Burmese coastline with winds of up to 215 KPH (135 MPH) in what has become the single-most catastrophic natural disaster in Burma's history and the second deadliest named cyclone in the world's recorded history. The cyclone affected communities in Irrawaddy, Rangoon and Pegu Divisions as well as those in Mon and Karen States. The United Nations estimated that as many as 2.4 million people from those areas had been adversely affected by the cyclone. It has been estimated that at least 140,000 people had died and one million more had been displaced. The UN had further estimated that as much as 95 percent of all the homes and infrastructure in Bogale Township in Irrawaddy Division had been destroyed. Meanwhile, official figures maintained that only 84,000 had died with a further 54,000 unaccounted for. Though the SPDC had known of the existence of the storm since 26 April 2008 as it grew in the Bay of Bengal, no effort was made to evacuate local populations or even provide them with warning of the approaching disaster. It was not until the day that the cyclone struck that the SPDC published an alert warning of *"widespread rain or thundershowers"* in the State-controlled media.

While the world was on Burma's doorstep with offers of aid for the devastated population, the SPDC sat on its hands and did little to help its own people. Offers were turned down and visas for aid workers were rejected. When foreign aid workers were eventually allowed into the country, they were denied access to many of the worst affected areas and relief supplies were either misappropriated by the military or relabelled so as to appear to local communities that it was the SPDC who was responsible for the provision of aid. In mid-May 2008, less than two weeks after the cyclone had struck, reports began to emerge of the forced eviction of cyclone survivors from relief centres. Hundreds of thousands of displaced persons were forced out of schools and monasteries where they had taken refuge and ordered back to their villages, the majority of which no longer existed. Meanwhile, reports emerged of survivors performing forced labour for the military in exchange for food. By mid-July 2008, the junta had prematurely closed almost all of the relief camps in Irrawaddy and Rangoon Divisions, telling those interned there that *"The government has given you enough assistance and relief material so you must go back home"*.

Despite the extensive devastation wreaked by the cyclone, and the estimated 140,000 deaths it caused, the SPDC moved ahead with its planned constitutional referendum as planned on 10 May 2008. Many of the evictions and forced relocations of cyclone victims out of schools and assembly halls were carried out so that those venues could be used as polling stations. Members of the international community and UN Secretary General Ban Ki Moon requested that the referendum be postponed and concentrate all available resources

to responding to the disaster. In apparent response to the global revulsion of their response, the SPDC awarded a postponement of the voting in a number of the worst affected areas, including in seven townships in Irrawaddy Division and 40 townships in Rangoon Division. This concession, however, was given purely to appease the international community and voting was to go ahead in these areas also on 24 May 2008.

However, on 15 May 2008, more than a week before these areas were even able to cast their votes, the SPDC had already announced the election result. Chairperson of the Referendum Holding Committee, Chief Justice Aung Toe, announced on State radio that Burma's draft constitution had been *"overwhelmingly approved"* with 92.4 percent of voters casting their ballots in favour. He further claimed that there had been a 99 percent voter turnout and that of the more than 22 million enrolled voters, 20,786,596 had voted yes. Numerous reports emerged of election fraud, including the use of coercion and bribery, of voters being given ballot papers which had already been marked in favour of the constitution, of harassment and intimidation both at home and at the polling station, and of villages being visited by SPDC authorities ahead of the polling day and forced to cast 'yes' votes on absentee ballot forms. The results, were unsurprisingly, rejected by members of the opposition and the wider international community as a *"sham"*.

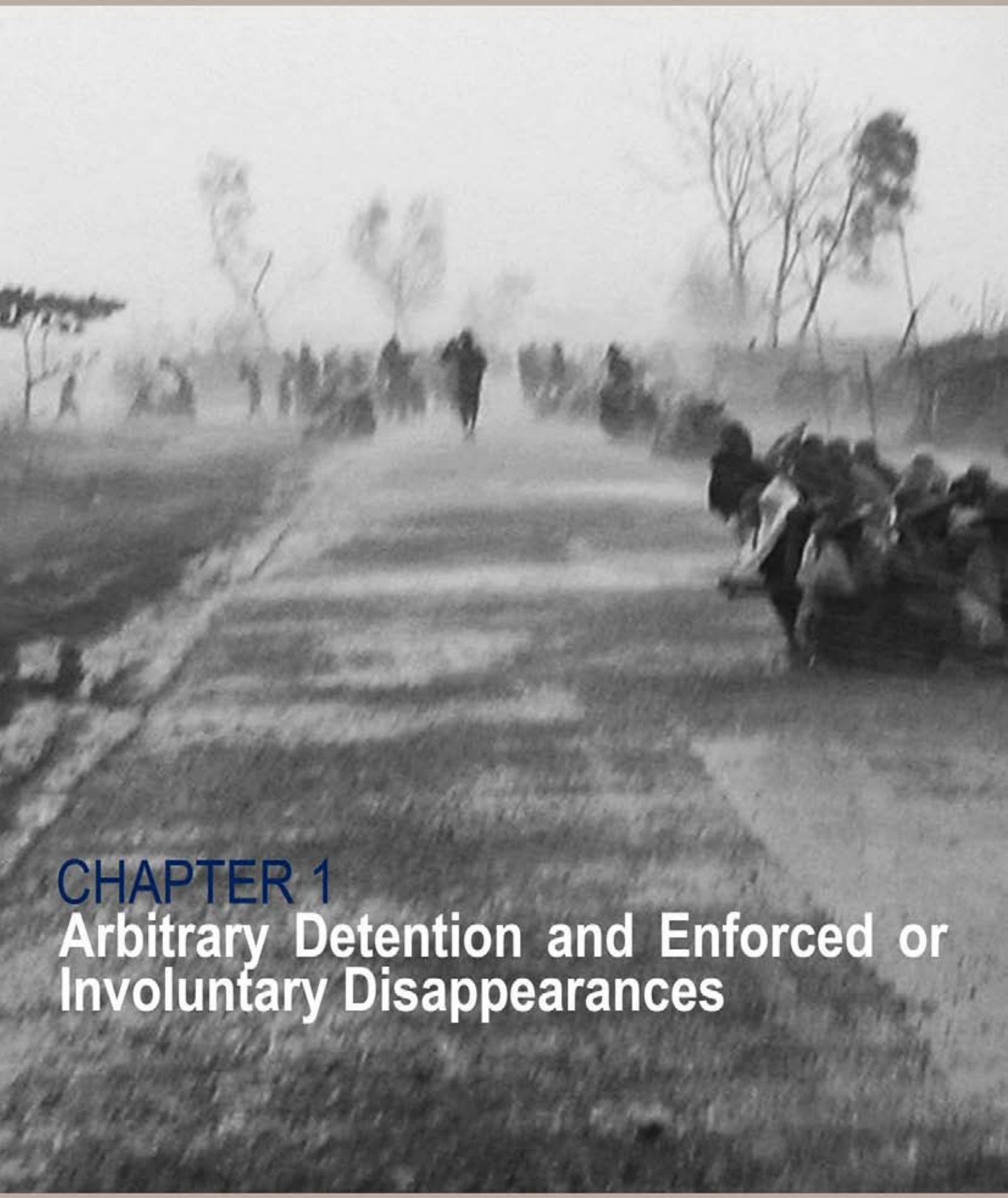
Unfortunately, the approval of the constitution will likely result in fortifying and entrenching the military's position of power even further. The constitution stipulates that 25 percent of parliamentary seats and 33 percent of all state and regional assemblies be reserved for military personnel; that the Ministry of Home Affairs and Ministry of Border Affairs fall directly under military control; that the military operates independently of all branches of government and answers only to its commander-in-chief; that no legal action can be taken against those *"who officially carried out their duties according to their responsibilities"* during the period of military rule; that any person married to a foreigner is illegible for contesting Burma's presidency (thus rendering Daw Aung San Suu Kyi, who had married Englishman Dr Michael Aris, ineligible); that all ceasefire groups are obliged to surrender their weapons; and also completely failed to provide for the rights of ethnic minority groups.

With the referendum over and the constitution approved in favour of the SPDC, it looks likely that the intended 2010 general parliamentary elections will go ahead as planned. However, it is unlikely that they will spell much of a change for the people of Burma. All of the evidence suggests that rather than permitting free and fair elections to take place, the SPDC will continue to engineer the process to ensure that the military retains its grip on power; they learned their lesson in the 1990 general elections. However, the incredible contrast between the results of the 2008 constitutional referendum and the public outpouring of dissatisfaction with continued military rule manifested through the September 2007 Saffron Revolution protests highlights the phenomenal disparity between what is good for Burma's military elite and what is good for the Burmese population.

Endnotes

[1] Source: *Human Rights Situations That Require the Council's Attention*, Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomas Ojea Quintana, on the implementation of Council resolutions S-5/1 and 6/33∗ Eighth Session Agenda item 4, 3 June 2008:2.
[2] Source: *The Logic of Violence in Civil War*, Stathis N Kalyvas, March 2000:6. Accessed online at: www.nd.edu/~cmendoz1/datos/papers/kalyvas.pdf.
[3] Source: *Ibid*.
[4] Source: "Insurgency and State Disintegration, 1948-50," *Making Enemies: War and State Building in Burma*, Mary Callahan, Cornell University Press: New York, 2004:135.
[5] Source: "The Rangoon Government (1948-1949)," *Burma in Revolt: Opium and Insurgency since 1948*, Bertil Lintner, Silkworm Books: Chiang Mai, 1999:6.
[6] Source: "International Reactions to a Reclusive State," *Burma: The State of Myanmar*, David Steinberg, Georgetown University Press: Washington DC, 2002:26.
[7] Source: "Military Intelligence," *Burma's Armed Forces: Power without Glory*, Andrew Selth, Eastbridge: Norwalk, 2002:101.
[8] Source: "Warriors as State Builders, 1953-62," *Making Enemies: War and State Building in Burma*, Mary Callahan, Cornell University Press: New York, 2004:176.
[9] Source: *Ibid*:180.
[10] Source: "On Warps and Warped Time: Lessons from Burma's 'Democratic Era'," *Burma: Prospects for a Democratic Future*, Mary Callahan, Ed. Robert Rothberg Brookings Institution Press: Washington DC, 1998:54.
[11] Source: "Military Intelligence," *Burma's Armed Forces: Power without Glory*, Andrew Selth, Eastbridge: Norwalk, 2002:102.
[12] Sources: "Military Intelligence," *Burma's Armed Forces: Power without Glory*, Andrew Selth, Eastbridge: Norwalk, 2002:89; "Warriors as State Builders, 1953-62," *Making Enemies: War and State Building in Burma*, Mary Callahan, Cornell University Press: New York, 2004:183.
[13] Source: "Retreat to the Jungle (1955-62)," *Burma in Revolt*, Bertil Lintner, Silkworm Books: Chiang Mai, 2002:174.
[14] Source: "The Collapse of Parliamentary Democracy: Ne Win Seizes Power," *Burma: Insurgency and the Politics of Ethnicity*, Martin Smith, Zed Books: Wiltshire, 1993:171.
[15] Source: "Warriors as State Builders, 1953-62," *Making Enemies: War and State Building in Burma*, Mary Callahan, Cornell University Press: New York, 2004:190.
[16] Source: "Military Intelligence," *Burma's Armed Forces: Power without Glory*, Andrew Selth, Eastbridge: Norwalk, 2002:102.
[17] Source: *The Logic of Violence in Civil War*, Stathis N Kalyvas, March 2000:3. Accessed online at: www.nd.edu/~cmendoz1/datos/papers/kalyvas.pdf.
[18] Source: "Retreat to the Jungle (1955-62)," *Burma in Revolt*, Bertil Lintner, Silkworm Books: Chiang Mai, 2002:199.
[19] Source: "The Historical Roots of Military Rule," *The Disorder in Order: The Army-State in Burma since 1962*, Donald M Seekins, White Lotus: Bangkok, 2002:34.
[20] Source: "Retreat to the Jungle (1955-62)," *Burma in Revolt*, Bertil Lintner, Silkworm Books: Chiang Mai, 2002:204.
[21] Source: "The Kleptocrats," *Burma: The Curse of Independence*, Shelby Tucker, Pluto Press: London, 2002:190.
[22] Source: "The North-East Command and the Four Cuts," *Burma's Armed Forces: Power without Glory*, Andrew Selth, Eastbridge: Norwalk, 2002:203.
[23] Source: "Recruitment, Training and Doctrine,"*Burma's Armed Forces: Power without Glory*, Andrew Selth, Eastbridge: Norwalk, 2002:90.
[24] Seekins "The Historical Roots of Military Rule," *The Disorder in Order: The Army-State in Burma since 1962*, Donald M Seekins, White Lotus: Bangkok, 2002:93.
[25] Source: "Warriors as State Builders, 1953-62," *Making Enemies: War and State Building in Burma*, Mary Callahan, Cornell University Press: New York, 2004:192.
[26] Source: "Recruitment, Training and Doctrine,"*Burma's Armed Forces: Power without Glory*, Andrew Selth, Eastbridge: Norwalk, 2002:90.
[27] Source: *The Logic of Violence in Civil War*, Stathis N Kalyvas, March 2000:6. Accessed online at: www.nd.edu/~cmendoz1/datos/papers/kalyvas.pdf.
[28] Source: "The North-East Command and the Four Cuts," *Burma's Armed Forces: Power without Glory*, Andrew Selth, Eastbridge: Norwalk, 2002:203.
[29] Source: "The Burma Army," *Burma's Armed Forces: Power without Glory*, Andrew Selth, Eastbridge: Norwalk, 2002:159.
[30] Source: "Recruitment, Training and Doctrine,"*Burma's Armed Forces: Power without Glory*, Andrew Selth, Eastbridge: Norwalk, 2002:88.
[31] The National Archives, Kew, London: FO 643/56/1 Burma Office, Burma Secretariat and Foreign Office, Embassy, Rangoon, Burma: General Correspondence:1.

[32] Source: "The Communist Juggernaut (1968-78)," *Burma in Revolt*, Bertil Lintner, Silkworm Books: Chiang Mai, 2002:258.
[33] Source: "The Ne Win Years, 1962–88," *Living Silence: Burma under Military Rule*, Christina Fink, Zed Books: London, 2001:34.
[34] Source: "Burma's Intelligence Apparatus," *Journal of Intelligence and National Security*, Vol. 13, No. 4, Andrew Selth, 1998: 33-70.
[35] Source: "Guns, Drugs and Ethnic Resistance (1976-87)," *Burma in Revolt*, Bertil Lintner, Silkworm Books: Chiang Mai, 2002:316.
[36] Source: *Ibid*:330.
[37] Source: "The Burma Army," *Burma's Armed Forces: Power without Glory*, Andrew Selth, Eastbridge: Norwalk, 2002:164.
[38] Source: "Communities: Going with the Flow," *Living Silence: Burma under Military Rule*, Christina Fink, Zed Books: London, 2001:185.
[39] Source: "Burma and the Threat of Invasion: Regime Fantasy or Strategic Reality?," *Regional Outlook Paper No. 17*, Andrew Selth, Griffith Asia Institute, 2008.
[40] Source: "Military Rule Continues," *Living Silence: Burma under Military Rule*, Christina Fink, Zed Books: London, 2001:82.
[41] Source: *Ethnic Groups in Burma: Development, Democracy and Human Rights*, Martin Smith, Anti Slavery International, 1994:52.
[42] Source: *Ibid*:40.
[43] Source: "Deprivation of Livelihoods," in *Burma Human Rights Yearbook 2006*, HRDU, 24 June 2007.
[44] Source: *Bullets in the Alms Bowl: An analysis of the brutal SPDC suppression of the September 2007 Saffron Revolution*, HRDU, 10 March 2008.
[45] Source: *Ibid*.
[46] Source: *Ibid*.
[47] Source: *Ibid*.
[48] Source: *Ibid*.



CHAPTER 1
Arbitrary Detention and Enforced or Involuntary Disappearances

BURMA

HUMAN RIGHTS YEARBOOK 2008

1.1 Introduction

> *"The repression continues daily with activists, monks, and members of opposition political parties arrested and tortured. There are more than 2,000 political prisoners, including heroic figures like leaders Min Ko Naing, Ko Ko Gyi, Su Su Nway, Nilar Thein, Khun Htun Oo, Zarganar and our sister laureate Aung San Suu Kyi. U Gambira, a monk leader of the Saffron Revolution, is imprisoned, awaiting his sentence."* [1]
>
> - Statement by Nobel Peace Prize Laureates

Throughout 2008 Burma's military junta maintained its campaign of oppression and tyranny against ordinary Burmese citizens, ethnic minorities, monks, political opposition groups and pro-democracy activists. Arrests and detention continued against, and were shaped by, a milieu of extremely significant national events.

In August and September 2007, protests against the price increases of fuel erupted throughout Burma. Pro-democracy activists led the initial demonstrations in Burma's main city, Rangoon. Approximately 400 people marched on 19 August 2007, in what turned out to be the largest demonstration in the military-ruled nation for several years. The authorities moved swiftly to quell the protests, rapidly arresting dozens of activists. Nonetheless, protests continued around the country. Numbers were small, but demonstrations were held in Rangoon, Sittwe and other prominent towns. The protests culminated with the Saffron Revolution; tens of thousands of Buddhist monks joined in a number of protests from 17-26 September. In the brutal crackdown which followed, many were killed and mass arbitrary arrests were carried out. Thousands of activists and monks were arrested and held in make-shift detention compounds.[2]

The crackdown following the Saffron Revolution continued throughout 2008. Those involved in the protests continued to be hunted down and arrested. Closed trials were conducted behind prison walls and extremely harsh sentences were handed down to activists. Political prisoners were transferred to remote locations and labour camps. Detention conditions deteriorated as the number of prisoners increased.

The devastation wrought by Cyclone Nargis on 2 and 3 May 2008 was an unparalleled tragedy for Burma. The shambolic relief effort which left thousands without aid for weeks added to the suffering of those affected. The regime faced international condemnation for their slow response to the tragedy and consequently sought to strictly control and 'stage manage' the relief effort. Many activists and ordinary Burmese citizens volunteered their time and resources to aid in the relief effort. The regime strongly denounced the volunteers as their efforts ran counter to the official line that the relief effort was under firm military control. Subsequently, many private donors and volunteers were harassed and approximately 20 were arrested.[3]

In April, the junta announced it would hold a referendum on 10 May as the second step of the 'roadmap to democracy'. Despite the destruction wrought by Nargis, the regime maintained two dates in May for the referendum, 10 May for most areas and 24 May for those areas severely affected by Nargis. The referendum process was one of intimidation of the political opposition and general populace, denial of basic freedoms of expression, association, and assembly, and arbitrary arrests and detention.[4] Burma's pro-democracy groups and ethnic organisations urged people to vote 'No' in the referendum. 'Vote No' campaigns were staged across Burma's states and divisions. Activists were detained for participating in such campaigns. In May, the regime arrested 67 people for opposing the SPDC's constitution, bringing to 124 the total of 'No' vote supporters arrested since March.[5] Villagers were threatened with three years imprisonment if they voted 'No' in the referendum.[6] Following the referendum, numerous civilians were arrested for casting negative votes.

The 20th anniversary of the 8.8.88 Uprising was marked on 8 August. On that day back in 1988, cities across Burma were packed with demonstrators. Hundreds of thousands of people marched through the then capital, Rangoon, calling for a transition to democracy and an end to military rule. The protests were met with brutality; it was estimated that approximately 3,000 protesters were killed, with thousands more jailed.[7] Twenty years later, most of those who led the 1988 protests are either in overseas exile, in hiding or in prison. Many of the 88 Generation Students Group were imprisoned for their roles in the September protests. Commemorating the anniversary in Burma proved difficult as the regime tightened security and sought to curb all political activity. Security was tightened prior to the anniversary and members of the 88 Generation Students Group were arrested.[8] Small and highly secretive ceremonies were successfully held across the nation. Peaceful public demonstrations were held in two towns in Arakan State, resulting in the arrests of over 60 activists.[9]

At year's end it was estimated that there were 2,100 'security detainees' throughout Burma.[10] The regime claims it holds no political prisoners; a tenuous claim borne of the fact that the judiciary generally charges political detainees with criminal offences. The 'security detainees' include political prisoners, merchants, violators of state security laws, and those accused of fostering religious disturbances.[11] Despite government assertions, the vast majority of these prisoners were not believed to have engaged in any violence, theft, or other common crimes.

The year 2008 was extremely significant in terms of arbitrary and politically motivated arrests, trials, sentencing and detention. The continuing crackdown in the wake of the Saffron Revolution of September 2007 occasioned a spike in the number of political prisoners being held in Burma's numerous prisons and hard labour camps. As of June 2008, there were 2,123 political prisoners in Burma, up 78 percent from the UN figure of 1,192 in June 2007.[12]

The record number of political prisoners held in Burma's prisons led to a sharp increase in the use of 'closed' or 'special courts' inside Insein prison. In November 2008 alone, it was estimated that the cases of 215 activists were summarily heard in closed courts and sentences handed down. The trials of activists and opposition leaders were held behind the walls of prisons, away from public scrutiny and comment. The trials were neither free nor fair, the defendants' families and lawyers were rarely notified about the trials and witnesses for the defence were not allowed. Police and judges also violated limits on the length of pre-trial detention.[13] Prison sentences of up to 65 years were conferred on a number of political prisoners, representing the harshest sentencing handed down in two decades.[14]

The increased number of prisoners led to the construction of makeshift detention facilities and overcrowding, with prison conditions continuing to deteriorate as a result. Those condemned to Burma's prisons and labour camps faced overcrowding, unsanitary conditions, indiscriminate torture, arbitrary transfers and a lack of adequate medical care, exercise time, living provisions and food. Cyclone Nargis further deteriorated conditions in Rangoon's Insein Prison, where a quarter of all political prisoners continue to be held.[15] In the chaos and panic during the cyclone, Insein Prison guards believed inmates were rioting and attempting to escape; they shot dead 30 prisoners and injured 70.[16] Following the incident, security in the prison was tightened and visiting and exercise privileges restricted. The junta further sought to isolate political prisoners by transferring them to remote locations and labour camps away from their relatives. More than 100 of the estimated 215 activists sentenced in November to terms of imprisonment of up to 68 years were consigned to at least 20 isolated prisons in various parts of Burma.[17] The policy was described by human rights organizations as a form of torture, imposed not only on the prisoners themselves but also on their families.[18]

The aftermath of the Saffron Revolution continued to be acutely felt by Burma's Buddhist clergy. Burma's monks continued to be harassed, arrested, disrobed and sentenced for their involvement in the protests. The junta was holding 212 monks in its prisons as of September 2008.[19] Activists state that this figure represents the largest number of monks jailed at one time by the regime.[20] The treatment of detained monks has been a source of concern and outrage for activists. Monks held in detention were disrobed by the authorities and treated like civilian prisoners, in direct contravention of prison regulations.[21]

The international community has renewed its focus on Burma after the Saffron Revolution and Cyclone Nargis. In September 2008 the SPDC released 9,002 prisoners from jails across Burma.[22] The move was aimed at defusing international pressure at the UN General Assembly. However, the mass release was not a move towards political freedom. The overwhelming majority of those released were drug dealers and petty criminals as well as SPDC Army and police deserters.[23] Fewer than ten political prisoners were among those released. [24]

In 2008 the military continued to attack ethnic minorities in conflict areas. Abuses such as arbitrary arrest, forced labour, sexual violence against women and girls, extrajudicial killings, torture and beatings, and confiscation of land and property were widespread. Throughout Burma, the lives of ordinary civilians were strictly monitored and controlled by the regime. Civilians were subjected to arbitrary and politically motivated arrests, interrogations, extra-judicial killings and extortion. Innocent civilians were arrested on the personal whim of authority figures and arrests were at times conducted as a matter of personal retribution. Arrests were frequently made over dubious or fabricated offences, with substantial bribes then demanded for the prisoners' release. The arrest, extortion and release of civilians continue to be an insidious fact of the lives of Burma's citizens.

1.2 Arbitrary or Politically Motivated Arrests, Detention and Disappearances

The credibility of Burma's policing and judicial system continued to decline over the course of 2008. The military regime continues to claim that there are no political prisoners held in the country. Statements such as these arise from the fact that the regime has made sure that those members of the opposition, rights activists and civil society groups have been charged under common criminal codes. In a great majority of cases, those who pose any real threat to the regime have been charged under antiquated and vague laws that are decades old and extremely general, as can be seen from the wording of the laws indicated below. The laws used to imprison activists and the like have been interpreted liberally enough to encompass all manner of threatening public manifestations and activities such as prayer vigils and meetings of more than five.

The severity of sentences handed down for infringements of vague laws speaks to the partiality of the Burmese judicial system and clearly indicates that the courts come under direct pressure from the upper echelons of the SPDC power structure. It is clear that in Burma there is no separation whatsoever between the legislative, executive and judicial arms of the state; meaning that those arrested by states security forces have little to no chance of receiving a fair hearing in anything resembling a political case.

The junta frequently employs section 505 (b) of the Burma Penal Code, employing it as a catch-all charge against opposition groups. Under the penal code, section 505 (b) states that:

> *"Whoever makes publishes or circulates any statement, rumor or report.. (b) with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity.. shall be punished with imprisonment which may extend to two years, or with [a] fine, or with both."* [25]

Even a cursory look at the law indicates the scope with which it could be interpreted, incorporating as is does language such as *"public tranquillity"*, *"rumor"* and *"intent to cause alarm."* The phrasing of laws such as this one is of such a general nature that when defendants are accused of violating such things as the 'public tranquillity', the charges are extremely difficult to negate. Charges such as these are seldom accompanied by solid evidence and boil down to the defendant's word against that of a state prosecutor or a member of the security forces with vested interests in jailing activists. That is of course, should there be any semblance of a trial taking place. Many times, those accused are tried summarily and sentenced without the benefit of anything resembling due process.

Apart from the often used Penal Code, the regime commonly employs several other laws including the *Emergency Provisions Act* (1950), the *Unlawful Associations Act* (1908), and the *State Protection Law* (1975). Again these laws and the severity of sentences for transgressing them are outrageously harsh. The *Emergency Provisions Act* (1950) is a commonly used alternative to Section 505(b), used to sentence people for political reasons. The Act carries with it the possibility of a death sentence if convicted of articles 2, 3, and 4, all of which concern assisting in an act of treason. Two of the most common articles used in sentencing are Articles 5 (e) and 5 (j), which state that:

> 5 (e) *"If anything is done intentionally to spread false news knowing it to be false or having reason to believe that it is false or if any act which is likely to cause the same is done"* [26]

> 5 (j) *"[Anyone who] causes or intends to disrupt the morality or the behaviour of a group of people or the general public, or to disrupt the security or the reconstruction of stability of the union."* [27]

Both articles carry seven year prison sentences and heavy fines. Article 5(j) has been used so widely in the indictment of political prisoners that '5J' is often used as short-hand to denote a political prisoner.[28]

Another law often used to charge members of the pro-democracy movement is the Unlawful Associations Act (1908), which criminalises association with organisations deemed to be threatening to the regime. Note that this law is never applied to any of the so-called government backed civil society groups such as the Swan Arr Shin, the Union Solidarity Development Association or the Auxilliary Fire Brigade. The application of the Unlawful Associations Act has basically meant the extinction of any non-government backed groups within the country. As an example of this, there are no trade unions operating in Burma independently of those sanctioned by the regime. (For more information see Chapter 14: Freedom of Assembly, Association and Movement). The Unlawful Associations Act comprises multiple articles which have been used to charge activists. The 'offences' can range from something as simple as an individual who *"takes part in meetings, or contributes or receives or solicits any contribution for such an association, or any way assists the operations of an unlawful association,"* as in article 17(1), to an individual who *"encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts,"* as in article 15(2).[29]

The *State Protection Law* (1975) allows the state to restrict a citizen's 'fundamental rights' during times of state emergency (such as during the aftermath of cyclone Nargis, for example). SPDC authorities can use this law to detain any individual for up to five years without charge or trial if they are suspected of *"having performed, or is performing, or is believed to be performing an act endangering the state sovereignty and security, and public law and order…"* [30]

One of the concerns of the SPDC is the ability of activists and members of the opposition to and spread information that would increase awareness levels among the general population and facilitate better organisation among groups. The Electronic Transactions Law (The State Peace and Development Council Law No 5/2004, 30th April, 2004); The Printers and Publishers Registration Law (1962); and, The Television and Video Law (The State Law and Order Restoration Council Law No 8/96, 29th July, 1996) have all been utilised against activists as ways of restricting freedom of information and as a way of punishing those in possession of materials documenting rights abuses.[31]

Disappearances

The disappearances of both private citizens and political activists continued throughout 2008. Disappearances were generally attributed to authorities detaining individuals for questioning without informing family members and the army's practice of seizing private citizens for portering or related duties, often without notifying family members.[32] In the more fortunate cases, individuals who were detained for questioning were released soon afterward and returned to their families. Tragically, the fates of disappeared persons were often not known to family members for months, years, or at all. The whereabouts of persons seized by military units to serve as porters, as well as of prisoners transferred for labour or portering duties, often remained unknown. Family members generally learned of their relatives' fates only if fellow prisoners survived and later reported information to the families.[33]
Amnesty International considers the lack of protection from arbitrary detention throughout Burma to be a key factor in facilitating violations such as enforced disappearances. They reported that:

> *"It has created a situation in which individuals lack access to formal procedures to establish the fate and whereabouts of 'disappeared' relatives. The authorities in Myanmar frequently fail to respect basic rights in arrest and detention procedures; in fact, it is often the case that no arrest or detention procedures are observed whatsoever. State agents frequently arrest individuals without warrants and without providing grounds, hold individuals incommunicado after arrest, and do not routinely disclose the whereabouts of detention to family members or lawyers. If there is considered to be a security dimension to their arrest, it is more likely that detainees are held in unofficial or unacknowledged places of detention during interrogation. Many political prisoners have no access to family or to legal counsel until trial hearings. Detainees also have no effective means to challenge the legality of their detention."* [34]

Disappearances are often the precursor to forced labour, torture and extrajudicial killing. (For more information, see Chapter 2: Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, Chapter 3: Extra-judicial, Summary or Arbitrary Executions and Chapter 7: Forced Labour and Forced Conscription).

Arrest and Pre-Trial Interrogation and Detention

The legalities of arrests and pre-trial detention have previously been outlined by the U.S. Department of State (DoS) in the 2007 County Report on Burma, and evidence from 2008 suggests that there have been few changes in the way that the SPDC conducts police actions against activists:

> *"By law warrants for searches and arrests are required; however, the MSA and police have special authority to conduct searches and make arrests at will. The law permits a court to detain persons without charge for up to two weeks, with the possibility of a second two week extension. However, authorities frequently extended detentions beyond this period without producing the detainees before a judge. The regime often held persons under the Emergency Act of 1950, which allows for indefinite detention. In practice many persons were held for years without being informed of the charges against them,"* [35]

The arrest and protracted pre-trial detention of political prisoners was commonly practiced throughout 2008, as a result of the regime's hunt for the leaders of the protests in August and September 2007.

Monks and suspected political leaders were arrested under the cover of darkness, and taken to undisclosed locations to face interrogation. Once in custody, individuals often faced harsh interrogative tactics, such as physical abuse, denial of food and water, and sleep deprivation. Monk U Pyinyarthiri was imprisoned for three years after the peaceful demonstrations in September 2007. He was sent to Lend Tlann prison camp in Tiddim Township, Chin State. After three and half months in the camp, he successfully escaped. U Pyinyarthiri subsequently detailed the torture he endured whist he was imprisoned:

> *"They kicked my chest with their combat boots and stomped on my face with my hands handcuffed behind me. Every question was accompanied by kicks and punches to my head and body. I was almost unconscious. I fell on the table in front of me when they kicked me from the back. At last I could not endure anymore such torture. They twisted my arms and tried to break them, which affected the nervous system in my hand. They pressed between my rib bones. They slapped me on my temple and pulled my earlobes violently. They stepped on my shins which left me with severe pain until I was sentenced to prison term. I could not walk well. They interrogated me by all means available to them. My little toes were swollen. When I could not endure anymore torture, I head-butted the table in front of me, trying to knock myself unconscious."* [36]

As a result of the large number of arrests during the September 2007 protests, detainees suffered worsening conditions as detention facilities became overcrowded. The influx of new prisoners led the regime to create ad hoc detention centres. These new facilities were grossly overcrowded, exposing prisoners to cramped and unhygienic conditions. Moreover there were reports of insufficient food and water, as well as a lack of sanitary facilities. (See section 1.8: Conditions of Detention).

Articles 330 and 331 of the Burmese Penal Code ban interrogators from causing 'hurt' or 'grievous hurt' to prisoners during interrogation. It also states, under Articles 323 and 325, that detainees and prisoners should be free from 'hurt' and grievous hurt' outside of interrogation. Article 166 states that injury of an individual should not be carried out by a public servant.[37] Thus, there are clear stipulations in the code protecting those in custody from abuses at the hands of security forces and other authorities. These regulations continue to be commonly flouted however, and there is little recourse available to those who have suffered abuse in detention when security officials are the perpetrators of these crimes. Those with grievances have very little to look forward to in terms of help from a judiciary crippled by a lack of transparency and which operates under the firm hand of the SPDC.

The existence of abuses in the custodial system in Burma is unlikely to change. Evidence suggests that all members of the security forces such as the police, and members of the regime's proxy forces such as the Swan Arr Shin and the USDA, are able to conduct the regime's dirty work, such as night time raids on homes, beating detainess etc, without fear of reprisal. Whilst opposition members and activists face very loose interpretations of vague laws and subsequent severe sentencing, the members of SPDC backed institutions enjoy all but complete immunity from prosecution. As they are acting on behalf of the SPDC, the official and proxy forces operate in a culture of near complete impunity, one maintained by the regime and one which rewards steps to keep the opposition in a position of weakness. The pervasiveness of the corruption inherent in the system is enough to maintain the balance of power in the SPDC's favour and ensures that there is no political incentive which would induce the regime to address torture or any other abuses that serve to entrench its hold on power.

When necessary, officials simply deny the existence of torture, and routinely cover up evidence. This was the case several times in 2008 when individuals died while in custody. Police typically report that the victim died of natural causes while in custody, although marks of physical abuse have provided evidence to the contrary. In other cases, authorities cremated the bodies of those killed in custody before notifying the family of the death.

Denial of Fair and Public Trials and Appeals

> *"We express our grave concern at the state of the law in Burma, where, we have learned that criminal procedure has in many respects been completely abandoned such that parties to cases are denied their most basic rights and political interests and corrupt practices determine the outcome of trials."* [38]
>
> -The Asian Human Rights Commission

The record number of political prisoners held in Burma's prisons has led to a sharp increase in the use of 'closed' or 'special' courts inside Insein prison. The trials of activists and opposition leaders are held behind the walls of the prison, away from public scrutiny and comment. The trials are neither free nor fair, the defendants' families and lawyers are rarely notified about the trials and witnesses for the defence are not allowed. The police and judges have also violated limits on the length of pre-trial detention.[39] The trials held in Insein prison violate international standards as well as Burmese domestic legislation.

Protections for defendants are granted under the *Criminal Procedure Code* (CPC). According to the law, defendants have several rights including: the presumption of innocence, the right not to testify against oneself or be compelled to confess guilt and lastly that the burden of proof must lie with the prosecution, as articulated in Article 342 of the code. In addition, articles 208 and 340 of the CPC, give defendants the right to cross-examine prosecution witnesses, and be allowed to present evidence.

The use of closed courts for trying political prisoners dates back almost two decades. In 1989, Martial Law Orders 1/89 and 2/89 were passed sanctioning the use of military tribunals. These tribunals were subsequently outlawed in September 1992, under Order 12/92. Although Orders 1/89 and 2/89 were revoked, the SPDC continues to hold closed court military tribunals, particularly for political trials.[40] UN investigators reported that the closed trials were unfair and that the prisoners should be retried in open courts; they stated *"the closed-door hearings are being held inside prisons by courts which lack independence and impartiality."* [41]

Pervasive corruption, the misuse of blanket laws and the manipulation of the courts for political ends continue to deprive Burmese citizens of their legal rights. It is evident that the judiciary is not independent. Judges are appointed or approved by the junta, and judge cases according to the junta's orders. People are held without charge, trial, or access to legal counsel for up to five years if the SPDC considers them a threat to the state's security or sovereignty. The regime continues to rule by decree and is impervious to any constitutional or legislative provisions providing for fair public trials or any other rights.[42]

Sentences

The sentences handed down to political prisoners have increased in severity and length as the regime continued its crackdown after the Saffron Revolution and the suppression of dissidents in the lead up to the 2010 elections. Prison sentences of up to 65 years were conferred on a number of political prisoners; this represents the harshest sentencing handed down since the regime took power.[43] These long sentences were designed to send the unequivocal message that political opppostion would not be tolerated. From the regime's perspective, a further benefit of the sentences was to ensure that members of the political opposition would definitely be detained throughout the election process in 2010, thereby weakening the opposition political parties.

Activists, Opposition Forces and MP- Elects Arrested - Partial list of incidents for 2008

On 9 January 2008, police arrested NLD member and labour activist Htet Wei while he attended a friend's trial in Rangoon. According to witnesses, police took Htet Wei into custody when they allegedly saw the defendant, detained protester U Ohn Than, pass him a piece of paper. At year's end authorities had not released any information concerning the status of Htet Wei.[44]

On 20 January 2008, Kyaw Win Chay, Maung Maung Than Shwe and Aung Hsun Min were charged with hiding one of the monks at the forefront of the September 2007 protests. The three were arrested by police in October 2007. At the trial, the police who testified against the individuals were not the officers involved in the investigation of the incident, nor could the officers produce any evidence against the defendants. Despite these obvious infractions, members of the police had been ordered to testify against the three men for harbouring the monk, who at the time had not been charged with any specific offence, under the orders of their superior officers.[45]

Also on 20 January 2008, Kam Lat Hkoat, Kat Hkant Kwal and Tin Htoo Aung were all charged with a number of offences for allegedly distributing anti-junta literature and being involved in illegal associations. The three men were arrested at the end of October 2007 in the crackdown following the Saffron Revolution. During their trial, police admitted having no evidence against the accused, and that the alleged confessions were inadmissible in court. Police also confessed under questioning in court that they have testified because they had been ordered to do so by superior officers.[46]

On 22 January 2008, poet Saw Wai of Phyu Township, Pegu Division was arrested. He was charged under section 505(b) of the Penal Code. Saw Wai had written a poem critical of Senior General Than Shwe that was published in the *Love journal*.[47]

On 29 January 2008, Nay Phone Latt, a businessman also known as Nay Myo Kyaw, was arrested at an internet café. Nay Phone Lat was arrested because of opinions expressed on his blog, which gave his perspective on Burma's youth. During closed judicial proceedings held at the Insein compound on 10 November 2008, Nay Phone Latt was sentenced to 20 years and six months in prison by vice district Judge Daw Soe Nyan from Northern Rangoon district.[48]

On 15 February 2008, police arrested Thet Zin, the editor of weekly *Myanmar Nation*, and its manager, Sein Win Maung, during a raid on the newspaper's offices. Police also seized the journalists' cell phones, footage of monk-led antigovernment demonstrations that took place in Burma in September 2007, and a report by former UN Special Rapporteur on Human Rights in Burma, Paulo Sergio Pinheiro. The pair was charged on 25 February with illegal printing and publishing. On 28 November, a closed court at the Insein Prison compound sentenced each of the men to seven years in prison.[49]

On 6 March 2008, Aung Kyaw Oo (born 14 April 1968), son of U Chit Ohn was arrested. Aung Kyaw Oo was charged under Penal Code section 505 (B), Unlawful Association Act 1908 section 17 (1), and Hidden in Darkness section 13 (D) and detained in Insein Prison while awaiting trial.[50]

On 16 March 2008, 27 year old Kyaw Ko Ko, leader of the ABFSU was arrested. He was charged under section 32 (A) and (B) of the Penal Code.[51]

At 9 pm on 27 March 2008, Myint Aye, aged 58, one of the founders of the Human Rights Defenders and Promoters (HRDP) was attacked and beaten in Myaynigone junction, Sanchaung Township, Rangoon. He was admitted to Rangoon General Hospital and hospitalised for two days. He was seriously injured, sufferiing five incisions to his head. Myint Aye reported the assault to the township court in Sanchaung.[52]

On 1 April 2008, Thingangyun Township officials arrested NLD youth activist Ko Aung Htun at his home. At year's end authorities had not released any information concerning the status of Ko Aung Htun.[53]

On 2 April 2008, U Ohn Than was sentenced to life imprisonment for staging a solo protest on 23 August 2007. The Asian Human Rights Commission described the trial and '*patently flawed'* and asserted that U Ohn Than had been wrongly detained, tried and imprisoned. After his conviction, Ohn Than was transferred to the Khanti Prison in Sagaing Division, upper Burma.[54]

On 6 April 2008, NLD member Ko Thein Lwin from Ward One in Ramree Township, Arakan State, was arrested. Ko Thein Lwin was arrested after police raided his house and found in his possession statements on the upcoming referendum that were issued by the NLD headquarters in Rangoon. In the statement, the party urged people to vote 'No' on the draft constitution being put to referendum.[55]

On 28 April 2008, U Win Myint Aung, a 1990 people's parliament representative, was arrested by authorities. On 30 April 2008, U Win Myint Aung was sentenced to three years and three months imprisonment by the Depayin Township court under Article 292 (a) of the Penal Code and Article 32 (b) of the video act.[56]

On 3 May 2008, guards and riot police shot dead 38 prisoners and injured 70 in Insein Prison when the inmates rioted. The prisoners numbering 1500 had been locked together in a prison hall after Cyclone Nargis had destroyed parts of the prison. The riot broke out after the prisoners' requests to be moved to safety were ignored. In the investigation which followed, four prisoners were killed during interrogations and 98 put into punishment cells. One of the four prisoners killed was Ko Ohn Kyaw, an Organising Committee member of the NLD Rangoon Division, Dawbon Township, who was bludgeoned to death during rigorous interrogation.[57]

On 4 May 2008, NaSaKa officials from Nasaka Area 7 headquarters, located in southern Maungdaw Township, arrested two villagers Mr Jomar Lu Songn from Zaydibying village tract and Mrs Subira Khatum from Thapyidaw village in Fetlake village tract, Rathedaung Township, Arakan State, for possession of anti-referendum posters. The arrested individuals were taken for interrogation to NaSaKa headquarters but family members of the arrested pair were given no information by the authorities regarding the fate of the two individuals subsequently.[58]

On 5 May 2008, four people from Chin Let Wa Village in northern Paletwa Township in western Burma's Chin State were arrested by police for distributing anti-referendum posters and pamphlets in the area. Those arrested were identified as:

1. U Kho Take, from Laytay Village;
2. U Hla Tun Aung, from Kinwa Village;
3. U Aung Be, from Saluwa Village; and
4. U Hwe Lan, from Latay Village.[59]

On 6 May 2008, three NLD members were arrested in Salin Township, Magwe Division, after distributing a NLD pamphlet which contained information on how to vote in the referendum. The names of the arrestees were Ko Aung Soe, Ko Win Shwe and Ko Thein Lwin. The three were arrested for possession of copies of an NLD statement which provided details on how to vote in the referendum. A NLD spokesperson stated that the pamphlets contained no illegal material and in fact encouraged people to vote.[60]

On 7 May 2008, SPDC Army soldiers arrested four villagers in Paletwa Township, Chin State, for distributing anti-referendum leaflets. The four were identified as Aung Be from Salowa village, Hla Myint Aung from Kinwa village and Tu Lin and Ko Htet from Leite village in Paletwa Township. Local villagers were unsuccessful in attempts to bribe officials to release the activists.[61]

Also on 7 May 2008, SPDC authorities in Haka, Chin State, briefly detained NLD members Tial Chin and Ngun Zam for distributing vote 'no' leaflets. The pair were held by the police and questioned for four hours regarding their activities.[62]

Between 7 and 9 May 2008, NaSaKa arrested 48 people in Maungdaw Township, Arakan State, for distributing anti-referendum posters. At the time of the report those arrested were being held for interrogation at NaSaKa headquarters located at Kyigan Byint on the outskirts of Maungdaw City. [63]

On 9 May 2008, NaSaKa officials took into custody a Rohingya man for being in possession of anti-referendum papers written in Burmese while he was crossing the Bangladesh-Burma border. The man was identified as 27 year old Dallia, from Tha Yai Gone Tan (Konapara) in Maungdaw Township. He was arrested by officers of the Pa Nyaung Pin Gyi (Daung Khali) NaSaKa camp in Maungdaw Township. Following the arrest, there was no information regarding the victim's whereabouts. As of 14 May 2008, the victim's family did not know whether Dallia was still alive or not.[64]

On 11 May 2008, SPDC authorities in Namhkam Township, Shan State, arrested a former village headman for possession of 'vote no' leaflets. Police entered the home of Sai Ngeun Hsoi Hsai, former headman of Wanpong-Wanoi, Kunlong village tract, claiming to be looking for heroin users. Upon finding anti-refendum leaflets, the accused was placed under arrest. [65]

On 15 May 2008, police attacked and arrested storm victim and South Dagon Township NLD member, Daw Khin Win Kyi. Daw Khin Win Kyi was arrested for attempting to report the sufferings of refugees to senior regime officials, diplomats and UN officials who were inspecting the living conditions of storm victims. According to an observer, *"(a) police sergeant punched her, dragged her away and handcuffed her."* [66]

On 16 May 2008, two Arakanese youths from Ramree Township in Arakan State were arrested by Ramree Town police at approximately 9:30 pm for disrupting the 10 May referendum process. The victims were identified as 28 year old Tun Thein Maung and 27 year old Kyaw Aung. On 10 May the pair cast 'no' votes in the referendum and left their ballot papers with a note urging others to do the same near the ballot box. The two fled after the incident but were later caught and arrested.[67]

During the early morning of 22 May 2008, police arrested more than ten NLD members in Rangoon. It was stated that as many as 13 may have been arrested, however the NLD party was only able to collect 11 names. Those confirmed to have been detained were:

1. Ko Htun Zaw, NLD youth leader, Upper Burma;
2. Ko Khin Htun, NLD youth leader, Lower Burma;
3. U Thet Wai, NLD chairperson, San Chaung;
4. Ko Kyaw Kyaw Moe from Kemmendine;
5. Ko Aung Thein from Kyi Myin Dai;
6. Daw Shan Ma from Shwepyitha;
7. Ma Htet Htet Oo Wai from Shwepyitha;
8. Ma Win Pa Pa from Northern Dagon;
9. Ma Ohnmar from Southern Dagon;
10. Ma Cho from Southern Dagon; and
11. Ko Aye Lwin from Southern Dagon.

The reason for the arrests was unknown; however it was believed to be linked to the constitutional referendum scheduled for 24 May.[68]

On 24 May 2008, Ko Aye Thaung, a NLD member in North Okkalapa Township was physically attacked by Ko San Htway, a member of Tadagyi Ward Union Solidarity and Development Association. U Myint Soe, the Kyauk Yay Dwin Ward Peace and Development Council chairman ordered the attack which came after Ko Aye Thaung monitored the referendum vote count at his township's ballot station (2) on Phaung Taw Oo Pagoda Street. Koh Aye Thaung attempted to press charges; however, he was instead countersued on 2 July 2008 under sections 323 and 294 of the Penal Code.[69]

On 25 May 2008, an unknown number of private donors were detained by authorities after distributing relief supplies to cyclone victims in townships in Irrawaddy Division. More than 40 cars belonging to private donors on their way back from Dadaye and Pyapon Townships were held at Pan Hlaing Bridge at the entrance to Hlaingthaya Township, Rangoon Division. The detainees were released at midnight. When asked, the arresting officers refused to comment on whose orders they were acting under and stated that they themselves did not know the reasons for the arrests.[70]

On 27 May 2008, approximately 30 NLD youth wing activists were arrested in a junta crackdown related to Aung San Suu Kyi's extended detention. Eighteen were arrested while they held a brief protest in front of the party head office in west Shwegondine in Bahan Township, and marched towards party leader Suu Kyi's residence demanding her release. The remaining twelve were arrested from their various residences later that evening. Those detained included:

1. four NLD members from Hlaing Tharyar Township;
2. two NLD members from San Chaung;
3. two NLD members from Mingalardon;
4. two NLD members from Dala;
5. one NLD member from Kyi Myint Taing;
6. Kyaw Myi Naing from Tamwe;
7. Aung Phe from Ton Tay;
8. Htet Htet Oo Wei from Shwe Pyi Tahr; and
9. Yint Min Htet Oo, 12 year old son of Htet Htet Oo Wei.[71]

On the evening of 4 June 2008, comedian and activist Maung Thura, better known as Zarganar, was arrested from his residence in Sanchuang Township. Zarganar was arrested after returning from a trip to the Irrawaddy delta where he donated supplies to victims of Cyclone Nargis. It was widely believed Zarganar was arrested for aiding the cyclone relief effort.[72]

It was reported on 9 June 2008, that five people were arrested by authorities in Rauk Koon village in Myebon Township, Arakan State, for setting fire to a school that was serving as a polling station during the referendum on 10 May 2008. The five were identified as Ko Khin Maung Hla, Aung Than Kyaw, Ba Myint, Maung Thein Aung, and Nga Sein Lon from Rauk Koon Village. Ten others had already been arrested in relation to the fires.[73]

On 10 June 2008, police detained Eine Khine Oo (23), from *Ecovision Journal*, for taking photographs of a demonstration by cyclone survivors outside the UN Development Program office in Tamwe Township, Rangoon, in Rangoon Division. Police alleged that she intended to distribute the photographs to overseas media outlets. In a closed-door trial on 14 November, the court ruled that Eine Khine Oo's coverage had 'disturbed public tranquillity' and sentenced her to two years in prison.[74]

Also arrested on 10 June 2008, for documenting the same demonstration was Kyaw Kyaw Thant, a freelance journalist. Prosecutors accused Kyaw Kyaw Thant of being a leading participant in the demonstration. On 14 November, a court sentenced him to seven years in prison on anti-state charges.[75]

On 12 June 2008, three private aid workers were arrested in Rangoon. Yin Yin Wie, Tin Tin Cho and Myat Thu were detained by the special branch of Burma's police in Sanchaung Township in Rangoon. Officers told the detainees family members that the case was in relation to 'donations from friends abroad'. The junta had officially stated that, *"Everybody may make donations freely. Everybody may make donations to any person or any area."* [76]

On 12 June 2008, the junta detained at least three members of the 88 Generation Students Group. Three senior members, Myet Thu, Yin Yin Wyne and Tin Tin Cho, were arrested in Maynigone, Rangoon, for organizing cyclone relief efforts and aid distribution.[77]

Also arrested on 12 June 2008, were other activists and volunteers aiding in the Nargis relief effort. Ma Sizar, Ko Zaw, Tin Maung Oo, Ma Ni Moe Hlaing and Toe Kyaw Hlaing were arrested by the Special Branch of the police from separate locations. Toe Kyaw Hlaing was arrested from his home in Tamwe Township in Rangoon, Rangoon Division. Videos of the cyclone relief campaign and his computer were also seized by the police.[78]

On 13 June 2008, sports writer Zaw Thet Htway was arrested while in Minbu visiting his mother who had suffered a stroke. Zaw Thet Htway had been helping to distribute aid to cyclone victims, though police officials denied that this was the reason for his arrest.[79] On 21 November, he was sentenced to a total of 19 years in prison on charges of violating the *Electronic Act*.[80]

Also arrested on 13 June 2008, was prodemocracy activist Myat Thu, alleged to be a leading figure in the 88 Generation Students Group; he was arrested along with two other members of the group, Ma Yin Waing, and Ma Tin Tin Cho, as the group sat in the Shwe teashop in Myenigon Hledan, Rangoon. Police forces also searched the homes of the trio who had been helping deliver relief supplies to survivors on the Irrawaddy Delta.[81]

On 14 June 2008, seven civilian volunteer aid workers from the team known as 'The Group that Buries the Dead' were arrested following their efforts to bury victims of Cyclone Nargis. The known identities of those arrested were Lin Htet Naing, Hnin Pwint Wei, Hein Yazar Tun and Aung Kyaw San. Lin Htet Naing and Hnin Pwint Wei were leading members of the All Burma Federation of Students' Unions and had been in hiding since September 2007. The group was arrested at a checkpoint as they were returning from Bogale to Rangoon.[82]

On 15 June 2008, Aung Kyaw San, editor of the *Myanmar Tribune*, was arrested along with 16 other people who had volunteered to help bury the cyclone dead. The group of volunteers had buried more than 400 bodies and were arrested as they returned to the main city of Yangon to collect more burial sacks. At the time of the report the group was being held in detention in northern Rangoon's Insein Prison.[83]

On 19 June 2008, 13 members of the opposition party were arrested after calling for the release of pro-democracy leader Aung San Suu Kyi as she marked her 63rd birthday.[84] The 13 people were put into a truck after dozens of Suu Kyi's supporters gathered outside the NLD headquarters in Rangoon. An NLD spokesperson later estimated that the number of arrestees could have been as high as 25. Some of those arrested were identified as:

1. Ko Htun Myint, Bahan NLD Secretary;
2. U Hla Aye, Hlaingthaya NLD campaigning wing member;
3. Ko Maung Maung Thein of Mingalardon;
4. monk U Myint Swe;
5. U Soe Oak, Bahan NLD Joint-Secretary;
6. U San Baw of Chit Khin;
7. Ton Tay also of Chit Khin;
8. U Maung Sein of Insein; and
9. U Htay Aung, Wah Khe Ma NLD Deputy-Chairman.[85]

On 25 June 2008, a lone women demonstrator was arrested in Rangoon after she called for the release of political prisoners. A worker near Rangoon City Hall confirmed that an unidentified woman staged a solo protest in front of the building at about 2pm on Wednesday. The identity of the woman remains unknown.[86]

It was also reported that on 25 June 2008, an unidentified woman was arrested after staging a solo demonstration near Sule Pagoda in Rangoon. Witnesses say the woman began her protest at 4:30 pm and was arrested shortly thereafter. It was unclear whether this incident is related to the protest above.[87]

Truckloads of uniformed police arrive near the NLD headquarters in Rangoon following a violent assault by State-sponsored thugs on Aung San Suu Kyi's birthday celebrations on 19 June 22008. As many as 25 NLD members were reported to have been arrested after calling for Suu Kyi's release. *[Photo: © Irrawaddy]*

On 18 July 2008, the authorities detained four NLD members, who were identified as:

1. Ko Myint Htay, Rangoon Division NLD youth support member;
2. Ko The Han, Dagon Township NLD member;
3. Ko Win Myint Maung, Kayan Township NLD youth wing member; and
4. Ma Htet The Oo Wei, Shwepyithar NLD member.

The reasons for the arrests, which took place late at night and in the early morning, were unknown; however a NLD spokesperson believed they were detained in relation to the activities planned for the 19 July Martyr's Day. Government officials have routinely detained political activists in the past prior to politically symbolic events.[88]

On 27 June 2008, Burma's Supreme Court denied an appeal by six activists to overturn their lengthy jail sentences for attending a Labour Day event. Thurein Aung, Wai Lin, Kyaw Min, Myo Min, Nyi Nyi Zaw and Kyaw Kyaw were arrested on 1 May 2007, after attending a Labour Day function at the American Centre of the US Embassy in Yangon.[89]

On 27 June 2008, four members of Burma's main pro-democracy party who campaigned against the draft constitution proposed by the military government were jailed for one year on charges of *"trespassing with intent to commit offense."* They were arrested in Taungup in western Arakan state in March for distributing leaflets urging voters to reject the draft charter.[90]

It was reported on 25 July 2008, that in the week prior, ten young students were each sentenced to two years imprisonment at Kyauktada Township Court, Rangoon. They were arrested in October 2007 for participating in the Saffron Revolution. After they were sentenced, they were sent to forced labour camps, by order of the Minister for Home Affairs. The 10 students and their destinations were as follows:

1. Tun Myint Aung (Muslim): Kyaikmayaw New Life (6) forced labor camp;
2. Tun Tun Naing: Kyaikmayaw New Life (6) forced labor camp;
3. Eisud (aka) Thaung Htut (Muslim): Paan New Life (7) forced labor camp;
4. Naing Lin: Paan New Life (7) forced labor camp;
5. Nyi Nyi Zaw (Muslim): Zinkyaik gravel forced labor camp;
6. Kyaw Hlaing (aka) Japangyi (Muslim): Zinkyaik gravel forced labor camp;
7. Myo Thant (Muslim): Yinnyein gravel forced labor camp;
8. Myo Win (Muslim): Yinnyein gravel forced labor camp;
9. Han Thaw Min Aung (Dala): Taungzun forced labor camp; and
10. Nay Lin Oo (Muslim): Taungzun forced labor camp.[91]

On 6 August 2008, Human Rights Defenders and Promoters (HRDP) member Myo Min was arrested. The following day on 7 August, another HRDP member, Ko Thant Zaw Myint, was also arrested. The full details of the circumstances of the arrests were unknown at the time of reporting.[92]

On 7 August 2008, three members of All Burma Federation of Student Unions (ABFSU), Aung Kyaw (Rangoon Western University), Htain Lin (University of Education, Rangoon) and Chit Tun Lwin (Maubin University), two members of the 88 Generation Students Group, Mar Mar Oo and Myo Thant, and three visitors were arrested by junta authorities. The arrests came after intelligence officials forcibly entered and searched a number of houses where the group was staying on the night of 7 August. It is believed the activists were arrested as part of a security crackdown before the 20th anniversary of the 8.8.88 uprising.[93]

Also on 7 August 2008, HRDP member U Myo Myint from Kyi Myint Taing Township was arrested at his home. Authorities also seized his camera and three CD's. No specific reason for the arrest was given. A HRDP colleague said, *"Our group's work is nothing provocative; if [the authorities say] something has happened then I can find a way to explain it*." [94]

On 8 August 2008, a protest was conducted in the town of Taungup, Arakan State, to commemorate the 20th anniversary of the 8.8.88 uprising. It was reported that 43 people who joined the silent march were arrested; all but five were released the following day. The five who remained in detention were identified as NLD youth members, Ko Moe Naing Soe, Ko Maung Maung Thet, Ko Chit Maung Maung, Ko Than Lwin and Ma Ni Ni Nay Myint. They were sentenced to two and a half years imprisonment by Sandoway Township Court on 15 August.[95]

Also on 8 August 2008, a similar protest in another town in Arakan State resulted in numerous arrests. Authorities arrested 21 activists near Nackmoaw village some distance from their intended destination of Taungup. They were released after questioning and signing an undertaking pledging not to engage in similar activities in the future. However, five men who played a leading role in the protest were kept in custody. Also on 8 August 2008, in Ramree, Maung Aye Thein, a teacher of State Middle School No 1 and U Thumana, an abbot from Ramree Taung Kyaunn monastery were detained.[96]

On the evening of 8 August 2008, U Myint Aye, a prominent member of the Human Rights Defenders and Promoters network, was arrested at his house in Kemmendine Township, Rangoon. Township police chief U Myat Linn and divisional investigation police deputy chief U Kyaw Htin, accompanied by ward authorities, arrived at the house at approximately 4pm and began searching the premises. The authorities seized documents relating to U Myint Aye's Cyclone Nargis relief efforts and took him into custody. U Myint Aye was later charged with misappropriating aid, despite a lack of evidence supporting the charge.[97]

On 8 August 2008, U Peter and Nu Nu Swe, the parents of Sithu Maung, were sentenced to six years in prison. They charged with resisting officials after they failed to open a door when intelligence officers tried to enter their home while searching for their son.[98]

On 11 August 2008, U Saw Hla Maung from Mizan Ward in Sittwe, the capital of Arakan State, was arrested by police during a night raid. U Saw Hla Maung is a democratic activist who staged a protest against the government in Sittwe along with five other people during the Saffron Revolution. He had been in hiding since his involvement in the protests.[99]

On 12 August 2008, Nyi Pu, chairman of Arakan State NLD and Dr Tin Min Htut, a Member of Parliament from the Panthanaw constituency in Irrawaddy Division, were arrested by police from their Rangoon homes. Nyi Pu was arrested from his residence at Rangoon's Bahan Township, while Dr Tin Min Htut was arrested from his residence in Buthidaung Township. It was suggested by the joint-secretary of the Arakan State NLD, Thein Hlaing that the arrests could have been in connection with the Arakan State NLD's appeal to UN Secretary-General Ban Ki-moon regarding rejecting the junta's constitution and the May referendum. Thein Hlaing also suggested, authorities might have suspected the two for master-minding the then recent protests in Taungup Township on the 20th anniversary of the 8.8.88 uprising. Arrests in Arakan State increased during August with extra security forces called to the area in order to prevent demonstrations by local residents.[100]

On the evening of 27 August 2008, Hlaingthaya Township NLD members U Tin Yu, U Kyaw San, U Soe Min and Daw Hla Hla Maw, and Kemmendine member U Yan Naing Tun were arrested by the authorities. Lawyer U Phoe Phyu stated, *"the reason [for their arrest] is that on 15 May they walked from Shwe Yin Aye bus stop to Nyaungdon road in a peaceful protest carrying banners reading 'Free Daw Aung San Suu Kyi'"*. The month of August saw a series of arrests of NLD members.[101]

It was reported on 28 August 2008, that junta authorities re-arrested five NLD supporters from their homes in Hlaingthaya Township. The names of those arrested were U Tin Yu Ko San Naing, Ko Soe Min Min, Ma Hla Hla Maw and Ko Yan Naing Tun (Kemmendine). The five were originally arrested in May 2007 on their way to a pagoda for a prayer meeting for Suu Kyi's release from detention. They were released after 40 days in detention and signed pledges not to protest again. Local authorities re-arrested them as news of Daw Aung San Suu Kyi's refusal to accept food supplies spread among the people.[102]

On 2 September 2008, Generation Wave member Ko Win Maung from Hmawbi Township, Rangoon disappeared. A week later, authorities disclosed he had been arrested but gave no information as to the circumstances of his arrest or where he was being held.[103]

On 4 September 2008, Ko Tin Myo Htut, also known as Ko Kyaw Oo, 32, and another unidentified activist were arrested in Mayangon Township, Rangoon, by government officials in plain clothes. Ko Tin Myo Htut was a student activist in the 1988 nationwide uprising and he was imprisoned in Insein prison for five years in 1992 for his political activities.[104]

On 5 September 2008, six dissidents, identified as Zin Min Shein, Tay Zar, Baw Lay, Doh Lay, Zaw Latt and Tin Min Htut (aka Kyaw Kyaw), were arrested in Rangoon.[105]

On 6 September 2008, six members of the NLD in Magwe Division's Pwintbyu and Salin Townships were arrested. The names of those arrested were not known, however, four were said to be from Pwint Phyu Township and two from Salin.[106]

On 8 September 2008, at least eight dissidents, including members of the NLD, were arrested by security forces, in Yenangyaung Township in Magwe Division, central Burma. The eight arrested men were identified as:

1. Myint Wai;
2. Win Myint Hlaing;
3. Khin Win;
4. Tint Lwin;
5. Aw Gyi (aka Win Hlaing);
6. Than Aung;
7. Nang Win; and
8. Maung Maung.[107]

On 9 September 2008, six activists were arrested in Rangoon and sent to Insein Prison. One of the detained activists was identified as monk leader U Gambira's brother-in-law, Ko Moe Htet Hlyan. He was arrested at his home in Rangoon at 7:30 pm.[108]

On 10 September 2008, 88 Generation Students Group activist Nilar Thein was arrested. Nilar Thein had gone into hiding in September 2007, after her involvement in the September protests made her a target of the regime. No details regarding the nature of the arrest were available and it was unkown at the time of the report as to where the activist was being held. Nilar Thein's husband, Kyaw Min Yu, also a member of the 88 Generation Students Group, was arrested on 21 August 2007 along with 12 colleagues.[109]

On 11 September 2008, eight activists were taken into custody in Meiktila, Mandalay Division. One of the eight people arrested was activist Aung Ko Ko Lwin, the younger brother of prominent activist-monk U Gambira.[110]

On 18 September 2008, Ko Myo Min Wai, one of the NLD youth members in Shwepyithar, Rangoon was arrested. It was believed that Ko Myo Min Wai was arrested for his supposed connection to a bomb blast in Shwepyithar.[111]

On 24 September 2008, Win Htein, a member of the National League for Democracy, was re-arrested. Win Htein had been released the day prior from Katha Prison in Northern Burma as one of just 7 political prisoners amongst the 9,000 prisoners released by the junta. He had been originally imprisoned under suspicion of being involved in a coup plot. The reason for his re-arrest was unknown.[112]

On 27 September 2008, nine NLD members were arrested while they were travelling to attend the 20th anniversary celebration of the party's founding day. Those arrested, including Htet Htet Oo Wai and Daw Shan Ma, were rounded up by plainclothes security personnel as they stepped off a bus near the NLD head office in Shwegondine Street in Bahan Township in Rangoon.[113]

On the evening of 1 October 2008, Ohn Kyaing, an elected Member of Parliament from the 1990 general elections, was arrested at his home in South Okklapa Township, Rangoon. NLD spokesman Nyan Win told media outlets that there was no information provided to the arrested man's family and that the prisoners whereabouts remained unclear.[114]

It was reported on 3 October 2008, that NLD youth member, Aung Moe Lwin, was found alive by his father at a Rangoon police station. Aung Moe Lwin had been missing since August and was reported dead after his brother received an anonymous phone call saying he had died at the hands of interrogators.[115]

On 6 October 2008 the lawyers Aung Thein and Khin Maung Shein, who had been acting on behalf of several activists, were sentenced on 7 October by the Hlaing Township court to four months imprisonment for contempt of court. The two lawyers were set to serve out their sentences in Bassein Prison and Myaung Mya Prison in Irrawaddy Division respectively.[116]

On 9 October 2008, seven youth were arrested from a house in South Okkalapa Township and another was arrested on 10 October in connection to the same case of the distribution of anti-junta pamphlets. Four of those arrested were members of Generation Wave and were identified as:

1. Khaing Mon (aka Nyein Chan);
2. Ye Thu Ko (aka Nyi Nyi);
3. Zin Min Aung; and
4. Aung Paing.

The four others were held at South Okkalapa Police Station, their identities were unknown.[117]

On 13 October 2008, Aung Thu a member of the 88 Generation Students Group Group, from Kemmendine Township, Rangoon, was arrested. He was charged under the Printers and Publishers Act and detained in Insein Prison.[118]

On 16 October 2008, Khin Moe Aye (40) a prominent social and political activist, was sentenced to three years imprisonment, along with former student leader Kyaw Soe, at Rangoon's Insein prison court. The activist who had been arrested three times previously was accused of illegally handling foreign currency.[119]

On 22 October 2008, ABFSU leader Si Thu Maung was charged with unlawful association and crimes against state tranquillity at Tamwe Township Court, Rangoon. Sithu Maung was arrested in Tamwe in connection with the Saffron Revolution in 2007.[120]

On 24 October 2008, MP-elect and NLD Manadalay Division Vice-Chairman Than Lwin, was sentenced to eight years imprisonment for his role in the Saffron Revolution under charges of intention to insult religion under penal code section 295 and section 505(b) of inducing crime against public tranquility.[121]

On 7 November 2008, Htun Htun Naing, a resident of Insein was sentenced to 19 years imprisonment in connection with the 2007 September protests. The sentence was handed down by Judge Sein Hla Oo of Eastern Rangoon Province court inside Insein prison. Htun Htun Naing was unable to appeal the charges as his lawyers, U Khin Maung Shein and U Aung Thein, had been recently jailed on charges of contempt of court.[122]

On 13 November 2008, NLD activists Thant Zin Myo, San Win and Kyaw Soe Win were sentenced by the Hlaingthaya Township special court in Insein Prison to seven years imprisonment each under sections 143, 145, 147, 152 and 505(b) of the Penal Code.[123]

Also on 13 November 2008, activist and University of Rangoon student Honey Oo was sentenced to nine years and six months imprisonment.[124]

On 14 November 2008, the Kamayut Township special court in Insein Prison sentenced the following NLD activists:

1. Thant Zin Myo and San Win to an additional nine years and six months imprisonment;
2. Kyaw Soe Win received a seven year and six month sentence;
3. Thant Zaw Myint was sentenced to nine years and six months imprisonment;
4. Thike Min and Nge Ma were sentenced to seven years and six months in the Kamaryut Township special court; and
5. Shwe Maung, Zaw Win and Wunn Aung from the Mandalay Division NLD party were sentenced to four years imprisonment each.[125]

Also on 14 November 2008, Tin Myint, the chairman of Thaketa Township NLD party, was sentenced to two years and six months imprisonment by the Thaketa Township special court in Insein Prison.[126]

Also on 14 November 2008, Tin Win and Nyi Nyi Min, both members of the South Dagon Township NLD party, were sentenced to two years imprisonment by the South Dagon Township special court in Insein Prison.[127]

Also on 14 November 2008, Kyauktada Township special court in Insein Prison, Nay Zar Myo Win, Kyaw Kyaw Linn, Aung Kyaw Oo, Kyaw Zin Win and Kyi Kyi Wah, all members of the youth wing of the Dawbon Township NLD, were sentenced to five years imprisonment.[128]

On 17 November 2008, nine political activists were sentenced by special courts in Insein Prison on charges including involvement in public demonstrations, illegal assembly and resisting officials, according to sources familiar with the prison.[129] Those sentenced were:

1. Htin Kyaw, one of the solo protesters in the 2007 demonstrations against deteriorating economic and social conditions, received a 12 and a half year sentence; and
2. Sandar Wara, a monk from Thiri Zayyar Monastery in North Okklapa Township in Rangoon, received an eight and one-half year sentence.[130]

Six and a half year sentences were handed down to four leading members of the All Burma Federation of Student Unions (ABFSU):

3. Sithu Maung;
4. Ye Min Oo;
5. Ye Myat Hein; and
6. Zin Lin Aung.[131]

Six and a half year sentences were also handed down to three activists from the NLD Youth Division:

1. Myo Thant;
2. Kyi Phyu; and
3. Thein Swe.[132]

Also on 17 November 2008, Burmese blogger, Nay Phone Latt, who had earlier received a 20-year prison sentence, was transferred from Insein Prison to Pa-an Prison in Karen State.[133]

On 11 December 2008, Ohn Kyaing, Chairman of the NLD's Cyclone Rescue Committee, and MP-elect for Mandalay's Southeast Township, was released from Rangoon's Insein prison after being held without charge for more than two months. Ohn Kyaing was originally arrested on 1 October 2008.[134]

On 19 December 2008, 35 year old political prisoner, Maung San committed suicide in Pegu Prison. It was reported that he committed suicide in a prison restroom, following the refusal of prison authorities to provide proper medical treatment outside the prison. He suffered from intestinal problems and liver disease.[135]

On 28 December 2008, labour rights activist Htay Lwin Oo died in Mandalay Prison. His wife Khin Hla Myint told media sources that he died of tuberculosis which had been left untreated by prison authorities. Htay Lwin Oo, a 46 year old schoolteacher, was sentenced to seven years imprisonment in 2003 for his labour rights activities.[136]

On 30 December 2008, at least nine members of the NLD were arrested near the parliament building in Rangoon while calling for the release of Aung San Suu Kyi. The nine were identified as:

1. Tun Tun Win;
2. Tun Tun Linn;
3. Pyae Pyae Aung;
4. Win Myint Maung;
5. Min Thein Kaung;
6. Htet Hlaing;
7. Phyo Wai;
8. Yeni Soe; and
9. Htet Htet Oo Wai.[137]

1.3 Arbitrary or Politically Motivated Arrests of Ethnic Minorities

The Burmese military continued to attack civilians in ethnic conflict areas throughout the duration of 2008. Abuses such as forced labor, sexual violence against women and girls, extrajudicial killings, torture and beatings, and confiscation of land and property were widespread.[138] Arbitrary arrest and detention, often on false accusations, remained instrumental in the SPDC Army's suppression of the populations under their control.[139]

The regime regularly arrests and imprisons members of ethnic minority communities, including children, to stifle political dissent, intimidate and oppress ethnic villagers, and restrict basic freedoms. The arrest and detention of civilians in ethnic conflict areas is often a result of the SPDC's suspicion that civilians may be assisting resistance groups. Treatment of villagers suspected of supporting resistance efforts varied; some were shown no mercy, while numerous other arrestees were simply forced to carry out labour duties for the SPDC. Such duties range from building military camps to portering for the army. Reports indicate that the Tatmadaw also arbitrarily detained persons for forced labour and portering, with no clear end date.[140] (For more information, see: Forced Labour and Forced Conscription).

Other reasons for arrest were the breaking of curfews and travel restrictions in areas controlled by SPDC forces. In SPDC-controlled areas of the ethnic minority regions, villagers faced arrest or even arbitrary execution if caught outside village boundaries without the necessary travel permits. Particularly vulnerable to arrest and arbitrary detention were village heads, who were often summoned to local army camps and blamed for the actions of their fellow villagers. Accusations against village heads varied widely, including such crimes as failing to report the activities of insurgent groups in the area. Often times the spurious charges were simply a pretext for which the SPDC commanders could demand forced labour, money and goods from the village as a fine.

In other ethnic minority areas not facing direct conflict, such as in Arakan State in western Burma, there were still abuses carried out against ethnic minorties. The Rohingya Muslim minority faced widespread rights violations including religious persecution, forced relocation, land seizures, and denial of citizenship and identity papers.[141] Persecution of the Rohingya community in Maungdaw Township by the district police was an insidious feature of daily life in 2008 and arbitrary arrests were frequently made in order to extort money for the release of those arrested.[142]

Arbitrary or Politically Motivated Arrests of Ethnic Minorities – Partial list of incidents for 2008

Arakan State

On 19 March 2008, 30 year old Jahida Begum, wife of Amir Hussain, from Sin Thay Pyin village of Loung Don village tract of Maungdaw Township was arrested. It was believed that the woman was arrested for the gifts including three wrist watches and two audio cassettes sent to her by her husband from Saudi Arabia. Jahida Begum was released after midnight after she paid 100,000 kyat to the police.[143]

Also on 19 March 2008, Noor Hussain from Kryat village of Maungdaw Township was arrested by Bawli Bazaar police on the charge that an unknown man had filed a case against him, claiming that Noor Hussain owed him money. Hussain believed the police had fabricated the charges after they failed to produce or contact the supposed plaintiff. Hussain arranged with family members for a 20,000 kyat bribe to be paid to the police for his release.[144]

Also on 19 March 2008, 35 year Nur Hussain from Kryat village of Loung Don village tract of Maungdaw Township was arrested by police of Bawli Bazaar on the allegation that he brought 50,000 taka, given to him by his relatives in Bangladesh, into Burma recently. According to relatives, he had never even been to Bangladesh. Nur Hussain was released after paying a 20,000 kyat bribe.[145]

On 30 March 2008, ten Muslim community leaders were arrested in a raid by a high-level team of army officials in the town of Maungdaw. Among those arrested was president of the Maungdaw District Myanmar Muslim League, advocate U Than Tun, also known as Muhammad Solin, and the owner of three diamond and gold shops, U Niramad. Townspeople in Maungdaw believed the arrest was related to politics.[146]

On 2 April 2008, military authorities arrested three more Muslim leaders in the western border town of Maungdaw. Dr Kyaw Myint, Dr Tun Aung, and Nur Kobi, a car driver, were arrested by Burmese intelligence forces and taken to the SaRaPa Intelligence headquarters for interrogation. Ten other Muslim leaders were arrested on 30 March. The arrests were believed to be in connection to the anti-referendum campaign.[147]

On April 10 2008, 25 year old Rul Amin and 19 year old Anwara Begum were arrested by NaSaKa after they married secretly without the requisite permission from the authorities.[148]

On 19 May 2008, 38 year old Rohingya farmer Sayedullah from Loung Don village tract in Maungdaw Township was arrested by the SaRaPa for filling a pond near his farmland. The pond was of little use to the farmer so he was filling it with soil to grow paddy. The SaRaPa initially demanded 300,000 kyat for Sayedullah's release; he was freed on 21 May after paying 30,000 kyat.[149]

On 4 June 2008 at approximately 10 pm, police arrested 16 Rohingya villagers from Phone Nyo Hlake village of Buthidaung Township. The 16 were arrested on the allegation that they had received money from foreign countries from their relatives. They were taken to Buthidaung Naytin police station, where they were detained for two days. They were released on 7 June, after paying 100,000 kyat per person.[150]

At 7am on 4 June 2008, Rohingya villager Jakir Ahmed, aged 35, from Kyauk Chaung (Shilkhali) village in Maungdaw Township was arrested on the allegation that he had come from Bagladesh after selling shrimp, despite there being no evidence to support the allegation.[151]

On 3 July 2008, a villager in Maungdaw Township was sentenced to three months in jail by the Maungdaw court for felling timber in order to construct a house. The defendant was identified as Kamal Hussain, from Bawli Bazaar Alay Ywar (village) in Maungdaw Township. Kamal Hussain had obtained the necessary permission to cut wood after paying money to the authorities in June. He was arrested by a NaSaKa section that had not received payment for the permission and was released after paying them a bribe. He was then summonsed to court on 3 July, where he was re-arrested and sentenced.[152]

It was reported on 7 July 2008, that in May, police and Ward Peace and Development Council authorities in Maungdaw Township jointly extorted 600,000 kyat from a bridegroom alleging that he had not submitted a guest list to the authorities. The victim, who was arrested and tortured, was identified as 20 year old Ziaul Haque, from Kan Hpoo (Gozobill) village of Aley Than Kyaw village tract in Maungdaw Township.[153]

On 11 July 2008, an altercation occurred between police and labourers at No.1 jetty in Sittwe, the capital of Arakan State, after police attempted to forcibly take 'taxes' from the labourers. During the clash, a policeman U Than Lwin died on the spot, and three labourers were critically injured. Afterwards, four labourers; two Arakanese and two Rohingya Muslims, were arrested by police.[154]

On 28 July 2008, the owner of a teashop located near Maungdaw High School, who was identified only as Mohamed, was summoned by Maungdaw police station and arrested on the allegation that he was involved in illegal cattle trade to Bangladesh. Mohamed strongly denied the charge; it was believed he was arrested by police for the sole purpose of extorting money from him. Police demanded 300,000 kyat for his release. This was the latest in a string of arrests of business operators in the area conducted for the sole purpose of extortion.[155]

On 1 August 2008, Maulana Oli Ahmed, 35, from Tha Yai Gone Bong in Maungdaw Township was arrested. He was detained for nearly a month by the Nasaka, Burma's border security force for constructing a house, even though he had procured permission from the authorities. He was released later after paying officers 2.5 million kyat.[156]

On 17 September 2008, 105 Muslims in Sittwe were sentenced by military authorities to six months in prison for attempting to travel from Sittwe to Rangoon by bus without government permission. The community leader said, *"I heard that the army authority also seized 80.5 million kyat from them, which was money they'd had to pay all the checkpoints along the Sittwe-Rangoon highway."* [157]

In the first week of October 2008, Moulvi Joher, from Poung Zaar village of Maungdaw Township was arrested under allegations that he was involved in human trafficking. He was released after paying 500,000 kyat to officers from the Bureau of Special Intelligence (BSI). The victim also paid another 100,000 kyat to Sha Alam, a local employed by the BSI to torture detainees, not to be beaten more than he already had been.[158]

On 6 October 2008, Maung Tin, from Shwe Zaar village was arrested by the BSI on the allegation of smuggling Yaba tablets (methamphetamine) and was released after paying an 800,000 kyat bribe.[159]

In the second week of October 2008, police came to the house of Shobbir Ahmed in order to arrest the man. Finding that Ahmed was not at home at the time, BSI officers arrested his son instead. The son was released after paying 300,000 kyat.[160]

On the evening of 30 October 2008, authorities raided a religious ceremony in Maung Hna Ma Village under Nasaka section Aung Mangahla. The ceremony was being held in the house of Abu Subayan and a woman identified as Mrs Amina. The couple were known as being wealthy members of the village. Abu Subayan was arrested and the authorities demanded 120,000 kyat to not file a case against him.[161]

On 11 November 2008, a villager in Maungdaw Township was arrested and severely assaulted for cutting off branches of trees which had been growing near his paddy. The victim was identified as Maulvi Sayed Amin (28), from Kyat Chaung village under the Loung Don village tract of Maungdaw Township. He was beaten unconscious by police and then released after the family paid a 50,000 kyat bribe.[162]

On 8 December 2008, 108 people from Arakan State were arrested at Rangoon's Thilawa port as they attempted to illegally leave Burma for Thailand. The group members, who included a number of Muslims, each paid 60,000 kyat for the journey to agents. The boat driver and passengers were arrested by soldiers; the boat owner and the agents who had organised the trip were not detained. A resident of Taungup claimed that local authorities and agents in Arakan had been collaborating to make money from Muslims who faced severe restrictions on their freedom of movement in Arakan state.[163]

Chin State

On 24 July 2008, three Chin hill-side cultivators were severely tortured and their tents torched by the Burmese Army on suspicion of having connections with the insurgent group the Arakan Liberation Party. The victims were identified as U Tha Aung (47), U Kyaw Zan (48), and U Ba Tun (50) and from Phone Yang Wa Village of Kin Thalin Village tract, Paletwa Township.[164]

On 23 September 2008, the SPDC released 9,002 prisoners from various jails across the country. Of this number, however, only nine were political prisoners. Burma's longest serving political prisoner, U Win Tin, was among those released. He had been arrested in 1989 on charges of *"spreading anti-government propaganda"* and had served 19 years of a 20 year sentence. This photograph shows the friends and family members of those who were to be released waiting in front of the gates of Insein Prison in Rangoon. *[Photo: © Mizzima News]*

Karen State

On 22 May 2008, Saw Koh Koh a 42 year old resident of Gklay Kee Village was detained by SPDC soldiers from MOC #21 who executed him for no apparent reason.[165]

On 24 June 2008, four villagers, including Saw Mya Lay Htoo and Saw Commardo, were captured by the the SPDC Army in a betel nut plantation. While two of the villagers were subsequently released, Mya Lay Htoo and Commardo were taken to Tha Aye Hta camp. It was not known at the time of the report what had become of the two.[166]

On 26 August 2008, troops from MOC #21 arrested ten villagers who were gathering their harvest near old Kgo Pu village. Six of the captured villagers were women; the soldiers took them to Hsaw Me Le camp and then released them. The remaining four men were held at Muthe Camp until 2 September after which they were released. The villagers were from Kgo Pu and Hsaw Me Lu village.[167]

On 9 October 2008, Column #1 of LIB #285, commanded by Lieutenant Colonel Khin Maung Than arrested, interrogated and assaulted ethnic Karens suspected of having contact with the Karen National Liberation Army (KNLA) in Thabyut-Chaung village in Tavoy District, Tenasserim Division. The following is a list of arrests conducted by the soldiers all on the same day:

1 At 10:00 am, Column #1 arrested Saw Pho Pha (42) and Saw Htoo Bleh (32). According to an eyewitness from the area, the two men were accused of having contact with the KNLA and were subsqeuntly bound and severely beaten. Approximately two hours later, the commander asked relatives of the victims to pay 50,000 kyat each for their release.[168]
2 At 1:30 pm, Column #1 arrested Saw L Swe (25). Saw L Swe was also accused of having contact with the KNLA. Saw L Swe was bound and beaten while being interrogated. He was then stabbed on his arms, chest, back and legs with an army knife after denying the accusations. The soldiers then looted his home and stole family belongings, estimated to be worth 120,000 kyat.[169]
3 At 5:00 pm, Column #1 arrested and interrogated Saw Phe Doh (35). He was also accused of being a KNLA supporter, beaten and then robbed of belongings thought to be worth 100,000 kyat.[170]

On 10 December 2008, eight soldiers from KNU Battalion #16 ambushed over one hundred Burmese soldiers near the entrance to Thi Pout Ka Low village in Kya In Seik Kyi Township, killing four Burmese soldiers. After the attack, the Thi Pout Ka Low Village headman and two other male residents suspected of supporting the KNU were detained for three days by SPDC forces in retaliation for the attack. They were freed after three days in detention.[171]

Mon State

Over the course of two days on 28 and 29 May 2008, troops from the SPDC's Infantry Battalion No #31 based in Khaw-Za sub-township arrested a VPDC village headman and five individuals from Yin Ye village. The VDPC members were identified as Chairman Nai Maung Ba (47), Secretary Nai Kyaw Hein (41) and member Nai Sein Maung (41), all of whom were arrested on 29 May 2008. The other three individuals were identified as Nai Gare, Nai Kya Kaung and Nai San Yi. All six men were accused of supporting the rebel group Monland Restoration Party, and were held, interrogated and tortured before being released by the soldiers. The VDPC members were stripped of their roles and were informed by the troops that they would have to report to the base of IB #31 every three days to sign forms as a way of preventing their departure from the area.[172]

On the morning of 21 November 2008, Mon rebels locally known as the 'Chan Dein group' arrested 102 villagers while they travelled to their rubber and betel nut plantations. Those arrested included 62 plantation owners and 40 workers from Sin Koo, Toe Thet Ywar Thit, Yin Ye, Yin Dein and Kabyar villages. The villagers were forced to pay ransoms for their release. All villagers from Yin Ye were able to pay their ransoms. The SPDC responded by arresting and interrogating the villagers who had been extorted by the rebel group. (See below for more information)[173]

On 24 November 2008, troops from LIB #31, led by Lieutenant Han Win Kyaw, entered Yin Ye village and arrested 6 people. Those arrested were interrogated and asked how and where they made contact to pay rebels operating in the region. According to residents from Yin Ye, the SPDC troops held a burning torch under the arms and legs of one of the arrested men and burned him until he gave them information. The six men were released later that night after they gave the troops consistent answers.[174]

On 25 November 2008, Lieutenant Commander Myo Swe returned to Yin Ye and arrested 7 more people, including 3 women. One of those arrested was beaten by soldiers after he stuttered when responding to their questions.[175]

Shan State

On 2 April 2008, after a skirmish between SPDC troops from IB #247 and Shan soldiers on 1 April, 10 villagers of Wan Nawng village in Wan Nawng village tract, Nam Hsan Township, were accused of supporting Shan soldiers. The ten were arrested and put in jail in Nam Hsan Town.[176]

On 11 May 2008, a sergeant and two soldiers from the Mong Pan-based LIB #385 were shot at the vegetable garden of a Hophai villager while stealing vegetables. The sergeant died and his body was taken to Mong Pan Hospital where an investigation found that he was shot by handmade bullets made of lead. In their search for the gunmen the authorities arrested the following people:

1. On 12 May 2008, the farm owner Sai Ni (45), his wife Nang Poi (30), and his son Sai Kham (18) were arrested. They were accused of planning murder and of being spies of the Shan State Army (SSA). The family was beaten during the interrogation yet maintained they did not know who the gunmen were. Nang Poi and Sai Kham were released on 14 May.
2. On 16 May 2008, the authorities arrested all the farmers whose land in Mong Pan they had seized in late April and took them to the LIB #520 command post, but some were able to escape. Those detained were Long Keng Village headman Zarm Hsa, Sai Nu, Sai Kham (Sai Ni's son), Ai Di, Ai Kya and Zingna. All members of the group were beaten and tortured daily and were later moved to the base of LIB #332.
3. On 19 May 2008, the authorities detained Ai Mart and Kungna from Long Keng. Also detained were the Kong Kieng tract headman, the village headman and the secretary. All were taken to the LIB #332 command post.[177]

On the 17 August 2008, the village headmen from Lwe-Tafree, Nar-Boung and Kaung Muu Bwar in Si-Sine Township were arrested under suspicion of providing money to the PNLO armed rebel group.[178]

1.4 Arbitrary or Politically-Motivated Arrests of Civilians

The army, police and local officials continued to strictly control the everyday lives of ordinary civilians in 2008. Civilians were subjected to arbitrary and politically motivated arrests, interrogations, extra-judicial killings and extortion. Innocent civilians were arrested on the personal whim of authority figures and arrests were made as personal retribution (see incidents dated 24 February 2008, 1 May 2008 and 17 December 2008 in partial incident list below). Arrests were frequently made for dubious or fabricated offences, with substantial bribes then demanded for the prisoners' release. The arrest, extortion and release of civilians continued to be a common occurrence in the lives of Burma's citizens.

In the continuing crackdown after the September 2007 protests, the junta not only arrested student leaders and monks who took part in the protests, but also their family members and close relatives. (See Incidents dated 9 and 11 September 2008).

The mass arrests of innocent civilians continued to be used pervasively as a form of reprisal against the community at large when acts of protest or violence were perceived to have been committed against the junta. An example of this could be seen in the police response to the stabbing death of two policemen in Kathay Wra Ward in Sittwe on 22 August 2008. Thirty locals were arrested following the incident; a male arrestee stated:

> *"We were not involved in the murder but the authority arrested us because our homes are located near the scene of the incident in which riot police were murdered. After arrest, the authority severely beat and tortured us while asking many questions about the murder. The whole of my body is still in pain and I am now unable to walk for long distances because the riot police severely beat me along with other innocent civilians soon after arresting us. They tortured me whenever I denied that I had any involvement in the murder."* [179]

It was reported that people in the ward believed that the authorities knew who committed the murder but arrested the local residents in retaliation.[180]

Arbitrary or Politically Motivated Arrests of Civilians – Partial list of incidents for 2008

On 24 February 2008, 12 villagers of Thinn Baw Gwe (Kol Loon) in Maungdaw Township, Arakan State, were sentenced to seven years in jail by the Maungdaw High Court for renovation of a mosque and Hafez Khana (Quran/Koran memorial centre). The villagers had renovated the village mosque and Hafez Khana after acquiring necessary documents and permission from the Commander of NaSaKa area No 8 of Maungdaw Township, three months beforehand. However, the Commander was transferred and a new NaSaKa Commander was appointed to NaSaKa area No 8, in the period following the original granting of permission. The new Commander was not happy with the renovations and arrested the group. Some of those arrested were identified as:

1. Hashim Ullah (40);
2. Rahamat Ullah (30);
3. Latif Mistry (50);
4. Noor Mohamed (50);
5. Sayed Yullag (40);
6. Mohammed Rofique (40); and
7. Nur Islam (50).[181]

On 3 March 2008, Mohammed Hassan, 25, from Ward No 5 in Maungdaw Township was arrested after being caught attempting to smuggle teak to Bangladesh. After apprehending the man, police beat him severely before taking him to the local station. Relatives of Mohammed Hassan made enquiries but were unable to obtain any information as to where he was being held. Hassan's relatives believe that he was killed by police and that the body was buried secretly.[182]

On 21 February 2008, five Rohingya men were arrested for smuggling scrap metal to Bangladesh. The five received permission to send shrimps to Bangladesh after paying Major Then Lun, the commander of NaSaKa area No 5 of Ngar Khu Ya village tract in Maungdaw Township. In addition to carrying shrimp, the five also loaded some scrap metal onto the boat. As they informed NaSaKa that they were ready to cross the river, they were arrested for carrying scrap without permission. The five were all from Maungdaw Township and were identified as:

1. Mahbu Rahaman (30);
2. Hamid Hussain (28);
3. Mohammed Alam (35);
4. Shabbir Ahmed (30); and
5. Mohammed Idris (35).

The five individuals were sentenced to three months in prison by the Maungdaw Township court.

On 4 April 2008, two Muslim religious leaders from to Maungdaw Township were arrested by NaSaKa on charges that they were involved in anti-government activities and that they were linked to exiled rebel groups. The arrested leaders were identidiied as 45 year old Maulana, Mohammed Hamid Hussain, and 43 year old Maulana, Mohammed Nuzu Meah, both hailing from Taungbro in Maungdaw Township.[183]

On 1 May 2008, a Rohingya businessman was arrested and illegally detained at Maungdaw police station on account of not having repaid a loan taken from a policeman. The detainee was identified as thirty year old Ba Bu Ya (alias) Win Myint (aka Kahlu) from Myoma Ka Nyin Tan village in Maungdaw Township. In 2007 Sergeant San Win of Maungdaw police station loaned Win Myint 300,000 kyat, with 120,000 kyat interest, to be repaid in one year. When Win Myint was unable to repay the original loan Sergeant San Win asked his boss, OC Nain Hlwin Soe, to demand 700,000 kyat from Win Myint. When this demand could not be met, Win Myint was arrested. As of 26 May he had still not been formally charged with an offence, nor had he faced court.[184]

On the referendum election day of 10 May 2008, it was reported that six people at the Thayet Cement Factory who had voted 'No' were arrested for their vote at the Yone Gyi quarter polling station in Magwe Division.[185]

On 10 May 2008, SPDC authorities briefly detained one villager from Lake Ya in Maungdaw Township, Arakan State, for casting a 'no' vote. The man was released after two hours in detention.[186]

On 29 May 2008, Muang Waik, one of Burma's richest men and an ally of the regime, was arrested and detained on charges of drug trafficking. It was reported that the arrest was part of a crackdown on associates of Aung Zaw Ye Myint, son of the chief of the Bureau of Special Operations, Lieutenant-General Ye Myint. Observers said that the authorities were less interested in pursuing the whole network than in finding a scapegoat so they could release Aung Zaw Ye Myint. Rangoon-based journals and magazines were forbidden to publish news of the arrests.[187]

On 15 July 2008, 15 people from Maungdaw Township were called to Maungdaw NaSaKa Headquarters of Kawar Bill, then detained and tortured by NaSaKa intelligence. Their 'crime' was that they had given bribe money to NaSaKa intelligence officer 2nd Lieutenant Myo Aung. In May 2008, Officer Myo Aung and his accomplice Jamil were arrested by a special group on corruption for taking bribes. The 15 people arrested all gave statements against the officer saying that he had taken bribe money off them. Rather than being viewed as victims of extortion, they were arrested for bribing officials. Some of the group that were arrested were identified as:

1. Taher (40), the former village Chairman of Maung Ni Para of Maungdaw Township;
2. Salim(30) from Ward No 2 of Maungdaw Township;
3. Abu Siddique (45) of Hitaliya village tract of Maungdaw Township;
4. Kamal (44), from Ward No 5 of Maungdaw Town; and
5. Ismail (40), former village secretary of Maung Ni Para.[188]

On 23 August 2008, a youth identified only as Redowan (18), from Ramiya Khali village of Maungdaw Township was arrested after NaSaKa officials found him to be in possession of a history of Arakan State and other school materials when he crossed the border from Bangladesh. After the arrest, Redowan was taken to the NaSaKa camp and tortured severely on the accusation that he was involved in politics. After being tortured, he confessed that he and others were involved in political affairs. Following this 'confession', police arrested six other Rohingya youths on 27 August 2008. They were identified as:

1. Jaber (16);
2. Mubarak (17);
3. Fotiqua(15);
4. Nurul Nezam (16);
5. Abdullah(17); and
6. Moulvi Shamshu Alam (35) [189]

On 26 August 2008, four ferry operators from the western Burmese border were arrested by NaSaKa forces on suspicion that they had helped ferry three NaSaKa deserters to Bangladesh in their boats. All the men were from Shwezar Guna village in Maungdaw Township, and worked ferrying people between Burma and Bangladesh across the Naff River.[190]

Also on 26 August 2008, authorities arrested over 30 people in Sittwe, Arakan State and subjected them to interrogations and severe torture after two riot police were killed by local youths during an altercation on 22 August. The 30 arrested individuals had no tangible involvement in the crime; they merely lived near where the altercation took place.[191]

On 9 September 2008, the brother in law of U Gambira, Ko Moe Htet Hlyan, and five of his friends were arrested in Rangoon at 7:30pm. Police seized the man's computer, disks, a memory stick and an Mp4 player. According to the arrested man's wife, *"The officials said they had received information that my husband was planning to raise a lantern on the anniversary of last year's Saffron Revolution"*. U Gambira's sister, Ma Khin Thu Htay, said the officials had wanted to arrest her too but decided to let her go because she was seven months pregnant.[192]

It was reported on 9 September 2008, that cyclone refugee U Nyan Win was arrested in the Burmese capital of Naypyidaw where he was trying to secure the right for other survivors of Cyclone Nargis to remain at refugee camps 3 and 5. Nyan Win, who was residing at camp 3 at the time, collected the names, signatures and fingerprints of 200 refugees and went to the capital to plead their case. The report alleged that military officials framed Nyan Win, claiming that the signatures collected were fakes aimed at dispossessing storm victims of property allocated to them as refugees. At the time of the report Nyan Win was facing charges under sections 420 and 486 of the Penal Code relating to dishonesty and forgery and was facing a jail term of up to eight years.[193]

On 11 September 2008, Tin Tin Win, the 70 year old mother of 88 Generation Students Group leader Aunt Phwe Kyaw, was arrested. Officials picked up Tin Tin Win from her residence in a Government Housing Complex in Yankin Township. The arrest followed a visit to her house of student activist Nilar Thein. Tin Tin Win was subsequently released after four days in custody.[194]

Also on 11 September 2008, authorities arrested eight local youths including U Gambira's younger brother Ko Aung Ko Ko Lwin from their houses in Meikhtila, Mandalay Division.[195]

On the evening of 16 September 2008, officials from the criminal investigation department and ward authority members went to Maung Win Sithu's house and arrested him. Maung Win Sithu was a former child soldier who was allowed to leave the army when he was found to be underage. He was arrested by authorities on his 18th birthday.[196]

On 20 October 2008, three farmers who reported the seizure of their farms to the International Labour Organisation's office in Rangoon were detained by the army. U Hla Soe, U Sein Steen and U Nay Lin from Natmauk Township's Myetyehkan village in Magwe Division, were arrested along with 43-year old Ko Zaw Htay from nearby Aunglan who helped them report their grievances to the ILO. In their report to the ILO the farmers claimed that five thousand acres of their land had been seized by the army and that soldiers had been extorting money from them.[197]

On 17 December 2008, Zaw Naing Htwe, brother of political prisoner Kyaw Kyaw Htwe, was given a nine-year prison sentence by a court in Insein Prison for receiving a letter from his brother. Three prison guards who helped Kyaw Kyaw Htwe to send the letter were also jailed.[198]

Also on 17 December 2008, police from Bawli Bazaar in Maungdaw Township arrested Jamal Hussain (35) from Lone Don Krat village of Maungdaw Township. Jamal Hussein had guided a policeman's wife to a house where he believed she could buy coconuts. However, the owner refused to sell her any coconuts despite having a plentiful supply. The woman was said to be embarrassed and angry at being refused service so went and complained to her husband, saying Jamal Hussain had misguided her. He was arrested at 8pm that night without charge and police demanded 300,000 kyat for his release.[199]

1.5 Foreigners Arrested and Detained in 2008

At 11 am on 1 June 2008, NaSaKa of Mingalagyi outpost of Maungdaw Township abducted two Bangladeshi fishermen while they were fishing in the Naff River. The arrested men were identified as Shaffi Ullah, 35, and Sarwar, 25, from Natong Para village of Teknaf Union of Bangladesh. They were arrested and tortured severely under allegations of being smugglers; however authorities could not find any evidence to support this. They were released after paying 5,500 kyat each.[200]

On 4 June 2008, a Bangladeshi citizen was abducted and his row boat seized by Burma's border security force while he was fishing in Naff River. The Bangladeshi man went to the Naff River to catch fish in the morning when he was kidnapped by NaSaKa. The abducted fisherman was identified as 25 year old Abul Hossain, hailing from Holu Banna of Whykong Union, Teknaf, Cox's Bazaar district.[201]

On 10 June 2008, five Bangladeshi nationals who had been held in detention for two months were released and handed over to Bangladeshi Rifles (BDR) personnel. The Bangladeshi fishermen had gone to the Bay of Bengal to catch fish in a boat near Burmese territorial waters. The engine of the boat stalled and it had drifted across the line of Burmese territorial control. The fishermen were caught by NaSaKa personnel and sent to jail. The Bangladeshi nationals were identified as

1. Zafar Alam (20);
2. Shamsul Alam (38) from Shapuri Dip;
3. Zubair (25);
4. Jamil Hossain (40); and
5. Mohammed Alam (18), from Mosuni village.[202]

On 11 July 2008, it was discovered that ten fishermen from the Indonesian province of Aceh, who had been missing since February, were serving two-year prison sentences in a Burmese prison. The ten were arrested in February for unauthorized entry into Burmese territorial waters and detained in Mergui Prison, in Burma's Tenasserim Division.[203]

On 2 August 2008, border security forces arrested 12 Bangladeshi fishermen when they were fishing in Naff River in Burmese territorial waters. The fishermen had worked in the area previously after obtaining permission from the NaSaKa after paying bribes. On the occasion when they were arrested, they had failed to take this precaution. Following their arrest and detention at the Langdong NaSaKa post, officials demanded a bribe of 6,000 kyat per man to secure their release and the release of the fishermen's boats.[204]

On 2 December 2008, authorities at the frontier town of Tachilek arrested a group of 19 North Koreans trying to reach neighbouring Thailand. A Burmese official stated, *"Arrangements are underway to put them on trial for illegal entry. I should say they may get two or three years in jail. I just don't know for sure what will happen to them after that."* Many North Koreans escape their impoverished homeland by crossing into China and then travelling through Laos and Burma to Thailand, where they hope to get visas to resettle in South Korea.[205]

1.5 Arrest of Monks

During the Saffron Revolution in September 2007, thousands of monks took to the streets in protests against the junta. In the crackdown which followed, monks were shot and beaten by heavily armed soldiers and riot police. The aftermath of the crackdown continues to be acutely felt by Burma's monks, a supposedly revered section of society. Members of the Sangha continue to be harassed, arrested, disrobed and sentenced for their involvement in the protests. (For more information, see Chapter 12: Freedom of Belief and Religion)

In 2008 monks were subjected to increased scrutiny, surveillance and pressure by the authorities. Riot police were stationed around Rangoon's best known monasteries, particularly those which had direct links to the protests. Plain clothes security forces carefully observed the monks daily routines and kept watch for any signs of anti-junta activities.[206] On 5 September 2008, before the one year anniversary of the Saffron Revolution, a directive was issued to monks by the Sangha Maha Nayaka Committee ordering them not to take part in any political activities.[207] The edict stated that swift action would be taken against any monks found to be breaking the law. A Chauk monk claimed at the time that security around the monasteries was tightened and the monks closely watched.[208]

The junta crackdown against monks and nuns following the Saffron Revolution resulted in countless arrests. According to the Assistance Association for Political Prisoners Burma (AAPPB), the junta was holding 212 monks in its prisons as of September 2008.[209] Activists state that this figure represents the largest number of monks jailed at one time by the regime.[210] The treatment of detained monks has been a source of concern for activists. Monks held in detention were disrobed by the authorities and treated like civilian prisoners in direct contravention of prison regulations and Buddhist custom.[211] The Burma Lawyers' Council (BLC) and the AAPPB have both stated that prison regulations allow for monks to wear robes and continue to observe their religious duties whilst in prison and on trial.[212] Aung Kyaw Oo of the AAPPB stated that;

> *"What is going on is a great violation of the [rights of] monks in prison. ... The authorities are violating the laws written in two manuals, the court manual and the jail manual. We need to put pressure on the regime to at least comply with the existing national laws of the country, although they may want to ignore international human rights law."* [213]

The majority of monks and nuns have been tried in special courts convened within the compound of Insein Prison. None of those who played a leading role in the 2007 protests have had public court appearances since they were taken into custody.[214] The trials have been conducted secretly and many of the monks were not permitted access to lawyers.[215] (See section 1.2: Arbitrary or Politically-Motivated Arrests, Detention and Disappearances). Criticism against the regime has also focused on the legality and morality of trying monks in civilian courts. Attorney Khin Maung Shein asserted that, *"The law states that monks should be first tried in the religious tribunal formed by the monks."* [216] After which time, if monks are found guilty, they should be de-robed and handed over to the civilian court.[217]

The case of prominent monk U Gambira illustrated the plight of monks who have been detained, charged, tried and sentenced. Gambira was one of the founders of the All Burmese Monks' Alliance and played an important role in organising the mass protests of the Saffron Revolution.[218] Gambira was arrested on 4 November 2007 and disrobed by prison authorities.[219] It was not until 18 August 2008 that the case lodged against him was brought to court. Gambira was charged with multiple separate offences.[220] The Asian Human Rights Commission followed the case and documented a number of procedural

errors and violations of the junta's own Criminal Procedure Code. These errors and violations should have rendered Gambira's ten month detention prior to being charged illegal, the evidence against him inadmissible, and the charges invalid.[221] Gambira's lawyer was forced to resign during the trial as the court failed to produce the required case information to allow him to prepare a defence.[222] Despite the obvious breaches of both domestic legislation and international legal norms by the regime in the trial, the court found Gambira guilty and he was convicted on several charges and sentenced to a total of 68 years imprisonment.[223]

Arrest of Monks – Partial list of incidents for 2008

As of February 2008, monk Taw-Ling had still not been permitted to return to his monastery. Taw-Ling was arrested after SPDC troops searched his monastery in Mong Ton Township, southern Shan State, in October 2007. Community leaders and his fellow monks attested to his innocence but the authorities kept him under arrest at the Mong Ton Township Office. He was released without charge one and a half months later, however he was sent to a monastery near a military base so that SPDC troops could continue to watch him. Following the Saffron Revolution, incidents were reported where monks who had not taken any part in any of the mass protests and rallies were arrested, only to be released after being forced to endure inhumane treatment and torture for some time.[224]

On 27 February 2008, eight monks and seven nuns from Thitsar Tharaphu Monastery and one monk from Hantharwaddy Monastery appeared in North Okkalapa Township Court. All 16 were arrested in raids on their monasteries on 6 October 2007, accused of participating in the September 2007 demonstrations. The length of the sentences that they received was unknown.[225]

On 19 June 2008, members of the USDA forced their way into celebrations at NLD headquarters in Rangoon. Monk U Tun Myint and three other persons were arrested for taking part in celebrations to mark the 63rd birthday of Daw Aung San Suu Kyi.[226]

On 15 July 2008, nine monks were arrested while waiting at a railway station to return to their monasteries. According to witnesses, the monks arrived at the platform separately and were not communicating with each other. Shortly after the arrests they were each sentenced to two years imprisonment on charges of bringing the Sasana into disrepute. The monks remained unidentified.[227]

On 19 August 2008, Abbot Ashin Kawida from Kamahtan Monastery in East Dagon Township, Rangoon, appeared in a special court in Insein prison. Ashin Kawida refused to participate in proceedings because *"they were not consistent with the code of conduct of Buddha's doctrine."* The monk was taken away and allegedly tortured. He was forced to return before the court again on 27 August 2008.[228]

On the 23 August 2008, two young monks were arrested from Thardu Monastery in Rangoon's Kemmendine Township. The monks were identified as Damathara and Nandara by their colleagues. The reason for the arrests was unknown.[229]

On 28 August 2008, U Ku Tha La and U Okkan Tha, monks from Shwekuu Monastery, Tavoy Township, Tenasserim Division, were arrested.[230]

On 4 September 2008, Sayadaw U Panna Wontha from Shwe Taung Monastery in Mingala Taung Nyunt Township and his nieces Ma Ei and U Thuta Nyanna were sentenced in Mingalar Taung Nyunt Township court. They were arrested in connection to the Saffron Revolution.[231]

It was reported on 5 September 2008, that U Dammah Tharya and U Nandika, two student monks from Aung Mingalar Theikdi Monastery, were arrested by authorities. The two monks were detained in Insein Jail.[232]

On 8 September 2008, monk U Kawvida (aka Maung Gyi, Kyaw Nyein) from South Okkalapa Township, Rangoon, was forcefully brought to court with his hands tied with rope. He was forced to court in this manner after originally refusing to appear because he believed he should be tried in a religious court.[233]

On 18 September 2008, U Pannya Zawta, a student monk from the Warzo Monastery in Sanchaung Township, Rangoon, was arrested by the authorities. The regime's security forces, led by Police Deputy Major Htay Aung raided the monastery at midnight, checked all the monks against the photos taken during the protests in September last year and arrested U Pannya Zawta, who appeared in some of the photos. He was taken to Insein Prison.[234]

On 27 September 2008, U Thawpanat, a monk from Arthawkayon monastery in Ywakyeemyak ward near Donetaikkwin, was arrested. The arrest followed a peaceful march in Sittwe involving approximately 300 monks, marking the one year anniversary of the Saffron Revolution. It was unclear why U Thawpanat was specifically targeted.[235]

On 6 November 2008, two monks arrested in connection to the Saffron Revolution were sentenced by Rangoon's Kyauktada Township court. Sayadaw U Indaka, abbot of Maggin monastery, was sentenced to 16 and half years imprisonment and monk U Eindriya was sentenced to eight years. A lawyer for the monks claimed at the time that the pair could possibly receive further jail time in addition to the original sentence, as the jail time was a penalty for only one of the charges brought against them.[236]

On 7 November 2008, Reverend U Thattama of Garna Puli monastery in Twante, Rangoon, was sentenced to 19 years imprisonment in connection with the 2007 September protests. The sentence was handed down by Judge Sein Hla Oo of Eastern Rangoon Province court inside Insein prison.[237]

On 9 November 2008, it was reported that Ashin Sadama, 39, from Garna Puli Monastery in Twonte Township and Ko Htun Htun were sentenced to 19 years imprisonment each in connection with the Saffron Revolution.[238]

On 11 November 2008, five monks were sentenced to six and-a-half years in prison for their involvement in the Saffron Revolution. The monks were identified as U Nanda, U Wilar Thekka, U Agga Dhama, U Eithiriya and U Zarnayya from Ngwe Kyar Yan monastery in Rangoon. Their case was heard by a special court inside Insein prison, where they were sentenced on charges of *"unlawful assembly, joining unlawful associations, inducing crime against public tranquility and committing disaffection towards the state and government."* [239]

On 17 November 2008, Sandar Wara, a monk from Thiri Zayyar Monastery in North Okklapa Township in Rangoon, received an eight and a half year sentence. The sentence was handed down by a closed court in Insein Prison.[240]

On 18 November 2008, U Kaylatha, a monk from Mandalay, was sentenced to a 35-year jail term under the Unlawful Association Act. U Kaylatha was sentenced by the Kemmendine Township special court in Insein prison.[241]

On 21 November 2008, All-Burmese Monks' Alliance leader U Gambira was sentenced to a further 40 years imprisonment; in addition to the 27 year sentence he had already been given earlier.[242]

It was reported on 29 November 2008, that in the week prior, a monk was arrested in Nyangcho Township whilst visiting his relatives. The monk was identified as Ashin Seinaya, from Ah-Naut Taik [West] Monastery in Pakokku Township. The reason for his arrest was unknown.[243]

The fates of other monks involved in the Saffron Revolution were published on 14 December 2008 by DVB.[244] The listed monks and their situations as of December 2008 were:

1. U Khaemar Sarya (aka Ko Chan Thar) from Buddha University, faced trial at Mayangone Township Court;
2. U Pyinnyar Tayza (aka Ko Hla Min Khaing) from Koe-htat-kyi Monastery, faced trial at Mayangone Township Court;
3. His brother, U Nanda Thiri (aka Ko Naing Linn) was sent to Shwebo Prison;
4. U Pyinnyar Wontha (aka U Shwe Soe) from Sittwe, Arakhan State, was hospitalized in Insein Jail;
5. U Khaemainda (aka U Ko Ko Than, U Wilatha, Ko Win Min Htun) and 4 lay brothers faced the trial at Tamwe Township Court;
6. U Pyinnyar Nanda (aka Ko Myo Naing) from Thitsar Tharaphu Monastery in North Okkalapa Township had been sentenced to four years and six months;
7. U Wimala (aka Ko San Aung Win) from Pegu was sentenced to six years;
8. U Pyinnyar Wontha (aka Ko Zaw Htay Aung) from Shwepyitha Township was sentenced to two years;
9. U Dammah Daya (aka Ko Naing Win) from Mingalardon Township was in Insein Jail;
10. U Thuta Nyanna from Shwe Taung Monastery in Mingalar Taung Nyunt was sent to Kyaington Prison in Shan State;
11. U Zawana (aka Ko San Win) from Dammahyon Monastery in Mingalar Taung Nyunt was sent to Obo Prison in Mandalay;
12. U Weila Seikka (aka U Pyi Kyaw) from Mingalar Taung Nyunt was transferred to Monya Prison;
13. U Thumala (aka Ko Min Set from Masoeyein Monastery in Mandalay was transferred to Kyauthaung Prison;
14. U Panna Wontha (aka U Pyi Kyaw) from Mingalar Taung Nyunt was transferred to Buthidaung Prison;
15. U Pyinnyar Thiha (aka Ko Myint Oo) was sentenced to seven years and transferred to Motpalin Hard Labour Camp in Mon State in November;
16. U Zarnaya (aka U Myo Myint Aung) from Sasana Theikpan Monastery 58 years, was transferred to Puta-O Prison;
17. U Sandima from Sasana Theikpan Monastery was sentenced to eight years;
18. U Thatama (aka Ko Thet Zaw) from Maungtee Monastery in Ton Tay was sentenced to eight years and was shackled while being tried at the west district court in Rangoon;
19. U Sandar wara (aka U Nyan Win) from Thiri Zeyar Monastery was transferred to Meikhtila Prison in Mandalay Division;
20. U Eikhtiya (aka Ko Aung Ko Nyein) from Ngwe Kyar Yan Monastery was transferred to Kyaikton Prison;
21. U Nanda (aka Ko Than Htut Aye) was transferred to Myaungmya Prison in Irrawaddy Division;
22. U Eindaka (aka U Aung Than Myint) was transferred to Larsho Prison;
23. U Eitayira (aka U Aye Maung, Gyaung Gyaung) was transferred to Thipaw Prison; and
24. U Satdama from Ton Tay was transferred to Myitkyina Prison;

1.7 Prolonged Detention

In 1975 Burma established the so-called Protection Law ('The Law to Safeguard the State against the Dangers of Those Desiring to Cause Subversive Acts'). The advent of this piece of legislation has allowed the junta to prolong detention of any individual without trial. Furthermore, the law allows extra-judicial, executive authorities *inter alia* to order a person's detention in prison (Article 10A) or under house arrest (Article 10B) for up to five years (Article 14) without charge or trial if the person *"has performed or is performing or is believed to be performing an act endangering the state sovereignty and security, and public law and order..."* (Article 7). The provisions in this law allow the SPDC to unquestionably hold any parties which are seen as politically threatening, such as senior members of the NLD, under house arrest or in prison for extended periods. This process benefits the regime by keeping key leaders, like Daw Aung San Suu Kyi, out of the public eye and attention; an essential practice for the regime in the lead-up to the 2010 elections. Only an internal government review can appeal decisions stemming from Act 10A, and such measures have ceased to exist in recent years.

Many political prisoners continued to be held in Burma over the course of 2008 without much hope of having cases reopened or reassessed despite growing international pressure over the regime's treatment of political prisoners. The junta extended the sentences of four MPs including U Tin Oo, and Aung San Suu Kyi. The regime continues to hold additional members of parliament and has consistently ignored their judicial rights. Many of those nearing the end of their sentences are entitled to remission under Burmese law. In spite of this, officials continue to extend the sentences of some of Burma's most influential politicians.

On 13 February 2008, the junta extended the house arrest of U Tin Oo, the deputy of Aung San Suu Kyi. Tin Oo (80) was ordered to remain confined to his Rangoon home for another year.[245] Tin Oo, 81, has been in detention since May 2003, when a pro-junta mob attacked a motorcade carrying him and NLD general secretary Aung San Suu Kyi; an attack that resulted in the deaths of around 100 NLD members and supporters. A spokesperson for the party described the extension as *"meaningless and unjust."* Tin Oo is not allowed to receive visitors and has been denied regular medical checkups.[246]

On 27 May 2008, the detention of Daw Aung San Suu Kyi was extended for a further 12 months, her sixth straight year under house arrest. Suu Kyi's original one-year sentence has been extended every year since she was placed under arrest in May 2003. Under Burmese law, no one can be held longer than five years without being released or put on trial. She has been confined without trial for nearly 13 of the past 18 years.[247] Commentary in the *New Light of Myanmar* newspaper stated that detentions are permissible for as long as six years under a 1975 Law Safeguarding the State from Dangers of Subversive Elements. Yearly extensions must be approved by the Council of Ministers and then by the Central Body, which includes the home, defence and foreign affairs ministers, the newspaper said.[248]

There was a large amount of international pressure placed on the regime to release Suu Kyi in 2008 as she has been detained for more than 12 of the last 18 years at her home in Rangoon. Condemnation for the extension of her detention conditions in 2008 was voiced by the Secretary General of the United Nations, ASEAN, world leaders, international organisations and activists. The extension came amidst efforts by the international community to persuade the generals to allow access to cyclone hit regions and calls for international donations to aid the recovery effort.[249]

1.8 Conditions of Detention

> "*The military authorities confine you in an undersized cell, 8.5 by 11.5 feet, with only a bamboo mat on the concrete floor. Sleeping, eating, walking and going to the bathroom are all done in the same place. You cannot see the sun, the moon or the stars. You are intentionally barred from breathing fresh air, eating nutritious food and drinking pure water. Books, periodicals, radio and television are out of the question. If you get sick, no medical worker will check on you until you have lost consciousness."* [250]
>
> - Zin Linn, former political prisoner

Detainees are held across the regime's 43 prisons and up to 70 prison labour camps throughout Burma in trying conditions.[251] Approximately a quarter of political prisoners, particularly prominent activists, are held in Rangoon's notorious Insein prison.[252] Those condemned to Burma's prisons and labour camps face overcrowding, unsanitary conditions, indiscriminate torture, arbitrary transfers and a lack of adequate medical care, exercise time, living provisions and food.

The spike in arrests and prisoner numbers in the wake of the Saffron Revolution resulted in the hasty creation of makeshift detention facilities. Thousands of persons detained in connection with September's demonstrations were held at improvised prisons, including Plate Myot Police Center in Mandalay, the Government Technical Institute (GTI), Kyaik Ka San Interrogation Center, Police Center Number 7, Aung Tha Paye, and Riot Police Center Number 5 in Rangoon. Witnesses at the GTI estimated that well over 2,000 persons were held in a facility designed for no more than 1,500.[253] Persons released from the GTI reported that detainees were held in overcrowded, unsanitary, degrading, and dangerous conditions. According to several eyewitnesses, few of the holding areas had adequate toilet facilities, forcing detainees to relieve themselves in plastic bags or on the floor where others slept. Female detainees reported that they were not provided with sanitary products and were forced to improvise under harsh and public conditions. Food and water were unclean and resulted in many detainees becoming sick, further exacerbating the unsanitary conditions.[254]

The daily living conditions inside Burma's official prisons are abysmal. Released detainees report being kept in cramped conditions in small rooms and in cells that lacked ventilation and toilets. Detainees are generally only allowed minimal exercise outside their cells each day, and this privilege is often revoked. Prisoners also reported a lack of food and drinking water and being denied adequate medical attention by prison staff. The U.S. Department of State reported,

> *"Food, clothing, and medical supplies reportedly were scarce in prisons. There were reports that authorities in some prisons forced prisoners to pay for food. Bedding consisted of a single mat on the floor. Prisoners were forced to rely on their families, who were allowed one or two visits per month, for basic necessities. The government solicited private donations of food, clothing, and medical supplies as well as books and television sets for prisoner use but reportedly diverted all donated goods to government officials. Prisoners were held without being charged for weeks or months, and until a prisoner was officially charged with a crime, families could not visit or send critical supplementary food."* [255]

Security at Insein Prison was tightened following Cyclone Nargis on May 2-3. The Cyclone tore the roof off one of the prison buildings. In the ensuing panic, 36 inmates were shot dead by prison guards and riot police. Since then prison authorities imposed new restrictions, including refusing to allow relatives of some political prisoners to visit regularly or bring provisions. Walking exercise time was also reduced from one hour to just twenty minutes per day.[256] The brutality of Insein Prison authorities was also witnessed in the direct aftermath of the cyclone. The prison's rice stores were damaged in the cyclone, and despite being given replacement stocks by the ICRC, the authorities fed the mouldy rice to inmates. After eating the spoiled rice prisoners suffered from diarrhoea, dysentery, vomiting and dizziness, skin allergies, swollen stomach and typhoid. Female prisoners in the women's compound of Insein prison were reported to have suffered even more severely than others. It was also reported that prison authorities did not provide adequate health care to those affected.[257]

In a further attempt to silence dissidents, the regime transferred a number of activists to remote prisons throughout Burma. According to the AAPPB, more than 100 of the estimated 215 activists sentenced in the November trials to terms of imprisonment of up to 68 years were consigned to at least 20 isolated prisons in various parts of Burma.[258] According to the Burma Jail Manual, prisoners must be kept in prisons nearest to their family members. However, the prison authorities clearly violated this provision and sent political prisoners to remote prisons away from their home towns, effectively preventing family visits. The policy was described by human rights organizations as a form of torture, imposed not only on the abused prisoners themselves but also on their families.[259]

In a number of the remote prisons and camps which activists were transferred to, political prisoners were forced to work in labour projects alongside civilian prisoners. Monk U Pyinyarthiri, who was arrested in connection to the Saffron Revolution, detailed his experience working in Lend Tlann prison camp in Tiddim Township, Chin State:

> *"We had to start hard labour by carrying heavy logs for firewood while fettered. In hilly Chin State... there are many ravines and steep hills. We had to carry these heavy logs from the bottom of the ravines to the hilltops, including Sundays, without holidays. When carrying logs, the man in back must keep pace with the front man, otherwise the security guards would beat him up. When someone fell to the ground from exhaustion after a long workday, a security guard would come and kick him in the chest. We had such ill-treatment and persecution in this labour camp. We had our meals rationed, the notorious so-called 'Briyani' (Danbauk) meal. It was a mixture of small stones, un-husked paddy and even some mice feces. The work was so hard but we were poorly fed. Within two to three weeks, the prisoners became pale and lost weight due to malnutrition. Some fell ill and others got bruises and abscesses due to our fetters. Some got boils. I myself got a boil three or four times. A monk from Myitkyina died of the harsh prison environment on the last full moon day of Waso."* [260]

The account of U Pyinyarthi is echoed by other testimonies from political prisoners detained in various labour camps.

The majority of prisoners forced into hard labour were civilians convicted of criminal offences such as theft and drug trafficking. Generally, those sent to hard labour have been handed long sentences of ten or more years. However, 2008 saw an increase in the number of prisoners serving shorter sentences being sent to labour camps.[261] The conditions in the labour camps are dire. An escapee of Yazakyo Camp near Kalay Town in Sagaing Division stated, *"They treat us like animals and force us into hard labour the whole day. It was like*

hell." [262] Detainees are forced to work long hours, are given inadequate food and are banned from using mosquito nets. As a result many die from malnutrition, diarrhoea and malaria. Commenting on another notorious labour camp, Taung Soon prison labour camp, Tate Naing of the AAPPB stated, *"There have been suicides every month as some of the inmates cannot stand the hard work and the pain anymore."* [263]

Health of Detainees

The health of prisoners is a continuing concern as the regime denies adequate medical care to the thousands of detainees in Burma's prisons. Medical services in prison fall well short of international standards and obligations, although they generally reflect the poor health care services available to the general population. The International Committee of the Red Cross has not been able to visit prisons in Burma since the end of 2005.[264] Human rights groups argue that since that time, conditions have deteriorated even further. Despite a lack of ICRC oversight, the poor health of Burma's prisoners has not gone undocumented.

In the first report from the UN Special Rapporteur on the situation of human rights in Burma, concerns were raised over detention conditions.[265] In response, the regime delivered a 'rebuttal statement' at the UN Human Rights Council which claimed that, *"The prisoners receive regular medical check-up by the prison doctors and when a prisoner needs a special attention of the Specialist, the prison authority arranges him/her to see the Specialist Medical Practitioners."* [266] This claim by the SPDC is contrary to independent reports and testimonies which detail poor health care standards in prisons.

The families of prisoners and released detainees report that authorities did not provide medical care to treat chronic and serious health conditions.[267] Authorities frequently deny access to doctors and the medication required to treat medical conditions. As of September 2008, the AAPPB could confirm that at least 108 political prisoners in various prisons were in dire need of proper medical treatment.[268] Prisoners routinely relied on family members to supply medicines and supplement their food; but this was made increasingly difficult as the regime carried out its policy of transferring political activists to remote prisons.

The spread of HIV/AIDS, Tuberculosis, and other communicable diseases, has been on the rise in prisons throughout Burma in recent years, due to unhygienic conditions and lax medical care. HIV/AIDS infection rates in prisons remain high due to communal use of syringes for injections and sexual abuse by other prisoners.[269] The use of 'fake' or substandard medicine is also widespread in the jail system. The ICRC has made several substantive medical donations to Burma's penal authorities, however it has been reported that most of it is sold by the regime rather than supplied to the prisoners.[270]

Prominent political prisoners who suffered from deteriorating health included NLD MPs - elect Than Nyein, May Win Myint, Naing Naing, and journalist Win Tin. The health of writer Than Win Hlaing, held in Tharawaddy Prison in Pegu Division, continued to deteriorate due to harsh prison conditions; however, prison authorities continued to reject his family's appeals for medical treatment. Rohingya MP-elect Kyaw Min also continued to experience health problems.[271]

The Shan National League for Democracy reported that imprisoned member U Sai Hla Aung, who suffers from high blood pressure and diabetes, had not been seen by doctors in more than three years. In December 2007, his family again asked authorities for permission to have doctors treat him but had not received a response at year's end.[272]

Conditions of Detention – Partial list of incidents for 2008

On 25 February 2008, it was reported that Arakan state NLD financial coordinator U Myint Aung had been kept in shackles for two weeks. U Myint Aung was shackled while being transferred from Sandoway prison, Arakan state, on 8 February and remained in shackles after his arrival at Insein prison in Rangoon. His mother stated, *"He apparently asked the prison authorities about it, and they said they had forgotten to take them off*." [273]

On 7 May 2008, it was reported that following an investigation into the prison riot that broke out following cyclone Nargis in which 36 prisoners were shot, a total of 98 prisoners were moved into isolation for interrogation over the riot. As result, a further four prisoners died.[274]

On 10 May 2008, five political prisoners from No.5 ward of Insein prison were hooded, severely beaten, and held in punishment shackles in solitary confinement. The prisoners were apparently punished for refusing to carry out prison duties, normally only allocated to criminal prisoners. The prisoners were identified as:

1. U Tin Mya, Chairman of the NLD, Thingangyun Township;
2. U Myint Htun from the NLD, Shwepyithar Township;
3. Ko Thant Zaw from the NLD;
4. U Damica (aka U Htun Htun) from the KNU;
5. U Kyaw from the KNU; and
6. Saw Naing from the KNU.[275]

It was reported on 28 May 2008 that, solo protestor U Ohn Than, 62, was suffering from cerebral malaria while in solitary confinement in Khandi Prison in Kachin State. U Ohn Than was arrested in August 2007 when he staged a solo protest by holding placards in front of the US Embassy in Rangoon, and was sentenced to life imprisonment on 2 April 2008.[276]

On 3 June 2008, 128 prisoners from Ann Prison commenced work as labourers for Physic nut cultivation in fields owned by Western Command Commander Headquarters, in An Township, Arakan State. The Physic nut cultivation area covered 50 acres and the prisoners were forced to cut grass, dump soil, fertilise the plants and fence the area. The operation was led by the Deputy Commander of Western Command, Tin Haling. The prisoners were ordered to remove their prison uniforms and wear plain clothes while in the fields. They were not allowed to contact anyone outside and nobody was allowed near the cultivation area.[277]

It was reported on 6 June 2008 that, Myo Yan Naung Thein, who was arrested on 14 December 2007 due to his participation in the 2007 September Saffron Revolution, was severely tortured during interrogation. He was also accused of being mentally ill and purposefully transferred to a special ward for mentally impaired people after arguing with prison authorities. It was reported that in recent visits Myo Yan Naung Thein required assistance to help in walking to the visiting room to see his family on visiting days.[278]

On 8 June 2008, Su Su Nway, a prominent labour activist, was put into solitary confinement after she asked prison authorities for better medical care. Bo Kyi of the AAPPB stated, *"She suffers from heart problems and requested regular checkups. But prison officials denied her request and put her into solitary confinement instead."* [279]

On 9 June 2008, it was reported that inmates of Insein prison became ill after being given rotten rice to eat by prison authorities. Rice stores were damaged when Cyclone Nargis hit the prison on 2 May. Damaged rice bags were mouldy and inedible so the International Committee of the Red Cross replaced them with new bags. The prison authorities fed the prisoners with the new rice from 19 to 21 May, but then switched to using the damaged rice.

The AAPPB said that prisoners had developed various illnesses as a result of eating the rice, *"Prisoners are mainly suffering from diarrhoea, dysentery, vomiting and dizziness, skin allergies (having bumps on the whole body), swollen stomach and typhoid."* [280]

On 1 July 2008, it was reported that according to the AAPPB, an exercise ban had been imposed on political prisoners in Rangoon's Insein prison. The regular supplies of books from family members and friends were also stopped by the authorities.[281]

In July 2008, 500 to 600 prisoners from Buthidaung jail worked on the Maungdaw-Buthidaung highway when it was destroyed following heavy rains. They had to work for 15 days to reconstruct the road from 7 am to sunset without sufficient food.[282]

On 4 August 2008, Ko Nay Linn Soe was injured while working at the labour camp in Mon State's Taung Soon Township where he was detained. A boulder fell on top of him while he was working; following the incident he was taken to Taung Soon hospital's emergency ward. Ko Nay Linn Soe was one of 10 Muslim students sentenced to two years imprisonment in July and sent to hard labour camps for their participation in demonstrations in September 2007.[283]

Between 27 August and 15 September 2008, prison labourers, including political prisoners from Sandoway jail and An jail, were used as forced labour to repair the Sandoway-Gwa highway from pillar number 51 to 55. There were 275 prison labourers working on the project. Work hours were from 7:30 am to 4:30 pm, the labourers received lunch but no other food is given to them while they are working on the project.[284]

On 9 September 2008, five young political prisoners began a hunger strike at Thandwe prison, Arakan State, to oppose their unjust punishment by the authorities. The young political prisoners were identified as:

1. Ko Moe Nay Soe;
2. Ko Than Htay;
3. Ko Chit Maung Maung;
4. Ko Maung Maung Thet; and
5. Ms Ni Ni May Myint.

All prisoners were from the town of Taungup in Arakan State and were arrested by police while they were marching to protest the military government on the 20th anniversary of the 8.8.88 uprising in Burma.[285]

It was reported on 27 September 2008 that in the preceding days a number of political prisoners involved in the Saffron Revolution had been transferred to more remote prisons away from their families. Some of those who were transferred from Insein Prison to Myingyan and Pakokku jails in upper Burma were identified as:

1. Bogale NLD chairman U Aung Khin Bo;
2. Township NLD members U Maung Muang Chit;
3. Daw Mi Mi San;
4. Daw Khin Lay;
5. U Thet Tun; and
6. U Thein Tun.[286]

On 30 September 2008, approximately 100 prisoners from Buthidaung jail in Arakan State were made to work in a Physic nut plantation near the 3-mile camp on Maungdaw-Buthidaung road. The programme was led by NaSaKa from 3-mile camp. The prisoners had to lay manure, clear the grass and fence off the field.[287]

It was reported on 3 October 2008 that, Shan New Generation member Sai Myo Win Tun had been in hospital for more than a month due to deteriorating health. He was reported to be suffering from heart disease, haemorrhoids and a mental disorder. Sai Myo Win Tun, aged 47, is currently serving a 79-year prison sentence at Myingyan prison in Mandalay Division.[288]

On 6 October 2008, it was reported that a staff member from Buthidaung jail in Arakan State had been using prisoners to earn extra income by hiring out prisoner labour to local villagers. It was reported that, *"The jailor took out prisoners from the jail and used them as labourers for local villagers to grow paddy and do other work at the rate of kyat 1500 per day per head while the labourer charge is 2000 kyat per day. The money went to the jailor's pocket."* [289]

It was reported on 16 October 2008 that the health of Nyo Gyi, Vice-Chairman of Mandalay's Madaya Township NLD, had deteriorated in prison. It was reported that he had been suffering from heart disease, high blood pressure and chest infections. Nyo Gyi, aged 70, was sentenced to seven years imprisonment in 2007 for alleged intimidation of USDA officials and is being held in the remote Khamtee prison in Sagaing Division.[290]

On 31 October 2008, nine political activists from the 88 Generation Students Group were transferred from Rangoon's Insein Prison to Maubin Prison in Irrawaddy Division two days after they were sentenced to six months imprisonment for disrespecting the court. The nine political prisoners were named as:

1. Min Ko Naing;
2. Ko Ko Gyi;
3. Pyone Cho (aka Htay Win Aung);
4. Htay Kywe;
5. Mya Aye;
6. Hla Myo Naung;
7. Nyan Lin;
8. Aung Thu; and
9. Myo Aung Naing.[291]

On 2 November 2008, a number of political prisoners were transferred to remote prisons away from their families. Ko Tu Rein Aung and Ko Kyaw Min were sent to Sittwe prison in Arakan State, Ko Kyaw Kyaw and Ko Wei Lin were moved to Mandalay prison in Mandalay Division, and Ko Nyi Nyi Zaw was sent to Taunggyi prison in Shan State.[292]

It was reported on 13 November 2008 that, detained poet Aung Than was in a critical condition, suffering from the HIV virus. He was believed to have contracted the virus after being forcibly injected with a used syringe in Insein prison hospital in 2006.[293]

On 18 November, authorities transferred prominent former student leader Ko Thay Kwe to Buthidaung in Arakan State, from Sittwe the capital city on board the Danyawaddy ferry. A local witness stated,

> *"We thought at first he was a godfather of criminals because his feet and hands were bound with iron chains and many police constables were escorting him on the ship. But we came to know later that he was a former student leader being shifted to Buthidaung prison from Rangoon."* [294]

Ko Thay Kwe was sentenced to 65 years in prison along with other student leaders for his role in leading the September protests.

On the morning of 24 November 2008, at least 15 convicted political activists were transferred from Insein Prison to outlaying areas of the country. Some of those moved were identified as:

1. NLD member Tun Tun Naing, who was sent to Meiktila prison;
2. ABFSU member Ye Myat Hein, who was sent to Kalemyo prison; and
3. Buddhist monk Thaddama (aka Thet Zaw), who was sent to Myingyan prison.[295]

On 28 November 2008, three monks and one politician were also transferred to Buthidaung prison from Sittwe on board a ferry after they had been brought from Rangoon by air. A witness stated, *"We found out that they were monks because the police officer explained to us their identities on the ship, but the monks were in plain clothes and their hair had grown a little long."* The identities of the inmates were unknown. Buthidaung prison in Arakan State is infamous for the oppression of political prisoners through forced labour at brick kilns and road construction in the township.[296]

On 29 November 2008, Zomi National Congress party chairman Pu Cing Sian Thang's son Gatlamkhop (aka Ko) and nephew Gatlankhwa (aka Anthony) were transferred to Myaungmya jail and Bassein jail respectively. Both prisons are located in the Irrawaddy Division. An Arakan youth identified as Tin Htoo Aung, was sent to Sagaing Division's Khamti jail.[297]

On 30 November 2008, Nai Cheem Gakao, aged 42, who was serving a life sentence, was transferred to Tharawaddy in Pegu Division from Insein Prison in Rangoon. It was reported that his new location, about 100 kilometres north of Rangoon, would make it difficult for his family to visit him.[298]

Prominent political activists and leaders of the 88 Generation Students Group, Min Ko Naing (left) and Ko Ko Gyi (right) were among nine activists sentenced to six months imprisonment on 29 October 2008 on charges of disrespecting the court. These two men, like other members of the 88 Generation Students Group have spent the better part of the last 20 years in jail as political prisoners. Min Ko Naing, for example, was initially arrested in 1989 for his leading role in the 1988 pro-democracy demonstrations and spent the next 16 years in solitary confinement before being released in 2004. Since then he has been re-arrested and re-released numerous times, typically in the lead up to key dates or events as the regime fears his ability to organize and lead dissenting groups of individuals. *[Photo: © AFP]*

On 1 December 2008, monk leader U Gambira and five other political detainees were transferred to remote prisons away from their family members. U Gambira was transferred to Sagaing Division's Khamti prison while his brother Aung Kyaw Kyaw was sent to Shan State's Taunggyi jail. Mandalay native Wunna Aung was sent to Bago jail, Thiha Thet Zin and Thein Zaw of Bogalay were sent to Myitkyina in Kachin State and Kengtung in eastern Shan State respectively, and Tun Tun Oo (aka Ngar Kalar) was transferred to Tounggoo prison in Pegu.[299]

On 3 December 2008, political prisoners including popular hip hop singer Zeya Thaw and his three colleagues were transferred to remote prisons. Zeya Thaw, aged 27, who was sentenced to six years in prison in November, was transferred from Rangoon's Insein prison to Kawthaung prison in Burma's southern most division of Tenassarim. In addition, his colleagues Aung Zay Phyo was moved to Toungoo prison in Pegu division, Thiha Win Tin was sent to Nyaung-U prison in Mandalay division, and Arkar Bo to Kyauk Pyu prison in Arakan state.[300]

On 10 December 2008, it was reported that detained student leader Min Ko Naing was suffering from a severe eye ailment and was in need of immediate attention from an eye specialist. Min Ko Naing was being held in solitary confinement in the Keng Tung prison.[301]

On 17 December 2008, it was reported that NLD youth member, Aung Kyaw Oo, who was serving a 19 year sentence in Pegu Prison, had been savagely beaten and denied medical treatment.[302]

It was reported on 23 December 2008, that prisoners in Lent lann prison camp were being forced to work on re-building a motor road in Tidim Township, Chin state. The prisoners were forced to work everyday repairing the Indo-Myanmar trade road linking Tiau-Tidim-Kalemyo from 8am to 4pm. The regime had sanctioned enough funds to repair the roads; however the local authorities used prisoners, instead of spending the money to hire day labourers.[303]

On 24 December 2008, it was reported that detained 88 Generation Students Group member Htay Kywe, had been tortured physically and mentally by prison authorities. Prison officials denied Htay Kywe regular food and reduced his rations. He was also detained in solitary confinement and denied physical exercise under the orders of Home Affairs Minister Major-General Maung Oo. The orders appeared to have been made with the knowledge that Htay Kywe had a serious gastric problem and had undergone a major operation during his first imprisonment. There is no proper medical care in Buthidaung and the nearest proper hospital is situated in the Arakan State capital, Sittwe.[304]

1.9 Deaths in Detention

> *"Too many have already died in prison, due to torture, ill treatment, and being denied medical care. The UN must do everything in its power to secure the immediate release of all Burma's political prisoners. We cannot allow them to meet the same fate."* [305]
>
> - Bo Kyi, Association of Assistance to Political Prisoners Burma

On 21 February 2008, police in Sittwe, Arakan State, severely beat Zawmir Uddin who subsequently died in police custody.[306]

On 6 March 2008, Win Tin aged 30, a youth member of the NLD, died of tuberculosis in Tharawaddy Prison in Burma, while serving a 24-year sentence of hard labour. Win Tin was arrested in 1999 for his political activities. Myat Hla, the chairman of the NLD office in Pegu, said,

> *"He [Win Tin] had been suffering from tuberculosis for a long time. We heard often that his health condition was bad, and he didn't receive medical treatment in prison. This morning, when his family members went to see him, he had already died*." [307]

At approximately 8pm on 27 January 2008, San Thaung died on his fourth day of detention at Salay police station in Chauk Township, Magwe division. He was arrested on 27 January on suspicion of stealing gold accesories from a local resident during an ordination ceremony. Townspeople were suspicious that the man may have died as a result of rough treatment at the hands of authorities after witnesses noticed bruising on the man's body at the funeral.[308]

On 19 April 2008, 30 year-old Azizullah from Zu Pyin of Rathedaung Township, Arakan State, died in Sittwe jail. It was reported he had been suffering from fever but did not get proper medical treatment. His body was not handed over to his relatives, but buried in Sittwe city.[309]

On 20 May 2008, SPDC Army soldiers tortured to death a 35-year old retired New Mon State Party medical worker during interrogation in Khawzar police station, Mon State. The man was accused of bombing a polling station in Yindein on 10 May, during the referendum process. The victim had been arrested by troops from IB #30 and handed over to police officers. The man had been found in possession of anti-referendum fliers and a VCD of the 2007 uprising.[310]

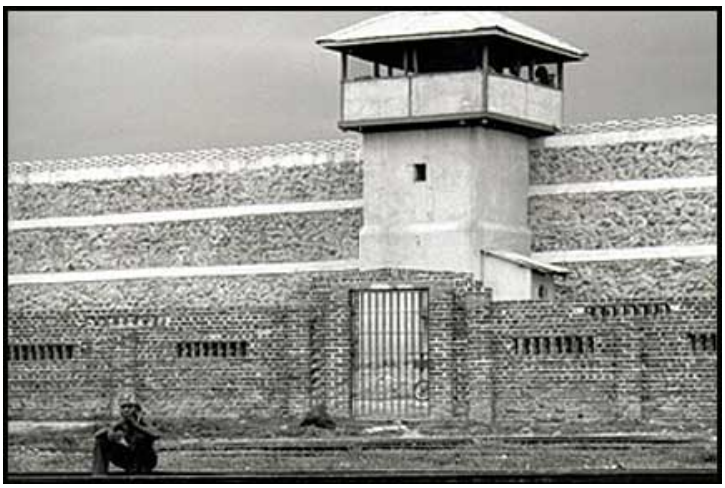
On 25 June 2008, it was reported that in the week prior, a man had died after he was beaten by police officers during interrogation at Magwe police station No #1. The man was accused of involvement with a gang responsible for the theft of Buddha statues in Magwe division; his identity was unknown.[311]

On 18 July 2008, Khin Maung Tint, who had been held in Mandalay Prison since 1998, became the 137th political prisoner to die in prison. Khin Maung Tint had suffered from tuberculosis for two years. AAPPB secretary, Tate Naing, stated, *"Because inadequate healthcare is normal in Burma's prisons, he didn't get sufficient treatment by the authorities. That why Burma has lost another political prisoner."* [312] Khin Maung Tint was arrested and sentenced to 20 years imprisonment for his pro-democracy activities in 1998.

On 21 July 2008, an inspector from Maungdaw police station, Nyi Nyi Lwin Soe, tortured and killed a Rohingya businessman in custody. The victim was identified as Asharaf Meah aged 50, from Aley Than Kyaw village in Maungdaw Township. He was arrested by the police on

10 July on suspicion of being involved in business with a man who had fled with money stolen from another businessman.[313]

On 5 September 2008, Maung Win Cho from Kalemyo Township's Kokeko village, who had been imprisoned for two months on drug charges, was beaten to death by prison officials in front of inmates to set an example.[314]



Mandalay prison, located in the city of the same name houses a prison population of 6,000 inmates. During 2008, Khin Maung Tint and Htay Lwin Oo both died while detatined in Mandalay prison, becoming the 137th and 138th political prisoners, respectively, to have died in detention in Burma. *[Photo: © AAPPB]*

On 19 December 2008, political prisoner Maung San committed suicide at Pegu jail. Maung San, a youth member of the NLD, used his longyi (traditional sarong) to hang himself in a toilet. It was reported that he had nearly finished serving a two-year sentence, but committed suicide in protest at the deprivation of medical care and torture he had undergone. The authorities refused to return his remains to his family home and instead buried him in Pegu.[315]

On 28 December 2008, labour rights activist Htay Lwin Oo died in Mandalay prison; the 138th political prisoner to die in detention. Htay Lwin Oo's wife, Khin Hla Myint, stated at the time that he had died of tuberculosis, which she said had been left untreated by the prison authorities. Htay Lwin Oo, a 46-year-old schoolteacher, was sentenced to seven years imprisonment in 2003 for his labour rights activities.[316]

1.10 Release of Political Prisoners

> *"Whether the release of some nine thousand prisoners from Burma's jails last week was an act of self-described goodwill or a strategic manoeuvre by a government preparing the latest phase in its program for continued political control is of little significance when seen against the country's unchanging legal codes, courts and policing agencies. The excitement over the discharge of star political prisoner U Win Tin, who is a former senior journalist and veteran activist, has not been matched by scrutiny of the laws and institutions that made his long imprisonment possible."* [317]
>
> - Awzar Thi, Asian Human Rights Commission

In September the SPDC released 9,002 prisoners from jails across Burma.[318] The regime claimed that the mass release was a gesture of *"the government's loving kindness and goodwill*." [319] Regardless of the regime's justifications of the move, the release seemed to be nothing more than a transparent attempt aimed at defusing international pressure at the UN General Assembly. Evidence to support this assertion came by way of an examination of those released. The overwhelming majority released were drug dealers and petty criminals as well as SPDC Army and police deserters.[320] Fewer than ten political prisoners were among those released.[321]

For those released from prison, there is always a chance of re-arrest. Many political prisoners are required to sign forms guaranteeing that they will not become involved in political activity upon release. An agreement of this sort however, does not guarantee that former prisoners will not be re-arrested by authorities who keep close tabs on ex-political prisoners.

On 5 February 2008, NLD members Ko Than Htay and Ko Zaw Naing, from Taungup Township, Arakan state were released by Taungup Township court. They were arrested on 22 January after they rode around the township on bicycles shouting out pro-democracy slogans.[322]

On 14 February 2008, private tutor U Aung Pe from Twante Township, Rangoon Division, was released from prison after serving a three-year sentence. U Aung Pe was arrested on 14 February 2005 for saluting the independence monument in downtown Rangoon while holding a picture of Aung San on 13 February. As a continued punishment, U Aung Pe was prevented from renewing his tutor licence.[323]

On 4 March 2008, U Thet Wai, the NLD Chairperson of Sanchaung Township, was released on bail from Insein prison. He was arrested and charged after he was found to have evidence and documents with which to complain to the ILO.[324]

On 23 May 2008, 10 of 13 youth members of the NLD were released by junta authorities in Rangoon after being detained briefly on the previous day by the Special Branch of the Rangoon Police.[325]

On 20 April 2008, Deputy Home Minister Brigadier General Pone Swe ordered authorities to release the arrested Myanmar Muslim Council (MMC) members of Maungdaw Town who had been arrested on 30 March and on 1 April 2008.[326]

On 9 June 2008, fifteen members of the NLD, who were arrested on 27 May as they demonstrated for the release of party leader Aung San Suu Kyi, were freed. The 15 held their demonstration on the 18th anniversary of the 1990 general election, which resulted in an overwhelming victory for Suu Kyi and the NLD. They were identified as:

1. Htet Htet Oo Wai;
2. Yan Naing;
3. Htun Htun Win;
4. Saw Pyit Pyo Aung;
5. Htet Soe Lin;
6. Aung Pe;
7. Thet Naing Htun;
8. Pyit Pyit;
9. Kyaw Myo Naing;
10. Kyaw Naing;
11. Maung San;
12. Kyaw Din;
13. Hla Myo Naing;
14. Htun Win Thein; and
15. Kyi Lwin.[327]

On 16 June 2008, two communists from Arakan State were released from Tharawaddy prison after serving twenty year jail terms. The released men were identified as Khaing Kyi Soe and Maung Ray Khaing from the Arakanese Communist Party, which was dissolved in 2004 after the party integrated with the National United Party of Arakan, and umbrella organisation of Arakanese revolutionary groups. The two men were arrested by Burmese authorities in 1986 along with other members of the ACP after the party had engaged in a heavy fire fight with the police and occupied the town of Minbya in central Arakan State.[328]

On 19 and 20 July 2008, seven NLD members who were arrested prior to Martyrs' Day were released after the day had passed. They were identified as:

1. Rangoon NLD social welfare member Ko Myint Htay;
2. Shwepyithar Township member Ma Htet Htet Oo Wei;
3. New Dagon Township youth wing member Ko The Han;
4. Social welfare member U Thein Myint Htun;
5. Kayan Township youth wing member Ko Win Myint Maung;
6. Private tutor U Aung Pe of Twante Township; and
7. South Okkalapa NLD member Ko Kyaw Zeya. [329]

On 9 August 2008, authorities released 43 demonstrators who held one of the country's few protests marking the anniversary of the 1988 pro-democracy uprising. They were part of a group of 48 young protesters who marched peacefully on 8 August in Arakan State. The remaining five were held for further questioning.[330]

On 23 September 2008, the SPDC released 9,002 prisoners from jails across Burma. Only nine of those released were political prisoners. The freed political prisoners included the following MPs:

1. Dr May Win Myint;
2. Aung Soe Myint;
3. Khin Maung Swe; and
4. Dr Than Nyein.[331]

The following NLD members were also released:

1. Thein Naing;
2. Win Htein. (Win Htein was re-arrested without charge the following day; he was freed for less than 24 hours);
3. Former army Major Myint Lwin; and
4. Thiha.[332]

Also released was U Win Tin, Burma's longest serving political prisoner. Win Tin, former editor of the influential newspaper *Hanthawaddy*, vice-chairman of the Writers' Union, and an active participant in the 1988 pro-democracy uprising, was arrested in 1989 and sentenced to 20 years on charges that included 'anti-government propaganda'.[333]

On 21 October 2008, Saw Myint Than, the former chief correspondent of *Flower News Journal*, a privately-owned magazine was released. He was held for seven weeks without being tried and without having any opportunity to defend himself.[334]

On 11 December 2008, NLD member U Ohn Kyaing was released from Rangoon's Insein jail. Ohn Kyaing, 64, who is also known as Aung Wint, is the MP-elect for Mandalay's Southeast Township and a researcher for the NLD. The authorities arrested Ohn Kyaing from Mandalay Southeast Township Constituency (2), on 1 October 2008 while he was serving as the party Cyclone Nargis Relief Committee Chairman.[335]

On 12 December 2008, authorities released the daughter of the country's former dictator Ne Win after six years under house arrest. Sandar Win had been under house arrest at her lakeside home in Myanmar's main city Rangoon since 2002 after being convicted on treason charges for plotting a coup.[336]

Veteran journalist U Win Tin, Burma's longest serving political prisoner, was released from prison on 23 September 2008 after spending the past 19 years in jail. On his release, U Win Tin vowed to continue to fight until Burma received democracy. He was 79 years old at the time of his release. *[Photo: © Mizzima]*

Endnotes

[1] Source: "Commemorating the One Year Anniversary of the Saffron Revolution," Noble Peace Prize Laureates, 24 September 2008.
[2] Source: "Remembering Political Prisoners in Burma," AAPPB, 22 July 2008.
[3] Source: *Ibid*.
[4] Source: *Vote to Nowhere: The May 2008 Constitutional Referendum in Burma*, HRW, May 2008.
[5] Source: "Arrests of 'No' vote supporters continue,"Altsean, Issue 17, May 2008.
[6] Source: "Atmosphere of Oppression," *Burma Bulletin*, Altsean, Issue 16, April 2008.
[7] Source: "Myanmar's Sad Anniversary," *The Economist*, 14 August 2008.
[8] Source: "Activists Decry Arrests as UN Envoy Returns to Burma," *Irrawaddy*, 18 August 2008 and "Arrest of Student Activists," ABFSU, 18 August 2008.
[9] Source: "Five Taunggok Activists Jailed For 8 August March," DVB, 18 August 2008, "Arakan Youth Issues Ultimatum on Detained Activists," DVB, 25 August 2008, "Family Anxious Over Arrest of Ma Ni Ni May Myint," *Narinjara News*, 12 August 2008 and "Peaceful Demonstrations in Arakan," *Kaladan News*, 11 August 2008.
[10] Source: *Country Report on Human Rights Practices 2008 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 25 February 2009.
[11] Source: *Ibid*.
[12] Source: *Burma Bulletin*, Altsean, Issue 22, October 2008.
[13] Source: Reporters Without Borders, *Insein prison trials called insult to rule of law and international community*, 21 November 2008. Accessed online at: http://www.unhcr.org/refworld/docid/492bb7cac.html, on 19 December 2008.
[14] Source: "Burma's Best Given Brutal Prison Sentences," *Irrawaddy*, 11 November 2008.
[15] Source: *The Future in the Dark: The Massive Increase in Burma's Political Prisoners*, AAPPB and USCB, September 2008.
[16] Source: *Ibid*.
[17] Source: "How the Regime Punishes Political Prisoners' Families," *Irrawaddy*, 17 December 2008.
[18] Source: *Ibid*.
[19] Source: "Where are Burma's Monks?" *Irrawaddy*, 19 September 2008.
[20] Source: "Burma's Monks Jailed, Disrobed for Challenging Junta," *Irrawaddy*, 22 September 2008.
[21] Source: *Ibid*.
[22] Source: "Myanmar Frees Thousands, Including Political Prisoner," *New York Times*, 23 September 2008.
[23] Source: "Leading Burmese activist released after 19 years in prison," *The Guardian* (UK), 23 September 2008 and; "Over 200 Prisoners released in Sittwe, mostly army deserters," *Narinjara News*, 25 September 2008.
[24] Source: "Few Political Prisoners Benefit from Amnesty," DVB, 24 September 2008.
[25] Source: "Burma: State, Not Citizen, the Cause of Fear and Alarm," AHRC, 16 November 2007.
[26] Source: "Number of Political Prisoners Increases in 2007: Crackdown in Burma Continues," AAPPB, 31 January 2008.
[27] Source: "The Administration of Justice - Grave and Abiding Concerns," Amnesty International, 31 March 2004.
[28] Source: *Eight Seconds of Silence: The Death of Democracy Activists Behind Bars*, AAPPB, May 2006.
[29] Source: "The Administration of Justice - Grave and Abiding Concerns," Amnesty International, 31 March 2004.
[30] Source: *Ibid*.
[31] Source: *The Future in the Dark: The Massive Increase in Burma's Political Prisoners, September 2008*, AAPPB and USCB, 2008.
[32] Source: *Country Report on Human Rights Practices 2008 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 25 February 2009.
[33] Source: *Ibid*.
[34] Source: *Crimes against humanity in eastern Myanmar*, Amnesty International, 5 June 2008.
[35] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[36] Source: "Labor Camp Escapee Tells Of Harrowing Tale," *Mizzima News*, 27 November 2008.
[37] Source: *Eight Seconds of Silence: The Death of Democracy Activists Behind Bars*, AAPPB, May 2006.
[38] Source: "Imprisonment of Two Burmese Lawyers 'Arbitrary': Rights Group," *Mizzima News*, 24 November 2008.
[39] Source: "Insein prison trials called insult to rule of law and international community," Reporters Without Borders, 21 November 2008. Accessed online at: http://www.unhcr.org/refworld/docid/492bb7cac.html, on 19 December 2008.
[40] Source: *Eight Seconds of Silence: The Death of Democracy Activists Behind Bars*, AAPPB, May 2006.
[41] Source: "12 Years for 'Saffron Revolution' Monk," *Independent* (UK), 18 November 2008.

[42] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[43] Source: "Burma's Best Given Brutal Prison Sentences," *Irrawaddy*, 11 November 2008.
[44] Source: *2008 Human Rights Report: Burma*, US Department of State, 25 February 2009.
[45] Source: "Three Men Charged For Harbouring A Monk after 2007 Protests," AHRC, 20 August 2008.
[46] Source: "Three More Persons Charged Without Evidence Over September Protests," AHRC, 8 August 2008.
[47] Source: "More Than 39 Activists Arrested, And 21 Imprisoned During August 2008," AAPPB, August 2008.
[48] Source: *Annual Prison Census 2008: Burma*, Committee to Protect Journalists, 4 December 2008. Accessed online at: http://www.unhcr.org/refworld/docid/494a40232d.html, on 19 December 2008.
[49] Source: *Ibid*.
[50] Source: "More Than 39 Activists Arrested, And 21 Imprisoned During August 2008," AAPPB, August 2008.
[51] Source: *Ibid*.
[52] Source: "Myanmar: Life threatening to Human Rights Defenders: attacked by the hiredThugs," Human Rights Defenders and Promoters Network (Burma), 31 March 2008.
[53] Source: *2008 Human Rights Report: Burma*, US Department of State, 25 February 2009.
[54] Source: "Elderly Protestor Wrongly Detained, Tried and Imprisoned," AHRC, 10 June 2008.
[55] Source: "NLD Member Arrested for Statement," *Narinjara News*, 11 April 2008.
[56] Source: "1990 Representative Given 3-Year Jail Term," DVB, 2 May 2008.
[57] Source: "Four Insein Prisoners Die during Interrogation," DVB, 7 May 2008 and "NLD Party Worker Beaten To Death during Interrogation," *Mizzima News*, 8 May 2008.
[58] Source: "Two Missing After Arrest by Nasaka," *Narinjara News*, 30 May 2008.
[59] Source: "Four Arrested For Anti-Referendum Campaign in Chin State," *Narinjara News*, 7 May 2008.
[60] Source: "Salin NLD Members Arrested for Referendum Pamphlets," DVB, 7 May 2008.
[61] Source: "Four 'vote No' campaigners detained in Chin state," *Khonumthung News*, 31 May 2008.
[62] Source: "Voting on constitution begins in northwest Burma," *Khonumthung News*, 10 May 2008.
[63] Source: "48 People Arrested in Maungdaw with Anti-Referendum Posters," *Narinjara News*, 10 May 2008; "Identities of anti-referendum campaigners released," *Narinjara News*, 12 May 2008.
[64] Source: "Rohingya Disappears From Nasaka Custody," *Kaladan News*, 14 May 2008.
[65] Source: "Villager arrested for possession of anti-referendum leaflets," SHAN, 14 May 2008.
[66] Source: "Storm Victims Arrested and Driven Out From Shelters," DVB, 15 May 2008.
[67] Source: "Two Rakhine Youths Arrested For Disrupting Referendum," *Kaladan News*, 19 May 2008.
[68] Source: "At Least 11 NLD Members Arrested In Rangoon," DVB, 22 May 2008.
[69] Source: "NLD Member Charged After Being Beaten," DVB, 4 July 2008.
[70] Source: "Donors Detained After Aid Distribution," DVB, 26 May 2008.
[71] Source: "Junta Arrests More Opposition Youth Members," *Irrawaddy*, 28 May 2008; Source: "NLD Members Detained En Route to Daw Suu's House," DVB, 27 May 2008.
[72] Source: "Burmese Police Arrest Prominent Comedian & Director Zarganar," *Mizzima News*, 5 June 2008; "Leading Comedian Working for Cyclone Victims Arrested," AHRC, 5 June 2008; and "Top Myanmar Comedian, Social Activist Detained," AP, 5 June 2008.
[73] Source: "Five More People Arrested For Polling Station Fire," *Narinjara News*, 9 June 2008.
[74] Source: *Annual Prison Census 2008: Burma*, Committee to Protect Journalists, 4 December 2008. Accessed online at http://www.unhcr.org/refworld/docid/494a40232d.html, on 19 December 2008.
[75] Source: *Ibid*.
[76] Source: "More Aid Workers Arrested," *Irrawaddy*, 16 June 2008.
[77] Source: "Student Activists Helping Nargis Victims Arrested," *Mizzima News*, 16 June 2008.
[78] Source: "Volunteers for Cyclone Relief Work Arrested Yet Again," *Mizzima News*, 17 June 2008.
[79] Source: "Writer Zaw Thet Htway Arrested," DVB, 16 June 2008; and "Burmese Police Arrest Aid Activist," *Irrawaddy*, 16 June 2008.
[80] Source: *Annual Prison Census 2008: Burma*, Committee to Protect Journalists, 4 December 2008. Accessed online at http://www.unhcr.org/refworld/docid/494a40232d.html, on 19 December 2008.
[81] Source: *2008 Human Rights Report: Burma*, US Department of State, 25 February 2009.
[82] Source: "Arrested: Volunteers Who Bury the Dead," *Irrawaddy*, 19 June 2008.
[83] Source: "Myanmar Journalist Arrested For Burying Cyclone Dead," AFP, 26 June 2008.
[84] Source: "Junta Detains 14 Calling for Release of Suu Kyi," *Irrawaddy*, 20 June 2008.
[85] Sources: "NLD Learns Of More Arrests of Activists," DVB, 4 July 2008; "Police Visit Detained NLD Members' Families," DVB, 20 June 2008.
[86] Source: "Lone Demonstrator Arrested at Rangoon City Hall," *Irrawaddy*, 26 June 2008.
[87] Source: "Woman Stages Solo Protest In Downtown Rangoon," DVB, 26 June 2008.
[88] Source: "NLD Members Arrested Prior To Martyrs' Day," DVB, 18 July 2008.

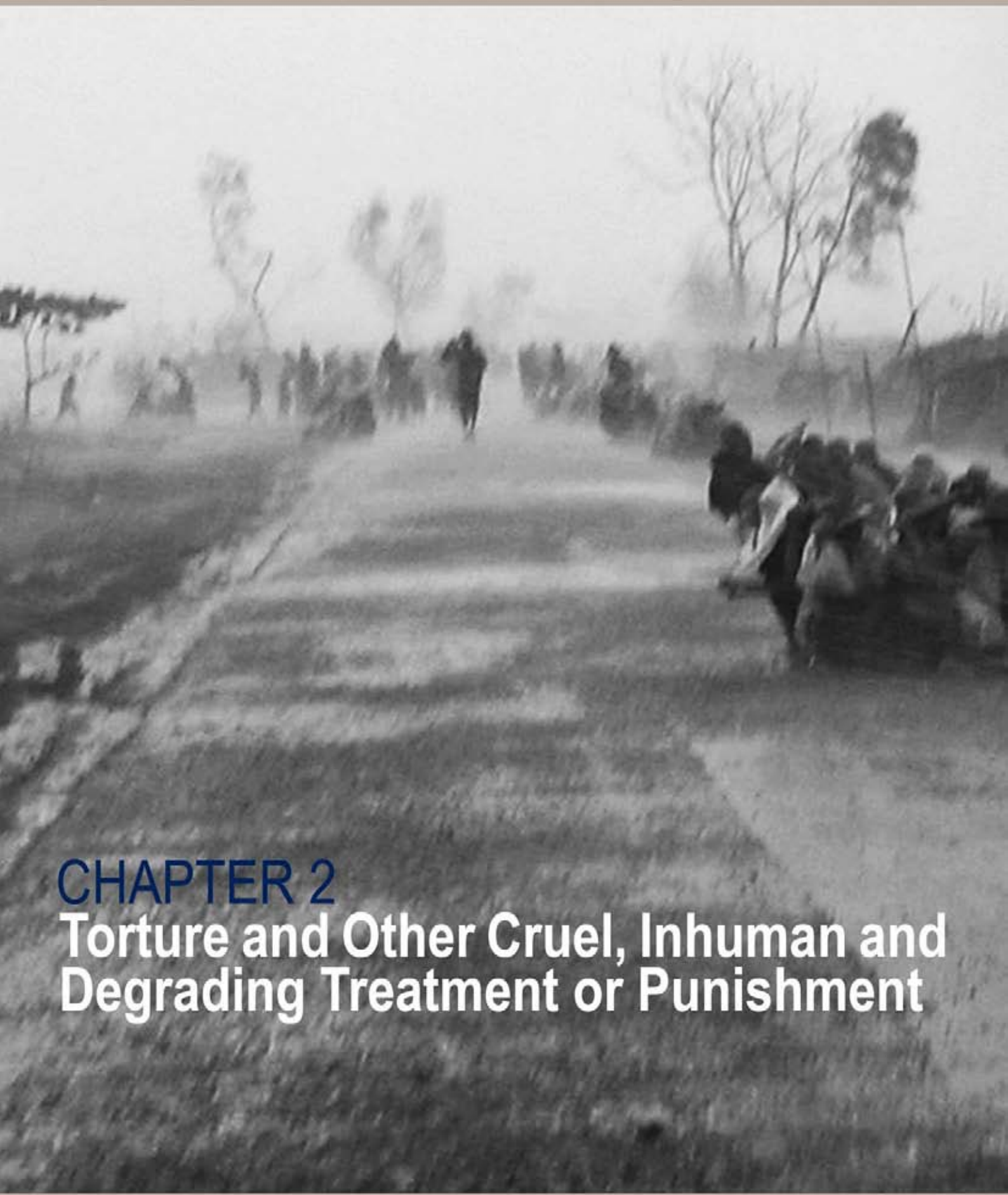
[89] Source: "ILO Slams Myanmar For Keeping Six 'Labour Activists' In Jail," DPA, 11 July 2008.
[90] Source: "Court Sentences Myanmar Protesters to Jail," AP, 4 July 2008.
[91] Source: "Saffron Revolution Muslim Students Sent to Labor Camps," AAPPB, 25 July 2008.
[92] Source: "At Least Three More Rights Defenders Arrested Over Cyclone Relief Work," AHRC, 12 August 2008.
[93] Source: "Activists Decry Arrests as UN Envoy Returns to Burma," *Irrawaddy*, 18 August 2008, and "Arrest of Student Activists," ABFSU, 18 August 2008.
[94] Source: "Authorities Arrest Rights Activist and ABFSU Members," DVB, 8 August 2008.
[95] Source: "Five Taunggok Activists Jailed For 8 August March," DVB, 18 August 2008; "Arakan Youth Issues Ultimatum on Detained Activists," DVB, 25 August 2008; and "Family Anxious Over Arrest of Ma Ni Ni May Myint," *Narinjara News*, 12 August 2008.
[96] Source: *Ibid*.
[97] Source: "At Least Three More Rights Defenders Arrested Over Cyclone Relief Work," AHRC, 12 August 2008; "Rights Activist U Myint Aye Arrested," DVB, 11 August 2008, and "U Myint Aye to Be Charged With Misappropriating Aid," DVB, 21 August 2008.
[98] Source: "Nine More Activists Sentenced in Insein Prison," *Irrawaddy*, 17 November 2008.
[99] Source: "Arrests Continue In Arakan," *Narinjara News*, 14 August 2008.
[100] Source: "Arrests Continue In Arakan," *Narinjara News*, 14 August 2008; Source: "Junta Arrests Two More Dissidents," *Mizzima News*, 12 August 2008.
[101] Source: "Five NLD Members Arrested For Peaceful Protest," DVB, 28 August 2008.
[102] Source: "Five, Last Year's Protesters, Arrested Again," *Mizzima News*, 29 August 2008.
[103] Source: "Generation Wave Member Feared Arrested," DVB, 8 September 2008.
[104] Source: "Generation Wave Activist Arrested," DVB, 5 September 2008.
[105] Source: "Dissidents Dismiss Junta's Allegations," *Irrawaddy*, 8 September 2008.
[106] Source: "Six NLD Members Arrested," DVB, 8 September 2008
[107] Source: "More Dissidents in Central Burma Arrested," *Irrawaddy*, 9 September 2008.
[108] Source: "Fourteen Activists Arrested," *Irrawaddy*, 16 September 2008.
[109] Source: "88 Generation Activist Nilar Thein Arrested," *Mizzima News*, 11 September 2008.
[110] Source: "Fourteen Activists Arrested," *Irrawaddy*, 16 September 2008.
[111] Source: "NLD Youth Was Arrested In Shwepyithar," DVB, 18 September 2008, Translation by HRDU.
[112] Source: "Freedom Short Lived For Released Political Prisoner," *Mizzima News*, 24 September 2008.
[113] Source: "Junta Arrests Nine Party Members on NLD's 20th Anniversary," *Mizzima News*, 27 September 2008.
[114] Source: "Junta arrests another opposition MP, Ohn Kyaing," *The Mizzima Monthly Journal*, Vol. 6 No. 10, October 2008 and "MP-Elect Interrogated Over Bombing Links," DVB, 10 October 2008.
[115] Source: "NLD Youth Member Feared Dead Is Found Alive," DVB, 3 October 2008.
[116] Source: "Nine More Activists Sentenced in Insein Prison," *Irrawaddy*, 17 November 2008.
[117] Source: "Eight Opposition Youth Arrested," *Mizzima News*, 13 October 2008.
[118] Source: "More Than 39 Activists Arrested, And 21 Imprisoned During August 2008," AAPPB, August 2008.
[119] Source: "Woman Activist Jailed in Rangoon," *Irrawaddy*, 17 October 2008.
[120] Source: "ABFSU Leader Si Thu Maung Charged," *DVB*, 24 October 2008.
[121] Source: "Six Mandalay NLD leaders to be produced in court tomorrow,"*Mizzima News*, 21 August 2008.
[122] Source: "Two More Activists Sentenced By Burmese Court," *DVB*, 10 November 2008.
[123] Source: "Insein Prison Courts Sentence 17 NLD Members," *Irrawaddy*, 14 November 2008.
[124] Source: "Nine More Activists Sentenced in Insein Prison," *Irrawaddy*, 17 November 2008.
[125] Source: "Insein Prison Courts Sentence 17 NLD Members," *Irrawaddy*, 14 November 2008.
[126] Source: *Ibid*.
[127] Source: *Ibid*.
[128] Source: *Ibid*.
[129] Source: "Nine More Activists Sentenced in Insein Prison," *Irrawaddy*, 17 November 2008.
[130] Source: *Ibid*.
[131] Source: *Ibid*.
[132] Source: *Ibid*.
[133] Source: "Nine More Activists Sentenced in Insein Prison," *Irrawaddy*, 17 November 2008.
[134] Source: "Ohn Kyaing Pledges To Continue Relief Efforts," *DVB*, 12 December 2008.
[135] Source: "Political Prisoner Commits Suicide," *Irrawaddy*, 24 December 2008.
[136] Source: "Political Prisoner Htay Lwin Oo Dies," *Irrawaddy*, 29 December 2008.
[137] Source: "Nine NLD Members Arrested in Rangoon," *Irrawaddy*, 30 December 2008.
[138] Source: *World Report 2009: Burma*, Human Rights Watch, January 2009.
[139] Source: "SHRF Monthly Report- September", SHRF, 27 September 2008.
[140] Source: *Crimes Against Humanity in Eastern Myanmar*, Amnesty International, 5 June 2008.

[141] Source: *World Report 2009: Burma*, Human Rights Watch, January 2009.
[142] Source: "Extortion by district police in Maungdaw worsens," *Kaladan News*, 24 September 2008.
[143] Source: "Extortion Is the Name of The Game in Maungdaw Township," *Kaladan News*, 22 March 2008.
[144] Source: *Ibid*.
[145] Source: *Ibid*.
[146] Source: "10 Muslim Community Leaders Arrested in Arakan," *Narinjara News*, 1 April 2008.
[147] Source: "More Arrested, Others Hiding in Maungdaw," *Narinjara News*, 3 April 2008.
[148] Source: "New Couple Arrested by Burma's Security Force," *Kaladan News*, 19 April 2008.
[149] Source: "Rohingya Arrested By Sarapa for Filling Pond," *Kaladan News*, 23 May 2008.
[150] Source: "Police Arrests 16 Rohingyas in Buthidaung," *Kaladan News*, 12 June 2008.
[151] Source: "Burmese Force Arrests Rohingya from Shrimp Project," *Kaladan News*, 7 June 2008.
[152] Source: "Villager Sentenced To Three-Months in Jail for Felling Timber," *Kaladan News*, 9 July 2008.
[153] Source: "Police and WPDC Extort Kyat 600,000 from Bridegroom," *Kaladan News*, 7 July 2008.
[154] Source: "Police and Laborers Clash, One Dead, Three Injured In Sittwe," *Kaladan News*, 13 July 2008.
[155] Source: "False Case to Extort Money from Shopkeeper," *Kaladan News*, 31 July 2008.
[156] Source: "Man Detained By Nasaka for Constructing House," *Kaladan News*, 22 September 2008.
[157] Source: "105 Sittwe Muslims Imprisoned For Traveling," *Narinjara News*, 20 September 2008.
[158] Source: "Unruly BSI Officers in Maungdaw," *Kaladan News*, 8 November 2008.
[159] Source: *Ibid*.
[160] Source: *Ibid*.
[161] Source: "Authorities Attack Religious Ceremony in Maungdaw," *Kaladan News*, 1 November 2008.
[162] Source: "Police Beat a Villager Unconscious," *Kaladan News*, 15 November 2008.
[163] Source: "Over 100 Migrants from Arakan Arrested," DVB, 11 December 2008.
[164] Source: "Three Chin Hill-Side Cultivators Tortured, Huts Torched By Army," *Kaladan News*, 29 July 2008.
[165] Source: "Attacks, forced labour and restrictions in Toungoo District," KHRG, 1 July 2008.
[166] Source: "Killing of Villagers, Deadly Landmines, and Women Forced to Work for the Burma Army," Free Burma Rangers, September 2008.
[167] Source: *Ibid*.
[168] Source: "Villagers Bound, Beaten and Stabbed During Interrogations in Tavoy," IMNA, 13 November, 2008.
[169] Source: *Ibid*.
[170] Source: *Ibid*.
[171] Source: "Three Villagers Arrested After KNU Ambush Kills At Least One Junta Soldier," IMNA, 18 December 2008.
[172] Source: *Ibid*.
[173] Source: "Rebels ransom 100 villagers in Ye Township; SPDC responds with interrogations, torture and travel restrictions," IMNA, 24 November, 2008.
[174] Source: *Ibid*.
[175] Source: *Ibid*.
[176] Source: "SHRF Monthly Report- September," SHRF, 27 September 2008.
[177] Source: "Villages Deserted As Residents Flee To Border to Escape Military Persecution," SHAN, 8 July 2008.
[178] Source: "Arrested Village Headman under Concerned," *Network Media Group*, 30 August 2008, Translated by HRDU.
[179] Source: "Locals Arrested, Tortured After Police Deaths," *Narinjara News*, 26 August 2008.
[180] Source: *Ibid*.
[181] Source: "Twelve Sentenced To Seven Years in Jail for Renovation of Mosque," *Kaladan News*, 28 February 2008.
[182] Source: "Smuggler Missing From Police Custody," *Kaladan News*, 11 March 2008.
[183] Source: "Two Maulanas Arrested in Maungdaw," *Kaladan News*, 5 April 2008.
[184] Source: "Maungdaw Police Detains Rohingya Businessman," *Kaladan News*, 26 May 2008.
[185] Source: Immediate News Release concerning Referendum, NLD (Liberated Areas), 10 May 2008.
[186] Source: "Burma holds referendum regardless of cyclone devastation," *Kaladan News*, 12 May 2008.
[187] Source: "Maung Waik, Burmese Tycoon, Arrested on Drug Charges," *Irrawaddy*, 10 June 2008.
[188] Source: "15 Persons Arrested In Nasaka Headquarters," *Kaladan News*, 8 August 2008.
[189] Source: "Nasaka Arrests Seven Rohingyas in Maungdaw," *Kaladan News*, 11 September 2008.
[190] Source: "Ferrymen Arrested For Transporting Deserters to Bangladesh," *Narinjara News*, 26 August 2008.
[191] Source: "Locals Arrested, Tortured After Police Deaths," *Narinjara News*, 26 August 2008.
[192] Source: "Authorities Arrest Relatives of Activists," DVB, 15 September 2008.
[193] Source: "Cyclone Refugee Charged After Submitting Petition," DVB, 9 September 2008.
[194] Source: "70-Year-Old Woman Arrested and Missing," *Mizzima News*, 16 September 2008.
[195] Source: "Authorities Arrest Relatives of Activists," DVB, 15 September 2008.

[196] Source: "Former Child Soldier Arrested In South Dagon," DVB, 19 September 2008.
[197] Source: "Farmers Detained For Reporting Army Abuses to ILO," DVB, 4 November 2008.
[198] Source: "Letters Land Prisoners' Relatives, Guards in Jail," *Irrawaddy*, 19 December 2008.
[199] Source: "Police Arrest Innocent Villager," *Kaladan News*, 23 December 2008.
[200] Source: "Bangladeshi Abducted By Burmese Force," *Kaladan News*, 7 June 2008.
[201] Source: *Ibid*.
[202] Source: "Burma's Border Security Force Hands Over Five Bangladeshis," *Kaladan News*, 11 June 2008.
[203] Source: "Aceh Fishermen Serving Jail Terms in Burma," *Irrawaddy*, 14 July 2008.
[204] Source: "Nasaka Abducts 12-Bangladeshi Fishermen," *Kaladan News*, 4 August 2008.
[205] Source: "19 North Koreans Arrested at Thai-Burmese Border," *Irrawaddy*, 22 December 2008.
[206] Source: "Where are Burma's Monks?" *Irrawaddy*, 19 September 2008.
[207] Source: "Directive Orders Monks to Avoid Political Activity," DVB, 5 September 2008.
[208] Source: *Ibid*.
[209] Source: "Where are Burma's Monks?" *Irrawaddy*, 19 September 2008.
[210] Source: "Burma's Monks Jailed, Disrobed for Challenging Junta," *Irrawaddy*, 22 September 2008.
[211] Source: *Ibid*.
[212] Source: *Ibid*, and "Legal Group Calls for an End to Forcible Disrobing Of Monks," DVB, 3 September 2008.
[213] Source: "Burma's Monks Jailed, Disrobed for Challenging Junta," *Irrawaddy*, 22 September 2008.
[214] Source: "Monks and Nuns in Court over September Protests," *Irrawaddy*, 29 February 2008.
[215] Source: "Burma's Monks Jailed, Disrobed for Challenging Junta," *Irrawaddy*, 22 September 2008.
[216] Source: "Court Charges Monk on 10 Counts," *Mizzima News*, 21 August 2008.
[217] Source: *Ibid*.
[218] Source: "Saffron Revolution Leader Moved To Remote Prison," *Mizzima News*, 1 December 2008.
[219] Source: "Junta Disrobes, Charges Leading Monk," *Irrawaddy*, 21 August 2008.
[220] Source: "Court Charges Monk on 10 Counts," *Mizzima News*, 21 August 2008 and "First Charges against Monk Who Led Protests and 10 Others Now Going To Court," AHRC, 6 November 2008.
[221] Source: "First Charges against Monk Who Led Protests and 10 Others Now Going To Court," AHRC, 6 November 2008.
[222] Source: "Lawyer for U Gambira Resigns," *Irrawaddy*, 3 October 2008.
[223] Source: "Zarganar, Ashin Gambira Get Long Prison Terms," *Irrawaddy*, 21 November 2008.
[224] Source: "A Monk Arrested and Detained In Murng-Ton," SHRF, February 2008.
[225] Source: "Monks and Nuns in Court over September Protests," *Irrawaddy*, 29 February 2008.
[226] Source: "One Monk and Three Activists Arrested By USDA Members," *Mizzima News*, 19 June 2008.
[227] Source: "Nine Monks Arrested In Rangoon," DVB, 30 July 2008 and "Monks Given Two-Year Prison Term," DVB, 13 August 2008.
[228] Source: "Monk Was Disrobed For Court Hearing," DVB, 7 September 2008, Translation by HRDU.
[229] Source: "Arrested Monks Held in Rangoon Detention Center," *Irrawaddy*, 27 August 2008.
[230] Source: *The Future in the Dark: The Massive Increase in Burma's Political Prisoners, September 2008*, AAPPB and USCB, 2008.
[231] Source: "Two Monks Who Were Arrested In September Sentenced," DVB, 5 September 2008, Translation by HRDU.
[232] Source: "Two Monks from Sanchaung Arrested By Authorities," DVB, 5 September 2008, Translation by HRDU.
[233] Source: *The Future in the Dark: The Massive Increase in Burma's Political Prisoners*, September 2008, AAPPB and USCB, 2008.
[234] Source: *Ibid*.
[235] Source: "150 Monks March In Sittwe," DVB, 27 September 2008.
[236] Source: "Saffron Revolution Monks Given Lengthy Jail Terms," DVB, 7 November 2008.
[237] Source: "Two More Activists Sentenced By Burmese Court," DVB, 10 November 2008.
[238] Source: *The Future in the Dark: The Massive Increase in Burma's Political Prisoners*, September 2008, AAPPB and USCB, 2008.
[239] Source: "Five Monks Put Away For Six And-A-Half Years," *Mizzima News*, 12 November 2008.
[240] Source: "Nine More Activists Sentenced in Insein Prison," *Irrawaddy*, 17 November 2008.
[241] Source: "Junta Continues Crackdown on Activists," DVB, 20 November 2008 and "Prominent Monk, Others Receive Lengthy Prison Sentences," *Irrawaddy*, 18 November 2008.
[242] Source: "Zarganar and U Gambira Jailed For Over 40 Years," DVB, 24 November 2008.
[243] Source: "A Monk from Pakokku Was Arrested In Shan State," DVB, 29 November 2008, Translation by HRDU.
[244] Source: "Imprisoned Saffron Monks," DVB, 14 December 2008, Translation by HRDU.
[245] Source: "Myanmar Extends Arrest of Aung San Suu Kyi's Deputy: Official," *Agence France Presse*, 13 February 2008.

[246] Source: "Detention of NLD Vice Chairman Extended," *Irrawaddy*, March 2008.
[247] Source: "Junta Extends Suu Kyi's Detention," *Irrawaddy*, June 2008.
[248] Source: "Myanmar Says Detention of Democracy Leader Legal," AP, 11 June 2008.
[249] Source: "Junta Faces Condemnation for Extending Suu Kyi's Detention," *Mizzima News*, 28 May 2008.
[250] Source: "Burmese Dissident Deserves Release," *United Press International*, 7 November 2008.
[251] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008 and *The Future in the Dark: The Massive Increase in Burma's Political Prisoners*, AAPPB and USCB, September 2008.
[252] Source: *The Future in the Dark: The Massive Increase in Burma's Political Prisoners*, AAPPB and USCB, September 2008.
[253] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[254] Source: *Ibid*.
[255] Source: *Ibid*.
[256] Source: *The Future in the Dark: The Massive Increase in Burma's Political Prisoners*, AAPPB and USCB, September 2008.
[257] Source: "Cyclone Nargis' Aftermath in Insein Prison," AAPPB, 6 June 2008.
[258] Source: "How the Regime Punishes Political Prisoners' Families," *Irrawaddy*, 17 December 2008.
[259] Source: *Ibid*.
[260] Source: "Labor Camp Escapee Tells Of Harrowing Tale," *Mizzima News*, 27 November 2008.
[261] Source: "Junta Sends Prisoners in Short-Term Sentences to Hard Labour Camps," KNG, 1 November, 2008.
[262] Source: "Maltreatment in Burma Concentration Camp," *Khonumthung*, 17 May 2008.
[263] Source: "Student Injured At Hard Labour Camp," DVB, 8 August 2008.
[264] Source: "Health Professional Action: Doctors in poor health remain imprisoned without charge or trial Myanmar," Amnesty International, 10 September 2008.
[265] Source: *Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, on the implementation of Council resolutions S-5/1 and 6/33*, A/HRC/8/12, 3 June 2008.
[266] Source: "Health Professional Action: Doctors in poor health remain imprisoned without charge or trial Myanmar," Amnesty International, 10 September 2008.
[267] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[268] Source: *The Future in the Dark: The Massive Increase in Burma's Political Prisoners*, AAPPB and USCB, September 2008.
[269] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[270] Source: *Eight Seconds of Silence: The Death of Democracy Activists Behind Bars*, AAPPB, May 2006.
[271] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[272] Source: *Ibid*.
[273] Source: "NLD Member Shackled for Two Weeks," DVB, 25 February 2008.
[274] Source: "Four Insein Prisoners Die during Interrogation," DVB, 7 May 2008.
[275] Source: "Political Prisoners Tortured In Insein Prison," AAPPB, 27 May 2008.
[276] Source: "Solo Protestor Suffering from Cerebral Malaria," DVB, 28 May 2008.
[277] Source: "Prisoners Used As Laborers in Southern Arakan," *Kaladan News*, 8 June 2008.
[278] Source: "Cyclone Nargis' Aftermath in Insein Prison," AAPPB, 6 June 2008.
[279] Source: "Labor Activist Gets Solitary as Prison Conditions Worsen," *Irrawaddy*, 8 July 2008.
[280] Source: "Prisoners Suffer Illness after Being Fed Rotten Rice," DVB, 9 June 2008.
[281] Source: "Restrictions Tightened on Insein Political Prisoners," *Irrawaddy*, 1 July 2008.
[282] Source: "Prison Labour for Extra Income in Buthidaung Jail," *Kaladan News*, 6 October 2008.
[283] Source: "Student Injured At Hard Labour Camp," DVB, 8 August 2008.
[284] Source: "Prison Labor for Sandoway-Gwa Highway," *Kaladan News*, 9 September 2008.
[285] Source: "Five Political Prisoners On Hunger Strike Moved," *Narinjara News*, 14 September 2008.
[286] Source: "Jailed Protestors Transferred To More Remote Prisons," DVB, 27 September 2008.
[287] Source: "100 Prisoners Made To Work in Physic Nut Field in Maungdaw," *Kaladan News*, 3 October 2008.
[288] Source: "Detained Shan Leader Hospitalised," DVB, 3 October 2008.
[289] Source: "Prison Labour for Extra Income in Buthidaung Jail," *Kaladan News*, 6 October 2008.
[290] Source: "NLD Member's Health Suffers in Detention," DVB, 16 October 2008.
[291] Source: "Min Ko Naing Transferred," *Irrawaddy*, 31 October 2008.

[292] Source: "Ko Tu Rein Aung and other political prisoners sent to Township prisons," *Yoma 3*, 4 November 2008 Translated by HRDU.
[293] Source: "Jailed Poet Gets HIV Virus from Forcible Injection in Insein Prison," RSF, 13 November 2008.
[294] Source: "Prominent Student Leader and Activists Arrive At Buthidaung Prison," *Narinjara News*, 5 December 2008.
[295] Source: "At Least 15 Activists Transferred To Remote Prisons," *Mizzima News*, 24 November 2008.
[296] Source: "Prominent Student Leader and Activists Arrive At Buthidaung Prison," *Narinjara News*, 5 December 2008.
[297] Source: "More Prisoners Transferred To Remote Jails," DVB, 3 December 2008.
[298] Source: "Mon Political Prisoner Transferred from Insein to Tharawaddy Prison," IMNA, 16 December 2008.
[299] Source: "More Prisoners Transferred To Remote Jails," DVB, 3 December 2008.
[300] Source: "Burma's Jailed Hip Hop Singers Shifted To Remote Prisons," *Mizzima News*, 3 December 2008.
[301] Source: "Detained Leader Min Ko Naing Freezing In Prison, Needs Eye Care: Sister," *Mizzima News*, 10 December 2008.
[302] Source: "How the Regime Punishes Political Prisoners' Families," *Irrawaddy*, 17 December 2008.
[303] Source: "Prisoners Force To Into Daily Labour," *Khonumthung News*, 23 December, 2008.
[304] Source: "88 Generation Students' Member Tortured By Prison Authority," DVB, 24 December 2008.
[305] Source: "Remembering Political Prisoners in Burma," AAPPB, 22 July 2008.
[306] Source: *2008 Human Rights Report: Burma*, U.S. Department of State, 25 February 2009.
[307] Source: "Political Prisoner, 'Afraid of Nothing,' Dies of TB," *The Irrawaddy*, 7 March 2008.
[308] Source: "Chauk Man Dies In Police Detention," DVB, 18 Feb 2008.
[309] Source: "Prisoner Dies in Akyab Jail," *Kaladan News*, 28 April 2008.
[310] Source: "Retired NMSP member killed in torture, many flee," IMNA, 26 May 2008.
[311] Source: "Suspected Gang Member Dies Under Interrogation," DVB, 25 June 2008.
[312] Source: "Political Prisoner Dies in Burma Prison," *Irrawaddy*, 21 July 2008.
[313] Source: "Police Inspector Kills Rohingya Businessman in Maungdaw," *Mizzima News*, 23 July 2008.
[314] Source: "Freed Political Prisoner Tells Of Prison Abuses," DVB, 24 September 2008.
[315] Source: "Political Prisoner Commits Suicide in Bago Jail," DVB, 25 December 2008.
[316] Source: "Political Prisoner Htay Lwin Oo Dies," *Irrawaddy*, 29 December 2008.
[317] Source: "Burma Prisoner Release Masks Absence of Legitimate Legal and Political Reform," AHRC, 1 October 2008.
[318] Source: "Myanmar Frees Thousands, Including Political Prisoner," *New York Times*, 23 September 2008.
[319] Source: "9,002 Prisoners Granted Amnesty," *New Light of Myanmar*, 23 September 2008.
[320] Source: "Leading Burmese activist released after 19 years in prison," *The Guardian* (UK), 23 Sep 2008 and; "Over 200 Prisoners released in Sittwe, mostly army deserters," *Narinjara News*, 25 Sep 2008.
[321] Source: "Few Political Prisoners Benefit from Amnesty," DVB, 24 September 2008.
[322] Source: "Taunggok NLD Protestors Charged and Released," DVB, 7 February 2008.
[323] Source: "Private Tutor Released After Three Years," DVB, 19 February 2008.
[324] Source: "U Thet Wai released from Prison," DVB, 4 March 2008 Translation by HRDU.
[325] Source: "Junta Frees 10 Detained Opposition Youth Members," *Mizzima News*, 23 May 2008.
[326] Source: "Deputy Home Minister Orders Release of Arrested MMC Members," *Kaladan News*, 28 April 2008.
[327] Source: "Detained Suu Kyi Supporters Released," *Irrawaddy*, 10 June 2008.
[328] Source: "Two Arakanese Communists Released After 20 Year Sentence," *Narinjara News*, 26 June 2008.
[329] Source: "Seven NLD Members Released After Martyrs' Day," DVB, 21 July 2008.
[330] Source: "Myanmar Anniversary Demonstrators Freed," AP, 11 August 2008.
[331] Source: "MP-elect released in government amnesty," DVB, 23 Sep 2008.
[332] Source: "Three More Political Prisoners Released," DVB, 29 September 2008, and "Myanmar Dissident Enjoys Just 17 Hours of Freedom," AP, 26 September 2008.
[333] Source: "Regime Frees Longest-serving Political Prisoner, Win Tin," *Irrawaddy*, 23 September 2008.
[334] Source: "Newspaper Reporter Freed After Being Held For Seven Weeks," RSF, 22 October 2008.
[335] Source: "Opposition MP Released," *Mizzima News*, 12 December 2008 and; "Breaking News: NLD Ohn Kyaing Released From Insein Jail Today," DVB, 11 December 2008.
[336] Source: "Former Myanmar Dictator's Daughter Released from House Arrest," AFP, 15 December 2008.



CHAPTER 2
Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment

BURMA

HUMAN RIGHTS YEARBOOK 2008

2.1 Introduction

"One of the most atrocious violations against human dignity is the act of torture." [1]

The use of torture as an extreme form of state-sanctioned violence continues to be widespread throughout Burma. From the military coup led by General Ne Win in 1962 to today, the military regime has maintained its hold over the country through an unwavering campaign of oppression, intimidation and violence only witnessed in a few other countries around the world.

Many international treaties and declarations contain prohibitions on the use of torture and other cruel, inhuman and degrading treatment or punishment.[2] Two global instruments which are exclusively concerned with these issues are the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1975 (Declaration Against Torture) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (CAT). The CAT currently has 127 States as parties to the convention.[3] The widespread ratification of these international agreements along with consistent state practice and *'opinio juris'* (an opinion of law) clearly elevates the prohibition on torture to the level of customary international law, which states must abide by regardless of whether they have ratified the relevant conventions or not. It is now also generally accepted that the prohibition of torture has evolved into a peremptory norm or *'jus cogens'* (from the Latin, meaning 'compelling law') meaning that it enjoys a higher rank in the international legal hierarchy than that of treaty law or customary rules.[4] Despite the legal position of the prohibition of torture, many international agreements do not provide full definitions of 'torture' or 'other cruel, inhuman and degrading treatment or punishment'. Article 1 of the CAT, provides a comprehensive definition, it defines torture as:

> *"Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."* [5]

Torture, therefore, is said to have occurred if three elements are satisfied as outlined in the above definition; the level and type of pain or suffering as severe, whether physical or mental, the mental attitude of the person inflicting the act as intentional and for a specific purpose such as obtaining a confession, and that the person is *"a public official or other person acting in an official capacity."* [6] Despite Burma not being a signatory to CAT or to the International Covenant on Civil and Political Rights (ICCPR) - which also contains provisions outlawing the use of torture - the prohibition on torture still applies to any act of torture carried out within its borders and by any person acting in an official capacity, as it is prohibited under customary international law which applies to all states.

This prohibition also exists under Burma's domestic legislation. Articles 330 and 331 of the 1957 edition of the 1861 Burmese Penal Code prohibits *"hurt"* or *"grievous hurt"* inflicted during an interrogation, while obtaining a confession of information.[7] Similarly, Articles 323 and 325 prohibit the *"hurt"* or *"grievous hurt"* of prisoners outside of an interrogation situation and Article 166 prohibits the same act by a public servant while discharging their duties.[8]

Throughout 2008, acts of torture and other cruel, inhuman and degrading treatment or punishment, continued to be regularly reported across Burma. Reported acts of torture were not confined merely to those in prisons or detention centres but were reportedly perpetrated against regular citizens; men, women and children who live in a country oppressed by a powerful few. The year saw the continuation of human rights abuses against those involved in the Saffron Revolution of September 2007, with trials held in prisons and closed courtrooms. Many activists and members of the opposition were sentenced to long periods of time in prison and relocations of political prisoners to remote prison locations were common throughout the year as the regime made it even more difficult for relatives to visit those imprisoned. Over the course of 2008 the prison population also increased due to the spike in arrests from the end of 2007. With conditions in prisons deteriorating, the human rights situation for those in detention continued to worsen.

Conflict and discrimination against ethnic minorities also continued, with reports of torture used against minority groups including the Karen, the Chin, the Shan and the ethnic Rohingya.

2.2 Methods of Torture

Throughout 2008, the military junta continued to intimidate, control and victimise the Burmese population, both inside and outside of detention, through various methods of torture. The numerous incidents of torture detailed in Section 2.7: Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment – Partial list of incidents for 2008, reveals a range of torture methods used by the junta to punish, humiliate and denigrate individuals and their families. The incidents also illustrate the organised and systematic use of torture against ethnic minorities, members of pro-democracy or dissident organisations. The incidents also highlight cases of abuse against individuals who disobeyed orders issued by the military or were accused of committing crimes, as well as its arbitrary use against those most vulnerable, such as women and children.

In the CAT, torture is defined as *"severe pain or suffering, whether physical or mental."* [9] Therefore, torture can encompass physical pain or suffering as well as psychological suffering for victims and their families. Sexual torture results in severe physical consequences but can also severely affect a victim's mental state and psychological health. Victims of sexual abuse, especially those in the rural ethnic areas are often subject to stigmatisation within their communities following instances of rape. Often the victims are forced to move villages in order to avoid stigmatisation, to secure employment or to find marital partners.[10]

Physical Torture

Physical torture is used primarily to inflict pain and suffering on victims. The most common forms of torture used by the military junta in prisons, interrogation facilities and against forced labourers are; physical beatings as a form of punishment, as part of interrogation or simply to intimidate. Physical beatings not only injure and maim, but in some cases have also resulted in death due to their severity or the lack of sufficient or total absence of, medical treatment. Physical torture usually takes the form of beatings in the form of punches and kicks, as well as with implements such as wooden sticks or rifle butts. In some cases, the victims are restrained so they are unable to defend themselves. Indicative of this kind of treatment was an incident reported where a monk accused of being part of the September 2007 Saffron Revolution protests was interrogated around the clock for seven days, without being allowed any water.[11] The monk was kicked in the chest and face with combat boots while handcuffed. The monk was also punched and slapped around the head and suffered nerve damage in his hand as a result of arm locks.[12] The monk eventually attempted to render himself unconscious by hitting his head on a table in front of him when could no longer endure the punishment.[13]

In a 2005 report entitled *The Darkness We See*, the Assistance Association for Political Prisoners Burma (AAPPB), provided detailed accounts of the types of torture used by the authorities in Burma's prison system. The following is a short list of types of torture and the methods and tools used to implement them:

- **Physical restraint:** ankle shackles joined by a steel rod which keeps the feet apart, making walking extremely painful. Handcuffs, thumbcuffs and ropes are also used on prisoners;
- **Sensory Deprivation:** Prisoners can be deprived of food, sleep, water and light for extended periods, especially when held in solitary confinement. Alternatively, prisoners are at times kept in cells with lights constantly on, making it difficult to sleep;

- **Beatings:** According to the AAPPB, beatings can be inflicted via a range of methods including being:

  "punched, kicked, slapped, kneed, and beaten with a variety of implements, including rubber or wooden batons, truncheons, rifle butts, rubber cords, bamboo sticks and plastic pipes. Political prisoners have also been beaten with thick books, chair legs, broomsticks, sandals, belts and other common objects".[14]

- **The Iron Rod:** Many prisoners have described receiving this type of torture whereupon authorities take an iron bar or wooden pole and grind the prisoners' shins, often resulting in the prisoner losing skin and flesh;
- **Waterboarding:** Prisoners have a cloth placed over their heads after being held in a horizontal position. Water is then poured over the prisoners face inducing a feeling of drowning and suffocation;
- **Burning**;
- **Electric shocks**; and
- **Stress Positions:** Prisoners are made to stand in the same position for hours on end and are beaten if they break the position (prisoners are commonly made to squat, for example).[15]

Besides being a method of torture used to cause physical pain and discomfort, stress positions are in some instances used to humiliate detainees. Following the Saffron Revolution in September 2007 and continuing into 2008, large numbers of civilians and monks were arrested, interrogated and sent to prisons across the country in relation to participation in the uprising. One report has stated that arrested monks were held in degrading conditions in cells referred to as 'dog cells'; poorly ventilated rooms, containing only a thin mat on a concrete floor, measuring a mere two square metres.[16] One detainee was forced to kneel bare-legged on broken bricks and another made to stand on his tiptoes in uncomfortable positions for long periods of time.[17] These stress positions are not only used to increase pain and suffering but to psychologically 'break' the victim in order to obtain information or simply as a form of punishment.

Intense forms of torture alone or coupled with a lack of sufficient medical treatment inside or outside of prison can also cause death. There were reports during 2008 of people being tortured before being killed by State Peace and Development Council (SPDC) military personnel. In one incident, a prisoner who had been arrested on drug charges was beaten to death by SPDC guards in front of other inmates in order to set an example.[18] (For more information, see Chapter 3: Extra-judicial, Summary or Arbitrary Executions).

Sexual Torture

Incidents of rape, sexual assault and humiliation perpetrated by SPDC personnel were also reported with perpetrators continuing to be shielded from the engrained culture of impunity. The reported incidents of sexual torture and rape only explain part of the situation as many incidents continue to go unreported as many victims experience feelings of shame. Many victims also fear further attacks, preventing them from informing authorities. According to Shan Human Rights Foundation, rape in Burma continues to be an effective weapon of war utilised by the military junta to subjugate people, especially those in rural areas.[19] In January 2008, trader Naang Kham Wa (not her real name), aged 18, was raped and robbed by a patrol of SPDC troops from LIB #528, near Nawng Zum village in Ta Kaw village tract, Murng-Paeng Township as she was travelling home after selling her goods in a nearby village.[20] Despite reporting the incident to village leaders and elders, the incident was not pursued as the villagers were too scared of the repercussions that they may be subjected to by local SPDC army soldiers.

In a particularly gruesome incident, a 15-year-old girl was gang raped and killed by Burmese soldiers in Kachin State as she was carrying rice to her brother for lunch in a nearby paddy field.[21] Her naked body was found three days later with stab wounds in seven places on her body (including her vagina).[22] Her skull had been smashed, her neck slashed, her eyes gouged out and her face badly mutilated.[23]

Psychological Torture

Most often, incidents of physical or sexual torture will contain elements of psychological torture or mental distress. Sometimes, however, it is the full intention of the perpetrator to solely cause psychological damage upon his/her victim. Psychological torture can take many forms. Some of those commonly reported during 2008 included the denial of visitors to those in detention facilities, solitary confinement, raising false hope of release and the severing of communication between prisoners and their friends and family. In one reported incident for example, the wife of a political prisoner was told she could visit her husband on 3 December 2008, but when she arrived she was denied permission to see him and was told she had to wait until the 13 December.[24]

Following the trials in 2008 of those involved in the Saffron Revolution, many prisoners were relocated to remote prisons as a deliberate form of psychological torture inflicted upon not just those held in detention, but their friends and relatives as well. The relocation of prisoners far from their relatives places a psychological burden on the relatives of prisoners as well as imposing economic hardships on those families wishing to travel to see those incarcerated. The wife of an imprisoned political activist for example, spent 90,000 kyat on a 10-day journey to visit her husband in a prison in Kawthaung, Tenasserim Division in southern Burma.[25] In another incident, the sister of labour rights activist Su Su Nway, spent marginally less than 90,000 kyat on a six-day journey to Kale Prison in Sagaing Division.[26]

According to the Assistance Association for Political Prisoners in Burma (AAPPB), approximately 70 percent of the estimated 215 prisoners who were sentenced in trials in November 2008 were consigned to at least 22 isolated prisons in various remote parts of Burma.[27] AAPPB Secretary Ko Tate Naing has strongly condemned the practice of confining political prisoners to remote parts of Burma, calling it *"a systematic plan to make divisions between family, parents and children, wife and husband until they die."* [28]

2.3 Torture during Detention

The use of torture by the authorities in Burma has been pervasive and ongoing for many years. In 2005, a 26-year-old woman from Karen State said *"a tatmadaw [Burmese armed forces] soldier said to me that they would torture us until we could not walk anymore."* [29] From incidents reported during 2008, it is clear that this systematic use of torture still remains highly prevalent in both Burma's detention centres and prisons. Torture was not just inflicted on those inside of prison but on those who were held for questioning or detained by police or the armed forces as well. Torture is used during detention for a number of reasons; to control or denigrate the victim, to gain information or a confession of guilt, to punish the victim or simply to intimidate and frighten. Torture during detention, coupled with the arbitrary arrest and detention of civilians, sometimes in the absence of formal charges or trial before a judge, has created an atmosphere of fear and distrust amongst the general population (For more information see, Chapter 1: Arbitrary Detention and Enforced or Involuntary Disappearances). Maulvi Sayed Amin, a villager in Maungdaw Township of Arakan State, for example, was severely assaulted and left unconscious by police after he was accused of cutting off branches of trees which were growing near his paddy field.[30] In another incident, four village headmen in Myit-Tar Sub-township, Tavoy district, Tenasserim Division were arbitrarily arrested, tortured and released in November for failing to report the movements of nearby rebel forces. The four men were;

1. L. Doe, 35, ethnic Karen, Chairman of Kami village PDC
2. Dae' Ne', 38, ethnic Karen, Chairman of Gaung Say Chaung village PDC
3. Saw Shee, 30, ethnic Karen, Chairman of Thabyut-Chaung village PDC
4. Par Han, 32, ethnic Karen, Chairman of Nyaung Tone village PDC. [31]

The threat of torture is often used by authorities as a means of securing bribes. It also a means of punishment for bribes that have been demanded but not paid. Therefore, in this manner, torture, or the threat of torture, is used as a means of extorting civilians for money. Often civilians cannot afford to pay the exorbitant amounts demanded of them. These types of incidents were common throughout 2008 and were typified by the following example from Arakan State. The police and Ward Peace and Development Council (WPDC) authorities in Maungdaw Town, Arakan State jointly extorted 600,000 kyat in May from a bridegroom alleging that he had not submitted a guest list to the authorities.[32] He was tortured by authorities while in detention and was only let go once he had paid the bribe, which he met by selling his mother's gold ornaments.[33] In another incident reported on 7 July 2008 a Burmese soldier asked his superior officers if he could leave the army but was told he must pay 20,000 kyat in order to be released from duties. The soldier fled the army instead but was recaptured and had his leg broken whilst in custody.[34]

Torture by police and regime officials is reported to occur both in pre-trial detention as well as being used consistently within the prison system after a prisoner has been convicted and sentenced. When suspects are arrested they are sometimes not informed of the charges against them, are taken to interrogation centres in a locations unknown to them or their families where it is possible for them to be held incommunicado for periods ranging from a few days to several months. This creates a situation where officials can use torture or other techniques without fear of repercussions. In one incident reported on 1 October 2008, Aung Moe Lwin, a 36 year old youth member National League for Democracy (NLD) was arrested and detained without the knowledge of his friends and family.[35] They were only informed of his arrest after a fellow inmate was released and said he had seen the man being tortured in prison and that he was in a serious condition.[36] Following his arrest, his family were expecting that he would be transferred to Insein Prison in Rangoon so they would be able to visit him. Instead, they got an anonymous phone call stating that he had died from an *"over-zealous"* hand during interrogation.[37]

Torture inside prisons is also said to be committed by proxy. It has been reported that prison officials sometimes employ criminal prisoners to beat political prisoners. In one incident, a prisoner arrested for his involvement in the Saffron Revolution was beaten up by prisoners serving criminal sentences inside Kalaymyo Prison in Sagaing Division.[38]

Throughout 2008 there were also many reported incidents of deaths as a result of torture; in pre-trial detention and within the prison system. An unnamed suspected gang member who was accused of stealing Buddhist artefacts died in custody after he was beaten by police officers during an interrogation at Magwe Town police station.[39] It was reported that the police officers had *'overdone it'* during the interrogation and he had died as a result. This incident also exemplifies the culture of impunity which is consistently sanctioned by Burmese police officers and officials, as none of the perpetrators were brought to account for this incident. In another incident, four prisoners who were accused of attempting to escape from Insein Prison after the roof was torn off during Cyclone Nargis, in early May 2008, were subsequently tortured during interrogation with one of the accused dying of his injuries.[40]

2.4 Prison Conditions

In addition to the treatment that prisoners and detainees receive, which can often constitute torture or cruel, inhuman or degrading treatment or punishment, the living conditions in prisons and detention facilities can often cause great suffering. The use of solitary confinement falls into this category. AAPPB and the United States Campaign for Burma reported in September 2008 that there had been a 78 percent increase in political prisoners incarcerated in Burmese prisons from 1192 in August 2007 to 2132 in September 2008.[41] Among those political prisoners being detained, 700 – 900 were arrested during and in the aftermath of the Saffron Revolution of September 2007.[42] This substantial increase in the number of prisoners can only have negative effects on prison conditions with less space, less guards in proportion to prisoners and the increased strain upon food and medical resources.

On 2 and 3 May 2008, tropical Cyclone Nargis swept across the Irrawaddy Delta and Rangoon Division, affecting 2.4 million people across 37 townships and leaving many thousands homeless or in need of food or medical assistance. The cyclone also left an estimated 84,000 dead and 53,000 missing.[43] (For more information see, Chapter 10: Cyclone Nargis – From natural disaster to human catastrophe). The cyclone also severely damaged Insein Prison with the cyclone removing the roofs of multiple buildings, flooding the prison wards, tearing trees from the ground and sparking a fire which saw thick smoke envelope most of the prison.[44] In the ensuing panic, 36 inmates were shot dead by prison guards and riot police on the assumption they were attempting to escape.[45] The UN Special Rapporteur on the Situation of Human Rights in Burma, Tomas Ojeá Quintana, called on the SPDC to *"conduct a thorough and transparent investigation to clarify the facts and identify the perpetrators of those arbitrary killings."* [46] The prison authorities accused four unnamed inmates of organising the prison break following the cyclone. The four were subsequently tortured during interrogation with one, an NLD party member, being beaten to death.[47] Conditions in the prison were said to have worsened following the cyclone, with prison authorities imposing new restrictions including refusing friends and relatives of certain political prisoners permission to visit regularly or supply provisions.[48] The regulation time for exercise was also reportedly reduced from one hour to only twenty minutes per day.[49]

During the cyclone, the roof of the food warehouse was completely removed, meaning bags of rice were damaged in the heavy rain.[50] Consequently, the rice bags became mouldy and were thus rendered inedible. In response, the International Committee of the Red Cross (ICRC) replaced the bags with new rice as soon as the situation was discovered.[51] It was reported by AAPPB that prison authorities used the new rice to feed prisoners for three days (19 -21 May) and then reverted to feeding them the spoiled rice.[52] This resulted in severe medical consequences with prisoners suffering from diarrhoea, dysentery, vomiting, dizziness, skin allergies, swollen stomachs and typhoid. It was also reported that female prisoners located in the women's compound suffered the effects of the spoiled rice more severely than the general population. Prison authorities also failed to provide those who were suffering with adequate medical care. AAPPB secretary Ko Tate Naing stated at the time that:

> *"The health situation of prisoners will worsen and become critical if they are fed that bad and inedible food any longer. Contagious diseases will spread very quickly in a crowded place like prison if authorities do not take appropriate actions promptly."* [53]

Prisoners also continued to be denied medical treatment for conditions suffered inside prisons or detention facilities. A political prisoner held in Bago Prison in Pegu Division committed suicide by hanging himself with his *'longyi'* (a traditional Burmese men's sarong) in response to the deprivation of medical treatment and the torture he suffered while in detention.[54] Maung San, a youth member of the NLD, suffered from gastric complications and liver disease but was denied medical treatment for his condition.[55] Some remote prisons were also insufficiently protected against weather conditions, especially in winter. One prisoner located in Khamtee Prison in Sagaing Division was reported to be suffering from acute asthma and difficulties breathing during the winter months due to the lack of medical treatment.[56]

2.5 Torture during Forced Portering and Forced Labour

Torture during forced labour and portering continued to be perpetrated by Burmese officials, armed forces and SPDC-aligned militias in 2008. Both civilians and prisoners were forced to provide labour for SPDC officials in a number of activities including the building of roads and army bases, providing food and supplies to soldiers and their families and providing portering and guiding services to soldiers (For more information, see Chapter 7: Forced Labour and Forced Conscription). These kinds of activities can often include torture or other cruel, inhuman or degrading treatment or punishment as porters are often mistreated or killed if they are unable to render services effectively or are used as human shields and mine sweepers for the army. (For more information, see Chapter 4: Arms Proliferation and Landmines).

Unpaid forced labour contravenes international law under the International Labour Organisation's (ILO) Convention concerning Forced or Compulsory Labour, 1930 (No. 29), which Burma ratified and thus became a State party to in 1955.[57] The Convention outlaws the use of forced or compulsory labour (Article 1) except in cases of emergency including war (Article 2(2) (d)); however, in 1998 a special ILO Commission of Inquiry appointed specifically to investigate alleged cases of forced labour in Burma stated:

> *"There is abundant evidence before the Commission showing the pervasive use of forced labour imposed on the civilian population throughout Myanmar by the authorities and the military for portering, the construction, maintenance and servicing of military camps, other work in support of the military, work on agriculture, logging and other production projects undertaken by the authorities or the military, sometimes for the profit of private individuals, the construction and maintenance of roads, railways and bridges, other infrastructure work and a range of other tasks, none of which comes under any of the exceptions listed in Article 2(2) of the Convention."* [58]

Forced labour is typically more prevalent in rural areas and areas populated by ethnic minorities as villagers are recruited to undertake portering duties for ammunition and other army supplies, sentry duties to keep watch for rebel forces and to perform duties inside army camps. These kinds of activities often involve beatings and torture and risk the lives of those involved. On 17 September 2008 it was reported that in Mong Kung Township, in Loilen District, Shan State villagers were interrogated and beaten with bamboo sticks and rifle butts as punishment for not keeping a constant watch around their village and failing to report a nearby firefight to the authorities.[59] In another incident in Kunhing Township in Loilen, Shan State, villagers were forced to provide security, portering services and to chop wood and build fences for Light Infantry Battalion (LIB) #524 and Infantry Battalion (IB) #246.[60] According to reports, one person from each household was forced to do sentry duty at the command post five days a week and if villagers were unable undertake their duty or provide portering services they were required to pay fines;

> *"Each (person) from every household must take turns going to do sentry duty at the local command post for 5 days a week. If we refuse to comply, we would be fined Kyat 1,500 (US $ 1.25) per day."* [61]

Those villagers refusing to porter for the army were also subject to fines, according to villager Nang Hurng, 23;

> *"Moreover, widows are requried to pay Kyat 2,500 (US $ 2) if they can't go and a person who is absent for portering must pay Kyat 10,000 (US $ 8). We even have no time to work for our livelihood,"* [62]

In Keng Tawng sub-township, Mongnai Township, on 16 July 2008, soldiers from LIB #569 based in Keng Tawng forced villagers from Hsai Khao Village, Hsai Khao village tract to carry weapons and to show SPDC forces the shortcut to the location of Shan State Army – South (SSA-S) insurgents. One man who was chosen was not from that township and so was unable to direct the soldiers; one witness stated that he was beaten around the head until he began to bleed.[63]

Prisoners continued to be used as free labour by the regime to be porters for the army, build roads and work on plantations. Prisoners from nearby Lentlang labour camp were forced to work on rebuilding a part of the Tiau-Tidim-Kalemyo road in Tiddim Township, Chin State, wearing leg cuffs, while being supervised by at least five SPDC army soldiers.[64] The junta had already allocated funds for the rebuilding of the road but the local authorities kept these funds for themselves (presumably) and then used prisoners as free labour, rather than paying money for professional labourers.[65]

2.6 Torture of Villagers in Ethnic Minority Areas

Villagers living in ethnic minority areas are at greater risk of experiencing torture and other cruel, inhuman or degrading treatment or punishment due largely to their assumed affiliation with resistance groups, as a consequence of their minority status or as a result of their vulnerability to arbitrary practices, such as beatings, at the hands of military personnel. Throughout 2008, SPDC army units continued to attack civilians in areas of continuing ethnic conflict, particularly in Karen and Shan States.[66] Under the guise of counter-insurgency and security operations, the SPDC's military forces have caused the displacement of more than 40,000 civilians in these states alone.[67]

A report released in 2008 by Amnesty International (AI), *Crimes Against Humanity in Eastern Myanmar*, documents systematic human rights violations in eastern Burma (specifically in Karen State and Pegu Division) during an ongoing military offensive that began in 2005.[68] The report stated that during the military offensive by SPDC army soldiers, widespread human rights abuses including: unlawful killings, torture and other ill-treatment of detainees and prisoners, enforced disappearances and arbitrary arrests, the imposition of forced labour, portering, displacement; and the destruction or confiscation of crops and food-stocks and other forms of collective punishment were committed.[69] Numerous reports published by local human rights organizations have confirmed these allegations. Consistent reports throughout 2008 indicate that these crimes continued to be committed in eastern Burma. In Tenasserim Division, for example, four men were accused of having connections with the Karen National Liberation Army (KNLA; the armed wing of the Karen National Union), interrogated and severely beaten.[70] One of the victims was taken from his home, tied up with a rope and kicked in the head and back repeatedly while being asked about his affiliations with the armed opposition group.[71] After denying the accusations, the soldiers stabbed the man in the arms, back, chest and legs with a bayonet before looting his home and stealing family belongings, said to be worth 120,000 kyat.[72]

Exploitation, extortion and severe restrictions on movement were also faced by ethnic minorities living in SPDC and Democratic Karen Buddhist Army (DKBA)-controlled areas of Karen State. These restrictions limited access to livelihoods, increased poverty and restricted the provision of education and health care services. (For more information, see Chapter 14: Freedom of Movement, Assembly and Association).[73] According to the Karen Human Rights Group (KHRG), villagers living in Dooplaya District, Karen State were required to supply the army with labour, money, food and supplies to the extent that some were forced to find work in Thailand in order to send money back to their families for their daily subsistence needs.[74]

Throughout 2008, widespread human rights abuses against the Rohingya Muslim minority in Arakan State continued to be regularly reported. Regular incidences of religious persecution, forced relocation and labour, rape, arbitrary arrests, torture, extrajudicial killings, extortion, land seizures, restrictions on movement and the denial of citizenship were documented. The Rohingya were also required to obtain permission from the authorities in order to marry.[75] In one incident of torture, the Burmese border security forces (NaSaKa) arrested a Rohingya student on 23 August 2008. The youth was severely tortured and forced to provide names of six other students who were involved in political activities.[76]

2.7 Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment – Partial list of incidents for 2008

Arakan State

On 7 June 2008, two Rohingya villagers were tortured by NaSaKa forces after being arrested on suspicion of being human traffickers. The basis of the allegations was that the two men had been found to have contacted individuals living in Malaysia and Saudi Arabia. NaSaKa personnel from Sector #3, arrested Ahmed Ullah, 27, and Osman Haque, also 27, both from Lake Ya village in Maungdaw village on the evening of 6 June 2008. After detaining them in their camp and severely torturing them on 7 June 2008, NaSaKa officers told their families they would have to pay 800,000 kyat for them to be released. After receiving the money on 8 June 2008, the two men were released and ordered not to go to the government hospital or any other clinic, presumably in order to keep the torture of the men from becoming public knowledge.[77]

On 26 June 2008, it was reported that a schoolteacher identified as Anwar Mail, aged 60 from U Hlapee village tract of Buthidaung Township, was tortured by SPDC army soldiers from LIB #551 after it was alleged that he had enlisted foreign support to aid his son who was studying at Akyab College. The victim suffered two broken ribs during the ensuing beating and was only released after paying 80,000 kyat in bribes to the soldiers.[78]

On 7 July 2008, it was reported that 20-year-old Zia ul-Haque from Aley Than Kyaw village tract in Maungdaw Township was detained and tortured after police and WPDC authorities arrested him for not informing the authorities of his planned visit to his mother-in-law's house. All Rohingya are required to report their movements within Arakan State. He was subsequently released only after he had paid a bribe of 600,000 kyat. His mother-in-law was forced to sell her gold jewellery to raise the money to secure his release. The Rohingya are often detained for the slightest infringements or on trumped up charges purely so that the arresting officers can extort large sums of money from detainees and their families.[79]

It was reported on July 15 2008 that fifteen ethnic Rohingya villagers from Maungdaw Township were detained and tortured by NaSaKa intelligence officer 2nd Lieutenant Myo Aung and his co-worker Jamil from Shwe Zaar village of Maungdaw Township in May. Myo Aung had been on duty at the entry and exit gate of Maungdaw Township and had accused several of the victims of involvement in a variety of activities such as smuggling and human trafficking. In order to have the charges dropped, the individuals concerned were forced to pay bribes. Based on patterns of abuse in Arakan state against the Rohingya people, it is likely that the individuals were targeted due to their ethnicity. The victims of the extortion were made to pay 5 million kyat collectively. The victims were identified as:

1. Taher, male, 40, former village Chairman of Maung Ni Para village
2. Ismail, male, 40, former village Secretary of Maung Ni Para village
3. Abu Siddique, male, 45, from Let Tha Para village
4. Salim, male, 30, from Ward 2 of Maungdaw
5. Kamal, male, 44, from Ward 5 of Maungdaw.[80]

On 23 August 2008, a Rohingya student, identified as 18-year-old Redowan, from Ramiya Khali village in Maungdaw Township was arrested, detained and tortured by NaSaKa personnel. The previous day, NaSaKa personnel had seized a number of documents from him which he was attempting to reclaim at the time of his arrest. According to reports, the soldiers opened fire upon the boy, but did not hit him. Redowan was captured when he attempted to flee. Following his arrest he was taken to a nearby NaSaKa camp and severely

tortured to obtain the names of students involved in politics in the area. Following the torture the victim admitted that some of his classmates were indeed involved in political activities.[81]

On 26 August 2008, it was reported that SPDC authorities arrested over 30 people in Sittwe and subjected them to interrogations and torture after two riot police were killed by local youths during an altercation. The report did not make clear if the deaths of the police officers were due to the youths acting in self-defence or not. Many of the youths who were arrested were not involved in the deaths of the police officers, but were arrested on suspicion nonetheless simply because they happened to live near the scene. The incident took place in Kathay Wra Ward on 22 August 2008 and one of the riot police killed was identified as Sergeant Zaw Myo Tun. It was reported that following the torture some of the victims were unable to walk long distances. After a 19-year-old suspect was arrested for the killing of the policemen, all but two of the detainees were released.[82]

In September 2008, it was reported that a woman was arrested and detained by NaSaKa personnel from Nasaka of Area No.6 of Maungdaw Township, for allegedly having an affair with a man in Maungdaw Township. The woman was beaten severely during her interrogation by Major Win Tin of NaSaKa Area #6. She was released the following day after paying 1.3 million kyat as a bribe to the soldiers. Some villagers believed that she had also been raped while being detained at the camp. The victim was identified as 20-year-old Momtaz Begum from La Baw Zaar village.[83]

In October 2008, Moulvi Joher from Poung Zaar village of Maungdaw Township was arrested and tortured on the allegation that he was involved in human trafficking. He was later released after paying 500,000 kyat to SPDC authorities.[84]

It was reported on 7 November 2008 that in September, a clash occurred between the Maungdaw police and the residents of Kilaidaung village. The conflict arose over the monthly payments made to the camp commander of Magee Chaung NaSaKa camp of Nasaka Area #7 of Maungdaw Township, in exchange for the villagers' use of mobile phones to make contacts abroad. Despite having already paid their 'fees' to the NaSaKa, local police officers had attempted to arrest a number of villagers, resulting in a clash between the two sides. More police were deployed to the site and it was reported that the arrested villagers, including women, were tortured.[85]

On 11 November 2008, a villager from Maungdaw Township, reported to be 28-year-old Maulvi Sayed Amin from Kyat Chaung village under the Loung Don village tract of Maungdaw Township, was severely assaulted for cutting the branches off trees growing near his paddy field. A family member told the *Kaladan News* that the victim was beaten by police from Loung Don village until he vomited blood and was later rendered unconscious He was released following the payment of 50,000 kyat. A close relative stated at the time that the victim was in a critical condition in Bawli Bazaar clinic.[86]

On 14 November 2008, at Dil Para of Myouma Kayindan village tract of Maungdaw Township, a clash broke out between police and villagers after a policeman was reported to have taken goods from a shop without paying. The policeman reportedly beat the shopkeeper, neither of whom was named in the report, whereupon the shopkeeper's relatives retaliated and proceeded to beat the policeman. More policemen were called as reinforcements who proceeded to brutally beat the shopkeeper and other residents of the village. The shopkeeper was arrested but the rest of the villagers escaped without charges.[87]

On 15 November 2008, it was reported that 20 civilians had been hospitalised after SPDC army soldiers and residents clashed in Minbya Township. The incident was said to have occurred after some soldiers from LIB #379 insulted several young girls in Zinar Land Ward

of Min bya. The offending soldiers were initially set upon by a number of youths but were able to return to their barracks to report the incident to their superiors. They then returned to the scene reinforced with approximately 30 soldiers, including the battalion commander, upon which time they began attacking villagers seemingly at random, including those who had not been involved in the original dispute. A number of villagers were beaten, kicked and even stabbed with knives in the onslaught, leaving approximately 20 people hospitalised. No deaths were reported.[88]

On 12 December a 55 year old man was arrested and tortured following a clash between betel nut farmers and NaSaKa forces in Maungdaw Township, Arakan State. The betel nut farmers had mistakenly identified the patrol of NaSaKa officers as Natala villagers (Natala villagers are residents of SPDC sponsored villages constructed in Arakan State to house ethnic Burman migrants). The previous day, the farmers had driven off Natala villagers who had attempted to steal betel nut from the farm by throwing stones at them. The NaSaKa forces threatened to shoot the farmers, forcing them to flee, but leaving a man identified as Hassan from Wabeg village in the Kawarbill village tract behind. NaSaKa forces arrested the man and tortured him. He was released the following day.[89]

On 15 December 2008, conditions inside Buthidaung Prison were reported by a current inmate who sent a letter to *Mizzima News*. The inmate stated that the chief warden in Buthidaung Prison, U Sein Htun, physically assaults prisoners if he dislikes them or forces them wear iron bars between their ankles connected by iron rods to a waistband. Moreover, the prisoners were not provided with enough water to wash, leading to skin infections like scabies. They also suffered from vitamin deficiencies such as beriberi, as well as swelling to their reproductive organs, stomach, arms and legs. The inmate stated that there were at least ten prominent political prisoners in the prison who were not treated well including Ko Htay Kywe, Pyi Phyoe Hlaing and Sithu Maung, all of whom had been earlier transferred from Insein Prison.[90]

Chin State

On 24 July 2008, three Chin farmers from Phone Yang Wa village in Paletwa Township were detained and beaten by SPDC army soldiers on suspicion of having connections with the opposition Arakan Liberation Party (ALP). The three were arrested as they were working in their fields at approximately 1:00 pm by members of LIB #289 from Paletwa Township. The field huts, where their families had been resting, were burned to the ground and the entire group was forced to return to their village. Although it was reported that the villagers were arrested and beaten on suspicion of affiliation with opposition groups, it is far more likely that their treatment had more to do with the fact that they were caught outside their village. In parts of Chin State, much as in other ethnic areas of Burma, villagers are subjected to draconian movement restrictions which require them to obtain official permission to leave their village. Punishment for non-compliance typically includes beatings and other forms of torture. The three victims were identified as:

1. U Tha Aung, male, age 47;
2. U Kyaw Zan, male, age 48; and
3. U Ba Tun, male, age 50.[91]

On 31 October 2008, *Mizzima News* reported that U Pyinyarthiri, a monk who had been imprisoned for three years for his involvement in the September 2007 Saffron Revolution, had been subjected to torture before managing to escape from Lend Tlann prison camp in Tiddim Township. The monk stated that he was slapped about the face, had been kicked in the head and chest by soldiers wearing combat boots, and had his shins stomped on, all the while being handcuffed with his arms behind him.[92]

Irrawaddy Division

On 14 May 2008, it was reported that soldiers from IB #66 had prohibited villagers from Kya Chaung, Sat Kyun, Ayeyar Dan and Pade Kaw villages in Bogale Tonship from seeing the bodies of their relatives killed during tropical Cyclone Nargis. Such prohibitions are tantamount to psychological torture. It was also alleged that soldiers had cut off the hands and fingers of some of the corpses so that they could steal the jewellery that the deceased had been wearing.[93]

Kachin State

On 27 July 2008, 15-year-old school girl, Nhkum Hkawn Din, was gang raped and killed by SPDC army soldiers in Bhamo Township. According to reports, she was delivering rice to her brother who was working in their family's paddy field near Nam Sai village when the three soldiers apprehended her. She was taken to the LIB #437 army camp in Nam Sai village commanded by Major Aung Myint Htun and raped by Corporal Aye Thein and two other soldiers, Soe Tu Win and Tu Ra from LIB #437. According to her family, her mutilated naked body was found approximately 60 metres from the army post three days later. Her skull had been smashed, her throat slit, her eyes gouged out, and there were no fewer than seven stab wounds on her body, including in her abdomen and her vagina. As there were no witnesses to the crime, it remains unknown if these injuries were inflicted before or after her death.[94]

On the evening of 19 September 2008, Myitkyina Ward Secretary Gam Awng and two of his companions tasked with sentry duty in Myitkyina were beaten by a SaYaPa (Military Affairs Security) officer after they had questioned him about why he was walking the streets late at night. Villagers and townsfolk are often ordered to stand sentry at night and report on any movements after curfew. This incident clearly illustrates the duplicitous nature of such orders which seemingly are only meant to apply to the civilian population.[95]

On 21 October 2008, Na Tat, a 30-year-old businessman dealing in gold, was detained and tortured at the SPDC Army Regional Operation Command headquarters in Tanai under the orders of Brigadier General Khin Maung Aye. According to reports, he was arrested aboard the Myitkyina-Mandalay train as he was returning to his home in Namti from the gold mines in Kachin State's Hukawng Valley. He was detained for the next three days, during which time he was repeatedly beaten and tortured. His face and chest were reportedly covered in bruises, bearing the evidence of the prolonged beatings that he was subjected to. Throughout his detention his legs were locked in mediaeval-style leg stocks, known in Burmese as a *'chauk pauk'.* He was only freed following a payment of over 700,000 kyat. It is common for Burmese civilians to be arrested purely so that the authorities can extract a bribe from them in order to secure their release [96]

Karen State

On 25 March 2008, the FBR reported that on 25 December 2007, SPDC army soldiers from LIB #401 (Tho Tho Twin commanding), operating under MOC #8, tortured and killed two Karen villagers from Tee Law Bler village as they were tending to their rice field in Dooplaya District. The two victims, identified as 13-year-old Saw Dee Klee and 25-year-old Saw No Maw, were reportedly tortured, beaten to death and mutilated before being burned. According to the report, the Achilles Tendons of both feet and the throats of both victims had been slashed. Saw No Maw had also been disembowelled, but it remains unclear if this was done before or after his death.[97]

On 29 September 2008, Saw G--- and Saw H---, both aged 28 from C--- village, crossed the border into Thailand to buy food in Wah S'Kay village. On the way to Wah S'Kay the men passed through a DKBA #999 Special Battalion camp and registered. Once in Thailand the men bought groceries and drank alcohol. Upon crossing back into Burma a DKBA soldier named Saw Pah Bper accused them of smelling of alcohol. Saw Pah Bper repeatedly hit Saw H--- with the butt of his gun and beat him until his face was swollen. For the rest of the day the two villagers were beaten and tortured by the DKBA and then detained for the night.[98]

On 9 October 2008, Column #1 of LIB #285, commanded by Lieutenant Colonel Khin Maung Than arrested, interrogated and assaulted several ethnic Karen suspected of having contact with the Karen National Liberation Army (KNLA) in Thabyut-Chaung village in Tavoy District, Tenasserim Division.

- At 10 am, Column #1 arrested Saw Pho Pha (42) and Saw Htoo Bleh (32). According to an eyewitness from the area, the two men were accused of having contact with the KNLA and were subsequently bound and severely beaten. Approximately two hours later, the commander asked relatives of the victims to pay 50,000 kyat each for their release.[99]
- At 1:30 pm, Column #1 arrested Saw L Swe (25). Saw L Swe was also accused of having contact with the KNLA. Saw L Swe was bound and beaten while being interrogated. He was then stabbed on his arms, chest, back and legs with an army knife after denying the accusations. The soldiers then looted his home and stole family belongings, estimated to be worth 120,000 kyat.[100]
- At 5 pm, Column #1 arrested and interrogated Saw Phe Doh (35). He was also accused of being a KNLA supporter, beaten and then robbed of belongings thought to be worth 100,000 kyat.[101]

It was reported on 29 December 2008 that a recaptured SPDC army deserter suffered a broken leg while in custody. Thet Oo, a 20-year-old private, who served in the Taungoo-based advanced communication corps for three years had reportedly requested to be discharged from the military but was told that his leave would only be granted following payment of a 20,000 kyat fee. Unable to pay this sum, the soldier deserted from his unit only to be later recaptured and subjected to beatings.[102]

Magwe Division

On 25 June 2008, it was reported that an unidentified suspected gang member, accused of stealing Buddhist statues in Magwe, Minbu and other townships in the area, died after being badly beaten during an interrogation with the police in Magwe police station.[103]

Mandalay Division

On 25 August 2008, Aung Zaw Myo, was returning home from work on a local Mandalay-Thar Si train when he was apprehended by SPDC army soldiers. The soldiers confiscated his national identity card, lead him into a small room near the ticket booth and attempted to coerce him into joining the army. When he refused, the soldiers proceeded to beat him for the next hour until he was able to call out to the ticket vendor for help. He managed to escape but left behind a bag containing clothes, 50,000 kyat and his national identity card. Without his ID card, Aung Zaw Myo would be in a particularly vulnerable position. Should he be approached again at any time in the future and asked to produce his ID card, he would either be forced into military service or threatened with imprisonment for his inability to do so. This is a tactic commonly employed by SPDC recruiting officers when conscripting underage soldiers.[104]

On 10 September 2008, 19 people were abducted and forced to join the army by SPDC army soldiers attached to LIB #420 as they were travelling on a train to Meiktila. When one of the men, identified as Kyaw Oo, refused to sign up to the army, he was beaten and tortured by the soldiers. His shins were scraped with a large stick (a common form of torture) and threatened to send him to prison for bombings that had occurred recently in Rangoon. (For more information, see Chapter 4: Arms Proliferation and Landmines). After being held in the barracks for two weeks, five of the men, including Kyaw Oo managed to escape. The fate of the other 14 men remains unknown.[105]

Mon State

On 9 June 2008, it was reported by the *Independent Mon News Agency* that a village headman and five villagers, all from Yin Ye village in Khaw Zar sub-township were interrogated and tortured by SPDC army soldiers under allegations of supporting Mon insurgents alleged to operate in the area. SPDC army soldiers from IB #31 released the villagers after they provided guarantees and signed documents stating that they would not support opposition groups. According to reports, all six men were forced to sign documents every three days at the IB #31 army camp to ensure that they would not flee. It was also reported that all six men were publicly beaten in the middle of the village. The six men were identified as:

1. Nai Maung Ba, male, age 47,village chairman;
2. Nai Kyaw Hein, male, age 41,village secretary;
3. Nai Sein Maung, male, age 41;
4. Nai Gare, male;
5. Nai Kya Kaung, male; and
6. Nai San Yi, male.[106]

On 21 November 2008, Mon insurgents from the Chan Dein group arrested 102 villagers from Sin Koo, Toe Thet Ywar Thit, Yin Ye, Yin Dein and Kabyar villages in Ye Township as they went to work in their rubber and betel nut plantations. Of the 102 villagers, 62 were plantation owners and 40 were workers on those plantations. The villagers were released later that same day so that they could return home to retrieve their ransom which was set at 300,000 kyat for plantation owners and 30,000 for workers. At midnight on the same day, soldiers from LIB #31 led by Lieutenant Han Win Kyaw entered Yin Ye village and arrested six people. They were tortured by holding burning torches under their arms and legs to find out the location of the insurgents. After those detained gave consistent answers they were released. The following day, on 22 November, *"Lieutenant Commander"* Myo Swe (Lieutenant Commander does not exist as a rank in the Burmese Army, it is unclear whether Myo Swe is in fact a Lieutenant or a Lieutenant Colonel) returned to Yin Ye village and arrested an additional seven people including three women. One of those arrested was beaten by soldiers after he stuttered when responding to questions.[107]

Pegu Division

On 17 December 2008, it was reported that NLD member Aung Kyaw Oo, who was serving time as a prisoner of conscience in Pegu Prison, had been badly beaten by prison authorities and denied medical treatment for his deteriorating health and the injuries sustained under such beatings for staging a hunger strike while in detention. It was also alleged that he had been detained in a dog kennel as additional punishment.[108]

On 19 December 2008, a political prisoner named Maung San committed suicide at Pegu jail in protest at being deprived of medical care and the torture he suffered at the hands of the prison authorities. The youth member of the NLD, used his *longyi* (traditional Burmese men's sarong) to hang himself in the toilet. It was reported that Maung San had been routinely denied medical care despite the fact that he suffered from gastric and liver diseases.[109]

Rangoon Division

On 8 May 2008, it was reported that Ko Ohn Kyaw, a member of the Dawbon Township chapter of the NLD, was bludgeoned to death inside Insein Prison following a riot which broke out soon after Cyclone Nargis ripped part of the roof off the prison on 3 May 2008. Ko Ohn Kyaw was accused of instigating the riot and attempting to lead an escape and was thus beaten to death during interrogation. He had originally been arrested for his alleged involvement in the September 2007 Saffron Revolution. (For more information, see Chapter 3: Extra-Judicial, Summary or Arbitrary Executions).[110]

On 10 May 2008, six political prisoners were beaten, shackled and held in solitary confinement for ten days in Insein prison's No. 5 ward, as punishment for not carrying out prison duties. Three of the prisoners involved were NLD members and the other three were reportedly members of the KNU. Although the names of the KNU members were not reported, the three NLD members were identified as:

1. U Tin Mya;
2. U Myint Htun;
3. Ko Thant Zaw.[111]

On 6 June 2008, it was reported that Myo Yan Naung Thein, who was arrested on 14 December 2007 for his participation in the September 2007 Saffron Revolution protests, was suffering from wounds sustained from torture at the hands of prison authorities, leaving him with injuries severe enough to require assistance when walking to the visitor's room at Insein prison. He was also reportedly transferred to a special ward for those suffering from mental illness after an argument with prison authorities.[112]

On 1 October 2008, it was reported that Aung Moe Lwin, a 36-year-old member of the NLD in Natmauk Township, Magwe Division died while in custody in Rangoon. According to reports, he disappeared from South Dagon Township at the beginning of August 2008. His detention was only reported after a fellow inmate was released and stated that he had seen the victim being subjected to torture and was in a serious condition. Though Aung Moe Lwin was last said to have been held at the Rangoon divisional office, it is unclear whether he died there or at another location.[113]

On 14 November 2008, a volunteer police officer and fireman, Ko Than Khine of Myoma Taung ward in Thanlyin Township, was arrested and detained after being suspected of theft and forgery. Sources have maintained that Ko Than Khine was held overnight at a station in Rangoon, during which time the police officers stripped him, beat him repeatedly and scraped his shins with a heavy pole.[114]

Sagaing Division

On 5 September, Maung Win Cho from Kokeko village in Kalaymyo Township who had been imprisoned for two months on drugs charges was beaten to death in front of inmates as an example.[115]

On 24 September 2008, NLD member U Aye Thein, recently released from Kalaymyo Prison, reported that he had suffered mistreatment by the authorities, and that he and others had been held in isolation in dark cells up until the time of his release. He said he had also witnessed torture and punishment of other prison inmates. Aye Thein also mentioned that U Michael Win Kyaw from Kalaymyo, who was imprisoned for his role in the Saffron Revolution, was beaten up by prisoners serving criminal sentences, on the orders of the prison authorities. [116]

Shan State

On 13 January 2008, a trader, identified as 18-year-old Naang Kham Wa from Nawng Zum village in Mong Ping Township was robbed and gang raped by 12 SPDC army soldiers from LIB #528, led by led by Sergeant Tin Aye. According to reports, Naang Kham Wa was returning home after selling her goods in a neighbouring village when she encountered the soldiers. The soldiers wanted to buy some cheroots from the girl; however, as she had just sold everything, she had nothing left for the soldiers. Angered over her response, Sergeant Tin Aye then ordered his soldiers to stand guard as he raped her. Adding to the ignominy of the sexual assault, the Sergeant also stated that it was a criminal offence to sell goods to opium farmers (which she had admitted to earlier) and she was forced to pay a fine of 40,000 kyat.[117]

On 3 July 2008, three villagers from Kunhing were beaten by soldiers from Kholam-based IB #66 led by Lieutenant Aung Chan Tha, as they were working in their fields. The villagers were beaten because they denied having seen Shan State Army-South (SSA-S) insurgents operating in the area. The three men, Long Hsu, 60, Sai Lern Hsai, 18, and Sai Doo, 18, were *"beaten until blood came out of their mouths and their heads and faces became swollen."* [118]

On 15 July 2008, it was reported that seven members of the same family were killed in Sora Pheku village, Pekhon Township after SPDC army soldiers found a 'no vote' campaign flyer in front of the house. Prior to the vote on the draft constitution, flyers were used by activists to urge civilians to caste a vote against the constitution drafted by the military in the May referendum. Only one of the family members, Shar Reh, managed to escape. According to Khu Oo Reh, the joint secretary of Karenni National Progressive Party (KNPP), the town administrator, Nyar Reh and township Union Solidarity and Development Association (USDA) secretary, Noe Reh were responsible for committing the murders. It was also reported that the victims were killed following torture. The victims were identified as:

1. Phray Myar, female;
2. Mee Myar, female;
3. Phe Bu, male;
4. Oo Reh, male;
5. Ree Reh, male;
6. Toe Reh, male;
7. Taw Reh, male.[119]

On 16 July 2008, a group of SPDC army soldiers from LIB #569 ordered the Hsai Khao village headman to provide them with villager porters to carry supplies and to show them the way to the location of Shan opposition forces in Kunhing Township. One man, identified as 28 year old Sai Nanda was chosen as a guide, however, as he was not a native of Hsai Khao he was thus unable to show the soldiers the correct path. According to an eyewitness, *"he was beaten about the head until blood came out"*, and was later sent back to the village with multiple injuries sustained from the beating.[120]

Tenasserim Division

On 8 October 2008, four Karen village headmen from Myit-Tar sub-township, Tavoy Township were detained, interrogated and beaten by SPDC army soldiers for failing to report the movements of Karen National Liberation Army KNLA troops in the area. Lieutenant Colonel Khin Maung Than, commander of Infantry Battalion #285 Column #1, entered Myay-Khan-Baw village tract in Myit-Tar with an estimated 50 SPDC army soldiers and arrested the four Village Peace and Development Council (VPDC) chairmen. The four headmen were interrogated and kept in leg stocks, made of logs through which holes had been bored. One source stated that when they were released six days later on 14 October 2008, all four headmen looked as if they have been kicked and beaten with sticks or the butts of rifles. The four village chairmen were as follows:

1. Saw L. Doe, age 35, Kami Village Chairman;
2. Saw Dae' Ne', age 35, Gaung Saw Chaung Village Chairman;
3. Saw Shee, age 30, Thabyut-Chaung Village Chairman;
4. Saw Par Han, age 32, Nyaung Tone Village Chairman.[121]

At approximately 10:00 am on 9 October 2008, Lieutenant Colonel Khin Maung Than, commanding officer of IB #285 Column #1 led his soldiers to Thabyut-Chaung village, Tavoy Township and arrested two villagers, Saw Pho Pha 42 and Saw Htoo Bleh 32, that they suspected of having contact with the KNLA. The two men were tied to a tree and beaten with a bamboo stick and the soldier's elbows. Two hours later, the commander demanded that the relatives of the victims pay 50,000 kyat for the release of each man. After releasing the men at around 1:30 pm, the soldiers arrested a third man, Saw L Swe, 25, also on suspicion of having contact with the KNLA. He was tied up with a rope and kicked in the head and back repeatedly by three soldiers while being asked questions about his connection with the KNLA. When he denied having any involvement, the soldiers began to beat him more viciously. At this point one of the soldiers drew his bayonet and stabbed him repeatedly on his arms, legs, chest and back. Before leaving, the soldiers looted his home and stole some of his family belongings, valued at an estimated 120,000 kyat. The man was later sent to Myit-Tar Sub-Township hospital for treatment. Around 5:00 pm that evening, a fourth man, Saw Phe Doh, 35, was apprehended and interrogated regarding his alleged support of the KNLA. It was reported that the soldiers stole an estimated 100,000 kyat worth of possessions from this man also.[122]

On 31 October 2008, Lieutenant Colonel Ko Ko Lwin, commanding officer of LIB #15, Column #2, led an estimated 45 SPDC army soldiers into Pawa-Kwin-Shay village of Tenasserim Township and arrested nine men. It was reported that the men were accused of hiding an AK-47 assault rifle belonging to the KNLA. The men were bound and publicly beaten in the centre of the village. Seven of the men were later released but two were forced to porter army supplies for the soldiers. The two men have not been seen since and their fate remains unknown. The villagers involved were:

1. Paw Lu;
2. Waw Dee;
3. Khaw;
4. Hla Naing;
5. Cho;
6. Ki;
7. A-Phoe-Luu-Suu;
8. Nyein Oo
9. Pha Ma.[123]

Unknown Locations

On 7 August 2008, it was reported that three men, Kyaw Soe, Kwalpi and Tin Htoo Aung and one other unidentified man were detained at the Insein prison in Rangoon from October 2007 to January 2008 without trial and were tortured by military intelligence officers until they were finally handed over to the police, whereupon their case was registered in court. The men were charged with contacting illegal groups outside the country as well as distributing anti-regime flyers.[124]

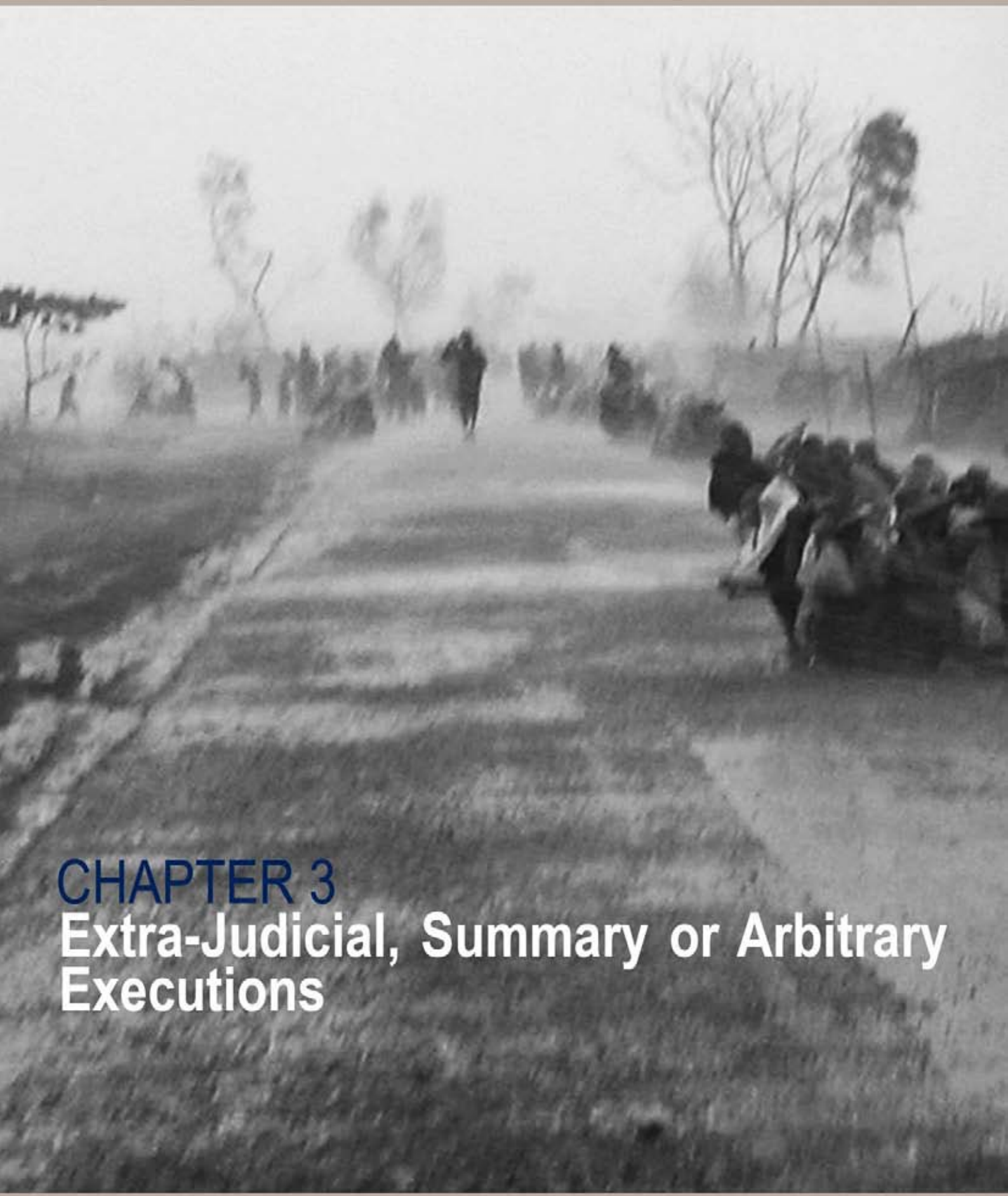
In December 2008, it was reported that U Myint Aye, the founder of the group Human Rights Defenders and Promoters (HRDP) Network, was tortured while in custody. The lawyer for U Myint Aye, Saw Kyaw Kyaw Min, said that prison authorities questioned him continuously for five days depriving him of sleep until he eventually collapsed.[125]

Endnotes

[1] Source: Vienna Declaration and Programme of Action (VDPA), Chapter II B5 (adopted by consensus on 25 June 1993 at the 1993 United Nations World Conference on Human Rights).
[2] Source: Article 5 Universal Declaration of Human Rights 1948, Article 7 International Covenant on Civil and Political Rights 1966, Article 3 European Convention on the Protection of Human Rights and Fundamental Freedoms 1950, American Convention on Human Rights 1969 and Article 5 African Charter on Human and Peoples' Rights 1981.
[3] Source: UN Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, Article 1, 1984, accessed online at: http://www.unhchr.ch/html/menu3/b/h_cat39.htm.
[4] Source: "Taking off the Blindfolds: Torture by Non-State Actors," *Human Rights Law Review*, 2001.
[5] Source: UN Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, Article 1, 1984, accessed online at: http://www.unhchr.ch/html/menu3/b/h_cat39.htm.
[6] Source: *Ibid.*
[7] Source: Burma Penal Code. Accessed at http://www.blcburma.org/html/Myanmar%20Penal%20Code/mpc.html, on 7 August 2009.
[8] Source: *Ibid.*
[9] Source: *Ibid.*
[10] Source: *Unsafe State*, Women's League of Chinland, 2004: 15.
[11] Source: "Labor Camp Escapee Tells Of Harrowing Tale," *Mizzima News*, 27 November 2008.
[12] Source: *Ibid.*
[13] Source: *Ibid.*
[14] Source: *The Darkness We See: Torture in Burma's Interrogation Centres and Prisons*, AAPPB, 2005: 31.
[15] Source: *Ibid*, 34.
[16] Source: *State of the World's Human Rights*, Amnesty International, 2008.
[17] Source: *Ibid.*
[18] Source: "Freed Political Prisoner Tells Of Prison Abuses," DVB, 24 September 2008.
[19] Source: "Commentary," *SHRF Monthly Report*, SHRF, July 2008.
[20] Source: "A Petty Peddler Raped, Robbed of her Money, in Murng-Paeng," *SHRF Monthly Report*, SHRF, July 2008.
[21] Source: "Teenaged Kachin Schoolgirl Gang Raped and Killed By Sadistic Burmese Soldiers," KNG, 9 August 2008.
[22] Source: "15 Year-old Schoolgirl Gang-raped and Mutilated by Burmese Soldiers," Burma Campaign UK, 15 August 2008.
[23] Source: *Ibid.*
[24] Source: "How the Regime Punishes Political Prisoners' Families," *Irrawaddy*, 17 December 2008.
[25] Source: *Ibid.*
[26] Source: *Ibid.*
[27] Source: "Mon Political Prisoner Transferred from Insein to Tharawaddy Prison," IMNA, 16 December 2008.
[28] Source: "Where Children Count the Years Before They Rejoin Their Mothers," *Irrawaddy*, 19 December 2008.
[29] Source: *Crimes against Humanity in Eastern Myanmar*, Amnesty International, June 2008.
[30] Source: "Police Beat a Villager Unconscious," *Kaladan News*, 15 November 2008.
[31] Source: "Four Village Headmen Detained, Beaten During Interrogations in Tavoy," IMNA, 6 November, 2008.
[32] Source: "Police and WPDC Extort Kyat 600,000 from Bridegroom," *Kaladan News*, 7 July 2008.
[33] Source: *Ibid.*
[34] Source: *Ibid.*
[35] Source: "NLD Youth Member Reported Dead In Custody," DVB, 1 October 2008.
[36] Source: *Ibid.*
[37] Source: *Ibid.*
[38] Source: "Freed Political Prisoner Tells Of Prison Abuses," DVB, 24 September 2008.
[39] Source: "Suspected Gang Member Dies Under Interrogation," DVB, 25 June 2008.
[40] Source: "NLD Party Worker Beaten To Death during Interrogation," *Mizzima News*, 8 May 2008.
[41] Source: *The Future in the Dark: The Massive Increase in Burma's Political Prisoners*, AAPPB and United States Campaign for Burma, September 2008.
[42] Source: *Ibid.*
[43] Source: *World Report 2009 – Burma*, Human Rights Watch, January 2009.
[44] Source: "Cyclone Nargis' Aftermath in Insein Prison," AAPPB, 6 June 2008.
[45] Source: *The Future in the Dark: The Massive Increase in Burma's Political Prisoners*, AAPPB and United States Campaign for Burma, September 2008.
[46] Source: "U.N. Envoy Pushes Myanmar on Prisoners," *Reuters*, 6 June 2008.
[47] Source: "NLD Party Worker Beaten To Death during Interrogation," *Mizzima News*, 8 May 2008.

[48] Source: *The Future in the Dark: The Massive Increase in Burma's Political Prisoners*, AAPPB and United States Campaign for Burma, September 2008.
[49] Source: *Ibid*.
[50] Source: "Rights Groups Report Post-Cyclone Abuses," *Irrawaddy*, 6 June 2008.
[51] Source: "Cyclone Nargis' Aftermath in Insein Prison," AAPPB, 6 June 2008.
[52] Source: "Prisoners Suffer Illness after Being Fed Rotten Rice," DVB, 9 June 2008.
[53] Source: "Cyclone Nargis' Aftermath in Insein Prison," AAPPB, 6 June 2008.
[54] Source: "Political Prisoner Commits Suicide in Bago Jail," DVB, 25 December 2008.
[55] Source: *Ibid*.
[56] Source: "NLD Member's Health Suffers in Detention," DVB, 16 October 2008.
[57] Source: *Crimes Against Humanity in Eastern Myanmar*, Amnesty International, June 2008.
[58] Source: *Forced labour in Myanmar (Burma)*, ILO Commission of Inquiry, Official Bulletin, Vol. LXXXI, Series B, special supplement, paragraph 528, 1998.
[59] Source: "Villagers Severely Beaten Up, Forced to Keep Watch, in Murng-Kerng," *SHRF Monthly Report*, SHRF, January 2008.
[60] Source: "Villagers Living and Dying For the Army," SHAN, 17 September 2008.
[61] Source: *Ibid*.
[62] Source: *Ibid*.
[63] Source: *Ibid*.
[64] Source: "Prisoners Forced Into Daily Labour," *Khonumthung News*, 23 December, 2008.
[65] Source: *Ibid*.
[66] Source: *World Report 2009 – Burma*, Human Rights Watch, January 2009.
[67] Source: *Ibid*.
[68] Source: *Crimes Against Humanity in Eastern Myanmar*, Amnesty International, June 2008.
[69] Source: *Ibid*.
[70] Source: "Villagers Bound, Beaten and Stabbed During Interrogations in Tavoy," IMNA, 13 November, 2008.
[71] Source: *Ibid*.
[72] Source: *Ibid*.
[73] Source: *Exploitative governance under SPDC and DKBA authorities in Dooplaya District*, KHRG, July 2008.
[74] Source: *Ibid*.
[75] Source: "Rohingyas in Dire Straits: CSW," *Mizzima News*, 10 September 2008.
[76] Source: "Nasaka Arrests Seven Rohingyas in Maungdaw," *Kaladan News*, 11 September 2008.
[77] Source: "False Allegation and Torture in Northern Arakan," *Kaladan News*, 9 June 2008.
[78] Source: "School Teacher Tortured By Army in Buthidaung," *Kaladan News*, 26 June 2008.
[79] Source: "Police and WPDC Extort Kyat 600,000 from Bridegroom," *Kaladan News*, 7 July 2008.
[80] Source: "15 Persons Arrested In Nasaka Headquarters," *Kaladan News*, 8 August 2008.
[81] Source: "Nasaka Arrests Seven Rohingyas in Maungdaw," *Kaladan News*, 11 September 2008.
[82] Source: "Locals Arrested, Tortured After Police Deaths," *Narinjara News*, 26 August 2008.
[83] Source: "Woman Arrested For Love Affair with Youth," *Kaladan News*, 10 October 2008.
[84] Source: "Unruly BSI Officers in Maungdaw," *Kaladan News*, 8 November 2008.
[85] Source: "BSI Team Investigates Extortion Case in Maungdaw," *Kaladan News*, 7 November 2008.
[86] Source: "Police Beat a Villager Unconscious," *Kaladan News*, 15 November 2008.
[87] Source: "Clash between Police and Villagers," *Kaladan News*, 20 November 2008.
[88] Source: "20 Hospitalized After Clash in Arakan," *Narinjara News*, 15 November, 2008.
[89] Source: "Clash between villagers and Nasaka in Maungdaw", *Kaladan News*, 18 December 2008.
[90] Source: "A Postcard from Prison," *Mizzima News*, 15 December 2008.
[91] Source: "Three Chin Hill-Side Cultivators Tortured, Huts Torched By Army," *Kaladan News*, 29 July 2008.
[92] Source: "Statement on Bi-annual Anniversary of Cyclone Nargis," AAPPB, 31 November 2008.
[93] Source: "Atrocities Reported in Bogalay" *Human Rights Defenders and Promoters Newsletter*, HRDP, May 2008.
[94] Source: "Teenaged Kachin Schoolgirl Gang Raped and Killed By Sadistic Burmese Soldiers," KNG, 9 August 2008.
[95] Source: *Ibid*.
[96] Source: "Severe Torture and Extortion of Naga Gold Trader by Burmese Troops," KNG, 12 November, 2008.
[97] Sources: "The Burma Army kills and mutilates a 13-year-old boy and 25-year-old man in Central Karen State," FBR, 25 March 2008; "Atrocities Continue in Karen State, Burma," FBR, 19 April 2008.
[98] Source: *DKBA bans alcohol consumption to justify human rights abuses in Pa'an District*, KHRG, 3 October 2008.
[99] Source: "Villagers Bound, Beaten and Stabbed During Interrogations in Tavoy," IMNA, 13 November, 2008.
[100] Source: *Ibid*.
[101] Source: "Villagers Bound Beaten and Stabbed During interrogations in Tavoy," HURFOM, 11 November 2008
[102] Source: "Deserter Left with Broken Leg after Mistreatment," DVB, 29 December 2008.

[103] Source: "Suspected Gang Member Dies Under Interrogation," DVB, 25 June 2008.
[104] Source: "Train Passenger Escapes Military Recruitment," DVB, 8 October 2008.
[105] Source: "Troops Abduct 19 for Military Recruitment," DVB, 6 October 2008.
[106] Source: "Caught between the devil and the deep sea," DVB, 4 August 2008.
[107] Source: "Rebels ransom 100 villagers in Ye Township; SPDC responds with interrogations, torture and travel restrictions," IMNA, 24 November, 2008.
[108] Source: "How the Regime Punishes Political Prisoners' Families," *Irrawaddy*, 17 December 2008.
[109] Source: "Political Prisoner Commits Suicide in Bago Jail," DVB, 25 December 2008.
[110] Source: "NLD Party Worker Beaten To Death during Interrogation," *Mizzima News*, 8 May 2008.
[111] Source: "Political Prisoners Tortured In Insein Prison: AAPPB," DVB, 28 May 2008.
[112] Source: "Cyclone Nargis' Aftermath in Insein Prison," AAPPB, 6 June 2008.
[113] Source: "NLD Youth Member Reported Dead In Custody," DVB, 1 October 2008.
[114] Source: "Volunteer Police Officer Beaten Under Interrogation," DVB, 20 November 2008.
[115] Source: "Freed Political Prisoner Tells Of Prison Abuses," DVB, 24 September 2008
[116] Source: *Ibid*.
[117] Source: "A Petty Peddler Raped, Robbed of her Money, in Murng-Paeng," *SHRF Monthly Report*, SHRF, July 2008.
[118] Source: "Villagers Tortured For 'Not Seeing' The Rebels," SHAN, 5 July 2008.
[119] Source: "Family Allegedly Killed After 'No' Leaflet Was Found," *Kantarawaddy Times*, 15 July 2008.
[120] Source: "Villagers Living and Dying For the Army," SHAN, 17 September 2008.
[121] Source: "Four Village Headmen Detained, Beaten During Interrogations in Tavoy," IMNA, 6 November, 2008.
[122] Source: "Villagers Bound, Beaten and Stabbed During Interrogations in Tavoy," IMNA, 13 November, 2008.
[123] Source: "Nine Villagers Beaten During Interrogations in Northern Tenasserim; Two Conscripted As Porters and Remain Missing," IMNA, 24 November, 2008.
[124] Source: "No Evidence Please, We're Burmese Police," AHRC, 7 August 2008.
[125] Source: "How the Regime Punishes Political Prisoners' Families," *Irrawaddy*, 17 December 2008.



CHAPTER 3
Extra-Judicial, Summary or Arbitrary Executions

BURMA

HUMAN RIGHTS YEARBOOK 2008

3.1 Introduction

Reports published throughout 2008 by various local, national and international organizations have collectively shown that extra-judicial, summary and arbitrary executions and killings continued to take place throughout the year and that those responsible include the State Peace and Development Council (SPDC) military junta, several of its allied ceasefire groups and agents, as well as armed opposition groups. The vast majority of those cases which were documented throughout 2008 were reported to have occurred within the rural, and mostly ethnic, areas of eastern and western Burma.

> *"They [SPDC army soldiers] shot everywhere before they entered into the village. If they capture you they will kill you and if they capture me they will kill me. We dare not to stay there, so we fled. They said they will kill everyone that would like to be friends with the KNU [Karen National Union]. We do not want to live under their control, because they force us to do many things for them. We do not have time to work in our farm. We are simple farmers. We farm corn and we sell it. When we get money … we buy rice".*[1]

As in previous years, the SPDC, its agents and allied ceasefire armies frequently carried out extra-judicial, summary, and arbitrary killings as a means to intimidate and terrorize an already fearful population by making examples of those who dare to stand against them. Not only are such practices conducted in direct violation of international law, but also Burma's own domestic laws. On 24 May 1989, the United Nations Office of the High Commissioner for Human Rights (OHCHR) proclaimed the "Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions", which clearly state that:

> *"Governments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws. Such executions shall not be carried out under any circumstances including, but not limited to, situations of internal armed conflict, excessive or illegal use of force by a public official or other person acting in an official capacity... and situations in which deaths occur in custody. This prohibition shall prevail over decrees issued by governmental authority".*[2]

Throughout 2008, the SPDC largely worked to consolidate its control over areas secured during previous offensives, with SPDC army units throughout the country, but especially in many of the rural ethnic areas, being primarily engaged in expanding their influence and control over the civilian villagers that live in these areas. (For more information, see Chapter 18: Ethnic Minority Rights).

Military Expansionism

While the SPDC typically denies all responsibility for any extra-judicial, summary and arbitrary executions and killings carried out by its cadres, often blaming such instances on armed opposition groups or labelling them as counter-insurgency measures, it must be remembered that not all of Burma experiences ongoing armed conflict and thus, in these areas, such explanations put forth by the SPDC quickly fall apart. Yet, in spite of this seemingly obvious truth, extra-judicial, summary and arbitrary executions and killings continued to be perpetrated by SPDC army personnel and agents in areas which either experience very low intensity armed conflict or no armed conflict at all. Despite the absence of any armed threat, the SPDC has continued to expand its military force within these areas in much the same way as it has in areas undergoing continuing armed conflict. It is

therefore misleading to use terms such as counter-insurgency to describe the situation in these areas as there is no insurgency. Instead, the primary occupation of the military within these areas is the oppression and control of the civilian population. In fact, the HRDU believes this to be true also of those areas which still endure armed resistance. Over the years, the SPDC has continued to expand its military might and its reach despite the absence of any external threat and in the face of the diminished activities and scope of armed opposition groups.

For example, during 2008, as in previous years, Arakan State continued to endure widespread militarization in spite of the absence of any armed conflict or enemies on the nation's borders. Rather, the sole occupation of the military is the ongoing repression of the Muslim Rohingya ethnic minority group. Throughout the year, this repression has resulted in numerous cases with the death of the victim at the hands of the SPDC and the NaSaKa (Burma's Border Security Force operating along the Burma-Bangladesh border).

Throughout 2008, SPDC army units also continued to expand military control over new areas of Karen State and reports by the Free Burma Rangers (FBR) have maintained that more than 50 new army camps have been built across the state since 2006.[3] The FBR have also alleged that by the end of 2008, there were between 11,000 to 14,000 troops stationed within North Karen State alone, calculating that *"this is a 50% troop increase from the very height of the offensive in 2006"*.[4] However, unlike in earlier years, SPDC army soldiers mounted few major offensives through rural Karen State, and instead focussed their attention on road construction and maintenance and ensuring that all SPDC army camps in the region were fully stocked with supplies.[5]

Similarly, the Thailand Burma Border Consortium (TBBC) has reported that by year end, there were more than 14 SPDC army battalions permanently stationed within and regularly operating throughout Karenni State and a further ten battalions permanently stationed in Shan State.[6] As in Karen State, the SPDC has also increased their road construction activities within the more remote areas of Karenni State to facilitate the more rapid deployment of troops throughout the region and the ease with which they can keep their army camps in the area stocked with supplies and ammunition. These roads, like those in other parts of the country are typically built with the use of forced and uncompensated village labour.[7] (For more information, see Chapter 7: Forced Labour and Forced Conscription).

Meanwhile, Human Rights Watch (HRW) reported that as of December 2008, Chin State was host to no fewer than 50 SPDC army camps manned by an estimated 5,500 to 7,000 soldiers from 14 different battalions.[8] This has been shown to be a dramatic increase since 1988 when there were no SPDC army battalions permanently stationed in the area and only two battalions that had operated in the area.[9] The HRW report also noted an increase in SPDC army battalions and camps situated in neighbouring states which also have sizeable Chin populations, such as in Kalaymyo Township in Sagaing Division.[10] HRW has argued that the rise in SPDC army battalions permanently stationed in Chin State has had a negative impact upon the quality of life for the Chin people, has resulted in an increase in human rights abuses and has significantly decreased the amount and quality of social services available in the area.

Kachin State has also seen a large-scale increase in militarization across the state despite the cessation of hostilities in the region ever since the Kachin Independence Army (KIA) brokered a ceasefire deal with the regime in 1994. If anything, the SPDC has used the ceasefire to rapidly expand and consolidate its influence over the area and the valuable natural resources that Kachin State is home to through the deployment of over 50 battalions in Kachin State alone.

Killings and Violence against Ethnic Minority Villagers

In many of the ethnic areas adjacent to Burma's national borders including, but not limited to, Chin, Karen, Karenni and Shan States, SPDC army units continue to implement a shoot-on-sight policy against the civilian population in those areas who attempt to live beyond the oppressive shadow of military control.[11] This shoot-on-sight policy is a way for the SPDC to consolidate power within these regions and depopulate those areas that the military is unable to sufficiently control or maintain a presence within. For example, on 26 March 2008, SPDC army soldiers from LIB #36 mounted a military assault on the Maw Thay Der IDP hiding site in Toungoo District of northern Karen State. The villagers living at the site were all unarmed and had done nothing wrong aside from attempting to live beyond military control where they could live their lives in peace. 28-year-old Saw Ah Baw Tha was killed in the initial barrage, while all of the other villagers were able to escape.[12]

Often the shoot-on-sight policy implemented by the SPDC is coupled with the liberal deployment of landmines strategically placed in and around abandoned and relocated villages and fields or in areas of the forest that internally displaced persons (IDPs) use for travel or food collection.[13] While the regime claims that these tactics are part of a wider counter-insurgency campaign, it must not be forgotten that civilian villagers are typically the primary intended targets of such attacks, and as such, all such attacks are conducted in direct contravention of the Geneva Conventions. Any civilians 'caught in the middle' during such attacks are usually dismissed by the SPDC as collateral damage, often claiming that the villagers had been *"hardcore supporters"* of the resistance.

These empty 5.56 mm shell cases, photographed in September 2008, were collected by local villagers after SPDC army soldiers had fired upon an internally displaced hiding site in Lu Thaw Township of Karen State on 30 August 2008, reportedly killing two of the villagers in the process. *[Photo: © KHRG]*

Meanwhile, those villagers living under direct military control in SPDC-controlled villages and forced relocation sites must face a different set of difficulties and dangers. Villagers in SPDC-garrisoned relocation sites live in a system where almost every aspect of their lives is heavily regimented and must abide by a draconian series of rules and restrictions. (For more information, see Chapter 19: Internal Displacement and Forced Relocation). One such restriction imposed upon villagers living in these areas is the severe curtailment of the freedom of movement. Villagers are required to receive official permission, typically at a price, before they are even allowed to leave the village. Those caught outside their village

without proof of having been granted permission to travel can face very harsh punishment indeed. Villagers in this predicament are often fined, beaten, tortured or simply shot-on-sight. The SPDC typically denies all responsibility for such deaths by claiming that anyone caught outside of their villages without proper permission must be either a member of the armed resistance or is helping them and thus subject to the use of lethal force.

Each village living under SPDC control is required to appoint a village head to act as a liaison between the local SPDC army battalions and the community. Almost all of the SPDC's demands upon a village for forced labour, money or other goods are then issued to the village head, whose responsibility is to see that those demands are met. Whenever demands are not met or when the 'rules' imposed by the soldiers are broken, it is typically the village head who is specifically targeted for any transgressions. Village leaders who fail to provide whatever is demanded of them are often subjected to beatings, interrogation, detention, torture and execution by SPDC army soldiers.[14] The SPDC and its allied ceasefire armies regularly punish the nearest village leader whenever their units are ambushed by opposition forces. To be a village head is thus not an enviable position and many villages have devised a system whereby the responsibility is shared and rotated between the villagers. Here, an ethnic Chin villager speaks about his father's experience as a village leader:

> *"My father didn't want to be the village council headman but the villagers [on the village council] elected him in 2001. Once elected, it is not possible to refuse. The elected headman has to serve at least one two-year term. The village headman holds a lot of responsibility for the actions of the villagers so it is very common for headmen to have problems with the SPDC. ... My father was afraid to refuse any order of the SPDC. If he refused their order, they would take action against him. When other headmen refused orders from the SPDC, they were killed, beaten, or arrested".*[15]

In an ongoing effort to create a homogenous Burmese nation, the SPDC actively promotes Theravada Buddhism over all other religions. Christianity, Hinduism, Islam and a handful of other religions are all practiced within Burma, yet all of these groups face persecution and regular harassment by the SPDC and its agents.[16] (For more information, see Chapter 12: Freedom of Belief and Religion).

Of all minority groups within Burma, it is perhaps the Muslim Rohingya who face the greatest and most frequent persecution from the military regime. Native to Arakan State, the junta even denies the Rohingya their citizenship, claiming that they instead are from neighbouring Bangladesh; an allegation which Bangladesh rejects. Inasmuch, the Rohingya are effectively stateless.[17] Within Arakan State, the Rohingya are confined to selected areas designated for Rohingya settlement and their movement beyond, and even within, these areas is tightly controlled by the SPDC. When caught outside of the areas which have been designated for their settlement, often regardless of whether or not they hold the correct documentation permitting them to travel, many Rohingya are shot on sight while trading, searching for food or moving between villages. Meanwhile, the Rohingya also face additional restrictions simply because of their differing religious beliefs. For example, in one instance which took place on 31 May 2008, two unidentified Rohingya villagers were shot and killed without cause or provocation by NaSaKa personnel in a bamboo forest near the Bangladesh-Burma border. After the shooting the SPDC army soldiers then took the bodies and cremated them; in direct contravention of Muslim burial rites.[18]

Moreover, the Rohingya are also frequently targeted by NaSaKa personnel in violent crimes and armed robberies. For example, it was reported that on 1 July 2008, NaSaKa personnel broke into a Rohingya home and stabbed residents Mohammed Rezaung and his son, Mohammed Zidis so they could steal an estimated 200,000 kyat worth of jewellery.[19] The same article also reported that on 7 July 2008, NaSaKa personnel had also robbed a local

grocery store in Maungdaw and shot the owner, Aung Kyaw.[20] A local villager alleged that, *"all [of the] people knew who the thieves, with Automatic guns were [NaSaKa personnel] and who are having connection [sic] with robbery in the village"*.[21] In both of these cases, all of the victims were lucky to survive the attacks, albeit with serious injuries.

On 14 February 2008, 64-year-old General Secretary of the KNU, P'Doh Mahn Sha La Phan, was assassinated in broad daylight in his home in Mae Sot, Thailand. Like many other leaders of the opposition, P'Doh Mahn Sha lived in exile in Thailand where he was afforded a relative level of freedom of movement and personal security.

According to reports, a black four-wheeled-drive had pulled up in front of the house from which two men had exited and walked into the house. The two men were said to have greeted Mahn Sha in S'gaw Karen before drawing their pistols and shooting him twice in the chest and fleeing the scene in the vehicle. The vehicle was later found by Royal Thai Police on the bank of the nearby Moei River which forms the border between Thailand and Burma for part of its length.[22] This fact has lead many commentators (and the police) to automatically assume that the assailants had been from Burma and had fled back across the border; however, the fact that the vehicle had been abandoned at the border does not necessarily mean that the attackers had crossed the border. It was later reported in that the Thai authorities had arrested a group of ten armed Burmese nationals in relation with the incident. It was alleged that the SPDC had sent these men had been sent into Thailand to monitor and possibly execute numerous prominent leaders of various opposition groups based in Thailand.[23] Though there has been much speculation over his death, the motivations for and facts related to Mahn Sha's death remain unclear. Many of the theories proposed by various commentators have been based upon hearsay and have offered little hard evidence to back them up. However, the one thing that the majority of theories agree upon is that the SPDC or one of its agents or allies was behind the death.

A file photograph of P'Doh Mahn Sha La Phan, the 64-year-old General Secretary of the Karen National Union who was gunned down in his home in Thailand on 14 February 2008. *[Photo: Yuzo/ The Irrawaddy]*

Killings and Violence during Forced Labour

Forced labour is arguably the most pervasive human rights abuse in Burma today. The SPDC, its allied ceasefire groups and armed opposition groups alike have all been guilty of using forced labour. In May 1999, in response to persistent pressure from the International Labour Organization (ILO) regarding the use of forced labour in Burma, the SPDC issued Order #1/99, effectively banning the practice and since that time has made repeated assertions that the use of forced labour has been ceased. However, despite these claims, the use of forced labour has continued unabated, in direct contravention to the ILO Convention #29 concerning Forced or Compulsory Labour, which Burma has been a State Party to since 1955. (For more information, see Chapter 7: Forced Labour and Forced Conscription).

Villagers and townsfolk across the country are subjected to forced labour in all its many forms. However, it is in the country's ethnic areas where forced labour is practiced at its greatest severity. Villagers living in these areas are ordered to perform forced and uncompensated labour for the military at an alarming frequency and are often forced to cope with numerous overlapping demands for forced labour issued by the SPDC, ceasefire groups and occasionally also resistance forces. Villagers are used as forced labour by armed groups on money-making schemes, infrastructure projects and in direct support of military operations as messengers, porters, guides, and human shields and minesweepers.

The use of forced labour, regardless of which group is imposing it, exposes those forced to endure it to a wide range of other related human rights violations. Not only does it take villagers, many of whom are subsistence farmers, away from their livelihoods, but is also subjects those same villagers to extortion carried out under the rubric of payment for those performing labour. (For more information, see Chapter 8: Deprivation of Livelihood). Moreover, villagers performing forced labour are also exposed to the threat of antipersonnel landmines which litter many ethnic regions and are often beaten, tortured and killed for failure to comply or for inability to continue.

Demands for forced labour are often accompanied by some sort of threat against the safety of village leaders or even entire communities. While these threats are sometimes spoken, they are typically implicit in the demand that the community will be punished should it fail to perform its 'duty'. Such punishments can be the forced relocation of the entire village, or the torture or death of its leaders.

In areas experiencing ongoing armed conflict, portering of supplies for the military is rife. Villagers are often ordered to carry loads of food, water, cooking supplies, firewood, ammunition and other military materiel on their backs. SPDC army units frequently forcibly recruit civilian villagers as porters in addition to exploiting convicts from Burma's prisons for this purpose. Many of the areas through which these porters are required to carry their loads area heavily contaminated with landmines and instances of porters losing their lives and/or limbs to mines are commonplace. For instance, on 2 November 2008, two unnamed Karen villagers from Blah Toh village in Dooplaya District, Karen State who had been forcibly conscripted as porters by a combined SPDC and Democratic Karen Buddhist Army (DKBA) during an assault on a nearby Karen National Liberation Army (KNLA; armed wing of the Karen National Union) base were injured in a landmine blast. One of the men died immediately, while the other was seriously wounded and left for dead by the soldiers. He was later found by KNLA soldiers who sent him to a hospital in Thailand for treatment.[24] SPDC army units often force their porters to walk in front of the soldiers as human minesweepers in areas known to be contaminated by landmines. In such cases, the porters are forced to walk ahead of the soldiers to detonate any mines which may be planted along the trail while the soldiers follow at a safe distance behind. According to Amnesty

International (AI), a civilian female villager from Tantabin Township of Toungoo District in Northern Karen State recounted that, *"she and other porters were forced to act as minesweepers and that some had stepped on mines".*[25] (For more information, see Chapter 4: Landmines and Other Explosive Devices).

Similarly, porters are often used as human shields by SPDC army units to discourage ambushes by armed resistance groups. Sadly though, this tactic does not always work, and civilian villagers are often caught in the crossfire and killed.

In addition to those killings which come about as a result of armed conflict, many forced labourers are killed for failure to comply with forced labour demands or for their inability to continue. Weakened by harsh treatment, overwork, lack of food and sleep, and the absence of medical care, many porters simply collapse under the heavy loads that they have been given to carry. Whenever this happens, the porter is typically verbally abused, kicked and beaten, sometimes to the point of death. For example, on 26 July 2008, 38-year-old Hsang Sai from Shan State was kicked to death by SPDC army soldiers after his chronic hernia kept him from further carrying his required load.[26] Incidents such as this have been widely documented over the years and continued to be carried out with impunity during 2008.

Convict porters face particularly cruel behaviour at the hands of their SPDC captors. It has been well documented that convict porters are subjected to significantly worse treatment than their civilian villager counterparts. Convict porters are typically held in far worse conditions, are subjected to more frequent and severe beatings, and are given little food and no medical treatment. Those who fall ill are shown no respite, while those who collapse from exhaustion or sickness are either beaten to death or simply left to die where they lie. Those who attempt escape are killed in front of the others as an example.[27] Put plainly, convict porters are used by the SPDC, and used harshly, until they are of no more use to the soldiers at which point they are discarded.

This photograph, taken in August 2008, depicts the right hand of a civilian Karen villager from Toungoo District of Karen State who had been shot by SPDC army soldiers on an earlier (though unspecified) date. *[Photo: © KHRG]*

Killings and Violence by Non-State Actors

Burma has been host to numerous armed insurgencies for the past 60 years; some of which developed soon after gaining independence from Britain in 1948. Several of these insurgencies continue to this day. However, the long years of fighting a much larger and better equipped force has taken its toll on many resistance groups. While some groups have been outright defeated, others have been weakened or marginalised, leading a number of them to seek ceasefire arrangements with the regime. Meanwhile, others have suffered from factionalization and have split, with one faction reaching a ceasefire agreement with the regime, while the other continues to fight. The SPDC has long used such divisions to its advantage and has repeatedly used such differences of opinion to create deeper divides within ethnic regions among certain groups. As a result, many ceasefire groups now work directly with the SPDC, often fighting alongside them against their former comrades. (For more information, see Chapter 18: Ethnic Minority Rights).

It must be noted here that NSAs operating in Burma are also guilty of committing human rights abuses, including, but not limited to, extra-judicial, summary and arbitrary executions. This is true both of those groups allied with the SPDC as well as those who continue to oppose it. In addition to fulfilling demands issued by SPDC army units, villagers are also similarly pressured by ceasefire groups and insurgent groups with demands for food, supplies, money, labour and recruits. In many areas, demands for support are regular occurrences and, as with the SPDC, serious consequences can follow when village leaders are unable to supply that which is demanded.[28] Meanwhile, SPDC army units typically display an extremely low tolerance towards villagers suspected of having provided support to insurgents regardless of whether it was done willing or otherwise. It is not rare for encounters between SPDC army soldiers (and certain ceasefire groups) and those whom they suspect to have aiding resistance forces to result in extra-judicial killings.[29] A Chin refugee from Matupi Township articulated the 'catch-22' situation that many villagers and village leaders face as follows: *"[The Chin people] are sandwiched by both sides. If the village does not pay up they will be harassed by the CNF [Chin National Front]. If they pay and the army finds out, they will be imprisoned and even killed"*.[30]

However, it must also be noted that while resistance groups are guilty of issuing such demands and of committing grave human rights violations, the frequency with which they are perpetrated is typically far lower than it is for the SPDC and its allied ceasefire groups.

Meanwhile, many ceasefire groups allied with the SPDC soon become equally abusive of the villagers that they claim to represent and employ beatings, torture and killings on a regular basis. In some cases, villagers have claimed that certain ceasefire groups are worse than the SPDC. For example, on 20 November 2008, two civilian villagers from Dooplaya District, Karen State were brutally stabbed to death by DKBA soldiers after they had been accused of using *"black magic"*.[31]

Killings and Violence in Urban Areas

While most of the killings reported throughout the *Burma Human Rights Yearbook* typically take place in Burma's rural areas, particularly those areas which experience ongoing armed conflict, a significant number of deaths were also reported to have occurred within Burma's urban centres during 2008.

In September 2007, urban violence in Burma reached a ten-year high during the bloody crackdown on the "Saffron Revolution". The SPDC's unilateral use of violence against Buddhist monks and unarmed civilian protesters in the September 2007 protests brought many tactics that the SPDC frequently employs in the rural areas into the eyes of the world's media when scenes of riot police and military personnel fired into crowds with live ammunition. Responding to widespread international condemnation for the heavy-handed violence used by the SPDC, Police Chief Khin Yi was quoted saying that only 15 persons had been killed during the crackdowns.[32] However, this figure was widely dismissed as being little more than an attempt to conceal the true number of those who had lost their lives. Paulo Sergio Pinheiro, the UN Special Rapporteur on the Human Rights Situation in Burma, reported of having uncovered evidence of twice this number of deaths in Rangoon alone. Meanwhile, some reports (including one published by the HRDU in March 2008) maintained that the death toll could indeed be as high as 100.[33] Some other commentators however, argued that the number of dead could in fact be much higher. Ashin Gawthita, a Buddhist monk who was violently beaten by security forces during the protests in Rangoon, told the *Mizzima News* that: *"they fired at the peaceful demonstrators indiscriminately. Some died on the spot and some died in hospitals. So the total death toll may touch 250 to 300".*[34]

In addition to inaccurate reports on deaths throughout the Saffron Revolution, the whereabouts of many protesters continued to remain in question long after the protests had been crushed. The Assistance Association for Political Prisoners in Burma (AAPPB) has alleged that several hundred protestors who had been arrested by security personnel during the demonstrations still remained unaccounted for at the time of publication, approximately two years after the protests and their suppression had taken place. Many protesters have simply disappeared never to be seen nor heard from again, while a number of others managed to flee and went into hiding after the crackdown.

A number of those who had gone into hiding in an attempt to evade being punished for their involvement in the protests were later found by the authorities, some of whom were killed. On an unspecified date in early 2008, Maung Ba Tin, 30, and Maung Saw Han, 42, who had both lead villagers during the protests in Kyauk Pyu Township of Arakan State were discovered, tortured and killed by local police after having gone into hiding. The bodies of the two men were found in the forest on the outskirts of Myo Chaung village of Kyauk Pyu Township. A friend of both of the victims reported the incident to the *Narinjara News* only after he was able to flee the country: *"The incident was known by everybody in the area and they [SPDC] had to kill them six months after the Saffron Revolution. They were hiding in the jungle after the Saffron Revolution due to fear of arrest by authorities"*.[35] (For more information on the Saffron Revolution protests, see the HRDU report: *Bullets in the Alms Bowl; An analysis of the brutal SPDC suppression of the Saffron Revolution*, as well as Chapter 11 of the *Burma Human Rights Yearbook 2007*: "The Saffron Revolution – The 2007 pro-democracy movement").

The months of May and June 2008 also saw a sharp increase in the levels of violence being used in urban centres such as Rangoon in the aftermath of Tropical Cyclone Nargis. According to reports by the local media, low-income areas such as Hlaingtharyar Township in Rangoon Division were not only among some of the neighbourhoods that were hardest hit

by the cyclone, but they also had to deal with the influx of a large number of individuals recently displaced by the devastation of the cyclone.

As a result of the almost complete lack of assistance from the junta and the restrictions imposed on the provision of international aid, violent armed robberies became increasingly common in Hlaingtharyar Township, some of which resulted in the death of the victim. It was reported that by September 2008, Rangoon police believed that there was an *"average of one serious crime per day in the western suburb [Hlaingtharyar Township]"*.[36] The area also saw a large influx of the recently homeless and displaced villagers from the Irrawaddy Delta move in to the township, many of whom travelled with everything that they had left. It has been proposed that the movement of large numbers of rural migrants into Hlaingtharyar Township, coupled with the desperate living conditions in the area made the new migrants easy targets for robbery, theft and the occasional killing. Their lack of experience living in a large city might have also contributed to why they were more often the targets of the increased violence after Cyclone Nargis.[37] (For more information, see Chapter 10: Cyclone Nargis – From natural disaster to human catastrophe).

This 45-year-old Karen villager from Tantabin Township in Toungoo District, Karen State was shot on-sight by SPDC army soldiers from LIB #56 as he was harvesting his paddy field. The bullet passed through his right leg, yet despite his obvious injury, the soldiers ordered him to accompany them as they continued their patrol, presumably so that he could serve as a porter, guide, human shield, human minesweeper, or all of the above. He was later released the following day at which point he was able to seek medical attention. This photograph was taken on 7 November 2008 as he was recovering. *[Photo: © KHRG]*

3.2 Extra-Judicial, Summary or Arbitrary Executions - Partial list of incidents for 2008

Arakan State

At approximately 8:00 pm on 2 February 2008, the body of Ko Nyan Win, an SPDC army soldier, was found stabbed to death on the road in the Nga Kyiduck village in the Buthidaung Township. A second soldier, Tun Myint, was also reported missing. Both men were from Light Infantry Battalion (LIB) #564 and had been in the village *"looking for taro"* to feed the livestock in the battalion's husbandry project when the attack occurred. A local villager claimed to have seen the two soldiers drinking at a house in the nearby village of Pyint Chay shortly before the incident occurred. Many villagers from Pyint Chay were detained and interrogated in relation to the incident; however at the time of publication it remained unknown who had committed the murder.[38]

On 6 February 2008, four bodies of Burmese Muslims were found floating in the Naff River; the natural border between Bangladesh and Burma. The body of a teenage girl was found on the Bangladeshi bank while three more bodies were found by NaSaKa personnel on the Burmese side of the river. It was believed that the four victims had drowned following the recent sinking of a boat making the crossing between Burma and Bangladesh.[39]

On 20 February 2008, 50-year-old Mohammad Nura from Mae Zin village in Maungdaw Township was killed after being stepped on by a wild elephant. He was taken to an unnamed hospital for treatment, but later died as a result of his injuries. His wife was forced to pay 20,000 kyat for the treatment that he had received in addition to a further 50,000 kyat for his cremation. While it was not explicitly stated in the original report, the HRDU believes that Mohammad Nura was a Muslim and that his cremation was conducted by the authorities in direct contravention of his religious beliefs. Mohammad Nura's wife was obliged to sell the family farm to raise enough money to meet these costs.[40]

On 25 February 2008, 3-year-old Mohammad Armin accidentally drowned in his father's prawn farm. The body was taken away by local police who demanded 50,000 kyat and 12 bags of cement before they would return the body to the family for burial.[41]

On 1 March 2008, NaSaKa personnel shot and killed an unnamed cattle trader near Aley Than Kyaw village in Maungdaw Township as he was transporting his cattle to Bangladesh by boat. The victim and the crew of ten were reportedly carrying the cattle from Sittwe to Shapuri Dip when the NaSaKa attempted to stop the boat. Even though he was in possession of all of the appropriate documents and permission from the authorities, he was frightened to stop and attempted to speed away. The NaSaKa opened fire on the boat, killing the cattle trader instantly. The boat and its cargo of cattle were then reportedly confiscated by the NaSaKa and a number of the crewmembers were detained. At the time of publication the crewmembers were still being detained in a NaSaKa camp. (For more information, see Chapter 8: Deprivation of Livelihood).[42]

On 20 April 2008, 26-year-old Union Solidarity and Development Association (USDA) member, Ko Maung Maung was stabbed to death by 18-year-old Ko Kyaw Win at the inland water transportation jetty in Sittwe. According to reports, Ko Maung Maung, who was responsible for supervising the transportation of goods out of the port city along the water ways, was stabbed by Ko Kyaw Win after attempting to extort additional levies for transporting his goods.[43]

On 23 April 2008, the *Narinjara News* reported that two local leaders who had lead villagers during the Saffron Revolution protests of September 2007, were tortured and killed by authorities from Myo Chaung village in Kyauk Pyu Township. The bodies of the two leaders, 30-year-old Maung Ba Tin and 42-year-old Maung Saw Han, were found in the forest where they had been attempting to evade arrest for their prominent roles in the protests. The two men were believed to have been tortured and killed by Police Sergeant Tin Win Shwe from the Myo Chaung Police Station. The family members of the victims were unable to file a report with police in a neighbouring village as local police had prohibited them from leaving their village.[44]

On the morning of 31 May 2008, two unnamed Rohingya villagers were shot and killed by an unidentified SPDC army unit who opened fire on their group as they were cutting bamboo in the forest. The two bodies were later found near border marker #50 by SPDC army soldiers (unstated in the original report, but presumably from a different unit) from the Bandohla SPDC army camp. The bodies were cremated at the army camp rather than being returned to the village for burial in accordance with Islamic burial rites. The other members of the group who had been cutting bamboo all managed to escape without injury.[45]

On 28 June 2008, police from the No.1 Police Station in Sittwe shot and killed 33-year-old businessman Khadir Hussain from Nazir Para village. His companion, 29-year-old Abdul Goffar was also shot, but escaped with his life. The men had permission to export goods to Bangladesh by boat, although, when the police approached their boat, the men jumped into the river out of fear. The police, suspecting the two men to be smugglers, immediately opened fire. Khadir Hussain was buried, while his companion was sent to Sittwe Hospital for treatment.[46]

At approximately 8:00 am on 21 July 2008, two SPDC army soldiers from LIB #538 were shot and killed during an ambush by an Arakan Liberation Army (ALA) unit lead by Khine Linn. The ALA is the armed wing of the opposition Arakan Liberation Party (ALP). The ALP claimed not to have sustained any causalities on their side during the ambush.[47]

At approximately 9:00 pm on 25 August 2008, Lieutenant Saw Myo Htun, from Riot Police Battalion #12, stationed in the Lawka Nandar Pagoda compound in Sittwe, was killed after a fight had broken out with approximately 30 local youths. Sergeant Zayar Thaw and one other unnamed sergeant attached to the battalion were also injured during the clash. According to sources, the fight occurred when the three soldiers drunkenly entered the neighbourhood shouting profanities and harassing the residents. The SPDC later dispatched additional riot police to the area to arrest the youths. However, being unable to apprehend the youths involved, they instead arrested their relatives in lieu of the youths. After hearing this, many of the youths later turned themselves in to the local police, but in spite of this, many of their family members still remained in custody.[48]

On 3 September 2008, 39-year-old Abdu Suban and his brother, 21-year-old Sadek Osman were killed at a shrimp farm in Rathedaung Township. Noor Sobi, 40, and his family members were arrested the following day in the absence of any evidence which proved their guilt, but simply because they had an old feud with the two brothers. Other villagers reported that they were frightened of more arbitrary arrests occurring in relation to the incident.[49]

At approximately 4:30 pm on 17 September 2008, 38-year-old Azooma Khaun and her 7-year-old son were run over by a military vehicle, referred to as a C/279, from the Sittwe military cantonment while walking alongside the road near Kathey village of Sittwe. The boy died on the way to the hospital where the mother was reported to be in critical condition.[50]

On 28 September 2008, Iqubal Hussain was found dead in his residence in Hindaung village of Buthidaung Township. Local villagers suspect that he had been murdered by SPDC army soldiers who had been seen loitering outside his home on the day that he was killed. His family and other local villagers had stated that earlier in the week, Iqubal Hussain had caught two SPDC army soldiers who had attempted to rob him late at night and turned them over to the Village Peace and Development Council (VPDC). (For more information, see Chapter 8: Deprivation of Livelihood).[51]

On 5 October 2008, NaSaKa personnel stationed along the Naff River killed 40-year-old cattle trader Mostaque Ahmed after he and seven other traders had crossed back into Burma from Bangladesh in their rowboat. Although, Mostaque Ahmed had secured permission to trade in Bangladesh legally, the NaSaKa officials arrested all eight men and took them to the NaSaKa camp. There, Mostaque Ahmed attempted to escape by jumping into the river. He was recaptured and beaten unconscious by NaSaKa personnel who left his body in the river where he drowned. His body was found two days later on 7 October 2008.[52]

On the evening of 17 November 2008, a group of approximately ten unidentified armed assailants shot and killed three villagers and injured another in Thansi Upazila in Bandarban District of the Chittagong Hill Tracts, Bangladesh. Local villagers alleged that the ALA was responsible and that the killings had been carried out in revenge. On 24 June 2007, ALA soldiers allegedly abducted Shahid Sumon, an NGO official from nearby Thansi Kaobori village. On 9 July 2007, soldiers from the Bangladeshi Rifles (BDR) successfully rescued Shahid Sumon with the cooperation of local villagers. In apparent retaliation, on 14 December 2007, ALA soldiers then killed six villagers from Mra Wa village, including a family of four, stating that they would kill all villagers who opposed them. The names of the four victims are as follows:

1. Rwe Nong Mro, 35, village head from Mra Wa village, killed;
2. Chong Doi Mro, 50, from Mra Wa village, killed;
3. Pan Tun Aung, 46, village head from Modok Bazar village, killed;
4. Meha Chin, 24, a relative of Pan Tung Aung, wounded.[53]

At approximately 12:00 am on 23 November 2008, 45-year-old Daw Aung Tha May was stabbed to death while standing guard over a plantation of teak saplings for the NaSaKa near Way Thali village, Maungdaw Township. The authorities believed the suspects to be villagers from nearby Nyaung Chaung (Khadir) village who may have killed her as they were attempting to steal the teak saplings. No evidence has been found to support this claim, despite many villagers from Nyaung Chaung having been interrogated. No suspects were charged with the murder.[54]

At approximately 4:00 pm on 24 November 2008, the body of 20-year-old Abu Tayab was found in a forest near Senari Mru Para village of NaSaKa Area #2 after allegedly being killed by his neighbour, Noor Mohamed. Three days prior to the incident, a fight had erupted between the two after some of Abu Tayab's chickens had destroyed part of Noor Mohamed's vegetable plot. Noor Mohamed refused to return the chickens, keeping them as compensation for his destroyed crops. Abu Tayab brought the case to the NaSaKa officials, where Noor Mohamed was summoned and subsequently beaten by NaSaKa personnel for not returning the livestock. According to the original source, following this, on 22 November 2008, Noor Mohamed abducted Abyu Tayab and killed him near Senari Mru Para. Noor Mohamed then fled the village and no further information has since been presented as to his whereabouts or even if he was captured.[55]

On 2 December 2008, 32-year-old Abdu Khader was killed near Maungdaw. NaSaKa personnel believed that local villagers had killed him because he was an informer for the SPDC and the NaSaKa. No one was arrested in connection to the incident.[56]

On 20 December 2008, 20-year-old Dil Dar Alam was beaten to death by five other villagers during an argument that ensued over betelnut leaves in Maungdaw Township. According to reports, Shamshu Alam, 35, started the dispute by accusing Hamid Hussain, 25, of stealing betelnut leaves from his yard. Dil Dar Alam attempted to intervene to settle the argument, but was beaten by Shamshu Alam and his unnamed associates who believed that he was secretly helping Hamid Hussain. Dil Dar Alam later died on the way to the hospital as a result of his injuries. Since the incident, all five villagers involved fled the village.[57]

Saw Bo La Gyi (top), a 53-year-old internally displaced Karen villager from Yaw Kee village in Mone Township in the Nyaunglebin District was shot in the chest and killed by SPDC army soldiers from LIB #704 on 1 January 2008. 32-year-old Saw Bo Wa (bottom) was also inured in the attack, but was lucky to have escaped with his life. For more information, see the incident below listed under Karen State and dated 1 January 2008. *[Photos: © FBR]*

Chin State

At approximately 10:30 pm on 11 September 2008, 19-year-old Mahn Bhu Khee was stabbed to death by a mob of 20 assailants armed with sticks and knives as he was returning from a fair at the Thone Su Pagoda in Kanpetlet Township. Local residents alleged that members of the SPDC-affiliated paramilitary force, the *Swan Arr Shin* ('Masters of Physical Force') were responsible for the attack. Local residents told the Democratic Voice of Burma (DVB) that three days prior, members of the *Swan Arr Shin* had been instructed by local police to employ a three-step staged process in dealing with anyone commemorating the one year anniversary of the Saffron Revolution protests: *"first to try to negotiate with them, then to shoot at their legs and finally to shoot to kill"*. Residents also stated that an attack by any other group would have been difficult due to the heightened security presence during that time period. Local authorities stated that 15 persons had been arrested in connection with the incident, but at the time of publication their fate was unknown.[58]

On 23 September 2008, an unnamed SPDC army soldier from LIB #228 was killed near Lailet village on the Burma-Indian border in Falam Township. The soldier's body was found on a forest trail frequently used by black market traders and smugglers trafficking goods between the two countries. SPDC army soldiers based in the area are known to commonly wait by the border to extort money from traders. The SPDC took a local Lailet villager into custody, suspecting the unnamed individual of having been responsible for the killing. The fate of the villager is unknown as no further reports about the incident have emerged.[59]

Irrawaddy Division

In March 2008, the United States' Bureau of Democracy, Human Rights and Labor reported that on the night of 10 January 2007, Maung Chan Kun from Pantanaw Township was arrested in his home by Deputy Police Superintendent Soe Moe. Maung Chan Kun was charged with escaping from an army labour camp in Thaton, in Mon State; a charge that his wife denied. Maung Chan Kun's wife, whose name was not given, was later informed that her husband was no longer in custody, but in the local hospital, whereupon arrival she learned of his death. According to the initial report, numerous injures to his head and shoulders were clearly visible on his body, strongly suggesting that he had been beaten to death.[60]

On 25 May 2008, SPDC army soldiers from Light Infantry Division (LID) #66 reportedly killed two unnamed villagers in Thit Pote village, Labutta Township for no known motive. No further information on the killings was given.[61]

On 26 May 2008, according to the Free Burma Rangers (FBR), unidentified SPDC army soldiers killed one unnamed villager in Yaytwinchaung village. No further details of the incident have been made public.[62]

Kachin State

At approximately 9:00 pm on 7 June 2008, an unnamed SPDC army soldier shot three of his superiors, killing two corporals and seriously injuring a sergeant, at the Myitsone Dam Project, approximately 28 kilometres (17 miles) north of Myitkyina. While the original report maintained that the reason behind the shootings remained unknown, it is quite likely that the incident arose from mistreatment of the soldier by the Non-Commissioned Officers (NCOs). Such harassment and mistreatment is commonplace. The soldier reportedly fled the unit following the shooting and local villagers received orders from the battalion to find him. It is not known which battalion he was attached to.[63]

On 27 July 2008, 15-year-old Nhkum Hkawn Din was gang-raped, tortured, killed and mutilated by SPDC army soldiers near Nam Sai Village, Bhamo Township. Hkawn Din was attacked and killed while bringing food to her brother working on the family's farm. Family members have affirmed that she had been tortured and mutilated beyond recognition: her eyes had been gouged out, *"her skull was crushed beyond recognition"*, she had been stabbed in several places on her body including her stomach and chest, her throat was slashed, and she had been *" further violated with knives"*. A local witness confirmed seeing a group of SPDC army soldiers follow Hkaw Din to the farm, and other witnesses have reported seeing soldiers leave the area after the time of her disappearance. Locals and family members claim that soldiers attached to LIB #437 were responsible for the attack, although no arrests or action has yet been taken by the authorities to bring the perpetrators to justice.[64]

At approximately 4:00 pm on 13 September 2008, two unnamed Kachin women were killed when they were run over by a speeding SPDC army truck near Myitkyina University. One of the women was killed instantly while the other died soon after on the way to hospital. Local residents have claimed that the second woman may have survived if the SPDC army soldiers had taken her immediately to hospital rather than taking photographs of the scene.[65]

On 15 December 2008, an unnamed villager from Kone Ting village in Mansi Township was shot and killed in a logging dispute between Kone Ting villagers and thieves alleged to have affiliations with an unidentified Chinese logging firm.[66]

Karen State

On 1 January 2008, SPDC army soldiers from LIB #704 operating under Military Operations Command (MOC) #4 opened fire upon a group of internally displaced villagers from Yaw Kee village, Mone Township, as they attempted to flee from the advancing SPDC army patrol. According to the FBR, a number of villagers were shot in the attack, including 53-year-old Saw Bo La Gyi who was shot in the chest and killed. Another villager, identified as 32-year-old Saw Bo Wa, was shot in the leg but managed to escape with his life. The two previous photographs of Saw Bo La Gyi and Saw Bo Wa were both taken shortly after the incident.[67]

On 5 January 2008, the FBR reported that at approximately 8:00 am on 9 October 2007, Naw Mu Mu, 16, and Naw Say Htoo, 53, were shot and seriously wounded in attacks that SPDC army soldiers operating under LID #11 mounted on civilian villages in Shwegyin Township of Nyaunglebin District. The two women, along with three other members of their family, were working in their fields when the SPDC army soldiers appeared. Fearing for their safety, the group fled, prompting the soldiers to open fire. Naw Mu Mu was shot in the right arm in the initial volley of gunfire, but fell and dislocated her kneecap. She survived by crawling under some bushes where she was able to hide from the soldiers. Meanwhile, Naw Say Htoo was shot in the hip and propelled down the mountainside into an adjacent field. Both women remained immobile in the fields for a whole day until they were eventually found by KNLA soldiers and an FBR medic. Both women were then transported in a make-shift stretcher to a nearby clinic run by the KNU.[68]

On 30 January 2008, Major Leh Moo of the SPDC-allied Karen National Union / Karen National Liberation Army Peace Council (KNU/KNLA PC) was killed in a bomb attack while sleeping at his home near the KNU/KNLA PC headquarters. Leh Moo was the son-in-law of KNU/KNLA PC Commander Brigadier General Htain Maung. Some sources have alleged that Leh Moo was killed due to his involvement in illegal logging operations in the Pa'an Township, while others have maintained that it was a targeted assassination. (For more information, see Chapter 4: Landmines and Other Explosive Devices).[69]

On 16 January 2008, the Karen Human Rights Group (KHRG) reported that on 9 December 2007, SPDC army soldiers from LID #22 shot 35-year-old *"Saw K---"* (name censored in the original report) from Kawkareik Township, Dooplaya District. According to the report, *"Saw K---"* had been detained and interrogated by the soldiers regarding his alleged contact with the Karen National Union (KNU). As the soldiers transferred him to meet with their column commander, *"Saw K---"* escaped but was shot in the thigh in the process.[70]

On 28 January 2008, 23-year-old Saw Day Kreh Mu from Thay Nwey Kee village was shot and killed by SPDC army soldiers operating under MOC #21 in the Muthey area of Nyaunglebin District. An unnamed companion who was with him at the time managed to escape with his life. The two men had been walking in the forest close to P'Na Mo Keh village when they were seen and fired upon by the SPDC unit. Villagers in this area are commonly subjected to a shoot on site policy whenever they are encountered by SPDC army soldiers away from their villages in the forest. (For more information, see Chapter 19: Internal Displacement and Forced Relocation).[71]

On 25 March 2008, the FBR reported that on 25 December 2007, SPDC army soldiers from LIB #401 (Tho Tho Twin commanding), operating under MOC #8, tortured and killed two Karen villagers from Tee Law Bler village as they were tending to their rice field in Dooplaya District. The two victims, identified as 13-year-old Saw Dee Klee and 25-year-old Saw No Maw, were reportedly tortured, beaten to death and mutilated before being burned. According to the report, the Achilles Tendons of both feet and the throats of both victims had been slashed. Saw No Maw had also been disembowelled, but it remains unclear if this was done before or after his death. On 19 April 2008, the FBR later reported the terrible truth that 13-year-old Saw Dee Klee was also known by the name Saw Wilbur Htoo, who at age eight had survived the 28 April 2002 Tee Law Bler massacre in which ten unarmed civilian villagers were killed and a further nine were wounded as they slept in a field hut. The photograph reproduced below depicts the burned remains of Saw No Maw as he was found by his uncle, while the brief photo essay dedicated to Saw Dee Klee (aka Saw Wilbur Htoo) reproduced over the following pages provides further information on the Tee Law Bler massacre and the tragic fate of Saw Dee Klee.[72]

The charred remains of 25-year-old Saw No Maw from Tee Law Bler village in Dooplaya District of Karen State. Saw No Maw was tortured, mutilated and beaten to death alongside his 13-year-old cousin, Saw Dee Klee (aka Saw Wilbur Htoo) on 25 December 2007. For more information, see the preceding incident as well as the brief photo essay dedicated to Saw Dee Klee reproduced on the following pages. *[Photo: © FBR]*

In April 2002, a group of villagers from Tee Law Bler village in Dooplaya District, Karen State attempted to flee to Thailand after having received orders to relocate. On the night of 28 April, the group rested in a group of field huts *en route* to the Burma-Thai border where they were discovered by SPDC army soldiers from IB #78. The soldiers surrounded the huts and opened fire, killing ten and wounded nine more. Six of those killed were children, four of which were under the age of ten (top). Saw Dee Klee (middle and bottom), aged eight at the time, was struck in the left arm and survived only by hiding under the dead body of his grandmother. Saw Dee Klee's mother, Naw Pee Lee, 45, who was eight month's pregnant at the time, was shot in the left breast and died while hiding in the forest 12 days later. The survivors managed to make it across the border to Nu Po refugee camp in Thailand where they were able to receive treatment.

Almost six years after the Tee Law Bler massacre, Saw Dee Klee had returned to Burma with what remained of his family to attempt to rebuild their lives that they had lost. On 25 December 2007, Saw Dee Klee's father, Saw Ko Nu (top), was fishing near his fields while his son, Saw Dee Klee, and nephew, Saw No Maw, were nearby tending to their hill field. An SPDC army patrol of soldiers from LIB #401 saw Saw Ko Nu by the river and opened fire. Similar to what happened six years earlier, Saw Ko Nu was able to escape unscathed. Saw Dee Klee and Saw No Maw, however, were not so fortunate. When Saw Ko Nu returned he discovered the mutilated and charred bodies of his son (bottom) and nephew in the burned rice field that they had just been working in. Both victims had been tortured and beaten to death. The Achilles Tendons on the ankles of both victims had been cut and their throats had been slashed open. Saw No Maw had been disembowelled and both bodies were partially burned. It remains unknown if the bodies had been mutilated prior to death or after it.

As a direct result of SPDC oppression and their senseless attacks on civilian villages, Saw Ko Nu has lost almost everything that he once had. He now lives to raise his one surviving child after having lost his wife and unborn child and two of his children in the Tee Law Bler massacre in April 2002, and more recently, his son, Saw Dee Klee almost six years later to similar circumstances.

This tragic tale of loss has been reproduced here as a reminder of the sheer magnitude of the pain and suffering which must be endured by the ordinary people of Burma who simply wish to be left alone in peace and whose only crime is to try to live free from oppression. *[Photos: Opposite page: top © CIDKP, middle © KHRG, bottom © FBR; This page: all © FBR]*

On 26 March 2008, SPDC army soldiers from LIB #36, operating under MOC #10, shot and killed 28-year-old Saw Ah Baw Tha in the IDP hiding site at Maw Thay Der in Toungoo District. All of the other IDPs living at Maw Thay Der were able to escape. (For more information, see Chapter 19: Internal Displacement and Forced Relocation).[73]

On 1 April 2008, 45-year-old Saw Gka Rer Bper was killed by unidentified SPDC army soldiers near Huh Muh Der village in Toungoo District.[74]

On 8 April 2008, 35-year-old Saw Kru Kra, a Karen villager from the Kler Lah forced relocation site in Toungoo District was shot and killed by SPDC army soldiers attached to MOC #10. According to reports, his body was found by fellow villagers in a valley not far from the relocation site.[75]

On 3 May 2008, Naw Baw Oo, 26, from Maw Bwe Ko village, Toungoo District, stepped on a landmine in Sho Ko village after it had been planted there by SPDC army soldiers from LIB #364 in an attempt dissuade villagers from returning to the village. The original report failed to elaborate on Naw Baw Oo's injuries or even state if she had survived the blast or not. (For more information, see Chapter 4: Landmines and Other Explosive Devices).[76]

On 11 May 2008, SPDC army soldiers from MOC #10 reportedly fired on the Ko Haw Der and Thay Mu Der villages in Toungoo District with mortars. It is unknown if anyone was killed or injured in the barrage.[77]

On 16 May 2008, 27-year-old Gkaw Ghay from Saw Muh Plaw village in Papun District was shot and killed by unidentified SPDC army soldiers.[78]

On 20 May 2008, Saw Gkaw Gkoh, a 40-year-old, civilian villager from Ya Thay Gkoh village in Toungoo District was detained by SPDC army soldiers from LIB #370 as he was travelling to his farm. He was escorted to a military camp where SPDC army officers Tun Win and Min Zaw reportedly ordered his execution. The date of his death is unknown.[79]

On 22 May 2008, 42-year-old Saw Koh Koh, from Gklay Kee village in Toungoo District was apprehended by SPDC army soldiers from MOC #21 and later executed for reasons which remain unknown.[80]

At approximately 4:00 pm on 23 May 2008, SPDC army soldiers from LIB #47 shot and injured two villagers from Yer Loh village in Tantabin Township, Toungoo District. According to the report, 23-year-old Saw Tar Tay Nay, was shot in the hand, while his companion, 16-year-old Naw Gka Tee was injured in both of her legs and now is subsequently unable to walk.[81]

On 4 June 2008, SPDC army soldiers opened fire on a group of internally displaced villagers in Toungoo District as they were attempting to return to their IDP hiding sites in the forest.[82]

On 7 June 2008, Saw Nay Soe was shot in the leg by SPDC army soldiers from MOC #21 in the Maw Nay Pwa area of Toungoo District. The soldiers were reportedly on a search and destroy patrol of the area in search of IDPs. No other villagers were reported as being killed or injured.[83]

On 4 August 2008, 38-year-old Saw Da Cho Cho was shot in the back and killed by SPDC army soldiers from MOC #10 when they spotted him walking along a forest path between the Kler Lah (Bawgali Gyi) relocation site and Ler Koh village in Toungoo District. The photograph reproduced below shows Saw Da Cho Cho's body as it was found by local villagers.[84]

The body of 38-year-old Saw Da Cho Cho, who had been shot in the spine by SPDC soldiers operating under MOC #10 as he was walking along a forest path near his village in Toungoo District of northern Karen State. For more information, see the preceding incident. *[Photo: © FBR]*

On 16 August 2008, 50-year-old Saw Dar Koe Ko from Maw Pa Der village, Toungoo District, was captured by SPDC soldiers from LIB #362 (Thein Htun commanding). He was later shot and killed at some point over the next few days. His body was found on 20 August 2008.[85]

On 1 August 2008, the Karen Human Rights Group (KHRG) described a number of separate incidents during April and May 2008 in which villagers had been shot by SPDC army soldiers in Toungoo District. The following table provides the details for all six victims (names censored in the original report).[86]

#	Date	Name	Age	Village	Comment
1	1 April 2008	Saw Gka Rer Bper	45	Huh Muh Der	Killed
2	8 April 2008	Saw Tar Krit Krit	38	Kler Lah	Killed by MOC #10
3	20 May 2008	Saw Ghaw Gkoh	40	Ya Thay Gkoh	Killed by LIB #370
4	22 May 2008	Saw Gko Gkoh	42	Gklay Kee	Killed by MOC #21
5	23 May 2008	Saw T----	27	Yer Loh	Shot in arm
6	23 May 2008	Naw G----	60	Yer Loh	Shot in leg

On 22 August 2008, the KHRG reported seven landmine injuries, two of which resulted in death, which occurred in Papun District between March and June 2008. The following table provides the details for all seven victims (names and villages censored in the original report). (For more information, see Chapter 4: Landmines and Other Explosive Devices).[87]

#	Date	Name	Age	Village	Comment
1	15 March 2008	Naw D----	16	Ht----	Injured by landmine
2	23 March 2008	Saw Plah See	45	Kay Pu	Killed by landmine
3	4 April 2008	Saw B----	18	K----	Injured by landmine
4	1 May 2008	Saw Hs----	18	T----	Injured by landmine
5	3 May 2008	Saw Gk'	20	K----	Injured by landmine
6	17 May 2008	Saw P----	18	Gk----	Injured by landmine
7	6 June 2008	Saw Gkler Htoo	39	Hih Po Der	Killed by landmine

Also on 22 August 2008, the KHRG published information regarding the number of persons injured or killed in Papun District by SPDC army personnel during 2006 and 2007. The following table provides the details for all 44 victims, half of whom died as a result of their injuries (names and villages censored in the original report).[88]

#	Date	Name	Age	Village	Comment
1	14 January 2006	Saw Thoo	48	Htee Baw Kee	Shot dead
2	4 April 2006	Saw Tha Weh Gklaw	30	Pla Koh	Shot dead
3	13 April 2006	Saw Dtaw Lay	32	Gk'Lah Loh	Killed by landmine
4	24 April 2006	Saw Ree Say	17	Bpaw Muh Der	Shot dead
5	24 April 2006	Saw N----	18	Bp----	Injured by shooting
6	31 May 2006	Saw M----	40	Ht----	Injured by shooting
7	21 July 2006	Saw Hs----	42	Ht----	Injured by shooting
8	26 December 2006	Saw Maw Dter	46	Gk'Buh Kee	Shot dead
9	23 February 2007	Saw Maw Ngeh	34	Gkwee Dtoo	Shot dead
10	16 March 2007	Saw Baw Kah	18	Dtaw Koo Muh Der	Shot dead
11	16 March 2007	Saw Hser Nay Htoo	20	Bpoh Gkla Der	Shot dead
12	21 March 2007	Saw Th'Roh Htaw	40	Gkuh Day	Shot dead
13	21 March 2007	Saw Dtar Yeh Ghay	40	Dtee Thoo Der	Shot dead
14	21 March 2007	Saw Pah Hta Loo	47	Dtee Thoo Der	Shot dead
15	22 March 2007	Saw Aw Kah	67	Htee Bway Kee	Shot dead
16	25 March 2007	Saw P----	18	T----	Shot in leg
17	25 March 2007	Saw N----	40	Sh----	Shot in stomach
18	27 March 2007	Saw Aye Kay Moo	12	Leh Kee	Shot dead
19	25 April 2007	Saw Lay Muh Say	30	Dtaw Koo Muh Der	Shot dead
20	28 April 2007	Saw E----	12	Y----	Injured by shooting
21	28 April 2007	Saw Dt----	52	T'----	Injured by shooting
22	28 April 2007	Saw Pah Ghaw	40	Gheh Yuh Der	Killed by landmine
23	9 May 2007	Saw N----	26	Ht----	Injured by landmine
24	12 May 2007	Saw Mee Thay	28	Gkaw Hter Der	Shot dead
25	16 May 2007	Saw Gk----	27	Th----	Shot dead
26	22 May 2007	Saw Pah Bih Tra	17	Dtar Keh Der	Shot dead
27	25 May 2007	Saw Bw----	35	T----	Injured by shooting
28	31 May 2007	Saw H----	20	L----	Injured by landmine
29	2 July 2007	Saw P----	30	K----	Injured by landmine
30	9 July 2007	Naw S----	4	L----	Injured by shooting
31	19 August 2007	Saw Th----	27	L----	Injured by landmine
32	7 October 2007	Saw Nay Thaw Heh	38	Bih Koh Der	Killed by landmine
33	10 October 2007	Saw T----	25	M----	Injured by shooting
34	25 October 2007	Saw Thay Gkler Moo	58	Thay Baw	Shot dead
35	25 October 2007	Saw Y----	49	Th----	Injured by shooting
36	25 October 2007	Naw Gk----	46	Th----	Injured by shooting
37	27 October 2007	Naw M----	44	Ht----	Injured by shooting
38	27 October 2007	Naw R----	13	N----	Injured by shooting
39	27 October 2007	Naw E----	18	N----	Injured by shooting
40	27 October 2007	Saw Ht----	62	T'N----	Injured by shooting
41	27 October 2007	Saw L----	25	Ht----	Injured by shooting
42	27 October 2007	Saw Ht----	20	Th----	Injured by shooting
43	27 October 2007	Saw Bler Htee	22	Thoo Kler	Shot dead
44	28 November 2007	Saw Hsoo Doh Wah	28	Dtar Baw Gkoh Der	Shot dead

On 5 September 2008, 60-year-old Naw Say Paw was killed by a landmine while returning to her forced relocation site from checking on her crops in the Hsaw Wah Der area of Toungoo District. The landmine had reportedly been planted by SPDC army soldiers from MOC #10. (For more information, see Chapter 4: Landmines and Other Explosive Devices).[89]

According to an article published in the SPDC-controlled *New Light of Myanmar*, two bombs exploded in the Theindan ward of Kyaukkyi Township on 11 September 2008. According to the report, the explosions killed two and wounded nine more. A third bomb was reportedly discovered at a nearby grocery store and defused before detonation. The SPDC accused the KNU of planting the three bombs and arrested a former KNLA private, Saw Ya Ko, who allegedly confessed to planting the bombs. The KNU denied the allegations, claiming that the SPDC was *"using underhand tactics to discredit the KNU"*. (For more information, see Chapter 4: Landmines and Other Explosive Devices).[90]

On 12 September 2008, 15-year-old Saw May Htoo was killed when SPDC army soldiers from LIB #364 shelled Klay Soe Kee village, Toungoo District with mortars. Saw Da Boe Bo, 14, was also reportedly injured in the bombardment.[91]

On 15 September 2008, four fish farm owners from Ler Doh Township in Nyaunglebin District were arrested by SPDC army soldiers when they were unable to pay SPDC-demanded bribes. All four villagers were sent to the Tetu SPDC army camp. There, one villager was released for reasons unknown. One of the other villagers, Saw Oh Thi, was then sent to the IB #60 headquarters where he was accused of *"listening to the radio"* and executed by Colonel Ko Ko Aung. This is presumably a reference to listening to opposition broadcasts such as the Democratic Voice of Burma (DVB), Voice of America (VOA) and Radio Free Asia (RFA) which are transmitted into the country via shortwave radio. The fate of the other two villagers remains unknown.[92]

On 10 October 2008, Saw Tha Pwee, a KNLA soldier attached to the KNLA 6th Brigade, was reportedly shot and killed by DKBA soldiers in Wah Kay Klo village of Dooplaya District.[93]

On 25 October 2008, 28-year-old Saw Dah Koo Roo was shot and killed by SPDC army soldiers from LIB #601, operating under MOC #21, in the vicinity of Play Kee village in Toungoo District. No further information about his death has been made available.[94]

On 30 October 2008, Saw Koo Roo, 25, from Play Pa village in Nyaunglebin District was shot and killed by SPDC soldiers subordinate to MOC #21. According to reports, he was attempting to deliver a message to a friend in a neighbouring village when the soldiers saw him and opened fire. He was hit in the right leg by the initial volley of gunfire and then shot twice in the head as he lay helpless on the ground. The photograph reproduced on the following page shows Saw Koo Roo's body as found by villagers a few days after the incident.[95]

On 2 November 2008, two villagers forced to porter loads for a combined SPDC and DKBA column were injured when one of them stepped on a landmine near Kler Law Sei village in Dooplaya District. The two villagers, whose names were not given, were left to die by the soldiers, and were later found by KNLA soldiers. One of the victims died, while the other was sent to Umphang hospital in Thailand.[96]

On the evening of 20 November 2008, 52-year-old Dee Wah Hei and Naw Kay Mu from Thay Baw Boe village of Dooplaya District were executed by DKBA soldiers after being accused of practicing black magic. Soldiers from DKBA Battalion #907 went to Dee Wah Hei's residence after he was accused of using black magic against the DKBA. The soldiers took him and his wife under the house and stabbed them to death. Their children escaped and fled into the forest. At the time of publication, the HRDU had received no information regarding any investigation into the incident or if the perpetrators had been punished for their actions.[97]

On 16 December 2008, SPDC army soldiers from IB #101 killed four villagers trading oxen and buffaloes in Kasehdo Township of Mergui-Tavoy District (Tenasserim Division). The names of the victims are as follows:

1. Saw Hut Phloe; 16 years old; and
2. Saw Dah Htoo Phoe, 18 years old;
3. Saw Hser Thel, 35 years old; and
4. Saw Deedi, 40 years old.[98]

At approximately 6:00 pm on 27 December 2008, 7-year-old Ma Ne Mya was abducted from her home by an SPDC army soldier from LIB #350 while her parents were away joining in the Karen New Year celebrations. The soldier reportedly took her from her home in Ma Oo Bin village in Nyaunglebin District, and raped her. She was then shot and killed by the soldier when she began to cry for help. According to a FBR report published on 24 January 2009, the following day, Ma Ne Mya's parents and the local village leaders reported the case to Captain Thet Khaing of LIB #350. In response, however, Captain Thet Khaing extorted a total of one million kyat from ten local business owners as both compensation for the crime and also to bribe the parents into not pursuing the case any further. Since the incident, LIB #350 has moved out of the area and has been replaced by IB #73. (For more information, see Chapter 16: Rights of the Child).[99]

This photograph shows the body of 25-year-old Karen villager Saw Koo Roo who was shot in the leg by SPDC army soldiers from MOC #21 who then killed him execution-style with two further gunshots to the head. For more information, see the incident on the previous page dated 30 October 2008. *[Photo: © FBR]*

Karenni State

According to an article published in the *Kantarawaddy Times* on 1 September 2008, SPDC army commander Naing Naing Oo from LIB #336 shot and killed a convict porter in a *"fake battle"* in Dowkuli village near Loikaw on an unspecified date earlier in 2008. Khu Nye Reh, an administrator from Loikaw Township, stated that SPDC army soldiers were feigning battles with Karenni insurgents and reporting to their superiors that they had killed the insurgents. Khu Nye Reh added that:

> *"[T]he Generals ordered [the SPDC army battalions] to defeat the insurgent groups in that area but they could not because they fear to face sudden and unexpected attacks and counter attacks of Karenni insurgent groups. That's why they find the easy way [and stage the battles]."*

According to Khu Nye Reh, prior to the staged battle, the soldiers had apprehended an unidentified opium trader, confiscated all of his money and sold his drugs so that they could buy a rifle and a uniform from an unnamed Karenni ceasefire group which they dressed him in before killing him and claiming him as an insurgent casualty.

It is believed that LIB #336 had staged other battles in the Loikaw and Shadaw areas, using porters taken from prisons to serve as the fatalities. However, these allegations have not been independently verified. One former SPDC army soldier who fought against Karenni insurgents for over five years claimed to have never heard of such a practice: *"there were incidents when they shot porters who are too weak to walk and sometimes they are burnt alive but I have never heard about fake battles"*. (For more information, see Chapter 7: Forced Labour and Forced Conscription).[100]

Magwe Division

At approximately 8:00 pm on 30 January 2008, Ko San Thaung from Gu Phyu village in Chauk Township died on the fourth day of his detention by local police. Sources have maintained that San Thaung had been initially arrested under suspicion of stealing *"golden accessories"* from a village school. Large *"welts"* were seen on San Thaung's neck and body during his funeral, leading many residents of the village to believe his death was due to police brutality during his interrogation. (For more information, see Chapter 2: Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment).[101]

On 25 June 2008, it was reported that in the week prior, a man had died after being beaten by police officers during his interrogation at the Magwe Police Station. The man, whose name had not been confirmed, was arrested after being caught stealing a Buddhist statue from an local pagoda. He was under suspicion of being an important member of a criminal gang that had been stealing Buddhist statues from Magwe, Minbu and other nearby townships. At the time of publication, his affiliation with the gang remained unconfirmed. (For more information, see Chapter 1: Arbitrary Detention and Enforced or Involuntary Disappearances).[102]

Mandalay Division

On 10 September 2008, 19-year-old university student Nummoneshin was stabbed to death by a group of drunken men in Myingyan Township as he was returning home after celebrating a Buddhist festival. The victim was reportedly an outspoken activist involved in unspecified political movements. And it is believed that members of the Myingyan District USDA and their relatives were among the group of assailants. Some of his fellow students have alleged that Nummoneshin was killed due to his political stance. Local police reportedly arrested ten suspects in relation to the incident, but residents say that no further action has been taken by the police to charge anyone with the murder. No further information related to the episode has emerged since.[103]

On 10 October 2008, the DVB reported that 45-year-old Myint Soe, the caretaker of the Chan Har Gyi Pagoda in the Meiktila Township, was stabbed to death by unknown assailants. Following the attack, his attackers stole his personal belongings, including a ring that he was wearing. Local residents reported that there had been a recent increase in crime due to economic hardship.[104]

On 2 November 2008, 19-year-old Sat Paing Htun was stabbed and killed by SPDC army Captain Aung Tayzar in Meiktila Township. According to reports, Captain Aung Tayzar had summoned Sat Paing Htun and his friends to a meeting, but when they refused; the enraged captain sought out Sat Paing Htun, stabbed him and killed him. The original report did not elaborate on the fate of his companions. Following his death, Sat Paing Htun's remains were sent to a distant cemetery in Latphakhaung District for burial, presumably to remove the evidence. Sat Paing Htun's family was later offered 1.5 million kyat in compensation by Capatin Aung Tayzar, though it remains unclear if Captain Aung Tayzar was charged for the murder by local authorities.[105]

Mon State

On 2 March 2008, a husband and wife were shot and killed by SPDC army soldiers attached to LIB #31 while working on their rubber plantation in Ye Township. According to reports, the pair was accused of violating travel restrictions which had recently been enacted in the area. The wife was reportedly killed on site while the husband was said to have died some time later in a local hospital.[106]

At approximately 3:00 pm on 11 June 2008, a clash broke out between SPDC army soldiers from IB #31 and a Monland Restoration Party (MRP) unit. According to the report by the Independent Mon News Agency (IMNA), the SPDC army soldiers were ambushed by the Mon insurgents while travelling along the Ye Khaw Za road near Kabya (Mahea) village, reportedly killing SPDC Captain Thein Khet Hlaing and three SPDC army soldiers. MRP Captain Eein Dae was also reported to have been killed while attempting to retrieve weapons dropped by fallen SPDC army soldiers. Two more MRP soldiers were reportedly killed as they attempted to retreat, as was an unnamed local villager who was caught in the crossfire. Villagers have reportedly been detained, tortured and killed on suspicion of aiding the MRP over the past six years in which the group has been active in the area. Meanwhile, local villagers have also claimed that the MRP soldiers shot at an unspecified number of villagers and members of the Hangan village militia returning from a local pagoda in April 2008. No further information on this shooting has been made available. (For more information, see Chapter 18: Ethnic Minority Rights).[107]

At approximately 8:00 pm on 12 June 2008, an SPDC army communications corporal from IB #34 was shot and killed by another soldier in their barracks at Three Pagoda Pass. The incident reportedly followed a beating that the corporal had given to the soldier while drunk. The soldier was also reportedly later killed by their commanding officer, Lieutenant Colonel Aye Ko Ko, although the date on which this second incident allegedly occurred is unknown.[108]

On 17 November 2008, three insurgents from an unnamed Mon insurgent group and one villager were killed by SPDC army soldiers from IB #299. According to reports, the group was ambushed while eating lunch beside a stream near Man Aung village in the southern Ye Township. The deceased villager, identified as Nai A Saing, was reportedly taken from his rubber plantation and forced to carry supplies by the insurgent group. Villagers in the area said that they now feared working in their remote farms, due to the risk of being conscripted to do forced labour for both the insurgents and the SPDC army in the area. [109]

Pegu Division

On 12 February 2008, 16-year-old Than Zaw Moe died in Letpadan Township. According to the DVB, Than Zaw Moe was an orphan studying at Letpadan Township Basic Education High School and was last seen at his school's marching band performance. According to local residents, only a few individuals from the orphanage had attended Than Zaw Moe's funeral on 13 February 2008, but when a person from a nearby ward expressed his concern to local authorities, Than Zaw Moe's body was exhumed and an autopsy performed. Upon inspection, his body displayed numerous bruises to the neck and a large wound to the back of the head that residents describe as looking *"like he had been hit with something hard"*. Than Zaw Moe's numerous injuries indicated that his death was likely not of natural causes. Local residents stated that they had expected an investigation to have been opened into his death, and when one was not, they were pressured by local authorities not to file an official complaint. Some local residents speculated that Than Zaw Moe was beaten and killed by the unnamed owner of the orphanage, alleging that he did not properly care for the children under his charge and often made them work in his privately-owned brick baking factory. No further reports of the incident have emerged since.[110]

On 9 February 2007, Lin Lin Naing was reportedly found hanging dead in his cell at the Phadoe Police Station in the Kyauktaga Township after having being arrested the night before on allegations of shoplifting. While no allegations of foul play were made in the original report, his body was quickly disposed of by the police without notifying his family.[111]

On 4 October 2008, SPDC army soldier Kyaw Shwe Maung from LIB #707 shot and injured an SPDC army major, and shot and killed an SPDC army captain in Aye Chan Tha Ya village of Oakpho Township before fleeing from the battalion. Soldiers and local police were reportedly involved trying to ascertain his whereabouts. Incidents of SPDC army soldiers shooting and killing their superior officers are not rare occurrences. Mistreatment of rank and file soldiers by their superiors has on numerous occasions resulted in the soldiers killing their superiors, deserting or staging *"small mutinies"*. Five days later, on the evening of 9 October 2008, Kyaw Shwe Maung was shot and killed by the Aye Mya Tharyar police chief when he was seen riding a motorcycle through Aye Mya Tharyar village.[112]

Rangoon Division

In a 2 February 2008 report, the *Mizzima News* commented on Human Rights Watch's (HRW) claims that over 100 demonstrators had been killed during the September 2007 Saffron Revolution protests, pointing out that the figures provided by HRW were much higher than the official figures provided by the regime and also much higher than those deaths which could be verified by the United Nations.[113] Similarly, in the press release accompanying its 10 March 2008 report: *Bullets in the Alms Bowl: An analysis of the brutal SPDC suppression of the Saffron revolution protests*, the HRDU argued that:

> *"While the SPDC have stated that 15 persons died during the protests, the UN Special Rapporteur on Burma, Paulo Sergio Pinheiro asserts that more than double this number died in Rangoon alone. Meanwhile, the Assistance Association for Political Prisoners in Burma (AAPPB) today maintains that at least 72 persons still remain unaccounted for. Still, these numbers are conservative, and with protests staged in no fewer than 66 towns and cities across the country, many of which lack reliable information, coupled with the systematic removal of the dead and wounded from the site of each crackdown, and the disposal of the bodies during secret night time cremations, the number of fatalities may well be as high as a hundred. Sadly, though, just as had happened following the 1988 protests, we may never know the true human toll"*.[114]

On 4 February 2008, the body of an unnamed USDA member from the Thone Thate ward in Hlaingthaya Township was found decapitated at his residence in Tantabin Township.[115]

On 8 February 2008, ten persons drowned when an 11-meter boat carrying Buddhist pilgrims capsized in the Tavoy River, 560 kilometres south of Rangoon. It was reported that nine of the victims were women and that 26 other passengers were rescued. An article published in Indian *Hindustan Times* blamed the deaths on negligence and the poor safety standards regulated by the regime which would routinely permit the use of *"old and often dilapidated vehicles for transport"*.[116]

On 10 February 2008, seven persons were killed and ten persons were injured in a collision between two vehicles in Rangoon's Hlaingthaya Township. The injured were reportedly taken to a hospital in Insein, Rangoon for treatment. The cause of the accident was not reported.[117]

On 3 March 2008, a family of four and their maid were shot and killed in their residence in Green Bank, Kamayut Township. According to the Police Chief Brigadier General Khin Yi, the shell casings of domestically-produced bullets stamped with Myanmar Defence Products Industries (MDPI; the leading producer and supplier of arms and munitions to the SPDC army) were found at the scene. The motive for the shooting was reported to remain unknown at the time of publication, although a number of possible suspects were arrested by the police in relation to the incident. The surviving family members were reported to later have been paid an undisclosed sum of money and told to refrain from filing further complaints, while the SPDC's censorship board punished a number of local weekly journals, including *Seven Days*, for running the story. Those killed included:

1. Sao Kyi Pha (aka Charlie), 60 years old;
2. San San Myint, his wife, 58 years old;
3. Mya Sandar, his daughter, 36 years old;
4. Hnin Pwint Aye, his daughter, 27 years old; and
5. Ma Ei Phau, their maid, 15 years old.[118]

On 11 March 2008, one of the unnamed suspects detained for the murder that occurred on 3 March 2008 (detailed in the preceding incident) died while under interrogation by the authorities in a Rangoon police facility. Despite his arrest, local residents still reportedly questioned his guilt. According to the *Mizzima News*, *"[t]he crime scene was in well guarded posh colony, almost impossible for a stranger to enter without being noticed"*.[119]

Early in the morning of 3 May 2008, police and riot police at Insein Prison opened fire on rioting inmates, killing 36 prisoners and wounding a further 70. According to reports, approximately 1,500 detainees had been moved to the Main Prison Hall #1 after the roofs of several of the prison's buildings had been destroyed by Tropical Cyclone Nargis. In protest of the cramped and unsafe conditions, a number of prisoners set fire to a portion of the prison, prompting the guards to respond in a predictable fashion. According to the Asian Human Rights Commission (AHRC), four prisoners who were believed to have been responsible for starting the fires were later tortured and executed by prison authorities.[120]

On 14 July 2008, the dead body of an unnamed 60-year-old woman was discovered bound in her residence on Hledan Street of Kamayut Township. The cause and those responsible for her death were not reported. At the time of the original report, an investigation was said to have been initiated by local police.[121]

This photograph, taken on 26 March 2008, shows the remains of 30-year-old Saw Bpler Po who had been arrested and killed by SPDC army soldiers on 27 November 2007 as he was returning from his field in Tantabin Township in northern Karen State. *[Photo: © KHRG]*

At approximately 8:00 pm on 9 September 2008, an unidentified 29-year-old man was stabbed to death for no apparent motive by four assailants in a marketplace in Hlaingthaya Township. At the time of the attack, the man was reportedly walking with a woman, although she was reportedly unharmed and nothing was stolen. No one was arrested in connection to the incident.[122]

On 10 September 2008, the *Irrawaddy* reported that a week earlier, an unnamed 40-year-old officer with the Myanmar Internal Revenue Department was murdered at his residence in Hlaingthaya Township. The motive for his death remains unknown and no further details of his death have been made available.[123]

On 10 September 2008, the *Irrawaddy* reported that an unidentified couple had been murdered in Thingangyun Township on an unspecified date in August. No further information has been published concerning the incident, however, incidents of armed robbery rose sharply throughout the township at that time when people began becoming desperate after losing everything in the wake of Tropical Cyclone Nargis. Many displaced families had moved into the township with nothing after their homes were destroyed, while many of the existing residents had lost much of their food and possessions in the storm.[124]

At approximately 2:00 am on 13 October 2008, a Rangoon bus exploded killing seven people and severely injuring one in front of Rangoon Technological University (RTU). The *Irrawaddy* News Magazine reported that a Rangoon police officer familiar with the case, as well as others, believed the deaths to have been caused by the explosion of the bus' compressed natural gas (CNG) tank, but the junta-backed *New Light of Myanmar* reported that the cause of the blast was still unclear. It was also reported that according to local residents, the debris and bodies of the victims lay in the street for five hours before the police arrived on the scene. This was only the most recent incident in a string of bus explosions in Rangoon. Other incidents occurred in early September and on 10 October; luckily in both circumstances neither had causalities. Many Rangoon residents believe the newly converted buses to CNG are unsafe and that the IGE Co. Ltd. only received the contract to convert the buses due to the fact that IGE is run by two sons of the Minister of Industry Aung Thaung. (For more information, see Chapter 4: Landmines and Other Explosive Devices).[125]

At approximately 5:30 pm on 19 October 2008, an unidentified man was killed by a small bomb in Shwepyitha Township. No further information regarding the blast or the identity of the victim was disclosed. (For more information, see Chapter 4: Landmines and Other Explosive Devices) .[126]

A 16-year-old Karen internally displaced villager from Htee Baw Kee village in Papun District, Karen State receiving medical treatment from Karen medics after she had stepped on a landmine that had been planted in her abandoned village by SPDC army soldiers in March 2008. For more information, see Chapter 4: Landmines and Other Explosive Devices. *[Photo: © KHRG]*

Sagaing Division

On 19 December 2008, an unidentified man from Manipur, India was shot and killed in his residence in Kalemyo in Kale Township, Sagaing Division. Sources living in the same ward alleged that the man was affiliated with an unnamed Manipuri insurgent group operating against the Indian Government and that he also had personal connections with SPDC officers in the area. The area is reputed to be popular with arms smugglers moving weapons between the two countries and it is believed that he may have been involved in the illegal trade of weapons across the border.[127]

Shan State

In January 2008, the Shan Human Rights Foundation (SHRF) reported that on 5 July 2007 six persons were shot and killed during a skirmish between SPDC army soldiers from LIB #569 and unspecified *"Shan insurgents"* in Saai Khaao village in Kunhing Township which reportedly lasted for between two and three hours. According to the original report, the SPDC army soldiers came upon the Shan insurgents while in Saai Khaao village at which point both sides opened fire. The villagers tried to flee, but a number were caught in the crossfire ultimately resulting in the death of at least four men and a further two women.[128]

Also in January 2008, the SHRF reported that on 29 August 2007, 27-year-old Shan villager, Zaai Tu, was tortured and beaten to death by SPDC army soldiers in Wan Saak village of Kunhing Township. According to the source, Zaai Tu had been attending to his family's oxen with his 7-year-old sister, Naang Ing, when they were approached by the soldiers. The pair was accused of being informants for *"Shan insurgents"* and though the report failed to specify which Shan insurgent group it was discussing, it is likely they were referring to the Shan State Army- South (SSA-S). Naang Ing was tied to a tree while the soldiers interrogated and beat Zaai Tu to death in front of her. Naang Ing remained tied to the tree and shouting for help until the following morning when she was discovered by a local villager. Naang Ing later reported the incident to her parents and village officials who lodged a formal complaint with the local SPDC authorities. However, in response to their allegations, the family was told that only Shan insurgents would do *"such cruel things to innocent people"* and the matter was quickly dismissed.[129]

On 4 January 2008, SPDC army soldiers killed one villager under interrogation in Murng Nawng village tract in Kyee Thee Township. According to reports, three unidentified villagers were apprehended and interrogated over the movement of Shan soldiers through the area. The trio were beaten by the soldiers when they denied having seen any Shan soldiers in the area. The SPDC army soldiers shot and killed one of the villagers but eventually released the other two.[130]

In February 2008, it was reported that on 4 November 2007, four unidentified persons were shot and killed by SPDC army soldiers as they were travelling *en route* to Mong Hsat Township. According to the SHRF, SPDC army soldiers ordered the four villagers off the public vehicle that they were travelling in when they arrived at the checkpoint on the Kho Nam Ten Bridge in Son Oi village in Mong Hsat Township. The villagers were returning to their homes in Burma after travelling to Thailand for work. The driver of the vehicle reportedly then telephoned other drivers operating along the route, advising them not carry passengers across that particular checkpoint. It was reported ten days later, that all four passengers had been shot and killed by the SPDC army soldiers when, villagers from Son Oi village were forced to cremate the bodies. The identities of the victims remain unknown as the soldiers had either confiscated or destroyed their documents, leaving no record of who they were.[131]

On 20 March 2008, 48-year-old Lung Aw was shot and killed by SPDC army soldiers from IB #248, after serving as a porter for the military. A column of approximately 50 SPDC army soldiers arrived at Nawng Phurk village in Laikha Township and captured three villagers to serve as porters for the unit. The porters had their hands tied to yokes that are typically used on water buffalo and forced to haul military supplies to Nawng Hee village in Nansang Township. Once there, the porters were then tied up for the night. The SPDC army soldiers state that Lung Aw attempted to run away and that is why he was shot. His body was then disposed of in a location unknown to his family. The two remaining porters were later detained in Lai-Kha village and at the time of the report were still being detained. (For more information, see Chapter 7: Forced Labour and Forced Conscription). The names of the three villagers involved were:

1. Lung Aw, 48 years old, from the Nawng Phurk village, shot dead;
2. Kan-Na, 37 years old, from the Nawng Phurk village, fate unknown; and
3. Lung Su, 53 years old, from the nawng Phurk village, fate unknown.[132]

On 30 April 2008, SPDC army soldiers forced four local villagers from Man Tat village in Namhkan Township to build a raft to cross the Shweli River. As they were constructing the raft, some of the bamboo poles floated away in the current so the soldiers demanded that the villagers retrieve them and complete the raft. Three of the four villagers drowned. The surviving villager stated that the other three villagers were pulled under the water by the swift current and drowned. The sole surviving villager was then threatened by local police not speak of the incident and told that he would be punished if the incident was made public. Compensation consisting of 500,000 kyat and five bags of rice was paid to the families of the three deceased men. (For more information, see Chapter 7: Forced Labour and Forced Conscription). The names of the three men who drowned were as follows:

1. Zau Kun, 31 years old;
2. Naw Hsan, 29 years old; and
3. Mai Yai Tun, 25 years old.[133]

On the evening on 4 May 2008, one official with the junta-affiliated USDA was killed and another two officials were injured by unidentified gunmen in an unnamed village in Namhkan Township. The three officials, plus an entourage of ten police, had reportedly come to Namhkan Township to pressure members of the local community to vote ”yes” in the upcoming constitutional referendum. The incident took place as the group was leaving Nawngkhan Monastery. It was unclear who the gunmen were, but one local youth stated that the shooting was most likely in relation to the second rehearsal polling that the officials were conducting. The USDA member had previously conducted a rehearsal poll in the area to ensure that the result would be an overwhelming “yes” from this township during the actual referendum vote. However, the first rehearsal polling results were unsatisfactory so the USDA member returned with police to force a more favourable second rehearsal. The names of those injured in the incident are as follows:

1. Kyaw Myint, 57 years old, fatally shot in the face and chest;
2. Kyaw Sein, 45 years old, shot in the thigh; and
3. U Than Hlaing, 50 years old, shot in the abdomen and arm.[134]

According to the junta-backed the *New Light of Myanmar*, on 28 May 2008, nine sawmill workers were attacked, during which eight were allegedly killed by the opposition Shan State Army – South (SSA-S) in Mawkmai Township. In response to these allegations, on 3 June 2008, SSA-S leader Colonel Yawd Serk issued a statement denying his army’s involvement in the incident, stating that, *“The SSA[-S] isn’t active in the said area. There are only two armed groups there: The Burma [SPDC] Army and the (ceasefire) Shan State Nationalities People’s Liberation Organization [SNPLO]”*. Yawd Serk countered that, *“This kind of policy is only adopted and carried out by the Burma Army. Their favorite [Sic.] ploy is to kill people, sometimes even by wearing SSA insignias, and then putting the blame on us”*.[135]

On the evening of 13 July 2008, two SPDC army officers and two civilian teak traders engaged in a gun battle following an argument over the allocation of profits from the teak traders' business, leading to the death of all four men. According to the report published by the Shan Herald Agency for News (SHAN), the businessmen were the first to open fire. The names of those involved were as follows:

1. Major Aung Thiha, Deputy Battalion Commander of IB #66;
2. Captain Soe Min Aye, from IB #66;
3. U Soe; and
4. Zaw Htoo.[136]

On the evening of 23 July 2008, SPDC army soldiers from IB #287, assisted by soldiers from the "Murng Zern Group" (an SPDC-allied ceasefire group named after its commander Murng Zern) apprehended and tortured 49-year-old village headman Zaai Awng Nyunt from Murng Sawng village. The soldiers continued to Ho Hu village where they also arrested 45-year-old villager Ma Ha. The two villagers were then taken into the forest where they were tortured and beaten to death. Local villagers found the two bodies the following day, one of which had a letter pinned to it declaring that both villagers were informants for Shan insurgent groups and were thus killed accordingly. The villagers perceived this letter as a warning not to pursue the issue and as a result, no formal complaints were made over the incident.[137]

On 26 July 2008, 38-year-old Hsang Sai was kicked to death after his chronic hernia kept him from carrying the load given to him by SPDC army soldiers from IB #287. Hsang Sai's family was awarded with one 50 kilogram sack of rice in compensation and warned against making the incident public. (For more information, see Chapter 7: Forced Labour and Forced Conscription).[138]

In September 2008, the SHRF reported that on an unspecified date in October 2007, 38-year-old Zaai Zaai was beaten to death while portering for SPDC army soldiers from IB #286. Zaai Zaai and Zaai Thun, 24, both civilian villagers from Wan Naa village, were forced to serve as porters for the SPDC. After carrying heavy loads for ten days, Zaai Zaai collapsed, unable to continue, caused, in part by the hernia which was causing him great pain. The SPDC troops accused him of being lazy and proceeded to beat him with sticks and kick him in the chest until he was dead. The soldiers threw his body down into the Huay Luk Lur ravine before forcing Zaai Thun to continue portering. Zaai Thun was released two days later and was told that he should say that Zaai Zaai had died due to an illness. Zaai Zaai's family was compensated with one bag of rice.[139]

In January 2009, the SHRF reported that in early 2008 two unnamed villagers from Pan Niu village in Mong-Kung Township had been shot and killed by SPDC army soldiers from LIB #514 while searching for their buffaloes. The bodies of the pair were found in the forest by local villagers covered in twigs and branches in an apparent, albeit inept, attempt to hide the evidence of their murder.[140]

Tenasserim Division

On 25 January 2008, 60-year-old Klaw Noh from Ler Mu Lah Township was shot and killed by SPDC army soldiers from LIB #594. According to the report, originally published in the Karen-language *Kwekalu* newspaper, the soldiers had earlier discovered the IDP hiding site where Klaw Noh lived, detained and bound all of the residents, and seized their supplies of rice, clothing, livestock, cash, gold and other valuables. The IDPs were later released but warned not to return to the site under pain of death. Klaw Noh, however, returned to the site on 25 January to see what he was able to salvage of his belongings when he was spotted by the soldiers and shot.[141]

In February 2008, it was reported that on 20 December 2007, 45 persons drowned after a small passenger boat carrying 99 people collided with a larger fishing vessel near Kawthaung at the southernmost point of Burma in Tenasserim Division. Most of the victims were believed to have been Chin migrants *en route* to Malaysia to be reunited with their families or in search of work.[142]

On 8 June 2008, an article was published by the Voice of America (VOA) News in which former SPDC Deputy Chief of Mission at the Burmese Embassy in Washington, Aung Lin Htut, testified that 81 persons were shot, killed and buried on Christie Island in the Mergui Archipelago in 1998. In the article, Aung Lin Htut explained how he had been stationed in the area at the beginning of May 1998 when an SPDC army unit led by Colonel Zaw Min discovered and *"eliminated"* 59 persons living on Christie Island under the direct orders of SPDC chairperson Senior General Than Shwe. Also according to Aung Lin Htut, a few days later a Thai fishing vessel was seized off the coast of Christie Island and the 22 fishermen aboard were also shot and buried in unmarked graves on the island. Aung Lin Htut sought asylum in the United States following the 2005 purge of former Prime Minister and Intelligence Chief Khin Nyunt.[143]

This photograph depicts a collection of 5.56 mm bullet casings and 40 mm grenade shells left behind after SPDC army soldiers from IB #240 had attacked Te Mu Der village in Papun District, Karen State on the morning of 4 June 2008. As soon as the shooting began, all of the villagers fled the village with what they could carry on their backs. Anything that was left behind was either stolen or destroyed by the soldiers as they ransacked the village. Luckily, no one was injured in the attack. For more information, see "Destruction of Property" in Chapter 8: Deprivation of Livelihood. *[Photo: © FBR]*

Endnotes

[1] Source: "New Attacks Force More than 250 People To Flee Across Border, Troops Kill Three Villagers," FBR, 28 October 2008.
[2] Source: Paragraph 1, "Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions," OHCHR, 24 May 1989, available online on the OHCHR website at: http://www2.ohchr.org/english/law/executions.htm.
[3] Source: "Burma Overview, FBR, accessed online on the FBR website at: http://www.freeburmarangers.org/Features/burma_overview.html on 5 February 2009.
[4] Source: *Ibid.*
[5] Source: "Relief Efforts Continue for People in Hiding. Update from Mergui-Tavoy District," FBR, 20 August 2008.
[6] Source: "Border States", TBBC, accessed online at: http://www.tbbc.org/idps/borderstates.htm on 5 February 2009.
[7] Source: *Ibid.*
[8] Source: *We Are Like Forgotten People: The Chin People of Burma, Unsafe in Burma, Unprotected in India*, Human Rights Watch, January 2009.
[9] Source: *Ibid.*
[10] Source: *Ibid.*
[11] Source: *Attacks, Forced Labour and Restrictions in Toungoo District*, KHRG, 1 July 2008.
[12] Source: *Ibid.*
[13] Source: *Crimes Against Humanity in Eastern Myanmar*, Amnesty International, 5 June 2008.
[14] Source: *We Are Like Forgotten People: The Chin People of Burma, Unsafe in Burma, Unprotected in India*, Human Rights Watch, January 2009.
[15] Source: *Ibid.*
[16] Source: *International Religious Freedom Report 2008*, Bureau of Democracy, Human Rights and Labor, US Department of State, 19 September 2008.
[17] Source: *Ibid.*
[18] Source: "Burma Army Cremates Rohingya Muslims," *Kaladan News*, 4 June 2008.
[19] Source: "Border Security Force involved in Robbery," Yoma3, 7 July 2008, translation by HRDU.
[20] Source: *Ibid.*
[21] Source: *Ibid.*
[22] Source: "Karen Leadership Takes Junta to Task for Killing," SHAN, 20 February 2008.
[23] Source: *Ibid.*
[24] Source: "Villagers Stepped on Landmine and Left for Dead," *Kwekalu News*, 5 November 2008, translation by HRDU.
[25] Source: *Crimes Against Humanity in Eastern Myanmar*, Amnesty International, 5 June 2008.
[26] Source: "Continued Human Rights Violation In Shan State," SHAN, 13 August 2008
[27] Source: *Crimes Against Humanity in Eastern Myanmar*, Amnesty International, 5 June 2008.
[28] Source: *We Are Like Forgotten People: The Chin People of Burma, Unsafe in Burma, Unprotected in India*, Human Rights Watch, January 2009.
[29] Source: *Ibid.*
[30] Source: *Ibid.*
[31] Source: "Two villagers killed by the DKBA," *Kwekalu News*, 29 November 2008, translation by HRDU.
[32] Source: "100 killed in Saffron Revolution," *Mizzima News*, 2 February 2008.
[33] Sources: *Bullets in the Alms Bowl: An analysis of the brutal SPDC suppression of the September 2007 Saffron Revolution*, HRDU, 10 March 2008; "100 killed in Saffron Revolution," *Mizzima News*, 2 February 2008.
[34] Source: "100 killed in Saffron Revolution," *Mizzima News*, 2 February 2008.
[35] Source: "Two Villagers Killed for Involvement in Saffron Revolution," *Narinjara News*, 23 April 2008.
[36] Source: "Crime, Murder Mounting in Rangoon," *Irrawaddy*, 10 September 2008.
[37] Source: *Ibid.*
[38] Source: "One Soldier Killed, One Missing," *Narinjara News*, 5 February 2008.
[39] Source: "Four Bodies Found in Naff River," *Narinjara News*, 6 February 2008.
[40] Source: "Police Force Extorts Money from Villagers," Yoma 3, 25 February 2008, translation by HRDU.
[41] Source: *Ibid.*
[42] Source: "Nasaka Kills Cattle Trader En Route to Bangladesh from Burma," *Kaladan News*, 4 March 2008.
[43] Source: "USDA Member Stabbed To Death," *Narinjara News*, 1 May 2008.
[44] Source: "Two Villagers Killed for Involvement in Saffron Revolution," *Narinjara News*, 23 April 2008
[45] Source: "Burma Army Cremates Rohingya Muslims," *Kaladan News*, 4 June 2008.
[46] Source: "Police Kill One, Injure One in Sittwe," *Kaladan News*, 30 June 2008.

[47] Source: "Two Killed As ALA Clashes with Regime Troops," DVB, 22 July 2008.
[48] Source: "Riot Police Clash with Youths in Sittwe," DVB, 25 August 2008.
[49] Source: "Two Brothers Killed In Rathedaung Township," *Kaladan News*, 5 September 2008.
[50] Source: "Army Vehicle Kills Son; Mother Hospitalized," *Kaladan News*, 17 September 2008.
[51] Source: "Rohingya Killed In Buthidaung, Arakan," *Kaladan News*, 7 October 2008.
[52] Source: "Nasaka Kills Trader in Maungdaw," *Kaladan News*, 10 November 2008.
[53] Source: "Arakan Rebellion Group Kills Three Tribal Men in Bangladesh," *Kaladan News*, 22 November 2008.
[54] Source: "A Rakhine Woman Murdered In Maungdaw," *Kaladan News*, 29 November 2008.
[55] Source: "Body Found In Nasaka Area No. 2 of Maungdaw," *Kaladan News*, 25 November 2008.
[56] Source: "Nasaka and Police Informer Killed," *Kaladan News*, 4 December 2008.
[57] Source: "Villagers Kill Youth in Maungdaw," *Kaladan News*, 23 December 2008.
[58] Source: "Student Killed By Mob In Myingyan," DVB, 11 September 2008.
[59] Source: "Burmese Soldier Murdered On Burma-India Border," DVB, 8 October 2008.
[60] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[61] Source: "Burma Army Attacks Villages in Eastern Burma as they Obstruct Relief to Cyclone Victims in the South," FBR, 29 May 2008.
[62] Source: *Ibid*.
[63] Source: "Burmese Soldier Kills Two Senior Officers in Irrawaddy," KNG, 7 June 2008.
[64] Source: "15 Year-old Schoolgirl Gang-raped and Mutilated by Burmese Soldiers," Burma Campaign UK, 15 August 2008.
[65] Source: "Two Killed By Speeding Army Truck," DVB, 15 September 2008.
[66] Source: "Monthly Bribes for Rampant Logging in Northern Burma," KNG, 19 December 2008.
[67] Source: "People struggle to survive attacks in northern Karen State as villagers are captured and killed in central Karen State, Burma," FBR, 29 January 2008.
[68] Source: "Two Women Shot by the Burma Army in Shwegyin Township," FBR, 5 January 2008.
[69] Sources: "*KNU Breakaway Group's Son-in-law Assassinated,*" *Irrawaddy*, 31 January 2008; "Bomb Kills KNU Defector's Son-In-Law," DVB, 31 January 2008
[70] Source: *SPDC soldiers arrest and kill villagers on allegations of contacting KNU/KNLA*, KHRG, 16 January 2008.
[71] Source: "Villager Shot and Killed as Burma Army Completes Rotation of Troops," FBR, 9 February 2008.
[72] Sources: "The Burma Army kills and mutilates a 13-year-old boy and 25-year-old man in Central Karen State," FBR, 25 March 2008; "Atrocities Continue in Karen State, Burma," FBR, 19 April 2008.
[73] Source: *Attacks, forced labour and restrictions in Toungoo District*, KHRG, 1 July 2008.
[74] Source: *Attacks, killings and the food crisis in Toungoo District*, KHRG, 1 August, 2008.
[75] Source: *Attacks, forced labour and restrictions in Toungoo District*, KHRG, 1 July 2008.
[76] Source: "Burma Army Attacks Villages in Eastern Burma as they Obstruct Relief to Cyclone Victims in the South," FBR, 29 May 2008.
[77] Source: *Ibid*.
[78] Source: *Mortar attacks, landmines and the destruction of schools in Papun District*, KHRG, 22 August 2008.
[79] Source: *Attacks, killings and the food crisis in Toungoo District*, KHRG, 1 August, 2008.
[80] Source: *Attacks, forced labour and restrictions in Toungoo District*, KHRG, 1 July 2008.
[81] Source: *Ibid*.
[82] Source: *Attacks, killings and the food crisis in Toungoo District*, KHRG, 1 August, 2008.
[83] Source: "Killing of Villagers, Deadly Landmines, and Women Forced to Work for the Burma Army," FBR, September 2008.
[84] Source: *Ibid*.
[85] Source: *Ibid*.
[86] Source: *Attacks, Killings and food crisis in the Toungoo District*, KHRG, 1 August 2008.
[87] Source: *Mortar attacks, landmines and the destruction of schools in Papun District*, KHRG, 22 August 2008.
[88] Source: *Ibid*.
[89] Source: "Killing of Villagers, Deadly Landmines, and Women Forced to Work for the Burma Army," FBR, September 2008.
[90] Source: "KNU Denies Responsibility for Bombing in Kyaukkyi," DVB, 17 September 2008.
[91] Source: "Killing of Villagers, Deadly Landmines, and Women Forced to Work for the Burma Army," FBR, September 2008.
[92] Source: *Ibid*.

[93] Source: "Villager Killed and More than 200 Displaced by New Attacks in Central Karen State," FBR, 14 October 2008.
[94] Source: "Villager killed as 1,971 people are chased into the jungle by the Burma Army in Western Karen State," FBR, 4 November 2008.
[95] Source: *Ibid*.
[96] Source: "Villagers Stepped on Landmine and Left for Dead," *Kwekalu News*, 5 November 2008, translation by HRDU.
[97] Source: "Two villagers killed by the DKBA," *Kwekalu News*, 29 November 2008, translation by HRDU.
[98] Source: "Villager Killed as 1,971 People are Chased into the Jungle by the Burma Army in Western Karen," FBR, 4 November 2008.
[99] Sources: "Insulting Karens on Karen New Year Day: SPDC Junta's Lawlessness," NCGUB Border Office, 3 January 2009; "Burma Army Threatens and Attempts to bribe parents of raped and murdered 7-year old girl in Karen State," FBR, 24 January 2009
[100] Source: "Porters Killed During Fake Battles Created By SPDC Soldiers," *Kantarawaddy Times*, 1 September 2008.
[101] Source: "Chauk Man Dies In Police Detention," DVB, 18 Feb 2008.
[102] Source: "Suspected Gang Member Dies Under Interrogation," DVB, 25 June 2008.
[103] Source: "Student stabbed to death in Myinchang University," Yoma3, 11 September 2008, translation by HRDU.
[104] Source: "More Robberies in Meikhtila," DVB, 10 October 2008, translation by HRDU.
[105] Source: "Army Officer Stabs Youth to Death in Upper Burma," DVB, 4 November 2008.
[106] Source: "Two people shot, one fatally, in Ye Township, Mon State," HURFOM, 6 March 2008.
[107] Sources: "Major and Two Soldiers of MRP Killed, Guns Seized," IMNA, 13 June 2008; "Burma Army Captain, Four Soldiers Killed in Mon Rebels Ambush," IMNA, 11 June 2008.
[108] Source: "Two Burmese Soldiers Killed in TPP Barrack," IMNA, 12 June 2008.
[109] Source: "Three Insurgents and One Villager Killed By Burmese Army during Clash in Ye Township," IMNA, 20 November, 2008.
[110] Source: "Suspicions Surround Death of Labadan Orphan," DVB, 29 February 2008.
[111] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[112] Sources: "Army Deserter Shot Dead," *Kaowao News*, 8 October, 2008; "Desertions, Assassinations Plague Burmese Armed Forces," *Irrawaddy*, 9 October 2008; "Army Private Killed After Shooting Officer," DVB, 9 October 2008.
[113] Source: "100 killed in Saffron Revolution," *Mizzima News*, 2 February 2008.
[114] Source: "Media Release," accompanying: *Bullets in the Alms Bowl: An analysis of the brutal SPDC suppression of the September 2007 Saffron Revolution*, HRDU, 10 March 2008.
[115] Source: "USDA Member Found Beheaded," DVB, 11 February 2008.
[116] Source: "Ten Pilgrims killed in Myanmar Boat Accident," Hindustan Times, 11 May 2008
[117] Source: "Twenty Die in Weekend Accidents in Burma," *Irrawaddy*, 11 February 2008.
[118] Source: "Police Incompetence; Multiple Murderers Still At Large," *Mizzima News*, 15 July 2008.
[119] Source: *Ibid*.
[120] Source: "Forty Prisoners Killed During and After Cyclone by Shooting and Torture," AHRC, 6 May 2008.
[121] Source: "Mysterious Murder of Elderly Woman in Rangoon," *Mizzima News*, 14 July 2008.
[122] Source: "Crime, Murder Mounting in Rangoon," *Irrawaddy*, 10 September 2008.
[123] Source: *Ibid*.
[124] Source: *Ibid*.
[125] Source: "Rangoon Commuters Afraid of Gas Explosions," *Irrawaddy*, 14 October 2008.
[126] Source: "Man Killed in Second Yangon Blast in 24 Hours," AFP, 20 October 2008.
[127] Source: "Unidentified Indian Shot Dead in North Western Burma," *Mizzima News*, 23 December 2008.
[128] Source: "6 Palaung villagers randomly shot dead in Kun-Hing," *SHRF Monthly Report: January*, SHRF, January 2008.
[129] Source: "A villager beaten to death in front of his 7-year-old sister, in Kun-Hing," *SHRF Monthly Report: January*, SHRF, January 2008.
[130] Source: "Lahu villagers beaten up, shot dead, in Kae-See," *SHRF Monthly Report: April*, SHRF, April 2008.
[131] Source: "4 returnees robbed of their money and shot dead in Murng-Sart," *SHRF Monthly Report: February*, SHRF, February 2008.
[132] Source: "Civilian porters shot dead, accused of being Shan soldiers and imprisoned, in Lai-Kha," *SHRF Monthly Report: September*, SHRF, September 2008.
[133] Source: "Authorities Force People to Work Till Death," SHAN, 15 May 2008.

[134] Source: "Local USDA Secretary Assassinated," SHAN, 6 May 2008.
[135] Source: "SSA Denies Killing Civilians," SHAN, 3 June 2008.
[136] Source: "Junta Officials, Two Teak Traders Killed Over Unequal Division of Loot," SHAN, 17 July 2008.
[137] Source: "Community leader and villager arrested, tortured and beaten to death, in Kae-See," *SHRF Monthly Report: December*, SHRF, December 2008.
[138] Source: "Continued Human Rights Violation In Shan State," SHAN, 13 August 2008.
[139] Source: "Civilian porter beaten to death in Kae-See," *SHRF Monthly Report: September*, SHRF, September 2008.
[140] Source: "Villagers randomly shot dead in Murng-Kerng," *SHRF Monthly Report: January*, SHRF, January 2009.
[141] Source: "Burma Army Troops Shot IDP in Myeik-Dawei District," *Kwekalu News*, 7 February 2008, translation by HRDU.
[142] Source: "45 Chin Perished at Sea," *Rhododendron News*, Vol XI, No 1, CHRO, February 2008.
[143] Source: "Burma: Than Shwe 'ordered troops to execute villagers,'" VOA News, 8 June 2008.

CHAPTER 4
Landmines and Other Explosive Devices

BURMA

HUMAN RIGHTS YEARBOOK 2008

4.1 Introduction

The Human Rights Documentation Unit (HRDU) has monitored the manufacture and deployment of antipersonnel landmines and Improvised Explosive Devices (IEDs) in Burma since 2000, when a separate chapter within the *Burma Human Rights Yearbook* was first dedicated to the topic. Over these past eight years, landmines have continued to be consistently manufactured and deployed throughout the country by State troops and Non-State Actors (NSAs) alike, both those allied with and those opposing the central military regime. Sadly, the year 2008 saw few positive developments in terms of the manufacture and deployment of antipersonnel landmines and other explosive devices in Burma.

As shall be seen in the pages which follow, this year, the HRDU has expanded and reorganized the present chapter to adequately address several other explosive devices which continue to plague the people of Burma, including Unexploded Ordinance (UXO) and Explosive Remnants of War (ERW), the series of bomb blasts which have rocked urban areas across the country, and the growing number of explosions on public buses.

During 2008, the HRDU documented at least 12 landmine and UXO/ERW-related deaths, along with a further 46 incidents which resulted in the victims sustaining serious injuries (but not death). The vast majority of these landmine incidents involved members of the civilian population. Meanwhile, nine more people were killed and a further 15 injured in 22 separate bomb blasts in various urban areas across the country.

Moreover, an additional nine civilians were killed and another three seriously wounded when the public buses that they were travelling on suddenly and unexpectedly exploded, seemingly as a result of gross negligence rather than the detonation of planted explosive devices.

Throughout 2008, the HRDU documented a total of at least 28 deaths and a further 64 injuries occurring through explosions and explosive devices in Burma. Each of these incidents is described in detail over the following pages. However, it must be noted here, as elsewhere throughout the *Burma Human Rights Yearbook 2008*, that while these figures are high, the HRDU believes that they are still quite conservative and that the number of fatalities arising from exposure to landmines and other explosive devices in Burma is higher than that reported.

4.2 Landmines and Improvised Explosive Devices

As in previous years, antipersonnel landmines and Improvised Explosive Devices (IEDs) continued to be used throughout Burma during 2008. Armed groups on both sides of the ongoing conflict including the SPDC armed forces, numerous ethnic ceasefire groups allied with them, and several armed opposition groups continued to deploy landmines in their areas of operations. In December 2008, a representative of the International Campaign to Ban Landmines (ICBL) stated that, *"Burma is the one country that has consistently used landmines on a widespread bases [Sic.]; [and] it is the only one doing so globally"*.[1]

In late 2007, it was speculated that as many as two million landmines had been deployed throughout Burma, the majority of which had been laid in ethnic areas bordering neighbouring countries.[2] During 2008, landmines continued to be deployed in civilian areas, which, along with those deployed in previous years, resulted in numerous civilian injuries and deaths. According to the same representative of the ICBL, *"Antipersonnel mines planted by both [SPDC army] forces and ethnic armed groups injure and kill not only enemy combatants but also their own troops, civilians and animals,"* adding that *"many injuries occur within half a kilometre of village centres"*.[3] Landmines, once laid, can remain a hidden and indiscriminate threat for civilian populations many years, even long after the conflict has ceased or moved on to another area.

As of 31 October 2008, over 80 percent of the world's nations, or 156 States, had condemned the use of antipersonnel landmines by either signing or acceding to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (also known as and henceforth referred to as the Mine Ban Treaty). Burma, however, is not among this number and remains one of only 39 countries yet to accede to the Convention. Furthermore, the SPDC has shown little indication that they plan on doing so at any time in the foreseeable future.

The SPDC did not attend the Eighth Meeting of States Parties to the Mine Ban Treaty (MBT) in Jordan in November 2007. However, though Burma is not a States Party to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (commonly referred to as the Convention on Conventional Weapons; CCW), they did send an observer to the Meeting of States Parties to the Convention in Geneva in November 2007. On 5 December 2007, Burma was one of only 18 countries to abstain from voting on United Nations General Assembly (UNGA) Resolution 62/41 calling on the universalization of the Mine Ban Treaty (MBT). Moreover, the SPDC failed to attend both the workshop on the universalization and implementation of the MBT in Indonesia in February 2008 as well as the Intersessional Standing Committee Meetings on the MBT in Geneva in June 2008.[4]

Landmine Production and Acquisition

According to the *Landmine Monitor 2008*, published by the International Campaign to Ban Landmines (ICBL), Burma continued to be one of only 13 countries known to still produce antipersonnel landmines.[5]

It is believed that in the early 1990's the Chinese Government supplied the SPDC with a purpose-built munitions factory in Meiktila, Mandalay Division that was devoted to the manufacture of antipersonnel (AP) landmines. Some sources maintain that this factory works in tandem with a series of explosives factories located in Prome in Pegu Division and Magwe in Magwe Division that had originally been built in the 1960's under the Burma Socialist Program Party (BSPP) regime.[6] Another factory is also said to exist at Ngyaung Chay Dauk in Pegu Division.[7] At different times, these factories have been collectively referred to as either the KaPaSa factories (abbreviated from Karkweye Pyitsu Setyoun, the Burmese name for the Directorate of Defence Industries), or the Myanmar Defence Products Industries (MDPI). In response to HRDU queries, representatives of the ICBL have stated that for the purpose of their reports, they *"consider KaPaSa and Myanmar Defense [Sic.] Products Industries as one and the same"*.[8] For the purposes of the current report, the HRDU shall do the same, but henceforth use the term Myanmar Defence Products Industries (MDPI) when referring to the factories.

Some sources maintain that the MDPI *"consists of 13 major factories throughout the country that produce approximately 70 major products for Army, Navy and Air Force"*. The factories are said to manufacture everything from brass and tungsten carbide for use in weapons and casings; to a variety of ammunition for small arms, medium and heavy artillery, and tanks; propellants; small arms and machineguns; and grenades and other explosives (including landmines).[9]

At least four different types of antipersonnel landmines are known to be manufactured in these factories, including two Blast Mines (BM), one Stake Fragmentation Mine (SFM), and one Directional Fragmentation Mine (DFM). Each of these mines is described in detail below.

The MM-1 is a copy of the Chinese-made Type 58 Stake Fragmentation Mine (SFM), which itself is a copy of the older Soviet POMZ-2 or 'Corncob' mine. Some sources have incorrectly identified this mine as being a copy of the POMZ-2M / Type 59 which only possesses five rows of fragmentation, rather than the six rows of the POMZ-2 / Type 58. The mine is deployed by mounting it above ground on a stake, typically beside a path and concealed by long grass or bushes, with a tripwire attached to the detonator. Upon detonation, the cast iron body of the mine shatters into 60 pre-formed segments which are thrown outwards in a 360 degree arc with a lethal radius of four metres. The MM-1 can also be buried in the ground with only the detonator exposed. Of the two deployment methods, the former is the more dangerous, as it will not only kill the person who triggered it, but will also likely kill or seriously injure anyone else within the blast radius.[10]

The MM-2 is a replica of the Chinese-made Type 58 Blast Mine (BM), which in turn is a copy of the Soviet PMN-1 mine. While perhaps not as lethal as the MM-1, the MM-2 still contains enough explosive force to destroy the victim's entire leg, due to the addition of 240 grams of TNT (four times that used in most AP landmines). The MM-2 is deployed by burying it so that the pressure plate which forms its upper surface is level with the ground. Victims of this mine will often require a transfemoral (above the knee) amputation and also sustain considerable damage to the adjacent limb.[11]

In addition to the MM-1 and MM-2, the SPDC is also capable of producing a copy of the US-made M-14 Blast Mine, although what designation this mine is given in SPDC army arsenals is unknown. This diminutive minimum metal mine stands only 40 mm high and 56 mm in diameter.[12] The low metal content has made this mine particularly difficult to find using traditional minesweeping techniques. Armed with only 29 grams of Tetryl, this mine lacks the explosive force of either the MM-1 or the MM-2. However, what this device lacks in power, the SPDC has made up for with quantity, with some sources reporting this mine to have been laid in parts of eastern Burma *"in their thousands"* in the past few years.[13]

The SPDC also manufactures its own variant of the US-made M-18 'Claymore' Directional Fragmentation Mine (DFM). This highly dangerous mine can be rigged to be either command-activated through the use of a hand dynamo or victim-activated by attaching it to a tripwire. Upon activation, the 680 grams of C4 explosive, which constitutes almost half of the mine's weight, explodes, launching 700 small steel balls out in a 60 degree arc with a stated lethal range of up to 50 metres. Anything caught within this lethal arc upon detonation will likely be cut to ribbons. While the lethal range is 50 metres, the danger zone stretches out to 250 metres in front of the mine and a further 18 metres behind it.[14]

In addition to those mines which are manufactured domestically, the SPDC also deploys mines of foreign manufacture obtained on the international arms market. For example, at different times in the past, the central regime has also used mines of Chinese, Soviet, Indian, and US manufacture. Included among these mines have been the: Chinese Types 58 and 59 SFM, Type 58 BM, Type 72A BM, Type 69 BFM, and Type 69 DFM; Soviet POMZ-2 SFM, POMZ-2M SFM, PMN BM, and PMD-6 BM; US M-14 BM, M-16A1 Bounding Fragmentation Mine (BFM), and M-18 DFM; and Indian/British LTM-73 BM, and LTM-76 BM.[15]

On top of these mines which have all been previously recognized, at least two 'new' mines were identified as being used in Burma during 2008. In October 2008, the Karen Human Rights Group (KHRG) published numerous photographs of what was later identified by landmine experts to be a US-manufactured M-26 Bounding Fragmentation Mine (BFM).[16] While this mine had previously been photographed and reported on first in 2001 and again in 2005, both times by the KHRG,[17] this mine remained unidentified until only very recently when better quality photographs of it were made available (See photographs reproduced on the following page).

The M-26 is deployed by burying the device in the ground so that its upper surface sits just below ground level, and can be activated either through direct pressure (by stepping on it) or through the use of one of the four tripwires attached to it. The M-26 is a bounding mine, meaning that when triggered, a small booster (or secondary) charge located in the base of the mine detonates, propelling the mine approximately two metres into the air, where the primary charge of 170 grams of Composition B explosive detonates.[18] The M-26 has a stated lethal radius of ten metres, and according to some sources is considered so dangerous that the US Army stopped deploying it decades ago after US Army Engineers had labelled it *"too dangerous"* to handle.[19] A representative of the ICBL has referred to the M-26 as *"the most dangerous mine that I have ever seen in the country [Burma]"*.[20] It remains unclear exactly how the SPDC has acquired these mines, as they have never been sold on the international arms market, and aside from the US, have only been known to have been possessed by three other countries, namely: the Republic of Korea (South Korea), Thailand and El Salvador.[21] While it is not yet known, it is possible that the SPDC purchased a number of these mines on the black market after they had been stolen from Thai arsenals. At the time of publication, investigations into the origin of these mines were said to be ongoing.[22]

According to reports published by the KHRG, KNLA soldiers from the KNLA #7 Brigade removed the M-26 AP landmine shown in the following photographs from a forest trail in T'Moh village tract of Dta Greh Township, Karen State on 28 August 2008. However, it would seem that whoever deployed it was not familiar with its use given that it had been planted upside down and unarmed. Commenting on the condition of the mine shown in the following photographs, a representative of the ICBL has stated that:

> "*The mine is an American made M26. Where it came from is a mystery to our experts as they state the mine is extremely rare. The mine … was brand new, and laid by someone who did not understand how it worked. [The] photographs showed that it had been laid upside down. Our experts noted that one of your pictures showed that the arming pin [was] in place, so the mine was probably not armed. The internal trip wire spool in the base of the mine was still in storage position, and the tripwire lever was also in its storage position"*.[23]

These photographs show a US-manufactured M-26 Bounding Fragmentation Mine (BFM) that was planted by SPDC army soldiers on a forest trail in Dta Greh Township, Karen State. These images, taken on 26 August 2008 as the mine was being lifted from the ground by a KNLA soldier, show that this highly dangerous mine had been laid upside down; ironic given that once triggered, bounding mines spring up out of the ground and detonate around head height. While it is now apparent that the SPDC has been in possession of these mines since at least 2001, it remains unknown where they have been acquiring them from. *[Photos: © KHRG]*

On 19 December 2008, the Free Burma Rangers (FBR) reported finding a new type of antipersonnel landmine never before recorded as having been deployed in Burma (See the photograph reproduced below). The mine was reportedly discovered near Muthey village in the vicinity of the Kyauk Kyi to Saw Hta motor road which bisects Nyaunglebin District of Karen State. At a casual glance, these mines appear far more sophisticated than the landmines that the SPDC is known to manufacture domestically. On a simple inspection of the available photographs, this appears to be an Italian-made VAR/40 minimum metal antipersonnel blast mine. The International Campaign to Ban Landmines (ICBL) has responded to enquiries by the HRDU confirming that this diminutive mine is indeed the VAR/40. According to a representative from the ICBL, the mine shown in the photograph below was not armed and was in its storage condition, suggesting that it had accidentally been dropped rather than deployed. It remains unclear if this mine had come from SPDC, DKBA or KNLA arsenals; however, the ICBL has stated having received one previous report of this mine being deployed by the KNLA. Regardless of who is responsible for possessing these mines, it still remains unclear where they have been obtaining them from as the mine is no longer in production and the company responsible for producing them, Tecnovar Italiana, has long since gone out of business.[24]

An Italian-made VAR/40 AP blast mine found near the Kyauk Kyi to Saw Hta motor road in Nyaunglebin District of Karen State. The HRDU has been unable to ascertain which armed group operating in the region has been using these mines or how they came to possess them. *[Photo: © FBR]*

In addition to those mines deployed by the SPDC, antipersonnel landmines were also laid by numerous Non-State Actors (NSAs) operating in Burma during 2008. The ICBL has identified no fewer than 17 NSAs who have used landmines in Burma since the ICBL began monitoring the situation in 1999. These include armed groups both allied with and opposing the central military regime, although it should be noted that this number also includes some groups which have either *"ceased to exist or no longer use mines"*.[25]

Of those Non-State groups known to use landmines, a number are also known to be capable of manufacturing their own mines and Improvised Explosive Devices (IEDs). Such groups include: the United Wa State Army (UWSA), the Democratic Karen Buddhist Army (DKBA), the Karen National Liberation Army (KNLA), the Karen National Union / Karen National Liberation Army Peace Council (KNU/KNLA PC), and the Karenni Army (KA).[26] It is believed that all of these groups are able to manufacture simple blast and fragmentation mines, while some groups as the KNU, DKBA, and KNU/KNLA PC are also known to possess the capability of producing 'Claymore'-type directional fragmentation mines. The ICBL has

further alleged that *"some"* of these groups further possess the expertise to manufacture mines and IEDs with anti-handling fuses.[27] Meanwhile, the UWSA assembles its own copies of the MM-2 blast mine in a purpose-built munitions factory formerly owned and operated by the now-defunct Communist Party of Burma (CPB). These mines, like those manufactured by the SPDC, are far more sophisticated and durable than the IEDs produced by other Non-State groups, most of which are built from locally and cheaply-available materials such as bamboo tubes, plastic PVC piping, or glass bottles and packed with gunpowder, a small amount of explosive (which may include TNT, ANFO or urea nitrate), and ball bearings or metal shavings or other similar forms of fragmentation.[28] One such locally-produced IED is shown in the following photograph. This device, made by DKBA soldiers during 2008 consists of a block of wood with a raised splint on one side. The electrical wire wrapped abound the block is attached to a commercially-available alkaline battery which powers the detonator attached to a small amount of explosive. When stepped on, the wires attached to the wooden splint are pressed up against those wrapped around the block, creating an electrical circuit to ignite the detonator and thus explode. Such homemade mines possess far shorter lifespans than factory-produced devices and typically display a tendency to fail within six months of deployment as the battery dies or the natural materials used in their construction degrade in the forest environment.[29]

This Improvised Explosive Device (IED) was built and deployed by DKBA soldiers from #999 Special Battalion in Dta Greh Township of Pa'an District, Karen State. Homemade mines of this sort, built with a block of wood, some gunpowder, a simple commercially-available alkaline battery and detonator is common among the various NSA's on both sides of the conflict in Burma. *[Photo: © KHRG]*

Besides the devices that they produce themselves, those Non-State groups using landmines also acquire and deploy factory-produced mines by redeploying SPDC-laid mines lifted from the ground, seizing mines in raids on SPDC arsenals, or acquiring them on the clandestine arms market.[30]

Landmine Deployment

Not only was Burma identified as a continuing producer of landmines during 2008, but also as one of only three countries in which the national armed forces continued to deploy antipersonnel landmines (along with Russia and quite likely Sri Lanka). According to the International Campaign to Ban Landmines (ICBL), the SPDC *"used antipersonnel mines extensively [throughout 2008], as they have every year since Landmine Monitor began reporting in 1999"*.[31]

According to the ICBL, ten of Burma's 14 states and divisions suffer from landmine contamination. Only Kachin State, and Rangoon (Yangon), Irrawaddy (Ayeyarwady) and Magwe Divisions have not recorded mine use. Meanwhile, the eastern border areas of Karen (Kayin), Karenni (Kayah) and Shan States and Tenasserim (Tanintharyi) Division are reportedly the most extensively mined.[32] The western borders shared with India and Bangladesh are also reportedly also heavily mined. While little information has been made available on the level of mine contamination along the Burma-China border, the HRDU believes that it is quite extensive. Successive Burmese military regimes have extensively deployed landmines along Burma's borders in an attempt to prevent the exodus of refugees into neighbouring countries, as well as to dissuade those who have already fled from returning.

During 2008, antipersonnel landmine use was recorded in Karen (Kayin), Karenni (Kayah), Mon, Shan, and Arakan (Rakhine) States, as well as in Pegu and Tenasserim (Tanintharyi) Divisions.[33]

The annual *Landmine Monitor* reported in November 2008 that reported mine casualties in Burma had increased by approximately 180 percent from 243 in 2006 to 438 in 2007, placing Burma in the unenviable position of possessing the world's third highest rate of reported mine incidents during 2007 (behind Columbia and Afghanistan, with 895 and 811 reported mine casualties, respectively). Although the ICBL admits this figure to still be quite conservative. Of 438 reported incidents, 47 cases resulted in deaths, 338 in non-fatal injuries, and 53 with an unknown outcome. It was reported that 409 cases were due to landmines, while the remaining 29 were caused by *"unknown or unconfirmed devices"*. These statistics placed the number of reported mine casualties in Burma ahead of Cambodia for the first time since 1999 when the *Landmine Monitor* began monitoring the situation in Burma. Moreover, Burma has shown a 330 percent increase in reported mine casualties since 2004.[34] It should be noted; however, that these statistics do not necessarily indicate intensified levels of landmine deployment, but rather an increase in the number of cases that have been reported. While the ICBL has claimed that the spike has been due to greater levels of armed conflict, it is more likely that the increase reflects a rise in the number of organizations reporting on landmine casualties and their improved efficiency in doing so.

The SPDC army is responsible for the vast majority of antipersonnel landmines which have been deployed in Burma, and during 2008, SPDC army soldiers continued to deploy mines in large numbers across the country. In addition to using landmines in the perimeter defence of their military bases and during ambushes mounted against armed opposition groups, SPDC army units have consistently deployed landmines in areas known to be frequented by civilians, including along forest trails and paths, in and around civilian villages and in their fields and plantations. The SPDC has used landmines to restrict villagers' access to certain areas at the same time as confining them to other areas. For example, mines are often laid in abandoned, destroyed and forcibly relocated villages to prevent villagers from attempting to return to or resettle in the area. Similarly, mines have also been deployed around many forced relocation sites to discourage those interned there from trying to leave.

The manner in which SPDC army forces deploy landmines throughout Burma indicates that there is a discernible failure on the part of the State to ensure that adequate care is taken to prevent civilian mine casualties. Furthermore, patterns discerned from the SPDC army mine-laying stratagem also strongly suggest that non-combative civilian populations are the primary intended targets of SPDC-laid mines. The deliberate targeting of civilians in this manner violates not only numerous international laws, many of which have long since been ascribed *jus cogens* status, but also several of Burma's own domestic laws.[35]

It is thus not surprising that the vast majority of landmine injuries in Burma each year involve civilians. For example, of the 409 mine casualties reported by the *Landmine Monitor 2008*, only nine cases involved military personnel, while the remaining 400 incidents involved civilians.[36] According to the ICBL, almost half (44 percent) of these casualties occurred as the victims were attending to their livelihoods, with the most common activities conducted at the time of the incident being: *"foraging for forest and jungle produce or collecting wood (46), traveling [Sic.] (22), engaged in agriculture (19), portering (18), and during instances of forced labor [Sic.] (16)"*.[37] One possible explanation for why there have been so few reported cases of military mine casualties could be that none of the armed groups operating in Burma readily disclose information regarding mine casualties among their ranks. It is thus quite likely that the number of soldiers who are wounded and killed by landmines in Burma each year is considerably higher than what little is reported.

The fact that mined areas are rarely marked, signposted or fenced only serves to exacerbate the problem, which ultimately results in a high frequency of mine injuries among civilian populations living in the vicinity of these areas. (For more information, see the subsequent sections dealing with "Mine Risk Education" below).

In addition to those civilians who lose their lives and limbs to landmines, many villagers' also lose their livestock which are often maimed and/or killed after wandering into mined areas. For example, in November 2008, there were two separate cases of cattle being killed by landmines in Arakan and Karen States on 13 and 27 November 2008, respectively. (For more information, see the two incidents below shown for those dates).

The presence of landmines, whether it is known or alleged, further impacts upon the lives of villagers who also typically lose access to their fields and thus their livelihoods for fear of unearthing or stepping on a mine that may have been laid there. (For more information, see Chapter 6: Deprivation of Livelihood).

Furthermore, the ICBL has reported that during 2008, Burma was one of only nine countries in which antipersonnel landmines and improvised explosive devices (IEDs) were used by Non-State Actors (NSAs).[38] Non-State groups operating on both sides of the conflict; both those allied with and those opposing the SPDC, have been guilty of using mines, and continued armed conflict throughout 2008 in the areas where many of these groups operate has perpetuated the problem. The ICBL has identified at least seven NSAs who used landmines in Burma during 2008, including the SPDC-allied Democratic Karen Buddhist Army (DKBA), United Wa State Army (UWSA), and Southern Shan State Army (SSS), and the opposition Karen National Liberation Army (KNLA), Karenni Army (KA), Shan State Army – South (SSA-S), and Monland Restoration Party (MRP), along with *"several other NSAGs [Non-State Armed Groups]"*.[39]

It must be noted, however, that though a number of NSAs have been identified as mine users, the extent of their use by all such groups is significantly lower than that of the SPDC. Moreover, the manner in which most of these groups deploy their mines also differs considerably from that of the SPDC.

As in previous years, a number of Burma's 'ceasefire groups' continued to use landmines during 2008 as one of their favoured methods of targeting armed opposition groups, to divide civilian populations from those groups, and to directly target the civilian population themselves. For example, there were numerous incidents reported throughout the year from Karen State of civilian villagers being injured and killed by DKBA landmines which had been deployed on the paths they use, in their fields and in their villages. According to one report filed by the Free Burma Rangers (FBR), DKBA soldiers had allegedly crossed the border into Thailand and laid a number of landmines along the border, one of which was stepped on by a soldier attached to the Royal Thai Army (RTA) on 11 October 2008. (For more information, see the incident below dated 14 October 2008).

Meanwhile, several of Burma's armed opposition groups continued to use landmines throughout 2008 in ambushes against SPDC army units and their allied ceasefire armies and to protect villagers and internally displaced communities from attack. While some of these groups claim to remove any unexploded landmines so as to minimise the risk to local populations, civilian villagers continued to be wounded, maimed and killed by the very landmines which had ostensibly been deployed to protect them. The Karen National Union (KNU), for example, has a stated policy of not only informing villagers of the locations of their mines, but also of removing mines when they are no longer deemed necessary (see the box below for the KNU Landmine Policy). In keeping with this policy, in December 2008, Saw Di Kwe, deputy battalion commander of KNLA Battalion #22, based in Pa'an District, Karen State insisted that:

> *"We use more landmines only when we hear our enemy [SPDC] is preparing to attack, when they retreat, we remove our landmines. Furthermore, we document our landmines areas [Sic.] in maps and inform villagers where they are. Unlike our enemies, we do not use them on paths or places where villagers usually are"*.[40]

However, despite these claims, in May 2008, an unnamed 24-year-old villager from Papun District, Karen State lost his right foot to a KNLA-deployed landmine while working in his hill field. In this particular incident, it is apparent not only that the mine had been laid in an area frequented by civilians but also that the soldiers responsible for deploying the mine had failed to inform the villagers of its presence. For more information, see the incident and accompanying photograph below.

KNU Landmine Policy

1. We use landmines to defend our people, our land and our base camps.
2. Our landmines are small, handmade of plastic pipe or bamboo, they only have a six-month lifespan.
3. If the enemy attack, we use, when they retreat we remove them.
4. If we put landmines in, we inform villagers where they are.
5. Our landmines are small, they are designed to wound, slow the enemy and delay their troop movements.
6. We don't want to use mines, but because of our situation – our army is small – we use them with restriction.[41]

On 12 January 2008, the Free Burma Rangers (FBR) reported that a month earlier, on 12 December 2007, two men and one woman were injured when an SPDC-deployed landmine exploded as they were performing forced labour maintaining a fence around an electricity pylon in Karenni State. According to the original report, the three villagers from Daw Paw Kler and No No villages in northern Karenni State had received their orders from LIB #261 to perform labour on one of the electricity pylons which form the electricity transmission line running from the hydroelectricity power plant near Lawpita. The ICBL later argued based on the available information, that the villagers were *"injured while repairing a fence around what appears to have been a minefield laid by the [SPDC] military"*.[42]

This photograph, taken in January 2008, shows Hsa K'Tray Saw, 13, blinded by an SPDC army landmine on 16 November 2007 as he returned to Lay Kee village with his family to see what could be salvaged from their abandoned village. For more information, see the incident below dated 22 January 2008. *[Photo: © FBR]*

On 22 January 2008, the Free Burma Rangers (FBR) reported that 13-year-old Saw Hsa T'Kray Saw was blinded by shrapnel from an SPDC-laid landmine in Toungoo District, Karen State on 16 November 2007. According to the report, Hsa T'Kray Saw and a number of his fellow villagers had returned to Lay Kee village to salvage what food and other belongings that were left behind after they had abandoned the village just before it was attacked by an SPDC army unit in August 2007. As he was waiting for his mother to return from collecting vegetables, he accidentally triggered a landmine which the SPDC army soldiers had planted in the village after the villagers had fled deliberately targeting any villager who returned to collect their belongings. The blast sent shrapnel into his torso and face, which left him blinded. The photograph reproduced above shows Saw Hsa T'Kray Saw as he was receiving medical attention from FBR medics in January 2008.[43]

On 13 March 2008, 16-year-old Naw Dah Gay Paw from Htee Mu Kee village in Papun District of northern Karen State lost her left foot after stepping on an SPDC-deployed landmine. According to the report published by the Free Burma Rangers (FBR), Naw Dah Gay Paw fled into the forest, along with approximately 1,700 other villagers when SPDC army units began mounting military assaults on undefended civilian villages in the area. It was believed that the SPDC army soldiers had laid many landmines in abandoned villages and on trails used by villagers as they moved through the region. The two photographs shown on the following page show Naw Dah Gay Paw at an unidentified clinic where she received treatment for her injuries.[44]

On 23 March 2008, Saw Wah Lay Mu, a civilian Karen villager from Aung Soe Moe village in Toungoo District, Karen State was wounded after stepping on a landmine which had been laid in the vicinity of his fields. It is believed that the mine had been deployed by SPDC army soldiers operating in the region.[45]

Also on 23 March 2008, Saw Hta Sei was killed by an SPDC-laid landmine near Kay Pu village in Lu Thaw Township of Papun District, Karen State. Though there is some disagreement over the victim's name, it is quite possible that this is the same incident which KHRG maintain claimed the life of *"Saw Plah See"*. Unfortunately, little other information has been made available regarding this incident.[46]

These two photographs depict 16-year-old Naw Dah Gay Paw at an unidentified clinic in Papun District, Karen State after stepping on an SPDC-laid landmine as she was attempting to flee from an advancing SPDC army unit. As can be seen in the photographs, the force of the blast blew off her left foot and also wounded her right leg. For more information, see the incident on the preceding page dated 13 March 2008. *[Photos: © FBR]*

It was reported that during April 2008, SPDC army soldiers from Light Infantry Battalion (LIB) #363 launched attacks on numerous civilian villages situated to the east of the Day Loh River in Toungoo District Karen State, including, but not limited to: Ler Ker Der Kho village, K'Yeh Yu village, Sho Ko village, Pra Mu Der village, Haw Law Gaw Lu Der, and Naw Kwe Koh village. The SPDC has never been able to maintain a presence in this area and have thus mounted regular attacks throughout this area over the past decade. A number of

villages were abandoned after their inhabitants fled into the surrounding forest ahead of the approaching SPDC army column. Some of the villages were destroyed by the soldiers and many were sewn with landmines in an attempt to dissuade the villagers from attempting to return to their homes or from collecting their belongings. A number of fields along with the trails leading to them were also reported as being mined by the departing soldiers. As a result, one villager was killed, and at least four were injured as they tried to return to their homes or farms to see what of their belongings they could salvage. On 20 April 2008, 52-year-old Naw Ku Say from Ler Ko village was wounded after stepping on a landmine. Two days later, on 22 April 2008, Saw Shwe Htet Moo Oo, 28, from Koh Haw Der village, bled to death after stepping on an SPDC-deployed landmine. The following day, on 23 April 2008, 25-year-old Saw Lah Pwe from Ler Ko village also fell victim to an SPDC army landmine. At the time of the original report, his status remained unknown. On 26 April 2008, Tha Yay Yuh villager, Saw Shee Sho, 25, lost his right foot to yet another SPDC-deployed landmine. Finally, on 3 May 2008, 27-year-old Naw Baw Yu from Sho Ko village, who had just returned home to visit her family after studying in Toungoo, stepped on a landmine which reportedly *"destroyed her left leg"*.[47]

On 22 April 2008, an unnamed Karen villager died after stepping on an SPDC landmine in an unspecified part of Karen State. The accompanying photograph shown above shows him as Karen medics worked to amputate his leg.[48]

This photograph, taken on 22 April 2008 shows a Karen medical team in the process of amputating a villager's leg after he had stepped on an SPDC army landmine. The unnamed villager reportedly later died, despite the best efforts of the medics who had attempted to help him. For more information, see the preceding incident dated 22 April 2008. *[Photo: © FBR]*

On 3 May 2008, an unnamed 21-year-old Karen woman had to have what remained of her left leg amputated after stepping on an SPDC-deployed landmine in Toungoo District, Karen State. See the photograph reproduced at the top of the following page.[49]

On an unspecified date in May 2008, an unnamed 24-year-old Karen villager from Htee Moo Kee village in Papun District, Karen State stepped on a landmine originally planted by KNLA soldiers. According to the source, he had been working in his hill field at Taw Moh Bpleh Meh in the vicinity of an SPDC army camp when he stepped on the mine. While the KNU claims that they inform local villagers of the locations of the mines they deploy and never lay landmines in areas frequented by civilians, this incident would suggest otherwise. The photograph reproduced at the bottom of the following page shows the victim as he was receiving medical care at an unidentified clinic on 23 May 2008.[50]

A 24-year-old civilian villager from Htee Moo Kee village in Papun District, Karen State receiving medical care after stepping on a KNLA-laid landmine in his hill field near an SPDC army camp at Taw Moh Bpleh Meh. For more information, see the incident listed on the bottom of the preceding page. *[Photo: © KHRG]*

The Free Burma Rangers (FBR) reported that an unnamed villager from Kyaw Nger village in Nyaunglebin District, Karen State had stepped on a landmine on an unspecified date in the first half of June 2008. According to report, which was deliberately vague on the details, presumably to protect the victim from repercussions, the villager had stepped on the landmine while attempting to mine for gold in the Kyaung Chay Thit Zone 4 area of Mone Township. The unnamed villager had allegedly approached a KNU officer for permission to mine for gold in the area, however, this permission was denied as the area was deemed off-limits. Despite this, the villager went ahead and entered the area anyway, stepping on the landmine in doing so. It remains unclear why the area was considered off limits by the KNU or who was responsible for having laid the landmine, although the SPDC has blamed the KNU for having planted the landmine. The villager was reportedly then taken to hospital in Kyauk Kyi for treatment where he was visited and interrogated at length by Tactical Operations Commander #2, Khin Maung Oo over the incident.[51]

Free Burma Rangers (FBR) medics performing a transfemoral (above the knee) amputation on a 21-year-old Karen woman after she stepped on an SPDC-laid landmine in Toungoo district in May 2008. Due to limited resources, such procedures are often performed in the absence of anaesthetic. For more information, see the incident dated 3 May 2008 on the preceding page. *[Photo: © FBR]*

On 24 June 2008, Saw Than Maung from Ma La Daw village in Karen State stepped on a SPDC-deployed landmine in the vicinity of Ta Kwey Lay Ko village in Mone Township of Nyaunglebin District. The original report failed to mention whether he had been killed or only wounded by the mine. His fate remains unknown.[52]

In the first half of August 2008, an unnamed SPDC army corporal from LIB #387 stepped on a landmine at Ka Moe Chi Kon village in the Wah Kee area of Kyauk Kyi Township, Karen State. In response, local SPDC army battalions enforced a blanket ban on travel between the plains and the hills, severely impacting upon local communities' livelihoods.[53]

On an unspecified date in August 2008, an unnamed KNLA soldier stepped on an SPDC-deployed landmine near Nya Baw Di Kee village in Lu Pleh Township of Pa'an District in Karen State. No other information was provided and his fate remains unknown.[54]

On 22 August 2008, KHRG reported that so far that year as many as seven civilian villagers had been wounded by landmines in Papun District of Karen State alone, and that two of the victims had died as a result of their injuries. The following table details these seven incidents. Many of the details were omitted in the original report to protect the victims from further repercussions.[55]

	Date	Name of Victim	Age	Sex	Village	Comments
1	15 March 2008	Naw D---	16	F	Ht--- village	
2	23 March 2008	Saw Plah See	45	M	Kay Pu village	Killed
3	4 April 2008	Saw B---	18	M	K--- village	
4	1 May 2008	Saw Hs---	18	M	T--- village	
5	3 May 2008	Saw Gk'---	20	M	K--- village	
6	17 May 2008	Saw P---	18	M	Gk--- village	
7	6 June 2008	Saw Gkler Htoo	39	M	Hih Po Der village	Killed

On 23 August 2008, Saw Maung Soe, 19, from Meh K'Naw village in Papun District, Karen State lost his right leg after stepping on a landmine. *"The landmine was close to the river side. I was lucky I went with my friend. … He looked after me and took me to my home"*, Saw Maung Soe said after the event. His family arranged to send him to a hospital in Mae Sot, Thailand for treatment – six hours away by car. His right leg was amputated above the knee and he spent the following ten days recovering in the hospital before returning home. Once his leg had healed sufficiently, he returned to Mae Sot to be fitted for a prosthetic leg at the Mae Tao Clinic (MTC). At the time of the original report, he was still awaiting his prosthesis.[56]

On 5 September 2008, Naw Say Paw, a 60-year-old Karen villager was killed by an SPDC army landmine in the Hsaw Wah Der area of Toungoo District, Karen State. Naw Say Paw, who had been forcibly relocated to an SPDC-garrisoned relocation site in the plains of western Toungoo District was killed as she returned to the hills to inspect her plantation, unaware that SPDC army troops attached to MOC #10 had sewn it with landmines.[57]

On 11 September 2008, two persons were killed and a further nine were wounded following two separate blasts, both believed to have been caused by landmines planted in downtown Kyauk Kyi, western Karen State. The mines, deployed outside a local video parlour and a nearby pharmacy were reported to have been detonated almost simultaneously. The names of the deceased were not given in the original article. It was reported that while landmine blasts occur on a regular basis in nearby rural areas, such explosions were *"considered rare"* within built up areas. According to an article in the SPDC-controlled *New Light of Myanmar*, Saw Ya Ko from KNLA Battalion #20 was arrested the following day for having deployed the

mines. This accusation was flatly denied by the KNU in a statement issued on 22 September; not particularly surprising inasmuch as there is no KNLA Battalion #20.[58]

On 25 September 2008, 35-year-old Saw M--- from Play Hsa Loh village in Toungoo District of Karen State stepped on an SPDC-laid landmine near his cardamom plantation. The force of the blast destroyed the lower portion of Saw M---'s right leg. He later received treatment at a nearby but unidentified clinic. (For more information, see the photograph reproduced below in the "Victim Assistance" section).[59]

At approximately 7:20 am on 10 October 2008, 42-year-old Saw Pha Klae from Htee Per Wah village in Lu Pleh Township of Pa'an District, Karen State lost his left foot to a landmine. The incident reportedly occurred as Saw Pha Klae had returned to the burned out shell of his former home in Htee Per Kee village to retrieve his pig. While the source stated that he had been forcibly relocated to Htee Per Wah village by DKBA soldiers, it was not said who had laid the landmine. The deployment of landmines in relocated, abandoned or destroyed villagers in rural Burma is a common practice employed by both the SPDC and the DKBA as a deterrent for villagers who may wish to return to resettle or to salvage what they can from the village.[60]

On 14 October 2008, it was reported that DKBA soldiers from #906, #907, and #333 Battalions operating in Dooplaya District of Karen State had recently commenced a fresh operation of mine laying as part of its ongoing campaign against Karen villagers and KNLA forces operating in the area. It was reported that on 11 October 2008, an unnamed Royal Thai Army (RTA) soldier was wounded after stepping on a landmine as his unit investigated a recent attack on a civilian village close to the border. The original report failed to clearly state which side of the border the Thai unit was operating on, but it is believed to have been on the Thai side and that the DKBA soldiers had illegally crossed the border to circumvent KNLA defences.[61]

On 28 October 2008, the FBR reported that a combined column of SPDC army and DKBA troops had commenced a fresh wave of attacks against civilian villages in parts of Pa'an and Dooplaya Districts of Southern Karen State. According to the report, approximately 150 soldiers moved through the area attacking villages and deploying landmines to limit the movement of internally displaced persons (IDPs). The FBR maintained that the deployment of landmines was *"making it very difficult for villagers to return [to their villages] and salvage food or belongings"*. Despite the dangers, some had attempted to do so and four villagers had been injured in the process.[62]

On 2 November 2008, two Karen villagers from Blah Toh village were injured in a landmine blast near Kler Law Say in Dooplaya District, Karen State. According to the report carried in the Karen-language *Kwekalu* newspaper, the two unnamed men had been forced to porter supplies for a combined SPDC and DKBA column during an assault on the KNLA #201 battalion headquarters at Wah Lay Kee. One of the villagers reportedly died immediately, while the other had been seriously wounded and left for dead by the SPDC/DKBA column. The survivor was later found by KNLA soldiers who arranged to send him to a hospital in Umphang, Thailand.[63]

On 5 November 2008, it was reported that four civilian villagers from Ker Law Lu and Htee Per Kee villages in Dooplaya District, Karen State had recently been wounded by landmines newly deployed by DKBA soldiers. The original report failed to mention to names of the victims or any further details.[64]

On 13 November 2008, a cow which had been grazing in a fallow paddy field, stepped on and was killed by an SPDC-deployed landmine in Maungdaw Township, Arakan State. The mine, deployed near border marker #44 near Kudik Kong village, was believed to have been

laid by NaSaKa personnel, who had been reported to have laid mines between border markers #37 and #58. It was reported that NaSaKa personnel had been planting large numbers of mines along the Burma-Bangladesh border since early November 2008, in response to heightened tensions between the two nations *"over gas and oil exploration in the Bay of Bengal"*.[65]

In the early hours of 15 November 2008, a landmine exploded near the Kon Don border checkpoint in Maungdaw Township, Arakan State. Very little information regarding the blast has been made available, but local sources have reported that they believe the mine had been triggered by smugglers.[66]

On 27 November 2008, KHRG field researchers photographed a water buffalo which had been killed by a DKBA landmine in Dta Greh Township of Pa'an District, Karen State. Villagers are not the only ones at risk of landmines deployed in rural areas of Burma. Large numbers of villagers' livestock also fall victim to landmines each year as they graze.[67]

It was reported in December 2008 that 30-year-old Saw Pha Nya Lu from Kaw Thu Kee village lost his right foot to a DKBA-laid landmine as he was attending to his crop in Lu Pleh Township of Pa'an District, Karen State. According to reports, the mine had been planted on a path leading to Saw Pha Nya Lu's paddy field.[68]

In December 2008, an FBR team member from Toungoo District in Karen State reported that during 2008 two women and five men had stepped on landmines in Toungoo District alone. The original report, however, failed to elaborate on any of the incidents.[69]

This 18-year-old Karen villager lost the lower portion of his left leg after stepping on an SPDC-deployed landmine on 4 April 2008 as he was attempting to flee from the SPDC army unit attacking his village in northern Papun District of Karen State. This photograph was taken almost three months later as he was recovering from the injury. For more information, see the list of mine victims shown above in the incident that had originally been reported on 22 August 2008. *[Photo: © KHRG]*

De-Mining Activities

According to the ICBL, there were no official humanitarian mine clearance programs conducted in Burma during 2008 by the SPDC or any other group. However, it was reported that on 29 June 2008, NaSaKa (Burmese Border Security Force) personnel held joint flag meetings in Cox's Bazaar, Bangladesh with their counterparts from the Bangladeshi Rifles (BDR) to discuss de-mining activities along the border, among other topics. According to reports, both groups had agreed upon the removal of antipersonnel landmines deployed along the Burma-Bangladesh border, although no mine clearance programs were reported to have been initiated in the area since the meeting.[70]

There were, as in previous years, some reports that certain NSAs opposing the central military regime had on occasion removed landmines planted in ethnic minority areas by SPDC army units. Credible sources have reported that some of these same NSAs have also removed landmines that they have planted if they were not detonated during the ambush for which they had been deployed.[71] Such activities, however, cannot be defined as humanitarian "minefield clearance", in which the mines are permanently removed to protect the civilian population from harm, but rather as military "minefield breaching" where only enough mines are cleared to allow a military unit to safely pass.

These two SPDC-produced M-14 Blast mines were lifted from the ground by KNLA soldiers in Papun District of Karen State in early 2008. these mines, like thousands of others like them had been planted by SPDC army soldiers in areas known to be frequented by civilians. For more information, see the incident listed on the following page. *[Photo: © KHRG]*

On 19 April 2008, Maung Aye, a Karen villager from Takaw Bpwa village in Mone Township of western Karen State was badly wounded after a landmine exploded in his face, sending shrapnel into his face and mangling his hand. While the original report did not state what Maung Aye was doing at the time, the nature of his injuries seem to indicate that he had been attempting to remove or defuse the mine when it exploded in his face. Unfortunately, the original source also failed to specify whether Maung Aye was a civilian or a combatant.[72] The same report, published by the Free Burma Rangers (FBR), documented a second case in which an individual was wounded while engaged in de-mining activities. According to the report, on an unspecified date during April 2008, 17-year-old Saw Kyaw Thay was killed as he attempted to remove a landmine from an unspecified location in Toungoo District of Karen State. The blast destroyed his hands and sent shrapnel flying into his face as he had attempted to defuse the mine. Again, it was not stated whether Saw Kyaw Thay was a

civilian or if he was affiliated with an armed opposition group and it remains unknown who was responsible for the initial deployment of the mine.[73] Although these two incidents (along with the six which follow) were the only cases that HRDU received reports of during 2008, it is quite safe to assume that there were a number of other examples of NSAs removing landmines from areas frequented by civilians, albeit without the disastrous results of these two cases (and thus not reported on).

KNLA soldiers reportedly engaged in de-mining activities in Papun District, Karen State at different times throughout 2008. According to KHRG, KNLA forces had removed a number of domestically-produced M-14 blast mines deployed by SPDC army units in civilian areas in Lu Thaw Township. The two mines shown in the following photograph were unearthed from the vicinity of Kay Pu and Tar Nya Lah Hta villages on 21 January and 13 February 2008 respectively, adding that SPDC army units had laid an unknown number of mines in civilian areas including *"along roads, in forests and farm fields; as well as in and around burned out villages"*. Other photographs from the same report showed more M-14 mines unearthed from other locations in Lu Thaw Township, including one from Saw Gheh Hta village on 16 May 2008, another from an unidentified hill field on 30 July 2008 and yet another from Htee Bpway Kee village on 5 August. All of these mines had allegedly been deployed by SPDC army units operating in the area.[74]

Meanwhile, in November 2008, KNLA soldiers defused an Improvised Explosive Device (IED) deployed by DKBA soldiers in Pa'an District. The device consisted of a hand grenade which was attached to a small sapling with elastic bands. A nylon cord was tied to the grenade's safety pin and stretched across the small trail as a trip wire. The photograph reproduced below shows the IED moments before it was disarmed by KNLA soldiers. In all likelihood, this grenade would have been redeployed by the KNLA against either the SPDC or the DKBA.[75]

This IED, consisting of a hand grenade attached to a tree and rigged with a tripwire was deployed by DKBA soldiers on a trail frequently used by civilian villagers in Pa'an District, Karen State. Please disregard the incorrect date stamped on the photograph. For more information, see the preceding incident. *[Photo: © KHRG]*

While the sporadic and typically *ad hoc* de-mining activities of NSAs are insufficient to adequately address the full scale of the problem, much of our knowledge of the mines being deployed by the SPDC and their allied ceasefire armies comes from reports of mines lifted from the ground by armed opposition groups. For example, our awareness of a number of

the newly-identified mines discussed in the preceding section (such the M-26 BFM and the VAR/40 BM) stems from intelligence shared by armed opposition groups.

While numerous armed groups operating on both sides of the conflict in Burma are responsible for the continued deployment of antipersonnel landmines, the HRDU is yet to receive any reliable evidence suggesting that any of these groups systematically map the locations of the mines which they deploy or the locations of areas known to be contaminated by landmines. Some observers, however, have suggested that certain armed groups have on occasion marked the presence of live minefields. The Karen National Union (KNU), for example, has maintained that it has been erecting landmine warning signs across all rural areas of Karen State which they have access to. A representative of the ICBL, however, has stated that despite the claims of the KNU, he has only witnessed two such signs.[76] Meanwhile, the photograph reproduced on the front cover of the *Landmine Monitor 2008: Burma/Myanmar*, taken in early 2008, clearly shows a sign placed by the SPDC in Ye Township, Mon State warning local civilians of the presence of landmines in the area. Similarly, the ICBL has maintained that marked and fenced minefields have been seen alongside a number of major roads in Tenasserim (Tanintharyi) Division, along the Kanbauk – Myaing Kalay gas pipeline traversing Karen and Mon States, and around the electricity transmission pylons originating from the Baluchaung hydroelectric power plant in Karenni State.[77] Previous editions of the *Burma Human Rights Yearbook* have reported that some armed opposition groups inform local villagers of the locations of mined areas. However, in many of the cases in which this happens the precise locations of the mines are typically withheld from the villagers who are usually only informed of the general area where mines have been laid.[78]

The widespread use of landmines by numerous different armed actors, the lack of any monitoring or mapping of their placement and the absence of any systematic de-mining programs in Burma collectively lead to a yearly net increase in the number of landmines deployed in Burma. Left *in situ*, landmines will remain an unseen threat to the civilian population for many years until they are either stepped on, accidentally unearthed or (preferably) whenever any serious attempts are made towards conducting a mine clearance program. Regrettably, until such time, civilians will continue to be wounded, maimed and killed as a result.

These four Karen villagers all lost their legs to SPDC-laid landmines in separate incidents. SPDC army units have been deploying antipersonnel landmines across Karen State and other parts of the country in their thousands over the past several years. Many of these mines have been planted in civilian areas and as a result, the vast majority of mine casualties now recorded in Burma involve civilians. *[Photo: © KHRG]*

Human Minesweeping

A number of credible reports published by local human rights organizations operating in Burma's areas of ethnic armed conflict have indicated that civilian villagers continued to be used as human minesweepers by SPDC army units and their allied ceasefire groups during 2008. Dubbed *"atrocity de-mining"* by some groups, the practice of human minesweeping involves forcing civilians to walk in front of military patrols in areas believed to suffer from landmine contamination. In the event that landmines are encountered, the 'expendable' villagers will absorb the blast, while the soldiers follow at a safe distance beyond the blast radius. Civilian villagers are also commonly ordered to serve as human minesweepers to safeguard military vehicles and other machinery such as bulldozers from the risk of landmines. In March 2008, two incidents were reported in which villagers were ordered to walk along a motor road in Toungoo District, Karen State ahead of an SPDC army bulldozer which was being used to maintain the road. (For more information, see the incidents listed below).

In the event that villagers are injured or killed in this manner, the soldiers typically deny all responsibility and refuse to provide any medical care or compensation to the victims or their surviving family members. There have been repeated cases reported where the victim has survived the blast, but was left for dead by the soldiers. On 5 October 2008, for example, there were two separate incidents in which Karen villagers, serving as human minesweepers for DKBA units in Pa'an District, Karen State, had stepped on landmines and were denied medical assistance. Both victims later died as a result.[79] Meanwhile, in June 2008, another Karen villager was injured by a landmine while acting as a porter and human minesweeper for the SPDC in Papun District, Karen State. Following the blast, the unit that he was portering for reportedly took him to their camp for treatment, but this proved to be ineffective and he too died as a result of his injuries.[80] (For more information, see the incidents listed below).

On 22 February 2008, Saw Bpo Heh, 35, from Bpaw Baw Hta village in Dooplaya District of Karen State was killed after stepping on a landmine while acting as a human minesweeper for DKBA soldiers. According to reports, a combined DKBA column comprised of soldiers from DKBA #907 and #999 Battalions lead by Mee Nyaw Thu entered the village and demanded several villagers to *"guide"* them to a nearby village. The villagers were ordered to walk in front while the soldiers followed at a safe distance behind. It remains unclear which armed group operating in the area was responsible for deploying the mine and thus also for Saw Bpo Heh's death.[81]

On 24 March 2008, 21 villagers from southern Toungoo District were ordered to perform forced labour on the road linking Ma La Daw and Bu Hsa Kee villages. Among this group, a number of villagers were forced to walk in front of the SPDC army bulldozer as human minesweepers lest any mines had been laid on the road by opposition forces. Of the 21 villagers, nine were reportedly from Yu Lo, two were from Ka Mu Lo and a further ten were from Ma La Daw. It remains unclear, however, exactly how many of these villagers were forced to be human minesweepers.[82]

On 30 March 2008, Saw K'Lu Htoo from Maw Ko village in Toungoo District, Karen State was badly wounded after stepping on an SPDC-deployed landmine. According to reports, SPDC army soldiers from Military Operations Command (MOC) #21 had forced him to walk ahead of a bulldozer as a human minesweeper.[83]

On 10 June 2008, an unnamed Karen villager died after stepping on a landmine while serving as a military porter and human minesweeper for the SPDC. According to reports, the villager, from Bu Tho Township in Papun District, Karen State, was among a group of

four villagers forced to porter loads for the SPDC by LIB #343 Battalion Commander Myo Min Aung. According to one of the other villagers present, the victim was taken back to the Gk'Hee Gkyo SPDC army camp for treatment where he died later that same day.[84]

On 3 October 2008, a number of civilian villagers were forced to serve as human minesweepers by DKBA soldiers operating in Pa'an District, Karen State. According to a report by the Karen Human Rights Group (KHRG), Maw Lah Wah of DKBA Brigade #999 ordered five villages in T'Moh village tract to each send between three and five villagers to porter supplies for his unit while walking in front of the soldiers lest the KNLA had planted landmines along the trail. Those villages which had received this order included:

1. Htee Bper village;
2. T'Wee Koh village;
3. Toh Gkyeh Gkwee village;
4. Htee Bper Kee village; and
5. Greh Nee village.[85]

At approximately 2:30 pm on 5 October 2008, Saw Pah Doo, a 48-year-old Karen civilian villager from T'Kreh Ni village, stepped on a landmine while walking in front of a DKBA patrol as a human minesweeper in T'Moh village tract of Pa'an District, Karen State. The DKBA soldiers were reportedly from DKBA #999 Brigade, Battalion #2 (Saw Maung La Wah commanding). The soldiers who had forced him to walk ahead of them refused to accept responsibility and thus also refused to provide him with medical care. He later died as a result.[86]

Also on 5 October 2008, 62-year-old Saw Ngah Gkyar from Pah Khay Gkwee village stepped on a landmine near Htee Per Kee village at approximately 8:30 pm while being forced to serve as a human minesweeper for DKBA troops in Pa'an District. A separate report by the Centre for Internally Displaced Karen Persons (CIDKP) maintained that he had been forced to be a minesweeper by a DKBA officer by the name of Bo Young Ni, although failed to mention which unit Young Ni was attached to. After he had stepped on the landmine, the DKBA did not provide him with any medical attention, nor evacuate him to a medical clinic for treatment. He later died from the injuries that he had sustained in the blast.[87]

In her 16 November 2007 report to the UN Secretary General on the use of child soldiers in Burma, the UN Special Representative for Children and Armed Conflict Radhika Coomaraswamy had alleged that the SPDC-allied the Karenni National People's Liberation Front (KNPLF) had used some of the many child soldiers within its ranks to *"search for landmines"* which had been deployed *"other armed groups"*.[88]

Mine Risk Education

As in previous years, there were no official Mine Risk Education (MRE) programs conducted by the SPDC in Burma during 2008. The ICBL stated in its *Landmine Monitor* report that *"[d]espite a large mine problem and significant mine/ERW [explosive remnants of war] casualties, mine/ERW risk education … is either non-existent or inadequate in areas with reported casualties"*.[89]

The few MRE programs which were run in Burma and in refugee camps in neighbouring countries were conducted on an *ad hoc* basis by Non Governmental Organizations (NGOs), Community-Based Organizations (CBOs), and certain NSA groups. For example, in December 2008, the Centre for Internally Displaced Karen Persons (CIDKP) reported that they were working with other CBOs in the implementation of its MRE programs. According to reports, the CIDKP MRE teams worked with the Karenni Social Welfare and Development Committee (KSWDC) in Karenni State throughout 2008. They also reported that they had been working with the Karen Department of Health and Welfare (KDHW) and the Backpack Health Worker Teams (BPHWT) in Tenasserim Division. The report further maintained that the CIDKP operated 16 MRE teams in four different states in Burma. While the report failed to elucidate exactly which four states these were, it is probable that they would include Karen, Karenni and Mon States, along with Tenasserim Division.[90] MRE team member Saw Lah Soe, stated that inter-organizational collaboration of this sort has proven to be very effective, and that as a result, attendance to their MRE programs has increased by up to 60 percent over the past year, although no further statistics were provided.[91] Danish consultant to the CIDKP MRE program, Bee Jay, added that *"Mine Risk Education is one of the methods being used to reduce both kinds of accidents [mine casualties as a result of mines deployed by both the SPDC and the KNLA]. … They definitely save lives and limbs with their voluntary education programs in their home areas. Without these efforts, the statistics would look even grimmer"*.[92]

Meanwhile, KNU General Secretary, Naw Zipporah Sein has claimed that the KNU also implements its own MRE programs among local communities in parts of Karen State that the KNU is able to access: *"We run education programs to warn villagers of the risks and our soldiers de-mine areas where the Burmese army have planted mines and booby traps"*.[93] However, despite these claims of the KNU, villagers continued to be wounded by landmines which had been deployed by KNLA soldiers in areas known to be frequented by civilians. For further details, see the incident and accompanying photograph from May 2008 shown above.

Previously unreleased information collected by the Thailand Burma Border Consortium (TBBC) in 2005 indicated that only a small percentage of internally displaced villagers living in landmine contaminated parts of eastern Burma had stated that they had ever seen landmine warning signs erected by the SPDC or NSAs. Awareness of the presence of landmines was said to be passed among community members verbally or whenever a casualty occurred. In parts of Karen State, armed opposition groups were reported to be one of the main sources of information on the location of mined areas, while further north in Karenni State, SPDC army units were attributed with passing on the majority of these verbal warnings.[94] (For more information on the marking of minefields, see "De-mining Activities" above).

As in previous years, MRE programs continued to be conducted in the numerous refugee camps located along the Thai-Burma border. Such programs are implemented by various different NGOs, including the Jesuit Refuge Service (JRS) and Handicap International (HI).

Victim Assistance

With an annual budgetary allocation the equivalent of only 0.3 percent of the nation's Gross Domestic Product (GDP), Burma's healthcare sector remains the lowest funded in the world. This appallingly low level of funding equates to an average annual expenditure of only US$0.70 on healthcare per capita.[95] (For more information, see Chapter 11: Right to Health). When faced with these damning statistics, it is hardly surprising that the level of survivor assistant afforded to landmine victims in Burma remains woefully inadequate.

Contrary to the claims of the SPDC, precious little assistance is provided to those who fall victim to landmines in Burma. The small amount of assistance which is offered is generally reserved for members of the armed forces; while civilian mine victims are typically left to fend for themselves. The SPDC characteristically denies all responsibility for civilian landmine victims despite the fact that the vast majority of landmines which now contaminate the country were deployed by SPDC army units and that those same units continue to force villagers against their will into areas known to be contaminated by landmines as forced labourers and human minesweepers. Whenever a civilian is injured or killed in a mine accident, SPDC army units usually absolve themselves of all liability by blaming armed opposition groups for having laid the mine and advise the victim and their family to turn to them in search of accountability and compensation. Not only do SPDC army units typically deny all responsibility for civilians injured while performing services for the military, but mine victims are often left for dead where they lay.

Those occasions in which SPDC army units provide civilians with medical care are few and far between. For example, the HRDU only received one report from 2008 in which an SPDC army unit provided medical care to a civilian who had been wounded by a landmine while forced to serve as a military porter in frontline areas of Karen State. However, even in this rare case, that which was provided was inadequate and the victim died later that same day as a result of his injuries (For more information, see the incident dated 10 June 2008 in the preceding section dealing with "Human Minesweeping").[96]

A 35-year-old Karen villager recovering at an unnamed local clinic in Toungoo District, Karen State in November 2008 after stepping on an SPDC-deployed landmine as he was walking to his cardamom plantation two months earlier. It is typical for civilian mine casualties to receive medical care from armed opposition groups owing to the near-complete denial of responsibility of the SPDC. For more information, see the incident above dated 25 September 2008. *[Photo: © KHRG]*

Civilian landmine victims must rely primarily on emergency assistance from medics affiliated with armed opposition groups and local independent aid organizations that travel into conflict areas with backpacks full of medical supplies. The Backpack Health Worker Teams (BPHWT), the Free Burma Rangers (FBR), and the Karen Department of Health and Welfare (KDHW) are three such groups identified as travelling into contested regions of eastern Burma to provide medical services, including emergency care for landmine victims.[97] A spokesperson for the KDHW stated in an interview in March 2008 that the KDHW ran 33 mobile clinics in different parts of Karen State, serving an estimated 106,000 patients.[98] Meanwhile, in January 2009, FBR representatives stated that they had 48 active relief teams operating in five different states in Burma (including Karen, Karenni, Shan and Arakan States and Tenasserim Division).[99] While such groups do all they can to help mine victims, their resources are limited, as are the areas to which they can access mine victims, and unfortunately, the demand remains much greater than that which they are able to supply.

A number of international organizations working inside the country through official channels have also continued to provide victim assistance to landmine survivors; however, their capacity to do so was limited during 2008. In May 2008, it was reported that the International Committee of the Red Cross (ICRC) had discontinued a number of its programs over the past year. According to the report, the ICRC withdrew support from three physical rehabilitation centres administered by the SPDC Ministry of Health and a further three managed by the Ministry of Defence. The assistance was reportedly suspended in June 2007 as a result of restrictions imposed by the SPDC which prevented the ICRC from *"discharging its mandate in accordance with its standard working procedures"*.[100] According to a second report released by the ICRC in May 2008, the only rehabilitation program which continued to be supported by the ICRC was the Orthopaedic Rehabilitation Centre in Pa'an, Karen State. In December 2008, Djordje Drndarski, the deputy head of the ICRC delegation in Rangoon, maintained that the ICRC continued to *"treat 600 people a year [and that] Most of those being helped with our prosthetic services are adults"*.[101] In response to the reduction in ICRC services and activities, the Myanmar Red Cross (MRC), which works in partnership with the ICRC on many of its programs inside the country, limited its outreach work to areas in the close vicinity of Pa'an. Moreover, the Myanmar Red Cross reportedly stopped referring landmine victims to SPDC-run hospitals and clinics. According to the ICBL, as a result of the reduction of assistance provided by the ICRC, *"access to services became difficult for persons with disabilities"*.[102]

Support for the ICRC War Wounded Program (in which the ICRC meets the medical costs of individuals injured by landmines and other weapons in Burma) was also pulled in mid-2007, owing to the ICRC's stated inability to *"monitor the activity"* of the program. The program, however, reportedly continued to provide medical care and services to mine victims from Burma who are able to cross the border into Thailand.[103]

Mine victims from Burma have been able to seek medical treatment from various public hospitals and refugee camp clinics in a number of Thailand's border provinces, including Tak, Chiang Mai, Mae Hong Son, Kanchanaburi and Ratchaburi.[104] According to the *Landmine Monitor 2008*, the Mae Sot General Hospital in Tak Province provided emergency medical care to 63 mine survivors during the reporting period, while the Srisungval Hospital in Mae Hong Son Province cared for a further four. The Mae Tao Clinic (MTC) located on the outskirts of Mae Sot also continued to provide emergency care to mine victims throughout 2008, although little information has been made available regarding the number of patients treated during 2008.[105]

The MTC also continued to provide physical rehabilitation and prosthetic services to its patients throughout 2008. In December 2008, a staff member from the MTC prosthetic department stated that each month *"the clinic registers an average of about 20 prosthetic leg [fittings]"*.[106] Clear Path International (CPI), the Karen Handicap Welfare Association

(KHWA), the Shan Health Committee (SHC), and Care Villa in the Mae La refugee camp in Tak Province, Thailand were also said to have provided assistance to mine survivors throughout 2008.[107]

In December 2008, it was reported that a new initiative was underway to construct a prosthetic clinic deep in the forests of northern Karen State. According to reports, the clinic is said to utilize a combination of women's stockings, beach sand, a pizza oven and a vacuum pump in the manufacture of tailor-made prosthetic limbs through a process known as CIR prosthetic casting. The process utilizes reusable materials such as sand, rather than the traditional plaster, and can provide amputees with new limbs in a single visit within a matter of hours. The CIR process, named after the Chicago-based Centre for International Rehabilitation (CIR) who developed it, takes an impression of the victim's stump in sand, and uses this mould to cast a prosthesis custom fit the victim's stump. To make the cast, the amputee first places their stump into a bag of fine sand to form an impression of it. All of the air is then sucked out of the bag using the vacuum pump, leaving the sand as hard as a rock. From the negative mould made in the sand, a positive mould is made. The positive mould (which is a precise copy of the amputee's stump) can then be *"modified to create pressure reliefs or pressure bearing areas within the socket"*. Finally, the pizza oven is used to soften the polypropylene which is then poured into the mould to create the tailor-made socket for the prosthesis. The system has reportedly already been used in different parts of the developing world with great success, including parts of Africa and Latin America, as well as in India and Vietnam. The clinic is the first of its kind for Burma and, according to some sources, is *"more advanced than any other NGO prosthetic workshop in and around Burma"*. Providing the success of this first clinic in northern Karen State, further clinics are slated for construction, including a second in southern Karen State.[108]

An undated photograph of a transfemoral (above the knee) landmine victim from Karenni State. The SPDC typically denies all responsibility for the civilian victims of its mines. Little to no assistance is ever provided by the SPDC and mine survivors such as the man shown in this photograph are required to obtain emergency care and physical rehabilitation services from independent aid organizations or opposition groups. *[Photo: © Yeni/Irrawaddy]*

While Burmese domestic law stipulates that civilians who suffer permanent disabilities are entitled to a tax-free stipend from the State, there is no evidence to suggest that any mine victims received any sort of financial assistance from the SPDC during 2008. Meanwhile, military personnel who suffer mine injuries are supposed to be provided with employment within the civil service with a salary at the equivalent to that which they were earning while in military service.[109] In practice, however, such benefits are rarely distributed equitably with such positions typically only being offered to officers, while enlisted soldiers are discharged

with no pension or compensation and are left to fend for themselves. An unnamed sergeant from Light Infantry Division (LID) #88 has claimed that, *"If a rank-and-file soldier gets injured, he is no longer considered fit to serve his country"*. On the contrary, an officer will typically be offered a position within the military bureaucracy or civil service where he can retain the privileges associated with his rank.[110]

Forcing even greater economic hardship onto disabled enlisted soldiers, in late 2007, the SPDC Ministry of Defence overturned a former policy which previously allowed disabled SPDC army personnel to live in military housing compounds after they were no longer able to perform active duty. One unnamed officer attached to LIB #702 based in Hmawbi Township in Rangoon Division stated that, *"Before they could stay as long as they wanted … [b]ut now the commanding officers don't want them to stay and expel them from the compounds"*.[111]

An article published in the *Irrawaddy* news magazine maintained that the Ministry of Social Welfare provided veteran mine victims with a State-sponsored vocational training program throughout 2008. According to the article, disabled soldiers were able to learn *"practical subjects"* such as photography, hairdressing, electronic repair, garment dying and sewing at one of three training facilities located in Pyinbongyi in Pegu (Bago) Division, as well as in two other unspecified locations in Pegu Township in Pegu Division and Kyaukse Township in Mandalay Division. An SPDC army sergeant affiliated with one of the schools has asserted that *"Every physically disabled person who was injured in fighting against insurgents can attend the school. However, the schools can't accept all applicants, because two of the schools do not have enough accommodation or trainers"*. Unfortunately, no further information has been made available on the training centres, their programs or the number of mine victims that they are able to provide for.[112]

Meanwhile, in November 2008, it was reported that the Japanese Association for Aid and Relief (JAAR) had provided 11 mine survivors with vocational training during 2007, although, it was not clarified what these trainings entailed, nor what services had been provided during 2008.[113]

4.3 Unexploded Ordinance and Explosive Remnants of War

Very little information exists regarding the amount of Unexploded Ordinance (UXO) and Explosive Remnants of War (ERW) in Burma. Though the extent of the problem remains unknown, certain areas of Burma, particularly those in the eastern parts of the country adjacent to the Burma-Thailand border which have suffered from extensive armed conflict, are known to be contaminated by a considerable quantity of UXO. The "Dangerous Areas Survey" conducted by the Committee for Internally Displaced Karen Persons (CIDKP) and the Karen Department of Health and Welfare (KDHW) in contested regions of Karen State in 2006 has reportedly recognized numerous areas where UXO has been identified as a problem.[114] However, the findings of this survey have not been made publicly available and the number of areas in which UXO has been found and the locations of these areas remain unknown.

Unexploded Ordinance (UXO) and Explosive Remnants of War (ERW) are typically defined as explosive ordinance which did not explode on impact and thus remain active and dangerous for civilian populations living in the area. While cluster munitions are arguably one of the most pervasive forms of UXO globally, the HRDU is not aware of there ever having been any reported cases of individuals being wounded or killed by these devices in Burma. The more common UXO found in Burma include defective mortars, rocket-propelled grenades (RPGs), and rifle grenades which have been fired either during armed conflict or directly on undefended civilian villages. The majority of the cases which have been recorded in previous years have involved mortar rounds or RPGs which had been fired on civilian villages and IDP hiding sites and had failed to explode, but had been later accidentally detonated by civilian villagers.

This defective 60 mm mortar shell was fired by SPDC army soldiers at an unspecified civilian village in Papun District, Karen State on an unspecified date in early 2008. Luckily for the villagers, the shell had failed to explode on impact. *[Photo: © KHRG]*

It has been speculated that a considerable proportion of SPDC ordinance is defective and fails to explode on impact. A representative of the Free Burma Rangers (FBR) has informed the HRDU, based on personal experience and the expertise of FBR relief team members, that *"at least 10% [of the] ordinance used by [the] SPDC are duds,"* while the percentage of defective SPDC-manufactured ordinance is *"more like 15%, and in the case of mortar rounds up to 20%"*.[115]

While the number of casualties caused by UXO in Burma each year is unknown, what little evidence is available suggests that the number of incidents arising from contact with UXO is considerably lower than those associated with antipersonnel landmines and IEDs, and though the picture is far from complete, various local organizations continued to record incidents involving UXO throughout 2008. The Karen Human Rights Group (KHRG), for example, published numerous photographs of defective mortars and RPGs which SPDC army soldiers had fired upon civilian villages throughout the year.

This unexploded Chinese-made Type 69 RPG round was fired at Htee Ber Kee village in Pa'an District, Karen State by DKBA soldiers in October 2008 after the villagers had failed to relocate to a nearby DKBA-garrisoned village as ordered. According to the KHRG, following the forced relocation orders, two to three similar RPGs were fired at the village each day for a week in an inept attempt to dissuade the villagers to move under direct DKBA control. Please disregard the incorrect date stamped onto the photograph. *[Photo: © KHRG]*

4.4 A Year of Living Dangerously - Explosions on the streets

Bomb Blasts

The year 2008 brought a spate of inexplicable bomb blasts to the streets of Rangoon and other parts of the country. During 2008, there were 22 separate explosions reported, in which at least nine people were killed and a further 15 were injured. Reports carried by SPDC mouthpiece, the *New Light of Myanmar* have alleged that a further six devices were discovered and defused by security personnel at the time of and close to the scenes of a number of these incidents.

In almost every reported case, the SPDC was quick to level blame for the explosions on "*terrorist insurgent"* groups; a common euphemism for opposition groups such as the KNU, SSA-S, ABSDF, and others, and many news reports on the explosions have seemingly accepted this assessment as a plausible explanation. However, the HRDU is not so easily convinced.

It is quite doubtful that an opposition group such as the KNU was responsible for these blasts, as has been repeatedly alleged by the SPDC. At the time of publication, the KNU had been actively opposing the regime for 60 years in what has become the world's longest continuous armed insurgency. Throughout the entire duration of their insurgency, the KNU has been confronted by a far larger and better equipped combative force. The very fact that the KNU continues to oppose the junta six decades later is testament to the skill of its soldiers and their adaptability to changing circumstances. It is therefore highly unlikely that an armed group with sixty years combat experience would commit their limited resources to inept attempts at blowing up infrastructure which possess absolutely no military or strategic significance. Furthermore, the HRDU finds it equally implausible that such an experienced and obviously skilled fighting force would consistently fail to destroy their targets. In apparent agreement, Thailand-based Burmese military analyst Htay Aung has asked, *"If any group [armed insurgents] wants to explode bombs, why would they want to do it in toilets and in dustbins? They would directly place their bombs near their target"*.[116]

Similarly, in the vast majority of cases, the explosions have been small, have caused minimal damage to infrastructure, and the only reported deaths have been among the civilian population. These attacks hardly sound like the tactics that an experienced and combat-proven insurgent force would employ.

Furthermore, for a number of the cases detailed below, it was reported that security officials, soldiers, and police officers had arrived on the scene remarkably quickly following the initial blast. For instance, one Rangoon resident reported that as many as 7,000 police officers had suddenly appeared on Rangoon's streets within minutes of an explosion that had occurred at a busy Rangoon bus stop in September 2008 on the eve of the one year anniversary of the crackdown on the Saffron Revolution protests, suggesting that the authorities were either readied at a superhuman state of alertness or that they had prior knowledge of the explosion.[117] (For more information on the Saffron Revolution protests, see the HRDU report *Bullets in the Alms Bowl: An analysis of the brutal SPDC suppression of the Saffron Revolution*). Meanwhile, eyewitnesses have testified that it took the authorities five hours to arrive on the scene after the compressed natural gas (CNG) tank on one of Rangoon's public buses had unexpectedly exploded in the early morning of 13 October 2008. The bodies of the seven commuters killed in the blast lay strewn across the road for the five hours that it took the police to arrive (For more information, see the following section on "Bus Explosions").[118]

In addition to the improbable speed at which security personnel have supposedly responded to these bomb blasts, in a number of incidences, they have also reportedly discovered and defused additional devices before they too could be detonated. According to reports, a number of these secondary devices had been well hidden, and their miraculous discovery in some highly obscure locations raises questions regarding how the authorities knew to look there. For example, following the explosion at the No. 45 bus stop in Rangoon on 25 September 2008 briefly described above, a second bomb was allegedly found inside an innocuous-looking cassette recorder nearby.[119]

However, despite the claims of the SPDC, the HRDU believes that a far more plausible explanation would be that it is the SPDC themselves who are planting and detonating these bombs. Though few reports are arriving at this conclusion, it would appear that the HRDU is not alone in holding this belief. Following the two explosions in Rangoon on 20 April 2008, one unnamed male Rangoon resident ventured that:

> *"We even wonder if the bomb last weekend was planted by the authorities to blame those who are against them. … Whenever a bomb explodes, no responsible person is found or brought to justice. But they will arrest a man from an opposition party and force him to admit that he planted the bomb"*.[120]

Similarly, writing in response to the arrest of well-known activist Myint Aye following the explosion outside the Shwepyitha Township Union Solidarity Development Association (USDA) office in Rangoon on 1 July 2008, an unnamed member of the Asian Human Rights Commission (AHRC), publishing under the pseudonym Awzar Thi stated, *"While supposed bombers are locked up, bombs keep going off. … For years the authorities have responded to bombings not through credible inquiries or arrests of genuine suspects but through the same sort of finger pointing and jailing of troublemakers"*.[121]

Meanwhile, certain commentators have alleged that the SPDC is using the bomb blasts to instil a sense of nationalist fervour among its cadres to unite the military under one banner. Win Min, a Burmese analyst based in Thailand has argued that, *"If the military feels that there is an enemy, it is easier to unite. So, it might be possible that the junta wants to inculcate this sense by declaring the KNU as a common enemy of the military"*.[122]

While this explanation is certainly possible, the HRDU agrees with the first theory proffered and believes that it is more likely that the SPDC has been deploying these devices in an attempt to discredit those groups which continue to oppose them in addition to validating their own existence. If this is true, this would not be the first time that the regime has turned to employing this strategy. For example, on 25 August 1988, in the aftermath of the 1988 pro-democracy demonstrations and subsequent massacre; approximately 9,000 violent criminals were released from prisons across the country with no provision of food or money. Violent crime and looting quickly escalated across the county which the military then used to justify its continued rule.[123] Similarly, on 30 May 2003, members of the SPDC-sponsored USDA and other State-organized individuals ambushed and attacked Daw Aung San Suu Kyi's motorcade with bamboo sticks and metal rods on the outskirts of Depayin in Sagaing Division, resulting in the deaths of an estimated 70 persons. NLD Deputy Chairman U Tin Oo, and all members of the NLD Central Executive Committee were arrested and Daw Aung San Suu Kyi was placed back under house arrest *"for her own safety"*.[124] More recently, during the September 2007 'Saffron Revolution' protests, numerous reports had claimed that the SPDC had infiltrated members of the USDA and *Swan Arr Shin* ("masters of physical force") among the protestors, many of them dressed as monks, whose job it was to incite violence and *"taunt the security forces"* so that the SPDC could be justified in its violent suppression of the demonstrations.[125]

The following is a chronology of reported bomb blasts that occurred throughout Burma during 2008.

At approximately 4:00 am on 11 January 2008, one unnamed 40-year-old woman was killed in the first bomb attack to have occurred in Naypyidaw since the SPDC established the site as their new capital in November 2005. According to reports, the bomb had been planted in a toilet at the Naypyidaw railway station, although no further information was given. Later reports maintained that the SPDC had accused the victim of being responsible for having planted the bomb on behalf of the KNU. Reports carried in the *New Light of Myanmar* have typically levelled blame at dissident groups opposing the regime with little to no evidence to support such claims. Such allegations are characteristically vague and often do not name the organization which they are referring to: *"Terrorist saboteurs have been sent into the nation across the border together with explosives to perpetrate destructive acts under the scheme of a group from abroad"*.[126]

On 13 January 2008, a 73-year-old woman was injured when a bomb exploded at the intersection of Sule Pagoda Road and Bogyoke Aung San Road in Rangoon. According to an unnamed official at the Rangoon central railway station, *"At around 2:30 pm, a bomb exploded at the advance ticket counter across the road from the railway station"*.[127]

On 16 January 2008, a bomb exploded aboard a passenger bus travelling between Kyaukkyi in Pegu Division and Rangoon, killing the driver. According to reports, which drew their information from an article published in the SPDC-controlled *New Light of Myanmar*, the explosion ripped through the bus, killing 35-year-old Lwin Soe as the bus had pulled over to a roadside restaurant in Pyinpongyi village in Pegu Township, Pegu Division at approximately 8:45 am. As per usual, the SPDC pointed an accusatory finger at unnamed insurgent groups, to which KNU spokesperson, Saw Hla Nye, countered by alleging that, *"The military regime is engineering the blasts themselves for diverting attention of the people from their evil doings"*.[128]

On 30 January 2008, Major Saw Leh Mu of the SPDC-allied Karen National Union / Karen National Liberation Army Peace Council (KNU/KNLA PC) was killed in an explosion which was believed to have been a targeted assassination. Leh Mu was the son-in-law of KNU/KNLA PC commander, Brigadier General Htain Maung. A spokesperson for the DKBA reported that, *"We don't know how powerful the explosion was, but someone who saw the bomb scene said that his body was blown into small pieces"*.[129]

On 6 February 2008, it was reported that police officers and intelligence officials had been conducting searches of cinema-goers in Rangoon, presumably in response to the spate of bombings which wracked Rangoon during January. According to one movie-goer, all bags were searched for explosives and no one was permitted to leave the cinema before the end of the film: *"If someone wants to leave the cinema before the movie finishes, they have to have their fingerprints taken by security officials"*. No bombs were reported as having been found during any of the searches. Another movie-goer expressed the sentiment felt by most of those who were subjected to the searches when he said, *"I don't like the way they treat us like criminals with their serious faces while they search us. I come to the cinema for recreation, not to stage a revolution"*.[130]

On 9 February 2008, a bomb hidden in a garbage bin exploded near the approaches to Sitkhine Pawndawgyi Bridge in Sittwe, Arakan State. The blast reportedly damaged three military vehicles parked nearby, although no human casualties were reported. Reports have alleged that the bomb had been deployed by local inter-city bus drivers, disgruntled over fuel rationing and who had been engaged in disputes with police officers and fuel merchants the night before. The HRDU believes that while this theory is possible, it is somewhat unlikely.[131]

At approximately 3:00 am on 18 February 2008, four small bombs exploded at the Golden Triangle Paradise Resort Hotel in Tachilek, Shan State. Reports maintained that there were no casualties and only minor damage was done to the hotel. According to reports, the four bombs were detonated in seemingly random locations in and around the hotel, including: near a tea shop within the hotel compound, in the staff living quarters, and two more in the grounds of the hotel. One hotel employee stated on condition of anonymity that *"the blasts did not appear to be dangerous but were rather meant to scare guests and employees"*. Later that same morning, an estimated 70 Thai guests all checked out of the hotel. The series of explosions came only days after SPDC-controlled media had warned of imminent bomb blasts carried out by *"destructionists"* intent on causing public panic. While some local residents believed that the bombs had been planted by rival businessmen, the SPDC was quick to lay blame for the explosions on the opposition Shan State Army – South (SSA-S). An unnamed employee of the hotel added that:

> *"For now, no one is sure which group placed the bombs, but the SPDC has blamed the Shan State Army [South] (SSA). But the hotel is in the [area] controlled by the Burma Army soldiers and also the place is close to the border police station and immigration department. We have never seen the Shan soldiers or any rebel soldiers here before"*.[132]

SPDC army soldiers stationed in front of Rangoon City Hall. In September 2008, thousands of SPDC army soldiers, police and other security personnel were rapidly deployed on Rangoon's streets immediately following an explosion near the popular Maha Bandoola Park. Security personnel reportedly conducted thorough searches of all public buses and taxis, recording the names, addresses, ID numbers and the purpose of visit of every passenger. It has been speculated that the SPDC had deployed the bomb themselves to justify their heavy security presence throughout Rangoon on the eve of the one year anniversary of the crackdown of the September 2007 Saffron Revolution protests, and that the checks on the passengers had been conducted not in search of further explosives but to locate any potential dissidents. *[Photo: © Mizzima News / IHT]*

At approximately 12:30 am on 12 April 2008, a bomb exploded in Wanpang village of Laikha Township, Shan State, reportedly injuring five people. While the *New Light of Myanmar* maintained that a member of the opposition SSA-S had thrown a hand grenade into the crowd as they were making preparations for the *Thingyan* water festival, local sources have disagreed, stating that *"No one threw a hand grenade … it was an old homemade bomb that exploded because of the heat"*. While Wanpang village is located in an area controlled by the SSA-S splinter faction colloquially referred to as Mongzeun's Group, Major Lao Hseng, a

spokesperson for the Restoration Council of Shan State (RCSS) has asserted that, *"It is not our policy to kill innocent people. The SPDC is accusing us to get more support from people for the upcoming referendum. They are twisting facts to mislead the people"*. According to reports, those injured included:

1. U Nyan Aung;
2. U Pai Aung Kham;
3. U Myint Thein;
4. U Own Pe; and
5. Nang Tin.[133]

On 20 April 2008, two separate explosions occurred in downtown Rangoon near the Traders Hotel and Rangoon City Hall. Both explosions were small in scale and neither caused any injuries. The English-language SPDC mouthpiece, the *New Light of Myanmar*, reported that a 30-year-old man named Mone Dine, allegedly affiliated with the Vigorous Burma Student Warriors (VBSW; perhaps best known for their seizure of the Burmese embassy in Bangkok in 1999), was responsible for planting the bombs. The article was accompanied by a photograph which was said to be a security camera image depicting the suspect carrying explosives behind the Traders Hotel where one of the blasts had occurred. It was later reported on 8 September 2008, that the VBSW had accepted responsibility for having planted the bombs.[134]

At approximately 6:00 am on 1 July 2008, a bomb was detonated outside the local Union Solidarity Development Association (USDA) office in Shwepyitha Township, Rangoon. No one was injured in the blast as all persons present in the building on the day suspiciously went out *"on the street to see a car accident which took place in front of the office about five minutes before the bomb exploded"*. No casualties were reported. That evening, 62-year-old executive member of the Shwepyitha Township branch of the National League for Democracy (NLD), Khin Maung, was arrested in relation to the incident. The following day, on 2 July, the Vigorous Burma Student Warriors (VBSW) claimed responsibility for the attack, stating that it was a warning to the USDA to *"stop acting as the junta's puppet organization"*. In spite of this, three more NLD members were later arrested and tried over their suspected involvement in the blast. According to reports, those arrested included NLD members Yan Shwe and Zaw Zaw Aung and Myint Aye of the Human Rights Defenders and Promoters (HRDP) network. Both their families and lawyers have professed their innocence.[135]

Masked members of the VBSW, who claimed responsibility for four separate bombs detonated in Burma during 2008. *[Photo: © Mizzima News]*

On 14 July 2008, a bomb exploded on a passenger bus in Daik U Township, Pegu Division, killing one and injuring another. U Khant, 55, from Kyauktada Township, Rangoon Division was killed when the bomb exploded in the rear of the bus. Meanwhile, 46-year-old Parpar was also wounded in the blast and taken to hospital for treatment. Local residents disagreed with the official version of events and have maintained that at least five people were severely injured and that *"the number of casualties could be higher"*. State-controlled media blamed the blast on *"insurgents resorting to various destructive acts with intent to jeopardize the stability of the state, community peace and tranquility [Sic.] by causing casualties and panic among the innocent people"*. This characteristically ambiguous reference is often used when referring to the KNU, whose soldiers are able to operate not far from the site of the explosion and who are also typically the first to be blamed for such acts.[136]

At approximately 11:30 pm on 30 July 2008, a small bomb exploded in a telecommunications office on the outskirts of Mudon, Mon State. Authorities who investigated the site in the aftermath of the explosion reportedly found four more explosive devices in the vicinity.[137]

On 6 September 2008, and according to a report carried in the Chinese News Agency, Xinhua, one man was injured when a bomb exploded in Mebaung village in Pa'an District, Karen State. According to what little information could be gathered from the original report, the bomb was detonated on the Pa'an – Hlaingbwe motor road and had succeeded in destroying a *"50-KVA hydropower generator"* located in Mebaung village. No further information regarding the incident has been made available.[138]

On 7 September 2008, SPDC Police Chief, Brigadier General Khin Yi held a rare press conference in relation to the 1 July bombing of the Shwepyitha USDA office in Rangoon (see incident listed above). In the uncommon exchange, Khin Yi confirmed that a number of activists, including Yan Shwe and Zaw Zaw Aung and Myint Aye, had been arrested for their alleged involvement in the blast, adding that all three were arrested while in possession of explosives. He went on to add that Myint Aye, who is a well known labour rights activist, had *"confessed that he offered cash awards to those who committed terrorist acts in Rangoon"*.[139] Khin Yi then listed these cash rewards in detail:

> *"Myint Aye's cash awards differed depending on the location of the blast, with 10 million kyat awarded for bombing City Hall, 7 million for the city center [Sic.], 5 million for government offices, 2 million for township peace and development council offices, 1.5 million for township USDA offices and the Rangoon Railway Station, 1 million for traffic lights, 0.5 million for junctions and crossroads and 0.2 million for less prominent locations".*[140]

No evidence to support these claims was presented during the press conference or since. Moreover, these arrests and alleged 'confessions' took place after another group, the VBSW, known for having committed similar acts in the past, admitted responsibility for the blast. As such, all of the allegations made by Khin Yi remain highly dubious.[141]

At approximately 10:40 am on 25 September 2008, a number of commuters were injured by a bomb blast that occurred in the popular Maha Bandoola Park in Kyauktada Township, Rangoon. According to reports, the bomb had been planted in a garbage bin behind the No. 45 bus stop, although there is some disagreement over how many people were injured with some reports maintaining that only three were hurt, while other reports claim that as many as seven were injured. A report carried by the SPDC mouthpiece, the *New Light of Myanmar*, alleged that a second device was discovered hidden within a cassette recorder and quickly defused. The report, however, failed to state where the cassette recorder was found or how the authorities knew to inspect it. Security throughout Rangoon was tightened immediately following the blast with members of the police force, military intelligence, USDA and auxiliary

fire brigades conducting checks of bus passengers. According to one commuter, *"They checked every passenger on board buses, taxis and city buses asking for their name, address, ID number, purpose of visit and place of departure among other details. They also noted down the license plate numbers of the vehicles"*. One report maintained that more than 7,000 police officers had been deployed throughout Rangoon immediately following the blast. Meanwhile, public servants were sent home early and a number of shops were ordered to close. The passport office was also reportedly closed. According to an article carried by the *Irrawaddy*, one unidentified foreign diplomat, noting the significant timing of the blast, had speculated that the devices may have been planted by the military to justify the heavy security presence and its *"security clampdown in anticipation of an anti-government demonstration"* which was expected for the following day on the one year anniversary of the crackdown on the September 2007 Saffron Revolution protests.[142]

On 25 September 2008, a bomb exploded in a garbage bin behind this bus stop near Maha Bandoola Park in Rangoon, injuring a number of commuters. Though there has been some disagreement over how many people were injured, there have been no reports of any fatalities from the blast. While it is not known conclusively who was responsible, there has been some speculation that the device had been deployed by the military. (For more information, see the preceding incident dated 25 September 2008. *[Photo: © Mizzima News]*

On 29 September 2008, nine further NLD Youth members were arrested and interrogated over the bomb blast at the USDA office in Rangoon on 1 July 2008, despite the fact that the VBSW had already accepted responsibility for the attack. While three were released later that same day, the other six not only remain unaccounted for, but also unidentified. No further information has been made available.[143]

At approximately 3:00 am on 18 October 2008, a bomb was detonated at the Tachilek police station in Shan State. No one was reported as having been injured in the blast. A local police officer stated that *"A [ethnic] Wa detainee who is being held under a drug charge is suspected in the explosion, and a policeman in the township is being questioned in connection with the bombing"*. No further information has emerged regarding this particular bombing.[144]

Also on 18 October 2008, another bomb exploded around 7:30 pm at a football field in Yankin Township, Rangoon Division. The blast, which reportedly occurred near the intersection of Baukhtaw Railway Station and Moekaung Streets, caused minor damage, but had resulted in no casualties. Police reported discovering and defusing a second device nearby. Little other information concerning this incident has been made available.[145]

On 20 October 2008, the *Irrawaddy* news magazine reported that on an unspecified date in mid-September 2008, one bomb was detonated at the Tamwe Township police station in Rangoon while another had occurred near Rangoon City Hall. No details were provided of these incidents, and no other source has reported either explosion.[146]

On 21 October 2008, it was reported that a man was killed in his home in Shwepyitha Township in Rangoon on 19 October when the bomb he was making blew up unexpectedly. According to a report from the *New Light of Myanmar*, the victim, U Thet Oo Win, was a former Buddhist monk who had participated in the September 2007 Saffron Revolution protests but had since left the Sangha, *"fled illegally across the border"* to Thailand and become a heavy drinker. The mention of this information in the original report appears to be little more than an attempt on the SPDC's part to discredit not only U Thet Oo Win, but also everyone else who had participated in the protests along with the movement itself. The report also maintained that he was a suspect in the 25 September bomb blast in Kyauktada Township (see incident listed above), based on the report that the authorities had *"seized wires, batteries and detonators"* from his home which resembled those used in the bus stop bombing. This too would appear to be an inept attempt to further discredit him, as, by the timeline provided in the report, U Thet Oo Win did not even return to Burma until 11 October, more than two weeks after the attack. In the days following Thet Oo Win's death, an email, alleged to have been published by the VBSW, was circulated confessing that he was *"one among many of its members who pledged to fight violently against the oppressed rule of the military dictators"*. It was stated in an article published by the *Mizzima News* that *"some commentators question the validity of such confessions by the VBSW, who are not only unable to be contacted for comment but also cannot be independently verified to exist"*.[147]

On 24 October 2008, 41-year-old Tin Myint was arrested by the authorities after he had allegedly threatened to blow up the Pabedan Township USDA office and police station in Rangoon. Little other information was given in the original report, published in the *New Light of Myanmar*.[148]

Bus Explosions

In addition to the bomb blasts across Burma, there have been a number of explosions which have occurred on Rangoon's public buses as a result of exploding compressed natural gas (CNG) tanks.

Since 2005, the SPDC has taken steps to convert all public transport vehicles operating in Burma so that they run on CNG rather than petrol (gasoline) or diesel. Some sources have speculated that the SPDC's insistence on the expensive vehicle conversions, estimated to cost approximately one million kyat per vehicle, had more to do with making money for the regime and its associates and less to do with protecting the environment as the junta has maintained. One source has alleged that the vehicle transformations were carried out by IGE Co Ltd, an SPDC-affiliated company headed by Nay Aung and Pyi Aung, the sons of Minister of Industry-1 Colonel Aung Thaung. IGE Co Ltd is also said to have been awarded the contract to construct and supply CNG filling stations throughout the country.[149]

One unnamed Burmese engineer has stated on condition of anonymity that *"CNG-powered vehicles are frequently allowed to bypass the license registration process, because officials from the car licensing office were prepared to overlook safety aspects if the vehicle owners paid under-the-table for a quick license"*.[150]

While not as palpable as the detonation of bombs on the city's streets (as described above), the fact remains that the SPDC and IGE Co Ltd are still liable for the numerous deaths which occurred due to the lack of quality control conducted during the conversion process. It is thus highly likely that both explosions explained below occurred as a result of gross negligence resulting in the deaths of at least seven persons during 2008 alone.

This photograph shows the fiery wreckage of public bus No. 45 after it had exploded on the morning of 8 September 2008. Though it is not known conclusively, it is believed that the CNG tank aboard the bus had ruptured and exploded. While no deaths were recorded from the explosion, at least two persons were reported as having been injured in the blast. For more information, see the description of the incident below. *[Photo: © Irrawaddy]*

On 8 September 2008, at least two passengers were wounded when an explosion occurred on the bus they were travelling on in Kamayut Township, Rangoon. The blast occurred at approximately 11:00 am as the bus was nearing the crowded Hledan Junction along route No. 45 between Insein and Sule. It remains unknown if the explosion was caused by a bomb or if the compressed natural gas (CNG) tank had ruptured and exploded. According to

eyewitnesses, the injured included one elderly woman and the bus' *"handyman"* (presumably a reference to the bus conductor): *"When I arrived at the spot, the bus was on fire and most of it had been charred. The handyman [conductor] of the bus was severely injured. Blood was all over his legs".* No further details have been made available. The photograph reproduced on the preceding page shows the bus soon after the explosion.[151]

On 13 October 2008, at least seven commuters were killed and another critically injured when the bus they were travelling in exploded. While no formal explanation was given, it was believed that the CNG gas tank had ruptured, causing the blast. The bus had reportedly been travelling between Taikkyi Township and Rangoon's main vegetable market at Thiri Mingalar, at approximately 2:00 am when it exploded in front of the United Nations Food and Agriculture Organization (FAO) office. The blast reportedly killed the driver, the conductor, and five passengers, and left another passenger in a critical condition. Eyewitnesses maintained that it took five hours for the police to arrive on the scene. As a result of this latest blast, along with other recent explosions also believed to have been caused by exploding CNG tanks (see incident listed above), commuters expressed their reluctance to board public buses and taxis.[152] However, in spite of this fear, many Rangoon residents have acknowledged their obligation to continue using these buses irrespective of their hesitation to do so:

> *"We have to use the CNG vehicles, even though we are afraid of gas explosions, because every passenger bus and pickup truck has been transformed to CNG in the past three years. … Perhaps 80 percent of taxis are also running on CNG. We have no way of escaping it".*[153]

Endnotes

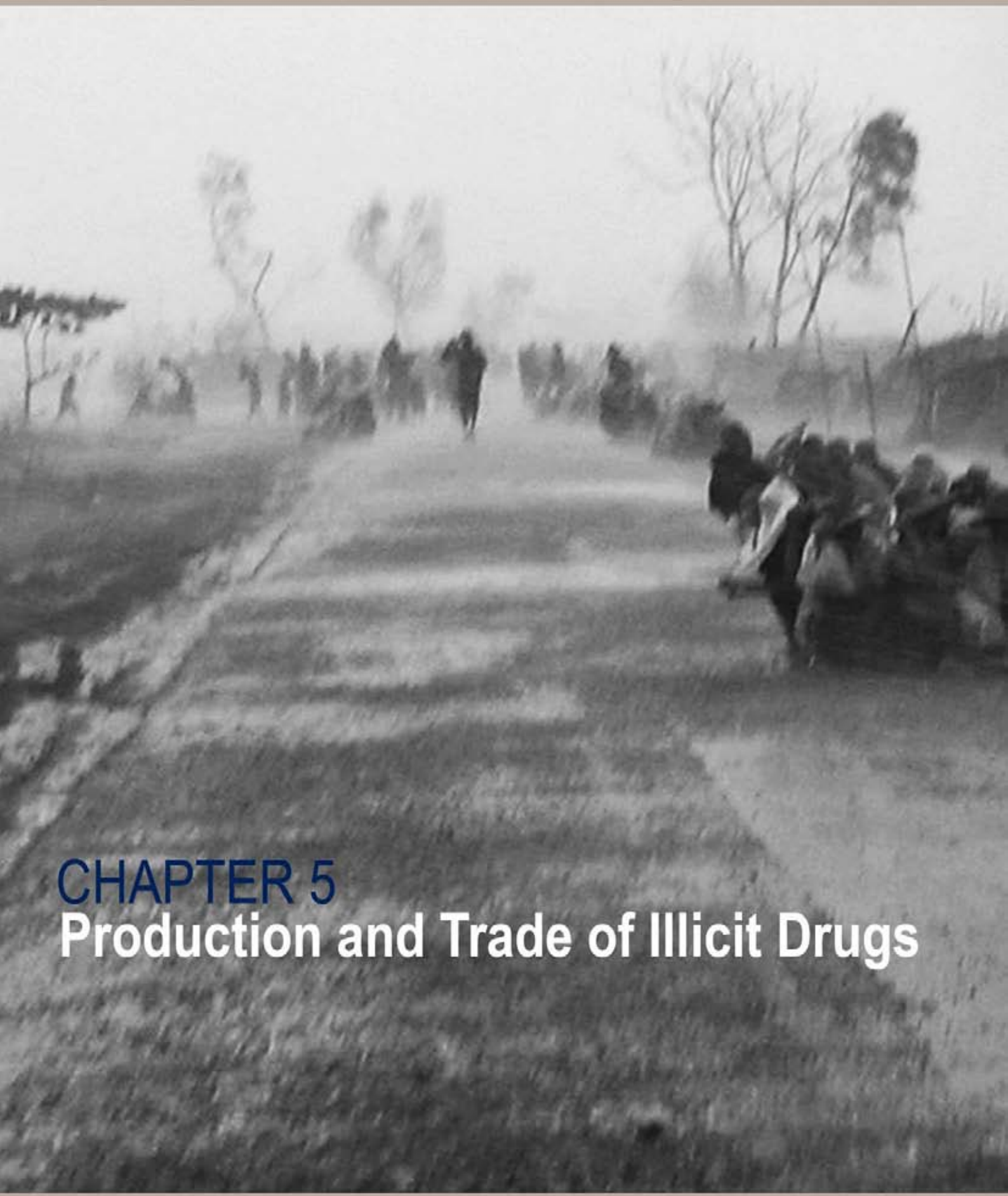
[1] Source: "Junta Turns Blind Eye To Rising Landmine Casualties," IPS, 11 December 2008.
[2] Source: "Burmese Darfur: The Silent Genocide of Myanmar," *Der Spiegal Online*, 6 September 2007.
[3] Source: "Landmines: reason for flight, obstacle to return," Yeshua Moser-Puangsuwan, *Forced Migration Review*, Issue 30, April 2008.
[4] Source: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008.
[5] Source: *Ibid*.
[6] Source: "Landmines," *KHRG Photo Set 2005-A*, KHRG, 27 May 2005.
[7] Source: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008.
[8] Source: HRDU email communication with Yeshua-Moser Puangsuwan, Burma researcher for the *Landmine Monitor*, 3 April 2009.
[9] Source: "Myanmar Armed Forces," Wikipedia, accessed online at: http://en.wikipedia.org/wiki/Tatmadaw on 1 April 2009.
[10] Source: "POMZ-2 Anti-personnel Fragmentation Mine," AVS Mine Action Consultants, accessed online at http://www.nolandmines.com/minesPOMZ2.htm on 2 April 2009.
[11] Source: "PMN Anti-personnel Blast Mine," AVS Mine Action Consultants, accessed online at http://www.nolandmines.com/minesPMN.htm on 2 April 2009.
[12] Source: "M-14 Anti-personnel Blast Mine," AVS Mine Action Consultants, accessed online at http://www.nolandmines.com/minesM14.htm on 2 April 2009.
[13] Source: "Landmines," *One Year On: Continuing abuses in Toungoo District*, KHRG, 17 November 2006.
[14] Source: "M18 Claymore," accessed online at: http://www.globalsecurity.org/military/systems/munitions/m18-claymore.htm on 3 April 2009.
[15] Sources: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008; Selth, Andrew, "Burma's Order of Battle," *Burma's Armed Forces: Power without Glory*, EastBridge: Norwalk, 2002.
[16] Source: "Landmines, mortars, army camps and soldiers," *KHRG Photo Gallery: 2008*, KHRG, 13 February 2008.
[17] Source: Photo G4 in "Landmines and Soldiers," *KHRG Photo Set: 2001-A*, KHRG, 14 September 2001; Photos 11-4 and 11-5 in "Landmines," *KHRG Photo Set: 2005-A*, KHRG, 27 May 2005.
[18] Sources: "M26 (United States)," *Jane's Mines and Mine Clearance*, Jane's Information Group, accessed online at http://www.janes.com/articles/Janes-Mines-and-Mine-Clearance/M26-United-States.html on 23 April 2009; "Appendix A: Mines," *United States Army Field Manual 21-75: Combat Skills of the Soldier*, accessed online at: http://www.globalsecurity.org/military/library/policy/army/fm/21-75/Appa.htm on 23 April 2009.
[19] Source: HRDU interview with Yeshua-Moser Puangsuwan, Burma researcher for the *Landmine Monitor*, Thailand, 13 February 2009.
[20] Source: *Ibid*.
[21] Sources: HRDU interview with Yeshua-Moser Puangsuwan, Burma researcher for the *Landmine Monitor*, Thailand, 13 February 2009; "El Salvador," Electronic Mine Information Network, accessed online at: http://www.mineaction.org/stockpiles.asp?mh=253 on 23 April 2009.
[22] Source: HRDU interview with Yeshua-Moser Puangsuwan, Burma researcher for the *Landmine Monitor*, Thailand, 13 February 2009.
[23] Source: "Landmines, mortars, army camps and soldiers," *KHRG Photo Gallery 2008*, KHRG, 13 February 2008.
[24] Sources: "Burma Army Using New Landmines against Villagers in Northern Karen State," FBR, 19 December 2008; HRDU email communication with a representative of the International Campaign to Ban Landmines, 8 February 2009.
[25] Source: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008.
[26] Sources: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008; "Landmines," in: *Burma Human Rights Yearbook 2007*, HRDU, September 2008.
[27] Source: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008.
[28] Source: *Landmine Monitor Fact Sheet: Non-State Armed Groups*, ICBL, April 2007.
[29] Source: *Burma Human Rights Yearbook 2006*, HRDU, 25 June 2007.
[30] Source: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008.
[31] Source: *Ibid*.
[32] Sources: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008; "Junta Turns Blind Eye To Rising Landmine Casualties," IPS, 11 December 2008.
[33] Sources: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008; "Mine Explodes In Northern Maungdaw," *Kaladan News*, 17 November 2008; "Land Mine Explodes On Border," *Narinjara News*, 17 November, 2008.
[34] Source: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008.

[35] Source: "Landmines," *Burma Human Rights Yearbook 2007*, HRDU, September 2008.
[36] Source: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008.
[37] Source: *Ibid*.
[38] Source: *Ibid*.
[39] Source: *Ibid*.
[40] Source: "More attacks, more landmines," *Inside News*, Vol. 3, Issue 4, CIDKP, December 2008.
[41] Source: "Understand us," *Inside News*, Vol. 3, Issue 4, CIDKP, December 2008.
[42] Sources: "Burma Army captures and kill *[Sic.]* villagers in Dooplaya District, southern Karen State. Villagers injured by landmine in Karenni State," FBR, 12 January 2008; *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008.
[43] Source: "13-year-old Boy Blinded by Burma Army Landmine: We Are Trying to Help," FBR, 22 January 2008.
[44] Source: "Lives Lost and Homes Destroyed: Villagers Suffer Under the Brutal Oppression of the Burma Army," FBR, 4 April 2008.
[45] Source: "As Thousands Suffer the Effects of Cyclone Nargis, Villagers Suffer Continued Brutality by the Burma Army in Karen State," FBR, 9 May 2008.
[46] Sources: "Lives Lost and Homes Destroyed: Villagers Suffer Under the Brutal Oppression of the Burma Army," FBR, 4 April 2008; *Mortar attacks, landmines and the destruction of schools in Papun District*, KHRG, 22 August 2008.
[47] Source: "As Thousands Suffer the Effects of Cyclone Nargis, Villagers Suffer Continued Brutality by the Burma Army in Karen State," FBR, 9 May 2008.
[48] Source: "Woman Loses Leg, Man Dies, Others Maimed as Burma Army Systematically Lays Landmines and Attacks Villages", FBR, 20 June 2008.
[49] Source: *Ibid*.
[50] Source: "Landmines, mortars, army camps and soldiers," *KHRG Photo Gallery 2008*, KHRG, 13 February 2008.
[51] Sources: "Killing of Villagers, Deadly Landmines, and Women Forced to Work for the Burma Army," FBR, September 2008; "Three Killed In Myanmar Landmine Blasts," AFP, 17 June 2008.
[52] Sources: *Ibid*.
[53] Sources: *Ibid*.
[54] Source: "How to help when there's no doctor," *Inside News*, Vol. 3, Issue 4, CIDKP, December 2008.
[55] Source: *Mortar attacks, landmines and the destruction of schools in Papun District*, KHRG, 22 August 2008.
[56] Source: "Lucky to be alive," *Inside News*, Vol. 3, Issue 4, CIDKP, December 2008.
[57] Source: "Killing of Villagers, Deadly Landmines, and Women Forced to Work for the Burma Army," FBR, September 2008.
[58] Sources: "Two Killed Nine Injured In Explosion in Burma's Pegu Division," *Mizzima News*, 12 September 2008; "KNU Denies Causing Mine Blasts," *Mizzima News*, 16 September 2008; "KNU Denies Responsibility for Bombing in Kyaukkyi," DVB, 17 September 2008.
[59] Source: "Landmines, mortars, army camps and soldiers," *KHRG Photo Gallery: 2008*, KHRG, 13 February 2008.
[60] Source: "More attacks, more landmines," *Inside News*, Vol. 3, Issue 4, CIDKP, December 2008.
[61] Source: "Villager Killed and More than 200 Displaced by New Attacks in Central Karen State," FBR, 14 October 2008.
[62] Source: "New Attacks Force More than 250 People To Flee Across Border, Troops Kill Three Villagers," FBR, 28 October 2008.
[63] Source: "Villagers Stepped on Landmine and Left for Dead," *Kwekalu News*, 5 November 2008, translation by HRDU.
[64] Source: "Hundred Flee Karen State after Burma Army Killings," *Christian Today*, 5 November 2008.
[65] Source: "Mine Explodes In Northern Maungdaw," *Kaladan News*, 17 November 2008.
[66] Source: "Land Mine Explodes On Border," *Narinjara News*, 17 November, 2008.
[67] Source: "Landmines, mortars, army camps and soldiers," *KHRG Photo Gallery 2008*, KHRG, 13 February 2008.
[68] Source: "More attacks, more landmines," *Inside News*, Vol. 3, Issue 4, CIDKP, December 2008.
[69] Source: "Ranger's *[Sic.]* deliver aid," *Inside News*, Vol. 3, Issue 4, CIDKP, December 2008.
[70] Source: "BDR, Nasaka Hold Flag Meet in Cox's Bazar" *New Age (Bangladesh)*, 30 June 2008.
[71] Source: *Landmines, Killings and Food Destruction: Civilian Life in Toungoo District*, KHRG, 9 August 2007.
[72] Source: "As Thousands Suffer the Effects of Cyclone Nargis, Villagers Suffer Continued Brutality by the Burma Army in Karen State," FBR, 9 May 2008.
[73] Source: *Ibid*.

[74] Source: "Landmines, mortars, army camps and soldiers," *KHRG Photo Gallery 2008*, KHRG, 13 February 2008.
[75] Source: *Ibid*.
[76] Source: HRDU interview with Yeshua-Moser Puangsuwan, Burma researcher for the *Landmine Monitor*, Thailand, 13 February 2009.
[77] Source: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008.
[78] Source: "Landmines," in: *Burma Human Rights Yearbook 2007*, HRDU, September 2008.
[79] Source: *Human minesweeping and forced relocation as SPDC and DKBA step up joint operations in Pa'an District*, KHRG, 20 October 2008.
[80] Source: *Mortar attacks, landmines and the destruction of schools in Papun District*, KHRG, 22 August 2008.
[81] Source: "Lives Lost and Homes Destroyed: Villagers Suffer Under the Brutal Oppression of the Burma Army," FBR, 4 April 2008.
[82] Source: "As Thousands Suffer the Effects of Cyclone Nargis, Villagers Suffer Continued Brutality by the Burma Army in Karen State," FBR, 9 May 2008.
[83] Source: *Ibid*.
[84] Source: *Mortar attacks, landmines and the destruction of schools in Papun District*, KHRG, 22 August 2008.
[85] Source: *Human minesweeping and forced relocation as SPDC and DKBA step up joint operations in Pa'an District***,** KHRG, 20 October 2008.
[86] Sources: *Human minesweeping and forced relocation as SPDC and DKBA step up joint operations in Pa'an District***,** KHRG, 20 October 2008; "More attacks, more landmines," *Inside News*, Vol. 3, Issue 4, CIDKP, December 2008.
[87] Sources: *Ibid*.
[88] Source: *Country Report on Human Rights Practices 2007 – Burma,* Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[89] Source: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008.
[90] Source: "Mine incidents rise," *Inside News*, Vol. 3, Issue 4, CIDKP, December 2008.
[91] Source: "Worried about mines, but who will feed us?," *Inside News*, Vol. 3, Issue 4, CIDKP, December 2008.
[92] Source: "Mine incidents rise," *Inside News*, Vol. 3, Issue 4, CIDKP, December 2008.
[93] Source: "Understand us," *Inside News*, Vol. 3, Issue 4, CIDKP, December 2008.
[94] Source: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008.
[95] Source: *"Burma's Health Care Cripplingly Under Funded: MSF,"* Mizzima News, 22 December 2008
[96] Source: *Mortar attacks, landmines and the destruction of schools in Papun District*, KHRG, 22 August 2008.
[97] Source: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008.
[98] Source: *Ibid*.
[99] Source: HRDU interview with FBR representatives, Thailand, 7 January 2009.
[100] Source: *ICRC Annual Report 2007:* Myanmar, ICRC, May 2008, accessed online at: http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/7EUEDU/$FILE/icrc_ar_07_myanmar.pdf?OpenElement on 31 March 2009.
[101] Source: "Junta Turns Blind Eye To Rising Landmine Casualties," IPS, 11 December 2008.
[102] Source: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008.
[103] Source: *Ibid*.
[104] Source: "Landmines", *Burma Human Rights Yearbook 2006*, HRDU, 25 June 2007.
[105] Source: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008.
[106] Source: "Uncle Maw Keh offers hope to landmine victims," *Inside News*, Vol. 3, Issue 4, CIDKP, December 2008.
[107] Source: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008.
[108] Sources: "Pizza oven helps mine victims walk," *Inside News*, Vol. 3, Issue 4, CIDKP, December 2008; "Development of CIR Prosthetic Casting System for Transfemoral (above-knee) and Transradial (below-elbow) Socket Fabrication," accessed at http://www.ideanet.org/content.cfm?ID=585F76 on 26 March 2009; "Making a Limb in One Hour with the CIR Transtibial Casting System," accessed at http://www.ideanet.org/content.cfm?ID=585F73 on 26 March 2009.
[109] Source: *Country Report on Human Rights Practices 2008 – Burma,* Bureau of Democracy, Human Rights, and Labor, US Department of State, 25 February 2009.
[110] Source: "Burma's disposable soldiers," *Irrawaddy*, 24 July 2008.
[111] Source: *Ibid*.
[112] Source: *Ibid*.
[113] Source: *Landmine Monitor 2008: Burma/Myanmar*, ICBL, November 2008.
[114] Source: HRDU email communication with Yeshua-Moser Puangsuwan, Burma researcher for the *Landmine Monitor*, 5 May 2009.

[115] Source: HRDU email communication with David Eubank, Founder of the Free Burma Rangers, 6 May 2009.
[116] Source: "Burma Bomb Blasts Aims To Unite Military: Analysts," *Mizzima News*, 14 January 2008.
[117] Sources: "Rangoon General Hospital Confirms Receiving Four Injured From Bomb Blast," *Mizzima News*, 25 September 2008; "Checks and Search Operations in Rangoon after Bomb Blast," *Mizzima News*, 26 September 2008; "Myanmar Junta Flexes Muscles A Year after Crackdown," Reuters, 26 September 2008; "Security Clampdown Follows Rangoon Bombing," *Irrawaddy*, 25 September 2008.
[118] Source: "Rangoon Commuters Afraid of Gas Explosions," *Irrawaddy*, 14 October 2008.
[119] Sources: "Rangoon General Hospital Confirms Receiving Four Injured From Bomb Blast," *Mizzima News*, 25 September 2008; "Checks and Search Operations in Rangoon after Bomb Blast," *Mizzima News*, 26 September 2008; "Myanmar Junta Flexes Muscles A Year after Crackdown," Reuters, 26 September 2008; "Security Clampdown Follows Rangoon Bombing," *Irrawaddy*, 25 September 2008.
[120] Source: "Rangoon Life: Powerless and Nervous," BBC, 23 April 2008.
[121] Source: "Who Isn't Bombing Rangoon," AHRC, 23 October 2008, accessed online at: http://www.upiasia.com/Human_Rights/2008/10/23/who_isnt_bombing_rangoon/4672/ on 11 December 2008.
[122] Source: "Burma Bomb Blasts Aims To Unite Military: Analysts," *Mizzima News*, 14 January 2008.
[123] Source: Litner, Bertil, "Burma in Upheaval," *Burma in Revolt: Opium and Insurgency since 1948*, Silkworm: Chiang Mai, 1999.
[124] Source: *Burma Human Rights Yearbook 2003*, HRDU, November 2004.
[125] Source: *Bullets in the Alms Bowl: An analysis of the Brutal SPDC suppression of the September 2007 Saffron Revolution*, HRDU, March 2008.
[126] Sources: "Bomb Blast in Pyinmana, One Woman Killed," *Irrawaddy*, 11 January 2008; "Another Explosion in Burma Kills Bus Conductor," *Irrawaddy*, 17 January 2008; "KNU and Regime Trade Charges over Bomb Attacks," *Irrawaddy*, 14 January 2008.
[127] Sources: "Bomb Explosion in Rangoon," DVB, 14 January 2008; "Another Explosion in Burma Kills Bus Conductor," *Irrawaddy*, 17 January 2008.
[128] Sources: "Another Explosion in Burma Kills Bus Conductor," *Irrawaddy*, 17 January 2008; "Another Blast in Burma Kills Bus Conductor," *Mizzima News*, January 2008; "Security Beefed Up in Rangoon Post Bomb Blast," IMNA, 17 January 2008.
[129] Source: "Bomb Kills KNU Defector's Son-In-Law," DVB, 31 January 2008.
[130] Source: "Cinema-Goers Face Bomb Searches," DVB, 6 February 2008.
[131] Source: "Bomb Blast in Akyab," *Kaladan News*, 10 February 2008.
[132] Sources: "4 Small Bombs Explode At Hotel in Burma," AP, 20 February 2008; "4 Bombs Explode on the Border," SHAN, 19 February 2008; "Bombs Explode in Tachilek," *Irrawaddy*, 19 February 2008.
[133] Source: "SSA Denies Throwing Bomb," SHAN, 17 April 2008.
[134] Sources: "Myanmar Blames Exiled Student Group for Blasts," AFP, 23 April 2008; "Opposition Denies Junta's Accusation of Terrorism," *Mizzima News*, 8 September 2008.
[135] Sources: "Blast Hits Pro-junta Office in Myanmar," AP, 1 July 2008; "Bomb Blast at Pro-Junta Group's Office in Rangoon," *Mizzima News*, 1 July 2008; "NLD Member Arrested after Tuesday Blast," *Irrawaddy*, 4 July 2008; "Activists Appear In Court on Bombing Charges," DVB, 21 October 2008; "Bomb Blast in Rangoon Park Injures Three," *Irrawaddy*, 25 September 2008; "Bomb Explodes At USDA Office," DVB, 2 July 2008; "Junta Releases Three NLD Youth Members," *Mizzima News*, 29 September 2008.
[136] Sources: "Bomb Blast in Bus Kills One," *Mizzima News*, 15 July 2008; "Bomb In Dike Oo Kills 1, Injures 5," DVB, 15 July 2008; "Man Killed In Bomb Blast on Myanmar Bus," Reuters, 15 July 2008.
[137] Source: "Bomb Explodes In Mudon, No Casualties," *Mizzima News*, 31 July 2008.
[138] Source: "Myanmar Warns Against More Bomb Attacks in Yangon," Xinhua, 16 September 2008.
[139] Source: "Opposition Denies Junta's Accusation of Terrorism," *Mizzima News*, 8 September 2008.
[140] Source: *Ibid*.
[141] Source: *Ibid*.
[142] Sources: "Rangoon General Hospital Confirms Receiving Four Injured From Bomb Blast," *Mizzima News*, 25 September 2008; "Checks and Search Operations in Rangoon after Bomb Blast," *Mizzima News*, 26 September 2008; "Myanmar Junta Flexes Muscles A Year after Crackdown," Reuters, 26 September 2008; "Security Clampdown Follows Rangoon Bombing," *Irrawaddy*, 25 September 2008.
[143] Source: "Junta Releases Three NLD Youth Members," *Mizzima News*, 29 September 2008.
[144] Source: "Two Bombs Explode in Rangoon; One in Border Town," *Irrawaddy*, 20 October 2008.
[145] Sources: "Man Killed in Second Yangon Blast in 24 Hours," AFP, 20 Oct 2008; "Small Bomb Explodes Near Football Field in Yangon," AFP, 19 October 2008; "Two Bombs Explode in Rangoon; One in Border Town," *Irrawaddy*, 20 October 2008.
[146] Source: "Two Bombs Explode in Rangoon; One in Border Town," *Irrawaddy*, 20 October 2008.

[147] Sources: "Man Killed in Blast Was Bomb Maker: Junta," *Irrawaddy*, 21 October 2008; "Man Killed in Second Yangon Blast in 24 Hours," AFP, 20 Oct 2008; "Myanmar Blast Victim was Ex-Monk Turned Bombmaker," AFP, 21 October 2008; "Student Group Confesses To Member's Death," *Mizzima News*, 28 October 2008.
[148] Source: "Myanmar Man Held After Bomb Threat," AFP, 28 October 2008; "Student Group Confesses To Member's Death," *Mizzima News*, 28 October 2008.
[149] Source: "Rangoon Commuters Afraid of Gas Explosions," *Irrawaddy*, 14 October 2008.
[150] Source: *Ibid*.
[151] Sources: "Explosion in Rangoon Bus Injures Two," *Mizzima News*, 9 September 2008; "Three Injured in Rangoon Bus Blast," *Irrawaddy*, 9 September 2008.
[152] Source: "Rangoon Commuters Afraid of Gas Explosions," *Irrawaddy*, 14 October 2008.
[153] Source: *Ibid*.



CHAPTER 5
Production and Trade of Illicit Drugs

BURMA

HUMAN RIGHTS YEARBOOK 2008

5.1 Introduction

While mention of the Golden Triangle conjures images of the exotic east and Graham Greene's 'white nights' of opium fuelled sleep in clandestine dens, the reality for those living in Burma's portion of the Golden Triangle is far less romantic. The north eastern regions of Burma are, in the current climate, riven with factionalism, illegal trade, gangs, drug and human rights abuse unfolding inexorably in an environment of continuous hardship and poverty. Opium has traditionally played a large part in the lifestyle of the inhabitants of these regions, of Shan State predominantly. Cultivation and use of opium has long comprised a part of ceremonies such as weddings and funerals, and is used in traditional medicine as a guard against malaria, respiratory diseases and diarrhoea. It has also been used to produce cooking oil, is connected to spirit worship and has been used as currency for trade. Despite the arguably beneficent tradition that opium cultivation and use has played in Burma historically, opium has now become an integral factor in the civil conflict and one that threatens to prolong the suffering of those involved in the cultivation of opium poppy.

The role played by opium in Burma has changed significantly, and continues to do so, thanks in no small part to the long running civil conflict. Opium was first commercially cultivated in Burma in the mid-19th century, after it was found to be ideally suited to the mountainous northeast; an area where few other viable cash crops would grow. This was a blessing for the peoples of these regions, but it would become, at some point in the future, a curse. The northeast was also an area marred by Burma's internal struggles that developed into a haven for the Kuomintang anti-communist forces from China who used Burma as a base of operations, as well as the anti-State Law and Order Restoration Council (SLORC) resistance forces of the Communist Party of Burma (CPB); a fighting force comprised mostly of ethnic Wa fighters, with backing from China. During the life of the CPB, opium cropping had largely been frowned upon, however, with the dissolution of the party in 1989, the situation changed markedly. During the course of 1989 the Wa leaders, who were said to be unhappy about losses of their rank and file in battle, staged a mutiny. This revolt, combined with a period of dwindling support from China, heralded the demise of the CPB in 1989 and led to the formation of four separate armies in the Wa region of Shan State. The New Democratic Army-Kachin (NDA-K, mostly made up of Kachin), Myanmar National Democratic Alliance Army (MNDAA) in Kokang and Mongko, the National Democratic Alliance Army (NDAA – mostly constituted by Kokang Chinese in Mong La) and the largest of the groups, the United Wa State Army (UWSA).[1] In order to prevent these groups from reorganising against the then SLORC (later to become the State Peace and Development Council), the head of the Directorate of Defence Services, Brigadier Khin Nyunt was dispatched to the region to negotiate with the former Communist party members. Nyunt was able to sign ceasefires with all concerned parties in return for full control of their respective areas and retention of their weapons. A further concession left the groups free to engage in any business activity that they saw fit. There were some similarities in the agreements reached between the SLORC and the ceasefire groups to those agreed to with militias that had been used in the region to augment regular SLORC forces in their offensives against insurgent ethnic groups, starting in the 60's. These groups had been given concessions for their loyalty to the SLORC during the civil conflict by being allowed to engage in business activities unimpeded by the SLORC. In the Shan State, these concessions sometimes meant the involvement in, and protection of, opium trafficking.[2]

With the new agreements in place, alongside the older ones secured with the civilian militias, Shan State became an area containing a complex mix of militia groups, ceasefire groups and military forces, all with a vested interest in the drug trade, with civilians caught in the middle of the profit making and political dealings. The former Communist fighters, freed from the constraints of Chinese influence and censure, became increasingly involved in the drug trade, which, combined with other groups such as the militias, Chinese gangs and military

authorities, culminated in Burma being responsible for between half and two thirds of the world's production of opium and heroin in the decade between 1989 and 1999.[3] An additional development that led to a radical legislative change in Burma was the surrender of notorious drug kingpin Khun Sa, the leader of the Mong Tai Army in 1996. The surrender of Khun Sa in return for amnesty and protection by the SPDC paved the way for further ceasefire agreements as well as the eventual agreement between the regime and ceasefire groups to ban cultivation of opium with an aim of eliminating cultivation of poppy by 2014.[4] This ban began in the Wa Special Region 2 from 2005, when 94 percent of opium cultivation was taking place in Shan State, of which, 42 percent was originating in the Wa Special Region 2.[5]

In the decade since these figures were released, the importance of the role played by opium in the lives of the Burmese civilians of the northeast in particular, has remained constant. Other factors have been in cycles of flux however. The role that opium has played in the civil conflict, its importance to the insurgent armies, the manner in which opium has been used as a political tool and its crucial role in development have all undergone changes in the past decade and have had serious consequences for the human rights of civilians living in these regions where poppy cultivation was predominantly practiced.

An ethnic Lahu family from eastern Shan State gather in their home to smoke opium. Opium usage remains a considerable problem for those in the area. *[Photo: © FBR]*

It is not merely the ethnic conflict regions that have suffered from the effects of drug use in Burma however. Rates of drug addiction, though difficult to quantify, appear to be increasing across the country. Two well documented shifts in drug habits also give cause for concern. Firstly, the transition from opium smoking to heroin smoking and finally to heroin injection, which has led in turn to HIV/AIDS rates increasing to match the levels of intravenous drug use.

The second shift has been the market shift from heroin use to so-called amphetamine type substances (ATS). The ATS categorisation includes drugs such as amphetamines (known as 'speed' in the west), methamphetamines, crystal-meth, and 'ice'. The changing tastes of drug users, largely driven by economic considerations, toward these synthetic drugs have posed problems for all stakeholders concerned with the eradication of drugs in Burma; actors ranging from China to the United Nations Office on Drugs and Crime (UNODC). The transition to synthetic drugs coincided with the junta's crackdown on poppy production over the course of the last ten years, resulting in the SPDC's trumpeting of its successes in drug eradication. Despite the eradication of poppy cultivation in certain areas, concomitant

human rights abuses have negated a good deal of the positive effects of this reduction. Forced relocation, deprivation of livelihoods and lack of viable alternatives for farmers who were forcibly evicted from their lands have all been the result of a push by the SPDC to make Burma drug free by 2014 (in line with ASEAN's stated goal of a drug region by 2015). Thus, while the SPDC preens itself over the eradication of opium cultivation, and largely ignores the problems it has caused in the process, the nation has rapidly become addicted to alternative drugs, which pose just as dangerous a threat to Burma and its neighbours as opium ever did. These are factors which have brought the debate surrounding drug production and trafficking in Burma into the realm of human rights and developmental discourse, international relations and conflict resolution.

Greed Versus Grievance

Burma may well be a good case study in the discourse of greed versus grievance. The debate over greed versus grievance revolves around the causes behind civil conflict and the factors that may prolong conflict. Scholars have suggested that countries blessed with resources often fall into patterns of long term conflict as the motivations for belligerents begin to change over time and fluctuate between grievances based on ethnic and political considerations, to greed based on control of lucrative natural resources. In the case of Burma, this could be explained in terms of the long running civil conflict being prolonged by the opportunity for opium cultivation. This opportunity may partly change motivations of belligerents from those of a political nature into those of a more financial nature. (For an in depth explanation of the greed versus grievance debate, see Reappraising the Greed and Grievance Explanations for violent Internal Conflict, Murshed, S. M, and Tadjoeddin, M. Z, 2007)

The northern states of Burma have provided ample opportunity for groups, both non-state armed groups (NSAGs) and the Burmese military to invest in opium cultivation, leading to the production of heroin, and later into the production and trafficking of amphetamine type substances (ATS). The combination of opportunity and the collusion between the belligerents (in the form of ceasefire agreements that in effect entrench the machinery by which both ceasefire groups and the ruling military junta can profit) mean that there may not be an end in sight to the problem of drug trafficking out of the region. The regional implications of the trafficking problem has only recently been recognised or acted upon in a serious way by China as an issue of regional security, which is surprising considering how much of the annual opium crop production of Burma ends up passing through southern China bound for other destinations.

The symbiotic relationship between the NSAGs and the military serves to perpetuate the problem. This relationship is exemplified by the ceasefire agreements that condone production and allow groups such as the UWSA to invest drugs profits into the legal economy. Despite the previous status quo which has benefited both sides, the junta began to push for drug eradication, encouraged by the international community and China in particular, in 1999. The push by the SPDC for eradication, though partially successful according to some, has been hamstrung by the lack of inclusion of the NSAGs into the political process which has effectively denied the ethnic minority groups a political voice. This lack of political inclusion has bolstered the image of drug trafficking in the eyes of the NSAGs as a means to guarantee the development of their regions, through the investment of drug profits into infrastructure as well as the promises of the SPDC to also invest in infrastructure and social service provisions in those regions as part of the peace deals brokered earlier.[6]

5.2 Drug Production

The two most prevalent types of drug production in Burma as of 2008 were, and continue to be, heroin and the so-called amphetamine type substances (ATS). ATS is an umbrella term encompassing amphetamines, methamphetamines, crystal meth, 'ice' and for the purpose of this chapter, ecstasy which is an MDMA derivative. Drug production in Burma has changed markedly since the 90's when Burma was producing a large portion of the world's heroin. Divergent events within Burma, in the surrounding region and across the wider world have together changed the type, quantity and reasons behind drug production within the country.

Heroin

It is difficult to generalise about the production of heroin in Burma, however, there appears to have been three relatively distinct cycles to production over the past three decades. During the 80's and 90's Burma led the world in production thanks to the involvement of insurgent groups, militias, criminal elements, village farmers and the SPDC. More recently the SPDC crackdown on poppy cultivation has led to a marked decrease in production that has cut production from 33 percent of the world's supply in 1998, to just 5 percent of the world's supply in 2007.[7] These figures are courtesy of the United Nations Office on Drugs and Crime (UNODC), however, as will be discussed in a moment, these are contentious numbers that have created a large degree of consternation and debate. The last clear cycle appears to be the resurgence in poppy cultivation over the previous two years.

Before discussing the variations in the levels of production, it is necessary to return briefly to the problematic numbers provided by the UNODC. A large part of the problem of discussing the production of drugs, especially heroin, in Burma has been the manner in which data has been gathered and interpreted. This problem and its proper understanding have important implications for policy in regard to the treatment of Burma by the international community. A 2004 report by Altsean detailing Burma's drug eradication efforts pointed out some weaknesses of the UNODC methodology in gathering data for its yearly reports on production trends in Burma. Whilst acknowledging that those methods, including satellite imaging and ground surveys, were probably the best available at the time, Altsean suggested that there was a high risk that the figures were not entirely accurate. The Altsean report, entitled *"A Failing Grade"*, suggested several possible reasons for this, including crops hidden in inaccessible areas and opium crops interspersed with other crops (such as mustard or beans). The report also highlighted the problems associated with extrapolating results from the accessible areas where the surveys were primarily carried out to other parts of Shan State. These three possibilities were all problematic elements of the UNODC surveys according to Altsean. The report also pointed out that the figures arrived at through examination of satellite images were extremely difficult for teams on the ground to verify.[8]

The net result of using surveys that may not be accurate is that drug production in Burma may not be nearly as high as what the figures have suggested previously. Questions surrounding methodology have led some to debate the veracity of Burma falling from the world's leading producer of heroin in 1996, to holding just a 5 percent worldwide market share in 2007. This would probably have been a more important debate, had not the figures from 2008 shown a steady revival of opium cultivation in Burma. Regardless of the resurgence of poppy cultivation, the debate over figures holds valuable lessons for those watching the drug production levels in Burma.

The rationale for the discussion of the accuracy of the production figures released by the UNODC in particular, is that it relates directly to the track record of the SPDC regime and the political motivations of the junta. In this regard, further contention exists around the figures

that were used in the past decade to describe the levels of Burmese heroin production. Figures from the US were at some stages three times higher than what was suggested by those actors actually participating in the production of drugs in Burma at the time. If the figures of production were actually 200 percent higher than was the actual case on the ground, the implications are wide ranging. UNODC has recently claimed success in drugs reduction in Burma and has praised the SPDC's efforts at eradication; however, the vast reduction may not have been so impressive had the original production figures been significantly over estimated to begin with.

Regime Involvement in Production

It has long been posited that the military regime in Burma has been implicitly connected with and involved in the drug trade. Beyond anecdotal and circumstantial evidence linking SPDC members to the trade, a theory put forward by Australian scholar and Burmese security expert Desmond Ball in 1999 offers one of the most cogent and convincing arguments for suggesting the regime's complicity, at many levels, in the drugs trade. In *Working Paper No. 336*, produced for the Strategic and Defence Studies Centre of the Australian National University, Ball asserted that individual members of the regime have been heavily involved in the drug trade and that the ability of the trade to flourish has been facilitated by the complicity of members of the SPDC. In the paper entitled *Burma and Drugs: The Regime's Complicity in the Global Drug Trade*, Ball says that given the ability of the SPDC to control the civilian population and the ethnic insurgent armies with superior technologies and manpower, it is almost impossible to assert that the drug trade could continue without the involvement of members of the armed forces. Ball suggested that the Burmese military had already acquired vast amounts of military hardware from China, its principal arms supplier, to the tune of US $3 billion, by the time of the paper in 1999. These purchases included *"Chinese weapons, vehicles, and other pieces of defence equipment,"* since 1998.[9] Such purchases, according to Ball, had resulted in a military comprising what the author described as *"modern elements, including technical intelligence collecting capabilities, communication systems"*, among other capabilities.[10] The Burmese military's capacity as of 2008 continues to support Ball's assertion. A further 10 years of military acquisitions from its still staunch supporter in China can have had no other effect than to increase the surveillance and logistical powers of the Burmese military even further.

In the working paper, Ball claimed that the *Tatmadaw* (Burmese Army) were involved in drug production, and indeed were operating refineries in four areas under direct military control. The areas in question stretching from the Northwestern Command, including parts of western Chin and Arakan States, across the top of Burma to the Northeastern Command stationed in Shan State, to the infamous Triangle Region and down to the Eastern Command based in Taunggyi, bordering Thailand's Mae Hong Son Province.[11] Since the junta announced the crackdown on drugs beginning in 1999, there continues to be evidence of the regime's complicity in production. Numerous reports from Shan State indicate that although there are often moves by the SPDC to destroy crops, these efforts are rarely focused on areas that are under direct military control. Another problematic factor in judging regime complicity is that there appears to be disparity between those directives that emanate from Naypyidaw and the actions that are carried out on the ground in areas where poppy cultivation takes place. Traditional areas of cultivation are isolated, far away from the overbearing presence of the generals and the centralised power structure. These areas have represented lucrative business opportunities for local commanders in the past, who have run small fiefdoms, intimately connected with local militias, drug lords and poppy farmers. Many generals who have previously worked local commands in drug production areas maintain their relations with drug lords and have been accused of using these links to funnel and launder drug profits into the legitimate economy through the financing of infrastructure projects and other business ventures, such as construction companies and

casinos. General Maung Aye for example, who was a former Commander of Eastern Command, has extensive drug connections from his former days based in Taunggyi, the capital city of Shan State.[12] These connections will be explored in greater detail in the drug eradication section. The most important point to note is that directives issued from the higher levels of the military are not always implemented on the ground, with many drug lords paying off local commanders in order to continue with production. In November 2007 for example, a police force led by officer Ye Naing discovered a heroin refinery close to the village of Htitan in Hsi Hseng Township, about 95 kilometres south of Taunggyi. The police raid netted a haul of 2.5 billion kyat worth of heroin (around US$ 2 million). The owner of the refinery was reportedly Khun Chit Maung, a former leader of the Shan Nationalities Peoples Liberation Organisation (SNPLO). A local source was quoted at the time as saying that Khun Chit Maung had been, *"paying Kyat 5 million ($4,000) per month to the Eastern Region Command and Kyat 3 million ($2,400) to each of the light infantry battalions stationed in the area, LIB 425 and LIB 426,"* [13]

An opium farmer cutting open a poppy bulb to harvest the sap for opium production. Burma is the second largest producer of opium in the world after Afghanistan. *[Photo: © Irrawaddy]*

Clearly those at the bottom of the pecking order would not be able to operate without some level of sanction from the upper echelons of power in the SPDC. In addition to the low level involvement of SPDC officials, several of Burma's highest ranking officers have been notorious for their connections to the production of drugs, including Senior General Than Shwe, General Maung Aye, the former Commander of Eastern Command, and General Khin Nyunt, former head of Military Intelligence and Prime Minister prior to a purge that removed him from office (though 'health reasons' was the official line trotted out at the time of his forced retirement). According to Ball, Khin Nyunt was likely the general with the most intensive connection to the drugs industry having been intimately involved in procuring the ceasefire agreements in exchange for open drug production. The involvement of Nyunt in the negotiations also opened the opportunity for the eventual general to secure a share of the insurgent groups' drug trade profits. Among his friends General Khin Nyunt could count

many drug barons, including: Pau Yu Chang of the United Wa State Army (UWSA), Sai Lin of the Myanmar National Alliance Army, Kokang leader Phone Kyar Chin, major drug runners Wei Hsueh-kang and the Kokang Chinese Lo Hsing Han. Lo Hsing Han is also the founder of Burma's largest group of companies, Asia World Co Ltd.[14]

Despite the prior sanctioning of drug production from the hierarchy of the SPDC in the past, as of 2004 there was a major downturn in opium production according to Altsean. Three factors resulted in this downturn: efforts by the SPDC and the UNODC to implement crop replacement programs, unfavourable weather conditions affecting harvests in the 4-5 years prior to 2004 and finally the market shift from heroin to ATS.[15] This downturn lasted until roughly 2007, with the SPDC heralding a triumph in reducing opium cultivation significantly, due to its crackdown on poppy farming.

July 2008 however, saw the release of the 2008 World Drug Report by the United Nations Office on Drugs and Crime. The report outlined that there had been a global rise in drug production thanks to high yields, especially in Afghanistan. The report also noted that,

> *"after six years of decline, opium poppy cultivation in Southeast Asia increased by 22 percent last year, mainly driven by a 29 percent increase in Burma. While some areas in Burma, such as the Wa region, remained opium-poppy free, cultivation of opium in the eastern and southern areas of Shan State increased significantly."* [16]

The resurgence in production was also in evidence in Kachin State. On 30 June 2008 it was reported that farmers in Kachin State were replacing rice crops for opium poppy crops due to the rising demand within the state for opium. The report claimed that the increasing demand was being driven by loggers and miners of gold and jade. The report cited the additional pressure to switch crops based on the increased revenue that comes with poppy cultivation. The report claimed that the Hukawng Valley in Kachin State was now home to some 100,000 acres of poppy crops, supported and owned by Chinese interests who pay for fertiliser from China to increase yields and who also pay off SPDC officials, members of the KIA and the New Democratic Army-Kachin (NDA-K).[17]

The recent surge in production in Burma, especially just four years out from the targeted ASEAN and SPDC goal of a drug free Burma by 2015, raises two significant points. Firstly, the precipitate rise in production once again raises Ball's pertinent question. How could this happen without some level of collusion between the SPDC and the major players in the drug trade? Secondly, the vast increase in production in such a short period of time bears out the hypothesis held by many that drug production, while being touted by the SPDC as having almost being eliminated, is far from extinct. Burma drug watchers have suggested that the eradication of crops, far from discouraging farmers from continuing cultivation, have merely driven poor farmers into the more inaccessible regions of Shan State, and more frequently, into parts of Eastern and South Eastern Shan State, whereupon they have continued to cultivate poppy crops as a means of survival. For the larger growers with more cash however, the situation is markedly different. On 5 March 2008 it was reported that opium poppy production in the ethnic Palaung area of Mong Tong Township, Shan State was on the rise. The report claimed that although small growers of opium had all but desisted from the practice fearing retribution from the SPDC authorities, larger growers and businessmen were able to offer large bribes in order to conduct their business unimpeded. The report claimed that the location of large poppy crops was common knowledge, but that bribes paid to local authorities meant that nothing was done about them by the relevant authorities.[18]

The strong suggestions of links between Burmese army units and opium production persist in Shan State especially. Khuensai Jaiyen, the editor of *Shan Herald Agency for News* stated in an article in 2007 that the likelihood of a connection between the SPDC forces and

drug production was evidenced by the increase in battalion numbers that were stationed in Shan State between 1998 and 2007. He claimed at the time that the number had risen from 33 to 141 in the space of nine years. The involvement of the army in drug cultivation and trafficking was a result of the SPDC's so-called self-reliance policy suggested Jaiyen, saying, *"Each military unit has to raise money locally to pay for its expenses. So money from drugs helps to meet these needs. The officers profit the most."* [19] He went on to add that,

> *"With the Burmese army profiting at every level, no wonder the junta is not serious about eradicating drugs, … More poppy is grown today in areas under the control of the Burmese army than in other areas."* [20]

The idea of military involvement in drug production was supported late in 2008 by the Chairman of the Lahu Democratic Front (LDF) Ailong Khammwe, who suggested that the military was not only involved in the drug trade but was forcing civilians to grow opium poppy as well, in order that they may collect taxes on the crops.[21] Due to the involvement of troops, Khammwe claimed in interviews that opium cropping had increased in the areas of Mong Hsat and Mong Ton in eastern Shan State. Two years after Jaiyen had suggested the nexus between the army and drugs in Shan State, Khammwe's assertions, if valid, seem to suggest that the practice continues.[22]

This photograph, taken in November 2008, depicts a young Burmese man and woman injecting heroin down one of the backstreets of the Chinese border town of Ruili opposite Hsipaw in Shan State. *[Photo: © Nic Dunlop/Panos]*

Jaiyen's statements in relation to the military's self-reliance policy fit in with the way that the policy has affected other ethnic conflict areas where it is in operation. In many other areas of Burmese life under military control, the rules of the SPDC are often flexible, provided that the military can make a profit from the bending of those rules. The role of extortion in everyday life has become quite commonplace and it of course plays a significant role in the production of drugs. The use of extortion by the military is common sense in some respects, as it allows the military to apply arbitrary fines and taxation upon the population, thereby supplementing the meagre wages delivered by the military authorities. By imposing fines and taxes in place of conducting arrests for breaches of the domestic laws, military personnel are able to make a profit while leaving the victim at liberty, whereupon they can be taxed again at some point in the future. This theory is borne out by the amount of civilians who are detained for various spurious reasons but are never charged with anything concrete and are subsequently released, often much poorer than they were prior to their arrest.

In Shan State in areas under SPDC control, extortion is an integral part of drug production and of life under military control. The SPDC decision to shut down drug production in some areas of Shan State circa 2001-2002 forced many farmers into the difficult decision of having to find alternative methods of sustaining their livelihoods or moving location in order to continue with the production of poppy crops. Few viable agricultural alternatives were provided by the authorities. Other factors came into play regarding the viability of poppy cropping, including the forced relocation of villages, much as had happened in other areas of Burma, most notably in Karen State. For those farmers forced to relocate to SPDC controlled areas, old farming lands were difficult to leave, resulting in some farmers returning to these areas in order to continue production.

The June 2008 monthly report by *Shan Herald Agency for News* reported a case of extortion that highlights the manner in which the SPDC extorts money from those farmers in contravention of domestic law in order to profit from them, instead of arresting them. It was reported that a column of 45 troops from the LIB #569, based northwest of Kun Mong village in Kaeng Town area in Mong Nai Township, Shan State, were on patrol on 29 December 2007 when they came upon three poppy crops where the village of Loi Saai used to stand before it was forcibly relocated several years earlier. The troops partially destroyed the crops and on the next day went searching for the owners of the farms. The next day while searching in the area of Nam Hsan Township the troops happened upon a farmer tending his opium crop in the deserted village of Kung Maak Keng (which had been forcibly relocated several years prior), in Kho Ood village tract. The farmer identified as Saw Nan Da from Kho Lam village, had been secretly returning to the village from which he had been forcibly relocated several years earlier and was using the old plots to grow opium in order to support his family. Saw Nan Da was subsequently forced to pay a bribe of 150,000 kyat in order to secure the safety of his crop. Upon returning to their base, the troops of LIB #569 summoned the three owners of the poppy farms discovered and partly destroyed on 29 December 2008 and extorted a total of 250,000 kyat combined from the three farmers by threatening to destroy the crops completely unless they complied. The farmers identified as Mu Ling (m), Zaai Leng (m) and Pan Ta (m), were all from Kun Mong village in Kaeng Tawng area, close to the base of LIB #569.[23]

Heroin Refineries and Changing Structures of Production

A report from 28 June 2008 stated that although the events of the previous decade had conspired to reduce the amount of heroin refineries, in Shan State in particular, the output from the refineries was still high. The reduction in heroin production and its pre-cursor forms had made it possible for the trade to be monopolised and controlled from the Wa area capital of Panghsang. This eventuality was in no small part contributed to the taking over of the UWSA Finance Ministry on 4 July 2006 by drug kingpin Wei Hsueh Kang, who is wanted in both Thailand and the United States for involvement in the drug trade. The restructuring of the drug production from a de-centralised system spreading across Shan State and controlled by many units, to one quite centralised near the capital located on the Sino-Burmese border means that Thai buyers were forced to deal almost solely with Panghsang. Despite the reduction in refineries from 93 (59 heroin, 34 methamphetamines) in 2002, to a level of 37 (13 heroin, 24 methamphetamines) as confirmed by SHAN, there had been a maintenance of quality and an ability to regulate supply based on demand from buyers. A businessman based in Kengtung indicated that the minimum purchase for a shipment of *ya ba* tablets would be 500,000, which indicates the seriousness of the capacity of the refineries in question. The report claims that other groups were also capable of production upon request, such as the Kachin Defense Army (KDA) and Panhsay militia. It further claimed that smaller factories had popped up in southern Shan State, where the precursor to heroin, known locally as ‘huangpi’ was being produced for trafficking through the north of Shan State to its eventual destination in China.[24]

Amphetamine Type Stimulants

During the past decade there has been something of a shift in Burma toward the production of so-called amphetamine type stimulants (ATS), as well as 'ecstasy'; an Methylenedioxymethamphetamine (MDMA) derivative.[25] According to the Director of the UNODC, Antonio Maria Costa

> *"A decade ago, synthetic drugs were a cottage industry,……Now they are big business, controlled by organized crime syndicates that are involved in all phases of this illicit trade, from smuggling precursor chemicals to manufacturing the drugs and trafficking."* [26]

The regime's crackdown on the cultivation of opium has driven the price of opium up, putting the cost of smoking opium out of reach of many. This has had several consequences. One is that users of opium have turned to smoking heroin, and from there, to the more cost effective, but more dangerous method of injecting heroin, with all the problems that this practice entails. The other consequence of the rising price of opium and heroin is that users have turned to the cheaper and widely available option of ATS.

The ease of producing ATS means that it proved to be relatively simple for drug syndicates to switch from the production of heroin to the production of ATS. Even if precursor chemicals could not be obtained through smuggling them into the country, over the counter medications were until recently available that also contained the ingredients with which ATS could be manufactured. This practice was highlighted when a Thai police operation during October 2008 netted a large haul of pseudo-ephedrine in the town of Mae Sai on the Thai-Burmese border. Police seized over 500,000 cold relief pills in raids. The pills contain pseudo-ephedrine which would have been extracted by drug manufacturers to make amphetamines. Subsequently, the Thai police have been cracking down on over the counter sales of the pills. On 17 November 2008, Thai police also raided the 9 Stars Hotel in Tachilek on the Burmese side of the same border crossing and netted 50,000 amphetamine pills. The production of vast amounts of amphetamines continues to be a problem in the area and the same report claimed that the UWSA had recently bought around 10 tonnes of pseudo-ephedrine from Thai suppliers.[27]

Examples of the WY-branded *yaba* amphetamine-type stimulant (ATS). These tablets, produced in the methamphetamine laboratories of the UWSA sell for approximately 8,000 – 10,000 kyat each. *[Photo: © Narinjara News]*

5.3 Drug Use

Intravenous Drug Use

> *"Nearly 55 percent of the world's amphetamines users (14 million) are estimated to be in Asia. Most of them are methamphetamine users in East and South-East Asia. Ninety seven per cent of all amphetamines used in Asia are consumed in the East and South-East sub-region."* [28]

As mentioned earlier, there has been a dramatic rise in the use of synthetic drugs in Burma over the previous decade. Several factors account for the changing tastes of drug users in Burma. In some respects the crackdown on the production of opium has been a success story, however the side effects of the operation to make Burma drug free by 2015 have been significant. The drug production section of this chapter made mention of the changing patterns of drug use in Burma as users have begun to turn away from expensive options such as opium following the crackdown on its production and subsequent increase in price, and have increasingly turned to ATS. Users have also turned toward injecting heroin as a means of achieving the most efficient and powerful results for their investment.

In a report from 2008 released by the Transnational Institute entitled *"Withdrawal Symptoms"*, a drug user from Riuli on the Burma-China border was quoted as saying,

> *"People have started to inject it (heroin) because they have no money and injecting is cheaper, … many begin by smoking heroin, but quickly realize the cost-effectiveness of injecting, where they can achieve a stronger effect from a smaller amount."* [29]

Predictably, the turn to intravenous drug use has brought the concomitant problems of increased risk of HIV/AIDS. In a country with already high rates of infection and limited support or educational training from the authorities, the consequences of intravenous drug use in Burma are alarming and pervasive. Some estimates of HIV-positive intravenous drug users in Burma are as high as 40 percent; this in a country where according to UNAIDS estimates, a mere 3 percent of intravenous users have access to services to help treat and manage drug addiction. The TNI report of 2008 suggests that there is little in Burma in the way of educational programs to educate users about the dangers of needle sharing, even though this remains one of the major causes of the HIV/AIDS epidemic in the country.[30] Compounding this problem, drug users are not able to access anti-retroviral medication, which in other parts of the world has become standard for those with HIV/AIDS.

A report from 5 February 2000 illustrated the extent of the problem of HIV/AIDS in parts of Burmese society. The report suggested that up to 90 percent of prisoners held in Kachin State's Myitkyina jail are HIV positive. The report stated that the likelihood of infection is increased by the unsafe practices of sharing needles, a practice that was particularly present in Myitkyina prison according to Tate Naing of the Assistance Association for Political Prisoners Burma. The report also cited research by the Kachin National Organisation, based in Thailand stating that 100,000 people between the ages of 10 and 40 had died from HIV/AIDS in the past ten years.[31]

ATS Use

On 12 September 2008, the UNODC released its annual report on drug use for 2008 which outlined the increase in drug use across Asia, particularly in the case of Burma, where there has been a sharp rise in the use of chemical substances. The report suggested that the increased usage of these types of drugs in the developing world was being driven by *"Asia, with its huge population and increasing affluence."* [32] While the 'affluence' of Asia may well be driving consumption levels and demand in places like China, it is actually the poverty of Burma that has produced demand for cheap drug options. Local Burmese community leaders echoed the concerns of the UNODC report. Aung Wa, the chairman of the Kachin Development Network Group (KDNG) claimed (somewhat dubiously) that *"More than 60 percent of the young people in Kachin State are using drugs".* Aung Wa further claimed that *"Poverty and a lack of jobs in Burma is a major factor that is forcing young people to become involved in dealing drugs."* [33] In other areas of Burma, drug use among the young population has also become problematic. A teacher from Three Pagodas Pass in Mon State claimed that as many as 8 out of 10 students were taking drugs of some form in order to cope with the bleak economic and political situation. The issue of drug abuse has far reaching effects, both physically and economically. A rubber plantation owner told *Irrawaddy* that the prevalence of drug dealing has made it increasingly difficult for her to hire labourers to work on her plantation. The profits to be made from dealing in drugs far outweigh the financial incentives that she can offer for day labour. She told the magazine, *"It is very difficult for me to find people to work in my rubber plantation now,…I can only afford to pay 150 baht (US $4.30) per day. Young people aren't interested."* [34]

The affordability and ease of access to ATS make them a logical replacement for more expensive drugs like heroin and have become, according to those inside Burma, a reasonably common problem. ATS are said to be the drugs of choice for students, truck drivers and sex workers to name just a few categories of user. One sex worker from Riuli told TNI researchers

> *"I use* ya ma *[yaba] because life here is hard. In the morning I take five pills. If I do sex work, I will take some more, because sex work is very tough. After taking the pills I feel fresh, and I am very patient with my clients."* [35]

A Burmese drug addict smoking amphetamines Ruili of China's Yunnan Province. Some sources have maintained that while the sale and use of heroin has decreased in the border town, there has been a significant rise in the use of ATS produced in Burma. *[Photo: © Orlando de Guzman]*

Drug Use and the Extractive Mining Industry

A relatively undocumented aspect of drug use in Burma has been that associated with the mining industry. In particular, Burma's jade mines have come under particular scrutiny from rights groups who claim that a raft of rights abuses including forced and child labour, land confiscation, drug abuse, sexual exploitation and environmental damage are occurring both in the mines themselves as well as in the communities closely associated with them. Reports suggest that up to 20,000 people are currently working in the mines that are tightly controlled by the junta or its business partners.[36] Reports vary, however the industry surrounding the extraction of imperial green jade is estimated to generate somewhere between US$ 300-400 million per annum.[37] The lives of those involved in the jade industry are miserable and fraught with danger. One man, who spoke to the New Statesman in October 2008, suggested that drug use was a way of coping with hardship. The individual in question turned to heroin after seeing his friend crushed to death while sifting for Jade slivers in the run off from mines. He said,

> *"Our lives are very miserable and difficult, … I use many kinds of drugs; heroin, alcohol, … I smoke heroin which I get from drug-selling shops in Hpakant. The government soldiers do nothing to close the shops. The drug-sellers just give money to the authority leaders; they bribe them and sell it freely … I started to take heroin to feel happy, because my life is hard."* [38]

According to EarthRights International, the prospects for improvements in Burma's human rights track record in the mining sector are not likely to improve given the large financial incentives involved.[39] The growing demand for energy in China, as well as demand for jade in the Chinese domestic market, continued to drive the involvement of Chinese multi-national corporations in the Burmese natural resource extraction sector in 2008. The jade mines such as those at Hpakant in Kachin State are large sources of revenue for the junta, who often form joint ventures with foreign investors, and are likely to continue, unaffected by outside pressures. The military presence in mining sites is growing with the military sometimes providing security for companies at mining sites.[40] The economic relationship between the region's rising powerhouse and the region's worst human rights abuser seems likely to determine that China will not be applying too much pressure on Burma to reform its errant ways.

Domestic Drug Laws

A troubling aspect of the drug use problem in Burma has been the stance taken by the authorities in dealing with the phenomenon by trying to legislate it out of existence. In keeping with the aggressive approach to eradication of cultivation regardless of human rights consequences or sustainability, the SPDC has enacted harsh and highly disproportionate penalties for those caught using drugs. The ceasefire groups who also seek eradication within their areas of control in Kachin and Shan States have also been stringent with drugs users; this has lead to a situation whereby criminalizing drug use has reduced addicts' access to harm reduction measures and health services. In SPDC controlled areas in Burma, for example, a person caught with more than 0.2 grams of heroin can be sentenced to prison for up to 15 years, while possession of 5 *ya ba* pills could result in 20 years in prison.[41]

5.4 Drug Trafficking

The reality of Burma as a hub of drug production and trafficking has had dire and wide-ranging effects upon the country itself. As discussed in several other sections of this chapter, SPDC involvement in many areas of drug production and distribution, including members of the military and law enforcement, continue to complicate the process of eradication. The long running civil conflict has played a significant part in Burma's reliance on drugs and continues to be a pivotal factor in the development of the border regions controlled by ethnic ceasefire armies.

It is clear that the scourge of drugs has had a pervasive effect on the domestic affairs of Burma; however it is not just that country alone that has suffered from the problem. The geopolitical importance of Burma and its prime location between the regional powers of India, China and Thailand have also made Burma a focal point of international drug trafficking. With the collusion of corrupt officials, organised criminal elements, non-state armed actors and military authorities, the drug problems of Burma are not confined to its borders. Trafficking of finished opium products continues out of the country (though at much reduced rates to those of the previous decade) through Bangladesh, and thence to Pakistan and on to Europe's markets. Other destinations include China, Australia, and India, constituting a serious problem for these other nations of Asia and the Pacific.

The export of heroin continues to be a problem for Bangladesh in particular, where state capacity to combat trafficking is weaker than other countries of the region. Bangladesh has become the prime transit route for trafficking heroin to Europe from South East Asia and heroin consignments destined for Europe are increasingly passing through Bangladesh. The common method and routes for smuggling heroin into Bangladesh are by courier from Pakistan, by commercial vehicles and trains from India and along the Bay of Bengal or over land by trucks or public transport from Burma.[42]

In terms of the trafficking of ATS, the US Department of State (US DoS) on 1 March 2008 released its latest findings on the drug trade in Burma highlighting the growth in ATS production, specifically in crystal methamphetamines and Ketamine (better known as a horse tranquiliser). The report noted the Wa controlled special region as a growing source of the drugs.[43] A subsequent report on 3 March 2008 claimed that Burma remained the world leader in methamphetamine production, prompting a change in name for its north eastern region from the former 'Golden Triangle', to the 'Ice Triangle'. Despite drastic reductions in opium cultivation, production of synthetic drugs has risen precipitously in recent times. The report quoted David T. Johnson, Assistant Secretary for International Narcotics and Law Enforcement Affairs as saying, *"the lack of cooperation that we have from Burma threatens not just its own public but also the countries of Southeast Asia."* [44] Despite the reduction in opium cultivation, sources from the US administration claimed that Burma had demonstrably failed in its international counter-narcotics obligations. This was claimed to be the result of a myopic focus on crop reduction, without sustainable alternatives and furthermore, a lack of openness to outside assistance.[45]

The international ramifications of Burma's drug problem are given gravitas by the frequency of the arrests of Burmese citizens in the surrounding countries (See Partial list of trafficking incidents below). In Cox's Bazaar, Bangladesh, for example, police arrested 35 year old Rahmat Ullah from Mitar Sara village of Ramu Upazila on 8 January 2008. Ullah was in possession of 170 *yaba* ("crazy medicine") tablets, and it was alleged that he had been involved in trafficking drugs for a number of years, bringing both *yaba* and Phensidyl (whose active ingredients include codeine phosphate and ephedrine) into Bangladesh. According to traders in Teknaf, the trade in methamphetamines and amphetamines is still prevalent in the area, though it was said to have come down since vigilance on both the Bangladeshi and Burmese sides of the border had increased, especially after a huge haul of *yaba* was taken in Dhaka in October 2007.[46]

One part of the problem of eradicating drug trafficking stems from the involvement of law enforcement officers, the very agents tasked with preventing the trade, in the trafficking of drugs themselves. A report from 26 November 2008 detailed the manner in which police officers had abused their authority by arresting drug dealers in order to extort money from them. The report identified district police officer Aung Htay and township police officer (OC) Nyi Lwin Soe of Maungdaw Township who posed as drug dealers in order to trap two suspects, a monk and a man from Sittwe, the capital of Arakan State, outside the Bangladesh Monastery near Myoma Kayindan village of Maungdaw Town. The officers seized *yaba* tablets from the two men and arrested them. Sources close to the police related to *Kaladan News* that police officers then took 2 million kyat from the suspects and then released them.[47]

This example of premeditated extortion on the part of law enforcement officers shows just one aspect of how difficult it is to stamp out the problems of drugs in Burma. In cases such as the one above, the problem is twofold. Not only are the police involved in extortion, but the drug dealers are also released and consequently allowed to continue criminal activity. It is not difficult to speculate as to the motivation of law enforcement officers. Police officers, like military personnel and most civil servants are poorly paid, and are not immune from the enticements of outright corruption in order to supplement meagre wages. Regardless of the economic motivations of police officers, it does not bode well for Burma that the police, as one of the two main arms of fighting the problem of drugs in the country (along with the military) may be to some extent involved in perpetuating the problem.

The judicial system, widely seen as representing the interests of the junta, also plays a role in exonerating criminals, which in any case makes it difficult for law enforcement officers to enact their mandate, even if they were not involved in the trade. On 4 February 2008 for example, three *yaba* smugglers from Maung Ni Village located on the outskirts of Maungdaw Town, Arakan State, were sentenced to 20 years in prison each after they were caught trying to smuggle 800 pills into Bangladesh. Even though the three men said they were paid by two drug store owners, Zaw Win and Har Chai, to traffic the drugs and identified the two store owners, the case went no further. Despite the two store owners being arrested, the judge eventually released them unconditionally amid rampant speculation that a large bribe had been paid to the judge to secure their release.[48]

Although the ethnic ceasefire army the UWSA is better known for its role in production of heroin, evidence suggests that they have diversified their business interests in the wake of banning opium cultivation and have moved into the ATS production and trafficking market. It was reported on 6 February 2008 that a drug smuggler carrying some 200,000 speed pills was shot following a fire-fight with a band of men in Wiang Haeng District in Chiang Mai Province Thailand, about a kilometre from the Burma border. The smuggler was said to be an ethnic Wa, though this was yet to be confirmed at the time of the report. The report also went on to cite a separate incident in which two men were arrested in a sting operation on the Chiang Mai-Mae Taeng road. Police posing as drugs buyers purchased 38,000 speed pills from Chatree Chantong, 46, a Mae Rim district resident, and Ja-ea Jalorbu, a member of the ethnic Lisu ethnic group in Chiang Dao District. According to the report,

> *"Ja-ea confessed to being a member of a drug network controlled by a deputy commander of the South Wa State and a supervisor of a drug storage facility in Burma's Nakawngmu village opposite Chiang Dao district of Chiang Mai."* [49]

Drug Trafficking -Partial list of incidents for 2008

On 7 February 2008 a Burmese national identified as Mohammad Alir was arrested in Zaliya village in Teknaf Town on the Burmese Bangladeshi border. The man was in possession of some 205 *yaba* tablets. The report claimed that many such arrests had been made in the area as Burmese citizens in western Arakan State were faced with conditions of dire poverty. Lack of economic opportunity was said to be leading many to disregard the penalties for trafficking in ATS in their search for income.[50]

On 16 February 2008 U Aye Myine was arrested in the vicinity of Three Pagodas Pass on the Thai-Burma border in possession of 28,000 *yaba* pills and 10,000 Thai baht in currency. Police later found a further 300 pills in his residence on the Burmese side of the border town. On the same day, New Mon State Party (NMSP) officials intercepted two men at a checkpoint. The two later escaped, leaving behind roughly 4,000 pills. Combined with the previous haul, police seized amphetamines with a total value of 150 million kyat for the day.[51]

On 13 March 2008 Ma Than Tin, the wife of Sergeant Zaw Lin, a police officer in charge of the 4 mile gate in Maungdaw, Arakan State, was arrested. The woman was carrying 700 *yaba* pills and 100 gm of heroin. The arrest was made by the Drug Enforcement Agency (DEA) of Buthidaung Township at about 6 pm at the Buthidaung jetty. Two further arrests took place thereafter of the two labourers carrying the bags of Ma Than Tin, namely Sha Shu (45), and Mohammed Rashid (40). The husband of the accused, Sergeant Zaw Lin was also arrested later the same day. All of the accused were being held at Tactical Operation Commander (TOC's) office of Buthidaung at the time of the report.[52]

It emerged on 11 June 2008 that Lieutenant General Ye Myint had been asked to resign his commission in the Burmese Army following the arrest of the Lieutenant General's son, Aung Zaw Ye Myint on drug trafficking charges in the last week of May. The office of the accused was in Kemmendine Township, where special police and military intelligence discovered drugs, a gun, handcuffs and several million kyat. The arrest of the prominent businessman also led to the arrest of another of Burma's richest men, Maung Weik and several cinematic celebrities. The arrest of the well known drug dealer came only after the businessman fell afoul of Senior General Than Shwe, who was said to be displeased by the criminal's handling of a construction contract that had been previously won. Aung Zaw Ye Myint, the head of Yetagun Construction Company had won the contract to build the Maymyo-Mandalay road project. A failure to complete the project satisfactorily forced the SPDC to hand the contract over to the Asia World Company who were forced to rebuild the road. Although the criminal was well known to authorities, it is indicative of the environment of impunity within which criminals can operate that Aung Zaw Ye Myint was allowed to conduct clearly illegal activities until his actions displeased high level authorities.[53]

On 16 June 2008, State media from Burma announced the arrest of 245 drug traffickers over the month of May. Authorities *"seized 76.78 kg of opium, 1.19 kg of heroin, 3.43 kg of marijuana, 93,867 stimulant tablets and other narcotics"* and *"action was taken against 245 persons - 201 men and 44 women in 158 cases."* [54]

It was reported on 23 June 2008 that the arrests of Aung Zaw Ye Myint and Maung Weik on drugs related charges may have stemmed from their connection to the grandson of Senior General Than Shwe. Nay Shwe Thway Aung had until June been the favoured grandson of the military leader, however, rumours suggested that family members had found him to be in possession of methamphetamine tablets that had reportedly been procured from the two arrested businessmen, leading to their subsequent arrest by authorities.[55]

On 6 August 2008 it was reported that two drug smugglers had been arrested in Bomu Para in Maungdaw Town by Sergeant Maung Kye of Maungdaw District Police and three other unnamed individuals, in Maungdaw Township in Arakan State. The report said that the police were acting on a tip off from the Sayadaw (chief abbot) of Bangla Monastery of Maungdaw Town. The report claimed that the two smugglers, who were in possession of 4,000 tablets of WY brand methamphetamines produced by the United Wa State Army, were later released after paying the officers in question one million kyat. This transaction was not reported to the officers' superiors. The 4,000 WY tablets were kept by the police. A civilian broker who owned the house where the smugglers were arrested, Than Lwin, had placed orders with the smugglers to provide the tablets, and had received money from Sergeant Maung Kye in order to pay for the methamphetamines. The sequence of events strongly suggests that Sergeant Maung Kye had arranged the drug deal in order to sequester the drugs so that that they could be sold at a later time, and charge the smugglers a bribe on top for personal gain.[56]

On 13 August 2008, the media reported the arrest of the Managing Director of BME 1 nightclub, Thet Naing. The accused was picked up by Thai police in Bangkok and handed over to their Burmese counterparts. The suspect was later remanded to Insein prison in Rangoon. Thet Naing gained notoriety after becoming friendly with Aik Hauk, the son-in-law of UWSA leader Bao You-Xiang. Aik Hauk, is a renowned property owner as well owner of the BME nightclub chain, who employed Thet Naing. The BME clubs were well known for initially distributing free drugs and later selling them on their premises. The arrest is thought to be related to the investigations surrounding the young business tycoons Maung Weik and Aung Zaw Ye Myint.[57]

On 8 September 2008, two Burmese nationals were arrested in Jalalabad union of Edgha Upazila, Cox's Bazar district, Bangladesh. The pair was in possession of 1,200 *yaba* tablets. The arrested individuals were identified as Siddique Ahmed (32) and Anwar (28), both from Buthidaung Township, Arakan State. The pair was arrested following a police raid on the home of Maulana Nurul Amin of Jalalabad union, who was also arrested, around 11 pm.[58]

On 20 September 2008 a source close to Maungdaw police in Arakan State alleged a traffic policeman identified as Sub-Corporal U Tin Aye of Maungdaw Town had been trafficking *yaba* tablets in Arakan State and also smuggling them into Bangladesh. The report suggested that the Sub-Corporal had been responsible for smuggling *yaba* between Buthidaung and Maungdaw on his motorcycle.[59]

On 4 November 2008 Bangladeshi Police arrested a group of Bangladeshi men travelling from Arakan State at the Whykong checkpoint. The car contained 900 *yaba* tablets and was travelling from Arakan State to Bangladesh when it was intercepted by police. Police arrested individuals identified as Mohammed Rofique (25), Ibrahim (24), and Yunus (22), all from Teknaf. The driver Nobiul Alam and helper Abdul Aziz were also arrested under suspicion of trafficking.[60]

5.5 Drug Eradication Efforts

On 17 September 2008, Burma was again noted, for the seventh year running, for having *"demonstrably failed"* in its obligations to combat drug production and trafficking. Despite a recent decline in heroin production, the United States Assistant Secretary of State in charge of International Narcotics and Law Enforcement Affairs, David Johnson, made mention of the fact that Burma has done very little in the way of combating the huge production levels of methamphetamines that eventually flow out of Burma to neighbouring countries and beyond. The Assistant Secretary also mentioned that despite past declines, it appeared as though poppy cultivation was once again on the rise within Burma. In comments to the press, Johnson said,

> *"The military regime has made little apparent effort to curb production of the pills and little effort to stop poppy cultivation,…..Their efforts to reduce demand, interdict drug shipments, and combat corruption and money laundering continue to be lackluster."* [61]

The harsh criticism meted out by the State Department is in some respects justified, however, the remarks fail to accurately describe the reality on the ground in Burma and furthermore, fail to take note of some of the wider failures associated with eradication of opium within the country. A more nuanced take on the situation would have made mention of the role that has been played by poor policy and poverty in Burma's former drug producing areas in the north, an area which has been the focus of the SPDC crackdown on opium farming since 1999, and more recently by the ceasefire armies.

Opium Eradication

To date the major focus of drug control efforts has been the eradication of opium poppy cultivation, predominantly in Shan State. The push by the SPDC to declare Burma as opium free by 2015 (in line with the ASEAN timeline), as well as the ban enforced by the UWSA since 2005 in the Wa Special Region 2, have resulted in large scale reductions in cultivation that have seen Burma's contribution to the world's supply of heroin seriously decline. At first glance, the rapid decline in heroin supply appears to be a great success, however, thorough scrutiny of the situation reveals otherwise. The vast reduction of poppy cultivation has come at the expense of the rural poor, and according to the UNODC has occurred at a faster pace than is acceptable due to the lack of viable income generating projects to replace the opium farming option.[62] The SPDC and UWSA campaigns have left farmers with little options for supporting families following the elimination of their major cash crop. They face forced relocation, food insecurity and falling indicators of health and education.

Effects of Eradication on Livelihoods

In Burma, 43 percent of the average yearly household income (approx US$437) of opium cultivating households, predominantly in Shan State, was derived from opium sales in 2006. Since a large proportion of the household cash income is generated by opium, farmers in Burma are vulnerable to opium price fluctuations and possible decreases in production, whether caused by drought, disease or law enforcement. Such changes can have a serious and immediate impact on household food security. In Wa Special Region 2 where local authorities enforced an opium ban in 2005, farmers have lost up to 70 percent of their cash income.[63]

The 2006 UNODC report on the effects of eradication programs does point out several positive outcomes from crop eradication in Shan State, especially in the Wa region. Commendable outcomes in the areas that formerly cultivated opium as a cash crop have been the reduction in numbers of addicts (addiction figures are closely related to areas that grow poppy), reduction of women's workloads and the *"opportunity to diversify out of an unreliable cash crop."* [64] Despite the promising ring of having the 'opportunity' to diversify, many crop substitution programs have failed in the past.

Unfortunately, these positives appear to be far outweighed by the negative consequences in the rapid and poorly handled crackdown on poppy cultivation in the region. As has so often proven to be the case in Burma, it has been the rural poor who have borne the brunt of ill-conceived policy decisions.

The reduction in opium cultivation has had impacts on food security, has resulted in a serious lack of income and increased debt for farmers as well. According to the 2006 UNODC report on production in the Golden Triangle, many farming families were subsequently unable to purchase basic essentials such as cooking oil, salt and clothing; such was the reduced state of their finances following crop eradication.[65] The report claims that around 30 percent of households in the Wa region of Shan State were in debt in 2006, while up to 90 percent of households experienced food insecurity.[66] With such intense pressure placed upon families who were poor to begin with, it is easy to imagine that the long-term sustainability of opium reduction in such regions would be questionable. The figures from the past two years (2007-2008), showing a significant increase in opium production on the back of six years in decline, may be an indication that the temptation to return to opium cropping out of economic necessity has been simply too great to ignore for many farmers looking to feed hungry families.

Crop Substitution

The failure of the crop substitution projects in Burma along with the speed with which they have been carried out can be contrasted to good effect with the developments in Thailand over a period of roughly 20 years between 1965 and 1984. The Royal Thai Government undertook socio-economic needs surveys in 1965/66 to determine the situation that they were facing on the ground in Thailand's north western regions in regard to opium production. Following careful planning and in conjunction with UN agencies, alternative development projects were implemented gradually. The carefully crafted programs, in addition to the strong political will displayed by the Thai government, were able over the course of two decades to eventually reduce the population's dependency on opium as a cash crop. Furthermore, the program provided sustainable alternative income generation without impinging upon the human rights of poppy farmers.[67]

According to the Altsean report from 2004 entitled *A Failing Grade*, crop substitution plans undertaken in Burma had been far less successful as of 2004. In 1999, a 15 year plan was implemented which included some crop replacement programs that attempted to switch opium for rice, substituting a Chinese rice variant, '*Hsin Shweli'*. Although the Chinese rice was supposed to have higher yields, it was in fact less productive and yielded a poorer quality of rice than that grown traditionally in the Shan State.[68] Despite the failure of the crops in all townships where the rice was grown, the SPDC continued to hand out the seeds and punish farmers who did not meet planting deadlines. The scheme also raised questions over the intelligence of planting rice in the mountainous areas of Shan State, due to the fact that rice is grown predominantly in the lowland areas of that region.

Even where crop substitution may appear to be successful, unexpected dilemmas may still arise. In the Wa region of Shan State (as well as in neighbouring Laos and southern China) local authorities have promoted the cultivation of rubber plantations as an alternative cash crop to opium. Bringing in roughly twice the price of opium per hectare, rubber seems like it would be an ideal alternative, however, there have been hidden drawbacks to the plan. Besides the fact that rubber is a long term investment, another disadvantage has, ironically, been its popularity. The large regions covered by rubber plantations, which have been facilitated by Chinese investors, have had a negative impact on the micro-environments of regions in southern China's Yunnan province and the Wa region of Shan State where too much rubber has been planted. A further problem has been the power of larger investors buying up prime land at the expense of poor farmers, who are left with low quality land and are at times obliged, and indeed sometimes forced, to work on commercial plantations.[69] Working as day labourers on larger plantations mean minimal wages for poor farmers and at times they receive no pay at all for their toil. In addition to the labour rights abuses associated with these plantations, the environmental lessons learned from Laos and China do not bode well for the continued mass plantations of rubber in Burma. NGOs have raised red flags regarding the dangers of widespread use of pesticides and the resultant drop in soil fertility, affects on biodiversity, and illegal logging and deforestation to make way for new rubber plantations.[70]

A Burmese police officer adding a piece of wood to a pyre during an SPDC drug burning ceremony. Among the drugs burned were opiates, heroin, marijuana, and ATS. *[Photo: unknown, found online at www.militaryphotos.com]*

Further negative aspects of crop substitution schemes are the vastly reduced incomes that are derived from economically inferior crops. As mentioned above, cash crops of opium provided as much as 43 percent of farmers' incomes per year. Losing half of yearly income resulted in poorer health and education levels for farming families. According to World Food Program figures, around 58 percent of children in the Wa region are stunted and 26 percent were severely stunted as of 2005, as a result of malnutrition. Households with reduced incomes have at times turned to negative coping strategies such as eating less frequently, eating less nutritious foods, eating forests products etc, all of which have deleterious effects on the health of the family, especially on children who are vulnerable to malnutrition.[71]

Another negative consequence of failed or inadequate crop substitution has been the need for food aid, care of the World Food Program, as alternative crops such as rice only provided sustenance for four to six months of the year. In the worst cases, rice cultivation only yields enough food for one to three months.[72] Normally the shortfall would have been taken care of

by the income generated by poppy cultivation, livestock for the more well-off villagers, or collection of non-timber forest products (NTFP) for those less fortunate.

Abolition of poppy crops (such as those in Wa State for example) has pushed many families into situations of starvation as farmers are left with no viable alternatives. The lack or failure of alternative crops threatens the sustainability of crop eradication, as farmers may return to cultivation out of necessity. The situation in 2008 took a turn for the worse as dual natural disasters combined to create food scarcity in the Wa region of Shan State. Cyclone Nargis in Burma's south and the earthquake in Sichuan Province in China created problems in the rice supply that is necessary for the Wa Self Administered Region (SAR), as it is known in the military drafted constitution. The region has traditionally been an importer of rice, due to the unsuitability of the terrain for growing a rice crop. The partial elimination of the rice growing regions of the Irrawaddy Delta affected supplies from the south, while the earthquake is Sichuan prompted the Chinese government to suspend cross border rice trade and also threatened the yearly 10,000 tonne rice donation from China.[73] Junta restrictions on rice movement between townships in the wake of Nargis, and the ban on poppy production since 2005 in the region prompted calls from many former poppy growers for a return to cultivation as a means of bolstering the livelihoods of suffering villagers.[74]

The combination of legislation and recent natural disaster has significantly increased the pressure on the United Wa State Army as administrators of the Wa Special Region 2, as the population that they represent faces increasing hardship with no end in sight. The populations of the region formerly engaged in cultivation must surely be tempted to resume cultivation, and some reports suggest that cultivation has indeed restarted in more remote locations in Shan State and that the bans have pushed many farmers into the south and east of Shan State in an attempt to maintain livelihoods. According to Jiao Wei, the UWSA's publicity spokesperson, there is disappointment among the Wa that efforts at reform and eradication have received insufficient support from the international community that have left poor farmers in dire need of assistance to ensure food security.

> *"We have asked our farmers to grow rice, tea and rubber, but it doesn't offer enough revenue. They don't have enough food and need help….. Most farmers are against the ban. The poverty creates tensions. We feel a growing pressure from our people."* [75]

Alongside eradication efforts by law enforcement and the counter-narcotics activities which have resulted in the consequences described earlier, the populations of Burma's remote regions have also been subject to the Border Areas Development Program (BADP), which has been in effect since the early 1990's. The BADP has resulted in infrastructure investments in roads, bridges, schools and clinics that have brought attendant human rights abuses such as forced labour, extortion and sexual violence among many other violations at the hands of the military.[76] (For more information regarding rights abuses associated with infrastructure projects, see Chapter 7: Forced Labour and Forced Conscription)

One of the most startling figures to emerge from the UNODC report on cultivation in 2006 was that related to revenues spent on eradication and substitution programs. In order to appreciate how little has been done in Burma, the figures for Thailand need to be looked at first. In reducing Thailand's poppy cultivation from 9,000 hectares to just one hundred hectares over the past 25 years, around US$250 million has been spent. In Burma's Wa Special Region 2, less than US$20 million has been spent on development assistance, even though the areas under cultivation are vastly greater; 20,000 hectares in 2003, down to a marginal amount in the areas surveyed in 2006. Mathematically this relates to a miserly US$3 per person, per year in the region.[77]

The poor approach to eradication is set to have ramifications beyond the short term. The 2006 UNODC report indicated that in areas of Wa Special Region 2 surveyed by the UNODC, up to a third of households during the course of 2005 had outstanding loans.[78] Importantly, almost all of those respondents indicated that they lacked the means of generating sufficient income to repay their debts in 2006. The UNODC concludes that these figures show a strong correlation between poppy cultivation and poverty, however it would also appear to show that a limited approach to eradication and lack of viable income generating projects have the propensity to lock farming families into a cycle of debt in the aftermath of the opium ban.

ATS Eradication

The efforts to control the flow and use of ATS in Burma have been a failure relative to what has been achieved in reducing opium cultivation. There appear to be several reasons for this. The trade and production of ATS is completely different from that of opium and heroin. Firstly, Burma is a net importer of the precursor chemicals that are required to produce ATS. The nature of the precursor chemicals is such that they can be used for a number of legitimate applications, not just the manufacture of illicit drugs. As such, these chemicals pose a different set of problems for law enforcement and customs as they are notoriously difficult to trace. As a consequence, synthetic drugs or ATS are produced at up to a rate of 500 tonnes globally per year. According to the executive director of UNODC Antonio Maria Costa the problems for law enforcement are manifold,

> *"When one lab is shut, another opens. When one type of precursor chemical is unavailable, producers switch to an alternative, … This presents a challenge to law enforcement since production is so close to retail outlets."* [79]

Secondly, the production of ATS can be vastly different in scale and can be easily hidden from view. While a poppy field is visible from the air, an ATS lab can be easily concealed in a house. Furthermore, the size of *yaba* tablets, for example, makes them relatively easy to transport. A backpack can contain up to 100,000 tablets that can be carried with relative ease across porous, remote borders, as has often proved to be the case in areas like northern Thailand. With so much attention focussed on the crackdown on opium in the northern states, there seems to be much less attention paid to the drastic rise in the production of ATS. Another difficulty for law enforcement officials seems to be that there are many different origins and points of entry for the precursor chemicals, ranging from India to Bangladesh, China and Thailand. After the drugs are manufactured in labs, there are just as many different destinations for the final products, if not more. Opium growing areas are well known and can be monitored closely and controlled, whereas the production of ATS could theoretically take place in a variety of locations which can be easily changed, thanks to mobile labs.

These factors combined make the task of controlling the production and trafficking of ATS much harder for law enforcement officials. In addition to the multifarious difficulties of controlling ATS is the very real, and at times substantiated, threat of corruption within law enforcement, which results in officers becoming involved with the drug trade in order to take bribes or illegal taxes in return for turning a blind eye to trafficking. Some activist groups have also claimed judicial officials have been jointly involved with police officers in cases where traffickers have been let off with lighter sentences in return for kickbacks.[80] (For more information see "Section 5.4: Drug Trafficking" above)

The International Relations Dimension

There exists an international relations and security dimension to the drug trade in Burma that could have implications for human rights in the region. Some analysts suggest that the economic growth of China may drive up demand in the southern provinces of China for heroin and amphetamines that may in turn encourage continuing cultivation of poppy crops in Shan State.[81] This outcome would be incongruous with China's lack of tolerance toward drug trafficking and use that may cause tension between Beijing and Naypyidaw.

Although relations between the two nations are firm, with China being Burma's main military supplier, those relations need to be carefully handled by the regime. On the one hand there is pressure to eliminate drug production; however there is also the temptation of continuing the trend of involvement in the drugs trade in order to finance public infrastructure projects that the debilitated economy cannot finance due to years of inept management by the generals. Growing Chinese demand and/or continued regime involvement would only serve to exacerbate the human rights abuses associated with the drug trade. Either of these factors would continue to drive production, which may result in forced migration, population pressures, a lack of access to sustainable livelihoods and increased levels of poverty for rural populations formerly reliant on opium production as a means of augmenting income.

Commentators suggest further that the dimension of the junta harbouring Indian insurgents within Burma's borders for a price may cause tension between the leaders of that country and India. A report from March 2008 suggested that if these insurgent groups were to get a foothold in the resurgent production of heroin, it would have the potential to enrich such groups, in turn giving them the capacity to increase armaments and troop strength.[82] A development such as this would necessarily make it much harder for the Indian government to bring these elements under control. The report suggests that the re-emergence of the heroin trade may provide an opportunity for India, Burma and China to bolster international relations. The threat of Indian insurgent involvement in heroin and amphetamine production in Burma has implications for all three countries, and could provide an opportunity for India to exert its influence in Naypyidaw. If India was able to encourage Naypyidaw to crack down on the groups and deny them haven within the country, it would provide an alleyway for India to improve its relations with Beijing. If India were successful in eliminating the insurgent influence and access to the opium trade and cultivation, thereby stemming the flow of drugs into China, which appears to be where the majority of Burma's drugs are heading recently, then it would be a major boon to Sino-Indian relations.[83]

The eradication of drugs in Burma is clearly a task that has involved other countries beyond Burma's borders. The effects of drug production and trafficking are of international significance as they have far reaching consequences on regional stability and international relations. The flow of drugs into southern China is just one small example of the international nature of the problem. Indeed, Burma has sped up its eradication efforts thanks to pressure from China, a country which views the eradication programs as a way of reducing instability in the region, in a bid to maintain good foreign relations with its major arms supplier. Burma's drug production and trafficking has also been problematic for the US which has taken steps to curb the problem due to its former position as a major destination for Burmese heroin. Despite the drop in Burmese heroin reaching the US market, the US authorities have taken steps to aid the push from China and from the SPDC themselves to control drug production and trafficking in Burma. On 14 November 2008 the Office of Foreign Assets Control (OFAC) in the Treasury Department named Wei Hseuh Keng and the United Wa State Army as 'Specially Designated Narcotics Traffickers'. The designation came under the Foreign Narcotics Kingpin Designation Act (Kingpin Act).[84] Also named were Pao Yu Hsiang, Ho Chun Ting and Shih Kuo Neng. It was not the first time that Pao Yu Hsiang had been named. He had previously been identified in a similar manner in 2005 under the Kingpin Act along with Wei Hseuh Keng, who is commander-in-chief of the UWSA.

To the east, Thailand too has taken steps in the fight against drugs emanating from Burma. The flow of drugs from Burma, mostly comprised of methamphetamines prompted the Thai government in February 2008 to announce a restart to the controversial 'war on drugs' campaign that was launched under the former Thaksin regime in 2003. The campaign, which was derided by rights groups as an attack on human rights but lauded by the rural Thai population, eventually petered out, whereupon supply lines from Burma re-emerged allowing resurgence in methamphetamine supply.[85]

With so many foreign interests involved, the eradication of drugs in Burma has proven to be an increasingly complex task, balancing elements of civil conflict, criminal activity, business interests and foreign policy. Some analysts have suggested that the drug eradication programs conducted by the SPDC in conjunction with the UNODC should come in for criticism, asserting that resolving Burma's drug problem is a task that has fallen prey to political interests. Many groups, in particular Altsean in their 2004 report *"A Failing Grade"*, see the policy of the SPDC as being driven by the need to be certified by the US government in order to secure development funding.[86] The veracity of this argument is not for this chapter to discuss; however, the idea raised by Altsean is indicative of the manner in which the problem of drugs has been dealt with by the stakeholders. Namely, the concerns of those responsible for growing opium have usually been the last to be considered in the discourse. The farmers who live in poverty and rely upon opium to sustain livelihoods have never been a participatory group in the decisions regarding their future, even though they stand to lose the most in eradication programs, including fundamental human rights and access to sustainable livelihoods.

Pressure from Burma's neighbours to eradicate drugs has grown steadily over the last decade and the SPDC have responded in a typically one dimensional fashion that has seen a military and law enforcement based approach focussed solely on the eradication of crops. Thus, Burma's international relations with the surrounding countries have had a profound impact on human rights in the areas known for poppy cultivation, as well as in other areas of the country. The pressure from surrounding countries can only increase over time, making it incumbent upon the regime to diversify the fight against the drugs trade to include more than simply eradicating poppy crops. Thus far, the junta's approach has simply driven drug production into remote areas, helped fuel a market for cheaper stimulants and narcotics and criminalised drug production and use. The criminalisation of drug use in particular has masked the fact that users need treatment, not jail time; that the treatment for addiction requires a medical and social welfare based approach, not a judicial one. Furthermore, the junta has failed to address the appalling state of the Burmese economy as a stimulus behind drug production, use and addiction.

5.6 Drug Use and Production - Partial list of incidents for 2008

On 25 January 2008 it was reported that Thailand and Burma were set to sign a 'Memorandum of Understanding' that would precipitate further joint actions on drug suppression and eradication. The report suggested that director-general of Burma's Police Brig-Gen Khin Yi, and a team of anti-drug officials from Burma were to visit the Doi Tung Development Project in Chiang Rai, Thailand, in March 2008 in order to study the opium eradication scheme and crop substitution project. The Thai project had been successful in urging hill tribe peoples in the region to replace opium with alternative cash crops. In explaining the cooperation between the two countries under a bilateral agreement or drug control, the report also said that *"Thailand has worked closely with Burma on exchanging information such as names of drug suspects and locations of drug factories along the Thai-Burmese border."* [87]

On 4 March 2008, a report surfaced claiming that opium production in Shan State was returning to figures similar to the pre-crackdown days of 2001-2002. In the period following this time opium production was banned by the SPDC in several areas including Kokang, Wa and Loimaw areas of Shan State, which dropped production in those areas. The report claimed however, that the production, far from being halted, had simply moved to new locations, pushing farmers and their crops into eastern and lower Shan State.[88]

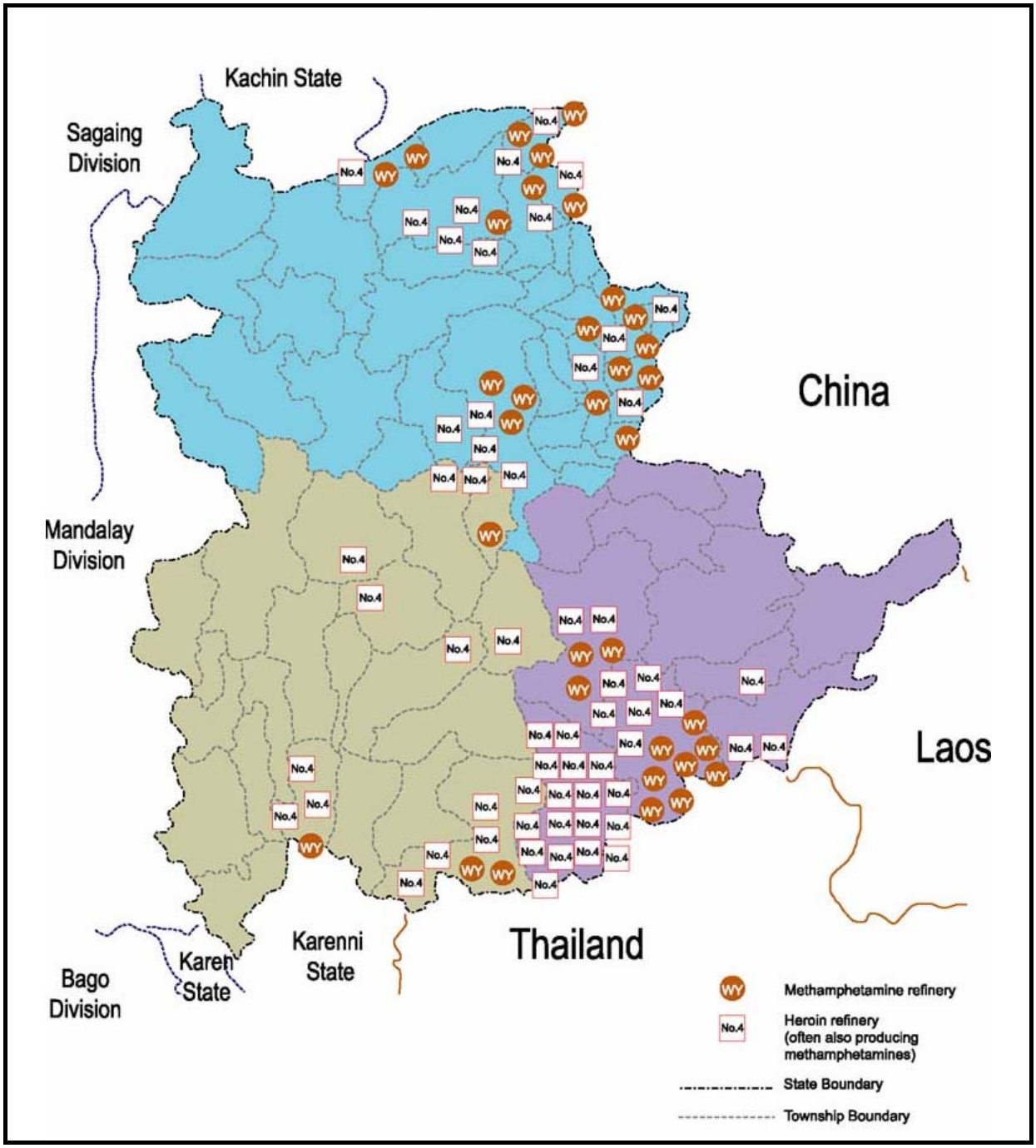
It was reported on 23 April 2008 that locals and officials in areas populated mostly by ethnic Wa peoples of Shan State in northern Burma, were complaining of the difficulties in sustaining livelihoods following the SPDC's clampdown on poppy production. The reports came from Pangyang, 30 miles west of Panghsang, the Wa capital, where the clampdown, which had begun three years prior to the report, was claimed to have led to increased impoverishment in the area. Locals reported on the economic effects of the reduction in poppy cultivation including the downturn in market trade and the increased difficulties in meeting the costs associated with sending children to school in the area. Some former poppy growers told of how crop substitution, such as growing tea instead of poppy had failed due to the fragility of tea, leaving those farmers without income. The former poppy farmers were now receiving rations of 20 pay (66.7 litres) each time twice per year from the WFP (World Food Program) however, the provisions were only enough to sustain those families throughout 8 months of the year, leaving a four month shortfall.[89]

On 25 June 2008 China was reported to have praised drug eradication efforts of Burma. In 2004, China seized 10.8 tonnes of heroin that originated from northern Burma, however by 2008, that figure had dropped dramatically to 4.6 tonnes. According to Yang Fengrui, head of the Ministry of Public Security's Narcotics Control Bureau, the area of Burmese territory under cultivation decreased from 165,300 hectares (about 390,000 acres) to 18,600 hectares (45,961 acres). Despite international isolation of the regime most notably through the sanctioning by Europe and the US, Chinese officials announced that,

> *"We will keep cooperating on intelligence exchanges, fighting drug traffickers, eradicating drugs, personnel training and helping the Myanmar [Burmese] government with substitution programs."* [90]

On 26 June 2008 SPDC Minister for Home Affairs and Chairman of the Central Committee for Drug Abuse Control, Major-General Maung Oo claimed at a commemoration of the International Day Against Drugs that the SPDC's drug eradication efforts had been successful in reducing the land cultivated for opium production from 140,000 hectares to 27,700 hectares in the ten years leading up to 2007. These claims, though partly accurate,

were criticized from several corners notably from Khunsai of the *Shan Herald Agency for News*, and by Martin Jelsma, coordinator of the Transnational Institute's Drugs & Democracy Programme. Both pointed out the incongruence of claiming the success of drug eradication programs whilst the numbers of ATS production has skyrocketed and there has been a decline in living conditions for former opium farmers. They also pointed out that much of opium production has simply moved location to areas where it was undetectable.[91]



Map of Shan State showing the locations of known methamphetamine and heroin production facilities current as of March 2003. The red circles represent ATS laboratories, while the white squares indicate the locations of heroin refineries. *[Photo: © SHAN]*

On 26 June 2008 members of the All Kachin Students Union conducted a poster campaign in Myitkyina, Kachin State to coincide with International Anti-drug use and trafficking day. According to members of the AKSU, the campaign was initiated due to the perceived increase in drug addiction in Kachin State. The report covering the campaign listed drug prices from Myitkyina as follows, *"A vial of 'Formula' is sold at Kyat 8,000, a capful of the penicillin vial is Kyat 1,500-2,000, a tablet of ecstasy at Kyat 8,000-10,000 and raw opium pasted on cloth weighing one tical (about 6.5 gm) Kyat 10,000."* [92] The AKSU also claimed that members of the authorities including police and members of the justice system are complicit in the drug trade, by helping to get those arrested lighter sentences or acquittals in return for bribes and a cut of seized drugs. The AKSU was at the time conducting further research on the Hpakant Jade mine where it claimed drug use is rampant and HIV/AIDS infection is widespread among miners and sex workers.[93]

On 15 July the junta mouthpiece *New Light of Myanmar* released figures claiming that SPDC authorities had arrested 329 drug traffickers in June in a crackdown. The report claimed that authorities seized more than 119 kg of opium and heroin, 2.39 kg of marijuana and 16,082 stimulant tablets. It was further asserted that action was taken against 329 persons - 265 men and 64 women in 192 cases.[94]

On 12 August 2008 the Bangkok Post reported that deputy secretary-general Pitaya Jinawat and other Office of Narcotics Control Board (ONCB) officials were headed to the Ban Yin area of Taunggyi in northern Shan State, Burma in order to initiate a crop replacement program. The implementation of the program in the Pa-o area of the state was to follow on from the success of a similar program instigated five years earlier in the area of Yong Kha. The new program was to be run by the ONCB and the Mae Fah Luang Foundation, which runs the Doi Tung Development Project in Chiang Rai, who were granted permission by the Burmese junta to start the project. Plans were set to get the project under way by the end of 2008, with hopes of replacing opium crops with cash crops.[95]

On 13 August 2008 it was reported that large numbers of drug dealers and users had been arrested in Myitkyina, the capital of Kachin State. The report claimed that the increases in the rates of arrests coincided with the appointment of Major-General Soe Win, who took over the post of Northern Command (MaPaKha) Commander. The report said that many of the arrests had taken place in residential areas such as Jan Mai Kawng, Shatapru and Dukahtawng.[96]

On 13 August 2008 it was reported that authorities in Burma had arrested 385 drug traffickers including 317 men and 68 women. 105 kilograms (231 pounds) of opium, 1.6 kilograms of heroin, 138,550 stimulant tablets and smaller quantities of other narcotics and chemicals were seized in July by police, customs and military forces. The arrests came on the heels of reports by the UNODC that claim opium production had risen by 46 percent between 2006 and 2007, despite SPDC claims that Burma would be drug free by 2014.[97]

It was reported on 26 June 2008 that amphetamines were becoming increasingly easy to access in Mon state, particularly in the towns of Pa'an and Kawkreik. The report claimed that it was in these towns where the drug, known locally as Say-pyar, was most easily purchased from local authorities and members of the ethnic ceasefire groups. It was claimed also that use of amphetamines was reasonably common among male university students who were able to purchase the pills for about 4,000 kyat, which showed a marked increase in recent times from the former price of 1,000 kyat. From being a relatively drug free area ten years ago, the New Mon State party seized 28,000 amphetamine tablets around the Three Pagoda Pass checkpoint in 2008.[98]

Endnotes

[1] Source: *A Failing Grade: Burma's Drug Eradication Efforts*, Altsean, 2004: 50.
[2] Source: *Ibid*.
[3] Source: *Burma and Drugs: The Regime's Complicity in the Global Drug Trade*, SDSC Working Paper No. 336, Desmond Ball, 1999:1.
[4] Source: *Opium Poppy Cultivation in the Golden Triangle 2006*, UNODC: 66.
[5] Source: *Ibid*: 98.
[6] Source: *A Failing Grade: Burma's Drug Eradication Efforts*, Altsean, 2004: 50.
[7] Source: "Burmese Daze," *Irrawaddy*, November 2008.
[8] Source: *A Failing Grade: Burma's Drug Eradication Efforts*, Altsean, 2004: 25.
[9] Source: *Burma and Drugs: The Regime's Complicity in the Global Drug Trade*, SDSC Working Paper No. 336, Desmond Ball, 1999:7.
[10] Source: *Ibid*.
[11] Source: *Ibid*.
[12] Source: *Burma and Drugs: The Regime's Complicity in the Global Drug Trade*, SDSC Working Paper No. 336, Desmond Ball, 1999:5.
[13] Source: "Hard to be innocent in Burma," *Shan Herald Agency for News*, 25 June 2008.
[14] Source: "The downfall of Gen Khin Nyunt," *Bangkok Post*, 31 October 2004
[15] Source: *A Failing Grade: Burma's Drug Eradication Efforts*, Altsean, 2004: 59
[16] Source: "Burma, Afghanistan Increase Opium Production," *Irrawaddy*, July 2008.
[17] Source: "Poppy Replacing Rice Cultivation in Myanmar," *Merinews*, 30 June 2008.
[18] Source: "Corrupt Regime Authorities Aiding the Spread of Opium Production in Shan State," IMNA, 5 March 2008.
[19] Source: "Poppy Farming Cuts – 'UN Praise Misplaced'," IPS, 14 September 2007.
[20] Source: *Ibid*.
[21] Source: "Ethnic Militia Accuses Junta of Forcing Opium Cultivation," *Mizzima News*, 23 December 2008.
[22] Source: *Ibid*.
[23] Source: "Extortion of money from opium farmers in Murng-Nai and Nam-Zarng," *SHAN Monthly Report*, SHAN, June 2008.
[24] Source: "Fewer refineries but no less output," SHAN, 28 June 2008.
[25] Source: *Burma and Drugs: The Regime's Complicity in the Global Drug Trade*, SDSC Working Paper No. 336, Desmond Ball, 1999:1.
[26] Source: "UN: Use of Synthetic Drugs is on the Rise in Developing Countries," *Irrawaddy*, 9 September 2008.
[27] Source: "UWSA Buys 10 Tons of Amphetamine Component," *Irrawaddy*, 20 November 2008.
[28] Source: *World Drug Report 2008*, United Nations Office on Drugs and Crime, 2008:18.
[29] Source: "Withdrawal Symptoms," *Irrawaddy*, November 2008, Vol. 16, No. 11:25.
[30] Source: *Ibid*: 26.
[31] Source: "Drug Abuse and HIV/AIDS Rampant in Kachin State," *Irrawaddy*, 5 February 2008.
[32] Source: "Chemical Drug Use Increasing in Asia," *Irrawaddy*, 12 September 2008.
[33] Source: *Ibid*.
[34] Source: *Ibid*.
[35] Source: *Ibid*.
[36] Source: "Burma's Bloody Trade," *New Statesmen* (UK), 27 October 2008.
[37] Source: *Blood Jade: Burmese Gemstones and the Beijing Games*, AKSYU, 2008:7.
[38] Source: "Burma's Bloody Trade," *New Statesmen* (UK), 27 October 2008.
[39] Source: *Ibid*.
[40] Source: *Blood Jade: Burmese Gemstones and the Beijing Games*, AKSYU, 2008:15.
[41] Source: "Withdrawal Symptoms," *Irrawaddy*, November 2008, Vol. 16, No. 11:27.
[42] Source: "Two Burmese Nationals Arrested With 1,200 Tablets in Bangladesh," *Kaladan News*, 11 September 2008.
[43] Source: "Burma Remains No. 2 in Opium Poppies, US Says," *Irrawaddy*, 1 March 2008.
[44] Source: *Ibid*.
[45] Source: "Burma Reigns King of Methamphetamines," *Mizzima News*, 3 March 2008.
[46] Source: "Man Arrested with Yaba Tablets in Cox's Bazar," *Kaladan News*, 9 January 2008.
[47] Source: "Police Drug Dealers' Nexus," *Kaladan News*, 26 November 2008.
[48] Source: "Yaba Dealers Sentenced to Life," *Narinjara News*, 4 February 2008.
[49] Source: "Speed Smuggler Shot Dead, 200,000 Pills Seized," *Bangkok Post*, 6 February 2008.
[50] Source: "Burmese Yaba Continues Flowing into Bangladesh," *Narinjara News*, 7 February 2008.
[51] Source: "Over 30,000 Methamphetamines Seized at The Border Town," *Kaowao News*, 16 February 2008.
[52] Source: "DEA Arrests Woman with 700 Yaba Tablets and 100 gm of Heroin," *Kaladan News*, 15 March 2008.

[53] Source: "Top General to Resign for Son's Alleged Drug Trafficking," *Mizzima News*, 11 June 2008.
[54] Source: "Burma Arrest 245 Drug Traffickers," AFP, 16 June 2008.
[55] Source: "Than Shwe's Grandson in Drug Scandal," *Irrawaddy*, 23 June 2008.
[56] Source: "Two Drug Smugglers Arrested With 4000 WY Tablets in Maungdaw," *Kaladan News*, 6 August 2008.
[57] Source: "BME Club Head Accused Of Drug Trafficking," *Mizzima News*, 13 August 2008.
[58] Source: "Two Burmese Nationals Arrested With 1,200 Tablets in Bangladesh," *Kaladan News*, 11 September 2008.
[59] Source: "Traffic Policeman Involved In Yaba Smuggling," *Kaladan News*, 20 September 2008.
[60] Source: "Teknaf Police Seize Yaba Tablets En Route to Cox's Bazaar," *Kaladan News*, 4 November 2008.
[61] Source: "Burma Again Singled Out For Anti-Narcotics Negligence," *Mizzima News*, 17 September 2008.
[62] Source: *A Failing Grade: Burma's Drug Eradication Efforts*, Altsean, 2004:174.
[63] Source: *Opium Poppy Cultivation in the Golden Triangle 2006*, UNODC, 2006:15.
[64] Source: *Ibid*: 17.
[65] Source: *Ibid*: 25.
[66] Source: *Ibid*: 26.
[67] Source: *Ibid*: 20.
[68] Source: *A Failing Grade: Burma's Drug Eradication Efforts*, Altsean, 2004: 163.
[69] Source: *Withdrawal Symptoms: Changes in the Southeast Asian Drugs Market*, Transnational Institute, 2008:33.
[70] Source: *Ibid*.
[71] Source: *Nutrition Survey 2005*, WFP Myanmar, 2005:11.
[72] Source: *Opium Poppy Cultivation in the Golden Triangle 2006*, UNODC, 2006:26.
[73] Source: "Rice Embargo Leaves Wa in Limbo," SHAN, 4 June 2008.
[74] Source: *Ibid*.
[75] Source: "Haven or Hell," *Irrawaddy*, 11 July 2008.
[76] Source: *A Failing Grade: Burma's Drug Eradication Efforts*, Altsean, 2004:174.
[77] Source: *Opium Poppy Cultivation in the Golden Triangle 2006*, UNODC:33.
[78] Source: *Ibid*: 86.
[79] Source: "Chemical Drug Use Increasing in Asia," *Irrawaddy*, 12 September 2008.
[80] Source: "Junta's Drug Control Claim Irrelevant to Ground Situation: Researcher," *Mizzima News*, 26 June 2008.
[81] Source: "Faint Sign of Volatility," ISN, 19 March 2008.
[82] Source: *Ibid*.
[83] Source: *Ibid*.
[84] Source: "US Freezes Assets of Burmese Drug Cartel," *Mizzima News*, 14 November 2008.
[85] Source: "Thailand to Revive Controversial War on Drugs," *Reuters*, 7 February 2008.
[86] Source: "Politics, Science & Hysteria Resurgence 2," SHAN, 5 April 2008.
[87] Source: "Burma gets Thai Help," *Bangkok Post*, 25 January 2008.
[88] Source: "The War of Figures Continues," SHAN, 4 March 2008.
[89] Source: "Wa Farmers Demand Revival of Poppy Cultivation," SHAN, 23 April 2008.
[90] Source: "China Offers Rare Praise for Burma's Drug Fight," *Irrawaddy*, 25 June 2008.
[91] Source: "Junta's Drug Control Claim Irrelevant to Ground Situation: Researcher," *Mizzima News*, 26 June 2008.
[92] Source: "Anti-Drug Campaign by Kachin Students," *Mizzima News*, 26 June 2008.
[93] Source: *Ibid*.
[94] Source: "Myanmar Arrests 329 Drug Traffickers in June," AFP, 15 July 2008.
[95] Source: "Drug Officials Off To Burma on Inspection," *Bangkok Post*, 12 August 2008.
[96] Source: "New Kachin State Commander Puts Heat on Drug Dealers and Users," KNG, 13 August 2008.
[97] Source: "Myanmar Arrests 385 Drug Traffickers in July," AFP, 13 August 2008.
[98] Source: "More Drugs Flow into Southern Mon State," IMNA, 26 June 2008.

CHAPTER 6
Trafficking and Smuggling

BURMA

HUMAN RIGHTS YEARBOOK 2008

6.1 Introduction

The increase in the rates of trafficking and smuggling from Burma in 2008 is testament to the seriousness of the economic crisis that threatens to destabilize the country. More importantly perhaps, it is also indicative of a country in which corruption is widespread and lawlessness is pervasive. Lawlessness is especially apparent in ethnic rural areas suffering from conflict and in remote mountainous areas.[1] Transnational crime is estimated to be a multi-billion dollar industry; however, Burma's *"extra-legal economy, both black market and illicit border trade, is reportedly so large that an accurate assessment of the size and structure of the country's economy is unavailable."* [2] Live animals, commodities, drugs, arms, and people, particularly women and children, were all trafficked or smuggled within and from Burma in 2008.[3] Known trafficking and smuggling destinations included: Thailand, China, Bangladesh, Malaysia, Macau, South Korea, Pakistan, India, Laos, Vietnam, Cambodia, Indonesia, Brunei Darussalam, and Japan.[4]

In 2008, there were reported cases of trafficking of wildlife, including: tigers and other large cats, elephants, snakes and cattle.[5] These animals were frequently destined for Bangladesh, Thailand and China.[6] Cattle trafficking remained prevalent, causing a significant decline in the amount of cattle in Arakan State, which was detrimental to the agricultural sector.[7]

A large number of commodities were also smuggled to and from Burma in 2008, due in part to the exorbitant price increases on essential items during the year.[8] The most common items smuggled were fertilizer, motorcycles, timber, diesel, and alcohol. The fertilizer, diesel, and alcohol came primarily from Bangladesh. Motorcycles were smuggled from China, while timber was smuggled to China.[9] The large influx of motorcycles into Burma was due in part to the fact that the Burmese military regime decided to allow Burmese people to purchase licenses for unregistered motorcycles between 2 July and 31 October 2008.[10] Kachin, Arakan, and Karenni States reported the most incidents of smuggling of commodities.[11]

Burma was the world's largest supplier of opium for nearly two decades, until the late nineties. However, opium cultivation in Burma has been steadily decreasing since that time, and Afghanistan has become the current leading supplier of opium in the world.[12] Nevertheless, in 2007 Burma reversed the recent trend in the decrease of opium cultivation. According to the 2008 *World Drug Report*, published by the United Nations Office on Drug Control (UNODC), there have recently been significant increases in opium cultivation in eastern and southern Shan State.[13] Burma is not only the second largest supplier of opium for the global drug trade, but it is now believed to be the largest amphetamine producer in Asia, and possibly the world.[14] Amphetamine seizures in Burma in 2006 constituted six percent of the global total.[15] According to the UNODC 2008 *World Drug Report*, two of the most popular routes for drug trafficking in Asia are from Burma to China (primarily to Yunnan Province) and from Burma to Thailand. There were also frequent reports of *yaba* (a methamphetamine type stimulant) smuggling on the Bangladesh – Burma border.[16] There was a noticeable increase in drug trafficking arrests on the Thai-Burma border throughout 2008.[17] Furthermore, the UNODC reported finding eight methamphetamine manufacturing labs in Burma in 2006, the highest number ever reported by the UNODC.[18] The Burmese authorities confiscated opium, heroin, marijuana, *yaba*, and other stimulants in 2008.[19]

A wide array of arms was also trafficked regularly to and from Burma. The majority of arms smuggled into the country in 2008 reportedly came from China, India and Thailand.[20] Although, it was increasingly common for Burmese arm smugglers to traffic weapons to India for use by Indian rebels fighting their government.[21] Arms trafficking across Burma's borders continued to threaten regional stability.[22]

The grossly dehumanizing illegal trade of humans continues to impact a large number of Burmese people every year. Although reliable data on the extent of human trafficking worldwide is incredibly hard to obtain, *"According to the US Department of State approximately 600,000 – 800,000 human beings are trafficked across international borders each year, approximately 80 percent are women and girls and up to 50 percent are minors."* [23] Burma has repeatedly been labeled a Tier 3 country by the annual U.S. Department of State *Trafficking in Persons* (TIP) report, which is the worst ranking a country may receive.[24] Numerous reports maintain that human trafficking in Burma is increasing.[25] Burmese people are primarily trafficked into the commercial sex industry, for domestic servitude, or for use as forced labour.[26] A persistent problem in 2008 was the trafficking of young women and girls for sex work.[27] Rohingya Muslims were also trafficked or smuggled by the hundreds on boats to Malaysia.[28] The substandard and inhumane conditions often present in the illegal trade of humans can result in death. More than 50 illegal Burmese migrants were killed in 2008 for instance, after they suffocated to death on a truck taking them from Kawthaung Town in Tenasserim Division, to the resort town Phuket, in Thailand.[29]

Burmese children continued to be regularly trafficked to Thailand in 2008.[30] The Kachin Women's Association of Thailand (KWAT) also documented an increase in child trafficking to China.[31] Children were trafficked to second countries for any number of jobs including: work as beggars, for sex work and as forced labour in a multitude of industries. They may also be transported to different location within Burma to be used as child soldiers.[32] Trafficking children for the purposes of using them in the military is a blatant violation of the Convention on the Rights of the Child (CRC), which Burma is party to.[33] Regardless of obligations stemming from international law, multiple sources reported that children were increasingly being trafficked to join the SPDC army.[34]

Reports from 2008 indicated that trafficking of women from Burma was increasing. Women were most commonly trafficked to China or Thailand in 2008.[35] According to the KWAT *Eastward Bound* report, out of the 163 Kachin trafficking victims documented, 94 percent were trafficked to China.[36] The overwhelming majority of these women were sold as brides to Chinese men.[37] Moreover, the sex industry is said to be booming along the Thai-Burma border and trafficking increased to brothels in Three Pagodas Pass.[38] Unemployment was reportedly one of the main reasons trafficking of women was increasing.[39]

The devastation wrought by Cyclone Nargis in May 2008 left many people, particularly children, in desperate positions. There was reportedly a vast increase in the number of prostitutes in Rangoon after Cyclone Nargis.[40] The death toll resulting from the cyclone produced many orphans who were also increasingly susceptible to being trafficked in crisis situations such as this. The Burmese military regime forbade the adoption of orphans from the cyclone, in efforts to reduce trafficking.[41] Nevertheless, reports of attempted trafficking of cyclone victims persisted throughout the year.[42]

Since the passage of the new *Anti-Trafficking Law* in September 2005, there have been several reports of mistaken arrests, particularly of trafficking victims.[43] In 2008, the SPDC claimed they had rescued 471 victims of human trafficking since 2005.[44] However, the US Department of State (US DoS) TIP report, and the Convention on Elimination of Discrimination Against Women (*CEDAW*): *Shadow Report*, published by the Women's League of Burma (WLB) in 2008, have both derided Burma's progress in addressing trafficking.[45] The State Peace and Development Council (SPDC) stands accused of instituting token anti-trafficking programs that have actually increased human rights violations perpetrated against women by driving them into the clutches of unscrupulous traffickers and brokers while at the same time increasing the numbers of women arrested on false charges of trafficking.[46] Moreover, they have also been accused of forcibly recruiting an increasing number of child soldiers into the military.[47]

Burma is the second most corrupt country in the world, according to Transparency International's *2008 Corruptions Perception Index* (CPI).[48] Corruption in Burma appears to be one of the main barriers to the reduction of trafficking. Organised criminal networks frequently operate with impunity because SPDC officials, including police, military, and political officials are also involved in trafficking to various degrees.[49] Corruption is deeply embedded in every level of the Burmese military regime.[50] Trafficking will inevitably thrive as long as the Burmese military regime continues to *"[foster] a culture of corruption and disrespect for the rule of law and human rights."* [51]

Trafficking and smuggling will be used interchangeably in this chapter to describe the illegal trade of live animals, commodities, drugs and arms. However, with humans, trafficking will be used in accordance with the United Nations (UN) definition (for more information, see Section 6.6 Human Trafficking) and smuggling will be defined as: *"the illegal movement of persons across international borders in order to obtain a financial benefit under the UN Smuggling Protocol."* [52] It is often ambiguous as to whether an individual is a victim of trafficking or smuggling. The difference between the two ultimately depends on consent. While smuggling often implies consent and trafficking connotes force, it is a mistake to presume this is always the case. A smuggling case may very easily turn into a trafficking case if the individual is mislead about their final destination. Thus, while the two terms will be used separately to describe different incidents, it should be noted that in some cases the delineation between trafficking and smuggling is not always clear.

A market on the China-Burma border selling exotic animal parts. Clearly visible in the photograph are the carcasses of a number of endangered pangolins and the horns of numerous and varied deer and buffalo. *[Photo: © KNG]*

6.2 Trafficking of Animals

The trafficking of live animals and animal body parts is a flourishing trade in Burma. Trafficking wildlife is a violation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which Burma voluntarily acceded to in 1997.[53] Nevertheless, there were numerous reported incidents of wildlife smuggling in 2008. Animals smuggled in 2008 included: several species of tigers and other large wildcats, elephants, snakes and cattle. These animals are usually transported via a number of smuggling routes to multiple locations along the border. Tigers and other large cats continue to be frequently smuggled from Kachin State, Burma to China through the border town of Laiza.[54] According to the World Wildlife Fund (WWF), surveys taken over the last 18 years found considerable evidence of tiger skin, claws and bones in border markets indicating that at least 1,158 tigers and other large wild cats have been smuggled from Burma for trade.[55] The WWF also reported that at least three of the four markets they monitored for their surveys were on the border with Thailand and China.[56] Tiger penis and bones are believed by some Chinese to enhance sexual potency and health and are used in Chinese traditional medicines.[57]

In the last decade, over 250 live elephants have also been trafficked out of Burma, marking it as one of the *"centre[s] of illegal trade in elephants and ivory."* [58] The predominant trafficking route for live elephants and ivory is through southern Karenni State across Three Pagodas Pass into Sangkhlaburi, Thailand.[59] Elephant traffickers are reportedly able to cross into Thailand via roadways by bribing border officials, according to a report done by TRAFFIC, a wildlife trade watchdog organization.[60] Elephants are largely smuggled to Thailand for use in Thailand's tourist trekking industry.[61]

While sources indicate only one major incident of snake trafficking in 2008, the consumer demand for snakes in China remains high, making it likely that other incidents went unnoticed. In December 2008, thousands of snakes were smuggled from Mandalay Division and Kachin State along the Myitkyina-Laiza road in Kachin State. The destination of the snakes was China, where snakes are considered to be a delicacy food item by many people.[62]

There were numerous reports of cattle trafficking in 2008. Cattle trafficking was especially prevalent in Arakan State and caused a significant decline in the number of cattle in northern Arakan State.[63] More often than not the cattle were trafficked to Bangladesh; however additional sources reported that around an average of 100 cows per day were also being smuggled into China.[64] Cattle headed for Bangladesh were frequently transported to a variety of villages along the border and then taken by boats via water routes in the Bay of Bengal and the Naf River.[65] Cattle are regularly smuggled to Bangladesh from Burma because they can be sold for a much higher price, especially during the Muslim Eid-ul-Azha festival.[66]

A report produced by TRAFFIC alleges that corruption in the form of bribes passed to state officials, is a major contributing factor to pervasive smuggling in Burma.[67] One of the most marked impacts of this illegal trade is the sharp decline in the wildlife population. Both elephants and tiger populations are declining rapidly in Burma and face the risk of eventual extinction.[68] Susan Leiberman, director of WWF contends, *"most of these species of [wildcats and tigers] have very low population numbers and will not be able to withstand the amount of poaching that is feeding this trade."* [69] Vincent Nijman, the co-author of a report by TRAFFIC on elephant smuggling, concluded that the illegal trade of elephants *"...poses a significant threat to the survival of Asian elephants in Burma."* [70] In addition to the reduction of wildlife populations which poses a threat to the survival of several of Burma's rarer species, trafficking cattle from Burma to Bangladesh leaves less cattle to cultivate land in northern Arakan State, forcing local farmers to sell their remaining cattle for survival, thereby directly impacting livelihoods.[71]

Trafficking of Animals – Partial list of incidents for 2008

Bangladesh-Burma Border

On 17 October 2008, two cows and 14 buffalos were trafficked by Shew Maung from Buthidaung Township in Arakan State through Laongdonn village and Theraygondan village, and then escorted across the Naf River in a boat to Shapuri Dip, Bangladesh. Along the way, Shew Maung paid 24-year old Zubir, the son of Monir Ahmed, the Chairman of the Village Peace and Development Council (VPDC) 3,000 kyat per cow/buffalo to travel through the village and then paid 50-year-old Mohamed Yasin 5,000 kyat per cow/buffalo to cross the Naf River. In addition, Maung was also obliged to pay the Bangladesh Rifles (BDR) once he arrived in Bangladesh.[72]

On 1 December 2008 at around noon, NaSaKa forces confiscated 72 cattle, after they were transported via boat through the Bay of Bengal headed to Bangladesh. After NaSaKa forces ordered the boat to stop, they fired shots at the boat injuring one cow and killing another. The 19 persons on board the boat jumped into the water and tried to escape, but 12 Rohingya from Sittwe, Arakan State were captured, while the remaining 7 Arakanese were able to get away. The cow were believed to have been purchased for anywhere between 600 and 7,000 kyat per cow in Arakan State. The next day, the 12 Rohingya were released, but the cattle remained with NaSaKa.[73]

On 3 December 2008, eight cattle traffickers were escorting 50 cattle via boat to Bangladesh from Arakan State when they were intercepted by NaSaKa forces that fired at the boat as it entered their territory between Mae Kyi Chung and St. Martin Island in Bangladesh. The smugglers were arrested and the cattle were confiscated. One smuggler was critically wounded by the gunfire and was hospitalised at Maungdaw District hospital.[74]

On 5 December 2008, 10 cattle traffickers from Man Aung Township, Arakan State, were on their way to Bangladesh with 65 cattle, but were arrested by NaSaKa forces before they arrived. [75]

Sino-Burma Border

On 6 December 2008, over 2,000 snakes were confiscated in the capital of Kachin State, Myitkyina, at Kawng Ra block in Shatapru quarter. The snakes were being transported to China in 200 crates in the back of a six-wheel Hino truck. Once the truck was seized, the police burned the snakes alive after unsuccessfully trying to beat them to death individually. The driver of the Hino truck managed to escape.[76]

Indo-Burma Border

On 9 December 2008, 21 cattle traffickers were arrested by Kathar Township police for smuggling 92 cows earlier in the month in Sagaing Division, Burma. The smugglers from Kanbalu Township were charged with illegal trade and were said to be working for professional cattle trafficking gangs.[77]

6.3 Smuggling of Commodities

The current global economic crisis combined with Burma's domestic economic crisis exacerbated the smuggling of commodities across Burma's borders in 2008.[78] The poor state of the domestic economy makes it more expensive for goods to be imported legally into the country. Burma's export goods, conversely, are relatively cheap, and the combination of these factors continues to play a role in the growth of a burgeoning black market along Burma's borders. The import and export of goods along Burma's fringes was made possible by the high levels of corruption among authorities as well as Burma's extremely porous borders. SPDC collusion in smuggling has taken the form of a subtle game in which officials accept bribes to turn a blind eye to a shipment or truckload of timber leaving the country in return for a hefty bribe. At other times however, the authorities make a show of clamping down in order to obtain their bribes, or conversely impounding goods. It is highly suspicious that of all the reported arrests of smugglers throughout 2008, as well as the reported impounding of goods seized, there has been little to no mention of the fate of the goods involved, and it is more than likely that these have been sold on through SPDC authorities' networks for personal gain.

This fluctuating system of bribery, collusion and the occasional clampdown has served to perpetuate a system that allows smugglers to continue operating, allows soldiers in outlying posts to supplement incomes and allows the SPDC to maintain the image of keeping order. A corollary of the system of corruption in law enforcement has been that the regime authorities are involved in so many cases of smuggling, and indeed the practice is so widespread in general, that authorities are routinely able to falsely accuse whomsoever they choose as a further way of extorting cash from the general population. On 28 July 2008 for example, a Rohingya teashop owner, identified only as 'Mohamed', from Maungdaw Township, Arakan State was said to be falsely accused of illegal cattle trading. The report claimed that it was widely known that the man habitually stayed in his teashop working and had had absolutely nothing to do with cattle smuggling. Nevertheless, the Maungdaw police arrested him and ordered his family to pay 300,000 kyat for his release.[79] Given the lack of reliability and transparency within the Burmese justice system, there are few avenues through which those who suffer extortion are able to seek any redress.

There were a wide variety of commodities smuggled in 2008 including: timber (teak), fertilizer, diesel, alcohol, shrimp, hair, plastic, dried fish, saccharin, birth control pills, soybean oil, motorcycles, rice, a rare species of shark, and a number of other goods. Although not widely reported on in 2008, the illegal smuggling of gems is thought to constitute a massive trade which allegedly involves members of the Burmese military regime.[80]

Figures from the early to middle part of 2008 give some idea of the proportions of the black market trade along Burma's borders. It is possible to assume from the amount of arrests and interceptions of trafficked goods and the subsequent lack of prosecutions for these offences, that the SPDC authorities have been heavily complicit in the perpetuation of the illegal trade in a variety of commodities. In April and May 2008, BDR Battalion #42 seized a large quantity of goods being smuggled to and from Burma. In April, total confiscated goods smuggled to Burma from Bangladesh were valued at 5,210,008 taka and goods smuggled in the opposite direction were worth 4,334,695 taka. In May, the goods confiscated on their way to Burma were worth 3,706,185 taka and those seized while being smuggled to Bangladesh were valued at 807,208 taka. Approximately 170 cases of smuggling went un-prosecuted in April and May 2008.[81] It should also be noted that a later report dated 21 July 2008 calculated different totals for the value of contraband seized in April/May. The report also included the value of the goods seized in June. Accordingly, the seized goods in April were valued at 9,500,000 taka, while 1,700,000 taka worth of goods were seized in May, and 5,600,000 taka worth of goods were seized in June.[82]

Military collusion in the trafficking of any number of commodities was a common theme to come out of many reports in 2008, and there were even suggestions that this has been a sanctioned form of soldiers supplementing low and inconsistently paid salaries.[83] This system of bribery has much in common with the manner in which the SPDC has instructed its cadres in the outlying rural conflict zones to 'live of the land'; an edict which has translated as a simple military code for extortion of the general populace.

The trafficking of commodities was prolific in 2008, especially between Burma and Bangladesh. In the months of April and May alone there were 170 cases brought against traffickers, 16 of whom evaded charges.[84] Fertilizer and alcohol continue to be popular goods smuggled in the illegal trade between Burma and Bangladesh. Illegal trade between Burma and Malaysia also took place, with seven Burmese smugglers thwarted from attempting to traffic diesel to Malaysia in March 2008.[85] In August, Bangladeshi Coast Guards confiscated 250 sacks of fertilizer before it reached Burma.[86] In May, the Bangladesh Coast Guards seized 620 bottles of foreign liquor valued at 1,700,000 taka.[87]

Motorcycles continue to be another commodity frequently smuggled into Burma. It was reported in October that since July 2008, 1,000 motorcycles have been smuggled into Burma from Thailand and China every day.[88]

The SPDC's neglect of the economy has affected all areas of Burmese life. The healthcare system is reportedly in disrepair and suffers from chronic under-funding. It is therefore unsurprising that there were even reports throughout 2008 of the smuggling of medical supplies into Burma. It is a sad indictment of the SPDC's lack of concern for the healthcare sector that the black market has to take on some of state's responsibilities, even if it is with a view to making a profit. On 4 July 2008, 200 birth control pills, Depo injections (a contraceptive) and 1,000 other pills from Baharsara in Whylong were seized in Teknaf, Bangladesh by BDR troops led by Sub-Inspector Muzenmal Hoque. The smuggler, Nurul Islam (80), was smuggling the pills from Chittagong, Bangladesh to Burma.[89]

Timber and Other Natural Resources

Besides trade in manufactured goods, traffickers also did a brisk trade in natural resources. Timber for example was one of the most prevalent natural commodities trafficked to China in 2008.[90] Burma's forests contain 75 percent of the teak reserves in the world, and this precious resource continues to be targeted by smugglers seeking profits.[91] Burmese smugglers have reportedly transported timber to China for quite some time now. From 2001 to 2004, Global Witness reported that 98 percent of timber exports to China, constituting US $200,000,000 profit, were illegally smuggled. The unregulated draining of these precious resources should be of concern to the authorities and the general population who are losing much needed revenue from state-owned resources, however, many reports continue to suggest that SPDC officials are intimately involved in the trade and selling off of Burma natural resources for personal gain.

On 13 May 2008, around 60 trucks smuggling timber entered Sangkhlaburi, Thailand at 5 am, after crossing through Three Pagodas Pass Township in Burma. Although the border gate at Three Pagodas Pass has been periodically closed since the Democratic Karen Buddhist Army (DKBA) kidnapped two Thai policemen in May 2005, the trucks were allowed to enter after a number of bribes were paid. The truck drivers paid Daw Saw Khin (a woman affiliated with the Lieutenant-Colonel Hla Min from the border checkpoint in Three Pagodas Pass) the day before they entered Thailand. Customarily, owners of ten-wheeled trucks pay 50,000 baht, while those with six-wheel trucks pay 30,000 baht. The total taxes collected for Hla Min were around 1,200,000 baht. The smuggled timber, thought to weigh well in excess of 100 tonnes, was headed for Bangkok.[92]

On 1 February 2008, 40 trucks smuggling Teak and Tarmalan (another Burmese hardwood) to China through Bhamo District in Kachin State were seized by multiple government agencies including SPDC Light Infantry Battalion (LIB) #236 and SPDC LIB #142, forestry, immigration, police departments and the leaders of township and village peace and development councils in Namlim Pa, Mungding Pa and Jesawn logging areas. Sources claimed that it was common for those smuggling timber to China to pass through two checkpoints at Kai Htik and Man Win Gyi near the Sino-Burma border, whereupon bribes would be paid to authorities. It was suggested that this was one of the methods by which troops could supplement low incomes. The troops were said to be rotated in and out of their deployment every three to four months, presumably so that the benefits of bribery could be shared around. The report made note of the fact that the military had impounded the timber but did not make clear what plans had been made for it.[93]

Chinese-registered trucks carrying heavy loads of valuable teak and Tarmalan from Bhamo District, Kachin State across the Sino-Burma border. *[Photo: © KNG]*

The teak trade was not confined solely to the north of the country, however, as teak also fetches much higher profits when it is smuggled to Bangladesh from Burma.[94] On 3 March 2008, Mohammed Hassan (25), as well as seven others from Maungdaw Township, Arakan State, attempted to smuggle teak in a rowboat across the Naf River to Bangladesh. However, the Maungdaw Township police were notified and went to the mouth of the Amtolipara River, where the boat was docked. Upon arriving, they fired six shots in the air and all of the smugglers escaped except for Mohammed Hassan. The police confiscated the teak and the boat. It was later reported that Mohammed Hassan was arrested and beaten severely by the police and secretly photographed. At the time of reporting, the victim had not been seen since the arrest and his family believed that the police had murdered him.[95]

Smugglers travelling from Burma to Bangladesh frequently travel through northern Arakan State along the waterways such as the Naf River or the Bay of Bengal via boat, to a variety of transit points on the Burma-Bangladesh border.[96] A common transit point is Teknaf, Bangladesh. This route is used by smugglers of a wide range of commodities. In May, June, and July, the Bangladesh Rifles (BDR) confiscated 16,800,000 taka worth of smuggled goods in the region.[97] Goods trafficked to Thailand or China are often transported in trucks overland, passing through porous borders. The Three Pagodas Pass connecting southern Karenni State to Sangkhlaburi, Thailand is a common entry point for timber being smuggled to Thailand.[98] To the north, trucks transporting smuggled timber into China often drive through the Nong Dao gate in Kachin State to Ruili, China, a trading town on the Burma-China border.[99]

Economics is clearly the main motivation that drives smuggling and trafficking to and from Burma.[100] According to a Bangladeshi official, the price of fertilizer is twice as much in Burma, so it is regularly smuggled in from Bangladesh.[101] Farmers in Arakan State are particularly dependent on the fertilizer supply from Bangladesh, which is needed to be able to cultivate enough rice for the year.[102] Furthermore, the quality of Bangladeshi fertilizer is far superior to the fertilizer from Burma, and in Arakan State it is cheaper to buy one sack of smuggled fertilizer for 30,000 kyat than one sack of legal imported fertilizer for 40,000 kyat.[103] The impact of smuggling fertilizer from Bangladesh is that it largely depletes the supply of fertilizer for Bangladeshi farmers, thereby forcing them to import tons of fertilizer from other countries for their own use.[104] This creates a cycle of dependency on imports for both countries. Furthermore, *"the illegal nature of almost all trade between Burma and Bangladesh makes it highly profitable but also pretty dangerous."* [105]

The amount of money to be made from fertilizer smuggling made it a commonly reported activity in 2008. On 24 January 2008, a fishing boat smuggling urea fertilizer from Bangladesh to Maungdaw Township was confiscated in the Naf River by BDR Battalion # 23 from Teknaf, Bangladesh. The smugglers abandoned the trawler and then disappeared into Burma after they saw BDR forces on the Burmese border.[106]

Around 27 August 2008, a boat smuggling 250 sacks of fertilizer from Bangladesh to Burma via the Naf River was seized by the Bangladeshi Coast Guards. The smugglers escaped from the coast guards. It is unclear what was done with the confiscated goods.[107]

Smugglers such as those described above who are involved in taking commodities across borders regularly risk robbery and death, as law enforcement is typically absent.

Diesel Fuel

Diesel is also regularly smuggled from Bangladesh into Burma because in Burma it sells for 70 taka per litre, whereas in Bangladesh, diesel is only 45 taka per litre.[108] Smuggling is not only profitable; it is also critical for the livelihoods of some Burmese. Moreover, the need for affordable diesel is imperative for the Burmese peoples' daily existence, and was in large part the driving force behind the uprisings in August/September 2007. Public dissatisfaction at that time stemmed partly from the exorbitant price of fuel, which increased by 500 percent overnight and the price of diesel, which doubled in the same period.[109]

On 2 March 2008, it was reported that an organised syndicate was responsible for smuggling 36 litres of diesel, sold for a profit of 200 taka per litre, from Moulvi Bazaar and Wabrang, Bangladesh to Burma the Union of Nila, Teknaf. Upon return to Bangladesh, the traders smuggled a variety of goods including clothing, pickled vegetables, batteries, methamphetamines and other commodities from Burma.[110]

On 23 March 2008, the Officer-in-Charge of Teknaf police station in Bangladesh, led a raid on Burmese smugglers preparing to take 400 litres of diesel from Shapuri Dip, Bangladesh to Malaysia, via the Bay of Bengal. Seven smugglers were arrested, while the others managed to escape. The arrested included:

1. Rustam Ali, male, age 22;
2. Eliayas, male, age 25;
3. Abul Kalam, male, age 27;
4. Shaber Ahamed, male, age 37;
5. Mahamdul Hasan, male, age 25;
6. Dil Mohammed, male, age 24; and
7. Yasin, male, age 23.[111]

On 19 May 2008, the BDR arrested Shamsul Alam (32), a Bangladeshi smuggler at the Nila entry point in Cox's Bazaar District, Bangladesh for attempting to smuggle 130 litres of diesel fuel to Burma. The BDR, led by Company Commander Kholirul Rahaman from Nila, were unable to capture the four additional smugglers but filed a case against them at Teknaf police station.[112]

Motorcycles

Apart from fuel, hundreds of motorcycles are also smuggled daily from China and Thailand, because the motorcycle industry is virtually non-existent in Burma and motorcycles are a popular mode of transportation. Moreover, the Burmese military junta decided to allow the issuance of licenses to unregistered motorcycles on the second day of July 2008, causing the sale of unregistered motorcycles smuggled to Burma to increase from 300 to 1,000 per day in Jie Gao, China. The military junta announced that they would stop issuing licenses to unregistered motorbikes on the 21 October, though this date was later extended until the end of October.[113] Depending on the brand, motorcycles cost anywhere from 500,000 kyat (US $420) to 2,000,000 kyat (US $1,700).[114]

In June 2008, more than 70 unlicensed motorcycles smuggled from China were seized in Mangshi, China. SPDC soldiers in Kutkai shot and killed one smuggler and injured two others. The exact date of the incident in Kutkai was not reported, but the source indicates that it occurred sometime in June 2008.[115]

On 29 October 2008, four Burmese youth from Tawnzang and Tidim Townships in Chin State, Burma were arrested in Seling village, outside of Aizwal, the capital of Mizoram State in India, for smuggling two stolen Pulsar bikes from Mizoram to the Indo-Burma border. Apparently, Indian-made Pulsar bikes are very popular in Kaleymo, Sagaing Division and Burmese people will pay a lot more for this brand. The Burmese youth arrested were identified as:

1. Thangkhankap, male, age 21;
2. Malsawmdawnga, male, age 20; and
3. Nghinchhuankap, male, age 31.[116]

These motorcycles were confiscated by police in Myitkyina of Kachin State in May 2008 after having been earlier smuggled from China. Hundreds of motorcycles are smuggled into Burma every day from neighbouring China and Thailand where they can fetch prices of up to two million kyat. *[Photo: © KNG]*

6.4 Drug Trafficking

The opium trade first started spilling over the border of Yunnan, China into Kokang, and then into the Wa hills of Burma, in the late 19th century.[117] It expanded rapidly in the early 20th century and by 1948, when Burma received its independence from Britain, the annual production of opium totalled some 30 tonnes.[118] By 1993, Burma had become the largest producer of heroin in the world.[119] Towards the end of the 90s though, the demand for amphetamines had replaced that of heroin. Amphetamine pills continue to be frequently produced by the United Wa State Army (UWSA) and various other groups and then trafficked over the border to Thailand.[120] Burma is no longer the number one producer of opium in the world, having been surpassed by Afghanistan.[121] Instead, Burma is now the leading distributor of *yaba* (which is a Thai word for 'speed' or 'methamphetamine') in Asia.[122] Some sources even claim Burma produces the largest amount of amphetamines in the world.[123] That said, it is worth mentioning that opium trafficking is still rife in Burma, and Burma continues to be the second largest producer of opium in the world.[124] According to the UN World Drug Report 2008, Burma not only remains a constant supplier of *yaba*, but also saw an increase in opium cultivation in 2008, which in previous years had subsided. (For more information, see Ch 5: Production and Trade of Illicit Drugs).[125]

In 2008, Burmese authorities seized opium, heroin, marijuana, *yaba* and a number of other stimulant tablets from drug traffickers.[126] While production of opium increased in Shan State, *yaba* continued to be widely trafficked along the Burma-Bangladesh border and there were a number of huge seizures of *yaba* tablets from traffickers in 2008.[127] In May, Burmese authorities confiscated 93,867 stimulant tablets after arresting 245 drug traffickers.[128] Then, in July, Burmese authorities arrested 385 drug traffickers and seized 138,550 stimulant tablets.[129] In early August, police seized a further 4,000 *yaba* tablets from two drug traffickers in Arakan State.[130] During the month of May the Burmese authorities confiscated 76.78 kg of opium and 1.19 kg of heroin.[131] In July, Burmese police, customs, and military, seized 105 kg (231 lb) of opium and 1.6 kg of heroin.[132]

The majority of drug traffickers arrested in 2008 originated from the Wa hills in the Wa Special Regions of Shan State and Arakan State. Since 2003, the UWSA has arguably been the single largest drug-producing organisation in South-East Asia.[133] It is well known that the UWSA is one of the biggest producers of methamphetamines in Burma and the group frequently smuggles drugs into Thailand.[134] Many drug traffickers also come from northern Arakan State.[135] Unemployment in Arakan State is certainly a contributing factor to drug trafficking, as well as the state's proximity to the adjoining border of Bangladesh.[136] It is reported that many people in Maungdaw Township (including SPDC officials) participate in the drug trade.[137] Although the incidents of drug trafficking reported in 2008 suggest the traffickers originated from Arakan State and the Wa hills, this should by no means imply that drug trafficking does not occur elsewhere along Burma's porous borders, or that these are necessarily the most common drug-producing regions in Burma. The reports are only indicative of the traffickers that were caught and arrested by the police; there are presumably many other groups and individuals who managed to avoid arrest by paying hefty bribes.

In 2008 drug trafficking was reported in Bangladesh, Thailand, China and India. The most frequent incidents of trafficking came out of Bangladesh and Thailand. There were a number of Burmese arrested along the Burma-Bangladesh border as they attempted to traffic *yaba* into Bangladesh. Nevertheless, *yaba* is prolific in Bangladesh and smuggling continues.[138] There were increasingly high numbers of Rohingya people from Arakan State arrested on the Burma-Bangladesh border in 2008 for smuggling. In August, two drug traffickers from Maungdaw Township, Arakan State were arrested for attempting to traffic 4,000 WY *yaba* tablets across the border to Bangladesh.[139] While police agencies, such as BDR and the Rapid Action Battalion (RAB), from Bangladesh, are trying to halt drug trafficking, it is evident that *yaba* tablets are flowing into the country regularly.[140]

Thailand has long been regarded as a major transit country for drugs trafficked out of Burma.[141] It has even been argued that Thais often tolerate the opium trade because they benefit economically from the practice.[142] Drug trafficking gangs in Burma are producing and shipping several hundred million-amphetamine pills per year to Thailand and China, according to the US.[143]

Throughout 2008 there was a sharp increase in drug trafficking arrests along the Thai-Burma border.[144] A police officer from Sanghklaburi, a small town located 15 km from the Burma border in Kanchanaburi Province, Thailand reported that at least one drug trafficker was arrested daily on the Thai-Burma border, or in Sangkhlaburi town itself.[145] In May, a drug trafficker was arrested near Three Pagodas Pass on the way into Sangkhlaburi. The trafficker was believed to be affiliated with a Karen cease-fire group active along the border.[146] The following month, two drug traffickers were killed in a gunfight with police after being tricked into selling crystal methamphetamines in northern Thailand, near Chiang Rai. These traffickers were suspected members of the Red Wa guerrilla group, which have a reputation for drug trafficking in northern Thailand.[147]

While there were not as many reports of smuggling drugs into China in 2008, the drug trade between Burma and China has a long history, stretching back decades.[148] While there may not have been a lot of arrests reported along the China-Burma border, according to the UNODC's World Drug Report 2008, production of opium increased by 46 percent in southern Shan State, indicating a large demand for the product.[149] Although China has recently become more outwardly vocal against drug trafficking from Burma, it remains to be seen what effect this will have on production levels of opium based drugs in Burma.[150]

As mentioned earlier, one of the most fundamental reasons for drug trafficking from Burma is poverty. Due to increasingly high unemployment rates and the sharp rise in the price of commodities, Burmese are regularly involved in the drug trade for sheer survival.[151] This is only likely to increase as the world economic crisis worsens. Another major reason the drug trade is prevalent in Burma is because of the exceedingly high profits that come with smuggling drugs as opposed to common subsistence agricultural pursuits. In the Wa hills, the most profitable business is opium. Opium poppy grows readily there, while rice does not grow at all, according to Jiao Wei, the colonel responsible for UWSA's publicity and head of the Wa television station.[152] Furthermore, some villages are completely dependent on opium cultivation as a viable income to sustain their livelihoods.[153] *Yaba* also rakes in high profits and takes *"little effort"* to produce.[154] In Three Pagodas Pass in Burma, a *yaba* pill is worth around 90 baht, whereas if traffickers take it over the border into Sangkhlaburi, Thailand, a single *yaba* pill sells for almost double (at 150 baht). The further traffickers go into Thailand, the more valuable methamphetamine pills become.[155] In Bangladesh, one *yaba* tablet can be sold for 500 taka (US $7) in Teknaf, whereas in Maungdaw, Arakan State, it is only worth 1,200 kyat (or US $1). As with Thailand, the further it is trafficked into Bangladesh, the more valuable a *yaba* pill becomes costing 800 taka in Chittagong and 1500 taka in Dhaka.[156]

Perhaps a less openly acknowledged reason for drug trafficking was stated in the UNODC report last year. The UNODC attributed the rise in opium production to *"...high-level collusion, corruption and porous borders."* [157] Corruption amongst the Burmese authorities is not new. Close relationships between notorious drug traffickers and Burmese police officials have existed for decades.[158] The corruption is often manifested in the form of bribes. Burmese authorities in Three Pagodas Pass were said to frequently accept bribes from major drug traffickers.[159] These bribes (or 'taxes' as the authorities call them) extended beyond the traffickers to the heroin refineries and the opium farmers.[160] Sometimes authorities were even involved in the trade itself. One commentator contends that the Burmese military regime *"[cannot] afford to eliminate the money generated from drug-trafficking..."* [161] In addition to an unwillingness to enforce the law, the *"...underdeveloped conditions, isolation, civil war and continual amendments to laws regarding opium have made it impossible to enforce the law* [*in Burma*]*."* [162]

In the majority of cases of drug smuggling in the year 2008, the main methods of transport utilised were motorcycles, cars or trucks. Though, there were also many cases of drug trafficking across the Naf River in boats to Bangladesh.[163] A Thai officer from Sangkhlaburi, Thailand said there were frequent cases of youth trafficking drugs from Burma on motorbikes across the Thai-Burma border.[164] A trafficker from Bago Division was arrested in May for possession of 3200 amphetamine pills as he crossed a checkpoint near Three Pagodas Pass on his motorbike.[165] Several traffickers were arrested in Bangladesh in 2008 for smuggling *yaba* pills in a private car from Arakan State.[166] Although China has recently cracked down on trafficking, and the UWSA reduced their role in the opium trade, the UWSA have trafficked tons of opium in trucks from Panghsang to Yunnan for many years and continued to do so in 2008.[167]

The drug trade has far-reaching implications that can be analysed on a variety of levels. Firstly, there are the physical impacts resulting from drug trafficking and drug use. Drug use itself can be physically harmful and in some cases even fatal. Drug use can lead to debilitating addictions or the spread of life-threatening diseases such as HIV/AIDS, which is becoming a problem of increasing concern in Burma.

Furthermore, the physical act of drug trafficking is an occupation filled with risk. In *Burma in Revolt: Opium and Insurgency Since 1948*, Bertil Lintner writes, *"...rivalry, betrayal, and assassinations have always been the very essence of opium politics..."* [168] In February, Thai police killed a drug smuggler and confiscated 200,000 methamphetamine pills after a 10 minute gunfight with a gang of drug smugglers believed to be affiliated with the UWSA in Wiang Haeng District, Chiang Mai, Thailand.[169] Several months later in June, Thai police tricked two drug traffickers into selling them crystal methamphetamine, after which they were shot and killed by the Thai police in a gun battle initiated by the traffickers.[170] (For more information see Ch 5: Production and Trade of Illicit Drugs)
The cultural impact of drug abuse and addiction is pronounced. As drugs become more accessible and remain profitable, drugs become more popular with the youth market. Thai police recently reported a dramatic increase in the amount of youth using drugs along the Thai-Burma border, indicating a spill over from Burma's drug production; a situation which poses a problem of international concern.[171] In addition to use, the average age of drug smugglers that were arrested in border areas in 2008 was between 14 and 35.[172]

Finally, perhaps one of the most complex impacts of the drug trade is the perpetuation of a system rooted in corruption. Even though Burma has signed several UN conventions in regards to illicit drugs, in particular, the 1988 Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, without effective law enforcement, these conventions are meaningless.[173] In Burma, corruption is part of daily existence.[174] Many SPDC officials in Maungdaw Township for example are known to be involved in *yaba* trafficking.[175] As long as the drug trade continues to "*line the pockets*" of local officials however, it will flourish unhindered.[176] Corruption is endemic in Burma, and the drug trade *"...comes dangerously close to the upper echelons of power"* in society. Previous research has uncovered the direct involvement of SPDC generals in drug related activities. It is apparent in this case that for the problem of drug production and trade to be addressed fully within the country, there must first be a political solution to the current crisis.[177]

Drug Trafficking– Partial list of incidents for 2008

Bangladesh-Burma Border

On 15 January 2008, Bangladeshi authorities from RAB # 7, led by DAD Massod, arrested Alison (42), a refugee from Tal camp in the Dumdumea area of Teknaf for possession of 32 *yaba* pills. Many of the refugees from the camp did not believe that the drug possession charges against Alison were warranted; in fact it was believed that groups which opposed the arrested man's interest in becoming leader of the Tal refugee camp were behind a plan to have him arrested by having police plant drugs on the individual concerned.[178]

On 31 January 2008, three drug traffickers from Burma were given 20 years in prison each for trafficking *yaba* pills to Bangladesh from Maungdaw Township, Arakan State.[179]

On 5 February 2008, Issaque (28), a Burmese man from Maungdaw Township, Arakan State, was arrested by BDR Battalion #23 in south Zaliyapara village, in Teknaf, Bangladesh at 8pm for trafficking 205 *yaba* tablets from Burma. Issaque had apparently been smuggling *yaba* to Bangladesh and Phensedyl (a type of cough syrup) to Burma for two years.[180]

On 5 February 2008, Mohamad Alir, a Burmese man from Arakan State, was arrested in Zaliya village in Teknaf, Bangladesh on the Bangladesh-Burma border for possession of 205 *yaba* tablets.[181]

On 13 March 2008, SPDC Drug Enforcement Agency (DEA) officials from Buthidaung Township arrested Ma Than Tin at the Buthidaung jetty at 6:00 pm for trafficking 700 *yaba* pills, 100 grams of heroin, and medicine used in hospital operations inside a Buddha statue made of copper. The medicine alone was valued at 5,000,000 kyat. Two men identified as Sha Shu and Mohammed Rashid, who were working at the jetty were also arrested for assisting Ma Than Tin with her bags. Ma Than Tin's husband, Sergeant Zaw Lwin, who was the police officer responsible for monitoring Maungdaw Township's four-mile gate on the Maungdaw-Buthidaung road, was arrested as well. Those arrested included:

1. Ma Than Tin, female, Mon national, wife of Sergeant Zaw Lwin;
2. Sergeant Zaw Lwin, male;
3. Sha Shu, male, aged 45;
4. Mohammed Rashid, male, aged 40.[182]

On 2 August 2008, four Maungdaw District police, including Sergeant Maung Kye, arrested two drug smugglers from Bomu Para in Maungdaw Township, Arakan State for possession of 4,000 WY branded *yaba* pills. Since one of the smugglers, U Than Lwin, was regularly used by Maungdaw District police to traffic drugs to Bangladesh, the smugglers were able to pay a 1,000,000 kyat bribe to the police, and were then released. The smugglers were also given money by Sergeant Maung Kye (reportedly) for the pills. The police confiscated all of the pills.[183]

On 3 November 2008, five drug smugglers from Teknaf, Bangladesh were arrested by Teknaf police, led by Komurul Azam, at the Whykong checkpoint on their way to Cox's Bazaar, Bangladesh. The drug smugglers were carrying 900 *yaba* tablets in a private car from Teknaf Upazila, Bangladesh. The pills were originally trafficked from Arakan State. Those arrested were identified as:

1. Nobiul Alam;
2. Abdul Aziz;
3. Mohammed Rofique, aged 25;
4. Ibrahim, aged 24;
5. Yunus, aged 22.[184]

Thai-Burma Border

On 5, February 2008, Thai authorities from the Naresuan Task Force seized 200,000 methamphetamine pills and an AK-47 assault rifle after a 10-minute gunfight with a drug trafficking gang on the Thai-Burma border in Wiang Haeng District, Chiang Mai, Thailand. One of the traffickers, an ethnic Wa man, was killed and the other four to five gang members escaped.[185]

On 5 February 2008, Chatree Chanton (46) from Mae Rim District and Ja-ea Jalorbu, a Lisu man from Chiang Dao District, were arrested by Thai police in an undercover operation for smuggling 38,000 speed pills to police posing as drug dealers on the Chiang Mai-Mae Taeng road in Chiang Mai, Thailand. One of the men, Ja-ea Jalorbu, admitted he was affiliated with a drug organisation from the southern Wa hills and also oversaw a drug storage unit in Nakawngmu village, Burma across from Chiang Dao District, Thailand.[186]

In May 2008, a police officer from Sangkhlaburi, Thailand reported that an average of one drug trafficker was arrested every day at border checkpoints on the Thai-Burma border or in Sangkhlaburi (located approximately 15km's from the Burmese border). The drug traffickers arrested were all male, aged 14 to 35, and from a variety of ethnic groups including Karen, Burmese, Mon and Thai.[187]

On 16 May 2008, Moe Win (38), a Karen ethnic minority trader, was arrested near Three Pagodas Pass late in the evening for trying to traffic more than 3,000 amphetamine pills from Burma to Thailand. A member of the New Mon State Party (NMSP), a Burmese ceasefire group, made the arrest as Moe Win traveled through a checkpoint on his motorbike. He had in his possession over 16, 200-pill packets, filled with WY and R stamped pink pills from Bago Division. Each pill would sell for around 90 baht in Three Pagodas Pass and 150 baht in Sangkhlaburi, Thailand.[188]

On 30 June 2008, two drug traffickers, Amnuay Wiboonpoonsap and Puengsue Laesur, from the ethnic Aka hilltribe, were killed by Thai police in a gun battle that lasted ten minutes near Doi Pami Mountain in Mae Sai District, in Chiang Rai, Thailand. The men had been tricked into attempting to sell 3,500,000 baht worth of ice (a methamphetamine type substance) to the Thai police. Apparently, the men were affiliated with a drug gang aligned with the group known as the Red Wa guerrillas from Burma.[189]

In late July 2008, Thai police arrested Thet Naing, Managing Director of the BME1 nightclub in Bangkok, Thailand on suspicion of drug trafficking. In the first week of August, he was transported to Burma and sent to Insein prison. Thet Naing, a Chinese-Muslim man in his forties, is a close associate of Wa ethnic leader, Aik Huak, from the UWSA. After Thet Naing met Aik Huak, his club, BME1, started to regularly distribute and then sell, ecstasy, and methamphetamines to patrons.[190]

Indo-Burma Border

On 23 September 2008, a Burmese drug smuggler shot and killed a Lance-Corporal of the Burmese Army's Infantry Battalion #87, who was monitoring smuggling in Leilet village in Falam Township, Chin State near the Indo-Burma border. The smuggler apparently escaped to Mizoram, India, but a Mizoram youth caught the suspect in Saikhum village in Mizoram and he was taken to Champhai police station, where he was detained.[191]

Trafficking Inside Burma

On 29 May 2008, Aung Zaw Ye Myint, son of the chief of the Bureau of Special Operations, Lieutenant-General Ye Myint, was arrested in Rangoon for drug trafficking at his office in Yetagun Tower in Kyeemyindaing Township. The anti-narcotics division of the police force that arrested him found illegal drugs and six guns in his possession according to *Irrawaddy*. However, *Mizzima News* reported that in addition to drugs, one gun, handcuffs, and several millions of kyat were found. Aung Zaw Ye Myint is the owner of Yetagun Construction Company and his arrest for drug trafficking led to his father's forced resignation from the military.[192]

On 31 May 2008, Maung Weik (35), Managing Director of Maung Weik & Family Co. Ltd., and one of the wealthiest men in Burma with close connections to the military, was arrested for drug abuse and participation in drug trafficking in Rangoon.[193]

During May 2008, Burmese authorities arrested 245 persons (201 men and 44 women) for drug trafficking in 158 separate cases. The military, police and customs officials confiscated the following items: 76.78 kg of opium, 1.19 kg of heroin, 3.43 kg of marijuana, 93,867 stimulant pills and several other drugs.[194]

In July 2008, the *New Light of Myanmar* reported that Burmese authorities had recently arrested 385 drug traffickers (317 men and 68 women) in 236 separate cases. Burmese police, customs, and military seized 105 kg (231 lbs) of opium, 1.6 kg of heroin, 138,550 *yaba* pills and a variety of other drugs.[195]

On 13 November 2008, the US Treasury's Office of Foreign Assets Control (OFAC), under President George W. Bush, froze the assets of 26 individuals and 17 businesses linked to drug trafficking in Burma, and forbade US citizens from doing business with them. Specifically, under the Foreign Narcotics Kingpin Designation Act, the US treasury office named the suspected drug traffickers: *"Specially Designated Narcotics Traffickers*," and said, *"its action freezes any assets the 43 designees may have under US jurisdiction and prohibits US persons from conducting transactions or dealings in the property interests of the designated individuals and entities*." The US treasury department noted that members of the UWSA were particularly targeted because the UWSA was considered *"a major producer and exporter of synthetic drugs, including methamphetamine*..." according to the OFAC. Partial list of the 'Specially Designated Narcotics Traffickers' named by the OFAC:

1. Wei Hsueh Kang, senior UWSA commander;
2. Wei Hsueh Lung, brother of Wei Hsueh Kang;
3. Pao Yu Hsiang;
4. Ho Chun Ting, charged with money laundering and narcotics trafficking in 2005 by US government, arrested in Hong Kong 2007 for alleged partnership with Wei Hsueh Kang;
5. Shih Kuo Neng, charged with money laundering and narcotics trafficking in 2005 by US government, manager of Hong Peng companies named by the OFAC; and
6. Pao Yu Hsiang.[196]

6.5 Arms Trafficking

Arms have been trafficked into Burma for decades. According to some sources, prior to the onset of World War II, tungsten ore was smuggled from the wolfram mines in Mawchi, Karenni State into Thailand in exchange for arms and ammunition.[197] Later, from the late 1960s until the late 1970s, China was said to be a major supplier of arms to insurgent groups supporting the Communist Party of Burma (CPB).[198] Around this time, the Kakweye (KKY), a defence militia supported by the Burma Socialist Program Party (BSPP; the military regime which ruled Burma from 1962 until 1988) became heavily involved in the smuggling of both opium and weapons on the Vietnam War black market.[199]

While the SPDC has a stated desire to have half a million men at arms, Burma's domestic arms industry is grossly insufficient to supply its needs. The military regime has thus long looked abroad for additional sources of arms to equip its ever-growing armed forces. Luckily for them, there has been no shortage of arms dealers who have been willing to ignore the ways in which the SPDC has used their weapons to oppress unarmed civilian villagers.

SPDC-allied ceasefire groups and armed opposition groups, however, are also in need of weapons and ammunition. As non-state actors however, these groups do not enjoy the same access to the international arms market as the SPDC and have needed to acquire arms smuggled into the country via the clandestine arms market. For example, it has been reported that resistance groups such as the Karen National Union (KNU) have frequently used their positions along the Thai-Burma border since the 1970s to allow them access to arms markets both within neighbouring Thailand and internationally.[200] The same may be said of numerous other non-state groups operating along Burma's frontiers. Today, the majority of weapons are smuggled into Burma from China, India, and Thailand.[201] Some of the more common weapons smuggled across these borders into Burma include cheaply-made assault rifles, machineguns, landmines and rocket-propelled grenades (RPGs).[202]

Meanwhile, across the border in the northeastern Indian states of Assam and Manipur, armed resistance groups operating in opposition to the central Indian Government have acquired weapons, ammunition and explosives from Burmese Non-State Armed Groups (NSAGs) and indeed the SPDC itself.[203] In this manner, arms have been smuggled in both directions across the Burma-India border.

On 9 June 2008, five members of the Indian insurgent group, the United Liberation Front of Asom (ULFA) were arrested by police near Durpang in Lakhimpur District of Assam in India's Northeast. According to Brigadier General J Sahni of the Indian Army's 2nd Mountain Division, the five men were involved in trafficking arms into Assam from Burma by routing money from Bangladesh to buy weapons which had been smuggled into Burma from China. The army reportedly seized an equivalent of US$100,000 from the men which they believed was going to be used to purchase a consignment of small arms. While the original report failed to elaborate, it is quite possible that the weapons had originally been smuggled from China, through Burma and into India by the UWSA.[204]

On 19 September 2008, two Burmese nationals were arrested in the Indian state of Assam on arms trafficking charges. The pair was identified as Libtung, 29, and Sawang Kanynak, 21, both from Louis Bast village in Hkamti Township, Sagaing Division. They were reportedly arrested in the possession of 114 *"packets"* of ammunition and five *"packets"* of explosives, along with the muzzle and trigger assembly of an unspecified firearm. The original report did not mention the size of the packages nor the type of explosive. One of the officers from the Sonari police station involved in their arrest told the media that, *"Both of them are now detained in Sibsagar prison and have been charged under the Arms Act and the Foreigners Act"*. No further information regarding the pair has since emerged.[205]

On 20 December 2008, an unidentified Indian from Manipur, rumoured to have been an arms smuggler, was shot dead by gunmen in a residence he rented in Kalemyo, Sagaing Division. According to local sources, the man was affiliated with an unspecified Indian armed opposition group and was in Kalemyo to liaise with SPDC army officers and procure arms for his Manipur-based organization. Another source, reportedly involved in the arms trade maintained that the majority of insurgent groups operating in northeast India relied on Burma for their supply of arms and ammunition, adding that a Chinese-made Type 56 assault rifle (a Chinese copy of the Soviet AK-47) costs only 1.5 million kyat in Kalemyo, yet the same rifle would fetch at least three times that amount across the border in India.[206]

On 22 December 2008, it was reported that a number of armed opposition groups operating along the Thai-Burma border were facing an ammunition shortage for one of their favoured weapons. The Soviet-made Kalashnikov AK-47 is one of the most widely preferred assault rifles on the planet for its *"extreme ruggedness, simplicity of operation and maintenance, and unsurpassed reliability even in worst conditions possible"*. Since first entering mass production in 1947, an estimated 90 million units are believed to have been produced worldwide. Not only is the AK-47 one of the most widely used weapons in the world, but it is also arguably the world's most emulated assault rifle, with over 50 known copies or variants worldwide, produced in no fewer than 20 different countries. The AK-47 is chambered for the Soviet 7.62x39 mm calibre, rather than the more common 7.62x51 mm NATO round. Despite the popularity of the AK-47, the global proliferation of assault rifles chambered for the smaller bored 5.56 mm round has lead to a decrease in the availability of 7.62x39 mm ammunition. In concurrence with this, an unidentified Karen National Liberation Army (KNLA) spokesperson has asserted that *"We stopped buying AK-47 rifles because there is nowhere to get ammunition for them"*. Meanwhile, an unnamed representative of the New Mon State Party (NMSP) has stated that, *"It is difficult to buy AK-47 ammunition in Thailand because the Thai Army only uses M-16 [assault rifles, chambered for 5.56 mm ammunition]"*. The scarcity in the supply of ammunition for the AK-47 has in turn inflated prices considerably. One source has maintained that at the end of 2008, ammunition for the AK-47 was priced between 10 and 15 baht per bullet on the black market, while the rifle itself would fetch 10,000 to 15,000 baht each.[207]

It has been speculated that the dearth of ammunition for what is conceivably both the most popular and best suited weapon among NSAs has presented a number of business opportunities in northern Burma. Not only have arms traffickers attempted to obtain ammunition from other markets such as China, but according to some sources, this has prompted some groups to embark on manufacturing their own.[208] One such group known to have started manufacturing its own ammunition for the AK-47 is the SPDC-allied United Wa State Army (UWSA). However, a former member of an unspecified Palaung armed group operating in Shan State has stated that while bullets for the AK-47 manufactured by the UWSA are readily and cheaply available, costing only 10 baht (US$0.30) per bullet, they are of much lower quality than those manufactured internationally. Meanwhile, in spite of the availability and the low cost, the opposition Karen National Union (KNU; the political wing of the KNLA) has asserted that they *"would not buy weapons or ammunition from the UWSA"*.[209]

On 16 December 2008, it was reported that in addition to the manufacture of ammunition, the UWSA had developed the capacity to produce its own factory-manufactured small arms. According to a spokesman for the opposition Shan State Army-South (SSA-S), the UWSA had for the past year been *"manufacturing AK-47 rifles similar to those made in China"* in a munitions factory located at Kunma, close to the Chinese border.[210] A second report added that the factory was also capable of producing *"replicas of the … Chinese M-23 light machine-gun, as well as the 7.62-millimeter [Sic.] ammunition that is used by both weapons"*. It was also alleged that the Wa had plans to further *"diversify production in the near future to include 9 mm handguns and ammunition"*.[211]

An unnamed source reputed to be close to the Wa added that the UWSA had developed this capability with help from the Chinese, who had up to this point been their sole supplier of arms.[212] According to an article carried in the *Asia Times*, the UWSA had received a *"large arms consignment"* from China one month before the factory reportedly became operational. In addition to a variety of small arms, the shipment reportedly included 60 mm, 82 mm and 120 mm mortars, 14.5 mm ZPU heavy machineguns, and an unspecified low-level antiaircraft weapons system.[213]

It has been alleged that the UWSA has been long involved in arms trafficking throughout the region, selling arms to other Non-State armed groups operating in Burma as well as anti-government forces in neighbouring countries. International clients have reportedly included Naga insurgents in Northeast India and Maoist rebels in Nepal. Security analysts have maintained that the UWSA *"has surpassed Cambodia's notorious arms bazaars in trade volume"*. [214] Earlier reports by the authoritative *Jane's Intelligence Review* maintained that the UWSA had turned to arms production to supplement its already-considerable income generated from drug and arms trafficking. According to those reports, the UWSA has served as an intermediary, *"buying from Chinese arms manufacturers, then reselling the weapons to Indian insurgent groups and the Kachin Independence Army [KIA]"*.[215]

It has been further reported that the arms and ammunition produced at the UWSA factory in Kunma have not only been issued to UWSA soldiers, but have also been sold to other Non-State armed groups operating in Shan State. Unnamed Thailand–based military analysts have alleged that the *"Kunma arms factory is most likely an export-oriented joint venture between the UWSA and Yunnan-based mafia organizations consisting of ex-PLA personnel,"* and that the *"production line was set up and is now managed by recent engineering graduates from Chinese universities, whose studies were sponsored by Pangshang"*.[216] However, the validity of such claims remains to be proven. Either way, while numerous Non-State Actors (NSAs) operating in Burma have had the capacity to manufacture their own landmines for some years now (For more information, see Chapter 4: Landmines and Other Explosive Devices), this troubling development represents the first case of a Burmese NSA developing the means of manufacturing their own small arms.[217]

For years now, there have been numerous reports discussing Burma's nuclear ambitions. Indeed, Burma first commenced a nuclear research program as early as the mid-1950s with the institution of the Union of Burma Atomic Energy Centre (UBAEC), though the program halted when the military took control of the country in 1962.[218] The nuclear program remained stalled for next 35 years until 1998 when it was *"revitalized shortly after Pakistan's first detonation of nuclear weapons in May 1998"* when *"Senior [G]eneral and junta leader Than Shwe signed the Atomic Energy Law on June 8, 1998"*.[219] Soon after, in February 2001, Russia's atomic energy agency, Rosatom, declared that it would build a 10-megawatt nuclear research reactor in central Burma, after which Burma's Deputy Foreign Minister, Khin Maung Win, publicly announced the SPDC's intention to build *a nuclear research reactor, "citing the country's difficulty in importing radio-isotopes and the need for modern technology as reasons for the move"*.[220] This statement prompted numerous commentators to question the need for such a facility:

> *"While Burma suffers from chronic power shortages, the need for a research reactor, used mainly for medical purposes, is unclear. Radioisotopes allow imaging of the brain, bones, organs, lungs and blood flow, advanced technology for Burma's basic health services"*.[221]

In spite of this seemingly obvious truth, in July 2001, the SPDC created the Department of Atomic Energy.[222] Later that year, representatives of the International Atomic Energy Agency (IAEA) visited Burma *"to assess the country's preparedness to use and maintain a nuclear reactor safely"*. However, its report *"was highly critical of the country's general*

standards, which were 'well below the minimum the body would regard as acceptable', even for conventional power plants".[223] The program then once again stagnated due to *"financial difficulties"*.[224] It was not until May 2007 that the agreement was finally signed and the program once again started to move ahead. According to a statement released by Rosatom:

> *"The sides have agreed to cooperate on the establishment of a centre for nuclear studies in the territory of Myanmar [Burma]. The centre will comprise a 10-megawatt light water reactor working on 20 per cent-enriched uranium-235, an activation analysis laboratory, a medical isotope production laboratory, silicon doping system, nuclear waste treatment and burial facilities. The centre will be controlled by IAEA"*.[225]

However, the IAEA claimed it had no knowledge of Burma's intent to move ahead to build the reactor, adding that *"as a signatory to the Non-Proliferation Treaty, Burma is required to allow inspections of any nuclear facilities"*.[226]

Though Burma's nuclear ambitions are clear, there is still considerable disagreement over its motivations and its current nuclear capacity. While some commentators have claimed that the SPDC wishes to acquire nuclear weapons, including some highly questionable reports maintaining that they already have, others are not so easily convinced. According to Andrew Selth, all such claims to the effect that the SPDC is planning on developing nuclear weapons are highly unlikely and based upon speculative evidence at best:

> *"They have been encouraged by unsubstantiated rumours, inaccurate and often alarmist news reports, and some questionable strategic analysis. There is probably also an element of deliberate misinformation, designed to fuel concerns that Burma has become a proliferation risk. These stories, however, are made more credible by the military government's history of provocative and seemingly irrational behaviour, including an apparent disdain for international opinion and the accepted norms of conduct"*.[227]

Regardless of the SPDC's motives, or its current capacity, there have been incidents, perhaps encouraged by the rumours of a nuclear weapons program, of attempts to smuggle uranium into the country. For example, it was reported that on 3 November 2008, two Indian nationals were arrested during a raid on their hotel room in Champai of Mizoram State, India as they were attempting to smuggle what they claimed was a sample of uranium into Burma for sale. The pair, identified as 20-year-old Tawia and 58-year-old Sangkhuma, was apprehended by a joint task force of the Mizoram Police and Assam Rifles in possession of a *"bottle filled with gray [Sic.] material"*, which they had later admitted was uranium obtained in the neighbouring state of Meghalaya.[228] It remains unclear who their intended clients were, if what they carried was indeed uranium, and if so, which isotope it was or if it was enriched (weapons grade).

6.6 Human Trafficking

Arguably the most socially devastating form of illegal trade across Burma's borders is that of human trafficking. The UN Protocol to Prevent Trafficking in Persons defines human trafficking as:

> "...*the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs..."* [229]

Trafficking in humans violates various human rights, in particular, the right to be free from slavery and servitude.[230] It also violates numerous international laws and conventions that Burma is party to, including: the UN Protocol to Prevent, Punish and Suppress Trafficking in Persons especially Women and Children. This protocol was established in 2003 to 'prevent and combat' trafficking in persons. Burma is also party to the UN Convention on Organized Transnational Crime, created in 2000, which deems trafficking to constitute an international crime.[231] Many victims of trafficking end up being used as forced labour, which is a violation of the UN International Convention on Civil and Political Rights (ICCPR), a covenant widely accepted as international law.[232]

Generally, Burmese people are trafficked for use as forced labour, domestic servants, or for the purposes of working in the commercial sex industry.[233] Trafficking, especially of women who end up as prostitutes, is considerably profitable and provides a continued incentive, especially considering the general economic situation that prevails in Burma.[234] Women and children are generally trafficked for reasons related to gender and age. Women are overwhelmingly trafficked into the commercial sex industry as prostitutes and also sold as brides (in many cases to Chinese men).[235] KWAT reported throughout the year that there had been a significant increase in Kachin women being trafficked to China as brides.[236]

Children are at risk of being trafficked for a number of different jobs including: begging, agricultural work, fish processing work, construction, forced labour, domestic services, prostitution and when trafficked inside Burma, for use as child soldiers.[237] Since reasons for trafficking differ depending on sex and age, this section will be divided into multiple subsections to reflect the different motives for trafficking.

Burma is a major point of origin for trafficking victims in Southeast Asia. Burmese people are trafficked to the surrounding countries including; Thailand, China, Bangladesh, Malaysia, Macau, South Korea and Pakistan.[238] It was reported in 2008 that approximately 100 Burmese people were being trafficked from Kawthaung in Tenasserim Division to Malaysia and Thailand every day.[239] It is conceivable that even more women may be trafficked to China daily, as the SPDC reported that out of 471 trafficking victims rescued between September 2005 and December 2007, 80 percent were destined for China, while only 15 percent were headed to Thailand, and five percent were trafficked internally.[240] While many Burmese people are trafficked outside of the country, trafficking is still pervasive within Burma and people are frequently taken from their homes in rural villages to work in urban areas, agricultural estates and industrial areas for work in the commercial sex industry.[241] The traffickers often operate independently and generally tend to use local villagers to bring victims to more established brokers in neighbouring countries.[242]

The majority of reports from 2008 indicate that trafficking from Burma is increasing, especially in light of the global economic crisis, and Burma's own deteriorating economic situation. The sad reality is that many trafficking incidents are able to occur because those trafficked face a dire economic situation and see no alternative but to take the risks inherent in trusting brokers. Evidence suggests trafficking to Thailand has steadily increased over the last few years, particularly due to the growing commercial sex industry, which is said to be developing rapidly.[243] This trend only continued in the aftermath of the devastating tropical cyclone Nargis in May 2008. The impact of the storm left tens of thousands dead and hundreds of thousands without homes.[244] It was in this environment of overwhelming loss that many children were left without parents. Without guardians, surviving children became vulnerable to exploitation by traffickers. While it is difficult to ascertain whether trafficking did increase after Cyclone Nargis, there were several reports of attempts being made to traffic survivors through the lure of jobs and security.[245]

In terms of protecting the population against the threat of trafficking activities, the Burmese military regime made announcements to the public after the cyclone advising them to report trafficking cases.[246] Along with warnings to the general public, Burmese domestic law contains some very harsh penalties for human traffickers, which should serve as a deterrent to brokers. Some of the current penalties for trafficking include: 10 years to life for trafficking women and children, five to 10 years for trafficking men, 10 years to life for trafficking with an organized criminal group, and 10 years to life, with the possibility of death, for serious crimes involving trafficking.[247] These penalties come from a relatively recent anti-trafficking law that the Burmese military regime passed in September 2005 to combat trafficking of humans in Burma.[248]

This 18-year-old Pa'O woman Kawkareik Township in southern Karen State was trafficked to Thailand where she got a job as a domestic worker in a wealthy Thai household where she was paid 3,000 baht per month. However, her broker took 2,000 baht of her salary every month for two years to 'reclaim' the debt of taking her there; a total of 48,000 baht – more than it could possibly have cost to send her there in the first place. *[Photo: © WCRP]*

Regardless of the penalties mentioned above, the breakdown of the Burmese economy, coupled with increasingly repressive conditions, stemming in part from the 2007 Saffron Revolution, have led to an influx of population flows across the Thai-Burma border.[249] The severity of the penalties has not served as a strong deterrent to traffickers however, which indicates that the financial incentives of trafficking humans are greater than the possible punishments involved should brokers get caught. As more and more Burmese people opt to place their lives in the hands of brokers, neighbours, or even friends, in the hope of

improving their economic situation, escaping conflict, or persecution by the SPDC, they potentially risk being sold into exploitative and life-threatening work by human traffickers.[250] Unfortunately, economic conditions are so grave that this is a risk many Burmese are willing to take every day.

There were repeated cases in 2008 of Burmese citizens willing to risk their lives by travelling on un-seaworthy vessels in order to escape from Burma. Hundreds of Rohingya Muslims were smuggled or trafficked from Burma, making the dangerous voyage to Malaysia by boat. From 7 to 11 November, five separate boats predominately filled with Rohingyas, left Shapuri Dip, Bangladesh for Malaysia. Three of those boats carrying 100, 60 and 80 persons respectively, successfully arrived in Malaysia, but two carrying 100 and 150 respectively, were forced to abort the trip citing engine trouble. All of the people on the boats managed to escape.[251] In addition to seeking better economic opportunities, the prevalence of Rohingyas fleeing to Malaysia was indicative of *"people unable to bear the Burmese military junta's persecution in Arakan State, given the restrictions on movement, marriage, business, religious persecution and education..."* [252] (For more information, see Ch. 18: Ethnic Minority Rights) In June 2008 it was reported that conditions around the Kawthaung area were such that there were reportedly 100 people brought from Kawthaung into Thailand and Malaysia every day.[253]

Forced labour and commercial sex work are among the most commonly cited purposes for trafficking in humans, according to the TIP report published by the US Department of State in 2008.[254] Others destinations for those trafficked included, but were not limited to, domestic servitude, work in the tourism industry, use as child soldiers, and being sold as brides for Chinese men.[255] In the 2008 TIP report, China, Bangladesh, Thailand, Pakistan, India, Macau, South Korea, and Malaysia were all listed as destination countries for Burmese trafficking victims.[256] There was at least one reported incident of trafficking to Japan as well in 2008.[257]

Trafficking to Thailand has increased steadily over the last several years due largely to the worsening economy within Burma.[258] The notoriously porous Thai-Burma border makes it a relatively simple task for Burmese to slip into Thailand and work illegally. In April a report emerged detailing how more than 30 girls had been trafficked into a brothel in the Thai-Burma border town of Three Pagodas Pass.[259] Many of these illegal immigrants would end up working in various locations in the southern Thai islands as lowly paid workers in the tourism industry or would go to work in the many industries that use cheap Burmese labour, such as the fishing and agriculture industries. In June, the Thai government, concerned about the rising numbers of trafficking victims in the country, passed a new law aimed at eradicating trafficking in Thailand, but critics contend the new law does not adequately protect economic migrants and fails to address the root causes of trafficking.[260]

The KWAT report, *Eastward Bound*, published in 2008 focused on the plight of Burmese trafficking victims in the northern parts of the country. The report found that of the total cases of trafficking documented by the organisation, two-thirds of the women and children were from Kachin State and one-third of the women and children came from Shan State. The overwhelming majority of the victims were destined for China, with *"the majority of women and girls….coming from the poor quarters of larger towns such as Myitkyina, Wai Maw, Bhamo in Kachin State and Kutkai in Shan State."* [261] According to a private weekly magazine, the SPDC claims to have saved more than 450 victims of trafficking since 2005, emphasising that the majority of those were destined for China as well.[262] Shortly before the Beijing Winter Olympics in 2008, Chinese police rescued 100 Burmese trafficking victims and not long after an additional 18 were retrieved from fishermen in Fujian Province, China.[263] A human trafficking operation, led by a woman identified as Ma Phyu, was exposed in October and disbanded only after more than 20 Burmese women had been sold as sex partners or brides to men in China.[264]

In addition to China, Malaysia is also a common destination for people who are smuggled out of Burma. This is particularly true for members of the Rohingya ethnic minority from Arakan State, of whom hundreds were smuggled or trafficked to Malaysia via boat in 2008.[265] Travelling by boat involves considerable risk and many boats do not make it to Malaysia. On 31 January 2008, a boat with 60 people capsized near Teknaf on the way to Malaysia and the passengers escaped to Bangladesh.[266] Towards the end of the year in December 2008, more than 300 people, (believed to be mostly illegal migrants) travelling to Malaysia from Bangladesh and Burma, were feared to have drowned after Thai authorities refused to let them enter Thai territory in the Bay of Bengal.[267]

Aside from the use of boats to transport illegal migrants, there was at least one reported incident of Burmese migrants being smuggled overland by truck to Malaysia through Hat Yai, Thailand in February 2008.[268] There were also several cases of Burmese being trafficked into Bangladesh, but Bangladesh is more commonly a transit country for Burmese people headed to Malaysia. This is due in part to strict security measures that prevent many Burmese people from entering Bangladesh.[269]

Reports from 2008 indicated that most victims were trafficked from those states that are located close to Burma's international borders, namely; Kachin State, Shan State, Arakan State, Karenni State, Mon State and Tenasserim Division.[270] This list is certainly not comprehensive as it is most likely that many more trafficking cases went unreported. The cases reported over the course of 2008 usually fit a pattern whereby traffickers tended to utilise the same locations, ports and routes for transporting people out of Burma. Those trafficked from Arakan State in the west for instance, were frequently brought to Shapuri Dip or Teknaf, Bangladesh; both common transit points for boats leaving to Malaysia along the Bangladesh-Burma border.[271] In the south of the country, Burmese people were often transported from Kawthaung Town in Tenasserim Division to Thailand via the town of Ranong in Thailand.[272] In the north, Kachin and Shan women were frequently trafficked to Ruili, China on the China-Burma border, before being trafficked deeper into China.[273]

The majority of trafficking victims in Burma were not kidnapped, but rather willingly consented to accompany traffickers, only to find out later that they had been deceived. One of the most significant reasons why Burma has such high trafficking rates is the sheer number of people forced to travel across Burma's borders every year in search of work.[274] Traffickers take advantage of people who are economically vulnerable by telling them they will *"provide jobs with good salaries in Malaysia and China."* [275] Traffickers commonly seek out their victims in urban ghettos or impoverished rural areas.[276] Burma is one of the poorest countries in Southeast Asia and consequently hundreds of people leave each day to improve their economic conditions.[277] The majority of those seeking work in another country also have to support their families back in Burma.[278] In order to do this many consent to exploitative types of work. The line between trafficking and smuggling becomes increasingly blurry, as it is almost impossible to discern whether consent truly exists for those people who find themselves in dire economic situations.

Another major reason people left Burma in 2008 was to flee persecution. Although exact numbers are unclear, many Mon people continue to be trafficked or smuggled from Ye Township every year to Malaysia to escape gross human rights violations committed against them by the SPDC.[279] Even though the New Mon State Party has a ceasefire agreement with the SPDC, there is still a heavy SPDC army presence in Mon State. Breaches of the ceasefire zones by the SPDC have resulted in multiple human rights violations including heavy arbitrary taxation, land confiscation and forced labour, among others. Such burdens on an already impoverished population have forced many to flee to the perceived economic security of foreign countries. Likewise, many of the ethnic Rohingya population of Arakan State, desperate to escape increasing persecution by the SPDC, were trafficked to Malaysia from Arakan State in 2008, after being promised better lives by traffickers.[280]

Corruption in Burma continues to hinder any realistic chances of reducing trafficking. SPDC officials are frequently involved in human trafficking operations thereby undermining the rule of law in Burma. Even if officials are not directly involved in trafficking, there have been reports that officials are not above taking bribes in order to let traffickers abscond or obtain release from custody. As with so many other areas of Burma's civil service, employees' salaries in the law enforcement and other sectors that are involved in smuggling are low and irregular, increasing the incentive to supplement incomes by accepting bribes. Local residents from Kawthaung in the southern division of Tenasserim, a well known trafficking transit point, reported that Burmese authorities often colluded with human smugglers.[281] Moreover, in Arakan State in western Burma, local Burmese authorities profited immensely from trafficking in February 2008. Mohamet Shafi (35), a trafficker, was reported to have paid the authorities a hefty bribe so that he could send more than 500 people to Malaysia.[282]

Even when high-level SPDC officials are charged or tried for trafficking, their cases are inadequately investigated and they are likely to be dismissed.[283] In fact, KWAT contends that corruption is pervasive throughout every level of the justice system and bribes must be paid to at least three witnesses, police, lawyers, and even the judge, if a trafficking victim wants their case heard.[284] The problem of corruption is compounded when police in neighbouring countries, such as Thailand and China are also involved in trafficking, or demand money for repatriating Burmese trafficking victims.[285]

The 'commodification' and exploitation of human beings for the purposes of trafficking violates some of the most fundamental human rights afforded by the Universal Declaration of Human Rights (UDHR). Human trafficking is an egregious violation of many human rights including: the right not to be subjected to slavery or servitude, the right to fair and favorable working conditions, the right to health, and the right to dignity and security of persons.[286] Trafficking victims face physical and mental abuse from traffickers, exploitative working conditions, rape, disease, torture, wrongful imprisonment when they return to Burma, and sometimes death.

There were several cases of Burmese people falsely accused of trafficking in 2008. In June, two Rohingya falsely accused of trafficking were tortured by Burmese NaSaKa forces in northern Arakan State. The NaSaKa forces accused the men of travelling frequently to Bangladesh and after checking their phones, argued that calls made by the pair to Malaysia and Saudia Arabia were further evidence of trafficking. However, after NaSaKa extorted 800,000 kyat from both of their families, they were let go, casting doubt over the motivation behind the initial questioning. If the pair were seriously suspected of human trafficking, they should have been thoroughly investigated and kept in custody, instead they were released and fined heavily, which is suggestive of the fact that authorities were simply seeking a convenient means of extorting money from the pair.[287]

In another case reported by KWAT, a woman who had been convinced to move to China with her friend so they could both work as chefs in Yin Jang, was instead taken to Shandong where the two women were sold as brides to Chinese men. The women escaped independently and when they returned to Burma the two were apprehended and one woman was charged with trafficking the other. She was consequently imprisoned for two months and forced to pay 1,000,000 kyat (US $800) in bribes to be released.[288]

Human trafficking involves a great many risks to those being transported. Often traffickers will go to great lengths to move their human cargo as rapidly as possible to avoid detection by the authorities, often in unsanitary and unsafe conditions. Perhaps one of the greatest smuggling tragedies reported in 2008 was in April when 54 Burmese migrants died of suffocation while being smuggled in a container truck from Kawthaung to Phuket, Thailand.[289] At times authorities have posed just a great a danger to those being trafficked as the traffickers themselves, as was evidenced in February 2008 when Thai police opened fire on a truck smuggling 28 illegal Burmese migrants into Malaysia; several migrants were injured, while a ten-year old Arakanese boy was killed in the incident.[290]

In addition to the negative impact trafficking has on its victims, human trafficking from Burma ultimately threatens regional stability.[291] Despite the undocumented and unregulated flow of illegal migration across the borders of the nations in the region, there has been little done to seriously tackle the issue. In Thailand, which is home to hundreds of thousands of Burmese migrant workers, the reason seems fairly transparent. Migrant workers, who are not covered by Thailand's labour laws and who work for much lower wages and without any security, are propping up many industries such as the fishing, agriculture, textile manufacture, tourism, domestic and construction industries by providing cheap labour. It is simply not in Thailand's short-term interest to take any measures that would curtail the supply of such an abundant source of cheap labour.

Child Trafficking

The available evidence on trafficking indicates that approximately fifty percent of all victims of trafficking in Burma are children.[292] World Vision reports that Burmese children are often trafficked as sex workers, flower sellers, beggars, domestic servants, and to be used as forced labour in agriculture, fishing and the construction industries.[293] Children are also increasingly being trafficked into the military by the SPDC.[294] Even though the Burmese military regime claim their official policy prohibits the conscription of children for the military, the UN Special Representative Radhika Coomaraswamy reported in 2007 that the UN had repeatedly received reports regarding *"...violations of international humanitarian law, human rights law, and military directive resulting in the recruitment and use of children by some government military units and several nonstate actors..."* Furthermore, the report indicates that recruitment of children by the SPDC is increasing, but that the UN is not able to determine to what extent, because of the limited access to areas experiencing civil strife, and the inability to protect victims or witnesses.[295] Throughout 2008, at least four other reports from Human Rights Education Institute of Burma, Watchlist on Children in Armed Conflict, Karen Human Rights Group and Human Rights Watch substantiated the continuation of these policies.

Child trafficking from Burma to Thailand is commonplace, and has been occurring for years.[296] The Kachin women's group, KWAT reported that child trafficking along the China-Burma border increased in 2008. Despite the decrease, the group still collected evidence of at least 18 cases of child trafficking by December 2008.[297]

One increasingly common way children are subject to trafficking is through brokers. It is quite common for poor families who are desperate for work to contact a broker to aid them in their search. While families may agree to let their children go with brokers for work in Thailand, they are typically unaware that their agreement involves the eventual use of their children for forced labour, sex work or other exploitative jobs.[298] Moreover, children are easier targets for traffickers because they are physically and mentally more vulnerable. If parents are working and their children are unsupervised, the children are often at increased risk of being trafficked.[299] Orphans from Cyclone Nargis in May 2008 continue to be particularly vulnerable to trafficking *(*for more information, see Trafficking in the Wake of Cyclone Nargis below).[300] Research has shown that another vulnerable group that has been targeted by traffickers is young Shan girls who are taken to Thailand for prostitution.[301] The fact that children are often too young to find their own way home or contact their families once they have been trafficked, makes it increasingly likely for the traffickers to get away with these crimes.

Trafficking of children is a violation of various human rights. Burma is party to several international conventions regarding the protection of children including: the Convention on the Rights of the Child (CRC) and the International Labor Organization (ILO) convention 182

concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor. The CRC explicitly prohibits prostitution of children under the age of 18. The ILO convention 182 mandates that countries implement policies or laws protecting children from the worst forms of child labour, such as prostitution, and that these children be provided with free education.[302] (For more information, see Ch. 16 Rights of the Child) Despite the guarantees afforded by these agreements, many children in Burma continue to be deprived of the protection that should be provided by the state.

Trafficking of Women

Concerns over the number of women trafficked from Burma every year have been expressed for almost two decades. As far back as 1993, the Human Rights Watch report entitled: *A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand*, reported that an estimated 20,000 Burmese women were working in Thai brothels, and another 10,000 new Burmese women entered Thai brothels each year.[303] While completely accurate data is impossible to attain, numerous reports contend that trafficking in women from Burma increased in 2008. In the five years between 2000 and 2004, KWAT documented 63 cases of female trafficking with at least 85 female victims.[304] A number of factors, such as the deteriorating economic and political situation in Burma have contributed to a myriad of disturbing trends including a general influx in the trafficking of women from Burma.[305] KWAT also highlighted an increase in the sex industry along the Thai-Burma border in Three Pagodas Pass and a significant increase in the number of prostitutes in Rangoon.[306] Lastly, recent research has shown a marked increase in the trafficking of women to China, more than likely to be sold as brides for Chinese men.[307] The 2008 KWAT report found that the women trafficked were predominately teenagers. Around 25 percent of the trafficking victims from the report were under 18, and two incidents involved babies.[308]

Multiple reports suggest that many Kachin, Shan, Palaung, Burmese, and Chinese women are trafficked from Kachin and Shan States.[309] Although the situation is less commonly documented, there are also reports of women being trafficked from Arakan State.[310] Shan women and girls are often trafficked north into China, while Karen and Mon women are commonly trafficked south.[311] In 2008, sources indicated that the majority of women trafficked came from Kachin, Shan and Arakan States. That said, it is important to note that women continue to be trafficked from a variety of other places including Taichelek, Myawaddy, and Three Pagoda's Pass across Burma's eastern border into northern Thailand, often going unnoticed through underground channels and facilitated by a series of bribes to local officials.[312] According to reports from 2008, these women are largely destined for China and Thailand.[313] Towards the end of the year, approximately 200 women were arrested in China after being trafficked into the country.[314] Apart from China and Thailand, there are also accounts of Burmese women being taken to Bangladesh and Japan.[315] Other known trafficking destinations included Malaysia, South Korea and Pakistan.[316]

Burmese women are trafficked for a multitude of purposes. The most commonly cited are: work in the sex industry, forced labour, domestic servitude, and as brides for Chinese men. According to KWAT's *Eastward Bound* report, the primary reason Kachin women were trafficked in 2008 was for marriage to Chinese men.[317] It is worth mentioning that although 37 percent of the 163 Kachin women that were documented as being trafficked to China in 2008 were in fact sold as brides, an additional 46 percent disappeared in China and it was unclear for what purpose they were trafficked.[318] Chinese men pay on average 13,000 yuan (US $1,900) for a bride, and Kachin women were sold for anywhere between 5,000 yuan (US $730) and 24,000 yuan (US $3,500) in 2008 according to KWAT.[319] The majority of Chinese men who buy Kachin women are poor farmers, which consequently means that these women are not only forced to be sexual partners, but may also be used as forced

labour to work on farms.[320] In early 2008 a case was documented involving the trafficking of two young women to China to be sold as brides. The women, both university students, were taken from Lashio in Burma to Chinshwehaw in China, whereupon they were sold to a Chinese man fro the northern province of Anhui for 20,000 RMB (approximately US$2,900).

After being held for three months, the two women were sold to two Chinese men as brides and were forced to live with the strangers for six months, during which time one of the women was burned with cigarettes for refusing to sleep with her 'husband', a 60 year old man.[321]

In the report by *Mizzima* detailing the plight of the two university students, the conditions under which the Muse Human Trafficking Prevention Task Force operates was also laid out. The taskforce which was set up by the SPDC in Muse, close to the Chinese border, is forced to operate on a very limited budget and the report claimed that;

> *"Deprived of adequate funds, the Muse Task Force has to collect money from businessmen to feed victims when they arrive back to their homeland. Moreover, to provide clothing, female colleagues are forced to share their uniforms with the victims. And on occasion, victims have to wait for about six months to accumulate the transport fare necessary for them to get back to their hometowns."* [322]

The decrepit state of the taskforce impedes the efficiency that it might have had in combating trafficking and robs the public of its confidence in the authorities to prevent cases of trafficking. It also demonstrates that the SPDC authorities are not taking seriously their obligations to combat trafficking in the region.

One of the predominant reasons women are trafficked is so that they can be put to work within the sex industry. Sometimes these women are trafficked into karaoke bars and made to dance, while more commonly they are trafficked into brothels for prostitution.[323] It was reported in April 2008 that more than 30 of the women working at a new brothel in Three Pagodas Pass named Kaday Kadar had been trafficked as prostitutes.[324] These women made around 120 baht (US $4) per night.[325] Prostitutes in brothels in Rangoon make around two to three dollars for selling their bodies, while the guesthouses accommodating them can make anywhere from 700,000 kyat (US $590) to 1,000,000 kyat (US $800) per night.[326]

The conditions for Burmese women trafficked into Thai brothels are poor. On average, the women work 10-18 hours per day, seven days a week, servicing approximately five to fifteen clients daily. These women have little or no access to health care or birth control, and pregnant women are sometimes forced to abort when they are several months into their pregnancies so they can continue working.[327]

Women were also trafficked into a number of other industries for use as forced labour, although KWAT reported the number of Kachin women trafficked for forced labour was significantly lower, constituting only 10 percent of the 163 trafficking victims documented in 2008.[328] Kachin women trafficked into China were sometimes forced to work as dancers in bars such as the Hei Hua (Black Flower) bar in Hang Zhou, and worked regularly from 5pm until dawn. They were given one meal per day and often had no additional money for food, as they were required to pay living costs to the woman who had trafficked them from Mangshi, China. Furthermore, they were forbidden from going outside or receiving medical treatment when they were sick.[329] In another case of forced labour, one Kachin woman known as 'M' was tricked by her friend into going to Laiza in China to work as a cleaner. Her friend left her with a widower and his family, promising to return to negotiate the woman's salary. The friend never returned and a year later, the woman discovered that she had been sold for 25,000 yuan as an unpaid domestic servant.[330]

It is not just in neighbouring countries that trafficked women can find themselves; in another case, five Burmese women were smuggled to Japan in 2008 by Hideo Kobune (69) and Izumi Omori (58). Hideo Kobune *"*[*admitted*] *making them work in restaurants*.*"* [331]

Women who have become victims of trafficking have often sought work in other countries because of trying economic times, and ended up falling prey to traffickers who posed as brokers with promises to find them work. These traffickers often use the lure of a good-paying job offering 100,000 -150,000 kyat per month (US $85- US $430), to convince these women to go with them.[332]

One woman living in a refugee camp in Loi Tai Leng, Shan State said that on 13 December 2002, a female broker named Nang Hseng Herng, came to her house and asked if she would give her 11-year old daughter and her niece to a broker who would take them to work as cleaners in a Thai woman's home in Mae Hong Son, Thailand. Although the woman was reluctant because of the girl's young age, she eventually let them go with the broker due to lack of opportunities in the village, and increasing exploitation by the SPDC. Even though the broker said she would bring the girls back to the village every three months, her daughter was never allowed to return. In 2005 a local Chinese woman traveled to Bangkok, Thailand and saw the woman's daughter. It was discovered she had been working in a bar as a prostitute. The woman recalled that in 2002 the broker had given her 500 baht (US $15) for her daughter. She said, *"I now realized that she has bought my daughter for that amount and my heart aches when ever I think about that."* [333]

This 23-year-old Mon-Burman woman from Nyaunglebin in Pegu Division was trafficked to Thailand as a domestic worker for a Thai couple in Bangkok by a Burmese broker in Mae Sot, Tak Province. When the couple was unable to become pregnant after she had been working there for five months, she was raped by her employer and forced to bear his child in order to repay the 20,000 baht that the broker had allegedly stolen from them. She later gave birth to twin boys, but they were taken away from her when they were only ten days old, never to see them again. *[Photo: © WCRP]*

In another case, a group of four Kachin women were tricked by a friend into believing that if they were to join the Kachin Culture Group in Mang Shi they would be able to participate in performing a cultural dance in the Beijing Winter Olympics in China in 2006.[334] In return the friend told them that would receive 600 yuan per month as well as food, clothing and accommodation. The women were eventually trafficked to Hang Zhou in China where they were put to work in restaurants and in bars as dancers.[335]

Less common, but still problematic, were cases in which traffickers kidnapped their victims outright. Two Rohingya girls were kidnapped on 10 March 2008 near the Bangladesh-Burma border after they crossed the border with their families in a boat, coming from Zimman Khali under Ukhiya union. The two girls, identified as Fatema Khatun (16), and Somuda Begum (14), were abducted by 3 Bangladeshi fisherman after they had promised to give the families directions to find the Teknaf-Cox's Bazaar roadway. At the time of the report the fate of the two girls was unknown.[336]

A multitude of factors worked together to perpetuate the trend of increasing numbers of Burmese women trafficked to other countries in 2008. Essentially, the economic conditions that continue to exist inside the country were so dire that women and girls were often forced to migrate to survive, but as the SPDC has made it considerably harder for women to travel alone, they were often left vulnerable to traffickers promising to facilitate their travels. For instance, the SPDC law that people must carry identity cards to travel has left a lot of ethnic women dependent on brokers to travel, as they do not normally possess identity cards.[337] Another restrictive SPDC law that was supposedly designed with the intention of reducing trafficking has been criticized by Burmese women's rights groups as being merely a means for SPDC backed organizations to extort money from civilians. Women between the ages of 11-25 in Shan State for example, are not allowed to go to the Thai-Burma border without being accompanied, and also carrying a permit or letter from the Myanmar Women's Affairs Federation (MWAF) that costs 200,000 kyat (US $200).[338] These repressive laws are compounded by a lack of education about the risks of trafficking.[339] Thus, it is no wonder increasing rates of Burmese women are trafficked, when they are forced to rely on individuals who can clandestinely bring them across borders and provide their transport fees.

Trafficking is inextricably tied to the political and economic crisis in Burma. Perhaps one of the fundamental reasons for trafficking is unemployment, both for the women trafficked and the traffickers.[340] *"Under the pressure of abject poverty in Burma, young Burmese women become easy and vulnerable targets for traffickers as many future brides for sale are seeking greener pastures and better economic opportunities by leaving their native homes."* [341] These women were not only seeking economic opportunities for themselves, but often for their entire families.[342] In addition, Cyclone Nargis, which hit in Burma in May 2008, only exacerbated the number of women forced to seek out exploitative work elsewhere. *"The number of 'fragrant flowers' walking the streets and working the bars of Burma's major city has reportedly soared since Cyclone Nargis ripped into the Irawaddy Delta and tore families apart* (for more information, see Trafficking in the Wake of Cyclone Nargis below)*."* [343]

The economic crisis in Burma existed well before the current global economic crisis. At the heart of the economic crisis is fundamental mismanagement at the highest levels of the SPDC; the effects of which have been particularly evident in the utter absence of social services in favor of military spending.[344] It is consistently argued that trafficking is yet another byproduct of failed policies implemented by the SPDC. The annual TIP report published by the US Department of State claims that laws regarding trafficking are arbitrarily enforced and high-level officials involved in trafficking cases are repeatedly released.[345] In *Eastward Bound,* KWAT reported that charges were only brought in six of the 70 cases they documented after the passage of the September 2005 *Anti-Trafficking Law*. Of these six cases, two women were falsely accused of trafficking and four traffickers were released after paying bribes.[346]

The trafficking of women is a gross violation of human rights (For more information, see Chapter 17: Rights of Women). Trafficked women are forced to endure extreme mental and physical abuse. Typically, this involves debt bondage, imprisonment, forced labour, rape, exposure to HIV/AIDS, violence and sometimes murder.[347] Debt bondage is the common practice by which the trafficked woman is forced to work until she pays back the amount for which she was sold. Many of the Burmese women trafficked to Thailand are never told how much they were sold for to begin with and therefore have no idea how much they truly owe.[348] Regardless of whether they know or not, it is very rare that debts are ever paid off as many debts contain excessive interest rates and the miserly salaries the women receive hardly cover the costs of living, let alone debt repayment.[349]

Debt bondage is a violation of the Supplementary on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1949.[350] It also violates international laws against forced labour referred to in articles four and five of the UDHR and article eight of the ICCPR.[351]

Imprisonment in brothels or other areas is common practice and women are typically forbidden from leaving the premises unless they are escorted. This is in clear violation of article five of the ICCPR which states: *"No one shall be arbitrarily deprived of liberty..."* [352] Exposure to HIV/AIDS is also a common risk that Burmese women and girls face. Clients are typically not forced to wear condoms and in addition, many women are exposed to infection when unsterilised needles are used on them and others for birth control injections.[353] Of the 30 women interviewed in the *Modern Slavery* report, 50-70 percent of them were found to be HIV positive.[354]

Some of the particularly harrowing effects of trafficking are illustrated by Wah Wah's story. Wah Wah, an 18-year old girl from Syriam, Burma was trafficked to Ruili, China and sold as a bride by Ma Phyu, to a Chinese man in Sandong, China for 20,000 yuan (approximately US $2,900). After several weeks Wah Wah escaped from Sandong, China and was able to find her way back to Ruili, but upon her arrival she had nowhere else to go but back to the initial traffickers. They tried to sell her as a bride a second time, but she refused, so instead several traffickers took her to a paddy field near Namkhan where she was raped and then stabbed to death.[355]

The risks faced by trafficked women and girls are only intensified by the fact that the law in Burma does not protect trafficking victims. In fact, Burmese women are instead re-victimized by the very trafficking laws that are designed to protect them. Even if the women are able to free themselves from the traffickers, and return to Burma, they are increasingly likely to be falsely accused of trafficking under the September 2005 *Anti-Trafficking Law* and imprisoned yet again.[356]

Human Trafficking in the Wake of Cyclone Nargis

After Cyclone Nargis swept through Burma leaving behind a trail of debris and obliterated infrastructure, many of the Burmese people in the areas affected by the cyclone, such as the Irrawaddy Delta, were forced to reside in makeshift camps that were crowded and unregulated, leaving children and young women vulnerable to traffickers. An aid worker from Save the Children, who anticipated an increase in trafficking attempts said, *"*[*Trafficking is*] *an absolute standard thing in the fallout of an emergency like this*." [357] In mid-June, more than 80 women and children were rescued from the hands of human traffickers after they had been taken from the Irrawaddy Delta to the Thai-Burma border.[358]

Orphans from the cyclone were placed at considerable risk for long periods following the impact of the cyclone. The general confusion in the wake of the tragedy put children at risk of being forced into joining Burma's army, being trafficked for forced labour or sex work.[359] Following natural disasters, children already face incredible hardships such as trying to obtain enough food and water just to survive, so it is easier for them to be manipulated into believing they will be given job assistance, or a better life, as any opportunity seems desirable in their situation.[360] There were at least two cases of children being held by traffickers in May according to the Human Rights Education Institute of Burma (HREIB).[361] Another NGO reported that it intervened to stop seven separate attempts of trafficking involving several children in June.[362] As a countermeasure, the Burmese military regime barred individuals from adopting orphans from Cyclone Nargis to reduce the risks of trafficking.[363]

In December 2008, the Chief of Communications of the United Nations Children's Fund (UNICEF), Mark Thomas, argued that there was no proven correlation between Cyclone Nargis and reports of trafficking increasing, especially since there was an absence of reliable data on the number of trafficking cases prior to the storm.[364] That said, there was a dramatic increase in the number of prostitutes in Rangoon after Cyclone Nargis, but it is unclear as to whether these women were trafficked or not.[365] Several suspected traffickers, though, were trying to convince families to hand over their girls for work in domestic servitude in some of the camps in the delta areas.[366] Also, an aid worker from Social Action for Women, an NGO based in Mae Sot, Thailand, said that trafficking is a daily occurrence in Mae Sot and reported seeing approximately 100 women trafficked there from the delta areas after they were hit by the cyclone.[367] The reality is that, due to extreme circumstances, women were more likely to agree to leave the cyclone-ravished areas in search of better jobs elsewhere, often without full knowledge of where they were going or the nature of the work. In an assessment of the situation in the Irrawaddy Delta, published 23 July 2008, it was reported that in three of the camps in Labutta, girls aged 15-25 that had lost their parents in the cyclone were offering sex for money.[368]

These two young women from Thaketa Township in Rangoon, aged 17 and 22, each paid a broker 50,000 kyat to take them to Thailand to work in a factory. However, upon arrival in Thailand, they were sold to a brothel in Three Pagoda Pass for 5,000 baht each. *[Photo: © WCRP]*

SPDC Efforts to Combat Trafficking

> *"The SPDC has claimed that [Burmese] women are protected [from trafficking] by [Burmese] customs as well as by existing laws, including its anti-trafficking measures."* [369]

There are already several laws in place in Burma in regards to trafficking and related issues. In addition, prostitution and child prostitution are both prohibited by law.[370] There are also laws against the recruitment of children under 18 by the SPDC forces, dating back to 1974.[371] Specific laws relating to trafficking have become more severe over the years as reports of the trafficking problem have increased. In 2003, Burma signed the UN Convention on Transnational Organized Crimes (CTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children.[372] Perhaps the most specific law the Burmese military regime passed was the September 2005 *Anti-trafficking in Persons Law* that included harsh penalties for traffickers including 10 years to life in prison, and the possibility of death.[373]

Stricter laws to prevent trafficking have not necessarily been beneficial. In 1997, the SPDC made it illegal for women in Shan State, aged 16-25, to travel alone to the Thai-Burma border. This has made it extremely difficult for women in search of work since they now have to pay increasingly excessive bribes to the Burmese border guards to cross over to Thailand. Since the establishment of this new trafficking law in 2005, the SPDC has cracked down on people, particularly females traveling to Thailand.[374] The restrictions on movement are oppressive and may be having an inverse effect.[375]

In separate legislation aimed at reducing trafficking passed in 2008, the SPDC outlawed the adoption of orphans from Cyclone Nargis, in an effort to reduce trafficking.[376] The Thai parliament also created a new trafficking law in 2008 that expanded their previous definition of human trafficking, offering more hope for potential victims trafficked into Thailand.[377]

Aside from the formal laws that the SPDC has introduced to combat trafficking, there have been a number of informal mechanisms put into place over the years to prevent trafficking from occurring and to provide assistance to victims of trafficking. As the flow of Burmese women trafficked to neighbouring countries for the sex industry drew criticism, the military regime has sought to improve its image by attending and hosting several international conferences in the late nineties. The SPDC also created a national mechanism that focused on a top-down approach to combating trafficking in women in 1998.[378]

By 2004, Rangoon was host to the Coordinated Mekong Ministerial Initiative attended by six neighbouring countries.[379] In 2007, the SPDC increased the presence of anti-trafficking units in nine separate areas frequented by traffickers.[380] Prevention mechanisms such as the Bilateral Liaison Office (BLO) were established in Muse, on the China-Burma border. The SPDC also made an effort to warn people about the dangers of trafficking with billboards, notices and 306 public awareness campaigns that reached more than 28,000 people.[381] Moreover, the SPDC conducted trafficking seminars with the assistance of the UN Inter-Agency Project on Human Trafficking (UNIAP), for national, state, and local-level authorities. The SPDC also appointed a Ministry of Social Welfare official and a Ministry of Foreign Affairs official to work closely with UNICEF to address the forced recruitment of children as soldiers for the military.[382]

These new measures have not necessarily had an impact upon the practice of human trafficking in Burma. For example, the Muse Human Trafficking Prevention Force, a five-year program to eradicate trafficking, is indicative of a serious problem on the China-Burma border that has escalated significantly over the last several years. As mentioned earlier the task force

is vastly under-funded and reflects a lack of real political will in addressing the problem of trafficking in northern Burma.[383] Throughout year of 2008, the Burmese authorities reported they had rescued more than 450 people smuggled into China since 2005.[384] A number as high as this, combined with the operational restrictions on the Muse taskforce is enough to draw speculation about how many cases went undiscovered over the course of that year. Though the SPDC made efforts to protect victims of trafficking once they returned to the country, these measures were largely said to be oppressive as they mandated that victims stay in training centers for at least one month before returning to their homes.[385]

Overall, the progress made on combating trafficking is said to be limited, according to a recent report on trafficking released by the US Department of State in 2007.[386] It has also been said that, *"SPDC measures have been more punitive then protective"* as women who have been trafficked to other countries are often arrested when they return to Burma for leaving the country illegally.[387] These arrests increased even after the new *Anti-Trafficking Law* was passed in 2005.[388] It is therefore questionable whether the SPDC truly intends to eradicate trafficking as they say, or is instead merely using trafficking to impose increasingly repressive conditions on the Burmese people.[389] Perhaps the most telling indication that the SPDC has not made progress in its efforts to reduce trafficking is the reported increase in human trafficking by the KWAT.[390] This increase is evidence of the SPDC's failure to take the human trafficking problem seriously.

According to the 2008 US Department of State report on trafficking, the SPDC did not even meet the minimum standards necessary to control trafficking and was making no concerted efforts to do so. The report also claims that the SPDC rarely enforces trafficking laws and perpetrators are frequently released.[391] Corruption undoubtedly plays a huge role in the SPDC's arbitrary enforcement of domestic law. NGOs consistently report that the reason trafficking laws are not enforced is because officials in the Burmese military regime are regularly complicit in trafficking.[392] One woman had to pay an SPDC official US $500 or face a four year and four month prison sentence for illegally leaving Burma, after she returned from being forcibly trafficked. Many more women do not report trafficking incidents to the police because SPDC officials are commonly in collusion with traffickers and these women fear violent repercussions.[393]

Even though there are laws in place to address the trafficking crisis in Burma, corruption is essentially institutionalised. In essence, this prevents all hope of eradicating a practice that is condoned and perpetuated by the SPDC; the very organization designed to protect the people. These conditions further support the notion that the only realistic way out of the trafficking crisis is through fundamental change to the political system.

Human Trafficking – Partial list of incidents for 2008

Thai-Burma Border

On 3 July 2008, Burmese border officials rescued more than 80 women and children victims of Cyclone Nargis, who had been trafficked from the Irrawaddy Delta to the Thai-Burma border, on 11 to 14 June 2008. The victims were supposedly tricked into believing the traffickers were aid workers.[394]

On 23 January 2008, DVB reported that Ma Noe Noe, a 17-year old Burmese girl from Myawaddy, Karen State, was sold by her mother, Khin San Wai, to human traffickers from Mae Sot, Thailand. Though the exact date was unclear, it is believed the incident occurred sometime in January. Ma Noe Noe said that the human smuggler came to her house and gave her mother 500,000 kyat (the amount Ma Noe Noe was sold for), and when she asked her mother about the money, her mother said she was only borrowing the money. Ma Noe Noe, reflecting on her mother's decision, said: *"I feel very sad when I look at other families. My mother sold me to the traffickers because she had no money to eat."* [395]

On 26 February 2008, a truck carrying 28 illegal Burmese migrants to Malaysia entered Thailand from Kawthaung in Tennasserim (Tanintharyi) Division. Thai police fired upon the truck when it passed through Hat Yai, Thailand without stopping at a checkpoint. Several of the Burmese passengers were injured, while Maung Oo Min Soe, 10-year old Arakanese boy, was killed. The driver of the truck refused to take the injured to the hospital and left the boy's body on the side of the road. The injured included one Arakanese man, and one Mon.[396]

On 9 April 2008, approximately 54 illegal Burmese migrant workers suffocated to death while they were being smuggled in a seafood container truck from Kawthaung Town, Tenasserim Division, to Phuket, Thailand. Initially, the group comprised 121 illegal Burmese migrants but only 67 migrants, 14 of which were minors, survived the incident.[397]

On 23 April 2008, it was reported that more than 30 trafficked girls were being held in a brothel named Kaday Kadar in Three Pagodas Pass. The girls reportedly made around 120 baht (approximately US $4) per night.[398]

From 19 to 24 June 2008, 200 Burmese people preparing to enter Thailand illegally were arrested in hotels in Kawthaung in Tenasserim Division. The smugglers, a hotel owner, his wife, a manager, and six others, were also arrested.[399]

On 3 July 2008, it was reported that eleven ethnic Padaung 'long-neck' people living in Mae Hong Son, Thailand disappeared. The Paduang people, originally from Karenni State, reportedly left for southern Thailand with a Korean businessman to work as a tourist attraction. One source claimed the Padaung most likely left because they had not received adequate pay and the tourist industry in Mae Hong Son was declining. However, the deputy governor of Mae Hong Son said that if an investigation proved they had been trafficked, charges would be brought.[400] It was reported that the 11 Padaung people still had not been found as of 16 July 2008.[401]

On 14 August 2008, it was reported that at least 200 illegal Burmese migrants were being arrested every day in a human smuggling crackdown in Kawthaung, Tenasserim Division. Burmese authorities had closed down six hotels, including the Shwe Kawthaung, Han and Htun Taunt hotels, for their involvement in smuggling operations and arrested two smugglers. Local residents claimed that approximately 500 illegal Burmese migrants enter Ranong, Thailand from Kawthaung every day looking for jobs in Thailand.[402]

Sino-Burma Border

On 7 May 2008**,** two girls trafficked from Kutkai Township, Shan State several months prior, were rescued by Burmese authorities from Muse Township. A trafficker named Ma Bya Muwu, from Homon ward, Muse, initially sold the girls, and two others, for 400 yuan each to a Chinese resident named Shauk Twom. They were trafficked for forced labour and sexual exploitation. Coordinated efforts between Chinese and Burmese officials led to their rescue in Tarkwom village in China. The girls were identified as Ma Kai Kyan (15) and Ma Kyan May Chin (16).[403]

On 21 October 2008, Chinese police rescued two Mandalay University students after they were trafficked from Lashio to Chinshwehaw by Ma Phyu, a member of a human trafficking syndicate. They were then sold to a Chinese citizen from Anhui for 20,000 yuan, who sold them again three months later. One girl was sold as a bride for a deaf and mute man, while the other was sold as bride for a man more than 60 years old. Both girls stayed with these men for approximately six months and faced innumerable hardships, including physical and sexual abuse. The girls were found after a human trafficking crackdown before the Olympics.[404]

On 21 October 2008, Chinese police discovered 100 Burmese trafficking victims in the lead-up to the Olympics. The victims included the two girls from Mandalay University described in the preceding incident. It was also reported that 18 additional women, between the ages of 18-30, were rescued from fishermen in Fujian Province, China. The young women were returned to Burma and reportedly transferred to the Muse Human Trafficking Prevention Force.[405]

On 28 October 2008, Aung Kyaw Zwa, a Burmese businessman on the China-Burma border reported that approximately 200 Burmese women were arrested for violating Chinese smuggling laws. The women were tricked into being smuggled into China by human traffickers. Aung Kyaw Zwa also reported that two days earlier, 24 Burmese women had been deported back to Burma. One of the women deported said that she was initially promised 150,000 kyat (US $121) per month if she agreed to be smuggled into China. However, she was instead forced to marry a 60-year old Chinese man who broke two of her teeth and cut her hair while she living with him, so other men would not take her away from him.[406]

On 28 October 2008, it was reported that Chinese police arrested Ma Phyu, a woman involved in a human trafficking syndicate in Ruili, China. Ma Phyu, from Syriam, Burma, reportedly trafficked more than 20 young Burmese women to China as forced sexual partners or brides. Her victims, usually aged between 18 and 22, were often tricked into believing they could earn 100,000 - 150,000 kyat (approximately US $85 - $130) per month in China. The human trafficking syndicate was disbanded and its members were arrested after a trafficking victim, Shwe Shwe, managed to escape her Chinese buyer and fled to Ruili, China where she aided the police in capturing the traffickers. Chinese police arrested approximately 12 traffickers, and on the 14 October 2008, Kyaw Tun, Ma Phyu and her 13-year old son were transferred to the Muse Human Trafficking Prevention Task Force in Burma. Those arrested included:

1. Ma Phyu, female, from Syriam;
2. Kyaw Tun, male;
3. Kyaw Swa, male; and
4. Bo Bo, female, Kyaw Swa's wife.[407]

Bangladesh-Burma Border

On 29 January 2008, BDR Battalion #23 arrested three Burmese nationals and Mohammed Amin, a Bangladeshi human trafficker that was helping the Burmese men from Buthidaung Township, Arakan State cross into Bangladesh on the Naf River. The arrest took place in Leda under Teknaf union, Cox's Bazaar District, Bangladesh. The Burmese men were eventually allowed to go back to Burma, but the trafficker was held for further questioning. Those arrested included:

1. Mohammed Amin, Bangladeshi male, aged 28, trafficker;
2. Mohammed Mostafa, Burmese male, aged 30, trafficked;
3. Mohammed Yasin, Burmese male, aged 20, trafficked; and
4. Zaker Hussain, Burmese male, aged 25, trafficked.[408]

On 30 January 2008, a gang of Bangladeshis kidnapped Alizuhar, a human trafficker in Teknaf, Bangladesh who had recently been part of a trafficking operation that involved sending 60 boat people to Malaysia. The boat was ship-wrecked on the way to Malaysia and all of the passengers escaped into Bangladesh. The Bangladeshi authorities learned that another human trafficker, Ayub Ali Majee, from Teknaf, Bangladesh, was working with Alizuhar, and had initially trafficked the boat people into Thailand. The police were reportedly looking for the traffickers and the gang of Bangladeshis.[409]

On 20 February 2008, Mohamet Shafi (35) trafficked 531 people via boat from Gwaylayar village in Arakan State to Malaysia, charging 100,000 kyat per person, some of which was reportedly paid to the local authorities. Sources contend that the immigration department, police, SaYaPha (military intelligence) and SPDC officials from Arakan State, were all involved in trafficking.[410]

On 25 February 2008, at around 2:00 am, four Burmese girls were rescued by RAB in Teknaf, Bangladesh after having been trafficked by a 50 year-old Burmese woman named Massoda Khatun. The girls were taken from Maungdaw Township across the Naf River to Massoda Khatun's 25-year old son, Mohammed Yunus, in Hari Para of Teknaf, Bangladesh. RAB raided Mohammed Yunus' home on 25 February and arrested him as well as the Commissioner of Teknaf Upazila, Bangladesh, a man identified only by the name Akram, who was later released. Two other traffickers identified as Basha, from Maungdaw Township, and Zago, from Teknaf, Bangladesh, managed to escape. The victims were identified as:

1. Taslim Fatema (alias Ragi), female, aged 15, from Ward #2;
2. Rashida Begum, female, aged 17, from Ward #5;
3. Taslima Begum, female, aged 12, from Ward #4; and
4. Mostafa Bi Bi, female, aged 10, from Ward #3.[411]

On 28 February 2008, at around 8:00 pm, Omar Abbas (35) from Shita Purika smuggled 45 Rohingya people from Shapuri Dip, Bangladesh to Malaysia via boat. The victims, originally from the Buthidaung and Maungdaw Townships in Arakan State, were required to give Omar Abbas 20,000–25,000 taka per person, depending on how much they had. Once they reached Malaysia, they were required to pay an additional 2,500 to 3,000 ringgit per person. The Rohingyas were mostly seeking work to support their families, and also fleeing from persecution.[412]

On 10 March 2008, at around 10pm, two Burmese girls, from Nga Kyi Dauk village tract of Buthidaung Township in Arakan State, were kidnapped from their families by three local Bangladeshis working in the shrimp projects on the Bangladesh-Burma border. The families were crossing the border in hopes of finding work and had asked the Bangladeshi shrimp workers where Teknaf - Cox's Bazar, the main road in Bangladesh, was. The girls, Fatema Khatun (16), and Somuda Begum (14), were taken in front of their family members and their whereabouts were unknown at the time of reporting.[413]

On 6 June 2008, two Rohingya men from Lake Ya village in Maungdaw Township, Arakan State were tortured and falsely accused of human trafficking by Burma's border security force, NaSaKa. The two men, Ahmed Ullah (27), and Osman (28), were arrested by NaSaKa personnel from sector #3 in Maungdaw Township. They were accused of frequently traveling to Bangladesh, and NaSaKa forces confiscated their mobile phones and alleged that phone calls to people in Malaysia and Saudi Arabia were related to trafficking. The men were tortured and then their families were each forced to pay 800,000 kyat for their release.[414]

On 27 June 2008, two young Rohingya males were suspected of trafficking two young NaTaLa (model villages established by the SPDC) girls from Loung Don NaTaLa village of Bawli Bazaar village tract in Maungdaw Township, to Bangladesh. Initially, the young men, Noor Khobir (22) from Loung Don village, and Mohammed Yousha (23), from Kazir Bill village, and the two girls (who had not been identified at the time of the report) were arrested by NaSaKa forces. The group members paid a 150,000 kyat bribe however, and were allowed to enter Bangladesh. Upon their arrival, they took shelter at a ferryman's house in Hansur Para village, Bangladesh. The two young men were sent away to get money for their family, and the girls were left with the ferryman. The whereabouts of the girls were unknown as of July 2008, and the Burmese police have filed a case in Burma against the Rohingya youths. The young men were said to be in love with the girls and were fleeing to Bangladesh because they were forbidden to marry in Arakan State.[415]

On 14 October 2008, at around 8:00 pm, NaSaKa security forces in sector #6 along the Bangladesh-Burma border arrested a member of a human trafficking syndicate, Abdu Sukur (42), from Ponzapinpru village tract in Maungdaw Township, Arakan State. Abdu Sukur was accused of trafficking people from Arakan State to Malaysia and China. It was reported he charged 20– 50,000 kyat per person for the service. He had been hiding at the house of his friend, Moulana Syed Ahmed (35), in Ponzapinpru, but Moulana Syed Ahmed, a Rohingya man, was an informer for the NaSaKa and reported that he was there. NaSaKa forces were also using other Rohingya informers identified as Ayas (37), and Alam (30) from Ponzapinrpu, to obtain information about their village. Upon his arrest, Abdu Sukur paid the NaSaKa officials a large bribe and was released shortly thereafter.[416]

On 9 November 2008, approximately 120 boat people left for Malaysia from Moshkhali in Cox's Bazaar District, Bangladesh, but ended up abandoning ship after three days in Naya Para, Teknaf Union, Bangladesh on 10 November. All of the passengers managed to escape and the leader of the expedition went into hiding. On the same day from Shapuri Dip, Bangladesh, approximately 100 boat people left for Malaysia. On November 10 approximately 140 more boat people left from Shapuri Dip, also headed for Malaysia, on two separate vessels. On 11 November an estimated 150 boat people left from Shapuri Dip, also headed for Malaysia, but were forced to turn around and return to Shapuri Dip after the vessel suffered engine trouble. All of the passengers arrived safely and escaped arrest.[417]

On 13 November 2008, it was reported that from 7–11 November 2008, five motorboats from Shapuri Dip, Teknaf, Bangladesh carrying hundreds of boat people, left for Malaysia, but only three boats arrived. November is a common time of year for boat people to leave for Malaysia, because of the good weather. The boats were carrying predominately Rohingya people and some Bengalis. The people were fleeing to Malaysia to avoid persecution by the SPDC, and also to find work to support their families. Sources also reported that Dolu Hussain from Shapuri Dip, Bangladesh was allegedly involved in the powerful human trafficking syndicate that facilitated the trips to Malaysia, and had connections with Malaysian authorities. Additionally, eight Rohingya people were arrested and sent to Cox's Bazaar jail on suspicion of being boat people, but locals reported they were cattle traders, and had been falsely arrested.

On 15 November 2008, U Maung Ni, a trader who deals in cattle, teak and rice, was arrested on charges of human trafficking at a private clinic in Than Pain Chaung Ward of Kyauk Pyu Township, Arakan State. U Maung Ni was suspected of trafficking two or three people from Kyauk Pyu Township to Bangladesh. The Burmese police also confiscated contraband including birth control tablets and injections. The mother and child clinic was owned by U Maung Ni's wife, Dr. Ma Hla Khin (38), and although not arrested, police shut down her clinic after the incident.[418]

On 23 November 2008, four people from Thain Ban Chaung Ward were arrested in Kyauk Pyu, Arakan State for their alleged involvement in trafficking Muslim people from Arakan State to Rangoon and Malaysia for huge profits. A local resident said the Muslims were required to pay between 300,000 and 500,000 kyat for travel to Rangoon and 1,000,000 kyat for travel to Malaysia. Those arrested included:

1. Ma Khin Hla, Muslim, nurse;
2. Maung Ni, Muslim, Ma Khin Hla's husband;
3. Maung Maung Tin, Buddhist;
4. Pho Than, Buddhist, Maung Maung Tin's spouse.[419]

On 23 December 2008, more than 200 Rohingya boat people travelling to Malaysia from Shapuri Dip, Bangladesh lost their way at sea and were caught by authorities off the coast of Bassein in Irrawaddy Division. They were sent to Rangoon for questioning and then taken back to Arakan State and released in Buthidaung and Maungdaw Townships, by VPDC officials.[420]

On 28 December 2008, it was reported that more than 300 boat people, on their way to Malaysia from Shapuri Dip, Bangladesh were thought to have drowned after Thai navy personnel denied entry to the boat as it attempted to land on the coast of Thailand, near the Andaman and Nicobar islands in the Bay of Bengal. The boat people, mainly Bangladeshis, and a few Burmese, had become lost after travelling for 45 days in six boats. Those on board were originally destined for Malaysia and had not intended to land in Thailand but were forced to after they ran out of gas and food. The Thai navy sent two boats near Kuraburi, Thailand, with 180 and 108 people respectively, back to sea according to sources from Thailand and India.[421]

Japan

On 10 December 2008, two Japanese men, Hideo Kobune, male, aged 69, president of NPO Wellness Network 21 and Izumi Omori, male, aged 58, public notary, were arrested for smuggling five Burmese women into Tokyo, Japan. A 27-year old Burmese female broker who reportedly facilitated the transaction was also arrested. The Burmese women paid Hideo Kobune 1,500,000 yen each to go to Japan, and were provided with forged graduation certificates from a Japanese language school in Burma and fake employment certificates from software companies he owned so they could gain residency status. He then forced them to work in restaurants.[422]

Endnotes

[1] Source: CRS Report for Congress: Burma and Transnational Crime, Congressional Research Service, 21 August 2008: 1.
[2] Source: *Ibid*.
[3] Source: *Ibid*.
[4] Source: "Burmese Women Smuggled into China Arrested," Irrawaddy, 28 October 2008; "2 Men Arrested For Smuggling 5 Women from Myanmar into Japan," Minichi Daily News, 10 December 2008 and CRS Report for Congress: Burma and Transnational Crime, Congressional Research Service, 21 August 2008: 5.
[5] Source: "Cow and Buffalo Become Less in Northern Arakan," Kaladan News, 18 October 2008; "Brisk Trade in Tiger Parts in Myanmar, Says WWF," AFP, 15 October 2008; "Burma Accused Of Elephant Smuggling," AFP, 10 December 2008 and "Thousands of Snakes Exported to China as Food Seized," KNG, 6 December 2008.
[6] Source: "Cattle Smuggled To Bangladesh," Kaladan News, 3 December 2008; "Cattle Smuggled To Bangladesh," Kaladan News, 3 December 2008 and "Burma Accused of Elephant Smuggling," AFP, 10 December 2008.
[7] Source: "Cow and Buffalo Become Less in Northern Arakan," Kaladan News, 18 October 2008.
[8] Source: "13 New Bangladesh Rifles Camps Set Up on Border," Narinjara News, 21 February 2008.
[9] Source: "BDR Seizes trawler with Fertilizer," Kaladan News, 27 January 2008; "Motorcycle Smuggling Big Business on Burma Border," Irrawaddy, 10 October 2008; BDR Seizes Wine and Beer Worth Taka 200,000," Kaladan News, 21 March 2008; "Diesel Smuggled to Burma from Bangladesh," Kaladan News, 3 March 2008 and "Burma Army Seizes 40 Truckloads of Timber in Northern Burma," KNG, 1 February 2008.
[10] Source: "Motorcycle Smuggling Big Business on Burma Border," Irrawaddy, 10 October 2008.
[11] Source: "Burma Army Seizes 40 Truckloads of Timber in Northern Burma," KNG, 1 February 2008; "BDR Seizes Goods Worth Taka 15 Million on the Bangla-Burma Border," Kaladan News, 15 May 2008, and "About 60 Timber Vehicles Cross Check-Point Paying Bribe," IMNA, 13 May 2008.
[12] Source: "Burmese Arrest 245 Drug Traffickers," AFP, 16 June 2008.
[13] Source: 2008 World Drug Report, UNODC, 2008: 11.
[14] Source: "Top General to Resign for Son's Alleged Drug Trafficking," Mizzima News, 11 June 2008; CRS Report for Congress: Burma and Transnational Crime, Congressional Research Service, 21 August 2008: 10.
[15] Source: 2008 World Drug Report, UNODC, 2008: 138.
[16] Source: "Burmese Yaba Continues Flowing into Bangladesh," Narinjara News, 7 February 2008.
[17] Source: "Trafficking on the Increase on Thai-Burma Border," Kaowao News, 19 May 2008.
[18] Source: 2008 World Drug Report, UNODC, 2008: 130.
[19] Source: "Burmese Arrest 245 Drug Traffickers," AFP, 16 June 2008.
[20] Source: "ULFA Using Dollars to Buy Arms in Myanmar," Zee News, 9 June 2008; "Mizoram Police to Crack Down On Burmese Smugglers," Khonumthung News, 7 October 2008, and "Worried governments target small arms trade," Asia News, 12 May 2000.
[21] Source: "Unidentified Indian Shot Dead in North Western Burma," Mizzima News, 23 December 2008.
[22] Source: "Worried governments target small arms trade," Asia News, 12 May 2000.
[23] Source: Cameron, Sally and Edward Newman. "Understanding Human Trafficking" in Sally Cameron and Edward Newman (eds.), Trafficking in Humans: Social, Cultural, and Political Dimensions, Tokyo, Japan: United Nations University Press, 2008: 5.
[24] Source: CRS Report for Congress: Burma and Transnational Crime, Congressional Research Service, 21 August 2008: 10.
[25] Source: "Trafficking on the Increase on Thai-Burma Border," Kaowao News, 19 May 2008; "Authorities Crack Down on Human Trafficking in Kawthaung," Irrawaddy, 14 August 2008; "Increase In Child Trafficking This Year, KWAT," KNG, 12 December 2008, and "Increase In Kachin Women Trafficking To China: KWAT," KNG, 5 August 2008.
[26] Source: Trafficking in Persons Report 2008 – Burma, US Department of State, 2008.
[27] Source: Country Report on Human Rights Practices 2007 – Burma, US Department of State, 2007.
[28] Source: "Boatpeople missing in Bay of Bengal after Thai authorities deny entry," Kaladan News, 30 December 2008.
[29] Source: "A Dangerous, Difficult Life," Irrawaddy, May 2008.
[30] Source: "Child Trafficking Continues, But Not Fuelled By Cyclone," IRIN, 11 December 2008.
[31] Source: "Increase In Child Trafficking This Year, KWAT," KNG, 12 December 2008.
[32] Source: "Child Trafficking Continues, But Not Fuelled By Cyclone," IRIN, 11 December 2008; Country Report on Human Rights Practices 2007 – Burma, US Department of State, 2007.
[33] Source: "Myanmar Plans to Set Up More Border Liaison Offices to Curb Human Trafficking," Xinhua, 10 August 2007.
[34] Source: "Increase In Child Trafficking This Year, KWAT," KNG, 12 December 2008; Country Report on Human Rights Practices 2007 – Burma, US Department of State, 2007.

[35] Source: CEDAW Shadow Report Burma 2008, Women's League of Burma, 27 October 2008: 31.
[36] Source: Eastward Bound: An update on migration and trafficking of Kachin women on the China-Burma border, KWAT, 2008: 7.
[37] Source: *Ibid*: 6.
[38] Source: "TPP Economy on Decline but Sex Industry Thriving," Kaowao News, 23 April 2008.
[39] Source: "Kachin Women to Launch Anti-Trafficking CD," Irrawaddy, 30 January 2008.
[40] Source: "Sex and the (Burmese) City," Irrawaddy, July 2008.
[41] Source: "Agencies Seek To Protect Cyclone Orphans," AP, 14 July 2008.
[42] Source: "Victims of Burma Cyclone Rescued from Human Traffickers," Irrawaddy, 3 July 2008.
[43] Source: CEDAW Shadow Report Burma 2008, Women's League of Burma, 27 October 2008: 9.
[44] Source: "China Top Destination for Myanmar Trafficking Victims," AFP, 15 July 2008.
[45] Source: Trafficking in Persons Report 2008 – Burma, US Department of State, 2008; CEDAW Shadow Report Burma 2008, Women's League of Burma, 27 October 2008: 31.
[46] Source: CEDAW Shadow Report Burma 2008, Women's League of Burma, 27 October 2008: 31.
[47] Source: Country Report on Human Rights Practices 2007 – Burma, US Department of State, 2007.
[48] Source: Corruptions Perception Index (CPI) 2008. Transparency International, 23 September 2008.
[49] Source: CRS Report for Congress: Burma and Transnational Crime, Congressional Research Service, 21 August 2008: 2.
[50] Source: *Ibid*: 3.
[51] Source: *Ibid*: Summary.
[52] Source: Lee, Maggy. "Intro: Understanding Human Trafficking," in Maggy Lee (ed.), Human Trafficking, Portland, Oregon: Willan Publishing, 2007: 10.
[53] Source: "Burma's Vanishing Orchids," Irrawaddy, 20 February 2009.
[54] Source: "Thousands of Snakes Exported to China as Food Seized," KNG, 6 December 2008.
[55] Source: "Brisk Trade in Tiger Parts in Myanmar, Says WWF," AFP, 15 October 2008.
[56] Source: "Burma's Wild Cats Killed for trade: WWF," Irrawaddy, November 2008.
[57] Source: "Brisk Trade in Tiger Parts in Myanmar, Says WWF," AFP, 15 October 2008.
[58] Source: "Burma Accused of Elephant Smuggling," AFP, 10 December 2008.
[59] Source: "Illegal Elephant Trade Flourishes in Burma: TRAFFIC," Mizzima News, 8 December 2008.
[60] Source: "Burma Accused Of Elephant Smuggling," AFP, 10 December 2008.
[61] Source: *Ibid*.
[62] Source: "Thousands of Snakes Exported to China as Food Seized," KNG, 6 December 2008.
[63] Source: "Cow and Buffalo Become Less in Northern Arakan," Kaladan News, 18 October 2008.
[64] Source: "Cattle Smuggled To Bangladesh," Kaladan News, 3 December 2008, and "Cattle Smugglers Arrested In Sagaing Division," DVB, 9 December 2008.
[65] Source: *Ibid*.
[66] Source: "Cattle Trader Injured In Nasaka Shooting," Narinjara News, 8 December 2008; "Cattle Smuggled To Bangladesh," Kaladan News, 3 December 2008.
[67] Source: "Burma Accused of Elephant Smuggling," AFP, 10 December 2008.
[68] Source: "Illegal Elephant Trade Flourishes in Burma: TRAFFIC," Mizzima News, 12 December 2008; "Brisk Trade in Tiger Parts in Myanmar, Says WWF," AFP, 15 October 2008.
[69] Source: "Brisk Trade in Tiger Parts in Myanmar, Says WWF," AFP, 15 October 2008.
[70] Source: "Burma Accused of Elephant Smuggling," AFP, 10 December 2008.
[71] Source: "Cow and Buffalo Become Less in Northern Arakan," Kaladan News, 18 October 2008.
[72] Source: *Ibid*.
[73] Source: "Cattle Smuggled To Bangladesh," Kaladan News, 3 December 2008.
[74] Source: "Cattle Trader Injured In Nasaka Shooting," Narinjara News, 8 December 2008.
[75] Source: *Ibid*.
[76] Source: "Police burn 2,000 snakes in Myitkyina, Burma," KNG, 6 December 2008.
[77] Source: "Cattle Smugglers Arrested In Sagaing Division," DVB, 9 December 2008.
[78] Source: "Economic Crisis as a Force for Change," Mizzima News, 20 November 2008.
[79] Source: "False Case to Extort Money from Shopkeeper," Kaladan News, 31 July 2008.
[80] Source: CRS Report for Congress: Burma and Transnational Crime, Congressional Research Service, 21 August 2008: 12.
[81] Source: "BDR Seizes Goods Worth Taka 15 Million on the Bangla-Burma Border," Kaladan News, 15 May 2008.
[82] Source: "BDR Seizes Goods Worth Taka Over 16.8 Million from Bangla-Burma Border," Kaladan News, 21 July 2008.
[83] Source: "Boat Carrying Timber Missing In Bay of Bengal," Kaladan News, 17 October 2008; "Registration Deadline for Illegally Imported Motorcycles Extended," Mizzima News, 23 October 2008.

[84] Source: "BDR Seizes Goods Worth Taka 15 Million on the Bangla-Burma Border," Kaladan News, 15 May 2008.
[85] Source: "Seven Burmese Nationals Arrested from Bangla-Burma Border," Kaladan News, 24 March 2008.
[86] Source: "Coast Guard Seizes 250 Sacks of Fertilizer En Route to Burma," Kaladan News, 27 August 2008.
[87] Source: "BDR Arrests Smuggler with Diesel on Way to Burma," Kaladan News, 20 May 2008.
[88] Source: "Motorcycle Smuggling Big Business on Burma Border," Irrawaddy, 10 October 2008.
[89] Source: "Birth Control Pills and Liquor Seized on Bangla-Burma Border," Kaladan News, 26 July 2008.
[90] Source: CRS Report for Congress: Burma and Transnational Crime, Congressional Research Service, 21 August 2008: 11.
[91] Source: Selth, Andrew. Burma's Armed Forces: Power without Glory. Norwalk, CT: Eastbridge, 2002: 5.
[92] Source: "About 60 Timber Vehicles Cross Check-Point Paying Bribe," IMNA, 13 May 2008.
[93] Source: "Burma Army Seizes 40 Truckloads of Timber in Northern Burma," KNG, 1 February 2008.
[94] Source: "Forest Cleared For Rubber Plantation," Narinjara News, 9 December 2008.
[95] Source: "Smuggler Missing from Police Custody," Kaladan News, 11 March 2008.
[96] Source: "Police Seize 15 Sacks of Fertilizer on Way to Burma," Kaladan News, 29 June 2008.
[97] Source: "BDR Seizes Goods Worth Taka Over 16.8 Million from Bangla-Burma Border," Kaladan News, 21 July 2008.
[98] Source: "About 60 Timber Vehicles Cross Check-Point Paying Bribe," IMNA, 13 May 2008.
[99] Source: "Burma Army Seizes 40 Truckloads of Timber in Northern Burma," KNG, 1 February 2008.
[100] Source: "Police Seize 15 Sacks of Fertilizer on Way to Burma," Kaladan News, 29 June 2008.
[101] Source: "13 New Bangladesh Rifles Camps Set Up on Border," Narinjara News, 21 February 2008.
[102] Source: "Police Seize 15 Sacks of Fertilizer on Way to Burma," Kaladan News, 29 June 2008.
[103] Source: "Coast Guard Seizes 250 Sacks of Fertilizer En Route to Burma," Kaladan News, 27 August 2008.
[104] Source: "BDR Seizes trawler with Fertilizer," Kaladan News, 27 January 2008.
[105] Source: Schendel, William V. "Guns and Gas in Southeast Asia: Transnational Flows in the Burma-Bangladesh Borderland," Kyoto Review of Southeast Asia, (August 2006): 9.
[106] Source: "BDR Seizes trawler with Fertilizer," Kaladan News, 27 January 2008.
[107] Source: "Coast Guard Seizes 250 Sacks of Fertilizer En Route to Burma," Kaladan News, 27 August 2008.
[108] Source: "BDR Arrests Smuggler With 350-Litre of Soyabean Oil," Kaladan News, 19 June 2008.
[109] Source: "Fuel price hikes inflame Burmese people," Altsean Burma, 14 September 2007.
[110] Source: "Diesel Smuggled to Burma from Bangladesh," Kaladan News, 3 March 2008.
[111] Source: "Seven Burmese Nationals Arrested from Bangla-Burma Border," Kaladan News, 24 March 2008.
[112] Source: "BDR Arrests Smuggler with Diesel on Way to Burma," Kaladan News, 20 May 2008.
[113] Source: "Registration Deadlines for Illegally Imported Motorcycles Extended," Mizzima News, 23 October 2008.
[114] Source: "Motorcycle Smuggling Big Business on Burma Border," Irrawaddy, 10 October 2008.
[115] Source: "Motorcycles Selling Like Hot Cakes on Sino-Burma Border," Mizzima News, 24 June 2008.
[116] Source: "Four Burmese Youth Arrested by Mizoram Police for Illegal Smuggling," Khonumthung News, 8 November 2008.
[117] Source: Lintner, Bertil. Burma in Revolt: Opium and Insurgency Since 1948. Boulder, CO: Westview, 1994: 53.
[118] Source: *Ibid*: 7.
[119] Source: *Ibid*: 329.
[120] Source: Fink, Christina. Living Silence: Burma under military rule. London, England: Zed Books, 2001: 238.
[121] Source: "Burmese Arrest 245 Drug Traffickers," AFP, 16 June 2008.
[122] Source: "Top General to Resign for Son's Alleged Drug Trafficking," Mizzima News, 11 June 2008.
[123] Source: CRS Report for Congress: Burma and Transnational Crime, Congressional Research Service, 21 August 2008: 10.
[124] Source: "Burmese Arrest 245 Drug Traffickers," AFP, 16 June 2008.
[125] Source: 2008 World Drug Report, UNODC, 2008: 11.
[126] Source: "Burmese Arrest 245 Drug Traffickers," AFP, 16 June 2008.
[127] Source: "Burmese Yaba Continues Flowing into Bangladesh," Narinjara News, 7 February 2008.
[128] Source: "Burmese Arrest 245 Drug Traffickers," AFP, 16 June 2008.
[129] Source: "Myanmar Arrests 385 Drug Traffickers in July," AFP, 13 August 2008.
[130] Source: "Two Drug Smugglers Arrested With 4000 WY Tablets in Maungdaw," Kaladan News, 6 August 2008.
[131] Source: "Burmese Arrest 245 Drug Traffickers," AFP, 16 June 2008.
[132] Source: "Myanmar Arrests 385 Drug Traffickers in July," AFP, 13 August 2008.
[133] Source: "Haven or Hell," Irrawaddy, 11 July 2008.
[134] Source: "US Freezes Assets of Alleged Myanmar Drug Traffickers," AFP, 13 November 2008; "Dealers Killed In Gunfight," Bangkok Post, 30 June 2008.
[135] Source: "Burmese Yaba Continues Flowing into Bangladesh," Narinjara News, 7 February 2008.
[136] Source: "Teknaf Police seize Yaba tablets en route to Cox's Bazaar," Kaladan News, 4 November 2008.

[137] Source: "Burmese Yaba Continues Flowing into Bangladesh," Narinjara News, 7 February 2008.
[138] Source: *Ibid*.
[139] Source: "Two Drug Smugglers Arrested With 4000 WY Tablets in Maungdaw," Kaladan News, 6 August 2008.
[140] Source: "Teknaf Police seize Yaba tablets en route to Cox's Bazaar," Kaladan News, 4 November 2008.
[141] Source: Lintner, Bertil. Burma in Revolt: Opium and Insurgency Since 1948. Boulder, CO: Westview, 1994: 253.
[142] Source: *Ibid*, 246.
[143] Source: "Burmese Arrest 245 Drug Traffickers," AFP, 16 June 2008.
[144] Source: "Trafficking on the Increase on Thai-Burma Border," Kaowao News, 19 May 2008.
[145] Source: *Ibid*.
[146] Source: *Ibid*.
[147] Source: "Two Drug Smugglers Arrested With 4000 WY Tablets in Maungdaw," Kaladan News, 6 August 2008.
[148] Source: Lintner, Bertil. Burma in Revolt: Opium and Insurgency Since 1948. Boulder, CO: Westview, 1994: 94.
[149] Source: 2008 World Drug Report, UNODC, 2008: 13.
[150] Source: "Burmese Arrest 245 Drug Traff," AFP, 16 June 2008.
[151] Source: "Burmese Yaba Continues Flowing into Bangladesh," Narinjara News, 7 February 2008.
[152] Source: "Haven or Hell," Irrawaddy, 11 July 2008.
[153] Source: CRS Report for Congress: Burma and Transnational Crime, Congressional Research Service, 21 August 2008: 7.
[154] Source: "Burmese Yaba Continues Flowing into Bangladesh," Narinjara News, 7 February 2008.
[155] Source: "Trafficking on the Increase on Thai-Burma Border," Kaowao News, 19 May 2008.
[156] Source: "Tal refugee arrested with Yaba tablets," Kaladan News, 18 January 2008.
[157] Source: "Burmese Arrest 245 Drug Traffickers," AFP, 16 June 2008.
[158] Source: Smith, Martin. Burma: Insurgency and the Politics of Ethnicity. London, UK: Zed Books, 1991: 315.
[159] Source: "Trafficking on the Increase on Thai-Burma Border," Kaowao News, 19 May 2008.
[160] Source: Fink, Christina. Living Silence: Burma under military rule. London, England: Zed Books, 2001: 240.
[161] Source: *Ibid*.
[162] Source: Boucaud, Andre and Louis. Burma's Golden Triangle: on the trail of opium warlords. Bangkok, Thailand: Pacific Rim Press, 1988: 22.
[163] Source: "Tal refugee arrested with Yaba tablets," Kaladan News, 18 January 2008.
[164] Source: "Trafficking on the Increase on Thai-Burma Border," Kaowao News, 19 May 2008.
[165] Source: *Ibid*.
[166] Source: "Teknaf Police seize Yaba tablets en route to Cox's Bazaar," Kaladan News, 4 November 2008.
[167] Source: "Haven or Hell," Irrawaddy, 11 July 2008.
[168] Source: Lintner, Bertil. Burma in Revolt: Opium and Insurgency Since 1948. Boulder, CO: Westview, 1994: 261.
[169] Source: "Speed Smuggler Shot Dead, 200,000 Pills Seized," Bangkok Post, 6 February 2008.
[170] Source: "Dealers Killed In Gunfight," Bangkok Post, 30 June 2008.
[171] Source: "Trafficking on the Increase on Thai-Burma Border," Kaowao News, 19 May 2008.
[172] Source: *Ibid*.
[173] Source: CRS Report for Congress: Burma and Transnational Crime, Congressional Research Service, 21 August 2008: 12.
[174] Source: Fink, Christina. Living Silence: Burma under military rule. London, England: Zed Books, 2001: 137.
[175] Source: "Burmese Yaba Continues Flowing into Bangladesh," Narinjara News, 7 February 2008.
[176] Source: Smith, Martin. Burma: Insurgency and the Politics of Ethnicity. London, UK: Zed Books, 1991: 422.
[177] Source: *Ibid*.
[178] Source: "Tal refugee arrested with Yaba tablets," Kaladan News, 18 January 2008.
[179] Source: "Another Burmese National Arrested With Yaba Tablets," Kaladan News, 6 February 2008.
[180] Source: *Ibid*.
[181] Source: "Burmese Yaba Continues Flowing into Bangladesh," Narinjara News, 7 February 2008.
[182] Source: "DEA arrests woman with 700 Yaba tablets and 100 gm of heroin," Kaladan News, 15 March 2008.
[183] Source: "Two Drug Smugglers Arrested With 4000 WY Tablets in Maungdaw," Kaladan News, 6 August 2008.
[184] Source: "Teknaf Police seize Yaba tablets en route to Cox's Bazaar," Kaladan News, 4 November 2008.
[185] Source: "Speed Smuggler Shot Dead, 200,000 Pills Seized," Bangkok Post, 6 February 2008.
[186] Source: *Ibid*.
[187] Source: "Trafficking on the Increase on Thai-Burma Border," Kaowao News, 19 May 2008.
[188] Source: *Ibid*.
[189] Source: "Dealers Killed In Gunfight," Bangkok Post, 30 June 2008.
[190] Source: "BME Club Head Accused Of Drug Trafficking," Mizzima News, 13 August 2008.
[191] Source: "Mizoram Police to Crack Down On Burmese Smugglers," Khonumthung News, 7 October 2008.

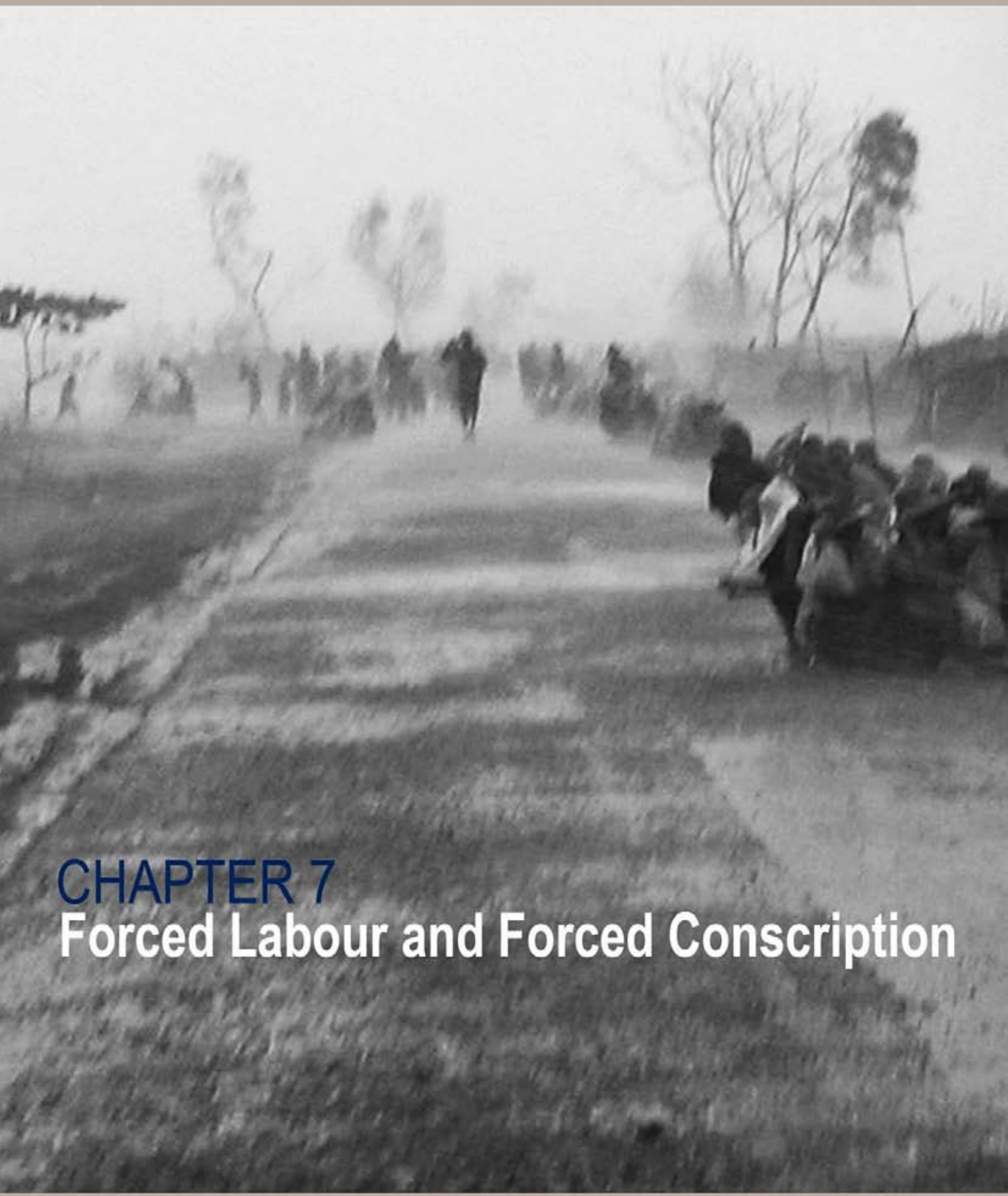
[192] Source: "Maung Waik, Burmese Tycoon, Arrested on Drug Charges," Irrawaddy, 10 June 2008; "Top General to Resign For Son's Alleged Drug Trafficking," Mizzima News, 11 June 2008.
[193] Source: *Ibid*, and "Maung Weik Still Under Detention," Mizzima News, 19 June 2008.
[194] Source: "Burmese Arrest 245 Drug Traffickers," AFP, 16 June 2008.
[195] Source: "Myanmar Arrests 385 Drug Traffickers in July," AFP, 13 August 2008.
[196] Source: "US Freezes Assets of Alleged Myanmar Drug Traffickers," AFP, 13 November 2008.
[197] Source: Lintner, Bertil, Burma in Revolt: Opium and Insurgency Since 1948. Boulder, CO: Westview, 1994: 84.
[198] Source: Smith, Martin, Burma: Insurgency and the Politics of Ethnicity. London, UK: Zed Books, 1991:313.
[199] Source: *Ibid*: 221.
[200] Source: *Ibid*: 293.
[201] Sources: "ULFA Using Dollars to Buy Arms in Myanmar," Zee News, 9 June 2008; "Mizoram Police to Crack Down On Burmese Smugglers," Khonumthung News, 7 October 2008, and "Worried governments target small arms trade," Asia News, 12 May 2000.
[202] Source: "Worried governments target small arms trade," Asia News, 12 May 2000.
[203] Source: "Unidentified Indian Shot Dead in North Western Burma," Mizzima News, 23 December 2008.
[204] Source: "ULFA Using Dollars to Buy Arms in Myanmar," Zee News, 9 June 2008.
[205] Source: "Indian Police Detain Two Burmese Nationals with Ammunition," Mizzima News, 19 September 2008.
[206] Source: "Unidentified Indian Shot Dead in North Western Burma," Mizzima News, 23 December 2008.
[207] Sources: "Armed Insurgents in Burma Face Shortage of Ammunition," Irrawaddy, 22 December 2008; "Kalashnikov AK (AK-47)," The Modern Firearms & Ammunition Website, accessed online at: http://world.guns.ru/assault/as01-e.htm on 13 March 2009; "AK-47," Wikipedia, accessed online at: http://en.wikipedia.org/wiki/AK-47; "List of Weapons Influenced by the Kalashnikov Design", Wikipedia, accessed online at: http://en.wikipedia.org/wiki/List_of_weapons_influenced_by_the_Kalashnikov_design on 13 March 2009.
[208] Sources: *Ibid*.
[209] Sources: *Ibid*.
[210] Source: "AK-47s – Made in Wa State," Irrawaddy, 16 December 2008.
[211] Source: "Myanmar - From Drugs to Guns," Asia Times, 19 January 2007.
[212] Source: "AK-47s – Made in Wa State," Irrawaddy, 16 December 2008.
[213] Source: "Myanmar - From Drugs to Guns," Asia Times, 19 January 2007.
[214] Source: *Ibid*.
[215] Source: "AK-47s – Made in Wa State," Irrawaddy, 16 December 2008.
[216] Source: "Myanmar - From Drugs to Guns," Asia Times, 19 January 2007.
[217] Source: "AK-47s – Made in Wa State," Irrawaddy, 16 December 2008.
[218] Source: "Burma's nuclear temptation," Daily Times (Pakistan), 19 December 2008.
[219] Source: "Nuclear Bond for North Korea and Myanmar," Asia Times, 3 October 2008.
[220] Source: *Ibid*.
[221] Source: "Burma's nuclear temptation," Daily Times (Pakistan), 19 December 2008.
[222] Sources: *Ibid*; "Nuclear Bond for North Korea and Myanmar," Asia Times, 3 October 2008.
[223] Source: Selth, Andrew, Burma and Nuclear Proliferation: Policies and perceptions, Griffith Asia Institute Regional Outlook Paper, No. 12, 2007.
[224] Source: "Nuclear Bond for North Korea and Myanmar," Asia Times, 3 October 2008.
[225] Source: "Burma's nuclear temptation," Daily Times (Pakistan), 19 December 2008.
[226] Source: *Ibid*.
[227] Source: Selth, Andrew, Burma and Nuclear Proliferation: Policies and perceptions, Griffith Asia Institute Regional Outlook Paper, No. 12, 2007.
[228] Source: "Uranium Smugglers Arrested In Mizoram," Indo-Asian News Service, 4 November 2008.
[229] Source: Cameron, Sally and Edward Newman. "Understanding Human Trafficking," in Sally Cameron and Edward Newman (eds.), Trafficking in Humans: Social, Cultural, and Political Dimensions. Tokyo, Japan: United Nations University Press, 2008: 4.
[230] Source: *Ibid*.
[231] Source: Williams, Phil. "Trafficking of women: the role of transnational organized crime," in Sally Cameron and Edward Newman (eds.), Trafficking in Humans: Social, Cultural, and Political Dimensions. Tokyo, Japan: United Nations University Press, 2008: 133, and CRS Report for Congress: Burma and Transnational Crime, Congressional Research Service, 21 August 2008: 10.
[232] Source: A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand, Human Rights Watch (HRW), 1993: 59.
[233] Source: Trafficking in Persons Report 2008 – Burma, US Department of State, 2008.

[234] Source: Williams, Phil. "Trafficking of women: the role of transnational organized crime," in Sally Cameron and Edward Newman (eds.), Trafficking in Humans: Social, Cultural, and Political Dimensions. Tokyo, Japan: United Nations University Press, 2008: 133.
[235] Source: "Trafficking in Women Increasing Every Year in Kachin State: KWAT," KNG, 30 January 2008.
[236] Source: "Increase In Kachin Women Trafficking To China: KWAT," KNG, 5 August 2008.
[237] Source: Trafficking in Persons Report 2008 – Burma, US Department of State, 2008; "Child Trafficking Continues, But Not Fuelled By Cyclone," IRIN, 11 December 2008.
[238] Source: "Burmese Women Smuggled into China Arrested," Irrawaddy, 28 October 2008.
[239] Source: "Human Smuggling Crackdown Hits Kawthaung," Irrawaddy, 24 June 2008.
[240] Source: "China Top Destination for Myanmar Trafficking Victims," AFP, 15 July 2008.
[241] Source: Trafficking in Persons Report 2008 – Burma, US Department of State, 2008.
[242] Source: Country Report on Human Rights Practices 2007 – Burma, US Department of State, 2007.
[243] Source: "TPP Economy on Decline but Sex Industry Thriving," Kaowao News, 23 April 2008.
[244] Source: "Burmese Endure in Spite of Junta, Aid Workers Say," The New York Times, 18 June 2008.
[245] Source: "Child traffickers circle Burma's most vulnerable," AFP, 13 May 2008.
[246] Source: "Victims of Burma Cyclone Rescued from Human Traffickers," Irrawaddy, 3 July 2008.
[247] Source: Country Report on Human Rights Practices 2007 – Burma, US Department of State, 2007.
[248] Source: "Victims of Burma Cyclone Rescued from Human Traffickers," Irrawaddy, 3 July 2008.
[249] Source: "Burma's Fleeing Masses," Far Eastern Economic Review, 27 October 2008; "More Dissidents Flee to Thai-Burmese Border," Irrawaddy, 16 October 2007.
[250] Source: A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand, Human Rights Watch (HRW), 1993: 17.
[251] Source: "Five-Engine Boats with Boat-People Leave for Malaysia," Kaladan News, 13 November 2008.
[252] Source: "Human Trafficker Arrested and Released," Kaladan News, 17 October 2008.
[253] Source: "Human Smuggling Crackdown Hits Kawthaung," Irrawaddy, 24 June 2008.
[254] Source: Trafficking in Persons Report 2008 – Burma, US Department of State, 2008.
[255] Source: *Ibid*; "Missing "Long-Necks" Could be Headed for Thai Tourist Spot," Irrawaddy, 10 July 2008, and "Increase In Kachin Women Trafficking To China: KWAT," KNG, 5 August 2008.
[256] Source: Trafficking in Persons Report 2008 – Burma, US Department of State, 2008
[257] Source: "2 Men Arrested For Smuggling 5 Women from Myanmar into Japan," Minichi Daily News, 10 December 2008.
[258] Source: "Myanmar Cyclone Victims Saved from Trafficker," AP, 3 July 2008.
[259] Source: "TPP Economy on Decline but Sex Industry Thriving," Kaowao News, 23 April 2008.
[260] Source: "Commentary: Is Trafficking Inevitable?" DVB, 11 July 2008.
[261] Source: "Increase In Kachin Women Trafficking To China: KWAT," KNG, 5 August 2008; Eastward Bound, KWAT, 2008: 9
[262] Source: "China Top Destination for Myanmar Trafficking Victims," AFP, 15 July 2008.
[263] Source: "Burmese Brides for Sale," Mizzima News, 28 October 2008.
[264] Source: *Ibid*.
[265] Source: "Five-Engine Boats with Boat-People Leave for Malaysia," Kaladan News, 13 November 2008.
[266] Source: "Human Trafficker Kidnapped By Bangladeshi Goons," Kaladan News, 4 February 2008.
[267] Source: "Boatpeople missing in Bay of Bengal after Thai authorities deny entry," Kaladan News, 30 December 2008.
[268] Source: "Boy Killed As Thai Police Open Fire on Smuggler's Truck," DVB, 28 February 2008.
[269] Source: "More Boat-People Leave for Malaysia," Kaladan News, 1 March 2008.
[270] Source: "Missing "Long-Necks" Could be Headed for Thai Tourist Spot," Irrawaddy, 10 July 2008; "Mon Refugees Face Food Shortage," Kaowao News, 16 July 2008; "Four Arrested For Human Trafficking," Narinjara News, 23 November 2008; "Boy Killed As Thai Police Open Fire on Smuggler's Truck," DVB, 28 February 2008, and "Increase in Kachin Women Trafficking To China: KWA," KNG, 5 August 2008.
[271] Source: "Boatpeople missing in Bay of Bengal after Thai authorities deny entry," Kaladan News, 30 December 2008; "Three Burmese Nationals Arrested On Border," Kaladan News, 30 January 2008.
[272] Source: "Authorities Crack Down on Human Trafficking in Kawthaung," Irrawaddy, 14 August 2008.
[273] Source: "Burmese Brides for Sale," Mizzima News, 28 October 2008.
[274] Source: "Trafficking in Women Increasing Every Year in Kachin State: KWAT," KNG, 30 January 2008.
[275] Source: "Human Trafficker Arrested and Released," Kaladan News, 17 October 2008.
[276] Source: CRS Report for Congress: Burma and Transnational Crime, Congressional Research Service, 21 August 2008: 5.
[277] Source: *Ibid*, and "Authorities Crack Down on Human Trafficking in Kawthaung," Irrawaddy, 14 August 2008.
[278] Source: "Increase in Kachin Women Trafficking To China: KWA," KNG, 5 August 2008.

[279] Source: "Mon Refugees Face Food Shortage," Kaowao News, 16 July 2008
[280] Source: "Boatpeople missing in Bay of Bengal after Thai authorities deny entry," Kaladan News, 30 December 2008.
[281] Source: "Human Smuggling Crackdown Hits Kawthaung," Irrawaddy, 24 June 2008.
[282] Source: "Local Authorities Manipulate Human Trafficking," Yoma 3, 28 February 2008, Translation by HRDU.
[283] Source: CRS Report for Congress: Burma and Transnational Crime, Congressional Research Service, 21 August 2008: 10.
[284] Source: Eastward Bound: An update on migration and trafficking of Kachin women on the China-Burma border, KWAT, 2008: 16.
[285] Source: "Commentary: Is Trafficking Inevitable?" DVB, 11 July 2008; Eastward Bound: An update on migration and trafficking of Kachin women on the China-Burma border, KWAT, 2008: 18.
[286] Source: Pizarro, Gabriela Rodriguez. "Human trafficking in Latin America in the context of International Migration," in Sally Cameron and Edward Newman (eds.), Trafficking in Humans: Social, Cultural, and Political Dimensions. Tokyo, Japan: United Nations University Press, 2008: 208.
[287] Source: "False Allegation and Torture in Northern Arakan," Kaladan News, 9 June 2008.
[288] Source: Eastward Bound: An update on migration and trafficking of Kachin women on the China-Burma border, KWAT, 2008: 16.
[289] Source: "Authorities Crack Down on Human Trafficking in Kawthaung," Irrawaddy, 14 August 2008.
[290] Source: "Boy Killed As Thai Police Open Fire on Smuggler's Truck," DVB, 28 February 2008.
[291] Source: CRS Report for Congress: Burma and Transnational Crime, Congressional Research Service, 21 August 2008: Summary.
[292] Source: McCabe, Kimberly A. The Trafficking of Persons: National and International Responses. New York, NY: Peter Lang Publishing, Inc, 2008: 75.
[293] Source: "Child Trafficking Continues, But Not Fuelled By Cyclone," IRIN, 11 December 2008.
[294] Source: "Increase In Child Trafficking This Year, KWAT," KNG, 12 December 2008.
[295] Source: Country Report on Human Rights Practices 2007 – Burma, US Department of State, 2007.
[296] Source: "Child Trafficking Continues, But Not Fuelled By Cyclone," IRIN, 11 December 2008.
[297] Source: "Increase In Child Trafficking This Year, KWAT," KNG, 12 December 2008.
[298] Source: "Child Trafficking Continues, But Not Fuelled By Cyclone," IRIN, 11 December 2008.
[299] Source: *Ibid*.
[300] Source: "Agencies Seek To Protect Cyclone Orphans," AP, 14 July 2008.
[301] Source: Country Report on Human Rights Practices 2007 – Burma, US Department of State, 2007.
[302] Source: US Department of State. "Victims of Trafficking and Violence Protection Act: 2000 Trafficking in Persons Report," in Anna M. Troubnikoff (ed.), Trafficking in Women and Children: Current Issues and Developments. New York, NY: Nova Science Publishers, Inc., 2003: 58.
[303] Source: A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand, Human Rights Watch (HRW), 1993: 14.
[304] Source: "Trafficking in Women Increasing Every Year in Kachin State: KWAT," KNG, 30 January 2008.
[305] Source: *Ibid*.
[306] Source: "TPP Economy on Decline but Sex Industry Thriving," Kaowao News, 23 April 2008; "Sex and the (Burmese) City," Irrawaddy, July 2008.
[307] Source: Eastward Bound: An update on migration and trafficking of Kachin women on the China-Burma border, KWAT, 2008: 6.
[308] Source: *Ibid*.
[309] Source: "Increase In Kachin Women Trafficking To China: KWAT," KNG, 5 August 2008.
[310] Source: "Two Human Traffickers Arrested, 4 Burmese Girls Rescued By Rab," Kaladan News, 27 February 2008.
[311] Source: Country Report on Human Rights Practices 2007 – Burma, US Department of State, 2007.
[312] Source: A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand, Human Rights Watch (HRW), 1993: 13-14.
[313] Source: CEDAW Shadow Report Burma 2008, Women's League of Burma, 27 October 2008: 31.
[314] Source: "Burmese Women Smuggled into China Arrested," Irrawaddy, 28 October 2008.
[315] Source: "Two Human Traffickers Arrested, 4 Burmese Girls Rescued By Rab," Kaladan News, 27 February 2008; "2 Men Arrested For Smuggling 5 Women from Myanmar into Japan," Minichi Daily News, 10 December 2008.
[316] Source: "Burmese Women Smuggled into China Arrested," Irrawaddy, 28 October 2008.
[317] Source: Eastward Bound: An update on migration and trafficking of Kachin women on the China-Burma border, KWAT, 2008: 6.
[318] Source: *Ibid*: 5.
[319] Source: *Ibid*: 12.

[320] Source: *Ibid*: 13.
[321] Source: "Burmese brides for sale," Mizzima News, 28 October 2008.
[322] Source: *Ibid*.
[323] Source: "Kachin Women to Launch Anti-Trafficking CD," Irrawaddy, 30 January 2008; CEDAW Shadow Report Burma 2008, Women's League of Burma, 27 October 2008: 31.
[324] Source: "TPP Economy on Decline but Sex Industry Thriving," Kaowao News, 23 April 2008.
[325] Source: *Ibid*.
[326] Source: "Sex and the (Burmese) City," Irrawaddy, July 2008.
[327] Source: A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand, Human Rights Watch (HRW), 1993: 4.
[328] Source: Eastward Bound: An update on migration and trafficking of Kachin women on the China-Burma border, KWAT, 2008: 13.
[329] Source: *Ibid*: 21.
[330] Source: *Ibid*: 19.
[331] Source: "2 Men Arrested For Smuggling 5 Women from Myanmar into Japan," Minichi Daily News, 10 December 2008.
[332] Source: "Burmese Brides for Sale," Mizzima News, 28 October 2008.
[333] Source: "Refugee Mother Lives with Uncertain Hope," SHAN, 15 February 2008.
[334] Source: "Increase In Kachin Women Trafficking To China: KWAT," KNG, 5 August 2008.
[335] Source: *Ibid*.
[336] Source: "Two Burmese Girls Abducted from Bangladesh-Burma Border," Kaladan News, 12 March 2008.
[337] Source: CEDAW Shadow Report Burma 2008, Women's League of Burma, 27 October 2008. 38.
[338] Source: *Ibid*: 34.
[339] Source: *Ibid*: 38.
[340] Source: "Kachin Women to Launch Anti-Trafficking CD," Irrawaddy, 30 January 2008.
[341] Source: "Burmese Brides for Sale," Mizzima News, 28 October 2008.
[342] Source: "Kachins To Tackle Socio-Economic Issues," KNG, 25 August 2008.
[343] Source: "Sex and the (Burmese) City," Irrawaddy, July 2008.
[344] Source: CEDAW Shadow Report Burma 2008, Women's League of Burma, 27 October 2008: 31.
[345] Source: CRS Report for Congress: Burma and Transnational Crime, Congressional Research Service, 21 August 2008: 10.
[346] Source: Eastward Bound: An update on migration and trafficking of Kachin women on the China-Burma border, KWAT, 2008: 15.
[347] Source: A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand, Human Rights Watch (HRW), 1993: 3.
[348] Source: *Ibid*: 54.
[349] Source: *Ibid*: 54-55.
[350] Source: *Ibid*: 53.
[351] Source: *Ibid*: 54.
[352] Source: *Ibid*: 59.
[353] Source: *Ibid*: 70.
[354] Source: *Ibid*: 4.
[355] Source: "Burmese Brides for Sale," Mizzima News, 28 October 2008.
[356] Source: Eastward Bound: An update on migration and trafficking of Kachin women on the China-Burma border, KWAT, 2008: 14.
[357] Source: "Child traffickers circle Burma's most vulnerable," AFP, 13 May 2008.
[358] Source: "Victims of Burma Cyclone Rescued from Human Traffickers," Irrawaddy, 3 July 2008.
[359] Source: "Agencies Seek To Protect Cyclone Orphans," AP, 14 July 2008.
[360] Source: "Child traffickers circle Burma's most vulnerable," AFP, 13 May 2008.
[361] Source: "Cyclone Orphans Could Be Trafficked: Human Rights Group," Mizzima News, 22 May 2008.
[362] Source: "Child Trafficking Continues, But Not Fuelled By Cyclone," IRIN, 11 December 2008.
[363] Source: "Agencies Seek To Protect Cyclone Orphans," AP, 14 July 2008.
[364] Source: "Child Trafficking Continues, But Not Fuelled By Cyclone," IRIN, 11 December 2008.
[365] Source: "Sex and the (Burmese) City," Irrawaddy, July 2008.
[366] Source: "Child traffickers circle Burma's most vulnerable," AFP, 13 May 2008.
[367] Source: "Child Trafficking Continues, But Not Fuelled By Cyclone," IRIN, 11 December 2008.
[368] Source: An Alternative Assessment of the Humanitarian Assistance in the Irrawaddy Delta: Situation after 60 days, Ko Shwe, 23 July 2008: 14.
[369] Source: CEDAW Shadow Report Burma 2008, Women's League of Burma, 27 October 2008: 31.

[370] Source: Country Report on Human Rights Practices 2007 – Burma, US Department of State, 2007.
[371] Source: Trafficking in Persons Report 2008 – Burma, US Department of State, 2008.
[372] Source: CEDAW Shadow Report Burma 2008, Women's League of Burma, 27 October 2008. 33.
[373] Source: *Ibid*.
[374] Source: *Ibid*: 34.
[375] Source: *Ibid*: 31.
[376] Source: "Agencies Seek To Protect Cyclone Orphans," AP, 14 July 2008.
[377] Source: "Commentary: Is Trafficking Inevitable?" DVB, 11 July 2008.
[378] Source: CEDAW Shadow Report Burma 2008, Women's League of Burma, 27 October 2008: 33.
[379] Source: *Ibid*.
[380] Source: Country Report on Human Rights Practices 2007 – Burma, US Department of State, 2007.
[381] Source: Trafficking in Persons Report 2008 – Burma, US Department of State, 2008.
[382] Source: Country Report on Human Rights Practices 2007 – Burma, US Department of State, 2007.
[383] Source: "Burmese Brides for Sale," Mizzima News, 28 October 2008.
[384] Source: "China Top Destination for Myanmar Trafficking Victims," AFP, 15 July 2008.
[385] Source: Country Report on Human Rights Practices 2007 – Burma, US Department of State, 2007.
[386] Source: *Ibid*.
[387] Source: CEDAW Shadow Report Burma 2008, Women's League of Burma, 27 October 2008: 34.
[388] Source: *Ibid*: 9.
[389] Source: *Ibid*: 34.
[390] Source: "Increase in Kachin Women Trafficking to China: KWAT," KNG, 5 August 2008.
[391] Source: CRS Report for Congress: Burma and Transnational Crime, Congressional Research Service, 21 August 2008: 10.
[392] Source: Country Report on Human Rights Practices 2007 – Burma, US Department of State, 2007.
[393] Source: CEDAW Shadow Report Burma 2008, Women's League of Burma, 27 October 2008: 37.
[394] Source: "Myanmar Cyclone Victims Saved from Trafficker," AP, 3 July 2008; "Agencies Seek To Protect Cyclone Orphans," AP, 14 July 2008.
[395] Source: "Girl Sold To Traffickers by Her Mother," DVB, 23 January 2008.
[396] Source: "Boy Killed As Thai Police Open Fire on Smuggler's Truck," DVB, 28 February 2008.
[397] Source: "Authorities Crack Down on Human Trafficking in Kawthaung," Irrawaddy, 14 August 2008; CRS Report for Congress: Burma and Transnational Crime, Congressional Research Service, 21 August 2008. 11 and "A Dangerous, Difficult Life," Irrawaddy, May 2008.
[398] Source: "TPP Economy on Decline but Sex Industry Thriving," Kaowao News, 23 April 2008.
[399] Source: "Human Smuggling Crackdown Hits Kawthaung," Irrawaddy, 24 June 2008.
[400] Source: "Missing "Long-Necks" Could be Headed for Thai Tourist Spot," Irrawaddy, 10 July 2008.
[401] Source: "Eleven Ethnic Padaungs Still Missing," Mizzima News, 16 July 2008.
[402] Source: "Authorities Crack Down on Human Trafficking in Kawthaung," Irrawaddy, 14 August 2008.
[403] Source: CEDAW Shadow Report Burma 2008, Women's League of Burma, 27 October 2008: 33.
[404] Source: "Burmese Brides for Sale," Mizzima News, 28 October 2008.
[405] Source: *Ibid*.
[406] Source: "Burmese Women Smuggled into China Arrested," Irrawaddy, 28 October 2008.
[407] Source: *Ibid*.
[408] Source: "Three Burmese Nationals Arrested On Border," Kaladan News, 30 January 2008.
[409] Source: "Human Trafficker Kidnapped By Bangladeshi Goons," Kaladan News, 4 February 2008.
[410] Source: "Local Authorities Manipulate Human Trafficking," Yoma 3, 28 February 2008.
[411] Source: "Two Human Traffickers Arrested, 4 Burmese Girls Rescued By Rab," Kaladan News, 27 February 2008.
[412] Source: "More Boat-People Leave for Malaysia," Kaladan News, 1 March 2008.
[413] Source: "Two Burmese Girls Abducted from Bangladesh-Burma Border," Kaladan News, 12 March 2008.
[414] Source: "False Allegation and Torture in Northern Arakan," Kaladan News, 9 June 2008.
[415] Source: "Two Rohingya Youths Flee With Two Natala Girls," Kaladan News, 5 July 2008.
[416] Source: "Human Trafficker Arrested and Released," Kaladan News, 17 October 2008.
[417] Source: "Five Engine Boats with Boat-People Leave for Malaysia," Kaladan News, 13 November 2008.
[418] Source: "Raid on Private Clinic in Kyaukpru Town," Kaladan News, 24 November 2008.
[419] Source: "Four Arrested For Human Trafficking," Narinjara News, 23 November 2008.
[420] Source: "Boatpeople missing in Bay of Bengal after Thai authorities deny entry," Kaladan News, 30 December 2008.
[421] Source: *Ibid*.
[422] Source: "2 Men Arrested For Smuggling 5 Women from Myanmar into Japan," Minichi Daily News, 10 December 2008.



CHAPTER 7
Forced Labour and Forced Conscription

BURMA

HUMAN RIGHTS YEARBOOK 2008

7.1 Introduction

Burma has signed and ratified 19 separate international labour standards, including the Convention Concerning Forced Labour (1930), yet the use of forced labour remains widespread and pervasive throughout the country. The routine disruption of work and life has brought many communities to the brink of humanitarian crisis, with villagers in rural areas struggling to find the time to grow food or earn a wage in between fulfilling the various demands of the junta and its allied ceasefire groups.

Following the completion of the first year of the Supplementary Understanding and the complaints mechanism implemented under that agreement, the International Labour Organisation (ILO) reported some success and agreed to extend the agreement for an additional year. However, they also noted a general public lack of awareness and understanding relating to the procedure and the agreement itself. This was largely attributed to the lack of public information available and the ongoing delay in producing and distributing local language translations. The ILO also commented on the inherent physical difficulties that many faced in travelling to Rangoon to lodge a complaint and the prevailing fear of retribution which many people continue to hold.

The new constitution, which was the subject of a national referendum in May 2008, contains a clear statement on the illegality of forced labour within article 359. However, this constitution will not come into effect until after the 2010 general elections. In the interim, there have been repeated calls for the junta to issue an unambiguous, high-level statement, confirming their commitment to the elimination of forced labour. To date however, no such statement has been forthcoming. On the contrary, a number of labour activists and human rights defenders have been arrested and imprisoned, including a number who had links to the ILO. This type of action has naturally had an impact on public confidence and reduces the likelihood of people making complaints or attempting to assert their rights in future. This is in addition to the fact that there is a lack of accessible information relating to human rights in general, meaning that the number of people who are aware of their rights and the avenues of redress available to them is low to start with.

Reports of forced labour were received from sources across the country during the year 2007 and again in 2008, with particularly high rates of incidence reported in Arakan State, Karen State and Shan State. In some states, military demands for labour, food or money were often expressed in written order documents, although some officers have become aware of the importance of these documents as evidence of human rights abuse and have begun circumventing the problem by issuing their orders verbally at meetings. In August 2008 the Karen Human Rights Group (KHRG) published a collection of 59 translated order documents issued by State Peace and Development Council (SPDC) and Democratic Karen Buddhist Army (DKBA) authorities in Toungoo, Nyaunglebin, Papun and Thaton Districts between October 2007 and March 2008. Some of the orders covered general issues and specified travel permission or restrictions on the sale of meat, but many included demands for food, materials, services and various kinds of labour or attendance at meetings.

Following examinations of the collected documents, KHRG noted three main points. Firstly, the orders demonstrated the persistent military threat and harassment under which Karen villagers live and the effect that this has had on their livelihoods. Secondly, it was noted that the villagers affected maintained attempts at resistance through delayed and partial compliance with orders which was evidenced in the number of documents containing follow-up orders. Thirdly, the orders reflected that the SPDC and the DKBA have become dependent upon obtaining labour, food, money and other supplies from rural communities. In 1997 the central War Office instructed the country's 12 Regional Commands to fulfil all

their logistical requirements locally, rather than from central reserves. It is apparent that this policy has remained standard practice and that the sustained military presence across many parts of Burma is a key factor in the ongoing humanitarian crisis.

International joint business ventures continue to be a key factor in the sustained militarisation of many areas as well as an ongoing source of controversy and conflicting reports. For example, French company Total state on their website that the Yadana project *"runs 63 kilometres in an east-west direction through a fairly isolated, sparsely populated ... region in southern Myanmar's Tenasserim district"* and extols the benefits that their Socio-Economic Program has brought to the pipeline region.[1] On the other hand, EarthRights International (ERI) have documented reports of forced labour associated with the project occurring in Shan State, Karenni State, Karen State, Pegu Division and Mandalay Division as well as Tenasserim Division. The reports they have gathered include accounts of:

Forced portering;
Construction or repair of military camps and facilities;
Ad hoc forced support for military camps (including the provision of guides, messengers, cooks, cleaners, etc);
Income generation for individuals or groups (including work on military-owned agricultural projects);
Work on national or local infrastructure projects (including roads, bridges, etc);
Cleaning/beautification of rural or urban areas; and
Forced labour and porter fees relating to the above.[2]

A significant number of the accounts refer to forced labour resulting from the enhanced military presence that accompanies lucrative ventures such as the Yadana project. It is clear that villagers in the vicinity of project areas not only face the burden of forced labour on the projects themselves but, as described above, also have to service the military's continued dependence upon local communities. It is perhaps also notable that areas which have not reported high levels of forced labour may have experienced increased use of convict labour or military conscription instead. In Tenasserim Division for example, where much of the Yadana pipeline is situated, there have been no significant reported forced labour incidents, however, the region was subjected to a military conscription drive in October 2008 which targeted male students in the Ta-kei regions. The ILO had previously identified this trend for reductions in traditional forms of forced labour to be accompanied by increases in military conscription. This trend has also been noted by other organisations working in the area.

Another noticeable thread running through the various reports of forced labour received during the past year are the abuses associated with the SPDC's bio-fuel project. The drive to plant and cultivate jatropha on vast swathes of land across the country has had a severe impact on food security in rural communities. The project has also been severely mismanaged and has, on the whole, failed to deliver the anticipated yield. There is a risk that the junta may respond to this situation by increasing the number of plantations or trying to increase the work-rate of those forced to participate. This will serve only to increase the burden on poor families whose livelihoods are already threatened by the demands of the bio-fuel project.

Forced Portering

The use of forced portering has been described as a *"signature abuse"* of the SPDC.[3] It often occurs in an orderly fashion, with village or township leaders being presented with a written requisition for a specific number of porters, but can also involve troops conscripting villagers from farms or road-sides, as and when, they need them. As with other forms of forced labour in Burma, reports of forced portering include the use of women and children as well as the elderly. The use of prisoners is also commonplace.

Although the practice remains widespread, a number of organisations have noted a slight reduction in reports of forced portering over the past year or so. There have also been changes to the pattern of portering with villagers being required to work shorter stints and released when replacements are available, i.e. at the next village or township. This, however, represents a general trend and the practice remains more onerous in certain areas of the country.

A recent report by Amnesty International (AI) examined the use of forced portering as part of an investigation into crimes against humanity in eastern Burma. Their report detailed testimonies from refugees and IDPs who said they were regularly forced to acts as porters for SPDC troops and for the various ceasefire groups operating in the region. In addition to carrying ammunition, water, food and firewood, villagers were often required to act as minesweepers, sentries or guides. They reported carrying loads weighing up to 40Kg and being required to work with a frequency ranging from once a month to almost daily. The average requirement was once or twice per week.

Some villagers reported being offered the chance of, or being able to negotiate, paying a fee instead of carrying out the portering duty. However, such fees were often equivalent to a day's salary and few could afford this sum.

Amnesty International (AI) recorded the testimony of a former village headman from Ya Da Gon village in Tantabin Township of Nyaunglebin District, Pegu Division. According to AI, the man had been required to recruit and organise villagers for portering work for SPDC troops. He felt unable to refuse as the position of a village headman was dependent on military approval. It was possible to pay money in lieu of some of the porters but ultimately, the labour had to be provided. Another villager from Tantabin Township reported being threatened with having their house burnt down if sufficient porters were not forthcoming.

The most dangerous aspect of portering however, is when it takes place in combat areas and villagers are used as human shields or minesweepers.

> *"International humanitarian law prohibits forcing civilians to engage in unhealthy or dangerous work. In particular, civilians must not be forced to do work which would entail their "taking part in military operations". Forcing Karen civilians to work as porters, scouts and guards in areas where hostilities take place clearly breaches this prohibition. Of particular concern to Amnesty International is the use of Karen civilians as minesweepers and human shields. This is clearly a violation of the human right to life, as well as of international humanitarian law, and constitutes a war crime, as it violates the prohibition on violence to life and person and the principle of distinction between combatants and those taking no active part in the hostilities."* [4]

The AI report quoted a woman from Tantabin Township who had been forced to act as a minesweeper and had seen people step on live mines. The report also quoted people who had been used as human shields in areas where Karen National Liberation Army (KNLA) ambushes were anticipated or on occasions when fighting broke out unexpectedly.[5]

Forced Labour

The SPDC passed a decree in October 2000 which abolished forced labour and they have made efforts to be seen as cooperating with the ILO in working towards the elimination of forced labour in Burma. However, this made very little difference, if any, to the situation on the ground over the course of 2008. A villager from Sittwe Township in Arakan State described the situation on the ground in his area in the middle of 2008,

> *"The military government announced in 2000 that there is no forced labor in Burma, but in our area, forced labor is still alive and it has been used by the local authorities."* [6]

Forced labour is used widely by both military and municipal authorities. Development projects often utilise forced labour on a range of tasks (see Section 7.3 below) and the junta's bio-fuel programme, as described below, has led to increased levels of agricultural labour across the country. Reconstruction work in the wake of Cyclone Nargis was also a focus for forced labour activity in 2008 and a source of ongoing concern for the ILO.

In July 2008 it was reported that initial concerns over the use of forced labour in the wake of Cyclone Nargis had been well founded and that people were being forced to work for very low wages in the affected region. It was alleged that some locals were being forced to work in order to receive aid.[7]

Karen villagers from Nyaunglebin District in Karen State constructing fences for the newly-established Aung Lung Sein SPDC army camp in April 2008. SPDC army soldiers from LIB #599 stationed at the camp had ordered 35 villagers to performing this work without pay and were required to provide their own tools and to acquire all of the materials required themselves. *[Photo: © FBR]*

Earlier, in June 2008, Altsean highlighted six incidences of forced labour involving prisoners or villagers being forced to work on military-run infrastructure projects. They noted that the practice remained widespread and pervasive and was used with regularity on road construction, crop cultivation and maintenance work around military bases. In the wake of Cyclone Nargis the organisation had documented incidents in Mon State, Arakan State, Kachin State and across the Irrawaddy delta. Altsean's incident list for June included the following:

- A group of 128 prisoners press-ganged into cultivating jatropha plants in Arakan State;
- An unspecified number of villagers in southern Mon State made to work on new army facilities;
- Hundreds of families in Myitkyina Township, Kachin State, forced to plant castor oil trees;
- Villagers and unemployed people rounded up to provide labour for road construction projects in Arakan State;
- Unemployed people from Rangoon and Mandalay rounded up to work on farmland in the Irrawaddy delta.[8]

By November, however, Altsean noted that they were receiving an increasing number of reports of forced labour. Their November incident list included the following:

- Reports that the SPDC had been forcing villagers from Minbya Township in Arakan State to work on the Rangoon-Sittwe Highway since the beginning of the month;
- SPDC troop movements to the Bangladesh border in Arakan State resulted in forced labour for the villagers of Maungdaw Township during the first week of November. It was reported that NaSaKa forces required 20 people from every village in North Maungdaw to dig trenches and build bunkers;
- From early November, it was reported that SPDC units active in areas of Mong Kung Township in southern Shan State had conscripted villagers to work as porters and guides, as well as to carry out sentry duty;
- Since the beginning of November, SPDC officials in Falam Township, Chin State, had ordered the residents of Congheng, Zamual, and Var villages to cut and clear brush on the side of the local roads;
- During the second week of November, the people of Zee Chaung village in Kyauk Taw Township, Arakan State, received orders from SPDC troops that they would be required to work on the construction of a hydroelectric dam. Between 100 and 150 villagers were to report to the Zee Chaung Dam construction site each day;
- Since mid-November, SPDC authorities in Maungdaw, Arakan State, forced local villagers to cultivate onion, garlic, and sunflowers. [9]

Bio-Fuel Crops

Burma is currently two years into a national programme to cultivate 'jatropha curcas', a non-edible oil crop, primarily used for biodiesel production. The programme was initiated by General Than Shwe in December 2005 and has been the cause of countless instances of forced labour, as well as land confiscation and loss of income for predominantly rural populations. It has become a serious threat to food security and has been a major factor in deprivation of livelihood in many areas of the country.[10]

The publication of *Bio-fuel by Decree*, a report produced by the Ethnic Community Development Forum (ECDF), an umbrella organisation of seven community development organisations working in Burma, was released on 1 May 2008. The report details how farmers, civil servants, teachers, schoolchildren, nurses and prisoners have all been affected by the nation-wide bio-fuel project, mostly through forced purchasing, planting and tending of jatropha plants. The report also details severe mismanagement of the project implementation on the part of the SPDC authorities which has led to repeated crop failure and to the programme being branded a fiasco.[11]

The report explains that the junta's plan is for the country to plant eight million acres (which has been described as an area the size of Belgium) of jatropha within a three year period. Each state and division is expected to plant at least 500,000 acres. In Rangoon Division this means that 20 percent of all available land will be given over to jatropha crops. In Karenni State, it means that every man, woman and child will have to plant 2,400 trees in order to meet the quota. In Shan State over 800 people have fled from the forced labour and the reprisals that follow when quotas are not met. This has led to a new term, 'jatropha refugees', being used to describe those who are forced to leave their homes by the various impacts of bio-fuel projects.

Agriculture is Burma's social and economic backbone, but huge swathes of land have been commandeered for jatropha cultivation regardless of the impact this may have on food security, or the suitability of the land for jatropha plants. This approach has led to crop failure at a level of 75 percent and increasing use of forced labour as the various local authorities struggle to meet their quotas.

Jatropha curcas is a small tree which produces oblong shaped fruits, containing an average of three seeds each. These seeds contain over 30 percent oil by weight and are known as a good source of bio-diesel. They also contain curcin, a toxic protein which causes acute abdominal pain and nausea if ingested. In Burma jatropha is often mistakenly referred to as the castor oil plant because, despite being a distinct species, they do share a very similar appearance. Both plants are often and interchangeably referred to as physic nut plants. In Burmese the plant is known as '*jet suu*.' A 72 year old man from Ye Township in Mon State described the orders passed on to his village from the SPDC in December of 2008,

> *"The village head told us that all the empty spaces along the main road are to be used for planting jet suu. One person from every household had to go and clear the ground. If we could not find a substitute, we had to pay 500 kyat. They supervised us while we planted to make sure that we did it."* [12]

Forced labour is also utilised in the construction of oil processing factories and it is believed it will continue to be used in harvesting, oil extraction and other activities once the current planting programme has been completed.

Prison labour has also been utilised in jatropha cultivation. The ECDF report contained an interview with an SPDC deserter from IB #250 in Karenni State who had ended up working on a jatropha plantation as a prisoner after his desertion attempt failed.[13]

> *"I was in the army for nine years. Our army commander ordered our Infantry to grow corn and sesame plantations but they failed and we earned nothing. Seven of us fled because of that, but three of us were caught. I was imprisoned for eight months. During my prison term I was sent out to work most of the time. We were forced to clear the land and cultivate jet suu. We had to work all day long with shackles on our feet."* [14]

In June 2007 the ILO received a complaint from a group of 20 villagers from Pwintbyu Township in Magwe Division who had been forced to work on a jatropha plantation. The complaint stipulated that 100 men and 75 women had been forced to dig 800 holes in the ground, each measuring one cubic foot. They were required to work from 7:00 am until noon and were not allowed to rest or drink water. The work continued for another four days, although exemptions were available for a fee of 1,200 kyat.

One month after sending the complaint, the villagers started being harassed by the authorities. They were questioned repeatedly, to the extent that it interfered with their ability to carry out their daily work. Local TPDC officials said that the complaint of forced labour was not valid because it was the people's legal responsibility to tend *jet suu* plants.

In Bhamo Township in Kachin State, people were told that, in addition to the 3,000 kyat fine for refusing to work on the jatropha project, any complaints or criticism of the project would be grounds for arrest and prosecution under Act 118 of the criminal code. Villagers in Thangtlang Township of Chin State were even threatened with the death penalty. Said one 45 year old farmer from the township,

> *"The SPDC ordered our villagers to grow 100 acres of jatropha. Now we have planted 50 acres and we have to watch over the plantation carefully. The authorities told us that we would have to grow another 100 acres if this present 50 of the plantation is not successful. We were threatened with the death sentence if any plant was destroyed."* [15]

On 27 September 2007 it was reported that 75 people from three villages in Kunhing, southern Shan State, were ordered to plant jatropha in the rain. The orders came from IB #524, led by Lieutenant Colonel Maung Maung Myint. While patrolling the field, one soldier overheard a critical comment from one of the farmers and beat him unconscious with a bamboo stick. During the same month a farmer in Mong Hsat Township, also in Shan State, was beaten by a soldier from IB #524 because he took a rest while working on the jatropha plantation.[16]

Reports of forced labour on junta-owned jatropha plantations have been verified by Altsean and separately by the Kachin News Group. They noted that many farmers have been prevented from growing crucial rice crops and were forced to cultivate jatropha instead.

Fuel oil remains Burma's biggest and most expensive import. Although the country is a major producer and exporter of energy resources, it currently has no refining capability and, therefore, has to import diesel. In the 2007/8 financial year, fuel imports, which were comprised mostly of diesel, cost the junta US $376 million.[17] It is this cost which the junta is hoping to offset with its current bio-fuel programme.

A physic nut plantation in Sittwe Township, Arakan State. In 2006, the SPDC announced plans to cultivate 8.36 million acres of physic nut across the country as a biofuel crop to counter growing demand for petrol. Before long, land was confiscated from local farmers and villagers across the country were forced to cultivate the crop in place of their regular subsistence food crops. *[Photo: © Narinjara News]*

Forced Convict Labour

The use of prisoners or convicts continues to be a feature in reports of forced labour. Amnesty International's report into crimes against humanity in eastern Burma recorded the use of prisoners as porters in military operations across Karen State and Nyaunglebin District in Pegu Division. According to reports from villagers in the region, convict porters were generally treated worse than civilians; those in ill-health were simply left behind and several were known to have died.

Amnesty International also recorded reports of military portering being used as a threat by prison authorities to extract bribes from prisoners. This meant that the burden of forced portering fell disproportionately upon the poorest prisoners, who could not afford to bribe officials.[18]

In their report on the human rights impacts of the Yadana Project, ERI referred to a perceived change in the policy on forced labour in Burma which suggests that reported reductions in forced labour are being offset by increases in prisoner or convict labour.[19]

Forced Military Conscription

In July 2008 KHRG interviewed a young man who had deserted from the military. He was 28 years old and originally from Thaton Township; he identified only as Ko S--. His name and other personal information were censored in order to protect his family who would likely face reprisals for his desertion if his identity was published.[20]

Ko S—had been in the army for a long time but did not join willingly. After finishing the eighth standard of school, which is usually at the age of 14 or 15, he travelled to Rangoon to look for work. His father was a bricklayer and Ko S-- had worked briefly as a labourer before leaving his village. One evening in Rangoon he got slightly drunk with some friends and was arrested by an SPDC officer who took him to Mingaladon Military Recruitment Centre. The next morning he was beaten by some of the soldiers and given the choice of joining the army or going to jail. He realised he would have to become a soldier. The new recruits were sent to the basic military training centre of Military Operations Command (MOC) #9 for four and a half months.

There is a rule that battalion commanders must recruit five or six new soldiers every month and are fined if they fail to meet their quota. Ko S—says that people generally have no interest in becoming soldiers. The financial incentives of becoming an officer can be appealing but the life of an ordinary soldier is very hard. The military sometimes conscripts the people they have taken to work as porters and sometimes they just round up young men such as Ko S--. Those who try to run away from military training centres are sent to military prisons for a time and then returned to training.[21] It has also been reported that current policy stipulates that any soldier or officer wishing to resign from the military must first recruit two new men to serve in his place. It is widely believed this rule has been the reason for many instances of forced conscription.[22]

Ko S—told KHRG that the army had become a bad place and had changed a lot since the time of General Aung San (generally considered the founder of the Burmese Army). The soldiers no longer adhere to their own policies and the conditions are abusive. Physical violence is the normal means of enforcing order or maintaining general discipline. Ordinary soldiers live in dormitory style barracks and receive basic food rations comprised of rice, salt, seasoning powder, condensed milk and alcohol. Ko S—explained that the rations are not

sufficient and sometimes contain spoiled food, insects or leeches. This leads soldiers to extort additional food or money from villagers. New recruits face a particularly tough time as they are oppressed by those who are older as well as by those of a higher rank. Corruption is also rife and when money is provided for a project such as the construction of a road or a bridge, the cash is slowly siphoned off as it moves down the chain of command. Ultimately, it is civilians who suffer as the money is no longer sufficient to cover the costs of the projects by the time it reaches the soldiers implementing the work.

When asked about the presence of child soldiers, Ko S—said many of the soldiers he met were only 15 or 16 years old and about the same height as an MA-1 or MA-2 automatic rifle. They sometime struggled to carry their backpacks. The officers were also very young. Many had graduated from the Defence Services Academy (DSA) in Pyin-Oo Lwin but they had no respect for older people and would kick soldiers who were the same age as their parents. Many children apply to the DSA after completing tenth standard at school, usually between the ages of 16 and 18. Ko S—quoted an old proverb: *"unless one has a full stomach, there can be no morality."* [23] The majority of civilians in Burma face a daily struggle for survival but even the lowest ranking officer in the military earns over 100,000 kyat per month. As a result, the military is full of desperate people who had no initial interest in becoming soldiers but found themselves facing hardship and saw the military salary as a means of providing for themselves and their family.

After completing his initial training Ko S—did well and was promoted through the ranks of second corporal and corporal. He then successfully applied to become an officer cadet. He spent three years in the officer cadet training school and found the conditions and food much better than those he had received as an ordinary soldier. When he graduated as an officer he was entitled to wear a star on his arm. This was different to those who applied to DSA after completing tenth standard and had a higher educational background. They were entitled to wear their star on their shoulder and were exempted from menial labour, known as '*Hpat Htait'*. Ko S—still had to carry out *Hpat Htait*, but otherwise his conditions were much improved.

During the September uprising in 2007, Ko S—was sent to Moulmein in Mon State. This led to him spending time in a military prison after he refused a direct order to shoot monks. In prison he was beaten daily and tortured with electric wires. He was eventually released as they needed experienced soldiers for an offensive in Karen State; however, he was demoted and sent to the front line. On 5 November 2007 he was carrying out sentry duty and saw an opportunity to escape and fled. [24]

In his latest report, the ILO Liaison Officer to Burma noted an increase in the number of complaints relating to forced conscription and the conscription of child soldiers in particular.[25] Reports from other organisations within Burma have also referred to widespread conscription being used by both the SPDC army and allied ceasefire groups as a means of controlling the population.[26] It appears there has been a general trend for levels of military conscription to increase as levels of forced labour have slightly decreased.

7.2 ILO Activities in Burma

The ILO Liaison Officer for Burma reported to the 301st Session of the Governing Body, held in March 2008, and to a special sitting of the Committee on the Application of Standards, held during the 97th Session of the ILO Conference in June 2008. His report covered activities on the ground since his last report and also provided an update on the functioning of the complaints mechanism implemented under the Supplementary Understanding.[27]

The Supplementary Understanding was signed between the ILO and the military regime in Burma on 26 February 2007. Under the terms of the agreement, an ILO Liaison Officer is stationed in Burma with the authority to look after *"all activities related to ensuring the punctual and effective eradication of forced labour in Burma."* [28] Following a meeting with Labour Minister, Aung Kyi, in February 2008, the ILO agreed to extend the agreement for a further year.

The agreement requires the junta to allow victims of forced labour to file complaints without fear of retribution and also to investigate the complaints made. The complaints procedure has had some successes; it was reported early in 2008 that two boys who had been forcibly recruited as child soldiers were reunited with their families.[29] However, the Liaison Officer noted a general lack of awareness and understanding in relation to the complaints procedure, a fear of retribution and the physical difficulties which people can face in travelling to Rangoon to lodge a complaint.

At the time of reporting, the Liaison Officer had received 121 complaints. He had assessed that 70 of these fell within the forced labour definition and submitted them to the Government Working Group for attention. The submitted cases included 39 complaints of under-age military recruitment and 31 complaints of forced labour. He went on to report that 50 cases had received a satisfactory response and been closed. The remaining 20 were still awaiting a response or were currently being investigated. The average processing time for a case was three months.

The Liaison Officer noted that although no prosecutions had taken place under either the Penal Code or military regulations, there had been some progress in the administration of penalties. This included fines of up to 28 days salary and one case where an officer lost one year of seniority as punishment for his actions. However, negotiations were still ongoing in relation to translation of the Supplementary Understanding and, indeed, the original 2002 Understanding, which sets out the establishment of the Liaison Officer function. The junta has repeatedly used the low number of complaints received as proof of their progress in eliminating forced labour; however, the Liaison Officer has noted the numbers would likely change if easily understandable information were made available to the general public.[30]

At their 97th Session, held in Geneva during May-June 2008, the ILO Committee on the Application of Standards convened a special sitting *"to examine development concerning the question of the observance by the Government of Myanmar of the forced Labour Convention 1930 (No.29)."* [31] The Committee called on the junta to make *"an unambiguous statement at the highest level that the exaction of forced labour is prohibited and that violators will be prosecuted and convicted."* [32] The referendum held across the country on 10 and 24 May 2008 approved a new constitution which does contain, within article 359, a provision prohibiting forced labour. However, the constitution will not come into effect until after the elections in 2010 and no interim statement on the elimination of forced labour has been made, despite repeated calls from the ILO.[33] The Committee also expressed concern at the restrictive provisions in the new constitution, which may conflict with Conventions No 29 and 87, which the junta has already ratified. [34]

The Committee went on to note their 'profound concern' about the continued use of forced labour, including the military conscription of children. The recommendations made by the Commission of Inquiry have yet to be implemented and evidence of forced labour, particularly by the army, continued to be documented in 2008, with perpetrators seemingly enjoying near-complete impunity. The Committee voiced its concerns over the junta's delay in distributing information about the Supplementary Understanding and the ILO complaints mechanism and the low profile given to the legal provisions against forced labour, including Order 1/99. The Committee urged the junta to make information on the law and complaints procedure available for wide public distribution in all local languages and in an easily understandable format.

The Committee was similarly concerned about reports of retaliation and harassment against complainants and volunteer facilitators who had assisted the Liaison Officer. The Committee also registered 'extreme concern' about a number of labour activists with links to the ILO who remained in prison, including:

1. Daw Su Su Nway;
2. U Min Aung;
3. U Turein Aung;
4. U Kyaw Kyaw;
5. U Shwe Joe;
6. U Wai Lin;
7. U Aung Naing Tun; and
8. U Nyi Nyi Zaw. [35]

In their 303rd Session, held in November 2008, the Governing Body of the International Labour Office discussed reports submitted to the office and the statement by the junta's representative, Ambassador Wunna Maung Lwin. Within their concluding comments, the Governing Body expressed concern over the slow pace of progress in Burma and emphasised the need for more to be done as a matter of urgency. They also condemned the severity of the prison sentences that had recently been handed down to activists such as Su Su Nway and U Thet Way and called for the harassment and detention of persons exercising their rights under the Supplementary Understanding to cease.[36]

The ILO also requested the release of labour activist Myint Naing who, as of early 2008, was serving an eight year prison term for encouraging villagers in Irrawaddy Division to report cases of forced labour to the ILO.[37]

Despite apparent cooperation at state level, the situation on the ground remains difficult at the time of this report and there continue to be numerous reports of both direct and indirect punitive action being taken against those who submit complaints to the ILO or who assist others to do so.

On 11 July 2008 it was reported that the ILO had criticized the decision of the Supreme Court in Burma to deny an appeal by six labour activists who had been sentenced to lengthy prison terms for assembling at a public place without authorisation. The six activists were identified as:

Thurein Aung;
Wai Lin;
Kyaw Min;
Myo Min;
Nyi Nyi Zaw; and
Kyaw Kyaw.[38]

They were arrested after attending a Labour Day function at the American Centre of the US Embassy in Yangon on 1 May 2007. Following their conviction they were sentenced to terms ranging from 20 to 28 years. According to, the ILO Executive Director Kari Tapiola;

> *"It was our hope that their appeal to the Supreme Court would result in the quashing of their sentences and their immediate release. It would have been hoped that in view of the government of Myanmar's publicly expressed intent to take the country into general elections in 2010, that the fundamental freedom of association rights would be respected."* [39]

On 19 September 2008 it was reported that Maung Win Sithu from South Dagon, Rangoon Division, had been arrested three days previously, on his 18th birthday. Maung Win Sithu's mother, Daw Cho Cho Lwin commented at the time;

> *"The first time they came, my son had not come back from work yet. The ward authorities and officials searched my house and when my son came back, they took him away. They said that they had to ask him about his time in the army at the office, but they didn't – they took him away on the pretext of a criminal investigation. At first they said it would only be for a while and took the child away on a motorcycle and they told me, just wait for the news of your son. Whatever they are doing to try to connect the child with any case, it is being done dishonestly."* [40]

Maung Win Sithu had been forcibly conscripted into the military during May 2007, when he was only 16 years old. His father had died and his mother had two younger children to look after, so the family had become dependent on his income. His younger brother, Maung Win Thiha, had been recruited into the military at the age of 13 but his mother had been able to secure his release after one year. Cho Cho Lwin had also been able to secure Maung Win Sithu's release on the basis that he was underage and was preparing to report the case to the ILO when he was arrested.[41]

On 19 September 2008 it was reported that labour activist Thet Way, Chairman of the Sanchaung Township NLD, had been sentenced to two years hard labour for his role in helping people file complaints with the ILO. Although his official charges were unrelated to his ILO activities, a spokesperson stated that: *"The ILO cannot but consider that the sentence imposed is related to Thet Way's role in complaining on forced labour practices."* [42]

At his trial, Thet Way was found guilty of 'obstructing discharge of duty by a public servant'. According to his lawyer Ko Pho Phyu;

> *"U Thet Wei (sic) has been sentenced to a prison term. He was charged under section 359 and 189 of the Penal Code. Then the Pabedan Court dropped the charges under section 189 (threat of injury to public servant) and sentenced him in another case under section 359,"* [43]

Thet Way later revealed that junta officials had offered to secure his acquittal if he issued a statement saying that the complaints in his letters to the ILO were false and based on inaccurate information.[44]

On 25 September 2008 it was reported that Htay Htay Kyi had been prevented from visiting her elder sister in Insein prison because police had seen her visiting the ILO offices in Rangoon. Htay Htay Kyi's sister is human rights activist Su Su Nway, who won the John Humphrey Freedom Award for promoting human rights in 2006.[45]

On 19 November 2008 it was reported that four people in Magwe Division had been charged under sections 31 (A) and 51 (A) of the electronic act and remanded for two weeks. U Hla Soe, U Sein Satin and U Nay Lin are farmers from Natmauk Township who complained to the ILO after 5,000 acres of land had been seized by the military. The fourth man, Ko Zaw Htay, was from the neighbouring township of Myayde and had helped them submit their report to the ILO.[46]

Additional reports on this incident name a fifth man, Saw Maung, who was also arrested on the same charges. He was released on 10 December 2008, together with Nay Lin and Zaw Htay. Hla Soe and Sein Satin were still being held at Magwe police station at the time of reporting. Zaw Htay had faced legal action on a previous occasion after filing a report to the ILO on Win Lwin, a villager from Ngapyin who died while carrying out forced labour.[47]

On 26 November 2008 it was reported that the ILO had received a number of complaints from civilians about the military's practice of using people to clear landmine areas. The details of the complaints were consistent with information collected independently by Landmine Monitor.[48]

On 9 December 2008 it was reported that Kemmendine Township Court in Rangoon had sentenced three people, Khin Maung Cho (also known as Pho Toke), Nyo Win and Kan Myint, to prison terms ranging from five to 19 years. They had been charged with a number of offences but according to their families the real issue was that they had filed a report to the ILO during 2007 relating to the withholding of salaries at A21 soap factory in Hlaing Tharyar industrial zone.[49]

In addition to the ongoing instances of forced labour across Burma, the ILO has repeatedly expressed concern over the use of forced labour in the post-cyclone reconstruction efforts. A report published on 2 June 2008 also noted their concern that, despite the extent of the rumours they had received, no-one had submitted any evidence or formal complaints. Kari Tapiola, Executive Director of the ILO Standards and Fundamental Principles and Rights at Work Sector, said one of the key obstacles was the lack of clear information in local languages.[50]

On 16 June 2008 it was reported that the ILO had decided to take a more active role in post-cyclone reconstruction efforts in Burma and would work with relief teams on the ground in an attempt to ensure reconstruction work was carried out in accordance with international labour standards.[51]

7.3 Forced Labour Resulting from International Joint Ventures

The relationship between large development projects and human rights abuse in Burma has been well documented and the junta continues to pocket the rewards of international financial investment as the rural population continue to see very little, if any, of the benefits. In fact many communities face increased hardship as a result of these projects, including increased militarisation and the widespread use of forced labour.

Jade Mining

Burma is believed to be the only place in the world that produces imperial-green jade and the town of Hpakant in Kachin State is the centre of Burma's jade mining industry. Approximately 20,000 people are either employed or forced to work in the mines.

Many work illegally, sifting through the dregs of soil dumped by legal mine workers for small pieces of jade which may have been overlooked. Those who are lucky can earn between 50,000 kyat and 100,000 kyat per month from selling the jade they find. Most of the legal jade miners, by contrast, earn less than US $1 per day.

According to human rights groups, the mining industry in Burma is linked to a range of abuses including forced labour, child labour, land confiscation, drug abuse, sexual exploitation and environmental damage. Conditions for miners are difficult, whether they work legally or illegally, and many turn to narcotics use as a coping mechanism. As one miner from Hpakant put it;

> *"I started to take heroin to feel happy, because my life is hard. You can work all night and work all day without getting tired. The first time I took it, I remember, I felt high. Our lives are very, very miserable and difficult, stones fall on top of you… Some of my friends died because of this work because of rocks falling on top of them. There is no safety equipment, no training, nothing. We just buried their bodies, with no compensation, nothing from the companies."* [52]

Precious stones like jade are a key source of foreign revenue for the junta and there are reports of illegal jade miners being beaten or even killed if caught. Human Rights Watch has estimated that the value of gemstones exported from Burma during 2006/2007 was $297m and predicted a figure of $647m for the following year. China is one of the main importers and has a particularly high demand for jade. In fact, the majority of all the jade mined in Burma is sold in China and according to EarthRights International (ERI) at least ten Chinese firms are involved in six different mining projects in conjunction with the junta.[53]

Hydropower in Burma

As part of the post-cyclone reconstruction efforts, the junta has ordered the replanting and expansion of mangrove forests along coastal areas of the Irrawaddy delta. The mangroves would help to slow down wind-driven tidal waves and reduce the damage they cause to low-lying land. However, environmentalists have been warning for years that the hydroelectric dam projects being implemented on many of Burma's rivers have a destructive effect on mangrove forests and raise the risk of cyclone damage on many stretches of low-lying coastline.

The dams disturb the natural water flow which can impact on the fragile ecology downstream, including mangrove forests. Ultimately this leads to the destruction of natural sea barriers like the mangroves. It also damages fish-spawning grounds, which in turn affects Burma's fishing industry, one of the country's key export sectors. At present, US $15 billion has been allocated for a dozen hydroelectric dam projects, most of which is expected to be financed by Thai and Chinese companies.[54]

In July 2008 it was reported that over 3,500 people in Shan State were at risk of displacement by the Upper Paunglaung Dam, which is being constructed in the Pyinmana hills. It is believed that the dam will flood 12 villages and submerge over 5,000 acres of fertile farm land. Once completed the dam will generate 140 megawatts of electricity and will also provide additional water to increase the generating capacity of Lower Paunglang Dam, which supplies electricity to the national capital of Napyidaw. The project is one of 24 major hydropower dams being built nationwide in collaboration with Chinese companies. The Chinese company behind the Paunglang project is Yunnan Machinery and Export Co. Ltd.[55]

Shweli River

In April of 2008 it was reported that inhabitants of Mantat Palaung, Chalaing and Manpat Palaung villages were performing forced labour on the Shweli dam. These villages are located within Namhkam Township in northern Shan State. The SPDC army's IB #144 was supervising the construction work.

The dam is located near Namhkam Township, 17 miles from Mantat Palaung village. The construction work has been ongoing since 2003 and the authorities were reported to be making increasing use of forced labour. The Memorandum of Understanding (MOU) for the dam was originally signed by Burma's Ministry of Electric Power and China Company in 2002. The power produced once the dam becomes operational will be shared by both countries.[56]

It was further reported that three men drowned, on 30 April 2008, after being ordered to retrieve bamboo poles from the Nammao River, also known as the Shweli River. Troops had initially forced 12 people to work clearing bushes away from the side of the river. Later in the month a group of four men were ordered to construct a raft so that the authorities could cross the river. The deaths occurred when some of the bamboo poles for the raft started to drift away and the men were ordered to swim after them and bring them back. The only survivor of the incident recounted the following;

> *"While we were making the raft, some bamboo poles drifted away. Authorities then ordered us to swim after and take them back. But, the water was so strong and deep. 3 of my friends were drowned. I was the only survivor,"* [57]

The deceased were identified as:

Zau Kun, aged 31, an ethnic Kachin from Loiyai village;
Naw Hsan, aged 29, an ethnic Kachin from Zamka village; and
Mai Yai Tun, aged 25, an ethnic Palaung from Wankwang village.

Their families were provided with 500,000 kyat and five bags of rice each in compensation for the deaths. The surviving man has been described as an ethnic Lisu from Zintuyang village but had not been identified at the time of the report. The soldiers who gave the orders belong to SPDC IB #144, which was based at Mantat village under the command of Captain Soe Than.[58]

Burma's Oil and Gas Sector

The 2008 ASEAN conference coincided with the news from Burma's Ministry of Commerce that gas exports during the 2007/8 financial year were the highest on record and worth nearly US $2.6 billion, a 40 percent increase on the previous financial year. Thailand however, remains a net importer of gas, while Burma and Indonesia both import oil products, despite Indonesia being a member of the Organisation of Petroleum Exporting Countries (OPEC).[59]

The bio-fuel programme described above (section 7.1) is one of the junta's attempts to reduce their dependence on fuel imports. The ongoing gas and oil development projects are a major source of income and the Yadana project has been credited with rescuing the junta from the financial crisis it faced in the late 1990s.

While the projects continue to be major sources of funding for the regime, the Burmese population do not see many of the benefits derived from the projects. Very little of the vast amounts of foreign investment, in capital and knowledge, flows into the Burmese economy, except in the form of further military expenditures. The military has not placed strict controls on the multinational corporations involved in plundering Burma's natural resources and environmental concerns continue to be expressed by a number of NGOs monitoring the performance of large outfits such as Total and Chevron. In addition the military has often provided a presence in the areas of large extraction projects with the ostensible excuse of protecting state and international interests from the danger of non-state armed actors, leading to the militarisation of these areas and subsequent grave human rights abuses.

Yadana Project

The Yadana Project was conceived in 1992 when French oil company Total signed the first contract with the junta for the development of offshore natural gas fields and an overland gas pipeline flowing across Burma and into Thailand. The junta's interest in the project was represented by Myanma Oil and Gas Enterprise (MOGE) which was a corporate arm of the Ministry of Energy. At the time, Yadana was the largest foreign investment project in Burma's history and remains one of the primary sources of income for the junta.

American oil company Unocal joined the project in 1993, closely followed by PTT Exploration and Production, a subsidiary of Thailand's state-owned oil and gas company, PTT. The ensuing human rights abuses have been well documented and in 1996 the lawsuit *Doe v. Unocal* was filed in US federal court challenging Unocal's complicity. In March 2005 Unocal finally agreed to settle out of court, but one month later the company was bought out by Chevron. Unhampered by litigation, Chevron has been able to maintain a low profile for their work in Burma while human rights abuses continued unabated.

A recent report by ERI has highlighted ongoing abuses, including widespread use of forced labour. Much of the forced labour linked to the Yadana project is in relation to security; building security facilities such as sentry huts and actually carrying out sentry duty. These practices were outlined by those who had been forced to work on the project;

> *"In the beginning of June 2003, the soldiers ordered our village to build a sentry post for them. Many villages have to do it in their own area. Our village had to build two sentry posts. One person from each household has to go for it. I myself had to on several times. What we had to do was clean the area, build the huts, build the fence and dig the ground for a communication line. We had to build near the roadside; each one is built on both sides of the entrance to the village. Because we went in a big group to build the sentry post, we finished in about two days. We did not get payment. We cannot refuse to do it."* [60]

> *"We also had to work on the Yadana pipeline... We were forced to stay at the sentry hut and keep watching any suspicious things and actions. We had to work on this kind of forced labor by rotation and one person from a household had to go for it. Usually, there were three persons that had to take responsibility at one sentry hut... We had to prepare every thing for possible use in this sentry hut. We all have to bring tools and food from our house. I usually brought candles, fire, and food with me to have in the sentry hut. We had to take responsibility about 24 hours in this sentry hut and always had to be alert and keep watching the surroundings all the time... If we were caught sleeping by the patrol soldier, we would surely be beaten or scolded... We could not refuse going for this. If we are not free in the time of our duty, we have to find a replacement by hiring someone. There are many elders around 60 years old and children under 18 years old being forced to work this kind of forced labor. As for me, I had to work for this kind of forced labor many time."* [61]

Villagers undertaking sentry duty have been subjected to abusive training sessions and have reported being beaten for minor indiscretions such as arriving late. Also, the families of forced labourers are often obliged to provide food and water for their relatives while they undergo training, which can last up to a month. The soldiers say they do not have enough food to feed trainees.

Another common task facing villagers along the pipeline is road maintenance. The Zinba road features prominently on Total's website as an example of the kind of improvement which the pipeline has brought to local villagers. However, while the road may have been built by the oil company, its ongoing maintenance falls to local villagers who have to carry out the work unpaid.

> *"[The forced maintenance] started this year because the foreigners complained that they saw cow dung on the road and want us to look after some small damage on the road. We have to check the road condition once a week and if there is small damage, we try to fix it and fill the holes in the road."* [62]

Villagers were also forced to carry out various tasks for the military troops who guard the pipeline. This included construction of barracks and roads, and forced portering. Some of these tasks had reduced in frequency as the construction phase of the Yadana project neared completion but villagers remained engaged in maintenance work, security duty and in supporting the sustained military presence.

> *"Our village is one of the... villages under the Total Company's development zone, but we still have to work on forced labor. The foreigners saw what we have to do but they do not say anything to us. They pass by in their truck while we are building sentry posts and cleaning bushes along the road. But they do not stop to ask us anything. A few times I heard foreigners come to the village and ask whether or not we have to do forced labor. But no one dares to say anything about it when they ask because people are afraid of the consequences."* [63]

Some reports claimed that instances of physical forced labour, such as construction, were reducing but that the reduction was matched by an increase in sentry and security work. Reports of forced portering remain steady and are likely to do so as long as the military remain in the area.
According to one villager from the area;

> *"We have to go porter for them whenever they arrive in the village. We do not have many villagers in the village, so we have to go with them very often. We have no time to work on our job. We have to go with them by rotation and the village head arranges it."* [64]

In addition to quoting testimony from villagers, the ERI report quoted a military deserter from IB #273, who admitted to mistreating porters:

> *"We ask these people to carry shell ammunition, food and supplies... During the portering the soldiers treat porters not so good. I do not want to mention about these bad things so much since I myself I have done it to these people as well at that time."* [65]

On 3 November 2008 it was reported that Chevron had quietly removed much of the detail about its ongoing work in Burma from its website and replaced those pages with a short glossy article summarising the technical aspects of the Yadana project. Chevron had recently (October) been in court in over human rights abuse allegations related to its operations in Nigeria and remains vulnerable to liability in US courts for the abuses committed by the Yadana security forces in Burma.[66]

Numerous articles have appeared in the oil industry press discussing Chevron's decision to take on Unocal and the Yadana project, despite the evidence of their complicity in human rights abuse. Federal Court opinion in *Doe v. Unocal* stated that;

> *"Plaintiffs present evidence demonstrating that before joining the [Yadana] Project, Unocal knew that the military had a record of committing human rights abuses; that the Project hired the military to provide security for the Project, a military that forced villagers to work and entire villages to relocate for the benefit of the Project; that the military, while forcing villagers to work and relocate, committed numerous acts of violence; and that Unocal knew or should have known that the military did commit, was committing, and would continue to commit these torturous acts."* [67]

According to ERI:

> *"Chevron chose to acquire Unocal, and to continue its involvement in the Yadana Project, knowing full well that it was profiting from human rights abuses."* [68]

Shwe Gas Development

The Shwe Project is expected to deliver a pipeline 40 times longer than the Yadana project, travelling approximately 2,300 kilometres through Arakan State, Magwe Division, Mandalay Division, Shan State and on into China. The project was initiated in August 2000 when South Korean company Daewoo International signed a production sharing contract with MOGE. Daewoo currently holds a 51 percent share in the enterprise. Additional key investors include another South Korean company, KOGAS (Korean Gas Corporation), and two Indian companies, ONGC Videsh (Oil and Natural Gas Corporation) and GAIL (Gas Authority of India Limited).

Future investment from China was anticipated and in June 2008 the junta signed an MOU with China National Petroleum Corporation (CNPC) who intend to build a 1,800km pipeline to bring the gas from Kyauk Pyu in Arakan State to Kunming in the Yunnan Province of China. The final gas distribution rights have been purchased by CNPC's subsidiary company, Petro China.

Daewoo started test drilling in the Bay of Bengal in November 2003 and one month later discovered a large natural gas field which it described as a *"world-class commercial-scale gas deposit."* [69] Additional pockets were discovered in subsequent exploration and reserves are currently estimated at 10 trillion cubic feet, almost twice that of the Yadana project.

The Shwe Gas Movement is an international coalition of NGOs, led by activists from western Burma, which monitors the human rights impact of the proposed project. They estimate that the project will generate US $12-17billion for the junta over the next twenty years. They are currently leading an international campaign which aims to:

> *"Postpone the extraction of the Shwe natural gas deposit until a time when the affected people in Western Burma can participate in decisions about the use of their local resources and related infrastructure development without fearing persecution."* [70]

According to Shwe Gas Movement, human rights violations relating to the Shwe Project have occurred in three distinct phases:

1. *"At an early stage of the project, the region became increasingly militarised, and local villagers had to leave their lands without any compensation;*
2. *Relocated battalions appropriated agricultural lands and further forced local villagers to provide food for the troops, thus seriously impeding the livelihoods of thousands of villagers;*
3. *Many locals were conscripted as porters and forced labourers to construct military camps and military infrastructure. Others were forced to clear land and build roads along the pipeline corridor and supply routes."* [71]

They are concerned that the development of the Shwe Project will result in the same human rights violations as have been witnessed in connection with the Yadana Project, which have included:

1. *"Increased extortion of local food supplies and random taxation to feed the new troops, as the regime does not provide central support to its troops;*
2. *Land confiscation for new military installations, access roads and the pipeline itself;*
3. *Forced relocations of villages along the pipeline route;*
4. *Forced labour of villagers to clear land, and build new military installations and access roads for the pipeline;*
5. *Increased sexual violence against local women; and*
6. *Increased restrictions on freedom of movement and the economic activities of local people."* [72]

On 4 November 2008 it was reported that ERI had filed a complaint against Daewoo, alleging contravention of guidelines set down by the Organization for Cooperation and Economic Development (OECD). The complaint also cited Daewoo's involvement in human rights violations perpetrated in Burma as a result of the Shwe Project. According to the complaint, Daewoo and their partner KOGAS had breached at least six OECD guidelines:

> *"by failing to respect human rights, contributing to forced labor, failing to promote sustainable development, failing to disclose information about the project, failing to consult with local populations and by failing to conduct an environmental impact assessment according to international standards."* [73]

According to an ERI submission to the OECD, the forced labour resulting from the initial phases of the project included people being forced to build barracks and roads, work in quarries and act as porters for the military.

> *"Given the Burmese military's well-documented human rights record and pattern of grave violations associated with large-scale development projects, and given the proposed plans of Daewoo and KOGAS to construct a cross-country pipeline from their offshore operations, it is foreseeable that without intervention these abuses and others will continue to occur and increase in connection to the Shwe Project."* [74]

Meanwhile, on 19 November, China announced that it would start work on the oil and gas pipeline which will run from the Bay of Bengal, across Burma and into China. This would include the CNPC section running from Arakan State in Burma to Yunnan Province in China. Construction work was scheduled to start during the first half of 2009, with an estimated cost of around US $2.9 billion.[75]

Road, Rail and Port Projects

Work on the Asia Highway continued in 2008 and also continued to utilise forced labour. Details of individual reports are provided below in Section 7.5, which also details incidents of forced labour and prison labour on various infrastructure projects.

In addition to using outright forced labour, the junta often exploits local conditions to obtain labour at minimal cost. In August 2008 it was reported that female day labourers in Arakan State were working on repairs to the Sittwe-Rangoon Highway for 700 kyat per day. The road is regularly damaged in the monsoon and the group of 20 women from Minbya Township was put to work on the section near Ra Maung Bridge.

The Construction Department had stipulated a rate of 1,000 kyat per day but local officials were taking a 300 kyat cut and paying the workers only 700 kyat. Even at the original 1,000 kyat the wage could be considered as exploitative; the going rate for a day labourer in Arakan State in 2008 was 1,500 kyat. The women were afraid to complain because they previously had no employment and were afraid of being fired. They also said that officials' taking a cut of a labourer's wages was commonplace in rural areas and that it was almost impossible to get the full 1,000 kyat when working for the authorities.[76]

7.4 Forced Portering – Partial list of incidents for 2008

Karen State

On 29 April 2008 a group of 65 people from four different villages in Toungoo District were forced to carry supplies for SPDC LIB #603 troops under the command of Kyaw Zin Ra. The supplies, mostly food, had to be carried from the military camp at Thaung Ye Ka to the new camp at Ku Taw Plo. The villages affected were:

Ku Taw Plo;
Tha Ba Ra;
Ka Ye Plo; and
Kler Mu Kee.[77]

On 3 May 2008, it was reported that MOC #21 troops had taken porters from the following villages in Toungoo District and forced them to carry rations from Play Hsar Lo camp to Ga Mu Lo:

1. Play Hsar Lo village, 1 woman and 3 men;
2. Yaw Lo village, 1 woman and 3 men; and

Plaw Baw Der village, 3 women and 3 men.[78]

It was reported on 7 May 2008 that troops had taken more porters to carry rations from Play Hsar Lo to Ga Mu Lo in Toungoo District. This included six women and three men from Play Hsar Lo and three women from Plaw Baw Der.[79]

On 12 May 2008, the MOC #21 troops in Toungoo District took additional porters from the following villages:

1. Play Hsar Lo village, 12 women and 22 men;
2. Paw Pa village, 7 men and 5 women;
3. Yaw Lo village, 5 men and 5 women; and
4. Plaw Baw Der village, 2 men and 4 women.

The villagers were forced to carry rations from the military camp in Play Hsar Lo to a new camp in Htee Blar Dai.[80]

On 13 May it was reported that troops from MOC #10, TOC #2, based in Ker Wei, had taken porters from the following villages in Toungoo District;

Khu Thay Der, 12 persons;
Sa Ba Law Kee, 10 persons;
Khaung Law Ka, 10 persons;
Der Ka, 10 persons; and
Ler Ghee Ko, 10 persons.

They were ordered to bring rations to the camp from Thaundaung city.[81]

Several reports of villagers being forced into portering for SPDC and DKBA troops were received from Thaton District during June. On 19 June 2008 the combined troops of SPDC IB #24, Column #1, and DKBA forces led by Tha Myint, arrived in Plaw Po village and demanded 15 people for portering duty. Column #2 of SPDC IB #24, led by Than Aye Naing, arrived in Pay Pau village on the same day, accompanied by DKBA soldiers led by Kaw Hai. They demanded three porters from the village. The troops then proceeded to move from village to village, demanding fresh porters from each in turn. Column #1 passed through the village of Ta Reh Khi, where they took eleven people as porters, then Htee Wah Pu and Ta Yweh War, where they took three people each time. Column #2 passed through Ta Maw Dot and lower Naung Ka Tok, taking three people from each village. Each time they arrive at a new village, the porters were permitted to leave the column and return home but they were forced to purchase a travelling pass in order to do so. The passes were priced at 300 kyat each.[82]

During July 2008, residents of Gk- village (villages identified in this fashion in this and subsequent incidents have had their names changed for security purposes) in Dta Greh Township, Pa'an District, were required to provide portering services for SPDC LIB #565 under Commander Hlaing Htun Oo. The villagers were not provided with any food while they were working and were not compensated for the time lost. The villagers were particularly worried because the route between the two army camps went through an area where landmines were a hazard.[83]

On 3 July 2008 it was reported that Column #1 of SPDC IB #24 arrived in Thaton Township and demanded 15 porters from the village of Yaung Oo Pu.

On 15 July 2008 it was reported that troops from DKBA #333, led by Thaw Ma Na, arrived in Wei Pyan village of Thaton District, at 2:00 am, pretending to be rebel soldiers. They demanded 500,000 kyat from the village head who initially refused, but eventually paid 300,000 kyat. It was later reported that SPDC IB #24 and DKBA troops led by Tha Myint had been patrolling Thaton Township together since the third week of June. They developed a practice of enlisting porters from each village they visited. The porters then carried their supplies to the next village where they were released and replaced.[84]

Further reports detailed that a total of 39 people were taken for portering duty by SPDC IB #24 and Battalion #2 of DKBA Brigade #333 during this time from four unnamed villages between 19 June and 7 July 2008.[85] According to a local villager from Bilin Township of Thaton District;

> *"Both women and men were included in the forced labour. We didn't let the [young] children go. We only asked villagers who were able work. The youngest were over 10 years old. The oldest were like me - 70 years old. I always have to go and do forced labour."* [86]

Additionally, two people from Nuang Ka Toak and Noh Ber Baw villages in Bilin Township, Thaton District, were forced to carry military supplies on 21 September 2008 for troops stationed at Naung Ka Toak military camp.[87]

On 11 December 2008 it was reported that a number of people from Sha-si-boh village tract in Tantabin Township, Toungoo District, were forced to transport military supplies for SPDC LIB #149. Initially they had to provide 100 bullock-carts to take supplies from the Po-mu-khee area to the military camp in Htee-nya-pei-lo. They were then instructed to provide 80 people to act as porters. The following day the soldiers took another 70 people, including 30 women. The journey from Sha-si-boh village tract to Po-mu-khee, where the supplies were to be collected from, takes approximately two hours by foot. The journey to Htee-nya-pei is then a further three hours.[88]

Karenni State

On 14 July 2008 it was reported that SPDC IB #427 had conscripted 23 porters from the villages of The-Ri-Dah, Dawei Raw and Daw Mu Leh in Shadaw Township while exchanging troops. The porters, who included three women, were forced to carry military supplies to the camp on Ta-ngu-hso (Htay-yu Mountain), which is an eight hour journey on foot. During the trip the villagers were ordered to walk in front of the troops in case they came across any landmines or were ambushed by local Karenni rebel troops.[89]

It was reported in September 2008 that SPDC troops were killing prisoners and porters in Loikaw Township in order to back up the claims made to superiors that they had successfully clashed with insurgents. Khu Nye Reh, administrator of Loikaw Township in Karenni State, provided details of incidents which took place in Dowkuli village in the Loikaw area involving SPDC LIB #336, which is led by Commander Naing Naing Oo. He said that the troops had arrested an opium trader, used the money they took from him to purchase uniforms and a gun from a ceasefire organisation and then shot a porter wearing the uniform. They subsequently reported a clash with Karenni insurgents resulting in one death and the capture of a weapon. There were reports of similar incidents in Shadaw Township in eastern Karenni State earlier in the year. A military source denied the reports but did admit that porters who became too weak were sometimes shot and occasionally burnt alive.[90]

Mon State

On 20 November 2008 it was reported that three rebel soldiers and one villager had been found dead following a clash with SPDC LIB #299 soldiers near Man-aung village in southern Ye Township on 17 November. The dead villager was identified as Nai a Saing and local sources say he had been forced to leave his work and accompany the soldiers as a porter. Local sources say that they were afraid to work on remote farms or plantations because of the risk of being forced into working for either rebel soldiers or SPDC troops.

HURFOM reported a range of human rights violations against at least thirty villages in the area, perpetrated by troops on both sides.[91]

Shan State

Reports from Shan Human Rights Foundation (SHRF) claimed that incidences of forced portering in Shan State increased during 2008. The practice had somewhat abated at the beginning of the decade as a result of pressure from the ILO and the international community and the SPDC troops had started using prison labour instead. However, the practice never completely died out with civilian labour still being used, albeit less regularly and in smaller numbers. The practice began to pick up again towards the end of 2007 and reports also noted that the terms were harder than ever with no exceptions being made for women or the sick and injured.[92]

Nine families from Htaw Day village in eastern Shan State fled the area because they could no longer bear the burden of portering for local troops. Villagers in this area were ordered to work two or three days a week, every week, between 7 November 2007 and 1 January 2008. Only seven households remained in the village and all were concerned that the village chief would be punished if they all left.[93]

It was reported that on 20 March 2008, three men were arrested in Nawng Purk village in Haai Seng village tract, Laikha Township, by SPDC troops from IB #248, which was based in Murng-Nai at the time. The men were identified as:

1. Lung Aw, aged 48;
2. Kan-Na, aged 37; and
3. Lung Su, aged 53.

They were taken to Nam Wo village in Nawn Hee village tract, Nansang Township and forced to carry supplies for the soldiers as they travelled. During this time their hands were tied to the yokes on which the supplies were loaded. When they stopped for the night in Nam Wo the porters were placed in the village monastery. At approximately 4:00 am one of them, Lung Aw, was shot by the SPDC troops. They claimed he had been attempting to escape. The remaining porters were accused of being members of a Shan rebel group and taken to a military base in Laikha Township where they were detained. Reports received later in the year confirmed they were still in detention. [94]

In April 2008, it was reported that over 20 villagers from Nawng Wawn village in Hopong Township were forced to work as porters for a column of combined SPDC troops. Around 70 soldiers arrived early in the morning of 7 April in a group comprised of troops from different units. They were on their way to fight an armed group based in a Pa-O area and required porters to carry the ammunition as well as rice, cooking oil and other general supplies. The villagers carried their loads for over a week as the troops moved south. They were released after they reached their destination and returned home. One of the porters, Mu Lin, aged 40, had already been suffering an illness before he was taken and returned home very weak. When reports arrived that the armed group in the Pa-O region were forcibly recruiting local villagers, Mu Lin decided to flee the area with his family. They headed for the Thai border via Mong Pan and Mong Ton but Mu Lin collapsed from exhaustion on the way. He died in Naa Kawng Mu village in Mong Ton Township.[95]

In May 2008, it was reported that 12 villagers from Kae See Township in southern Shan State were taken by troops from SPDC LIB #541 to serve as porters while they carried out a four-day patrol. The troops arrived in Maak Mer village in Ho Nawng village tract on 1 May and conscripted 12 men who were working on a farm. SPDC LIB #541 is based in Ham Ngaai village in Mong-Kung Township. The troops were tasked with collecting the names of local residents who would be eligible to vote in the Constitutional Referendum and the villagers were required to carry a range of supplies, including ammunition, food and clothing. Some of them had to carry 60 mm mortar shells on shoulder poles and some were even required to carry the soldiers' spare boots. The conscripted villagers included:

1. In-Da, aged 44;
2. De-Win, aged 29;
3. Zaai Oo, aged 34;
4. Lung Aw, aged 50; and
5. Kaw Na, aged 45.

They were released four days later after accompanying the patrol through Maak Mer, Ho Nawng, Khaai ton and the surrounding areas. Local sources say that the villagers of Ho Nawng village tract were also obliged to provide a daily supply of water to the camp in Ham Ngaai during the dry season between March and June. They were required to deliver three bullock-cart loads of water every day and any failure was fined at a rate of 3,000 kyat per cart each time.[96]

On 2 June 2008, a group of five women from Mong Pan Township was taken by troops from SPDC LIB #332 to work as porters for three days. The women were working on a farm with their husbands near the abandoned village of Pung Zaan in Nawng Lom village tract. Two of the women, Naang Zaw and Naang Nguya, were originally from Pung Zaan village and the others were from other villages nearby. All had been forcibly relocated to Mong Pan Township but returned to the abandoned village tract every day to work their farms. As they saw the troops approaching the group decided that the men should hide in the forest as the soldiers were unlikely to take women. However, the soldiers were willing to take whoever was available as they needed porters. SPDC LIB #332 was based in Mong Pan Township and the troop of 30 soldiers was carrying out a patrol of the jungle areas looking for insurgent groups. The women were required to carry pots, pans and food for the soldiers. They were provided with very little food during this time and were not paid or compensated in any way.[97]

On 16 July 2008, a group of villagers from Hsai Khao village in Ksai Khao village tract of Kunhing Township were ordered to act as porters for a group of soldiers from SPDC LIB #569. The soldiers were based in Keng Tawng, in Mong Nai Township and were carrying out a patrol of the Kunhing area. The villagers were supposed to carry weapons and reveal the location of a shortcut to a nearby rebel camp. One of the men taken, Sai Nanda, aged 28, was not a native of the area and was, therefore, unable to guide the soldiers. He was accused of being a rebel soldier and beaten around the head. He was eventually returned to the village with several injuries.[98]

It was reported in August 2008 that five men from Naa Paang village in Wan Paang village tract, Kae See Township, were taken by SPDC IB #131 to work as guides and porters for a period of six days. The troops, led by Commander Aung Sein, arrived in the village at around 5:00 am and forced the five men to accompany them on a patrol of the village tract. The men were identified as:

1. Lung Thun, aged 49;
2. Lung Awng, aged 53;
3. Lung Long, aged 55;
4. Lung Zaam, aged 48; and
5. Lung Aw, aged 52[99]

In September 2008 it was reported that a porter had been beaten to death by SPDC troops from SPDC IB #286 during an incident which took place the previous year. The man was identified as Zaai Zaai, aged 38, from Murng Naang village tract in Kae See Township, and was one of two villagers who had been assigned to work for the troops following their arrival in the village. The men had been enlisted as guides but were also required to carry pots and pans and other supplies as the troops patrolled the rural areas of the village tract. After ten days, Zaai Zaai was suffering extreme fatigue and also stomach pains from a pre-existing hernia condition. As neither of the Shan villagers spoke sufficient Burmese they were unable to explain the problem to the soldiers. Consequently when Zaai Zaai became unable to walk he was kicked and beaten with sticks. When they realised he was dead, his body was thrown down a ravine about 24 km south-east of Murng Naang village. The second man, 24 year old Zaai Thun, was released two days later but threatened not to tell anyone about the killing of Zaai Zaai. The soldiers informed the village headman that he had died due to illness and offered his family a sack of rice as consolation.[100]

It was reported in November 2008 that SPDC LIB #518 troops patrolling in the areas of Mong Kung and Kae See Townships of southern Shan State had taken a number of villagers from the following village tracts:

1. Harmngai;
2. Wan Mong;
3. Mong Hkun;
4. Wan Khem;
5. Wan Khong;
6. Mong Kao; and
7. Wan Kieng.

The villages were required to act as porters and also carry out sentry duty. They were kept in service for an average of one week. SPDC LIB #518 is led by Lieutenant Colonel Thant Zin Latt and comes under the command of Colonel Khin Maung Tin of MOC #2 which is based in Mong Yawng Township.[101]

In December 2007 it was reported that over 80 villagers from Kunhing Township had been taken by troops from SPDC IB #246, led by Major Khin Maung Lwin, and SPDC LIB #524, led by Major Hla Oo, and forced to work as porters. The first 30 villagers conscripted were all males aged between 20 and 50. They were taken from Saai Khaao village in Saai Khaao village tract on 15 December 2007. They were forced to march through the night, arriving in Wan Lao village the following day. The conscripted porters were detained in a school building while the troops rounded up a further 53 people from Wan Lao and the surrounding villages, including Kot Pung, Naa Mon, Long Maw and Wan Khe.

With sufficient porters in tow, the troops continued with their patrol of Wan Lao, Ho Yaan and Kaeng Kham village tracts. The villagers carried food, ammunition, clothes, pots and pans and other equipment. They were released several days later when the patrol was finished. During this time, additional villagers from Nawng Mai, Paang Hok and Khaai To were detained at the Kunhing base camp by the artillery unit where they were on standby for portering duty, carrying artillery parts and ammunition. SPDC IB #246 carried out regular patrols of the area and normally conscripted local villagers to work as porters and guides. It was customary for them to take ten people from a village and release them two or three days later after obtaining replacements from another village on the route.[102]

Civilian villagers from Thaton District in southern Karen State supplying bamboo to the SPDC without compensation. Time spent performning labour for the military is time lost which would otherwise be spent working in their own fields to raise enough food to feed their families. *[Photo: © FBR]*

Pegu Division

On 1 August 2008 it was reported that SPDC LIB #589 had set up a base on a hill near Don Zayit village in Shwegyin Township. They had also set up a checkpoint beside the creek and were demanding a passage fee from all boats and passengers. Locals also said that a number of villagers had been abducted from the nearby jungle area where they cut bamboo and had been forced to work as porters, delivering rations to the frontline camp in Win Phyu Taung. The villagers of Don Zayit had since stopped collecting bamboo because of the soldiers' actions.[103]

Tenasserim Division

On 31 October 45 troops from Column #2 of SPDC LIB #15 arrived in Pawa-Kwin-Shay village, Tenasserim Township, at 11:00 am and arrested nine men who were accused of hiding an AK-47 rifle on behalf of KNLA soldiers. The men were bound with ropes, taken to the centre of the village and beaten. According to local sources, the beating was carried out by the troop commander, Lieutenant Colonel Ko Ko Lwin, and two of his soldiers. Eventually, seven of the men were released, namely:

1. Saw Paw Lu;
2. Saw Waw Dee;
3. Saw Khaw;
4. Kaw Hla Naing;
5. U Cho;
6. Saw Ki; and
7. A-Phoe-Luu-Suu.

The remaining two, Saw Nyein Oo and Saw Pha Ma, were taken as porters.[104] An unidentified villager from Pawa-Kwin-Shay village, described what happened to the two individuals as follows;

> *"Burmese troops took these two men along with Column #2 that evening to carry army food to Mee-Hlaung-Ai village, about three kilometres to the north of Pawa-Kwin-Shay village. But we have not heard news from them since they were forced to go with the troops. Their families are very worried for them."* [105]

7.5 Forced Labour – Partial list of incidents for 2008

Arakan State

Despite reports of widespread famine in Arakan State, troops have conscripted many villagers in rural areas for labour and confiscated large areas of land, including farms. Farmers who wanted to work their land were obliged to rent it back from the military; however, many were unable to do so and were forced to relocate. Those who had been enlisted for labour were engaged in various tasks including portering, carrying messages and cooking.[106]

Buthidaung Township

On 29 June 2008 it was reported that villagers from Krin Tha Mar village tract of Buthidaung Township were being forced to work on paddy fields owned by SPDC Battalion #535. The villagers complained that the soldiers were also making use of their livestock and that their own harvest was in jeopardy.[107]

On 26 December 2008 it was reported that villagers in Buthidaung Township were being forced to work in the local MOC camps. The villagers worked from 8:00 am to 5:00 pm and their duties included vegetable farming, building, fencing, cleaning and reconstruction work on roads which were damaged during the monsoon. The local NaSaKa forces also carried out random checks at night on family lists in Buthidaung Township and locals said they had been making arrests and imposing fines for spurious offences. Meanwhile, the TPDC seized an area of arable land under the pretence of donating it to cyclone affected villagers. Subsequently, the land was made available to the farmers who previously owned it for paddy cultivation, but at a cost. Farmers were forced to hand over 14kg of paddy per acre to TPDC officials as payment for being allowed to work the land.[108]

Kyauk Pyu Township

According to local sources, fishermen in the Kyauk Pyu area had been engaged in forced labour since 15 July 2008. The fishermen were arrested in the Bay of Bengal and brought to Kyun Thaya naval base to carry out repairs to structures that had been damaged during the May storms. Most of the fishermen were from the Rakhine and Rohingya communities in the Kyun Thaya island villages. Kyun Thaya is an outpost on the border of Myebon and Kyauk Pyu Townships, under the command of Dayawaddi naval base.[109]

Local villagers were also said to be working in weekly rotation on the Kyauk Pyu - Maayee Road. Upon completion this new road will have a total of nine bridges and join the highway to the Kyauk Pyu - An Road. Reports claimed that the workers had been sourced from Kyauk Pyu and Ramree Townships and were paid only in low grade rice. Approximately 100 persons were required to report for work each week, staying at the construction site until they were replaced. At the time of reporting in October these people were not certain how long it would take to finish the road or how long the forced labour would be ongoing.[110]

On 17 May 2008 it was reported that residents of Pada village in Maei Town had been subjected to forced labour by SPDC Battalion #52, which was based at Kyauk Pyu. VPDC headman, U Maung Soe Hlaing, received the order from Major Win Min Nyein for the supply of a bullock-cart and a number of villagers to transport food supplies.[111]

Kyauk Taw Township

On 24 November 2008 it was reported that people from Zee Chaung village of Kyauk Taw Township were being used in the construction of the Zee Chaung Dam. The military did not provide any wages for the work but did give each worker two kilograms of rice per day. Approximately 100 to 150 were said to report at 6:00 a.m. each day and work until noon. The report claimed that authorities were anxious that the dam be finished in 2009 as it was intended to supply hydro-electricity to a new military office. MOC #2's headquarters was said to be moving to Kyauk Taw Township in 2009 and the whole of the western office was to be powered by the dam.[112]

Maungdaw Township

On 13 July 2008 it was reported that U Khin Maung Tun, Chairman of Maungdaw TPDC, had ordered local residents to purchase rubber saplings at a cost of 300 kyat each. The villagers had been told to plant the saplings and cultivate them. The saplings were originally cultivated in local nurseries in Kyikan Pyin in Maungdaw Township under the supervision of the TPDC and NaSaKa (Border Security forces). In one specific village tract, Maung Nama, the authorities had seized ten acres of land which was to become a rubber plantation. Locals were convinced that authorites would use forced labour to cultivate the plants.[113]

Villagers in Maungdaw Township received an order on 18 September 2008 for them to work on the repair of the Maungdaw - Bawli Bazaar Road in advance of a visit by Major General Thaung Aye of the Western Command. At least 100 people from each village were required to take part in the work. It is also appeared likely that local labour would be required for the VPDC owned rubber plantation. At the time of the report the plantation was expected to produce a yield in the near future and was likely to prompt another visit from the Western Command commander.[114]

A report from October suggested that approximately 200 villagers were being forced to work in a rubber plantation near Aung Mamgala modern village in Maungdaw. The plantation is run by the TOC in Buthidaung and is situated on land which was confiscated from the local Rohingya community three years ago. After the land was confiscated, local villagers were ordered to buy rubber seedlings, at a cost of 250 kyat per seedling, and to cultivate them. As of October 2008 the villagers were required to maintain the plantation which includes fixing fences, spreading fertilizer and clearing the grass around the plants. The villagers were not being paid or compensated in any way for this work. The obligation left many facing a food crisis as they were unable to farm their own fields or to earn money through normal paid labour. The local Rohingya villagers claim that they were the only ethnic group forced to work in this way and that the residents of Aung Mamgala NaTaLa (Modern) village were not being subjected to the same orders.[115]

Villagers of Maungdaw Township were forced into assisting a military build-up in the area after the first week of November 2008. NaSaKa officials ordered that at least 20 villagers from every village on the northern side of Maungdaw Town were to report for work every day. The villagers were utilised to dig camps, trenches and bunkers. The villagers were provided with two kilograms of rice in exchange for their labour but those who were unwilling or unable to work were obliged to pay 1,500 kyat to hire replacements. Tensions were originally built up in this area as a consequence of the junta's attempts to explore oil and gas in the disputed maritime zone in conjunction with Korean company, Daewoo. According to local traders, a number of soldiers were brought in by truck and stationed to the north of Maungdaw, particularly in Min Ga Hla Gyi village tract. Troops that were previously stationed in Kyauk Taw Township and in nearby areas of Karen State were also redeployed to the Maungdaw area. The tensions dissipated somewhat following diplomatic discussions and the withdrawal of the warships but the issue of the maritime border remains unresolved and the military has continued to amass troops on the border with Bangladesh.[116]

Later in November 2008 it was reported that people from the following villages had been instructed to provide labourers twice a week to work on crops for the TPDC:

Gyikan Pyin;
Nwah Yon Daung;
Phur Wut Chaung;
Bagona Nah; and
Ngan Chaung.

Every village was instructed to produce one acre of onion, one acre of garlic and two acres of sunflower plants. They were also obliged to provide their own fertilizer and a pair of draught cattle to plough the fields each week. The forcibly cultivated land lay along the Maungdaw - Bawli Bazaar Road and was previously confiscated from Rohingya farmers and given to NaTaLa villagers. In 2008 the TPDC was using the land for its own purposes and profit. SPDC authorities also ordered the production of sunflower, pulse and potato crops in Maungdaw and Buthidaung Townships. Consequently the villagers had two orders to fill for regime authorities and no time to grow their own crops.[117]

On 5 December it was reported that TPDC authorities in Maungdaw had given orders for villagers to work on the construction of the road from Bawli Bazaar to 3-Mile Gate, a distance of approximately 20km. The villages affected included:

Maung Nama;
Kyi Gan Pyin;
Hor-o-Dil (also known as Nwah Yon Taung);
Bakka Ghona;
Ngan Chaung;
Pawet Chaung; and
Nga Sa Pru (also known as Ngar Sar Kyeu).

Each village was required to send between 100 and 200 labourers, who worked from 7:00 am to 12 noon and again from 3:00 pm to 5:00 pm without receiving any payment.[118]

Minbya Township

Major General Khin Zaw visited the recently reconstructed Yawchang Bridge on 22 October 2008. The bridge links the highway roads of Mrauk U and Minbya and was destroyed during the previous monsoon season. It was rebuilt using forced labour from local townships. Approximately 200 villagers reported for work each day, mostly from the villages of Tarain, Pauktaw and Hlamaa.[119]

Villagers from Minbya Township reported being forced to work on the construction of the Rangoon - Sittwe Highway during November 2008. The road was damaged during the rainy season and many parts of it required repair. The villagers were not compensated for the work and any household which failed to provide a labourer was fined 5,000 kyat. According to local sources from Minbya Township,

> *"The order was issued by Major Zaw Lwin from Division Central Training School No. 9 based in Kan Ni village in Min Bya Township, but it is being implemented by Police Inspector U Soe Shwe on Zaw Lwin's instructions."* [120]

The affected villages included Swan Ray, Kraung Ri Chaung, Chaung Ri and Pali Pauk although other villages located near the road were called upon as and when required.[121]

Mrauk U Township

On 27 March 2008 it was reported that residents of Mrauk-U Township were being forced to carry out repairs and improvements to the township drainage system. The authorities issued orders for approximately 100 people to report for work each day. The villages affected were:

1. Maung Daratpyrin;
2. Auordat;
3. Parin;
4. Khauk Doke;
5. Paung Tuwa; and
6. Shewgutaw.

The villages of Parin and Khauk Doke are five miles from the work site and transport was not provided for them. None of the villagers were paid for their work and food was not provided during the day. On top of this, the authorities collected money from Mrauk-U residents to pay for the improvements but local sources said that they had used this money for their own purposes and it was not spent on the drainage system.[122]

On 2 December 2008 it was reported that military authorities in Mrauk U Township had forced local villages to provide 20 people each day to work clearing brush and grasses from Ah Bound Daw Mraung dam. The order to clear the dam was issued by General Khin Zaw from the defence department in Naypyidaw after an inspection in November 2008. The military officials decided to pass the work on to the local residents but did so without providing any pay or even food in exchange for the labour. The dam is about ten miles from Mrauk U town and was built five years ago to distribute water to agricultural projects run by SPDC Battalions #540, #378 and #379. The villages which provided labour included:

1. Okk Paw Gan;
2. Bu Wrat Ma Nyo;
3. Maung Re Gan;
4. Pauk Taw Byin;
5. Let Kar;
6. Lat Sit Byin;
7. Kyi Ra Byint; and
8. Tha Ma Rite.[123]

Sittwe Township

On 1 August 2008 it was reported that people from several villages in Sittwe Township were being forced to work on a castor oil plantation. The plantation was situated on confiscated land that was previously used for grazing. According to one local villager from Sittwe Township,

> *"The forced labor is being used by the village council, Rayaka, on the orders of the Sittwe Township authority, and the villagers have to work at the castor oil plantation whenever the authority needs forced labor for the plantation... Recently our villagers had to go to the castor plantation to work without any wage. We had to work there at many tasks, including putting up fences, making drains or gutters, and cleaning up brush on the plantation."* [124]

The villages affected were:

1. Kwee Day;
2. Amyint Kyunt;
3. Par Dalike;
4. Nga Tauk and
5. Chi Li Byint.

On 3 September 2008 it was reported that residents of Sittwe Township had been pressed into night sentry duty in an attempt to prevent any uprising. The 2007 Saffron Revolution had started during the previous September and dissatisfaction levels remained generally high in Arakan State around the one year anniversary of the uprising and authorities were concerned about the likelihood of repeat protests or demonstrations. Deployment of official security forces was also increased and some ward councils collected money from those households who were unable to supply anyone for sentry duty. Residents of Rupa (South) Ward reported a tariff of 2,000 kyat per household. There were also variations in the extent of sentry duty required. Some wards required a full nightwatch but others only required sentries between 7:00 pm and 10:00 pm.[125]

Chin State

On 29 April 2008 it was reported that the SPDC had suddenly stopped the use of forced labour in Chin State. It was believed that this was linked to the referendum being held on the constitution on 10 May 2008. An unnamed source residing in Chin State made the following allegation,

> *"Surprisingly, there is no more forced labour and they have stopped using porters as they did previously. I think the reason is that the military authorities are worried that they might lose votes of the people."* [126]

According to local sources, the order to stop the use of forced labour and porters was issued during a visit by Brigadier-General Thura Aung Ko, Deputy Minister of Religious Affairs. Thura Aung Ko was in Chin State during the first two weeks of April to assist the state's tactical commander, Brigadier-General Hung Ngai, with the launch of a campaign in support of the referendum and the new constitution. A member of the Chin Human Rights Orgnisation, based in Mizoram in India, commented at the time that,

> *"These days, we do not get reports of soldiers forcibly engaging people into labour and for carrying army rations and ammunition along the Indo-Burma border between Chin state and India's northeastern state of Mizoram… It is possible that stopping forced labour and using porters in Chin state is another of Burmese regime's tactics to woo voters in the referendum."* [127]

Falam Township

On 10 October 2008 it was reported that people from Rih Town, a sub-town of Falam Township in northern Chin State, had been forced to work fencing army camps for SPDC LIB #268. The soldiers had also taken 20 chickens and two pigs from the local villages of Sa Ek, Thangcang and Lianhna. The area was at the time in the midst of a food crisis and a single chicken was worth 5,000 kyat, while a pig was worth 50,000 to 100,000 kyat. The confiscation of the animals was a huge loss to the villagers.[128]

On 20 November 2008 it was reported that villagers from Congheng, Zamual and Var Villages near Falam Township were being forced to clear bushes from roadsides and state owned property in a bid to prevent forest fires. The villagers were required to clear all bushes to a distance of 50 feet from the road, from the jetropha plantation areas and from all tea and hydro electricity producing areas in Falam. Farmers in the area were also tasked with clearing bushes around their own land during the summer season. Any occurrence of fire was deemed punishable by a fine of 1-1.5 lakh kyat and three years in prison.[129]

Matupi Township

The TPDC in Matupi, the second capital of Chin State, were reported to have been using local civilians to clean up 70 acres of state owned tea plantations. Work started in October 2008 and those who were unable to work were fined. Local sources say people were forced to work three days in a week and that the fine for non-compliance was 3,000 kyat. The areas affected were four blocks within the township identified as:

1. Lawngvan;
2. Ngala;
3. Khoboi; and
4. Cangbawng.

Locals also said that such instances of forced labour did not occur prior to the 10 May referendum but did take place in various parts of Chin State after May.[130]

Paletwa Township

On 7 March 2008 it was reported that SPDC Battalion #289, which operates under the Western Command, was using people from the Marit village tract in Paletwa Township for forced labour on their own agricultural projects. The villages affected were:

1. Sami;
2. Noonbu;
3. Sik Chainwa; and
4. Stanwa villages.

Approximately 80 people were engaged in agricultural work or animal husbandry for the troops, who were led by Captain Nay Hlin Aung. They normally worked from 8:00 am until sunset and were not provided with any food during the day. They also had to supply bamboo, log and timber when these were required for the projects.[131]

Villagers in Paletwa Township were also said to have been working for SPDC LIB #289 from 19 May 2008, according to local sources. The villagers were forced to carry out a variety of tasks including digging trenches, cutting thatches, construction and renovation of barracks. It was claimed that this work was carried out every year before the onset of the monsoon. However, in 2008 the trenches were being made with brick and concrete instead of wooden pillars. The villagers were working from 6:00 am until noon every day on a rotational basis and were not paid or compensated.[132]

Tiddim Township

Residents of Tiddim Township also reported being forced to construct fences for SPDC LIB #269 troops based in Tuithang and Kaptel villages.[133]

Kachin State

Myitkyina Township

On 20 June 2008 it was reported that hundreds of civilians in Myitkyina Township, the capital of Kachin State, had been pressed into working on SPDC-owned plantations. The forced labourers were put to work on castor oil tree (also known as physic nut trees) plantations on a bio-fuel production project. The use of unpaid civilian labour began after the constitutional referendum in May.

Local witnesses said over 100 people from Du Mare (also known as Du Kahtawng), Shatapru and Tatkone quarters were out planting saplings between the hours of 6:00 am and 9:00 am. They were forced to continue with the work even during heavy downpours of monsoon rain. Village and quarter administrators say they were told to ensure that no more than ten people worked each plantation sector because the junta was worried that large numbers of workers would attract media attention. Residents also reported that they had carried out similar work the previous year but had been paid. This was the first time they had been engaged in forced labour.[134]

It was reported on 22 October 2008 that Artillery Battalion #372 led by Major Ye Yint Thwe had issued a mandatory order for local villagers to undertake night sentry duty. The order was issued to the people of Mayan, a Kachin village on the Myitkyina-Mandalay railway route, near Namti city. Locals said the villagers have been forced to construct guard houses on every block of the village and that three people were obliged to stand guard in each house each night. The order for sentry duty came at the beginning of the paddy harvesting season, which is one of the busiest times for Mayan villagers, and this made the duty particularly onerous. On 18 October, three villagers were beaten by a section commander for falling asleep during sentry duty. The commander also threatened to shoot them.

There were also reports that the soldiers garrisoned in the local Artillery Battalion base had increased the number of village-owned cattle which they could take. Previously, they only slaughtered cattle which accidentally entered their compound or their sugar cane plantations. However, there were reports prior to October of cattle that were tied to poles in the village pastures being taken for slaughter at the base.[135]

Karen villagers from Gkroo See village performing forced labour for the SPDC maintaining a military access road. This photograph shows a group of women and children laying stones to form the road's base, upon which they would further be required to lay earth and smooth out the road's surface. *[Photo: © KHRG]*

Karen State

Dooplaya District

A villager from Maw Khee village tract reported that 21 households from Kaw-la-mee village in Kawkareik Township, Dooplaya District, were forced to start working on a corn plantation owned by DKBA Battalion #907. The villagers started work on the plantation at Pah Ter Ler on 2 December 2008 after receiving the order from unit commander Pah Dee.[136]

Nyaunglebin District

On 6 February 2008, 150 villagers from Wei Gyi and Hor Ko Gaw village tracts were forced to work on enlarging the military camp at Hor Ko Gaw for LIB #599. Also on 6 February the same villages were required to supply 1,800 shingles of roofing thatch and 200 pieces of bamboo for LIB #351. These soldiers later moved their camp to Kyaung Pya where the local villagers were required to supply 7,000 shingles of roofing thatch and eight local timber mills were ordered to pay 150,000 kyat each.[137]

On 22 March 2008 SPDC LIB #590, under the command of Deputy Battalion Commander Saw Moe Win, forced local villagers to build a new camp for them. They were kept under military guard and required to work every day until the camp was finished. The villages affected were:

1. Myaung Oo;
2. Hti To Lo;
3. Paw Pi Dor;
4. Aung Chan Tha; and
5. Si Pin Tha.[138]

On 24 March 2008, a group of 21 Karen villagers were forced to build a road from Kamulo village to Ler Wah Day by SPDC army soldiers from MOC #21. Nine of the group were from Yu Lo, two from Ka Mu Lo and ten from Maladaw. These villages were told they had to carry out the work or pay 40,000 kyat to pay for replacement labourers. Ethnic Burman villagers in the same area were not subjected to the same demands.[139]

On 30 March 2008, Saw K'Lu Htoo from Mawko village in Mone Township was injured by a landmine after being ordered to act as a human minesweeper for a bulldozer by MOC #21.[140]

On 8 April 2008 SPDC LIB #599, stationed at Aung Lung Sein camp, enlisted a number of local villagers to carry out various kinds of labour for them. People from ten different villages were forced to build eight security huts along the car road from Kyun Pin Seid camp to Aung Lung Sein camp. They were then required to leave three men at each hut on security duty. Anyone found sleeping on duty was fined one *viss* of chicken. An additional 35 villagers were forced to build fences around the camp. The villages affected were:

1. Wei Swan;
2. Ta Kaw Pwa;
3. Aung Ling Sein;
4. N'Pwa Daw;
5. Shan Lay Si;
6. War Do Kla;
7. Hor Hta Plaw;
8. Koni;
9. No Nya La;
10. Si Pa Ler; and
11. Kyun Pin Seik.

Villagers living in proximity to Aung Lung Sein camp and Kyin Pin Seik camp were forced to cook, carry water, clean and take care of the animals on a regular basis.[141]

During March and April 2008 the residents of Gk'Moo Loh, Ma La Daw and Maw Gkeh Tha Bper Koh villages were ordered to carry out construction work on the vehicle road running from Tha Bpyay Nyunt to Buh Hsa Ke in southern Toungoo District. The order came from Soe Win, commander of SPDC LIB #320, MOC #21, which was based at Tha Bpyay Nyunt.[142] A local villager from Mone Township who wished to remain unidentified recalled the following;

> *"We've had to repair the vehicle road in the area of Gk---. They [SPDC soldiers] ordered us to clear the side of the road and fill in the holes [in the road]. We had to sleep there for a day. They didn't give us any payment. We had to bring along our own food. The order was from Battalion #237 which is based at Maw Gkeh Tha Bper Koh and the commander's name is Ko Ko Aung. Some people didn't go to do loh ah pay [forced labour], so they hired people and paid them 40,000 kyat for four days… For the people who aren't able to hire others, they must go themselves. During that time, a man injured his leg. The soldiers didn't take care of him. That man was over 30-years-old and he has two children."* [143]

Another villager from Mone Township, identified only as Saw Gk--, also described having to work for the SPDC army;

> *"We must always work for the SPDC, such as by repairing the vehicle road. They gave the order to us [and the villagers went to do the forced labour] on March 14th 2008, and [the villagers finished the work and] came back on March 18th 2008. The order was from [SPDC] LIB #320. At that time there were 10 people who went for loh ah pay. When we constructed the road, the SPDC military soldiers guarded us. They were worried that we would escape. We had to do the road construction for the whole day. It went from 7:30 [am] to 5:00 [pm]. On another day, we had to do the other things. They [SPDC soldiers] accused us of planting landmines, so we're [caught] in between the two armed groups [SPDC and KNLA]. The commander's name is Soe Win. He led Column #2. And the other two leaders were both younger than me. On the last day [of the four days of labour], they provided us with some food to eat… We started to do loh ah pay in March [and have continued] until April. They haven't given us anything for payment."* [144]

On 31 March Saw Gk--, a 34 year old man from Mone Township, stepped on a landmine while collecting bamboo for SPDC troops. He was taken to a local hospital where doctors had to amputate his leg.[145]

On 19 April it was reported that Maung Aye from Takaw Bpwa village in Mon Township was injured by a landmine which exploded in his face. Villagers in the area had been forced to collect bamboo, thatched roofing and wood for the military camp at Aung Lung Sein.[146]

On 20 April 2008 it was reported that troops stationed in Baw Ka Hta in Kyaukkyi Township, had forced local villagers to build their new camp at Ma Yan Taung. People from Pa Deh Kaw village tract were ordered to provide 1,700 bamboo poles and 700 logs while Ma Pi village tract had to provide 300 bamboo poles and 200 logs. Both village tracts then had to provide people to work as builders and labourers on a daily basis until the new camp was completed.[147]

Villagers living close to military camps generally find themselves inundated with forced labour orders and their own farms suffer as a consequence, as related below by a 24 year old villager from Mone Township;

> *"They [the villagers] usually do agriculture and maintain plantations. We haven't had a good opportunity to do our plantation work. The SPDC army camp is located beside our village. So we always have to do loh ah pay for them. We don't have much time to do our own work. Now we're doing their work, such as cutting bamboo poles and delivering them to their [SPDC] camp."* [148]

Another villager, also from the same township, described his experiences as a forced labourer;

> *"We had to carry their [SPDC] rations from Tha Bpyay Nyunt to Gk'Moo Loh village. They didn't allow us to return to our homes and check on our plantations. Therefore, we didn't have time to do our own work anymore. Some of our durian plants and betel nut plants died because they didn't get enough water… Even though we've [now] returned home to work, we believe that we won't have time to do our own work. We realise that we'll have to spend our time doing work for the SPDC army soldiers who are based at our village now."* [149]

On 5 May 2008 it was reported that Maung Maung Oo, commander of Division #101, took a total of 270 people from the various villages in Kyaukkyi Township listed below to act as porters and labourers:

1. P'Deh Gone, 120 persons;
2. Ma Pee, 50 persons; and
3. Baw Ga Ta, 100 persons.[150]

It was reported on 7 May 2008 that troops from SPDC LIB #439 ordered the four villages in the Shazibo area to build fences around their own villages and the military camps.[151]

On 2 July 2008 villagers from Myaung Oo, Htee To Lo and Si Pin Tha villages in Mon Township, Nyaunglebin District, were enlisted to help build a camp near Htee To Lo village for SPDC LIB #590. The orders were issued by Saw Moe Win, the battalion's second in command.[152]

Reports of extortion and forced labour emerged from Kyaung Bya village in Mon Township, Nyaunglebin District, relating to SPDC LIB #599, which set up a new camp near the village. The troops demanded 500 kyat per household per month to keep the battalion supplied with food. They also demanded that six villagers carry out security duty at the camp each day. The soldiers demanded a further 10,000 kyat from each person with a television, 6,000 kyat from every farmer and 4,000 kyat from each widow. The soldiers dubiously claimed that these payments would be used to help cyclone survivors.[153]

Pa'an District

The Pa'an District of Karen State was subject to a heavy military presence in 2008 which included both SPDC troops and DKBA soldiers. Many villagers were subjected to forced labour and extortion, which placed them under an incredible strain. Residents of Dta Greh Township reported in September that they were putting more time and effort into meeting the demands of SPDC and DKBA forces than they were able to put into their own livelihoodss, leaving them with little time to grow food or earn money. Said one 43 year old man from Dta Greh Township;

> *"Even though we can't [don't have time to] do their [SPDC and DKBA] work, we have to do it. We can't stay [in the village] without doing their work. We have to work [even] when we are sick."* [154]

The tasks demanded from the villagers of Dta Greh included building houses and fences, portering supplies, collecting firewood and water, cooking food for the soldiers and tending rubber plantations owned by officers.[155] They also received orders from DKBA officers who owned agricultural land and prefered to use forced labour provided by local villagers rather than paying wages to farm labourers.

On 16 July 2008 a total of 35 people (12 women and 23 men) from Gk'Mah Hta village in Lu Pleh Township were forced to plant paddy crops for Meh Dteh Leh and Shwe Tha Kyaing of DKBA Brigade #555. The crops were to be planted on 20 acres of farmland in the Tha Po Meh Hta area and the villagers had to spend two nights sleeping in the field while completing their work.

On 18 July the same officers ordered 41 villagers from T'Ree Po Gkwee, Htee Thaw Bluh Hta and Gkyaw T'Lay Koh villages in Lu Pleh Township to plant paddy at Gkyaw Bp'Neh Nee. [156]

> *"They [DKBA forces] ordered villagers to go and plant paddy for them at Ywa Ler Koh [area, near] Gkyoh Bp'Neh Nee [village]. There were 41 villagers who went, including 18 women and 23 men. It [the agricultural land] was 30 acres in area. They [the DKBA] didn't provide assistance to our villagers. The commanders' names were officers Meh Dteh Leh and Shwe Tha Gkyeh of Brigade #555, based at Meh T'Moo Hta. We don't know yet how many times we'll have to do [forced farm labour]. I think that again during harvest time [around November] we'll have to go and harvest paddy for them. We can't rest during work time [while doing farm labour for the DKBA]. We can take rest at 12:00 noon. We have to start at 7:00 am and take rest at 12:00 during lunch time and finish the work at 5:00 pm."* [157]

Some of the villagers from Htee Thaw Bluh Hta and Gkyaw T'Lay Koh villages managed to negotiate a settlement of 100 baskets of paddy instead of labour. This was a significant amount of their harvest but bought them the time they needed to tend their own crops. The villagers from T'Ree Po Gkwee were less successful and were forced to cultivate the officers' paddy fields.

On 25 July it was reported that SPDC LIB #565 commander Hlaing Htun Oo ordered the villagers to cut bamboo poles and construct fences around one of the military camps. The area where the bamboo was situated was close to a vehicle road and this proved to be dangerous because roadside areas are often protected with landmines to prevent military vehicles from being ambushed.

The same village had also been subject to orders from locally based DKBA soldiers after 1 July 2008. Pah Gka, commander of DKBA #555, ordered the village head to send one person every day to carry out various errands in the camp. Anyone who failed to report for duty was fined 100 Thai baht (US $2.91).[158]

> *"Villagers have to cook rice, carry water and collect firewood for them [DKBA soldiers]. Only occasionally do they cook rice for themselves. Mostly they asked villagers to cook it [for them]. When they [the soldiers] need something, they ask the villagers to go to K--- village. Yesterday I went [to K--- village] and I had to collect money from the villagers who didn't go for sentry duty in their camp."* [159]

Villagers were also forced to work in the rubber plantations owned by DKBA officers. Commander Pah Nwee, of DKBA Battalion #999, regularly enlisted local people to work in his plantation situated in Day Nya Lay Kaw Htee, to the east of the Dawna mountain range in Dta Greh Township. The lists below details the orders given in the two months from the end of May to the end of July 2008:

1. On 29 May 2008, 61 persons from four different villages were ordered to provide 845 lengths of bamboo to stabilize the rubber saplings;
2. On 3 June 2008, more than 105 persons from six villages were ordered to perform an unspecified form of labour;
3. On 4 June 2008, 12 persons from three of the villages ordered to provide labour the previous day were once again ordered to return with their tools;
4. On 24 July 2008, 154 persons from six villages were ordered to provide labour, to bring their own mattocks and knioves, and to supply an unspecified amount of fertilizer; and
5. On 25 July 2008, 34 villagers from two villages were ordered to work in the plantations and to bring their own tools.

In addition to the provision of labour for both SPDC and DKBA troops, villagers were often subject to extortion for food, money and supplies. Villagers reported that this was most often carried out by DKBA soldiers.[160]

Subsequent to his earlier demands, Meh Dteh Leh of DKBA Brigade #555 issued an order on 29 July 2008 for villagers from Meh Tha Moo village to plant paddy in a location near western Gkwee Lay village.[161]

On 17 August the camp commander of SPDC LIB #565, Myo Min Thoo, ordered local villagers to deliver a number of bamboo poles for fence construction. The villages that received the order were:

1. Htee Tha Bluh Hta;
2. Gk'Mah Hta;
3. Gkyaw T'Lay Koh; and
4. T'Ree Po Gkwee.

Myo Min Thoo ordered that each village was required to provide three bamboo poles measuring three hand-spans and 15 cubits (7.54 m / 24.75 ft) in length.[162]

> *"They [villagers] had to carry [bamboo poles] to the SPDC army camp at Gk'Mah Koh because officer Myo Min Thoo ordered it. He was camp commander of Light Infantry Battalion (LIB) #565. Sometimes [they have to do forced labour] five times, six times or seven times [per month]. We have to go and carry things for the camps at Gk'Mah Koh and Gklaw Gk'Dtih and sometimes we also have to go and work at Meh T'Moo Hta [SPDC army] camp. We have to cut down bamboo, make fences, cut down wooden poles and clear the camp compound."* [163]

During August and September 2008 a number of villages in Lu Pleh and Dta Greh Townships were forced to clear weeds and brush growing alongside vehicle roads. This type of work is often ordered by SPDC troops in an attempt to prevent roadside ambush attacks. It also hinders villagers trying to escape the attention of patrolling troops.[164]

On 27 August 2008 Commander Nya Lway Htoh of SPDC LIB #565 Column #2 gave the following orders for villagers to clear the road leading to Gklaw Gk'Dtih military camp:

1. Meh Tha Moo Village cleared the road between Meh Tha Moo Hta and Meh Dtaw Day;
2. T'Ree Po Gkwee and Gk'Mah Hta villages cleared the road between Gk'Mar Koh and Htee Nyah Ah Gkloh;
3. Htee Tha Bluh Hta and Gkyaw T'Lay Koh Koh villages cleared the road from Htee Nya Ah Gkloh to Htee Thay Htaw Kee to Gklaw Gk'Dtih; and
4. Meh Gk' Dtaw Kee and Bpaw Baw Kee villages cleared the road from Htee Thay Htaw Kee to Gklaw Gk'Dtih military camp.[165]

On 31 August and 1 September 2008, Colonel Yeh Hut with SPDC troops based at Gklaw Gk'Dtih camp in Lu Pleh Township ordered local villagers to deliver a number of bamboo slats, bamboo poles and wooden poles for the purpose of constructing a perimeter fence around the camp.[166]

A total of 30 labourers were demanded from Meh Tha Moo village, together with 500 bamboo slats, six bamboo poles and four wooden poles. T'Ree Poh Gkwee village was required to produce 350 bamboo slats, six bamboo poles and four wooden poles. In addition, the villages listed below were required to produce a combined total of 257 labourers and 4,850 bamboo slats:

1. Gkyaw T'Lay Koh;
2. Gk'Mah Hta;
3. Htee Tha Bluh Hta;
4. Gklaw Gk'Dtih;
5. Meh Gk' Dtaw Kee;
6. T'May Gkyo; and
7. T'Wih Hta.[167]

On 6 September 2008 DKBA Officer Gkyaw Dih, of Brigade #555, ordered the following villages to provide bamboo poles for a perimeter fence;

1. T'Ree Poh Gkwee, 120 poles;
2. Htee Tha Bluh Hta, 600 poles;
3. Gkyaw T'Lay Koh, 600 poles;
4. Meh Tha Moo, 600 poles; and
5. Gk'Mah Hta, 600 poles.[168]

On 9 September 2008, 12 women and six men from Bp'Dtuh Gklaw Bplaw village were forced to clear weeds and brush from around the DKBA Brigade #999 camp at Noh Kah Ree. They were subsequently joined by an additional five women and five men from Bplaw Nya Thee, Bpay Dtoo Hta, Htee Moh Hta and Nya Bp'Dtay Kee villages. The orders were issued by Saw Hlah Gkwah.[169]

Thaton District

Demands for forced labour continued in all four townships of Thaton District despite the decreased military patrols in Bilin and Kyaikto Townships. This included particularly dangerous work such as acting as human shields, to protect soldiers from KNLA attacks, or as human mine-sweepers.[170] An unidentified villager described one incident of the practice of minesweeping as follows;

> *"The soldiers ordered [the villagers] to put big logs in a bullock cart and then asked the cart owner to go [drive the cart to a sawmill] in front of their truck, so that if there was a landmine, it would kill the cart owners and the animals first. They [the soldiers] carry guns and order us to go so we have to go."* [171]

More regular tasks which villagers were often called on to perform included portering of supplies, construction work in military camps or on roads, serving as *set tha* (messengers), producing wooden planks, thatch shingles and bamboo poles. There were also seasonal tasks demanded which included rebuilding roads and clearing brush after the rainy season. This work often coincides with harvest time and some communities have taken to harvesting their crops early because they know they will not get the chance if orders for forced labour arrive at the usual time.[172]

> *"We don't have enough rice because we can't work sufficiently for our livelihood due to forced labour and demands for money. Some [villagers] are not in very good health and the villagers are in trouble in different ways."* [173]

On 5 May 2008 Deputy Battalion Commander Thaw M'Nah from Brigade #333 of DKBA Battalion #1 had a sawmill constructed at the Bpwoh military camp in Bilin Township. Neighbouring villages were instructed to bring bullock carts to the camp and then transport the timber which had been split in the mill to another location. The villages had to provide the following numbers of carts:

1. P--- village, 7 carts;
2. N--- village, 7 carts;
3. D--- village, 3 carts;
4. N--- village, 4 carts; and
5. G--- village, 3 carts.[174]

> *"They [DKBA] didn't give us any wages or food. We had to bring our own food and equipment to do the work for them. I think that he [deputy battalion commander Thaw M'Nah] has authority, because even though he sold off some logs [i.e. conducted business for personal benefit], the commander [above him] didn't say anything. Their [DKBA] businesses bring them profit, but the villagers have to do [the work] for them for free."* [175]

On 29 July 2008, troops from SPDC IB #62 instructed a number of villagers to provide 1,000 bamboo poles and 1,000 thatch shingles for the military camp at Yoh Gkla.[176]

On 28 August 2008, 162 people from Ler Klaw village in Bilin Township, Thaton District, were ordered to clear the road of bushes and branches. The order came from Commander Cho Tun Aung of the Lay Kay military camp.[177]

Reports of forced labour came from Noh Bah Baw village during August 2008. The villagers had been forced to cut a total of 1,000 lengths of bamboo for the Yo Klar military camp, where SPDC IB #62 was stationed. The troops were under the command of MOC #19 and led by Hling Soe. They demanded 500 lengths of bamboo on 8 August, 100 on 19 August and a final 400 on 29 August.[178]

A number of people from Thaton Township were conscripted by Myint Naing, Second Battalion Commander of SPDC LIB #8, during September 2008. He demanded one person per household from the following villages:

1. Lawh Aw Ker;
2. Ma Yan Gone;
3. Shwe Yaung Pya;
4. Ka Law Ker; and
5. Mi Chaung Ai.

The people were required to clean the road and assist in construction work on the Asia Highway. They were also tasked with cutting down coconut plants to build a bridge. [179]

On 26 September DKBA forces led by Thaw Ma Na ordered the villagers of Ha Ta Rai village tract in Pa'an Township to provide them with bamboo. Eleven villages provided a total of 710 bamboo lengths. The villagers of Pya Gaw were unable to provide sufficient bamboo and were instead required to pay 1,000 kyat per household – a total of 150,000 kyat. The village tract had also received an order from MOC #19 on the same day. This order was for roofing leaves, a total of 2550 pieces, and 1400 bamboo lengths.[180]

Between 3 and 17 October 2008, the people of Shwe Yung Bpyan village tract were forced to work on the construction of a road. They mainly carried materials, which included bags of sand and loads of bricks. The road is part of a network which the SPDC is developing throughout Thaton District in order to connect the area to the Asia Highway. After linking to Thaton, the highway goes on through Myawaddy in Karen State and then into Thailand. The work was overseen by four people brought in from Bilin Town. It is believed they might have been civil engineers. Each household in the area was required to contribute 300 kyat towards the upkeep of these supervisors.[181]

On 11 October 2008 Captain Tin Myint of SPDC LIB #3 demanded the supply of labour and ox carts from local villagers for work on bridge building as part of the Asia Highway project. The following villages were required to supply 15 people and three ox carts each:

1. Mi Chaung Ai;
2. Htee Nya Pau;
3. Ma Yan Gone; and
4. Ka Law Ker.

On 16 October 2008, the captain demanded a further 30 villagers each from:

1. Mi Chaung Ai;
2. Htee Nya Pau;
3. Ma Yan Gone;
4. Shew Yaung Pya; and
5. Ka Law Ker.

On 17 October 2008, he demanded an additional one person and per household and a number of ox carts. The demand for 15 people and three ox carts from each village was repeated a final time on 18 October.

Then, on 20 October Captain Kyi Lin Oo of SPDC LIB #583 demanded one person from each household for cleaning duty. This order was issued to the following villagesm which were all forced to work on cleaning the road until 25 October 2008:

1. Kyu Si;
2. Kyaw Kay Htee;
3. Ta Thoo Khi;
4. Pya Gaw;
5. Noh Aw Lar;
6. Htee Pa Doh Khi;
7. Noh Kar Day;
8. Mae Theh;
9. Pwo; and
10. Ha Ta Rai. [182]

Toungoo District

> *"On February 8th 2008 we had to construct a road. They [SPDC soldiers] didn't feed me anything to eat. We also had to spend a day of our time there. They said the road would be advantageous for the villagers… Again on February 10th 2008, we had to repair his [commander Myo Kyaw's] military camp. We had to spend a day of our time there and there were 30 villagers who were participating in repairing the military camp."* [183]

It was reported that residents of Gklay Soh Kee village in Toungoo District were subjected to forced labour by local MOC #10 troops on 11 March 2008. One person from each house was ordered to help clear forest growth from the sides of the road at Naw Soh. Following this, those who owned motorcycles were ordered to help transport sand, stones and bricks to Naw Soh for the construction of a pagoda.[184]

Troops from MOC #10 conscripted a man iduentified only as Saw A--- from Kler La town to transport military rations and supplies from Kler La to Naw Soh military camp on 11 April 2008. Saw A--- was not paid for this work and had to use his own truck. On the following day, officers from MOC #10 ordered the villagers of Gkaw Thay Der to provide them with seven motorcycles and to transport rations and supplies to Th'Aye Hta military camp. The motorcycle owners were:

1. Saw T---, aged 20;
2. Saw Gk---, aged 28;
3. Saw M---, aged 21;
4. Saw B---, aged 28;
5. Saw M---, aged 20;
6. Saw M---, age unknown; and
7. Saw O---, aged 21.[185]

On 15 April 2008 it was reported that troops from MOC #21 had demanded a batch of bamboo poles from the residents of Play Hsar Loe in Tantabin Township. The order was for 25 poles, each 18 feet in length.[186]

On 2 September 2008, a number of villagers from Tantabin Township were enlisted to carry military supplies from Play Hsar Loe military base to Htee Plar day camp. The villagers affected included:

1. Play Hsar Loe, 18 men and 2 women;
2. Yer Loe, 10 men and 5 women;
3. Lay Gaw Loe Paupa, 10 men; and
4. Plaw Baw Der, 8 men and 4 women.[187]

It was reported in September that troops under the command of MOC #10, who were stationed in Bawgali Gyi village, forced local vehicle owners to transport rocks from Toungoo Town to their camp in Bawgali Gyi. Meanwhile, each household in the nearby village of Kaw Thay Der was ordered to cut seven lengths of bamboo for use in the camp. In addition, a number of people from the following villages were forced to carry out improvement works within the camp:

1. Kler La;
2. Kaw Soe Ko;
3. Kaw Thay Der;
4. Wa Tho Ko;
5. Ga Mu Der;
6. Der Doh; and
7. Maw Koh Der.

During this time, the villagers were prevented from carrying out their normal activities, including collecting food or trading.[188]

Karenni State

On 6 February 2008, Commander Win Naing Soe of SPDC IB #54 issued a summons for one villager from each house to go and clear the truck route between Mawchee and Baharlo in Mawchee District.[189]

On 19 March 2008 it was reported that the villagers of Dawtama Gyi village tract in Dimawhso District were subjected to forced labour by the newly arrived troops of SPDC LIB #427 from the end of February onwards. Led by Commander Aung Myo Min, the troops had demanded wood and bamboo for the construction of their camp. According to Ko Win Min, spokesperson for Karenni Social Welfare Committee (KSWC)

> *The army ordered 120 posts with 7.5 feet and 9 inches length for their army's camp fence from Dawtama Gyi village, 200 bamboos from Dawmeeku village and 150 bamboos from Dawsophyar village. Then the army ordered each 80 bamboos from Dawso village and Dawtachar villages as those bamboos are worm-holed. All above mentioned demands must be arrived in the army camp before the end of March 2008."* [190]

The soldiers threatened to relocate the villagers if the supplies were not delivered by the end of the month.[191]

Attacks on electricity transmission towers in Karenni State during June and July 2008 resulted in local villagers being forced into guard duty. In August SPDC LIB #427 instituted a 24-hour guard on transmission towers in Dawkalawdu District. Each village was given the responsibility to look after two towers and were forced to provide two guards per tower at all times. The towers and lines in this area transmit electricity from the hydro-electric power station in Lawpita to Rangoon and Mandalay in central Burma. The villages that were forced into guarding the transmission towers were:

1. Tanelarlare;
2. Dawtere;
3. Dawpawdu;
4. Dawtangue;
5. Dawwaremowt;
6. Dawtami; and
7. Nanhuhtwy.[192]

On 8 July 2008 it was reported that soldiers in Karenni State had been using local villagers for forced labour. The claim was made by Pho Pya, Chairman of Karenni Refugee Camp Committee, after residents of Shadaw and Phruso Townships started abandoning their homes and arriving in refugee camps along the Thai-Burma border. The villagers said they had been forcibly relocated a number of times and also forced to work in army camps, carrying out construction and renovation work on outpost buildings and fences. They also had to provide bamboo and timber for the work, as well as food for the soldiers.[193]

Mon State

On 14 July 2008 it was reported that SPDC IB #31, which is based in Khawzar Sub-Township, was using local villagers for forced labour on their farms. The soldiers took three men and three pairs of cows from Dayhbome, Wengtamort and Kyonekanyar villages. The villagers were told they would have to work on a rotational basis until the crops were harvested. They were not paid for their labour or for the use of their cows.[194]

It was also reported in July that residents of Yin Ye village had been ordered by local troops to fence off their village against Mon rebels. The soldiers also demanded 15,000 kyat from each family for general expenses and the use of any motorcycles in the village. In addition, some people were required to work as drivers.[195]

Shan State

It was been reported in July that the SPDC and UWSA (United Wa State Army) continued to use forced labour for the transportation of supplies and the expansion of military infrastructure across Shan State. Villagers were regularly required to carry loads, fetch water and dig trenches. Fines of up to 5,000 kyat were levied on those who were unable, or unwilling, to work when called. Villagers in eastern Shan State were required to work an average of four times per month. [196]

Hopong Township

Farmers in Wan Yaen village tract in Hopong Township were forced to provide rice for locally based troops after SPDC LIB #425 seized several acres of farm land during June and July 2008. The siezures included 24 acres from Nawng Waan village, 30 acres from Ho Ten village and 35 acres from Nawng Zaang village. In this case the troops provided the seed free of charge but the villagers were responsible for growing and cultivating the rice and finally delivering the harvest to the military base.[197]

Hsi Hseng Township

Over the course of 2008, the villages of Huay Yae Khao and Phak Yaang within the Wan Yaen village tract in Hsi Hseng Township were forced to grow various crops for SPDC LIB #517. THe villages were under a year-round obligation to grow physic nut plants but were also required to produce soya bean and corn during the rainy season, followed by crops of peanut and sesame.[198]

Kae See Township

The people of Luk Lur village in Nawng Ae village tract, Kae-See Township, were forced to carry out a daily guard duty from February 2008 onwards. Two people were required to keep watch from the village headman's house every day. Anyone who missed their turn on duty was fined 3,000 kyat. The troops who imposed the order were from SPDC IB #286.

In the early part of 2008, the troops of SPDC IB #287 forced local villagers to construct fences around their base at Murng Naang village in Murng Naang village tract, Kae-See Township. The fences were required on all four sides of the base and had to be three layers thick. The work took several weeks but the villagers were obliged to provide five people on standby duty following the construction of the fences. These people were kept at hand to run errands or carry out menial tasks such as clearing grass from trenches.[199]

Kengtung Township

Towards the end of 2007 Min Aung Hlaing, commander of the Golden Triangle Regional Command, convened a meeting of village tract leaders in Kengtung Township and gave a speech on the necessity of contributing to the country's economic development. The leaders were told that the best way they could contribute was through growing physic nut and Japanese sesame. It was decided that each village tract would grow two baskets of physic nut seeds, which they would purchase from the authorities at 45,000 kyat per basket, and two baskets of sesame seeds, which cost 25,000 kyat per basket. The villagers were required to purchase the seeds from the authorities at these rates despite the seeds being available at lower rates from other sources. This practice continued into 2008.[200]

In February 2008 the military authorities at No.3 Regional Training School in Kengtung ordered local farmers to cultivate 60 acres of dry season rice. The following villages provided mini-tractors for ploughing:

1. Pa Saa village in Nawng Hee village tract, six tractors;
2. Nam Tum Tai village in Nawng Hee village tract, six tractors;
3. Waeng Kao village in Nawng Hee village tract, four tractors; and
4. Ton Hung village in Ton Hung village tract, ten tractors.

Those villagers who did not provide mini-tractors were responsible for planting and all local farmers were involved in cultivation and harvesting. Those farmers whose fields had been used for the rice complained that their own rainy season crops would suffer because they had been unable to commence planting at the usual time.[201]

In June 2008 it was reported that the residents of No.3 quarter of Kengtung Town were pressed into manual labour by the authorities. The quarter is located next to the lake in the centre of town and community leaders were informed on 21 June 2008 that they were to make sure the people who lived in their quarter cleared out the drainage ditches and disposed of the debris which had accumulated there. When community leaders questioned why this work was not being done by the town municipal workers they were told that the municipal staff members were too busy and that they should do as they were told. The residents were also required to pay for the debris to be removed by municipal trucks at a rate of 1,500 kyat per truckload.[202]

Residents of Kengtung were also concerned by the junta's plans for a new railroad between Kengtung in eastern Shan State, and Nansang, in southern Shan State. The Chairman of the Shan SPDC visited the area on 26 October 2008 together with Brigadier-General Ya Pyae, Commander of Eastern Command, Major-General Aung Min, Minister of Rail Transportation and U Pe Than, Deputy Minister. According to local sources they decided to

build rail bridges over Namteng creek near Kholam and Nampan creek at Kunhing. It was also reported that the junta delegation met with Major-General Kyaw Phyo, Commander of Kengtung-based Triangle Region Command, and discussed adding rail bridges to the existing crossings over the Salween River at Takaw and Tongta near Mongpiang.

Locals were worried about the number of villagers who would be required for construction work and said that many people died during the construction of the Loikaw-Aungban railroad. Villagers living around Kengtung University were also worried about land confiscation, as this was the proposed site for a railway station. The land in question was at that time owned by farmers from Na Kham village of Keng Phawng village tract.[203]

Kunhing Township

Villagers from Kunhing in southern Shan State were subjected to repeated incidences of forced labour by SPDC LIB #524 and IB #246. The tasks included security duty and portering as well as domestic work such as collecting firewood and building fences. According 28 year old resident Sai Panti;

> *"Each from every household must take turns going to do sentry duty at the local command post for 5 days a week. If we refuse to comply, we would be fined Kyat 1,500 (US $ 1.25) per day."* [204]

Nang Herng, a 23 year old from Kunhing gave the following comments regarding forced labour practices;

> *"Widows are required to pay Kyat 2,500 (US $ 2) if they can't go and a person who is absent for portering must pay Kyat 10,000 (US $ 8). We even have no time to work for our livelihood."* [205]

Similar incidents took place in Keng Tawng Sub-Township in Mong Nai Township.[206]

It was reported that two villagers from Kunhing Township were beaten by SPDC troops on 27 September 2007 while engaged in forced labour. The first incident involved Aw Ling, aged 21, who was with a group of 25 workers from Nam Khaam village in Wan Paang village tract. They were cultivating a physic nut plantation for SPDC LIB #524. Aw Ling was beaten with a stick after he slipped and fell down a steep hill slope. A bone in his left shoulder was broken during the beating and he was unable to move until the other villagers were released from their day's work, two hours later, and were able to help him. He was taken back to the village on a stretcher and then transported to Kunhing Town hospital. Corporal Maung Maung Myint who administered the beating told the villagers that Aw Ling had been punished for trying to avoid work and that his injury was, therefore, his own fault.

The second incident involved Awng Zing, aged 30, who was with a group of approximately 40 workers from No.2 quarter of Kunhing Town. They were working for SPDC IB #246 on plantations to the north of the town. Awng Zing was accused of working too slowly and ordered to stand straight with his arms folded while his punishment was carried out. He was beaten with a stick on the back and buttocks and reportedly lost consciousness after the fifteenth stroke. The remaining villagers were ordered back to work and not permitted to help him. After about 20 minutes he regained consciousness and was also ordered back to work. Once again, the soldiers maintained the beating was a legitimate punishment which should serve as an example to other lazy or reluctant workers.[207]

During March and April 2008, the residents of No.3 quarter in Kunhing Town, Kunhing Township, were forced to collect dry physic nut seeds from the plantations under the supervision of troops from SPDC IB #246. Approximately 80 people were ordered to report for work each day, starting at 6:00 am. They were transported to the plantation in military trucks and required to gather seeds until the trucks were full or it became too dark to work. Each household had to provide one labourer every two days during this time. Those who refused to work or failed to turn up were fined 15,000 kyat.[208]

Laikha Township

Towards the end of 2007, the leaders of Wan Saang and Haai Seng village tracts in Laikha Township were called to a meeting and ordered to instruct their villagers to collect dry physic nut seeds for oil production. Each person aged between 18 and 60 was to collect two to three *pyi* of seeds but they were not allowed to take them from the state-owned plantation as those plants were not ready. The fine for failing to collect enough seeds was set at 5,000 kyat. It is reported that many people failed to collect enough seeds and had to pay the fine. Some who were unable to pay fled to the Thai border.[209]

During April 2008 the people of Laikha and Kae-See Townships were forced to plant physic nut by SPDC IB #64 and #286. The villagers were already looking after the physic nut plants they had sown in previous years but the troops ordered additional plants to be sown along the main road leading from Laikha through Murng Nawng village to Kae See Township. This route encompasses over 20 different villages. Each household was ordered to sow 150 plants and then to provide a labourer three times a week for cultivation work. Anyone who failed to turn up for work was fined 5,000 kyat.[210]

During the rainy season the people of Naa Poi village tract in Laikha Township were forced to grow rice in the area of Nam Hoo Kaang village for SPDC IB #286 and one of the Shan ceasefire groups. The eight villages in the area were required to work the fields in rotation. The troops also requisitioned 12 mini-tractors and 24 drivers from Kunhing Township to assist with the ploughing. In addition to the rice, local villagers were required to grow sesame, peanut, soya bean and corn for the military.[211]

In August it was reported that the people of Laikha town had been forced to renovate all the local roads by spreading sand over them. The work was supervised by SPDC IB #64 who ordered all the town quarters to take turns carrying out the work, which was normally done on Saturdays and Sundays. Each quarter had to provide three mini-tractors and 70 people to transport the sand from the Nam Taeng River and then spread it over the roads and streets. The work took several weeks to complete.

Laikha residents were also required to plant trees along the sides of the main roads. Each household was held responsible for planting 10 mango trees and 10 jackfruit trees. The saplings were provided by the authorities but the villagers were responsible for their care and had to replace any which got damaged or failed to grow.

Within Laikha Township, the villages of Wan Paang and Nawng Kaa in the Wan Saang village tract have been subject to routine forced labour by SPDC IB #64 and LIB #515 over the past two to three years. Forced labour was initially used to build the military camps but since then approximately 35 to 40 villagers have been required to report for duty almost every day. They carry out a variety of tasks including:

1. Waiting at the military camps on standby to run errands or serve as guides and porters;
2. Building and fixing fences, of which building materials must be provided by the villagers, clearing trenches and doing other menial work;
3. Clearing the sides of the roads and fixing the ruined parts of the roads between villages;
4. Using their own mini-tractors and transporting military logistics, water, firewood and even sand to the military camps; and
5. Looking after physic nut and other crop plantations.

The villagers work in rotation with each household expected to send someone to the camp at least six times per month.[212]

LanghkoTownship

In May 2008 several villages from Wan Zid village tract in Langhko Township, including Nam Naw and Nam Terng, were ordered to plant corn at their own expense for SPDC IB #99. In June the crop failed due to a lack of rain and the troops forced the villagers to plant a second crop using a different strain of seeds which they brought up from lower Burma. Any who refused to work faced a fine of between 3,500 kyat and 50,000 kyat depending upon their social and economic status.[213]

Lin Khe Township

In October it was reported that the residents of Lin Khe Township in southern Shan State had been pressed into agricultural work for SPDC LIB #99 since August 2008. The battalion, based in Lin Khe, ordered the local villagers to start growing physic nut and sesame. Similar orders were issued to six villages to the north of Lin Khe in September. These villages were:

1. Wan Nong Lum;
2. Wan Than Kan;
3. Wan Nam Thoke;
4. Nam Thim;
5. Nam Naw; and
6. Lom Kaw.[214]

Mong Kung Township

The people of Mong Kung Township spent several months during the first half of 2008 planting pine trees along the sides of the main roads. The work was supervised by SPDC LIB #514, based at Mong Kung. The villagers first had to clear an area 50 yards to either side of the road and then plant the pine seedlings. Each village was allocated an area of land which would be their responsibility. The plots ranged in size from one and a half acres to five acres, depending upon the size of the village. The residents of Mong Kung already had responsibility for a local physic nut plantation and other ad hoc forced labour duties. A number of villagers fled when faced with this new demand.[215]

Mong Nai Township

During late April and early May 2008 the villages of Nam Waw Lur and Loi Len within Son Maak Yaang village tract, Mong Nai Township, were ordered to grow corn, peanut and sesame for SPDC IB #248. They said they would pay the villagers if the crops yielded a good harvest.[216]

The residents of Naa Khaan village tract in Mong Nai Township were forced to grow soya bean for SPDC IB #248 from June 2008. The troops confiscated an area of approximately 80 acres to be used for soya bean production and ordered each village to plant at least a half basket of seeds and then take responsibility for their cultivation. The villages of Pa Laai, Nawng Leng and Maak Laang lost a significant amount of their land and a number have now left the area in search of an alternative livelihood. In addition to the soya bean cultivation, villagers in this area were also forced to carry out miscellaneous tasks in the military camps including fetching water, fixing fences, maintaining buildings and clearings trenches.[217]

During the wet season rice cropping, which runs from June to November, residents of Kaeng Tawng Sub-Township area in Mong Nai Township were forced to purchase rice seeds and cultivate them on behalf of the military. Orders were issued in June 2007 for the cultivation of a particular kind of rice known as Shwe Yin Aye which is sold at a cost of 10,000 kyat per basket of seed. Farmers were required to allocate approximately one acre of their land to the production of rice for the military and to provide eight baskets at the end of the harvest.

There are normally a minimum of five SPDC battalions based in the Kaeng Tawng area and every year the local community is forced to provide them with rice.[218]

Mong Pan Township

The villagers of Nawng Kaang village tract in Mong Pan Township were ordered to build a military camp for Column #2 of SPDC LIB #528 in November 2007. A patrol of 40 troops had arrived, led by Commander Kyaw Min Htwe, and set up a temporary camp in an abandoned village. Three villages, Yaang Paeng, Mawn Maak and Yaang Khe, were then ordered to construct a permanent camp for them at a nearby location. The camp was to include bunkers, trenches, two layers of fences with bamboo spike booby traps between them and barrack buildings.

The work took several months and each of the three villages was forced to provide 15 labourers on a daily basis until the camp was complete. Additional labour was required to produce sufficient bamboo spike booby traps with each household ordered to produce 500 pieces each.[219]

During the cold season, which runs from November to February or March, farmers in Hawng Kaang village tract in Mong Pan Township found themselves ordered to grow winter rice for the troops of SPDC IB #43 and LIB #528. The winter rice was a strain imported from China and the soldiers provided the seed but the villagers were required to use all available land for its cultivation. The entire community of Hawng Kaang, Wan Maak and Lawn Zai villages were ordered to work the fields and the penalty for any who refused was land confiscation, a 100,000 kyat fine or one month in jail.[220]

The people of Ho Phaai Long village tract were forced to cultivate 30 acres of garlic for the local SPDC LIB #332 troops during December 2007 and January 2008. They were also required to clear the base and surrounding trenches of grass and bushes, fix fences and tend the local physic nut plantations.[221]

The farmers of Mong Pan Township were also required to cultivate Shwe Pyi Aye for local troops. In addition to allocating part of their own land to this production, villagers in the area had to provide labour for 20 plots of rice which the SPDC had previously confiscated.[222]

It was reported in August 2008 that the villagers of Hawng Kaang and Wan Phit village tracts had been forced to cultivate tea and physic nut for troops from SPDC IB #43. The two village tracts contain about 11 villages comprising over 600 households. Around 40-50 people were required to work each day. The villagers first had to clear the jungle areas along the sides of the roads within the designated area, which was over six miles long. They were then required to prepare the ground and plant the seedlings. When the seedlings provided by the military ran out, the villagers had to find more to continue planting the prepared ground. The work took several months and the villagers were then faced with the ongoing task of cultivating the plants.[223]

Mong Ton Township

In December 2007, the residents of Naa Kawng Mu village in Mong Ton Township were forced to work on two projects for the authorities. The village headman was instructed to gather 185 people each day, for a three day period, who would work under the supervision of SPDC IB #65, led by Lieutenant Colonel Kyaw Myint Than. One half of the group were engaged in a beautification project which involved building flower beds along the main road and the village square as well as erecting a new clock tower. The SPDC had previously extorted 2,000,000 kyat from local villagers for the clock tower but had still required forced labour during its construction.

The second group was required to dig ditches around a nearby dam for the purpose of diverting water for electricity production. This dam was also built with forced labour and previously extorted money. The penalty for refusing to work was 3,500 kyat per person per day or one month in jail.[224]

In February 2008 it was reported that the residents of Mong Ton Township had been subject to extortion and forced labour since July 2007 in connection with the construction of two dams – one near Mong Ton Town and the other near Naa Kawng Mu village in Murng Haang village tract. At the time of the report money had only been collected from those who had registered for the right to receive electricity once the dam was completed, but everyone had been forced to take part in the construction work.

The dam near Mong Ton Town was expected to cost 100,000,000 kyat but at the time of reporting it was not even half finished despite 70,000,000 kyat having been spent. In addition to the money which had been collected, at least 50 people and two mini-tractors were required to report to the building site each day. The people were obliged to supply their own food and equipment.

The dam near Naa Kawng Mu was completed in January 2008 under the supervision of SPDC IB #65. Approximately 60 people were forced to work each day on the project from 8:00 am to 4:00 pm and those who had registered for electricity were required to pay between 300,000 and 2,000,000 kyat per household.[225]

Ethnic Palaung in Mong Ton Township who owned motorbikes were forced to provide a transport service for soldiers from SPDC IB #130. The affected villages were:

1. Kaye Kong;
2. Ho Ton;
3. Kalan Gasi; and
4. Kho Mon.

The soldiers did not pay the villagers for their time, nor did they contribute to the cost of fuel or repairs. Many of the Palaung villagers tried to hide their motorbikes as a result. Villagers who openly refused to cooperate were beaten and had their keys confiscated.[226]

The residents of Mae Ken village tract were required to build fences and dig ditches in front of the houses that lined the main roads as part of a beautification project led by SPDC LIB #519. The troops arrived in February 2008 and gave the villagers their instructions, which came from the commander of the Triangle Regional Command based in Kengtung.[227]

The fences had to be built in strips of sawn hardwood which measured 5 cm by two metres. They were to be painted white with lime which the Regional Command would provide. When the lime failed to materialise the order was amended and the villagers were told they had to buy their own lime in order to finish the project. Their final task was to build ditches in front of their houses so they could take cover when there were 'problems'.[228]

Between January and May 2008 the villagers of Pung Pa Khem in Mong Ton Township were forced to work on the construction of a dam on Nam Khem stream. The order was issued by SPDC IB #226 on 20 January 2008 and the work was supervised by four or five engineers from Kachin State. Approximately 20 villagers had to report for work each day at the site, which was five miles west of Pung Pa Khem. They carried out manual tasks such as splitting rocks, digging earth, clearing ground and mixing cement but were not provided with any food or drinking water. Anyone who refused to work when it was their turn was fined 3,000 kyat.[229]

In July 2008 it was reported that residents of Mong Ton Township had been ordered to cultivate rubber and castor oil plants as part of the junta's bio-fuel programme. [230]

Karen villagers in the Per Htee area of southern Toungoo District performing forced labour for the SPDC constructing a school in March 2008. The SPDC often claims that one of the ways in which it is benefiting local communities is through the construction of schools and clinics. However, as can be seen in this photograph, in the majority of such cases, it are the villagers themselves who perform the labour of constructing these facilities, many of which later stand empty and unused for lack of funding and supplies. *[Photo: © KHRG]*

Muse Township

At the beginning September 2008 it was reported that preparation for a visit from the wife of the north-eastern commander to Muse Township in Shan State had been carried out at the expense of local residents. Daw Cherry, wife of Brigadier-General Aung Than Htut of Northeast Command, was expected in early September to inspect the Maternal and Child Healthcare Association.

In preparation for her arrival, local villagers were forced to paint the monastery hall, clean and cut the grass. In addition, each village was ordered to produce ten bamboo flag poles and each family in Mutaunglon village tract had to contribute 1,500 kyat each towards the cost of her welcome party. Villagers in the area were already burdened by compulsory unpaid labour in state-owned castor oil plant fields.[231]

Nansang Township

During November 2007, farmers in Loi La and Wan Nawng village tracts in Nansang Township were ordered to grow sesame for the troops of SPDC IB #248 and IB #247. The orders affected the following villages:

1. Loi La, Loi La village tract;
2. Pong Lao, Loi La village tract;
3. Haai Oi, Loi La village tract;
4. Loi On, Loi La village tract;
5. Wan Nawng, Wan Nawng village tract;
6. Kung Mong, Wan Nawng village tract;
7. Taak Led, Wan Nawng village tract; and
8. Tin Loi, Wan Nawng village tract.

Each family had to produce one basket of sesame by the end of the growing season which the troops purchased at a rate of 10,000 kyat per basket. This was significantly lower than the going market rate for sesame. In addition, any family which failed to produce a full basket would be fined 30,000 kyat.[232]

In February 2008 it was reported that SPDC LIB #543 troops stationed in Kho Lam village in Nansang Township had been forcing local villagers to place mini-tractors at their disposal. Villagers were often required to use their tractors to transport troops and equipment during patrols. They were also required to keep tractors on standby at the military base. Villagers who did not own tractors were required to contribute money to pay for the fuel. The situation began during 2007 and was still ongoing at the time of reporting.[233]

Between March and May 2008 several village tracts were forced to carry out a range of work for SPDC LIB #516. Around 60-80 villagers from Kaad Lur, Wan Pung and Nawng Hee villages were required to work each day, some on the military camp and others on a physic nut plantation. The villagers working at the camp were required to gather wood and bamboo, build fences and clear all the trenches. The villagers working on the physic nut plantation were first required to clear the area, removing all existing trees and roots before preparing the ground for planting.

In addition to working unpaid, the villagers were not provided with transport to either the military base or the plantation site. They were also required to use their own equipment, tractors and fuel.[234]

There were reports from Nansang Township that local people had been used as forced labour to build fences around a military airport between March and July 2008. The orders came from SPDC IB #66 and villagers were required to work in rotation, cutting and transporting bamboo as well as constructing the fences. The villagers were also required to provide the tractors used for transporting the bamboo and to pay for the fuel. The fences around the airfield were a combined length of seven or eight miles and comprised of three layers. The first two layers were bamboo picket fences and the outer layer was barbed wire.

The main villages affected were Nam Wo and Kun Saai villages in Wan Hai village tract. The order specified that each person from each family had to report for work four times a month and provide 2,500 kyat each time, to cover the cost of fuel for the tractors. Anyone who failed to turn up for work was fined 2,000 kyat in addition to the fee for tractor fuel.[235]

In May 2008 the villagers of Kun Saai village in Mai Hai village tract were forced to produce corn for locally based troops from SPDC LIB #543. The crop was initially to be grown on an area of unused land but the villagers later had to give up some of their own land. They were also required to purchase the seeds at their own expense. At least 30 villagers had to work each day during the planting period. They were then responsible for tending the crop and delivering the final harvest to the military base.[236]

Irrawaddy Division

Villagers from the townships of Labutta, Bogale, Pyapon and Dedaye reported in July 2008 that their respective Ward Peace and Development Councils (WPDC) had told them they would be required to provide unpaid labour on a rotating basis in order to assist the reconstruction efforts following cyclone Nargis. These areas were hard hit by the cyclone and many of the villagers were left living in camps for survivors. The imposition of forced labour prevented them from rebuilding their own homes or trying to salvage their farms. The work required of them by the authorities ranged from portering to cutting bamboo and timber, cleaning roads and villages or working on construction sites.

> *"They [farmers] said that for the past month, they have been forced to work in rotation for the authorities. People who don't work when it's their turn have to pay a fine of 1,500 kyat (US $1.26)."* [237]

A villager from Kaing Thaung said the authorities had accused the people in the camps of being lazy opportunists who expected to get things for free. Another villager from Kyar Chaung said that those who refused to work were driven out of the camps. There were also reports of beatings.

The troops overseeing the reconstruction efforts in the Irrawaddy delta were from SPDC LID #66 under the command of Brigadier-General Maung Maung Aye. The Brigadier-General gained a reputation for using forced labour of civilians on road construction during his time with SPDC IB #70 in the early 2000s.[238]

On 29 July 2008 it was reported that the Pun Hlaing Construction Group was building 125 new homes in the village of Auk Pyon Wa, located near the mouth of the Irrawaddy River, which was destroyed during the cyclone in May. The company's construction manager, Ohn Myint, told reporters that the company was providing technicians and skilled labourers free of charge while the authorities were providing the timber, zinc and iron. He said the local villagers were providing basic labour in return.

However, Ohn Myint then admitted they were facing delays because many of the villagers were unhappy about being forced into construction work instead of being allowed to return to their former occupations as fishermen. With the fishermen unable to work, the villagers were reliant on food aid which was mostly comprised of rice. They were also left without clean drinking water and had to collect supplies from nearby Thin Gan Gon village.[239]

Bogale Township

On 24 May it was reported that Bogale WPDC was sending cyclone refugees to Maubin, a town northeast of Bogale, to work as labourers. Many of them ended up digging rocks in a quarry. They were paid 1,000 kyat per day (this equates to US $0.88). Although some private donors were making it through to the area, the USDA had instructed them not to hand over food or aid directly to refugees as it would make them lazy and dependent. Donors were advised to deliver all aid to the local authorities instead.[240]

Abbot U Kawvida from Sanchaung monastery in Bogale also reported that some of the survivors were being sent to work on road reconstruction in Maubin and were also being paid at a rate of 1,000 kyat per day. The abbot was at the time hosting approximately 120 survivors in the monastery with no assistance from the authorities. Those who could not fit into the monastery were sheltered around its walls under plastic sheets strung from the roof.[241]

On 24 June 2008 it was claimed that unemployed people from across Burma were being forced to work for very low pay on farmlands which had been taken from cyclone victims in the Irrawaddy delta. A resident of Bogale reported seeing a number of people from Mandalay brought in military trucks to work the farms of those who had been killed by the cyclone.[242]

> *"Apparently the labourers were told they were to give assistance to farmers in devastated areas… The people are from Mandalay – the authorities demanded one person from each household in their neighbourhood."* [243]

A 13-year-old Karen boy from Thaton District, Karen State, performing forced labour for the SPDC in April 2008 in lieu of his parents so that they are free to work in their fields and maintain their livelihood. The SPDC rarely cares the ages of the persons performing labour for them, so long as the work is done. *[Photo: © KHRG]*

Labourers from Hlaingthaya Township in Rangoon also arrived after being promised 10,000 kyat per day. Once they had started work they were told they would receive only 1,000 kyat.[244]

> *"Between 400 and 500 labourers were seen this morning at the port area – they said they had to sign agreement letters with the authorities and they couldn't leave until they finished all the work… They want to go back to their homes now but they have no money to travel and they don't get proper meals either – some even had their ID cards taken away by the officials."* [245]

Additional reports of forced labour came from Bogale Township in October 2008. According to local sources, SPDC Brigade #66 had enlisted people from the following villages to carry materials for road building and reconstruction:

1. Saa-O Kyaung;
2. Set Su;
3. Yay Kyaw Gyee;
4. Shwe Pyi Aye;
5. Mondaing Lay;
6. Khyoon Thaya; and
7. Kyeinchaung.

Those who were unable to work were fined between 3,000 and 5,000 kyat. Most of the villagers were ordinarily employed on local paddy fields or as fishermen and were faced with a choice of abandoning their day jobs or finding the money for the fine.

One paddy field owner said almost entire villages had been enlisted in construction labour;

> *"They are forcing almost the whole villages to take part in road building, cleaning their buildings, and loading and unloading timber for the construction companies. They have to work from 6.30am to 11am. Then they have to take a rest and have lunch at their own home. Then they have to work again from 1pm to 4.30pm. They are saying that they are doing local development, but in fact they are just using forced labour."* [246]

Labutta Township

Aye Kyu, a Burmese doctor working with international relief workers in the delta, reported that a group of approximately 20,000 refugees from Labutta who were sent to Myaung Mya town in search of food and aid were faced with the choice of forced labour or joining the army.[247]

> *"The authorities asked the refugees to join the army. If they didn't accept, they wouldn't get any food," he said. "The authorities also recruited refugees as forced labor. So, many refugees were afraid and returned immediately to Laputta without food."* [248]

On 17 July 2008, villagers in Kaing Thaung, Kanyin Kone, Ywe and Pyin Salu villages reported regular occurrences of forced labour in connection with the reconstruction efforts. Some also reported being beaten while engaged in this work. There were also reports of refugees in camps at Three Mile, Five Mile and Yatana Dipa being conscripted for forced labour.[249]

Villagers from Labutta Township even reported being forced into hard labour in order to receive food rations. Much of the humanitarian aid received in the area was siphoned off by the various levels of authority, from the military generals right down to the village headmen. Villagers from Ka-Nyin Kone also reported forced labour instigated by their headman:

> *"When the secondary school at Ka-Nyin-Kone was destroyed by the cyclone, the monks from Min Kyaung monastery handed over a donation for its reconstruction, including payment for carpenters. However, U Sein Myint, the village headman, summoned the villagers and forced them to work on the construction of the school without payment. If they failed to do so, they were beaten……On August 7 and 8, U Sein Myint called meetings and said to the villagers that they can go and complain anywhere they like. But he boasted that he would still be village headman in 2010. Then he brought along some soldiers who were stationed nearby to threatened us."* [250]

On 6 October 2008 it was reported that people in the Labutta area of the Irrawaddy delta were being forced to work in exchange for international aid. Seventeen villages in the Pyinsalu village tract of Labutta Township received an order from SPDC LID #66 that one person from each family was required for construction work being carried out on the Labutta -Thingangyi-Pyinsalu road.

One resident of Wabokhone village reported being forced to work on the road despite being four months pregnant. Her husband had already been conscripted to work on a government building in Pyinsalu. The headman of Khonegyi village reported 50 people had been working on construction sites in Pyinsalu since 16 September and that no-one knew when they were likely to return.

In exchange for their labour, the villagers received some of the aid that had been donated by international organisations. This included basic family water kits from UNICEF, so-called 'dignity kits' of clothes and personal hygiene items from the United Nations Population Fund, rice, food and medicine. Amnesty International had reported instances of cyclone survivors being forced to work in exchange for aid as early as June 2008. There were also reports of aid being diverted to regime-friendly projects or being sold on the black market.[251]

Magwe Division

Myayde Township

On 20 October 2008 it was reported that cotton farmers in Myayde Township had been forced to grow sugar cane even though the land in that area was not suitable for that crop. A local farmer said Lieutenant-Colonel Zaw Win had issued orders to the following village tracts:

1. Myaypaw;
2. Nyaungpin Wine;
3. Nyaungpin Thar;
4. Thabyaypin;
5. Shankalay; and
6. Tharyar.

Troops were deployed to the region to ensure that the order was followed. Locals said they had been trying to grow sugar cane since the previous year but the crops continued to fail because the land was not suitable. They submitted a report to the ILO and some officials from Naypyidaw arrived under the supervision of Colonel Tin Aung Win to inspect the land. The farmers claimed that during 2007 they lost 300,000 kyat profit from each acre of land where they attempted to grow sugar cane instead of cotton.[252]

Pauk Township

On 19 August 2008 villagers in Pauk Township were ordered to destroy their maize crops and grow paddy instead. The order was issued jointly by the Agriculture Department, the Land Survey Department and a number of other authorities. The villagers were given four days to comply with the order. Central Burma was suffering from drought at the time and the land was therefore unsuitable for paddy. It was these conditions which persuaded local farmers to grow the maize in the first place.

> *"They asked us to destroy the maize fields since June. But this soil is not suitable for paddy. We can not grow paddy. It is no rain there and that is the reason why we grew maize. They are asking us to destroy the maize within 4 days. It is impossible to grow paddy right now. They are forcing us to do that in such place. They said they would confiscate the lands…… They claimed paddy is the main thing. After Nargis, Paddy is in need. In June 29, TPDC chairperson from Paut Township personally came here and asked us to grow the paddy. If we are not going to grow the paddy, he said he would confiscate the lands. There is no rain and sesame had been also failed this year."* [253]

Despite these conditions, each farmer was ordered to grow one acre of paddy.

Pegu Division

On 18 November 2008 it was reported that SPDC troops had been carrying out forcible conscription of young ethnic Karen villagers in Kyaukkyi Township, Nyaunglebin District, as part of their preparation for an offensive against the KNU. The villages of Aye-Nine, Kyauk-Khegyi, Ka Moe L and Natha-Kwin were contacted by 1st Lieutenant Aung San Win, commander of SPDC LIB.#264, who demanded one recruit from each village. Unable to provide the recruits, or to pay the fines which were subsequently levied, the villages were ordered to provide 30 people on a daily rotation to work at the camp.

> *"Villagers were forced to fence off LIB No. 264 with bamboo. The soldiers demanded villagers make six layers of fences, and villagers were also forced to dig embankments between each fence around the battalion. Women and teenagers are also included in these unpaid jobs. They were forced to collect firewood and carry water for the soldiers,"* [254]

At the time of the report, the forced labour practices had been ongoing for a period of two weeks. According to residents of Htat Htoo village, which is about three kilometres to the east of Natha Kwin, the same troops had commandeered villagers for patrol duty when they had been temporarily based there in October.

> *"We were required to guard everyday, divided into three groups. Each group contained five men on rotation during the time troops stayed here."* [255]

Rangoon Division

Cyclone victims in townships across Rangoon were forced into unpaid reconstruction work at the expense of their own livelihoods after the commencement of relief operations. According to a resident of Shwepyitha Township, one person from each household was required to report for reconstruction work each day, which included cleaning roads and drains and rebuilding farms. This meant many people were prevented from carrying out their normal work and, therefore, from earning any money. Reports suggested that survivors were provided with a *pyi* of wet rice in exchange for their labour but that it was mostly inedible.[256]

Hmawbi Township

On 3 September 2008 it was reported that residents of 4th Block in Hmawbi Township were facing a choice between extortion and forced labour. Although World Vision had made donations to cover the repair of roads destroyed by rain, VPDC headman, U Myo Lwin Oo, was collecting 1,000 kyat from each household and 25,000 kyat from car owners. People who were unable or unwilling to pay were forced to work on the road repairs.[257]

Kyauktan Township

On 27 June 2008 it was reported that residents of Meepya village in Kyauktan Township had been forced to work on a reconstruction project in exchange for aid which the authorities had received from private donors. Meepya is located on an estuary and around 500 households were damaged in the cyclone, leaving many people homeless. Nevertheless, villagers were told they would not receive any aid unless they helped rebuild a local dam. The VPDC had collected 4,500,000 kyat from local businesses and residents for the repairs to the dam but Chairperson U Aye Kyaw Myint decided to use forced labour instead.[258]

This rubber plantation in Dooplaya District of southern Karen State is owned by Saw Pah Ka, Commanding Officer of DKBA Battalion #906. Each year, Saw Pah Ka forces local villagers to weed the plantation without pay and under threat of violence should they fail to comply. *[Photo: © KHRG]*

7.6 Forced Prison Labour – Partial list of incidents for 2008

Arakan State

An Township

On 8 June it was reported that 128 prisoners from An Prison in An Township, Arakan State, were being forced to work in physic nut fields owned by the Western Command. The operation commenced on 3 June 2008 and was led by Deputy Commander Tin Haling. The prisoners were required to cultivate an area of 50 acres, including cutting grass, applying fertilizer and maintaining the fence. They were also required to wear plain clothes while working but were not allowed to have contact with anyone from outside the prison.[259]

On 9 September 2008 it was reported that the junta was using prison labour from Sandoway jail and An jail to carry out repairs to the Sandoway-Gwa Highway. Approximately 275 prisoners were engaged in the repair project which starts at pillar No.51, near Ngapay Choke Bridge and continues to pillar No.55. The prisoners started work at 7.30 am and returned to the jail at 4.30 pm. They were provided with lunch while working but no other compensation. The group included a number of political prisoners, despite such prisoners normally being excluded from working.[260]

Buthidaung Township

Buthidaung prison in Arakan State is a frequent source of reports of prisoners being used in forced labour. These reports encompass work for the military and municipal authorities as well as for private businesses who have bribed the prison authorities.[261]

On 14 July it was reported that over 500 prisoners from Buthidaung jail were being forced to work on the reconstruction of the Maungdaw-Buthidaung Road. The prisoners arrived on site at 6am and worked until 10am in the morning. They started again at 1pm and worked until 6pm when they were returned to the jail.[262]

On 18 July it was reported that prisoners from Buthidaung prison working on the repair of the Buthidaung-Maungdaw Highway included suspects who had not been charged. The section of road they were working on had been damaged by a landslide brought on by heavy rains. The road is part of a vital trade route between Burma and Bangladesh.[263]

On 24 July 2008 it was reported that almost 100 of the 400 prisoners from Buthidaung jail working on the repairs to the Maungdaw-Buthidaung Road were suffering from malaria. The prisoners were already suffering from malnutrition before being exposed to the disease and they were not permitted to receive any medical attention besides that available within the jail. Local villagers were concerned that they would be drafted in to replace the sick prisoners in order to maintain progress on the repair of the road.[264]

It was reported in September that approximately 400 prisoners were being taken from Buthidaung jail every day to work in paddy fields and vegetable farms. The fields they worked comprised 64 acres of land which were seized from neighbouring villagers and a further 64 acres which had been borrowed from farmers. The equipment available included six tractors and six pairs of bullocks. The prisoners were reportedly working from 7:00 am to 11:00 am in the mornings and from 1.30 pm to 5:00 pm in the afternoons, growing paddy, brinjal, tomatoes, amaranth and other vegetables. They were fed during the day but usually not very much and they were normally shackled while working.[265]

At the beginning of October 2008 it was reported that approximately 100 prisoners from Buthidaung jail in Arakan State had been taken by NaSaKa to work in a physic nut plantation near the 3-Mile camp on the Maungdaw-Buthidaung Road. The prisoners were required to apply manure to the 2.67 acre plantation, clean the grass and fence the field. They were taken there on 30 September and stayed overnight in temporary huts before returning to the jail on 1 October.[266]

It was alleged in October 2008 that a jailor in Buthidaung prison has been accused of using prison labour for personal profit. It was alleged that the jailor had been hiring out prisoners to local villagers at a rate of 1,500 kyat per day. Most labourers charge 2,000 kyat per day for similar work. However, the jailor was accused of keeping the money rather than passing it on to the prisoners or the authorities.[267]

Prisoners in Buthidaung are used to manual labour. Approximately 500 to 600 worked on repairs to the Maungdaw-Buthidaung Highway following heavy rains in July 2008. They worked from 7:00 am to sunset for 15 days on meagre food rations. The prison authorities claim it is mandatory for prisoners to contribute to the development of the country. A number of prisoners in Buthidaung also complain of ethnic discrimination, saying that Rohingyas receive less food than Rakhine prisoners but are required to work harder.[268]

Kyauk Pyu Township

Residents of Kyauk Pyu Township in Arakan State reported in November 2008 that over 200 prisoners were working on the repairs to the Kyauk Pyu - An Highway. The road is 71 miles long and part of the Kyaukpru-Maayee-An route.

The work was led by U Nyunt Sein, Chief Engineer of the Road Transport Department of Kyauk Pyu, and was originally being undertaken by local villagers and prisoners from Arakan State. However, progress was slow and the authorities brought in additional labour from prisons in central Burma. According to a relative of one of the prisoners, the prisoners were sometimes awarded half wages and sometimes not paid at all.[269]

Chin State

Tiddim Township

On 23 December 2008 it was reported that prisoners from Lentlang prison camp were being used to repair part of the Indo-Myanmar trade road in Tiddim Township in Chin State. The prisoners were said to work from 8:00 am to 4:00 pm and received no pay or compensation. They were kept in leg cuffs and monitored by military guards. Funds had been set aside for road repairs but the local authorities decided to use prison labour instead of spending the money.

It was also reported that prisoners from Mantaw concentration camp in Kalemyo, Sagaing Division, were being used to clean bushes on jetropha plantations.[270]

Kachin State

Myitkyina Township

It was reported on 1 November 2008 that the junta had started sending short-term prisoners from Zilon Prison in Myitkyina, the capital of Kachin State, to hard labour camps in lower Burma. These include Htonbo camp in southern Mandalay and a number of camps in the conflict zones of Karen State. The prisoners selected for hard labour were mainly young males and included those with short-term sentences of six months to five years. The junta previously sent those with sentences over five years to hard labour camps in various parts of the country and also to work as porters in areas of Karen State.

One of the reasons given for the policy was that it would reduce overcrowding and control the spread of tuberculosis and AIDS, which was affecting guards as well as prisoners. Zilon Prison was built to accommodate 700 men and 500 women but currently houses 1300 men and the female section is at full capacity. Most of the prisoners at the time were ethnic Kachins who did not have enough money to bribe their way out of jail. Families seeking to get their relatives exempted from hard labour were required to pay a bribe of between 250,000 and 300,000 kyat. According to prison sources, those who are sent to hard labour camps face a high risk of dying from torture or malnutrition.[271]

Rangoon Division

Kyauktada Township

In July 2008 a group of ten students were sentenced at Kyauktada Township Court for their involvement in the Saffron Revolution. They each received a two year sentence of hard labour. It is unusual for political prisoners to be sent to hard labour camps and Tate Naing, Secretary of the Assistance Association for Political Prisoners Burma (AAPPB), said that the persecution was religious as well as political because several of the students were Muslim. The students and the camps they were sent to were as follows:

1. Tun Myint Aung, Kyaikmayaw New Life (6) forced labour camp;
2. Tun Tun Naing, Kyaikmayaw New Life (6) forced labour camp;
3. Eisud (aka) Thaung Htut, Paan New Life (7) forced labour camp;
4. Naing Lin, Paan New Life (7) forced labour camp;
5. Nyi Nyi Zaw, Zinkyaik gravel forced labour camp;
6. Kyaw Hlaing (aka) Japangyi, Zinkyaik gravel forced labour camp;
7. Myo Thant, Yinnyein gravel forced labour camp;
8. Myo Win, Yinnyein gravel forced labour camp;
9. Han Thaw Min Aung, Taungzun forced labour camp; and
10. Nay Lin Oo, Taungzun forced labour camp.[272]

7.7 Forced Conscription and Forced Military Training – Partial list of incidents from 2008

Arakan State

On 25 November 2008 it was reported that a 14 year old boy from Mrauk U Township was recruited into the military against the will of his parents. The boy was identified as Maung Tha Tun, the son of U Shwe Tun and Daw Nin Zi Pru, who reside in Pazun Pe village within the township. According to local sources, the boy was recruited by a soldier from Battalion #540 who offered him a financial incentive. At the time of printing, the parents had been unable to secure his release from the battalion.[273]

On 17 December 2008 it was reported than an Arakanese family from Praing Taung village in Pauk Taw Township had spent a total of 900,000 kyat securing their son's release from military training. The boy was identified as 19 year old Maung Tun Wai, who previously worked in a garment factory in Industrial Zone No.1 in Shwepyitha Town in Rangoon. According to family sources, he met the soldier who recruited him while travelling home to during the first week of October 2008. The meeting occurred by chance at Prome railway station. The soldier, who has been described as a corporal, told Maung Tun Wai he was also travelling to Arakan State and invited the boy to visit his house while they waited for the bus. Instead, he took him to a recruiting unit in Prome and had him registered as a private soldier. The boy's parents, U Myint Htun and Daw Saw Nhin, heard nothing from him for over a month, by which time he had been transferred to Danhingon Unit in Rangoon and then to the Basic Military Training Centre No.1 of Phaung Gyi, Rangoon, for basic training.

The parents were initially unable to secure their son's release. However, after being contacted by a military broker, they agreed to pay 300,000 kyat to the chief trainer, 400,000 kyat to the principal of the training school and a further 200,000 kyat for the broker's services. This secured them their son's release and a testimonial from the training school stating that the boy's health was not good enough for him to serve in the military.[274]

Karen State

On 27 July 2008 it was reported that SPDC IB #60 had ordered the village tracts of Par Ta Lar, Noh Gaw and Wet Law Daw in Kyaukkyi Township, Nyaunglebin District, to supply one person each as new recruits for the military. They were informed that the fine for failure to comply would be 100,000 kyat per recruit.[275]

It was reported in September 2008 that the SPDC had intentions of having all ceasefire groups disarm with a view to contesting the 2010 elections as political parties rather than armed groups. This conflicted with reports from Karen State that the DKBA was actively conscripting villagers from T'Nay Hsah Township in Pa'an District to reinforce their offensive against the KNLA in Dooplaya District. According to a villager from T'Nay Hsah Township;

> *"Their [the DKBA's] aim is [to send the] new soldiers to Dooplaya District. I heard [this] from a village head. The DKBA has signed an agreement with the SPDC that this year they will attack Dooplaya District until they win."* [276]

The SPDC and the DKBA have a strong presence in Pa'an District and, consequently, forced labour and extortion are commonplace. The conscription drive in 2008 was being run by DKBA Brigade #999, led by Muang Chit Thoo. Recruitment was not optional and villagers who were unwilling or unable were obliged to hire others to serve in their stead. The cost of this led to many having to sell their land or leave the area and look for work elsewhere. Recruitment began in T'Nay Hsah Township in August 2008, led by DKBA Brigade #999 Special Battalion Officers Poe Gkay and Boh Gk'Doh. The officers had devised a lottery system whereby villagers picked small pieces of paper from a box. Those who picked a marked piece were ordered to report for military training and serve for a term of one and a half years. Each village was allocated a quota based on its population with the number of required recruits ranging from 15 to 25. On top of this, villages were required to provide financial support for each conscript at a cost of 300,000 to 400,000 kyat (approximately US$235 to US$313). The lottery system was applicable to all villagers regardless of age or gender and the conscripts taken during summer 2008 included a 13 year old boy from Noh Gkay village tract. A deserter from DKBA Battalion #999 was quoted as saying;

> *"They [the DKBA] didn't make exceptions for widows and old unmarried women. If unmarried women pick the marked sheets, they have to hire people to replace them. They count the number of households so that households with only a widow or unmarried women also have to participate."* [277]

A total of 175 people were taken from the following villages;

1. Htee Wah Blaw, 25 persons, conscripted on 5 August 2008;
2. Hway Sghah, 15 persons, conscripted on 5 August 2008;
3. Htee Sa Rah, 15 persons, conscripted on 5 August 2008;
4. Gker Ghaw, 15 persons, conscripted on 5 August 2008;
5. Saw Koh, 15 persons, conscripted on 5 August 2008;
6. Thih Wah Bpoo, 15 persons, conscripted on 5 August 2008;
7. Meh Bpleh Wah Kee, 15 persons, conscripted on 5 August 2008;
8. Noh Gkay, 15 persons, conscripted on 5 September 2008;
9. Htee Poe Gkyaw, 15 persons, conscripted on 5 September 2008;
10. Htee Gklay, 15 persons, conscripted on 5 September 2008; and
11. Yaw Kkuh, 15 persons, conscripted on 5 September 2008.

The one exception which the DKBA made was that conscription was limited to the ethnic Karen. Other ethnic groups resident in Pa'an District escaped conscription but were obliged to pay for the privilege. For example, fifteen ethnic Shan villagers from Hway Sghah village tract were required to pay 60,000 Thai baht (approximately US $1,765).

Conditions for DKBA soldiers have been, and continue to be, poor and desertion is common, particularly amongst conscripts. Accordingly, the DKBA has resorted to penalising the families of deserters in an attempt to deter the practice.

> *"They [new DKBA soldiers] dare not escape because, if they do, the DKBA will come and [harass] their younger brothers or parents. They will ask the parents to look for the son [who has deserted] and, if the parents can't find out where their son is, they will be fined ... I knew some soldiers who escaped and the DKBA fined the parents three million kyat [approx. US $2,352]."* [278]

Where a family is unable to pay the fine or hire a replacement for the deserter, they are likely to have their property confiscated and to be exiled from the village. Similar penalties are levied on those who have hired replacements for themselves and the replacement has deserted.[279]

Pegu Division

In January 2008 it was reported that SPDC LID #66 had conducted a recruitment drive in Paungde Township in Pyay District. According to a resident of Htanpin Ngoato village, any villages that were unable to provide a recruit were required to pay 100,000 kyat. The soldiers also gave orders for the TPDC and VPDC to assist them with recruitment. A local source also reported that previously, street children had been arrested and sold to the military, by either the police or the municipal authorities.[280]

On 18 November 2008 it was reported that SPDC troops had been carrying out forcible conscription of young ethnic Karen villagers in Kyaukkyi Township, Nyaunglebin District, Pegu Division. This was said to be in preparation for an offensive against the Karen National Union (KNU). According to a HURFOM field reporter, conscription was being carried out by two local battalions, SPDC IB #60 and LIB #264. Lieutenant Colonel Ko Ko Aung, Commander of SPDC IB #60, spoke to the headmen from the following villages on 7 November 2008:

1. Pattala;
2. Waela-Taw;
3. Thugabee;
4. Inn-Nee;
5. Noe-Nyar-Thu; and
6. Dow-Moo.

He demanded a minimum of one young man from each village tract. [281] According to Naing Htoo Byaing, Chairman of the Kyaukkyi Township KNU;

> *At least six new members were asked to be supplied from these village tracts. We got the order from IB No. 60 that Lt. Col. Ko Ko Aung strongly required this set amount of recruits within two weeks. Any village tracts that could not afford to supply the conscripts have been ordered to pay 250,000 kyat (approximately $205 USD) per village as punishment. Currently, all villagers are facing difficulties finding new recruits for the Army. On the other hand, people are too poor to give the money they (the army) demand."* [282]

According to local sources, all those who could afford it, prefered to pay the cash fines. Moo Htoo, aged 35, from Dow-Moo village said;

> *"I don't know about Thugabee and Pattala villages, but the other four villages decided to pay 250,000 kyat each to IB No.60 because no one wants to serve with the Burmese Army. People were forced against their will,"* [283]

1st Lieutenant Aung San Win, commanding a unit of men from LIB #264, placed similar demands on the villages of Aye-Nine, Kyauk-Khegyi, Ka Moe L and Natha-Kwin. According to the HURFOM field reporter, these villages were unable to comply and consequently were ordered to provide 30 villagers on daily rotation to work for SPDC LIB #264.

KNU sources attest that conscription in Kyaukkyi Township areas has been commonplace for at least the last three years, as have reprisals for the failure to provide recruits.[284]

Shan State

On 2 September 2008 it was reported that Major-General Aung Than Htut, Chairman of Shan State (North) PDC and Commander of North-East Region Command, had called on the leaders of local militias in Mong Yaw, Wan Pang, Mong Ha and Kachin Defense Army to start recruiting from amongst local villagers. Local sources said that officers from MOC #16 in Hsenwi visited local villages on 27 August 2008 to issue the summons for militia training. The training was compulsory and those who refused were taken to the local command post to explain themselves. A similar recruitment campaign took place in Southern Shan State during August, led by Colonel Yawd Serk of the Shan State Army-South (SSA-S).[285]

Towards the end of 2007, a small ceasefire group in Shan State started trying to recruit new members. The group, named after its leader, was known locally only as the Murng Zern group. They were based in Naa Poi village tract, in Laikha Township. Murng Zern made it known to local leaders that he would like four recruits from each village, preferably aged between 15 and 25. When no-one volunteered he sent his troops to start arresting young males from the local villages. Most of the arrests took place during January 2008. Families attempting to secure the release of their sons were made to pay a fee of 200,000 kyat. Not all families were able to pay this sum, so some of the young men attempted to escape. In each case the man's parents were arrested and a sum two to three times higher set for their release. As a result, many young males from the area fled and it was reported that a number of them had crossed the border into Thailand.[286]

At the beginning of 2008 it was reported that a number of people from Mong-Yawng Township in Shan State were forced to join Swan Arr Shin, a local militia group sponsored by the SPDC. Military authorities from SPDC IB #279 arrived in the township on 19 February 2008 and called a meeting with all the leaders and headmen from the local quarters and villages. The commander issued an order that each quarter and village should provide three people to join the Swan Arr Shin. The local area contained 11 quarters and villages including:

1. Ho Kaad;
2. Kaeng Hin;
3. Pa Non;
4. Murng Paeng;
5. Kaeng Laek;
6. Sae Taan;
7. Haw Tai;
8. Mawk Mai;
9. Haw Kaang;
10. Pa Mai; and
11. Mawn Ke.

In line with the order, a total of 33 people were taken by the military to undergo training between 22 and 27 February 2008. The local people were obliged to pay for the cost of training this group. A sum of 6,000 kyat per person per day was levied, resulting in a charge of 90,000 kyat per village or quarter. It was also reported that none of the local people were willing to join the group or undergo the training so village leaders resorted to hiring labourers at a rate of 5,000 kyat per person.[287]

Mandalay Division

In October 2008 it was reported that Aung Zaw Myo from Myay Char village in Meiktila District was apprehended at around 10:00 pm on 25 August at Tharsi Station in Mandalay Division. Aung Zaw Myo was returning home from work and had just alighted from the train when he was approached by four soldiers in civilian clothing who asked to see his national identity card. He was then taken to a room near the ticket booth on Platform 1 where he was detained for approximately one hour. The soldiers initially tried to pressure him into joining the military and then beat him repeatedly when he started shouting for help. Aung Zaw Myo managed to escape and reported the incident to the transport police, who were unwilling to take any action against the military. They did provide him with a sarong, as he had been obliged to leave behind his belongings, including his clothes, 50,000 kyat and his identity card, when he escaped. They also allowed him to stay the night. Aung Zaw Myo later tried to retrieve his belongings from the Brigade #99 base in Meiktila. A military driver took him back to Tharsi where his bag had been left but he was unable to retrieve his money or clothes. His identity card was also retained until his father and uncle presented themselves at the base to collect it.[288]

On 6 October 2008 it was reported that a further 19 people, including minors, were abducted from a train in Tharsi Township on 10 September. One of the abductees, who later escaped, was Kyaw Oo, who was en route to visit his mother in Meiktila Township.

The group was approached by soldiers from SPDC LIB #420 and accused of involvement in bombings which had taken place in Rangoon. Their identity cards were confiscated and they were informed that they would have to join the army. Kyaw Oo was one of those who refused to sign up and was beaten by the soldiers, who told him he would be jailed for the bombings if he continued refusing to join. The group were held in cells at the barracks for over two weeks. On 28 September they were allowed out of their cells during a visit by senior military officials. Kyaw Oo and four others took this opportunity to escape. Kyaw Oo is married with one child and works as a crew member on a private cargo ship.[289]

These civilian villagers from Nyaunglebin District, Karen State were forced to build this small sentry hut and seven others like it along the motor road from the Kyun Pin Seid SPDC army camp and the nearby Aung Lung Sein SPDC army camp. Ten separate villages in the vicinity were given orders to work on the construction of these huts, and following their completion, were further required to keep all eight huts manned with three villagers at all times. The sentries were expected to monitor the road and to report the movement of any resistance forces to the SPDC. *[Photo: © FBR]*

Rangoon Division

On 7 February 2008 it was reported that the wife of Htun Htun Naing received a sum equating to US $6 as compensation for her husband's death while in military service. It is still not known how 31 year old Htun Htun Naing ended up serving with an infantry battalion. The last his family had heard of him was when he was arrested for gambling.

In November 2006 a low-ranking army officer had arrived at his home in Rangoon and told his wife that he had died of malaria three months previously. She was advised to travel to the battalion's headquarters to get more information but was unable to make the journey. With her husband gone, she was the sole provider for her three children. The following year she received a letter which acknowledged the death of Htun Htun Naing in the service of IB #250 based at Loikaw and which informed her that the sum of 7,200 kyat had been cleared for payment.

The family subsequently registered a complaint asking for a review of the case and a little more money. They were too afraid to ask for details of how Htun Htun Naing ended up with IB #250 or how he died. The most likely explanation however, is that he was conscripted from prison.[290]

Tenasserim Division

A military order was issued on 25 October 2008 requiring male students in the Ta-kei regions, who were over the age of 16 and had completed high school (10 Standard) to register their names for military medic training. Major Than Htika, of SPDC LIB #561, communicated the order to village heads in Tenasserim Township, Mergui Township and Tavoy Township and also ordered them to provide a list of eligible male students. The young men were expected to serve in the military for a period of ten years following completion of their training.[291]

Residents of T'Ree Po Gkwee village in Pa'an District of Karen State planting paddy in July 2008 at the behest of the DKBA. Though these villagers did all of the work, they did not reap any of the benefits. Meanwhile, because much of their time was spent maintaining crops for the DKBA, their own crops suffered as a result. *[Photos: © KHRG]*

Endnotes

[1] Source: Accessed online at http://burma.total.com/en/contexte/p_1_4.html
[2] Source: "We Are Not Free To Work for Ourselves: Forced Labor and Other Human Rights Abuses in Burma (January 2002-May 2002)," EarthRights International, June 2002.
[3] Source: *The Human Cost of Energy: Chevron's Continuing Role in Financing Oppression and Profiting From Human Rights Abuses in Military-Ruled Burma (Myanmar)*, EarthRights International, April 2008.
[4] Source: *Crimes against humanity in eastern Myanmar (AI Index: ASA 16/011/2008)*, Amnesty International, June 2008.
[5] Source: *Ibid.*
[6] Source: "Forced Labor Used At Castor Oil Plantation," *Narinjara News*, 1 August 2008.
[7] Source: "Junta Harrassing Burma's Cyclone Survivors," United Press International, 1 July 2008.
[8] Source: "Weekly Business Roundup (July 12, 2008)," *Irrawaddy*, 12 July 2008.
[9] Source: *Burma Bulletin, Issue 23*, Altsean, November 2008.
[10] Source: *Biofuel by Decree – Unmasking Burma's bio-energy fiasco*, ECDF, 2008.
[11] Source: "New Report Revels Biofuel Fiasco in Burma," ECDF, 1 May 2008.
[12] Source: *Biofuel by Decree – Unmasking Burma's bio-energy fiasco*, ECDF, 2008.
[13] Source: *Ibid*.
[14] Source: *Ibid*.
[15] Source: *Ibid*.
[16] Source: *Ibid*.
[17] Source: "Weekly Business Roundup (July 12, 2008)," *Irrawaddy*, 12 July 2008.
[18] Source: *Crimes against humanity in eastern Myanmar (AI Index: ASA 16/011/2008)*, Amnesty International, June 2008.
[19] Source: *The Human Cost of Energy: Chevron's Continuing Role in Financing Oppression and Profiting From Human Rights Abuses in Military-Ruled Burma (Myanmar)*, EarthRights International, April 2008.
[20] Source: "Interview with an SPDC deserter," News Bulletin, KHRG (#2008-B5), July 28th 2008.
[21] Source: *Ibid*.
[22] Source: "Army Conscripts Teenager," *Narinjara News*, 25 November 2008.
[23] Source: "Interview with an SPDC deserter," News Bulletin, KHRG (#2008-B5), July 28th 2008.
[24] Source: *Ibid*.
[25] Source: *Report of the Liaison Officer, Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)*, International Labour Office, Governing Body (GB.303/8/2), 303rd Session, Geneva, November 2008.
[26] Source: *SHRF Monthly Report*, SHAN, September 2008.
[27] Source: *Report of the Liaison Officer, Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)*, International Labour Office, Governing Body (GB.303/8/2), 303rd Session, Geneva, November 2008.
[28] Source: "ILO Extends 'Understanding' with Burmese Regime," *Irrawaddy*, 27 February 2008.
[29] Source: *Ibid*.
[30] Source: *Report of the Liaison Officer, Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)*, International Labour Office, Governing Body (GB.303/8/2), 303rd Session, Geneva, November 2008.
[31] Source: *Special sitting to examine development concerning the question of the observance by the Government of Myanmar of the forced Labour Convention 1930 (No.29)*, International Labour Office, Committee on the Application of Standards, 97th Session, Geneva, May–June 2008.
[32] Source: *Ibid*.
[33] Source: *Report of the Liaison Officer, Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)*, International Labour Office, Governing Body (GB.303/8/2), 303rd Session, Geneva, November 2008.
[34] Source: *Special sitting to examine development concerning the question of the observance by the Government of Myanmar of the forced Labour Convention 1930 (No.29)*, International Labour Office, Committee on the Application of Standards, 97th Session, Geneva, May–June 2008.
[35] Source: *Ibid*.
[36] Source: *Conclusions concerning Myanmar*, 303rd Session of the Governing Body of the International Labour Office (GB.303/8), November 2008.
[37] Source: "ILO Extends 'Understanding' with Burmese Regime," *Irrawaddy*, 27 February 2008.
[38] Source: "ILO Slams Myanmar For Keeping Six 'Labour Activists' In Jail," DPA, 11 July 2008.
[39] Source: *Ibid*.

[40] Source: "Former Child Soldier Arrested In South Dagon," DVB, 19 September 2008.
[41] Source: *Ibid*.
[42] Source: "Myanmar Gives Labour Activist Hard Labour," Reuters, 19 September 2008.
[43] Source: "NLD Leader Sentenced For Trying To Complain To ILO on Use of Child Soldiers," *Mizzima News*, 17 September 2008.
[44] Source: *Ibid*.
[45] Source: "Su Su Nway's Sister Banned from Visiting," *Irrawaddy*, 25 September 2008.
[46] Source: "Farmers Were Postponed Who Complained To ILO," DVB, 19 November 2008, Translation by HRDU.
[47] Source: "Magwe Farmers Banned From Working Land," DVB, 15 December 2008.
[48] Source: "Mine Casualties in Burma Nearly Double," *Mizzima News*, 26 November 2008.
[49] Source: "Factory Worker Jailed For 19 Years after ILO Report," DVB, 9 December 2008.
[50] Source: "ILO Concerned About Forced Labour after Cyclone," DVB, 2 June 2008.
[51] Source: "ILO to Take a More Active Role in Cyclone Reconstruction," DVB, 16 June 2008.
[52] Source: "Jade trade in Myanmar Thrives on Exploitation, Rights Abuse," *The National*, 29 September 2008 and "Burma's Bloody Trade," *New Statement* (UK), 27 October 2008.
[53] Source: *Ibid*.
[54] Source: "Weekly Business Roundup (July 19, 2008)," *Irrawaddy*, 19 July 2008.
[55] Source: "New Hydropower Dam to Displace Thousands," *Irrawaddy*, July 2008.
[56] Source: "Three Villagers Died During Forced Labour for Dam," DVB, 2 May 2008, Translation by HRDU.
[57] Source: "Authorities Force People to Work Till Death," SHAN, 15 May 2008.
[58] Source: *Ibid*.
[59] Source: "Weekly Business Roundup (July 12, 2008)," *Irrawaddy*, 12 July 2008.
[60] Source: *The Human Cost of Energy: Chevron's Continuing Role in Financing Oppression and Profiting From Human Rights Abuses in Military-Ruled Burma (Myanmar)*, EarthRights International, April 2008.
[61] Source: *Ibid*.
[62] Source: *Ibid*.
[63] Source: *Ibid*.
[64] Source: *Ibid*.
[65] Source: *Ibid*.
[66] Source: "Amazon Defense Coalition: Chevron Whitewashes Its Website Of Burma," *Business Wire*, 3 November 2008.
[67] Source: *The Human Cost of Energy: Chevron's Continuing Role in Financing Oppression and Profiting From Human Rights Abuses in Military-Ruled Burma (Myanmar)*, EarthRights International, April 2008.
[68] Source: *Ibid*.
[69] Source: Shwe Gas Movement, accessed online at http://www.shwe.org/the-shwe-gas-movement/campaign-goals.
[70] Source: *Ibid*.
[71] Source: *Ibid*.
[72] Source: *Ibid*.
[73] Source: "Daewoo Named in Human Rights Complaint," *Irrawaddy*, 4 November 2008.
[74] Source: *Ibid*.
[75] Source: *Ibid*.
[76] Source: "Authority Exploits Day Laborers on Sittwe-Rangoon Highway," *Narinjara News*, 4 August 2008.
[77] Source: "As Thousands Suffer the Effects of Cyclone Nargis, Villagers Suffer Continued Brutality by the Burma Army in Karen State," Free Burma Rangers, 9 May 2008.
[78] Source: "Burma Army Attacks Villages in Eastern Burma as they Obstruct Relief to Cyclone Victims in the South," Free Burma Rangers, 29 May 2008.
[79] Source: *Ibid*.
[80] Source: *Ibid*.
[81] Source: *Ibid*.
[82] Source: *Human Rights Violation in Karen State (June 2008)*, CIDKP, 25 June 2008.
[83] Source: *Report from the field*, KHRG (#2008-F13), 19 September 2008.
[84] Source: *Ibid*.
[85] Source: *Report from the field: Villagers' responses to forced labour, torture and other demands in Thaton District*, KHRG (#2008-F14), 2 October 2008.
[86] Source: *Ibid*.
[87] Source: *Human Rights Violation in Burma (Sep – Oct 2008)*, CIDKP.

[88] Source: "SPDC Forced Villagers Including Thirty Women to Serve as the Labour," *Kwekalu News*, 12 December 2008, Translated by HRDU.
[89] Source: "Burma Army Force Women to Serve As Porter," *Kwekalu News*, 14 July 2008, Translated by HRDU.
[90] Source: "Porters Killed During Fake Battles Created By SPDC Soldiers," *Kantarawaddy Times*, 1 September 2008.
[91] Source: "Three Insurgents and One Villager Killed By Burmese Army during Clash in Ye Township," IMNA, 20 November 2008.
[92] Source: *SHRF Monthly Report*, SHAN, November 2008.
[93] Source: "Villager Shot, People Forced to Porter and Vote 'Yes'," Lahu Relief Team, FBR, 10 September 2008.
[94] Source: "Civilian porters shot dead, accused of being SHAN soldiers and imprisoned, in Lai-Kha," *SHRF Monthly Report*, SHAN, September 2008.
[95] Source: "Forced porterage, causing death later, in Ho-Pong", *SHRF Monthly Report*, SHAN, November 2008.
[96] Source: "Forced porterage preceding constitutional referendum in Kae-See," *SHRF Monthly Report*, SHAN, November 2008.
[97] Source: "Women Forced to Serve as Unpaid Porters in Murng-Pan," *SHRF Monthly Report*, SHAN, November 2008.
[98] Source: "Villagers Living and Dying For the Army," SHAN, 17 September 2008.
[99] Source: *SHRF Monthly Report*, SHAN, August 2008.
[100] Source: "Civilian porters shot dead, accused of being SHAN soldiers and imprisoned, in Lai-Kha," *SHRF Monthly Report*, SHAN, September 2008.
[101] Source: "Villagers Forced To Porter during Junta Campaign against Rebels," SHAN, 14 November 2008.
[102] Source: *SHRF Monthly Report*, MAY 2008.
[103] Source: "Villagers Forced To Work as Army Porters," DVB, 1 August 2008.
[104] Source: "Nine Villagers Beaten During Interrogations in Northern Tenasserim; Two Conscripted As Porters and Remain Missing," IMNA, 24 November, 2008.
[105] Source: *Ibid*.
[106] Source: "Famine, Forced Labor and Extortion. Arakan Update," FBR, September 2008.
[107] Source: "Army Forces Farmers to Plough Its Paddy Fields in Buthidaung," *Kaladan News*, 29 June 2008.
[108] Source: "Forced Labour and Harassment in Buthidaung," *Kaladan News*, 26 December 2008.
[109] Source: "Forced Labor in Naval Base in Kyaukpru," *Kaladan News*, 20 July 2008.
[110] Source: "Rohingya Muslims Work in Kyaukpru–Maayee New Road," *Kaladan News*, 24 October 2008.
[111] Source: "Forced Labour in Arakhan State," DVB, 17 May 2008, Translation by HRDU.
[112] Source: "Forced Labor for Dam in Kyauktaw Township," *Kaladan News*, 24 November 2008.
[113] Source: "TPDC Forces Villagers to Buy Rubber Saplings," *Kaladan News*, 13 July 2008.
[114] Source: "Forced Labour for Road Repairs in Maungdaw," *Kaladan News*, 19 September 2008.
[115] Source: "Over 200 Villagers Forced To Work in Rubber Plantation," *Kaladan News*, 22 October 2008.
[116] Source: "Army Uses Forced Labor for Trenches and Bunkers," *Kaladan News*, 15 November 2008.
[117] Source: "Forced Labor for Growing Winter Crops in Maungdaw," *Kaladan News*, 25 November 2008.
[118] Source: "Forced Labor for Road Building in Maungdaw," *Kaladan News*, 5 December 2008.
[119] Source: "Labourers Repair Bridge In The Midst Of Junta Officer Visit," *Kaladan News*, 28 October 2008.
[120] Source: "Forced Labor Used For Road Repair," *Narinjara News*, 10 November, 2008.
[121] Source: *Ibid*.
[122] Source: "Forced Labour for Drainage System in Mrauk-U," *Kaladan News*, 27 March 2008.
[123] Source: "Forced Labor Used For Brush Clearing," *Narinjara News*, 2 December, 2008.
[124] Source: "Forced Labor Used At Castor Oil Plantation," *Narinjara News*, 1 August 2008.
[125] Source: "Sittwe Residents Forced To Stand Sentry," *Narinjara News*, 3 September 2008.
[126] Source: "Burma Army Stops Forced Labour and Use as Porters in Chin State," *Khonumthung*, 29 April 2008.
[127] Source: *Ibid*.
[128] Source: "Burmese Soldiers Snatch Livestock in Northern Chin State," *Khonumthung*, 10 October, 2008.
[129] Source: "Chin People Made To Clean Bushes to Prevent Fire," *Khonumthung*, 20 November, 2008.
[130] Source: "Authorities Force Locals into Hard Labour in Chin State," *Khonumthung*, 8 November, 2008.
[131] Source: "Forced Labor for Burmese Army's Lucrative Business," *Kaladan News*, 7 March 2008.
[132] Source: "Forced Labor in Pa Let Wa Township," *Kaladan News*, 25 May 2008.
[133] Source: "Burmese Soldiers Snatch Livestock in Northern Chin State," *Khonumthung*, 10 October, 2008.
[134] Source: "Junta Resumes Plantations for Biofuel Post Referendum," KNG, 20 June 2008.
[135] Source: "Mayan villagers forced into sentry duty," KNG, 22 October, 2008.
[136] Source: "DKBA forced the Villagers to Serve as Labour," *Kwekalu News*, 5 December 2008, Translated by HRDU.
[137] Source: "As Thousands Suffer the Effects of Cyclone Nargis, Villagers Suffer Continued Brutality by the Burma Army in Karen State," Free Burma Rangers, 9 May 2008.

[138] Source: "As Thousands Suffer the Effects of Cyclone Nargis, Villagers Suffer Continued Brutality by the Burma Army in Karen State," Free Burma Rangers, 9 May 2008.
[139] Source: *Ibid*.
[140] Source: *Ibid*.
[141] Source: *Ibid*.
[142] Source: *Report from the field: Military expansion and exploitation in Nyaunglebin District*, KHRG (#2008-F10), 5 August 2008.
[143] Source: *Ibid*.
[144] Source: *Ibid*.
[145] Source: *Ibid*.
[146] Source: "As Thousands Suffer the Effects of Cyclone Nargis, Villagers Suffer Continued Brutality by the Burma Army in Karen State," Free Burma Rangers, 9 May 2008.
[147] Source: *Human Rights Violation in Karen State*, CIDKP Northern Office, May 2008.
[148] Source: "Burma Army Attacks Villages in Eastern Burma as they Obstruct Relief to Cyclone Victims in the South," Free Burma Rangers, 29 May 2008.
[149] Source: *Ibid*.
[150] Source: *Ibid*.
[151] Source: *Ibid*.
[152] Source: "Killing of Villagers, Deadly Landmines, and Women Forced to Work for the Burma Army," FBR, September 2008.
[153] Source: *Ibid*.
[154] Source: *Report from the field*, KHRG (#2008-F13), 19 September 2008.
[155] Source: *Ibid*.
[156] Source: *Field Report: Routine forced labour in Pa'an District*, KHRG (#2008-F15), 29 October 2008.
[157] Source: *Ibid*.
[158] Source: *Report from the field*, KHRG (#2008-F13), 19 September 2008.
[159] Source: *Ibid*.
[160] Source: *Ibid*.
[161] Source: *Field Report: Routine forced labour in Pa'an District*, KHRG (#2008-F15), 29 October 2008.
[162] Source: *Ibid*.
[163] Source: *Ibid*.
[164] Source: *Ibid*.
[165] Source: *Ibid*.
[166] Source: *Ibid*.
[167] Source: *Ibid*.
[168] Source: *Ibid*.
[169] Source: *Ibid*.
[170] Source: *Report from the field: Villagers' responses to forced labour, torture and other demands in Thaton District*, KHRG (#2008-F14), 2 October 2008.
[171] Source: *Ibid*.
[172] Source: *Ibid*.
[173] Source: *Ibid*.
[174] Source: *Ibid*.
[175] Source: *Ibid*.
[176] Source: *Report from the field: SPDC and DKBA extortion and forced labour in Thaton District*, KHRG (#2008-F16), 26 November 2008.
[177] Source: *Human Rights Violation information*, CIDKP, 12 September 2008.
[178] Source: "Killing of Villagers, Deadly Landmines, and Women Forced to Work for the Burma Army," FBR, September 2008.
[179] Source: *Human Rights Violation in Burma (Sep – Oct 2008)*, CIDKP.
[180] Source: *Ibid*.
[181] Source: *Report from the field: SPDC and DKBA extortion and forced labour in Thaton District*, KHRG (#2008-F16), 26 November 2008.
[182] Source: *Human Rights Violation in Burma (Sep – Oct 2008)*, CIDKP.
[183] Source: *Report from the field: Attacks, forced labour and restrictions in Toungoo District*, KHRG (#2008-F7), 1 July 2008.
[184] Source: *Ibid*.
[185] Source: *Ibid*.

[186] Source: *Human Rights Violation in Karen State*, CIDKP Northern Office, May 2008.
[187] Source: *Human Rights Violation information*, CIDKP, 12 September 2008.
[188] Source: "Killing of Villagers, Deadly Landmines, and Women Forced to Work for the Burma Army," FBR, September 2008.
[189] Source: "Villagers Facing Difficulty with Cultivation due to Military's Forced Labour Practices," NMG, 19 March 2008, Translation by HRDU.
[190] Source: *Ibid*.
[191] Source: *Ibid*.
[192] Source: "Villagers Forced to Guard Electricity Transmission Towers," *Kantarawaddy Times*, 20 August 2008.
[193] Source: "Karenni Refugees Flee To Thai-Burma Border," *Mizzima News*, 8 July 2008.
[194] Source: "Forced Labour and Extortion of Money by Army Continues," IMNA, 14 July 2008.
[195] Source: *Ibid*.
[196] Source: "Burma Army Militarization and the Use of Proxies in Eastern Shan State Shan State, Burma," FBR, 23 July 2008.
[197] Source: *SHRF Monthly Report*, SHAN, May 2008.
[198] Source: *Ibid*.
[199] Source: *SHRF Monthly Report*, SHAN, August 2008.
[200] Source: *Ibid*.
[201] Source: *Ibid*.
[202] Source: *Ibid*.
[203] Source: "Villagers Scared Of Junta's Railroad Construction Plan between Namzang-Kengtung," SHAN, 8 December 2008.
[204] Source: "Villagers Living and Dying For the Army," SHAN, 17 September 2008.
[205] Source: *Ibid*.
[206] Source: *Ibid*.
[207] Source: "Beating of Villagers during Forced Labor, And Extortion, In Physic Nut Cultivation in Kun-Hing," SHRF, SHAN, February 2008.
[208] Source: *SHRF Monthly Report*, SHAN, August 2008.
[209] Source: *Ibid*.
[210] Source: *SHRF Monthly Report*, SHAN, November 2008.
[211] Source: *SHRF Monthly Report*, SHAN, May 2008.
[212] Source: *SHRF Monthly Report*, SHAN, August 2008.
[213] Source: *SHRF Monthly Report*, SHAN, November 2008.
[214] Source: "Shan State Villagers Forced To Grow Crops," DVB, 8 October 2008.
[215] Source: *SHRF Monthly Report*, SHAN, November 2008.
[216] Source: *Ibid*.
[217] Source: *Ibid*.
[218] Source: *SHRF Monthly Report*, SHAN, May 2008.
[219] Source: *Ibid*.
[220] Source: *Ibid*.
[221] Source: *SHRF Monthly Report*, SHAN, August 2008.
[222] Source: *SHRF Monthly Report*, SHAN, May 2008.
[223] Source: *SHRF Monthly Report*, SHAN, August 2008.
[224] Source: *SHRF Monthly Report*, SHAN, May 2008.
[225] Source: "Extortion and Forced Labor in Dam Building in Murng-Ton," SHRF, SHAN, February 2008.
[226] Source: "Local Military Troop Oppresses Residents," *Yoma 3*, 28 February 2008, Translation by HRDU.
[227] Source: *SHRF Monthly Report*, SHAN, August 2008.
[228] Source: *Ibid*.
[229] Source: *Ibid*.
[230] Source: "Burma Army Militarization and the Use of Proxies in Eastern Shan State Shan State, Burma," FBR, 23 July 2008.
[231] Source: "Villagers Forced to Help Prepare for Visit of Commander's Wife," DVB, 1 September 2008.
[232] Source: *SHRF Monthly Report*, SHAN, May 2008.
[233] Source: "Routine Forced Labour of Mini-Tractors in Nam-Zarng," SHRF, SHAN, February 2008.
[234] Source: *SHRF Monthly Report*, SHAN, August 2008.
[235] Source: *SHRF Monthly Report*, SHAN, November 2008.
[236] Source: *Ibid*.
[237] Source: "Charges of Forced Labor Emerge in Cyclone-hit Areas," *Irrawaddy*, 17 July 2008.

[238] Source: *Ibid*.
[239] Source: "Myanmar's Storm Survivors Get New Eco-Friendly Homes," AFP, 29 July 2008.
[240] Source: "Cyclone Survivors Forcibly Evicted," *Irrawaddy*, 24 May 2008.
[241] Source: "Cyclone Survivors Bullied by Soldiers," *Irrawaddy*, 28 May 2008.
[242] Source: "Labourers Forced To Work on Seized Cyclone Lands," DVB, 24 June 2008.
[243] Source: *Ibid*.
[244] Source: *Ibid*.
[245] Source: *Ibid*.
[246] Source: "Bogalay Residents Forced To Work on Reconstruction," DVB, 21 October 2008.
[247] Source: "Rights Group Warns Donors to Monitor Aid," *Irrawaddy*, 16 May 2008.
[248] Source: *Ibid*.
[249] Source: "The Irrawaddy Delta Redux," *Irrawaddy*, 17 July 2008.
[250] Source: "Corruption Rampant in the Delta," *Irrawaddy*, 5 September 2008.
[251] Source: "Forced Labor Used in Delta," *Irrawaddy*, 6 October 2008.
[252] Source: "Cotton Farmers Forced To Grow Sugar Cane," DVB, 20 October 2008.
[253] Source: "Villagers forced to grow rice instead of maize," *Yoma 3*, 22 August 2008, Translated by HRDU.
[254] Source: "Army in Pegu Forces Young Men to Join Army, Villagers to Work as Unpaid Laborers," IMNA, 2008.
[255] Source: *Ibid*.
[256] Source: "Cyclone Victims Forced Into Reconstruction Work," DVB, 10 October 2008.
[257] Source: "Authorities Collect Money and Use Forced Labour after Donation," DVB, 3 September 2008, Translation by HRDU.
[258] Source: "Kyauk Tan Villagers Forced To Work for Aid," DVB, 27 June 2008.
[259] Source: "Prisoners Used As Laborers in Southern Arakan," *Kaladan News*, 8 June 2008.
[260] Source: "Prison Labor for Sandoway-Gwa Highway," *Kaladan News*, 9 September 2008.
[261] Source: "Five Political Prisoners Sent To Buthidaung Wearing Black Hoods," *Narinjara News*, 15 September 2008.
[262] Source: "Prisoners Forced To Construct Maungdaw-Buthidaung Road," *Kaladan News*, 14 July 2008.
[263] Source: "Forced Labour on Road Reconstruction," DVB, 18 July 2008.
[264] Source: "Prisoner Labourers Working On Maungdaw-Buthidaung Road Afflicted By Malaria," *Kaladan News*, 24 July 2008.
[265] Source: "150 Prisoners Released From Buthidaung Jail, In Arakan," *Kaladan News*, 26 September 2008.
[266] Source: "100 Prisoners Made To Work in Physic Nut Field in Maungdaw," *Kaladan News*, 3 October 2008.
[267] Source: "Prison Labour for Extra Income in Buthidaung Jail," *Kaladan News*, 6 October 2008.
[268] Source: *Ibid*.
[269] Source: "200 Prisoners Work on Kyaukpru–Ann Highway Road in Arakan," *Kaladan News*, 3 November 2008.
[270] Source: "Prisoners Force To Into Daily Labour," *Khonumthung*, 23 December 2008.
[271] Source: "Junta Sends Prisoners in Short-Term Sentences to Hard Labour Camps," KNG, 1 November 2008.
[272] Source: "Saffron Revolution Muslim Students Sent to Labor Camps," AAPPB, 25 July 2008.
[273] Source: "Army Conscripts Teenager," *Narinjara News*, 25 November 2008.
[274] Source: "Family Pays 900,000 Kyat to Withdraw Son from Army," *Narinjara News*, 17 December 2008.
[275] Source: *Human Rights Violation in Karen State (July 2008)*, CIDKP.
[276] Source: *Documenting the voices of villagers in rural Burma*, News bulletin, KHRG (#2008-B824), September 2008.
[277] Source: *Ibid*.
[278] Source: *Ibid*.
[279] Source: *Ibid*.
[280] Source: "Give Money for New Recruit," *Khitpyaing News*, 31 January 2008.
[281] Source: "Army in Pegu Forces Young Men to Join Army, Villagers to Work as Unpaid Laborers," IMNA, 2008.
[282] Source: *Ibid*.
[283] Source: *Ibid*.
[284] Source: *Ibid*.
[285] Source: "People In Shan State Forced To Join Local Militias," SHAN, 2 September 2008.
[286] Source: *SHRF Monthly Report*, SHAN, September 2008.
[287] Source: *Ibid*.
[288] Source: "Train Passenger Escapes Military Recruitment," DVB, 8 October 2008.
[289] Source: "Troops Abduct 19 for Military Recruitment," DVB, 6 October 2008.
[290] Source: "Six Bucks, the Value of A Life in Burma," AHRC, 7 February 2008.
[291] Source: "Youths Forced to attend Military Medic Training," *Kwekalu News*, 27 October 2008, Translated by HRDU.

CHAPTER 8
Deprivation of Livelihood

BURMA

HUMAN RIGHTS YEARBOOK 2008

8.1 Introduction

Once considered to be the rice bowl of Asia, in 2008 Burma continued to languish and suffer under the corrupt military rule of the State Peace and Development Council (SPDC), Burma's authoritarian military regime. Burmese citizens faced countless human rights violations aimed at destabilising and destroying livelihoods and building up the military, the junta's wealth and the wealth of state affiliated businessmen. As a result, the country remained among the worst in the world in terms of inflation, poverty, health and education. While approximately 40 percent of Burma's annual spending goes toward funding the military, only three percent is spent healthcare.[1] (For more information, see Chapter 11: Right to Health). The ruling junta has demonstrated a complete lack of will to implement basic, sound economic principles, and maintains a system that continues to deny many social and human rights to its people. The consequences of such negligence have been dire, bringing the once prosperous nation another year closer to economic and social collapse. In a report released in December of 2008, Burma ranked 135th out of 179 countries on the Human Development Index, down three places from the year before. Moreover, the United Nations estimated that more than a third of Burmese children are malnourished and more than 30 percent of the population lives below the poverty line.[2]

In the wake of the Saffron Revolution, the brutally repressed peaceful protests of late 2007, the cost of commodities continued to rise in 2008. It was estimated that goods, such as fuel, gas, vegetables, rice, salt and eggs more than doubled in price since 2007, while the SPDC put the increase at 40 percent.[3] Bus fares rose 150 percent, leaving impoverished suburban dwellers commuting to cities little choice but to sleep on the street or lose their jobs.[4]

Macroeconomic mismanagement by the SPDC led to even higher rates of inflation in 2008, primarily caused by monetised fiscal deficits, funded by the SPDC's policy of printing money to fill fiscal holes and to fund excessive expenditures, such as the building of Yadanabon Cyber City. Unsustainable economic policies have kept the country's fiscal deficit at around four percent, which is again funded by money creation through the central bank.[5]

Burma experienced a plenitude of foreign investment in 2008, primarily from China, but also from Russia, Korea, India, Bangladesh, Singapore and Thailand. The SPDC took advantage of the country's wealth of natural resources such as petroleum, timber, precious stones, natural gas and hydropower. Despite increased foreign direct investment raising gross official international reserves, the people of Burma saw little benefit and were victim to forced labour within the projects and to high rates of land confiscation to make way for the projects. In 2008, the kyat stabilized at around 1,300 kyat to the US dollar, although the official exchange rate remained six kyat to the US dollar.

Burma's undeveloped economy has left a staggering 30 percent of Burma's population, an estimated 15 million people, living below the poverty line.[6] Meanwhile, the junta spends 2.1 percent of its GDP on the military, but only 1.4 percent of its GDP goes toward health and education combined.[7] (For more information, see Chapter 15: Right to Education). As a result, the people of Burma constantly struggle to sustain themselves and maintain their livelihoods, leaving them vulnerable to shocks such as a failed harvest, harassment by the military or political turmoil. This point was illustrated in a study of Burmese livelihoods conducted at the beginning of 2008, which found that 69 percent of household income in Burma was spent on food, with all states and divisions exceeding 60 percent, indicating widespread vulnerability to food insecurity.[8]

More than any other event, 2008 will be remembered for Cyclone Nargis, the category three cyclone that made landfall on 2 May 2008 producing a 3.6 metre high storm surge that wreaked havoc on the southern coast of Burma, flooding and destroying the country's most important region for agriculture, livestock and fishing (see map at the end of the chapter).[9] Tens of thousands of people were killed and millions more had their livelihoods destroyed overnight. It was reported that 95 percent of the homes in Bogale Township, Irrawaddy Division, were destroyed and the country faced an estimated 1.2 million tonne drop (6 percent) in rice production, jeopardising the country's food security and exports.[10] Widespread flooding caused the salination of 600,000 hectares of agricultural land, rendering it useless to farmers without intensive and costly interventions by the junta.[11] The flow-on effects of the cyclone were still being felt throughout the country almost a year later through food shortages, lack of clean water, loss of land, seeds and equipment, which in turn led to lower crop yields. Community groups estimated that the Irrawaddy Delta would produce less than 60 percent of its usual output as a result of the cyclone.[12] (For more information, see Chapter 10: Cyclone Nargis).

The devastation caused by the cyclone, on par with the 2004 tsunami in the Indian Ocean, was compounded by the regime's inaction and its mismanagement of the aid offered to the region by the international community. A month and a half after the cyclone, 55 percent of those affected reported having access to a mere one day's worth of food stocks or less; the country as a whole lost 2.7 percent of its projected GDP.[13] Six months on, villages in remote areas still had no food aid or farming equipment and thousands were living in make shift huts without access to fresh water. Human rights agencies reported a rise in forced labour, forced relocations and land confiscation by junta military authorities.[14] Much of the aid that did reach villagers came in the form of agricultural loans, further driving farmers into debt. Almost 40 percent of households in three of the hardest hit areas in the Irrawaddy Delta had sold off some of their assets by November 2008, and more than 40 per cent had borrowed money for food in the previous month.[15]

Natural disasters were not confined to southern Burma in 2008. Due to the flowering of a rare native species of bamboo which occurs once every 50 years, Chin State suffered from a severe famine. The flowers that blossom on the bamboo attracted hordes of rats that ate the flowers, multiplied and then turned on the farmers' crops causing widespread destruction and famine. A doctor working in the region claimed to have seen 200 people starve to death as a consequence of shortages.[16] As of September 2008, a local human rights group said that of an estimated 500,000 population, 100,000 people or 20 percent of the population were at a crisis point.[17] By October 2008, seven out of 20 villages *"faced a severe and immediate food crisis."* [18] Although the plague of rats was predicted, the regime did nothing to prepare the region for the anticipated catastrophe and actively obstructed aid efforts by the World Food Programme by taking officials to the wrong area, causing them to declare that there was no famine. Since then, the WFP has revised its view, but the regime continued to block attempts to help the starving Chin people.[19]

Burma's economy is dominated by its agricultural sector, which contributes 43 percent of the country's GDP and employs 70 percent of the population.[20] The SPDC depends on farmers and low level traders to fund the military as it operates in a predatory fashion through its 'Self-Reliance Policy'. Under the auspices of becoming self-sustaining, military forces are permitted to commit gross and systematic human rights violations against villagers at will so as to not put a strain on SPDC resources. Throughout the country, villagers are subjected to routine land confiscation, forced sale of crops, enforced cultivation, forced labour, arbitrary fees and taxation, extortion, looting and the expropriation of goods. These predatory practices leave villagers living hand to mouth and in constant fear of relocation edicts, arbitrary arrests or shoot on site policies.

Beyond sustaining the military, the SPDC uses land confiscation, forced labour and arbitrary taxation as a means to build and maintain state infrastructure. Development projects are built almost exclusively for military purposes, to extract resources for export or simply for extravagance sake, such as the SPDC's move of the capital to a remote jungle area, which included the forcible transfer of civil servants and the relocation of villages.

States which are home to large ethnic minorities bore the brunt of the junta's hostilities where policies range from the persecution of Rohingyas in Arakan State, to the brutal oppression of various ethnic minorities in areas of rebel activity such as Chin, Shan, Karenni and Karen States. Throughout these areas, SPDC forces, marauding proxy ceasefire armies and rebels use civilians as free labour and sources of food and income, while they destroy food supplies and block access to crops as part of the Four Cuts Policy (SPDC policy aimed at restricting rebel access to supplies, information, recruits and food from rural populations).[21] All of these factors deprive villagers of the material resources and time needed to work their farms and pursue their livelihood, leaving them in a constant state of vulnerability, frustration and powerlessness. (For more information, see Chapter 18: Ethnic Minority Rights).

In June 2008, SPDC army soldiers from IB #240 discovered this field hut belonging to a 55-year-old civilian village near Day Muh Der village in Papun District, Karen State. In their relentless efforts to depopulate areas that that they are unable to sufficiently control, the soldiers destroyed the hut and all of the food that it contained. *[Photo: © KHRG]*

8.2 Inflation

In 2008, Burma's economy continued to suffer from economic turmoil due to the erratic and ill-informed policies enacted by the SPDC. These policies have led to severe macroeconomic instability throughout the country, as its citizens - many living on less than US$1 a day - have found it increasingly difficult to meet the basic needs of their families. Compounding the country's inflationary problems even further in 2008 was the regime's mishandling of relief efforts in response to Cyclone Nargis and the global economic downturn during the latter half of the year.

Burma's budget deficit has risen sharply over the past ten years from five percent of GDP in 1998 to seven percent in 2007, to 11 percent in 2008.[22] Burma's per capita GDP remains very low, estimated to be US$233 in 2008, compared to other Southeast Asian countries such as Cambodia (US$741), Laos (US$829) and Thailand (US$4,099).[23] Of this income, over 70 percent was most likely to be spent on food.[24] The precarious existence of day-to-day life in Burma throughout 2008 was a direct result of *"the excessive demands of the 'state' on Burma's productive capacity"*, according to an expert on the Burmese economy, Sean Turnell from Macquarie University.[25] SPDC spending has, for many years, been in excess of its capacity for revenue generation. The SPDC has largely responded to these fiscal deficits through the running of the Central Bank's printing presses, leading to rapid monetary expansion, and chronic levels of inflation. In August 2008, the SPDC admitted just how severe inflation was, by disclosing that during the 2008 fiscal year (1 April 2007 - 31 March 2008) Burma's consumer price index soared to almost 33 percent.[26] Other sources estimate the true figure to be considerably higher. The IMF estimated inflation to be at 40 percent and Mr. Turnell reported inflation to be as high as 50 percent.[27] The result has been a rise in the cost of living as well as periodic and unexpected jumps in commodity prices, including staple household goods such as rice, vegetables and fuel. These issues are not new to Burma. In fact, it was the spiralling cost of living, particularly the rapid rise of fuel prices, which triggered street protests in major Burmese cities and towns during the Saffron Revolution, from August-September 2007.

Despite the violent fallout from the Saffron Revolution, fuel prices were on the rise by the start of 2008. The cost of fuel rose more than 13 percent in February, far outstripping global price increases, due to government efforts to control the sale of fuel.[28] Businesses struggled to stay open, especially those which relied on heavy machinery or electricity. Diesel generators continued to be used by businesses to supply electricity since government supplies were so unreliable. Prices rose from 4,400 kyat (US$4) to 5,000 kyat (US$4.50) for a gallon of gasoline, and from 4,600 kyat (US$4.20) to 5,200 kyat (US$4.70) for a gallon of diesel in 2008. Consumers were limited to purchasing two gallons per day at government-run fuel stations.[29]

The price of fertiliser has been on the rise since January 2007, and increased substantially in March 2008, due to strict limitations on supply and increased export duties by the major fertiliser exporting countries. The price of fertiliser in 2008 was double that of the previous year. As a result, farmers were forced to limit fertiliser application in their paddy fields or make do with a higher cost of cultivation.[30]

The price of funeral arrangements also soared over the course of 2008, making burying the dead cost prohibitive for most people. According to *Irrawaddy*, villagers had to spend as much as 120,000 kyat (US$94) for a funeral or cremation in Pyinmana cemetery, Pyinmana Township, Mandalay Division. The prices ranged up to 150,000 kyat (US$118) if religious items or rituals were included. Government imposed rules have forced people who cannot afford the costs to borrow money or go into serious debt.[31] Funerals were traditionally conducted in village or town cemeteries, but in 2005, people from villages around the new

capital of Naypyidaw were forced to cremate and bury all bodies in Pyinmana City, far from their village. Then, in October of 2008, the SPDC decreed that the dead must be buried at a new location, this time in Naypyidaw at the bottom of Pho Saung Hill, 25 miles from Pyinmana Township.

In Rangoon, although residents have access to burial services through the Free Funeral Services Society (FFSS), the cost a funeral toward the end of 2008 was still reported to be around 100,000 kyat (US$78.70) and the price tripled if the family wanted to build a tomb. According to a 75-year old grandmother in Hlaingthaya Township in Rangoon, as reported in *Irrawaddy*, *"If I am going to die, I will go back to my village and die there. If I die in the city, my sons and daughters would be in debt because of my funeral, and I don't want them owing a lot of debt."* [32]

After Cyclone Nargis devastated much of Burma in early May 2008, commodity prices, including vegetables, rice and eggs, instantly soared 100 percent in Rangoon, according to *Irrawaddy*.[33] This was largely due to food shortages from the massive destruction of farmland. A Rangoon resident told *Irrawaddy, "The price of an egg is now between 200 and 250 kyat (US$0.20); one cabbage is 2,000 kyat (US$1.60); one viss of pork is between 8,000 and 8,500 kyat (US$7)."* [34] Prior to Cyclone Nargis, one egg was worth 50 to 70 kyat and one *viss* of pork was valued between 4,500 to 5,000 kyat.[35] Another Rangoon resident reported at the time that *"Prices are soaring now. A bag of peanuts used to be 200 kyat, and now it is more than 500 kyat. When I went to buy rice today, it was 1,700 kyat for one pyi [around 250 millilitres]. It used to be 1,000 (kyat)."* The resident said buying rice was a particular problem because of the damage done to rice stores during the cyclone, and people had lined up to buy it.[36] Bus fares also went up 150 percent from 200 kyat to 500 kyat.[37] The price of charcoal for cooking skyrocketed 25 percent to 10,000 kyat (US$9) for a 16 kilogram bag. Cooking gas prices also increased by 25 percent to 25,000 kyat ($22.70), from an earlier rate of 20,000 kyat ($18.20) for a 25-litre cylinder.

Salt prices climbed to five times their normal level in Burma after salt farms and factories in the Irrawaddy Delta were destroyed by the cyclone. The cost of salt jumped from 100 kyat to 600 kyat per *viss* in Mon state, which produces more than 30 percent of the country's salt. A Mon salt trader reported to *IMNA* that iodine salt prices had reached 1,000 kyat per *viss*.[38]

Gas prices rose nearly 20 percent following the cyclone, reaching an all-time high of 7,000 kyat per gallon in Burma. The Energy Ministry stopped selling fuel and natural gas, shutting down gas stations in the days after the cyclone, further paralysing the country. The prices of gasoline and diesel on the black market rose to 7,000 kyat (about US$6.30) and 7,800 kyat (US$6.80) per gallon, respectively, up from 6,000 kyat (US$5.40) and 6,500 kyat (US$5.90).[39]

Rising commodity prices continued through August 2008, with estimates that goods had doubled in price since last year while the government put the increase at 40 percent.[40] According to *DVB*, a Rangoon merchant reported that 1 *viss* of groundnut oil was selling for 4,900 kyat in August of 2008. *"Last year, the price of Pawsanhmwe [a high-quality brand of rice] was 800 kyat for one pyi – this year it's 1,800"* the merchant said.[41] Prices for almost all essential commodities were up compared to the same time in the previous year. A local housewife explained, *"Last year, you could go to the market with a 1,000 kyat note but now you can't buy anything with that. One viss of chicken now costs about 10,000 kyat – last year, it was not more than 5,000 kyat."* [42]

In October 2008, the regime stopped the circulation of low-denomination banknotes causing major inconveniences and money losses to businesses and consumers who bought and sold low cost goods. People from the Mandalay and Rangoon Divisions complained that stores couldn't provide change, and in lieu of change provided candies or cigarettes since 200, 100, 50, 20, and 10 kyat notes had almost disappeared from circulation. The regime instead only printed high denomination banknotes that, according to economist Sein Htay commenting in a DVB report, would only cause more inflation.[43]

Finally, in a move thought to be in response to the declining energy market, the SPDC again raised official gas prices on 1 December 2008 so that a gallon of petrol cost 2,500 kyat. The cost was up from 1,500 kyat per gallon in September and October and 1,900 kyat reported by the end of November. According to IMNA, no official reason was given by the Ministry of Energy for the sudden price hike and an official at the ministry would not give an answer regarding the new price when questioned on the matter.[44]

This photograph, taken in October 2008, shows the highway linking Rangoon with Naypyidaw. Despite the general electricity shortage throughout the country, with many areas receiving a paltry average of only six hours electricity per day, Naypyidaw, and this road leading to it, remained well lit throughout the night. *[Photo: © Min Khet Maung]*

8.3 Additional Factors Affecting Persons' Livelihoods

Hydroelectric Dams

The SPDC, along with the China Power Investment Cooperation and Asia World Company Limited, has begun construction on a hydroelectric dam project on the Chiphwi River, about 113 kilometres (70.2 miles) northeast of the Kachin state capital, Myitkyina. The dam, which is expected to produce 980 kilowatts of energy, will be used to supply electricity for the construction of other hydroelectric projects, including one at the confluence of the Nmai Hka (May Kha) and Mali Hka rivers, about 28 kilometres (14.3 miles) north of Myitkyina.[45] This is the initial phase of a project planned to lead to the construction of seven more dams on the Mali Hka and Nmai Hka Rivers. Despite chronic shortages of electricity throughout the country, the electricity generated from the dams will be sold to China. Fierce protests over the construction of the dams have been staged by local residents, the Kachin Development Network Group (KDNG) and environmental groups such as EarthRights International, because of the devastation that the dams will cause to local livelihoods and to the region's biodiversity. *Mizzima News* reported that, *"According to Thailand-based KDNG, the planned hydroelectric projects would destroy at least 47 villages and threaten over 10,000 lives by inundating about 766 square kilometres of farmland with water."* [46] (For more information, see Chapter 9: Environmental Degradation).

Stretching 1,056 kilometres (1,700 miles) through eastern Burma, China and Thailand, the Salween River is a source of life, biodiversity, food and income to the people of Karen, Shan and Karenni States. In total, 17 dams are planned for the Salween River which is predicted to result in mass flooding and the internal displacement of numerous ethnic minority communities, effectively destroying their way of life and harming downstream fisheries and biodiversity.[47] The projects include the construction of the gigantic 7,100 megawatt Tasang Dam in Shan state. Other dams are also being built on the N'Mai Hka, Mali Hka and Irrawaddy rivers in Kachin State to provide electricity to the Yunnan province of China.[48] Once operating, the dams will provide the people of Burma with no more than 15 percent of the electricity generated and the rest will be sold to China at an undisclosed price.[49]

In Arakan State, the SPDC also concluded an agreement with Bangladesh to build a hydropower plant. Bangladesh will pay for the building of the plant and will also receive 70 percent of the electricity, while Burma will receive 30 percent.[50]

Electricity Supply

Meanwhile, Rangoon, the city with the most reliable daily electricity supply outside of the new capital of Naypyidaw, experienced constant power cuts in December 2008, with homes and businesses receiving electricity for a mere six hours per day. *Irrawaddy* reported that,

> *"For the purposes of electricity distribution, the city has been divided into three sectors—A, B, and C. Six hours electricity per day is supplied to each sector on a rotating basis. Sector A receives electricity from 5 am to 11 am, Sector B from 11 am to 5 pm, and Sector C from 5 pm to 11 pm."* [51]

Businesses that rely on electricity, such as internet cafes, newspapers and print shops, were forced to shut down during the outages, increasing the cost of running viable businesses.[52]

In Moulmein, Mon State, electricity in homes and businesses was so erratic and so filled with red tape just to purchase, that some businesses began obtaining it illegally from a local

Military Training Battalion (TB). In November 2008, officials from the Myanmar Electric Power Corporation (MEPC), under the Ministry of Electric Power in Naypyidaw, inspected power lines connected to the TB's compound and severed those illegally drawing power from the source. At least forty shops and residents were fined 2.3 million kyat for purchasing illegal electricity and a major from the TB who sold the power to shop owners, as well as used it for his own shop, was forced to pay a 5.5 million kyat fine.[53]

Khonumthung News reported in December 2008 that authorities from the electricity department in Kalemyo Township, Sagaing Division, collected electric meter control bills from people who had meter boxes, but had not received electricity since September 2008. The electricity department blamed the lack of power supply on water shortages and defects in the machines, which prevented them from providing electricity every day, according to a local who inquired at the electricity department. The area is in proximity to two hydroelectricity plants, Yee Chaung and Hra Laung. Somewhat unsurprisingly, military camps were provided power 24 hours a day through a VIP transmission line. Since the meter boxes provided either erratic, or no electricity, locals turned to private electricity providers, forcing people to pay double the monthly bills, generally amounting to between 800 and 1,000 kyat.[54]

In Falam Township in Chin state, the cost of meter boxes supplied by the electricity department rose six-fold in 2008. Many residents were unable to even buy the meter boxes because of the price hike. The price rose without warning, and there was no alternate source of electricity available in Falam. Normally, only half the population in Falam receives electricity; the supply is unreliable and, at best, only available from 6 pm to 9 pm.[55]

In Pakokku and Yesakyo Townships in Magwe Division, residents also reported electricity shortages. Residents formerly had access to electricity for about six hours per day, three days a week, but as of January 2008, access was limited to one day a week during limited hours. Not only did this adversely affect household eating and living patterns, but it is also affected businesses, many of whom were forced to close their doors due to the power failures. *"We pay money for workers' daily wages for coming to our firm although the electricity is off,"* said one employer.[56]

In Chaungzon Township, on Belukyn Island, in Mon State, residents have been almost completely without electricity for years. An SPDC initiative brought electricity to half the island in 1994, but power was cut in 2004. As a solution, a senior monk organised electricity for the area while the regime, which has continued to promise electricity to the area, does nothing to help the residents. It was reported in December 2008 that the senior monk from Mingalar Thu Kat Monestary in Dare village lead a group of 15 men to organise the purchase of a generator as well as the installation of metering boxes and electrical lines. Households in the community each paid approximately 200,000 kyat to help purchase supplies, with the remainder provided by the monk and the 15 men who assisted him in the project. Once the generator was up and running, users were only charged for usage, which was provided from 4am to 6am and 5pm to 10pm. A resident of Dare reported to IMNA that *"electricity from private companies is not strong enough to run a television or even a fluorescent light bulb, it is not available in the dark dawn hours when residents need light and power to cook."* [57]

Residents of Myitkyina Township, in Kachin State, were ordered by the military junta's new Kachin State Commander, Major General Soe Win of the Northern Command, to pay for monthly electricity bills and bulbs for roadside lighting throughout the town as of the beginning of September 2008, according to KNG.[58] Locals reported that roadside lighting, which constitutes about one electricity pole every 200 feet on the left and right sides of the road in the township, was formerly paid for by the Township Municipal Office.[59]

Corruption

Burma was ranked as the second most corrupt nation in the world in 2008, according to the German based anti-corruption watchdog, Transparency International.[60] Burma was tied with Iraq, a step higher than last year's tie with Somalia. Despite moving to second place, Burma was still rated on the Corruption Perceptions Index scale as more corrupt than last year, falling from 1.4 to 1.3 on a ten-point scale.

Burmese law under the SPDC does allow for the prosecution of official corruption, although these laws are seldom and inconsistently enforced. Officials can normally engage in corruption with impunity, according to a US Department of State report.

> *"Authorities usually enforced anti-corruption laws only when the regime's senior generals wanted to take action against officials whose egregious corruption had become an embarrassment or when they wanted to punish officials deemed a threat to the senior general's power."* [61]

Although rampant corruption within the military regime and among the regime's cronies has taken place since the SPDC came to power, the SPDC did initiate an anti-graft campaign in late 2006, with a particular focus on the Customs Department, wherein corruption results in significant amounts of lost revenue for central SPDC reserves. A trader speaking to *Naranjara News* who carries goods between Maungdaw Township, Arakan State and Teknaf, Bangladesh said that there were five official organisations at the Maungdaw border gate requiring bribes from traders crossing into Bangladesh: customs, NaSaKa, the jetty authority, SaRaFa, and a combined force made up of the district authority, township authority, and the police.

Four Border Trade Administration (BTA) officials operating in the Sino-Burmese border town of Muse were sentenced to nine months in prison on corruption charges in January 2008. The BTA officials were convicted of charges, including taking bribes and letting timber into China without collecting tax.[62] In Arakan State, three police officers in Maungdaw were interrogated and later convicted of taking millions of kyat from Rohingya villagers as bribes to evade arrest and torture, according to a source within the NaSaKa in November 2008. The police officers were later fired, but, according to locals, were later seen driving around the town in a police car but without uniforms. No one involved in the case was arrested.[63]

Despite the regime's willingness to prosecute some corrupt officials, the vast majority operate with impunity. At most, corrupt officials may lose their jobs. For instance, a township clerk named Kyaw Soe in the Pyapon Township Peace and Development Council in Irrawaddy Division was caught selling rice bags intended for victims of Cyclone Nargis for 10,000 kyat. He was removed from office but no other actions were taken against him.[64]

Cyclone Nargis provided an ample opportunity for local authorities in the Irrawaddy Delta to take advantage of incoming international aid earmarked for the victims of the cyclone. Authorities publicly siphoned off humanitarian assistance and sold the relief supplies, including food, water, seeds and mosquito nets, for substantial profits. Relief items were seen in local markets at inflated prices and in south-western China, where the commodities could be sold at an even higher price. *Asia Times* reported that the SPDC, *"prioritized aid for government cronies and loyalists, to avoid a possible revolt among the rank and file."* [65] The report also mentioned that aid, such as food, water and mosquito nets had been confiscated to be sold. [66]

In Labutta Township in the Irrawaddy delta, an area hard hit by the cyclone, aid supplies were inaccessible and inadequate, making it impossible for farmers to work their fields. Farmers were left with insufficient or poor quality seeds, livestock, equipment and fuel. When military aid was made available to civilians, local officials demanded payment for the goods. This made preparations for monsoon season rice production very difficult, if not impossible for some farmers. According to one local who spoke to the *Irrawaddy*;

> *"You have to bribe the village head if you want to use the tillers [to work the paddy fields]. If you want to receive a tin (about 15 kg) of government-provided paddy seeds you have to pay about 1,000 to 1,500 kyat (US$0.90 to US$1.30) to the village authorities. Diesel costs 1,000 kyat per gallon."* [67]

Reports surfaced in July 2008 that authorities and village headmen had been presenting exaggerated numbers of people in their villages, and then collecting increased amounts of basic foodstuffs such as rice, cooking oil and salt from the humanitarian organisations in Labutta Township. Villagers reported that aid was not reaching the cyclone victims, with witnesses reporting that some village headmen had kept the relief supplies to sell on the black market.[68] A volunteer worker, reported to the *Irrawaddy* that;

> *"One month after the cyclone, village headmen were making good livings selling relief supplies on the black market. Now the humanitarian aid has run out. However, blankets and mosquito nets are still widely available for between 3,000 and 5,000 kyat (US$2.50 to US$4.50) each."* [69]

An informant from the Ministry of Social Welfare, Relief and Resettlement explained that phone calls complaining about such offences involving corruption at the administrative level were very common, but because of bureaucratic difficulties, nothing could be done.[70]

The state police force of Burma, part of the Ministry of Home Affairs, is run as an inherently corrupt force due to the SPDC's policy that the police should collect fees from civilians for their services. For example, according to a US Department of State report from 2008, victims of crimes were required to reimburse the police for crime investigations and the police routinely extorted money from the people that they were in place to protect.[71]

A reason for the pervasiveness of corruption among Burmese authorities is the low salaries paid to them by the SPDC. According to a retired officer working in the immigration department, *"In Maungdaw Township, all government servicemen are involved in corruption because they are unable to maintain their families' survival with just government salaries."* [72] With SPDC spending on public sector wages woefully inadequate, there is clearly an incentive in allowing such corruption to go largely unchecked. It not only enables the SPDC to provide its military cadres with economic opportunities at no direct cost to itself; it also placates and sustains all levels of the civil service, from doctors down to army recruits. It was reported in August 2008, that U Hla Win, Chairman of Maungdaw District, had gone to Naypyidaw to address the problem before high military officials, and that as a result, he was expected to be dismissed from his position.[73]

Corruption as a means of survival penetrates professions not affiliated with the regime as well. For example, in Maungdaw Township, students must pay teachers 5,000 to 10,000 kyat in *"entrance fees"* which the teachers keep for personal gain.[74]

The Financial Sector

According to the 2008 Index of Economic Freedom, Burma is rated 39.5 percent 'free', down 1.5 percentage points from last year, making the troubled country the world's 153rd least free economy out of 162, and the second least economically free country in all of Asia, just four places higher than North Korea.[75] Burma scored the lowest in investment freedoms, financial freedoms and property rights, each scoring at 10 percent. Corruption and business freedoms scored 19 percent and labour freedoms scored 20 percent.[76] The only category that saw growth was 'government size', which, according to the report, can be interpreted as the absence of effective government. The report goes on to say:

> *"Burma severely restricts many areas of its economy. Investment freedom, financial freedom, property rights, and freedom from corruption are weak. Business freedom is very low because it is hard to conduct formal private sector activity with official approval. The almost complete lack of a judicial system forces domestic and foreign companies to negotiate directly with the government to resolve disputes. Foreign investment is adjudicated in each instance with no clear guidelines for investors."* [77]

The SPDC's poor economic policies have led to the refusal by the World Bank and the IMF to lend the country money due to the failure of the junta to repay at least US$3.5 billion, at 1980s interest rates, with some of this debt stretching back to 1987. Junta chief, Senior-General Than Shwe has been reported to have given the institutions *"the stubborn, silent treatment"*, thereby preventing the failing economy from benefiting from a debt relief scheme. Burma should qualify for the Heavily Indebted Poor Countries initiative, but instead has been deemed a bad debtor state because of its failure to give financial accounts or submit a Poverty Reduction Strategy Paper.[78] The World Bank reiterated its stance of not financially supporting Burma after it gave the country US$10 billion following the devastating Cyclone Nargis.[79]

The junta's export dominated trade policy continued to have a negative impact on industries and the manufacturing sector throughout 2008, according to *Mizzima News*. Not only does the policy prevent basic goods and services from reaching the civilian population, but it also hampers the flow of modern technologies and machineries, keeping the agricultural, extractive, and manufacturing sectors decades behind the rest of the world.[80]

Within the isolated country, the SPDC has continued to dominate and control the banking system. In October 2008, the state-owned Myanmar Economic Bank (MEB) took over the administration of the third private bank since 2005, Myanmar Universal Bank (MUB). Depositors were given until 31 March 2009 to reclaim their deposits or the funds would be confiscated by the SPDC. In business since 1995, the MUB fell into troubles with the government starting in August 2005 when, according to *Xinhua News*, its owner U Tin Sein was charged under the country's Psychotropic Substance Law and the Control of Money Laundering Law.[81] This action followed in the footsteps of two other private bank takeovers in March 2005 under the same laws, although the 15 month probe by the SPDC revealed no firm evidence with which to support the charges. The regime has allowed the operation of private banks in Myanmar since 1992 which has led to the opening of 20 private banks with 350 branches. Currently there are 15 banks in operation.[82]

Throughout the year the military regime was striving to introduce a wireless Internet system to the country to be ready by early 2009. The information technology company, Exotic Wing, was tasked with supplying coverage to 16 main townships in the former capital of Rangoon. WiFi hotspots were being installed as of November, allowing for the Internet to be accessible anywhere in the city. The development of the countries ICT infrastructure has been a

priority for the military regime, as evidenced by the creation of the Yadanabon Myohit Cyber City in the northern part of Mandalay district and a 10,000 acre (4,050 hectare) cyber city in Pyin Oo Lwin, 67 kilometres east of Mandalay in the north. The regime's drive to connect the country and the region via information technology was catalysed by the signing of the Initiative for ASEAN Integration to link the region via the World Wide Web. Signed in 2000 at a summit in Singapore, the regime has since formed the e-National Task Force to support IT development in the country.[83]

Although Prime Minister General Thein Sein recently proclaimed that Burma would not be affected by the global financial meltdown, the Burmese economy has not been immune. On 3 December 2008, Tay Za, one of the regime's most infamous cronies, met with the leaders of his Htoo Trading Company and affiliated companies and informed them that the global economic downturn was severely impacting the business climate. Tay Za went on to say to those at the meeting that Burma's GDP would fall from US$3.6 billion in 2007 to just US$2.6 billion in 2008.[84]

Economists generally agreed with Tay Za's postulation and estimate that decreasing oil and natural gas prices could seriously affect the junta's revenue. The Burmese regime took in an estimated $2.5 billion in 2007 by selling natural gas to Thailand. In a conversation with *Irrawaddy,* a Rangoon-based economist explained that it is hard to know whether Burma would be impacted by the global economic downturn because the SPDC withholds official data relating to the economy. He went on to say that the Burmese regime also claimed immunity to harm during the Asian financial crisis in 1997 because of its isolation from the global community. *"But the claim was not true. The Asian financial crisis also affected Burma*," he said. *"The current crisis could also impact the country."* [85]

Burma's migrant worker population bore the brunt of the global financial slowdown in 2008. In Thailand, the country with the highest number of Burmese migrant workers, there are estimated to be in excess of one million documented and undocumented Burmese labourers.[86] Reports came to light late in 2008 indicating that migrant workers were being laid off in Singapore, Malaysia, and Thailand.[87] According to the *Burma Bulletin*, in late November 2008 and the first week of December 2008, more than 550 Burmese migrant workers in Malaysia and Thailand were laid off and immediately deported. The *Bulletin* reported that many of them had not earned a sufficient amount of money to cover the agent fees they had paid to get their jobs. In the Thai-Burmese border town of Mae Sot, 100 to 150 undocumented Burmese migrant workers were reported to have been arrested daily in December 2008 and hundreds of others were anticipating cuts in pay, and overtime.[88] The majority of Burmese workers have been forced to seek employment in the "three D's"—dirty, dangerous and difficult work.[89] Returning migrant workers had little hope of finding employment after losing their jobs in neighbouring countries, where factories were closing or cutting production due to the global economic slowdown. According to a Thai-Burmese border-based rights group reporting to the *Irrawaddy*, thousands of Burmese migrant workers in Thailand returned home after losing their jobs or were being put on half pay as factories cut production and labour forces because of the economic slowdown.[90] (For more information, see Chapter 21: The Situation of Migrant Workers).

Without Burma's migrant workers, thousands of families who remain inside Burma face the possibility of sinking deeper into poverty due to a lack of remittances. For many families, the money sent back to them by family members working abroad is their only source of stable income. The economy as a whole will also suffer from the events of 2008 due to the lack of foreign exchange entering the country. In a study done by Sean Turnell in 2004, the last year data was available, remittances to Burma in the formal sector totalled US$56.8 million. Remittances from Burma's estimated two million foreign workers and refugees are thought to be three or four times that number.[91]

The Prime Minister Thein Sein, claimed rather fancifully that the returning workers could be employed in the cyclone-devastated rice paddies of the Irrawaddy delta and that the country's agricultural sector could easily provide jobs for Burmese workers forced out of their jobs overseas.[92]

Divergent Exchange Rates

In Burma, the kyat trades at two widely divergent exchange rates: the military junta rate that was formerly fixed against the IMF's Special Drawing Rights; and the more realistic black market rate. The overvalued official exchange rate of around 6 kyat = US$1, contrasts starkly with the unofficial black market rate of around 1,275 kyat = US$1. This reflects an overvaluation by the military junta of around 200 times the true market value.[93] The official rate is only accessible to privileged SPDC officials and their inner-circle. This allows them to purchase goods from abroad at a discount, vastly increasing importer profit margins when selling back goods on the black market, and also allowing them access to cheap luxury goods.

According to Sean Turnell, *"Burma's dual exchange rate apparatus imposes costs."* [94] Firstly, by allowing certain SPDC officials to exchange money at the official rate, the kyat can then be sold back at the unofficial rate to make a profit, encouraging corruption. Secondly, it lowers chances for foreign investment by rightly giving the impression of an unstable economy. Thirdly, the dual exchange rates impose huge costs on existing local businesses within Burma seeking to export or import as well as others who are not operating within state owned enterprises.[95]

Finally, the use of divergent exchange rates prevents the state from receiving a large portion of the revenue it is due, instead the money ends up in the country's foreign reserves earmarked for irresponsible spending projects such as building up the military and other capital spending projects. This happens because foreign exchange coming into the country, mostly in exchange for natural gas, is recorded in the official and undervalued kyat rate effectively underplaying the potential value it would have on Burma's fiscal accounts. As Sean Turnell explains:

> *"Recorded at the official rate, Burma's gas earnings for 2006/07 of $US1.25 billion amounted to a mere 0.6 per cent of budget receipts. By dramatic contrast, if the same US dollar earnings were recorded at the market exchange rate (at that time around K1,200:$US1) their contribution would more than double total receipts, which would more or less eliminate the country's fiscal deficit."* [96]

The United Nations reported in July 2008 that some of the international assistance given to the victims of Cyclone Nargis had been lost because of the regime's foreign exchange regulations. The reason for this was the SPDC's policy of requiring all foreign exchange brought into the country to be changed into kyat, by way of Foreign Exchange Certificates (FECs). These were set above the market rate at the level that the SPDC claimed the exchange rate to be; a rate bearing little resemblance to the true market value.[97] According to the *Financial Times*, *"The FECs are, officially, at parity with the dollar but, in practice, they trade in the local market at a discount when converted into Burmese kyat to buy local goods and services."* [98] The exchange rate for one FEC hovers around 880 kyat, compared to a much higher market rate of more than 1,100 kyat per dollar, leading to a currency conversion loss of at least 20 percent.[99]

All foreign aid was required to pass through the Myanmar Foreign Trade Banks (MFTB), forcing agencies like the United Nations Development Programme to direct-deposit donor funds to the MFTB. Burmese political exiles first brought this to the attention of the UN, who claimed that as much as 20 percent of the tens of millions of US dollars of donations had been lost. The total actual losses were difficult to measure, since aid was distributed by way of cash and non-cash items such as food, clothes and shelter.[100]

In August 2008, the SPDC and the UN came to an agreement to resolve the issue of distorted official exchange rates to resume the flow of aid from jaded donors. The military regime agreed to let outside donors pay local companies directly and in US dollars, rather than via FECs.[101] The monetary loss of aid to the UN was declared to be about US$10 million by UN humanitarian affairs chief John Holmes, but following this announcement other UN officials said recalculations put the conversion loss at closer US$1.5 million.[102] (For more information, see Chapter 10: Cyclone Nargis).

Associated Press quoted US Defence Secretary Robert Gates as saying that, in addition to the fraudulent financial management of foreign funds, Burma's obstruction of international efforts to help cyclone victims cost *"tens of thousands of lives."* [103]

Fences such as this were a common sight around SPDC-controlled villages in parts of Karen State during 2008 as the SPDC continued to restrict the movements of the civilian population ostensibly so as to limit their contact with armed resistance groups which continued to operate in the area. Villagers fro Taw Gkoo village in Toungoo District of northern Karen State were ordered to construct this fence encircling their village in April 2008, leaving only 1-2 entrances. *[Photo: © KHRG]*

8.4 Economic Sanctions

The European Union (EU) first introduced sanctions against the SPDC in 1996, creating the EU Council Common Position on Burma, which called for economic sanctions against the country due to its lack of democratic transition; the continued detention of Aung San Suu Kyi; the harassment of the National League for Democracy (NLD) and other political groups; grave human rights abuses; and the increased restrictions imposed upon NGOs and international organisations.[104]

In April 2008, the European Parliament called for the adoption of tougher sanctions against the SPDC and appealed to China to leverage its influence and apply pressure on the regime.[105] The legislation (no.194/2008) primarily focused on restricting the access of the regime and its business cronies to international banking services.[106] New restrictions were imposed on Burmese exports including wood and wood products, coal, gold, silver and certain base metals, precious and semi-precious stones.[107]

Although the EU is committed to the Council Common Position in regard to relations and sanctions against the junta, in practice, the EU's 27 members seldom agree on a position. Since one member is all that is needed to veto an injunction, the EU's imposition of sanctions has been weak and inconsistent. On one side, the United Kingdom (UK), the Czech Republic, the Netherlands, Ireland and Denmark have favoured economic sanctions and maintaining a hard line against the regime. This approach has been scuppered in large part by France, Germany, Austria, Italy, Spain and Poland, who tend to be against increasing pressure, and at times attempt to roll back existing measures.[108] Notably, France's largest company, Total Oil, is a big investor in the country which may attribute to France's softer stance on the regime. However, Burma Campaign UK reported that in 2008 France supported tougher measures against the SPDC.[109] Below is a list of the EU's economic sanctions against Burma:

- Arms embargo;
- Ban on non-humanitarian aid;
- End to GSP trade privileges;
- Visa ban for senior regime officials and their families;
- Freeze of assets held in europe by people on the visa ban list;
- Limited investment ban; and
- Ban on imports of, and investment in timber, gems and metals.[110]

According to human rights organisations, such as Burma Campaign UK, the EU's sanctions have largely been ineffective in hurting the regime, and have enabled it to continue unabated with its oppressive tactics.[111] Without a world-wide ban on arms, foreign investment and the import of timber, gems and materials, the sanctions have little impact on the regime. With China and Russia supplying arms to the SPDC military; ASEAN, Australia and New Zealand freely trading with the regime; and China, Bangladesh and Thailand investing millions in the country, the EU's well intentioned sanctions have little effect on the junta's access to resources, arms and cash. Another reason the sanctions have not had their intended effect is because the EU banned investment in only a limited number of state-owned businesses according to Burma Campaign UK, and has left out the major import sectors such as timber, mining, oil and gas. Companies that were put on the banned investment list included a local tailor and a pineapple juice factory.[112]

Despite sanctions, British companies continue to invest in the country via overseas territories, allowing firms to avoid taxes and do business with the regime largely undetected.[113] In December 2008, the Burma Campaign UK published a *"Dirty List"* of 170 companies that operate in Burma, including: Toyota, Qantas, Orient Express, Schlumberger Oilfield Services, BBC Worldwide, Lonely Planet, Daewoo, Shangri-la Hotels, Siemens, Swift, Chevron and Baker Hughes, among others. Most of the international companies are tour operators or in the extractive and energy industries.

One of the most high profile companies operating in Burma is Lloyd's of London. Its chairman, Baron Levene of Portsoken, has been highly criticised by the British government because of his business dealings with Burma's military regime, despite sanctions. Senior government officials claimed that Mr. Levene is *"one of the most important Western business figures enabling the repressive Burmese military dictatorship to cling to power,"* due to Lloyd's of London's involvement with the reinsurance of the junta's aviation and shipping industries.[114] It has been suggested that the company helps prop up the oppressive military regime and that without the involvement of Lloyd's of London, the SPDC would struggle to survive. Mr. Levene also sits on the board of the French energy giant, Total Oil. It was reported that Total Oil is in agreement with the junta to extract oil and gas, paying out to the military government an estimated US$2.66 million each day.[115] In September 2008, the British Foreign Office wrote a letter to Levene criticising Lloyd's of London's relationship with the repressive regime, in turn *"urging them to consider"* their involvement.[116]

Other countries and regional groupings are attempting to strengthen their economic ties with Burma's military regime. ASEAN, New Zealand and Australia signed the free trade ASEAN-CER agreement in Singapore in August 2008, cementing the *"Closer Economic Relations"* status between the countries.[117] One of the biggest opponents to the agreement is New Zealand's left-wing Alliance Party, who has harshly criticised the deal, calling it a *"disgrace"* because it will make business with Burma much easier, thereby undermining the efficacy of sanctions coming from other quarters. ASEAN-CER covers investment and trade in goods, services, telecommunications, electronic commerce, economic cooperation and the movement of labour.[118]

In October 2008, Australia extended financial sanctions against 45 more people who are part of the military junta or are in business with the regime, bringing the total number of people singled out for sanctions by the Australian government to 463. Foreign Minister Stephen Smith cited the reasons for the extension of sanctions as *"the lack of meaningful political progress toward democracy"*, which included; the continued detention of more than 2,000 political prisoners, the SPDC's disappointing response to the devastation caused by Cyclone Nargis, as well as the sham referendum held throughout May 2008 approving Burma's new military-backed constitution. Other sanctions imposed by Australia were a ban on defence exports to Burma and the denial of travel visas to members of the regime.[119]

Malaysian Prime Minister Abdullah Ahmad Badawi announced in June 2008 that ASEAN did have the right to impose sanctions on its members for violating its charter, even though the charter does not have a specific provision for doing so.[120] This was seen as a sign that members of ASEAN were losing their patience with Burma's military regime along with its record of human rights abuses, its reluctance to restore democracy, and its continued imprisonment of Aung San Suu Kyi. In July 2008, all members of ASEAN, including Burma, ratified a new charter that commits its members to observe democratic principles and protect human rights, including the creation of a regional human rights body. ASEAN members Indonesia, the Philippines and Thailand, agreed to the charter in 2007, but are now withholding their own ratification citing the need for Burma to first clean up its human rights record.[121]

In the United States (US), the Burmese Freedom and Democracy Act, which imposes trade sanctions on the Burmese regime, was renewed by the House of Representatives and Senate in July 2008 for one year, citing *"the Burmese military's use of force against democracy demonstrators last year, and its initial blocking of international relief aid for cyclone victims."* [122] First imposed in 2003, the Act was created in protest at the government's Union Solidarity and Development Association (USDA)-led attack on Aung San Suu Kyi's convoy near Depayin on 30 May 2003, and the repression of her pro-democracy movement.[123] The legislation has extended trade sanctions against the regime until such time as fundamental changes are

made toward reconciliation and democratisation, an end to attacks on ethnic minorities and the release of all *"prisoners of conscience."* [124] The Act was supported by Speaker Nancy Pelosi, Senator Joe Biden and Representative Howard Berman.[125]

The Burmese Freedom and Democracy Act has faced criticism for not following through with its plan to increase pressure on US energy giant Chevron.[126] Since the Saffron Revolution, US Congress made known its disapproval of Chevron's actions in the country and its continued support of the regime, as Chevron holds a 28 percent stake in the Yadana natural gas field and pipeline.[127] Human rights organisations had hoped US lawmakers would enact sanctions against the company, ending tax write-offs enjoyed by Chevron; in a compromise however, the provision was removed after Chevron argued that other firms in China and India would simply take over its stake if it were to pull out of Burma.[128] However, the bill does encourage all US companies to divest voluntarily if the junta does not embrace democratic reforms.

Also passed during the July session was Tom Lantos' Block Burmese JADE (Junta Anti-Democratic Efforts) Act, banning all imports of precious gems and stone, which is estimated to earn the SPDC between US$300 million and US$400 million a year.[129] Burma produces an estimated 90 percent of the world's rubies and is a top international supplier of other gems such as sapphire and jade.[130] The government-controlled sector, often criticised for harsh working conditions and poor environmental controls, is a major source of export revenue for the military. The US Department of Treasury said the sanctions targeted several conglomerates: the Union of Myanmar Economic Holdings Limited, the Myanmar Economic Corporation, Myanmar Gems Enterprise, Myanmar Timber Enterprise and Myanmar Pearl Enterprise.[131] Each company is extensively involved in a variety of sectors critical to the Burmese regime, including the gem, banking and construction industries.

Despite these new and tougher sanctions, the bill only covers the import of rubies and jade and does not forbid the sale of Burmese-origin gems legally imported to the US under prior rules.[132] The Block Burmese JADE act attempts to address the issues of gemstone laundering through third party countries before being sold to the US legally. Arvind Ganesan, director of the Business and Human Rights Program at Human Rights Watch explains:

> *"Since 2003, the US government has banned products from Burma, but a loophole permitted the purchase of Burmese-origin gems that were cut or polished in third countries such as India or Thailand. The new law eliminates this loophole for rubies and jade, by far Burma's top-selling gem exports."* [133]

House Foreign Affairs Committee Representative Howard Berman said that the 11,000 chain store, Jewellers of America, supports a ban on Burmese gem imports and other retailers have also voluntarily made the ban their policy.[134] Several European and US jewellery companies, such as Tiffany's, Bulgari and Cartier have also volunteered to stop dealing in Burmese gems.

The renewed sanctions in July came on the back of fresh sanctions imposed by an Executive Order delivered by US President George W Bush in February 2008. The US government approved targeted sanctions against well-known business cronies of the regime, several specifically related to the infamous business tycoon, Tay Za, including Kyaw Thein, the director of Tay Za's business ventures in Singapore and Tay Za's brother and business partner. The wives of four senior officials were also named, as well as ten companies based in Singapore and four based in Burma.[135]

8.5 Labour Rights

According to a report released by the US Department of State in 2008, as in 2007, *"A surplus of labour, a poor economy, and the lack of protection by the government continued to foster substandard conditions for workers"* in Burma.[136]

Burma's domestic law provides for the protection of workers' rights, but despite the existence and applicability of these provisions, the average worker in Burma continued to suffer under inadequate levels of pay and conditions, without any reasonable avenue for recourse, throughout 2008. Burmese labour law is rooted in the 1964 Law on Fundamental Workers' Rights and the 1951 Factories Act, both containing numerous articles ensuring the protection of workers' rights. These rights are rarely enforced by the courts. Domestic law allows for a five-day, 35-hour work week for employees in the public sector, and a six-day, 44-hour work week, in the private sector or for state employees; overtime payment is required for extra work beyond these hours. Standard hours for factory workers are 44 to 48 hours per week, depending on the hours of operation of the factory.[137] Additionally, a 24-hour rest per week and 21 paid holidays per year are guaranteed by the Workmen's Compensation Act of 1923 and the Leave and Holiday Act of 1951. These provisions are seldom provided to employees by employers outside of government sector jobs and practically no recourse is available to workers when infringements occur. Rules followed by the agriculture, informal and private sectors are at the discretion of the employer.

Under existing labour laws, employees have the right to summarily dismiss any worker without prior notice. When this happens, the 1923 Labour Compensation Act requires that the terminated employee receive appropriate compensation. However, the Act, having never been amended to account for inflation, excludes all workers earning over 400 kyat per month which, in effect, excludes the entire labour force.[138]

The minimum wage remained below subsistence level in 2008, with salaried public employees paid 15,000 kyat (US$11.50) for an eight-hour workday. Minimum wage for day labourers was even lower at 500 kyat (US$0.38) per day.[139] Provisions for minimum wage are only followed for government positions and in a few traditional industries. Although wages for state employees are much higher than in the private sector, according to the US Department of State, *"Neither the minimum wage nor the higher wages earned by senior officials provided a worker and family with a decent standard of living."* [140] This situation continues to lead employees to resort to supplementing their income through corruption and extortion. Urban labourers in the private sector earn approximately 500 to 1,000 kyat (US$0.38 to US$0.75) per day and rural workers earn about half that much. Many of these workers have multiple jobs or maintain a side business in the informal sector just to provide basic amenities for their family. Foreign firms tend to set wages close to the levels observed in the domestic private sector and award supplemental wages and benefits so as not to set salaries greater than SPDC ministers or senior state employees.[141]

In urban areas, the salaries of Burmese workers are almost entirely dependent on monthly bonuses, which actually account for most of their wage, usually totalling over 20,000 kyat. Bonuses are received for perfect attendance and for not taking leave, thereby penalising workers who need to take a day off for reasons of health, a death in the family or for other personal reasons. Workers reported living in fear of losing their bonus, causing them to work extra hours, never taking a day off and not report violations of their rights to authorities.[142]

Many factories also introduced demeaning regulations to maximise worker efficiency. One example is a card system which regulated the number of workers who could use the restroom at the same time, to reduce wasted time and chatting, according to the employers. A Rangoon economist reported that *"in a workplace of about 70 workers, there may be as few as three toilet cards."* [143]

In 2008, women's rights in the labour force continued to lag behind men's rights. Women were underrepresented in most traditionally male occupations and were effectively barred from certain professions, such as the military. Furthermore, women did not receive equal pay for equal work and despite being legally entitled to receive up to 26 weeks of maternity benefits; these benefits were typically not afforded to them.[144] (For more information, see Chapter 17: Rights of Women).

From the perspective of business owners and factory managers, some complained to *Mizzima News* about the difficulties and pressures that threatened their operations including: *"fluctuating currency exchange rates, manufacturing cost increases, electricity shortages, fuel price hikes and, more recently, cyclone damage."* [145] Such inconveniences made the balance between running a business or factory and paying workers a decent salary almost impossible.[146]

Despite laws permitting workers to form trade unions, prior consent from the junta remained a requirement, resulting in no free trade unions being present in the country. Moreover, the SPDC ruled in 2006 that the Federation of Trade Unions Burma was illegal, claiming that it to be a *"terrorist organisation."* [147] Domestic and affiliated unions were not permitted in the country in 2008, nor were individual memberships in unions; a continuation of the policy of previous years. Labour strikes continued to be prohibited, although more than 60 informal strikes were known to have occurred in 2007 and 2008. In many cases the workers won higher wages and the strikes were resolved without intervention from the SPDC, but in some cases authorities pressured workers to resolve the problems with the employers. The junta once had a central arbitration board for the purpose of settling labour disputes. That is reportedly no longer in use, but the Ministry of Labour plays an arbitration role in some cases. At the township-level, supervisory committees attend to minor labour concerns and local labour authorities mediate informal strikes.[148] (For more information, see Chapter Freedom of Assembly, Association and Movement).

In honour of May Day, commemorating workers' rights, in 2007 600 migrant workers, many of them Burmese, and 40 representatives held a rally to draw attention to the situation of labourers in northern Thailand. The rally took place in Lamphun, 30km south of Chiang Mai. In the wake of low wages, long hours, dangerous work conditions and rising commodity prices, representatives of the migrant workers demanded *"the deputy governor to negotiate between the employees and employers about the pay."* [149] According to SHAN, *"The focus of their demands was the right of workers to have equal access to minimum fair wage, medical treatment, rest and compensation for migrant and non-migrant workers in Thailand."* [150]

In Burma, six labour activists arrested for assembling a group to discuss workers' rights under domestic labour law on May Day 2007 lost an appeal at Rangoon's Western District Court in July 2008.[151] Thurein Aung and five others appealed their prison sentences of 20 years under article 124(a) of the penal code for a second time. Thurein Aung and three others were also given an additional five to eight years each under article 13/1 of the Immigration and Emergency Act and article 17(a) of the Unlawful Association Act.[152] Then in November, labour rights activist Su Su Nway, who had successfully brought a forced labour complaint to the International Labour Organisation (ILO) in 2006 but was subsequently arrested for supporting the Saffron Revolution, was sentenced to more than 12 years imprisonment for sedition.[153] (For more information, see Chapter 1: Arbitrary Detention and Enforced or Voluntary Disappearances).

The ILO voiced its disappointment over the ruling concerning Thurein Aung and the five others arrested on May Day 2007, stating that the court's denial of the appeal, despite requests by the ILO and the International Labour Conference for their release, was *"extremely disappointing"* and ran counter to the government's obligations under the ILO convention on freedom of association.[154] Kari Tapiola, the ILO executive director for standards and fundamental principles and rights at work, said *"So we just wanted to remind the government that this issue is not going to go away, that this is a problem and that their imprisonment is against the freedom of association convention which Burma has ratified."* [155]

Burmese domestic law does not specifically prohibit forced or bonded labour by children, nor does it have a specific government agency designed to regulate and enforce child labour laws. The law does however set a minimum age for workers of 13 years, although in practice it is not enforced and continues to be a serious problem in the country. Compulsory labour is not prohibited by law. Authorities, especially in the Mandalay and Rangoon Divisions were reported in 2008 to have rounded up groups of teenage children and forced them into porterage and military service.[156] (For more information, see Chapter 16: Rights of the Child).

In urban areas, children continued to be employed in small or family enterprises or to work in the informal sector as teashop attendants, in restaurants, as street vendors, in food processing, garbage collection or on the street begging. Children in rural areas often work in the agricultural sector, helping their family attend to their plots of land.[157]

The United Nations Children Fund (UNICEF) made recommendations to the Ministry of Labour in 2006 to facilitate interagency meetings on child labour and the protection of children. This led to workshops with the Ministry of Labour, international NGOs and UNICEF held in July and November 2007, where a draft was prepared laying out minimum standards and codes of conduct for the protection of working children. In October 2007, UNICEF organised trainings for the Ministry of Labour and labour inspection officers *"on international standards, child rights, and the minimum standards for protecting the rights of working children."* [158] UNICEF reported that the SPDC cooperated with UNICEF to *"disseminate the working paper detailing minimum standards for the protection of working children."* [159]

Despite work done towards the end of 2008 to standardise and define Burma's child labour laws, children continued to be taken advantage of with impunity. This was especially common during Cyclone Nargis. UNICEF estimated that at least 428 children lost their parents because of Cyclone Nargis and these orphaned children were extremely vulnerable to child labour, often times given dangerous and unsanitary jobs with little ability to protest. Many of the children ended up in low-paid jobs in cities like Rangoon in the Irrawaddy Delta, finding work in tea shops, as domestic servants and in small businesses. Monasteries took in orphans but, according to a monk in Moulmeingyunn Township, many of the children preferred to find people to live with inside their own communities, where they worked in the fields and in fish farms. In July 2008, a senior monk in Moulmeingyunn told *Irrawaddy*, *"There are so many children who desperately need care, and we are now trying to collect information and data about orphans so we can help them."* [160]

8.6 Interference and Abuse in the Agricultural Sector

Right to Own Land

As far back as the country's first post-colonial government, Burmese law has limited land ownership and tenancy rights in rural areas in favour of socialist leaning policies put in place to redistribute land from indigenous non-Burmese landowners and moneylenders (such as the Chettyars), to impoverished Burmese farmers. The law under former Prime Minister U Nu promised extension services and agricultural credit, and was aimed at strengthening the family farm.[161] During that time citizens had the right to own small plots of land under the Land Nationalisation Act (Section 38, Part 16: Use of Agricultural Land), which protected the rights and privileges of farmers, giving them security from arbitrary confiscation.[162] The Act, along with by-laws of 1953, stipulated that: the transfer, partition or lease of land could only occur with permission from the government; the ownership and distribution of land was limited to 3.3 million acres of land; and that the cultivator could not pawn, sell, transfer or partition his piece of land. Yet, during this period the agricultural sector was productive and ownership rights were relatively secure and protected under the law from arbitrary confiscation.

Land rights in Burma drastically changed when the military junta took control and redistributed productive land under nationally administered, locally managed collective farms.[163] Although this initiative had little practical impact on farmers at first, several other Acts were implemented in the 1960s that effectively took away all remaining control of land from farmers and made them tenants of the state. These were the Tenancy Act of 1963: Protecting the Right of Cultivators Act of 1963 and the Tenancy Amendment Act of 1965.

While the Right of Cultivators Act gave household members the right to inherit cultivatable land, it still kept its transfer largely in the hands of the state by requiring official permission from township and village land committees along with the settlement and land records department. This was a long and complicated process that required sufficient documentation of ownership as well as protracted negotiations with the committees and bribes.[164] In many rural areas, such as in Karen State, the recognition of land ownership followed traditional and customary law overseen by the village elders and there has been no office accessible to legally register land. The SPDC, along with ceasefire groups in the region, such as the Democratic Karen Buddhist Army (DKBA), have exploited this situation to evict farmers who have inherited land from their ancestors.[165]

In 1974, the new Socialist Republic of the Union of Burma was declared along with a new constitution giving the state ownership over all land and natural resources and an obligation to develop, extract, exploit and utilise the natural resources.[166] Then, on 18 September 1978, the Trade Ministry issued Notification No. 4/78 which granted new powers to the regime stipulating that the junta could confiscate farmers' land for failure to plant a specific crop or produce a mandated yield, as determined by the military. Following the harvest, farmers could be penalised or have their crops seized for failing to sell the full crop quota at the appointed price, which regularly fluctuated.[167] Since the imposition of these regulations, cultivators have had no means of redressing these laws in courts and risk further abuse or harassment if they protest.

In 1988, the State Law and Order Restoration Council (SLORC), in a continuation of previous policies, declared that all land within Burma including fields, forests, mountains and reserved land were property of, and were to be controlled by, the state. To this day, although farmers in Burma have basic tenancy rights over their land, they do not have actual ownership and the land can be seized by the local SPDC authorities for any number of reasons. This practice is highly destructive for a state where 75 percent of the population depend on agriculture for their livelihood.[168]

Since Burma is primarily an agricultural society, its people's ability to survive is bound to their access and capacity to freely cultivate their land in a sustainable fashion. State ownership of rural land and arbitrary confiscation by the SPDC military and various ceasefire organisations keep farmers in a constant state of insecurity and incertitude, taking away their incentive to invest or otherwise improve their farms. Moreover, although rural farmers are eligible for 30-year inheritable 'use' rights on rural land, with such rights determined by village level land committees, as mentioned above, land cannot legally be transferred between unrelated individuals. This also means that land cannot be used as collateral for loans.[169] Furthermore, farmers are rarely, if ever, compensated for the loss of their land and sometimes the farmer is forced to continue work on their land after it is confiscated without compensation, as happened with regularity throughout 2008.

The SPDC has also created a legal basis for the confiscation of land for the purpose of large-scale agricultural development by commercial enterprises. Leases of up to 30 years can be granted for a maximum of 5,000 acres, and are often income-tax free. Foreigners can also take advantage of these terms under the Foreign Investment Commission.[170] In an effort to attract more international energy and extraction investment by foreign companies, the SPDC passed the Foreign Investment law in 1988. According to a report by the Centre on Housing Rights and Evictions,

> *"The State's attitude to natural resources seems to be 'use it or lose it.' Virgin (or 'waste') land, which is not formally occupied, is liable to be taken over by the State, and leased to agri-companies with connections to the military, and often backed by outside (often Chinese) money."* [171]

In practice, much of the land taken over for development is occupied land, leading to the mass displacement of villagers, usually with little or no compensation (For more information, see Chapter 19: Internal Displacement and Forced Relocation). According to a survey conducted by the US based human rights organisation, EarthRights International, in September 2008, 69 Chinese multinational corporations (MNCs) were identified as being involved in at least 90 hydropower, oil, natural gas and mining projects in Burma.[172] Projects included: the building of massive hydroelectric dams, at least 45 companies engaged in or planning 63 oil and natural gas developments and at least 16 Chinese companies involved in mining. Most of the energy or minerals, such as nickel, were shipped back to China with little to no benefit to the people of Burma.[173] Massive tracts of rural land throughout Karen, Shan and Karenni States as well as Tenasserim Division, particularly along the Salween River, and throughout Arakan State have been confiscated for use by MNCs from China, Thailand, India and Bangladesh, severely impacting the livelihoods of Burmese farmers and their families in those regions.[174]

Land Confiscation

Land and resources being confiscated by the military junta from village to state level is common and happens for a variety of reasons including the building of state/military infrastructure and facilities; setting up state-run plantations and agricultural projects; tourism development or 'urban renewal'; creating sources of income for military battalions; greed; and to keep minority groups in a constant state of poverty and insecurity. The last point is especially true in ceasefire areas where communities are particularly vulnerable to land confiscation by the army as well as large development and infrastructure projects.[175] (For more information, see Chapter 18: Ethnic Minority Rights).

Land confiscation naturally leads to large numbers of displaced peoples. One of the biggest causes of internal displacement in ceasefire areas as of February 2008, according to the Internal Displacement Monitoring Centre was *"acts of military occupation and land confiscation by the army, including in context of natural resource extraction."* [176] Areas with a large military presence are the most vulnerable to land confiscation and displacement. As an attempt to keep the perceived powerbase of opposition groups weak, the SPDC military confiscates land in and around rebel areas in order to relocate civilians, maintain a strong military presence and to clear the way for infrastructure development projects, such as hydropower dams and offshore gas, logging and mining ventures.[177] This is common in Arakan, Chin, Kachin, Karen, Shan and Karenni States. (For more information, see Chapter 19: Internal Displacement and Forced Relocation).

The Internal Displacement Monitoring Centre also reported that the Muslim Rohingya of Arakan State *"remain the most persecuted ethnic minority in Burma"* and constantly fall victim to land confiscation.[178] In an effort to ethnically 're-engineer' predominately Rohingya areas, such as the townships of Rathedaung, Buthidaung and Maungdaw, the SPDC has begun a campaign of confiscating Rohingya farmland to build 'model villages', or NaTaLas. After Rohingya land has been confiscated, it is common for the NaSaKa (Burma border security forces) to force the victims to build new houses and cultivate land for new NaTaLa villagers who fit the junta impression of 'Burmese Buddhists', including the poor tempted by economic promises, retired civil servants, former prisoners, and former insurgents. *Kaladan News* reported that in January 2008 alone, 517 villagers, comprising 110 families, were sent from Burma proper to Maungdaw Township to live in NaTaLa villages.[179] NaTaLa settlers have been known to steal what resources the Rohingya have left, such as cattle and fruit from orchards, often with impunity. For example, in September 2008, NaTaLa settlers stole 12 buffalo from a Rohingya farmer while they were grazing in a nearby pasture. The Rohingya farmer reported the theft to the commander of NaSaKa area #7 in Maungdaw Township, but the commander took no action. Eleven of the 12 cattle were eventually returned at a later date.[180]

In Chin State, just north of Arakan State, the SPDC started an initiative in the early 2000s to make Chin State the 'tea kettle' of the country. Farmers in this region did not traditionally grow tea, but instead grew the staple foods on which they relied, such as corn, beans and potatoes. Thousands of acres of land have since been confiscated to create tea plantations, taking away villager's livelihoods and traditional practices. Over 14,000 acres of farmland were seized from villagers in 2008 alone. In one instance, Zaw Win Htey, Chairman of the Township Peace and Development Council for Falam Township, seized 1,000 acres of farmland without providing any compensation.[181]

At times, the SPDC confiscates land from farmers for no practical reason. In June 2008, just one month after Cyclone Nargis, Township Forest Department Chief U Kan Tun announced he would confiscate 23,000 acres of farmland in the cyclone affected area of Kadone Kani village tract, Bogale Township, Irrawaddy Division, according to *Mizzima News.* The reason stated was to enlarge the nearby forest reserve. No indication of compensation or options for the farmers

was given.[182] Of the farmers who were evicted, several had already purchased farming equipment and seeds from the SPDC on credit. With their land taken away, their crops lost and their livelihood gone, farmers were left with massive debts owed to the junta, estimated to be about 1.5 million kyat to be repaid within three years.[183]

Land Confiscation – Partial list of incidents for 2008

Arakan State

On 25 February 2008 in Maungdaw Township, the NaSaKa confiscated 350 acres of farmland from Muslim Rohingya farmers for the purpose of constructing NaTaLa villages. NaSaKa from Inn Din camp of NaSaKa Sector #8 confiscated land from:

1. Kol Loon (Thinn Baw Gwe) village, 100 acres;
2. Inn Din village, 100 acres;
3. Khwa Chaung village, 50 acres; and
4. Tha Win Chaung (Bassora) village, 100 acres.[184]

On 28 May 2008, NaSaKa in Aley San Kyaw, Maungdaw Township confiscated land and money from villagers at a critical period during the cultivation cycle, claiming that it was for victims of Cyclone Nargis. These villagers were:

1. Mohammed Zaffar,45, 4.8 acres;
2. Shaffi Ullah, 35, 4 acres;
3. Abdu Zabber, 37, 2.8 acres; and
4. Sayed Dullah, 29, 6 acres.[185]

Then, on 2 June 2008, the land taken from the villagers of Aley San Kyaw was returned by the NaSaKa, in exchange for 'donations' including:

1. 150,000 kyat paid by Mohammed Zaffar;
2. 2,000,000 kyat paid by Shoffiulla;
3. 1,500,000 kyat paid by Abdu Zaffar; and
4. 100,000 kyat paid by Sayed Ullah.[186]

On 10 June 2008, it was reported that the village of Angu Maw, located at the peninsula of the Mayu Peninsula in Rathedaung Township, which consists of 70 households, came under threat of relocation after an unnamed Chinese company discovered gas deposits nearby. The military authorities gave villagers notice that they must relocate to Ko Dan Kauk village after the rainy season ended. Land between Angu Maw and Ko Dan Kauk village had already been confiscated for gas exploration by the Chinese. Compensation was 8 million kyat per 40 square feet, although military officials took a large portion of this money from the villagers. Land in the southern areas of Mayu Peninsula in Rathedaung Township was also seized or fenced off as were four islands located near Nantha, Wet Thet Cha, Krat Thwan, and New Maw, where new gas deposits were discovered. A villager said, *"Most of the land from Ko Dan Kauk, Shaing Khali, Angu Maw Kon Dan, and Angu Maw has been confiscated by local authorities and the Chinese company and many buildings have already been built in the area."* The Chinese company was confirmed as China National Offshore Oil Corporation (CNOOC), by a Shwe gas activist in Bangladesh.[187]

In the last week of June 2008, the Maungdaw District Peace and Development Council (DPDC), Township Peace and Development Council (TPDC) and Village Peace and Development Council (VPDC) seized graveyards from Rohingya Muslims in Maungdaw Township. Some farmers paid from 100,000 to 300,000 kyat per acre in bribes to exclude their land from confiscation. Graveyards confiscated included 'Bagonah' of NaSaKa area #6 and 'Gowyah Khali' of NaSaKa area #7.[188]

On 23 June 2008, U Hla Win, Chairman of the DPDC and U Khin Maung Htut, Chairman of the TPDC, ordered authorities to seize 32.66 acres of land from farmers in Oo Shaikya (Buraseikdarpara) and Dou Dan (Loodaing) villages in Maungdaw Township. The landless farmers were asked by the Chairman of the VPDC for a bribe of 15,000 to 20,000 kyat each on 12 July 2008. He received 7.5 million kyat from the villagers and paid 6 million kyat to the DPDC chairman, according to an aid of the chairman. As of 30 July 2008, the farmers had not received their land back.[189]

On 23 June 2008, it was reported that TPDC Chairman Khin Maung went to Rangoon to discuss seizing land from Rohingyas in Maungdaw Township in order to make way for NaTaLa villages. The authorities planned to seize:

1. Shwe Zarr village tract, 250 acres;
2. Aley Than Kyaw village tract, 160 acres;
3. Bawli Bazar (Kyein Chaung) village tract, 450 acres;
4. Khari Para, 5 to 15 acres; and
5. Pandaw Pyin (Nolbonia) Para, 5 to 15 acres.[190]

During the first week of July 2008, the SPDC confiscated land from Rohingya farmers for the purpose of creating more NaTaLa villages in Maungdaw Township. Surveyors, along with the TPDC and NaSaKa surveyed land to be seized in Ga Hla Gyi, Naribill, Phur Wut Chaung and Sain Tay Pyin village tracts. The confiscated land was to be used for the NaTaLa village of Aung Thaya settled in 2004. Additionally, in Maung Nama village tract, all Rohingya pastures were confiscated by authorities on behalf of NaTaLa villagers, thereby preventing the Rohingya residents from grazing cattle on the land. As of 14 July it was reported that authorities were planning to confiscate ten acres of orchard from Maulana Sayedul Amin of Maung Nama village for Natala villagers. The orchard contained mangoes, jackfruit trees and other fruit bearing trees.[191]

Starting on 20 July, over 80 acres of paddy fields belonging to Rohingyas were confiscated from Pan Zee village tract of Buthidaung Township. On the confiscated land, 80 houses were built for Mro, Kumi and Chakma communities. Commenting on the loss of land, a village elder explained that, *"Their plan is to seize land from Rohingyas and invite local non-Rohingya communities from Arakan State and Burmans from Burma proper for settlement on the confiscated land."* [192]

On 2 August 2008, about 100 acres of toddy, flood-tide and ebb-tide forestland were confiscated by the SPDC. The reserved forestland was located in San Tara Creek, Mrauk U Township and was home to a minority group called the Khami.[193]

On 21 August 2008, it was reported that 280 acres of paddy fields were confiscated in Ngaran Chaung village tract, Buthidaung Township by the TPDC, or MaYaKa, as they are known. The reason given by the TPDC was that the farmers did not comply with an order to grow rice paddy during the summer cultivation cycle. Furthermore, it was reported that TPDC officials ordered farmers in Ngaran Chang village and Kyinutthi village to give them 15 *tan* (one *tan*=40.9 kg) of paddy or 3,000 kyat per acre of land. The land surveying department demanded another 15 *tan* of paddy or 6,000 kyat per acre by the end of January 2009. The farmers had been instructed not to grow paddy on their seized land unless they supply either the paddy or the money on time. According to a village elder, *"It is a strategy to seize land belonging to Rohingyas indirectly by demanding … huge money*." [194]

Beginning on 27 August 2008, NaSaKa forces at outpost camp #21 of area #9 tried to confiscate 16 acres of land, including paddy fields and a shrimp dam from Noor Jahan, a 50 year old widow from Koe Dan Kauk (Donesay Para) village in Rathedaung Township. Noor Jahan refused to comply with the order and reported the problem to the TPDC and the Land Survey Department in Rathedaung Township. Both entities confirmed Noor Jahan's claims to the land after viewing her documents and asked NaSaKa to let her keep her land. NaSaKa forces later drained her shrimp dam and took all of the shrimp.[195]

On 6 October 2008, it was reported that TPDC authorities in Loung Don Village in Maungdaw Town seized 40 acres of land from Rohingya villagers and distributed the land to NaTaLa villagers.[196]

On 10 October 2008, it was reported that Vice Senior-General Maung Aye signed a contract leasing 50,000 acres of paddy fields in Myauk Oo and Man Aung Island to Bangladesh. This land had been confiscated from Arakenese farmers without compensation and farmers in that area feared that more land would be taken in addition to the 50,000 acres. According to Than Hlaing, joint secretary of the Arakan National League for Democracy, *"If they lease out 50,000 acres of paddy fields, I am certain that the people of Arakan will starve*." [197]

On 12 October 2008, authorities from the Jail Department confiscated four acres of mango trees belonging to Oo D and Daw B from Theda Village, Poonayun Township.[198]

On 13 October 2008, SPDC Light Infantry Battalion (LIB) #540 confiscated seven hundred acres of farmland belonging to Cherrypram villagers, Mrauk Oo Township.[199]

On 13 October 2008, authorities from the Jail Department confiscated a garden from couple identified only as 50 year old Oo C, and his wife, Daw A from Theda Village, Poonayun Township, Arakan State.[200]

On 15 October 2008, SPDC LIB #540 confiscated 700 acres of farmland from Latesampram village and Tharpraykam village.[201]

On 15 October 2008, authorities from the Jail Department confiscated three and a half acres of garden (mango, banana, limes and other trees) belonging to Oo C, 40, from Theda village, Poonayum Township.[202]

On 20 October 2008, the SPDC military confiscated 150 acres of land, including farm and grazing land, from farmers in Taungbro Yar. The authorities took the land to construct a free border trade zone with Bangladesh in order to increase business relations with the country, as well as to build a dam. Businessmen were later given the opportunity to buy a plot of land in the trade zone with a building on it for 17.5 million kyat. The farmers were not compensated for the seizure and were left with nothing.[203]

On 23 October 2008, it was reported that 365 acres of farmland was confiscated by the LIB #538 from 65 families in Razabil (Auk Nan Yar) village in Rathedaung Township; no reason was cited. Authorities then demanded nine *tins* of paddy per acre as a ration for the military from anyone wishing to cultivate their lands. According to a farmer in Rathedaung Township, *"We are working in our land, but, we have to give paddy to the army. We will starve, if the weather destroys our crops. We have to give paddy at any cost to the army."* [204]

On 27 October 2008, authorities from the Jail Department confiscated seven acres of gardens from Oo A, from Theda Village, Poonayum Township.[205]

On 27 October 2008, authorities from the Jail Department confiscated a mango orchard containing 3,000 trees, valued at 700,000 kyat belonging to Oo B, 60, from Theda Village, Poonayun Township.[206]

On 15 November 2008, 1,000 acres of land from Rohingya villagers in Aley Than Kyaw village tract in Maungdaw Township were confiscated for the Hloon Tin Battalion by a TPDC Chairman and U Hla Tun Pru, the land-survey officer of Maungdaw Township. Although Hloon Tin Battalion only requested 50 acres of arable land from Aley Than Kyaw authorities, the TPDC chairman and the land-survey officer instead took 20 times that amount. The TPDC Chairman demanded 400,000 kyat per acre in bribes from any Rohingya who wanted to keep their land. A local farmer complained, *"All my farm lands are confiscated. I have five family members and have no alternative business and the restriction on movement still exists. I am unable to think about my family member's future."* [207]

On 18 December 2008, it was reported that 200 acres of farmland in four villages in Awa Daung village, Kyauk Pyu Township were confiscated by the SPDC military for the purpose of setting up a military headquarters, Operation Bureau #3. Over 50 farmers were left landless as a result. They received no compensation and were being forced to build roads and work on the construction site. Land was also confiscated in the surrounding areas of Dwe Cha, Maue Chaung and San Pay Chaung, as well as grazing land for cattle. Nearly 300 soldiers occupied the headquarters and forced the villagers to give them rice, chilli and other food items as rations.[208]

As of 15 December 2008, the TPDC of Buthidaung Township forced villagers to supply them with rice paddy so that the authorities could make a profit off of the goods.[209]

Chin State

On 5 January 2008, the Chairman of the TPDC, Zaw Win Htey of Falam Township confiscated over 1,000 acres of farmland from locals in Taal village without compensation. The land was slated to become a tea plantation.[210]

Irrawaddy Division

In February 2007, 3,000 acres of farmland was seized from Ngwe Saung Township by family members of SPDC officials including Nyaw Hnaung Khin Maung Than and Min Zeya Hlaing, the daughter and son-in-law of SPDC general Khin Maung Than. No compensation was given for the land that was reportedly destined to become a rubber plantation. Villagers were charged or forced to work on the land if they wanted to travel across the confiscated property.[211]

On 23 June 2008, it was reported that land was seized from farmers in Kyarkuyal, Danyinphyu, Mondinegyi, Mondinelay, Salugyi, Salulay, Tayawchaung, Myarchaung and Narnapauk villages in Bogale Township. Since the farmers had just leased farm equipment from the SPDC following Cyclone Nargis, they were left landless and in debt.[212]

On 24 June 2008, it was reported that the SPDC seized land left without owners after Cyclone Nargis, regardless of whether or not the farmers were still alive but in other locations, or had claims to the land.[213]

Kachin State

On 28 May 2008, the Artillery Battalion (AB) #372 led by Major Ye Yint Twe confiscated 27 cattle from local Kachin merchants who were taking the cattle to be sold at a market. Warrant Officer Myint Thein claimed that the seizure was to collect funds on behalf of cyclone victims in the Irrawaddy Delta. The cattle owners from Manna City were:

1. Maung Shwe;
2. Shan Ko; and
3. Thet Oo.[214]

On 25 August 2008, it was reported that the SPDC military seized at least 500 acres of pasture on a mountainside in Myitkyina, the Kachin State capital. Afterwards, the villagers had nowhere to graze their cattle because if the cattle were seen grazing on the confiscated land, the owner of the cattle would be fined. A villager reported that the confiscated land was turned into rubber plantations and medicinal plant plots. Farmers were thereafter forced to work on these plantations since they had lost their land.[215]

On 15 December 2008, it was reported that a Chinese national named Lixi organised the confiscation of 200 acres of village land with the help of local authorities. All of the saplings and trees were dug up and mechanical equipment was destroyed in order to build a rubber plantation near Washawng and Nam Wa villages. It was reported that the plantation owner bribed local authorities to carry out the confiscation. Angered farmers burnt down the rubber plantation in response on 7 December 2008. Lixi reported the damage and asked authorities to arrest those responsible.[216]

Karen State

On 23 December 2008, it was reported that SPDC authorities confiscated nearly six acres of farmland near Htaungwat village on the Rangoon–Pa Highway near the Salween River. The land was taken on behalf of Ngwe Moe from Moulmein in order to construct hotels in the area, because the farmhouses were situated with a nice view of the famous Zwekapin mount to the east. The farmers were promised compensation of 25 million kyat, but when the farmers attempted to claim the money, no department or authority would take responsibility.[217]

Magwe Division

On 11 February 2008, it was reported that the forestry department in Taungdwingyi Township were cultivating privately owned land without giving compensation to the rightful owners and were destroying the owner's crops. Forestry officials claimed that the SPDC ordered them to take over the fields as part of the regime sponsored *"Greenfield Project."* [218]

On 18 November 2008, it was reported that authorities banned work by villagers on three thousand acres of land in 20 village tracts in Yesagyo Township, including: #1 block, Pargaung, Bonetawpyae, Kai and Nayin. Farmers had been growing mainly chilli, onion, garlic, peanut, peas and tobacco on the alluvial lands for the past eight years. Farmers were later allowed to continue working the land if they paid a bribe of 30,000 kyat per acre to village authorities. Some farmers paid the bribes and others complained to higher ranking authorities. Two farmers had already been arrested as of 18 November for working on the land without paying the bribe.[219]

On 3 December 2008, it was reported that the local SPDC military confiscated 5,000 acres of land from fifty farms from Myetyeh-kan, Nyaungywalay, Ywathit and Nyaukpauk villages in Natmauk Township. Physic nut saplings were growing on the land and the authorities demanded the farmers pay 30,000 kyat and 20 *tins* (25 kg) of physic nut. In response, four farmers named Ko Zaw Htay, U Hla Soe, U Nay Lin and U Sein Steen, filed a complaint with the ILO and were subsequently charged by the TPDC under the Official Secret Act for Leaking State Secrets, section 33(B). Twenty families were later threatened by the local SPDC military and were banned from harvesting cotton and tomato crops from their fields.[220]

On 28 December 2008, commonly used fertile alluvial land formerly used by farmers in Yesagyo Township was confiscated from villagers who previously used the land to plant peanuts, tobacco and chilli. Whereas previously villagers could plant anywhere they wanted in the area around the Irrawaddy River and Sin-te-wa Creek, land was divided following confiscation in late December 2008 among 376 families in Yesagyo Township with each family having access to only one half acre. The remaining, and most fertile land was instead allocated to:

1. TPDC, 6 acres;
2. Land Survey Department, 2 acres;
3. U Nay Win, 0.8 acres;
4. U Kyaw Kyaw, 3 acres;
5. U Kyaw Zaw, 2.5 acres;
6. Aung Naing Lin, 2 acres; and
7. VPDC, 2.5 acres.[221]

Mandalay Division

On 4 December 2008, it was reported that land on alluvial islands legally owned by villagers were auctioned off by local authorities in Htanaung Taing village in Myin Chan province. Considered to be the best stretches of land in the area, 200 Class A plots were auctioned off starting at 70,000 kyat per block, 185 Class B plots began at 15,000 kyat, with the worst plots, Class C, starting at 10,000 kyat. Each plot was one half acre of land. Villagers had been highly dependent upon this land, especially during onion growing season.[222]

On 8 December 2008, it was reported that in Myin Chan and Taungtha Townships, including Hnanphat, Phattaw and Sakha villages, over 1,200 acres of land were confiscated by Union of Myanmar Economic Holdings, known locally as U Paing. The land was used to create a military-owned steel factory, roads and electric cable towers. Farmers were unable to harvest their crops after armed authorities came to seize the land. Farmers were promised reimbursement if they paid 3,000 to 4,000 kyat for an application form. Villagers reported that even after purchasing the forms, no compensation was given. The Union of Myanmar Economic Holdings is part-owned by the Burmese Ministry of Defence and part-owned by senior military officials and their families.[223]

On 29 December 2008, it was reported that 20,000 houses were relocated in order to make way for a new train station in Pyinmana Township. The relocated blocks were: Gon-tan, Yan Naing Hu Sein, including Yan Aung (II) and Gwa-Gyar in Taung-Tha near Pyinmana Railway Station. Victims were mostly civil servants and day labourers and they were relocated to Sinphyu and Lay-twin Mountains, 7 miles (11.27 km) from Pyinmana. Not only did those who were relocated lose their employment and community, but the Lay-twin Mountain is in the vicinity of Paung-laung Hydroelectric Power Project, a dangerous area rife with malaria.[224]

On 31 December 2008, 1,000 acres of sugarcane farms were confiscated by the SPDC military in Pyan-ka-pyay, Taut-htein and Letpan-kha-hla villages near Naypyidaw. Authorities prevented the farmers from harvesting their sugarcane on the land, which was their main, or sometimes only, source of livelihood. Bulldozers were sent to destroy the farms so that a Chinese company could put up a building.[225]

Mon State

In July 2008, 200 acres of land were seized from rubber plantation owners in Mudon Township by the AB #318 which was based in Ah-bit village in Mudon Township.[226]

In August 2008, AB #315 in Thanbyuzayart Township confiscated 200 acres of rubber near Wei-win-kara and Panga villages.[227]

On 2 July 2008, it was reported that LIB #587 based in Thaungpin village, banned villagers from fishing in a ten acre public lake. The villagers in the area typically relied on fish from the lake for food and to sell. The lake is estimated to generate at least one million kyat of fish annually.[228]

In October 2008, AB #318 confiscated land from rubber plantation owners in Mudon Township.[229]

On 5 November 2008, the Burmese Military Training School #4 in Wekali village, Thanbyuzayart Township confiscated about 140 acres of land from nearby a monastery. The authorities then started reselling the land. At the time of reporting, 100 acres had been resold at 500,000 kyat per acre. Although the land was not officially registered with the government, the monks in the monastery had turned the land into an animal sanctuary, where hunting was forbidden, 20 years ago. The military had been using the reserve for training exercises prior to the seizure.[230]

On 7 November 2008, AB #318 contacted at least seven rubber plantation owners in Ah-bit, Set-thawe, Doe-Mar and Yaung Doung villages in Mudon Township to inform them that their land would be confiscated. The plantation owners were also banned from visiting their land and their travel permission cards were taken away. One hundred and twenty acres of land, which contained 3,000 rubber trees, was seized so that AB #318 could extend their land. The rubber plantation owners were:

1. Nai A Shwe;
2. Nai A Mon;
3. Nai Halae;
4. Nai Thant;
5. Nai Balie;
6. Nai Zaw Lat; and
7. Nai Pan Shein.[231]

Pegu Division

On 12 December 2008, it was reported that SPDC column #101 had ordered farmers from ten villages in Kyaukkyi Township to turn over hundreds of acres of plantation sites between Baw Ka Hta and Pa Aye mountainside by the beginning of 2009. The seizures were reported by Saw Ber Htoo, the Secretary of CIDKP from Kler Lwee Htoo, Nyaunglebin Township, to *Kwekalu News*.[232]

Rangoon Division

On 3 March 2008, farmers from 22 villages in Dagon Myotthit Township who had their land confiscated by village authorities organised to discuss their plight on Peasant's Day. The farmers demanded that the junta authorities help to solve the issues they were facing as a consequence of their land being taken. A letter was sent to the authorities on their behalf.[233]

On 8 July 2008, it was reported that U Zaw Weik's 10 acres of land and fish farm were seized in Ta-Gun-Daing village, Twante Township. The seizure was based on a contract U Zaw Weik was forcibly made to sign by VPDC Chairman, U Maung Khaing in 2004, which gave over his land as collateral to U Aung Shein and Daw Khin Myint in Phone-Kan-Bay village in exchange for 2 million kyat. When U Zaw Weik refused to give up his land, he was sued by U Maung Khaing and the judge ruled against U Zaw Weik. As a result, his house was destroyed and his farmland and fish farms were taken from him.[234]

Shan State

At the end of April 2008, 12 acres of farmland owned by 12 farmers were confiscated in Mong Pan by Mong Pan Area Commander, Lieutenant-Colonel Kyaw Than and Chairman of Mong Pan TPDC, Sai Zam Win. Summer paddy seeds were subsequently planted for LIB #520, LIB #332 and LIB #385, and were guarded by three soldiers from each battalion for security.[235]

Forced Sale of Crops

As a means to support and feed the military, the SPDC has institutionalised compulsory contributions of food and money demanded from villagers for military battalions and their families stationed around the country. Under the Paddy Procurement Policy, villagers are responsible for supplying the armed forces occupying their village and quotas are set up for the weekly or monthly collection of goods. The prices villagers receive in exchange for their goods are normally one third or one half the market price, or they are paid with fertiliser. Although the Paddy Procurement Policy was officially ended in 2003, the practice continues around the country, especially in towns with a large military presence.

Quotas, usually of rice paddy, are normally arranged by the military through meetings with village leaders who are then forced to be responsible for the collections of goods from their own people and deliver it themselves. Quotas apply to farmers and non-farmers alike, forcing those who are landless or who do not grow rice to buy paddy at the market price. They then sell the rice to the military at the reduced price, at a considerable loss.[236]

The amount of rice paddy demanded is set by acreage, rather than the actual yield. This leaves farmers with failed crops - due to flooding, weather, poor state agricultural policies or in the case of Chin State, an invasion of rats - in debt.

While the stated reason for the compulsory collection of crops from villagers is to feed the armed forces, part of the goods are exported for SPDC profit. In fact, on some occasions military commanders sell off the quotas for a profit and expect the soldiers to take what they need from local farmers.

Forced Sale of Crops – Partial list of incidents for 2008

In January 2008, farmers from 10 villages in Hawng Kaang village in Mong Pan village tract, Shan State were forced to sell six baskets of unhusked rice to SPDC troops from LIB #43 and LIB #360 at 10,000 kyat. The market price at that time was 20,000 kyat. Those who were not farmers or who did not have a plot of land were required to supply the military with four baskets of rice at the same rate. They therefore had to purchase rice at the market price and sell it at a much lower price to the battalion.[237]

In January 2008, villagers from Murng Pu Long village tract in Mong Pan Township, Shan State were ordered to sell rice to SPDC troops of LIB #528 regularly at a rate much lower than the market price.[238]

In January 2008, villagers from Pung Pa Khem town in Pung Pa Khem sub-township, in Mong Ton Township, Shan State, were forced to sell rice to the SPDC military LIB #519, stationed at Pung Pa Khem.[239]

In January 2008, villagers from Mae Ken village tract in Mong Ton Township were ordered to sell rice to SPDC troops from LIB #519 stationed in Mae Ken village tract.[240]

Also in January, villagers from Kengtung sub-township in Mong NaiTownship, Shan State, were ordered to provide the SPDC military with rice paddy and money once every two months to support the families of the soldiers.[241]

On 1 January 2008, village representatives in Murng Pu Long village tract, Mong Pan Townships, Shan State, were told by SPDC troops of LIB #528 that all villagers in Murng Pu Long were required to sell half a basket of husked rice to the battalion once a month at the price of 2,200 kyat; many times lower than the market price, which was 7,500 kyat per half a basket at the time. The village leaders were responsible for collecting the rice from the villagers and transporting it to the base each month.[242]

On 3 January 2008, village representatives from Mong Ton Township, Shan State, were told by the troops of LIB #519 that all farmers in their towns must sell the troops unhusked rice at a rate of four baskets for each acre of land that they worked, at 2,000 kyat per basket. The market price at that time was 5,000 kyat per basket or more. Farmers were threatened with arrest and land confiscation if they failed to sell the required quotas to the troops by the end of January 2008.[243]

On 5 January 2008, village leaders of Mae Ken village tract, Mong Ton Township, Shan State, were gathered together and ordered to have their farmers sell unhusked rice at the rate of four baskets per acre of their rice paddies, at the price of 2,000 kyat per basket. At the time the market price was 5,000 kyat per basket. There were four villages in Mae Ken village tract, with a total of 1,590 acres of rice paddies. The village tract and acreage of rice paddies each village had at the time was as follows:

1. Mae Ken village, 672 acres;
2. Mawkzali village, 314 acres;
3. Wan Mai village, 238 acres; and
4. Naa Pakaao village, 366 acres.[244]

On 20 January 2008, village leaders from seven village tracts in Kengtung area, representing 1,000 villagers, were gathered together for a meeting with SPDC authorities at the Ton Hung sub-township office. The SPDC ordered the villagers to help support the military battalions and their families with food, money and basic necessities once every two months due to the economic difficulties experienced by the military. Villagers were divided into two categories: Category 1-villagers with rice paddies and relatively more money, had to provide 16 *pyi* of husked rice and 8,000 kyat of money; and Category 2-those who did not have rice paddies who were landless and poorer, had to provide four *pyi* of husked rice and 1,000 kyat of money per household.[245]

On 8 February 2008, it was reported that villagers in Matupi Township, Chin State, were taxed 2,000 kyat per household and 12 *tin* (240 kg) of rice paddy upon harvest by Colonel Zaw Myint Oo, Commander of Tactical Command II, based in Matupi Township.[246]

On 14 June 2008, as villagers were dealing with severe food shortages due to the bamboo flowering, Captain Tin Aung Win, company commander of Burma Army LIB #140 stationed at Sabawngte camp and operating under Tactical Command II based out of Matupi Township, Chin State, forced 11 village tracts in Matupi to supply rations to his troops. Each village was ordered to supply 9 *tin* of rice (about 180 kg) to the troops despite the food shortage. The affected villages included:

1. Kase village, Kase village tract;
2. Lunghlaw village, Kase village tract;
3. Ki Hlung village, Kase village tract;
4. Tibaw village, Kase village tract;
5. Tangku village,Tangka village tract;
6. Amlai village,Tangka village tract;
7. Rengkheng village,Tangka village tract; and
8. Pakheng village,Tangka village tract.[247]

On 30 June 2008, it was reported by Oo Zaw Win of Pa Cheh village and Mo Aung Tin of Paung Lin village that farmers in the two villages had been ordered to sell the local military four baskets of rice each at 1,500 kyat per basket. The market price was 5,000 kyat at the time. Those farmers who did not grow enough rice to meet the quota, were obliged to make up the difference by buying it at market prices elsewhere and selling it at a loss.[248]

On 11 August 2008, it was reported that LIB #89, stationed in Natchung village tract, Kale town, Sagaing Division, forced villagers to supply two *tins* of paddy (86 kg) for every acre of land owned, without compensation. Villagers in Tamu and Khanpat areas in Sagaing Division reported receiving similar orders from LIB #89 in the previous year.[249]

On 3 December 2008, it was reported that U Tun Zan from Pya Lay Chaung village, Arakan State was ordered by the military to supply paddy for two army battalions because his farms were located near the army headquarters. U Tun Zan had had his 20 acres of farmland confiscated previously by an army hospital and LIB #270. Since he could not supply the paddy because he had no land, he appealed to a higher authority and received six acres of his land back. At the time of the report he was being forced to pay four *tins* of rice per acre to the two army battalions.[250]

Enforced Cultivation and Dry Season Paddy Crops

Farming practices in Burma have been developed over generations in the hills and plains of the country where fertile, nutrient rich soil and a good climate have ensured that when properly maintained, farmers have a plentiful harvest. Farmers have traditionally produced one crop per year per plot and farmers with multiple plots have rotated their crops between fields to allow nutrients in the soil to replenish before the next crop was planted.[251]

Throughout 2008, as well as over the past decade, the SPDC forcibly promoted destructive and irrational crop planting policies, coercing farmers to disrupt the normal summer season cultivation to plant an additional crop during the dry season. The junta's Two Crops Policy was imposed on Burma's agricultural sector in order to double the country's annual rice output; to generate more income through taxation and crop procurement; to supply more food to the military; and to be exported to neighbouring countries for a profit.

Planting a second crop during the dry season has put significant demands on the land by not giving the soil enough time to recover its nutrients, lowering the yield of both the first and the second crop and requiring more water, which is scarce at that time of year.[252] Each year the soil produces less and less until it becomes unproductive from overuse. To counteract this problem, farmers have had to purchase expensive chemical fertilisers from the SPDC at exorbitant prices. Planting two crops is also much more labour intensive year round and can require mechanised farming equipment and the construction of dams and irrigation systems, which are also expensive. Dry season paddy cultivation has been enforced in areas where there is not enough rainfall or irrigation for the crops to produce a high yield. Although the Two Crops Policy has failed almost everywhere throughout the country, the SPDC has continued to confiscate land on farms that have not met the prescribed production quota. Farmers forced to plant in the dry season have in turn become trapped in a cycle of debt and starvation as their land suffers, cultivation becomes more expensive and land is confiscated due to low productivity. In Karenni State for example, a farmer explained, *"Villagers, in fear of the SPDC, have no other option than to grow the second crop or face having their land confiscated if they do not comply with the SPDC's demands."* [253]

The second crop that farmers have been forced to cultivate is often determined by SPDC policy with little consideration of its suitability to the environment. These crops have included physic nut, sunflower, sesame and tea, as well as designer strains of rice which tend to be more expensive than normal strains and also require more water. Farmers have been given little instruction as to how to cultivate these non-native crops, which has often led to low yields and failing crops. A farmer from Mon State, Nai Soe, explained*, "If we profited from growing summer paddy, groundnut, and sun flowers, the government would not need to force us to cultivate. We would cultivate even if they didn't tell us to."* [254] One example of mandated crop planting occurred in Magwe Divison in August 2008. Due to a severe drought, local soil type and its general usefulness, villagers in Khin Shay village planted maize during the dry season. Authorities from Agriculture Department and Land Survey Department forced the villagers to destroy the maize, which was two feet high already, and replace it with rice paddy within four days. This was despite the fact that the environment in this region was not suited to rice cropping, there was a lack of water and the resultant yields would be paltry.

Villagers have often been given rice strains from the SPDC which requires more water and expensive fertilisers which they cannot afford.[255] In Pegu Division's Tharawaddy Township, farmers have only been allowed to grow *sinnweyin* rice seeds bought from the agricultural department for 5,000 kyat for one *tin*, compared to 2,000 kyat for a *tin* of regular seedlings. *Sinnweyin* rice seeds are supposed to grow at a faster rate by 20 to 30 days but farmers do not favour it because of its high cost and the large amount of water for irrigation that it requires. Farmers in Chaung Thone-gwa village in Tharawaddy Township were forced to

grow 500 acres of this strain using the junta's seeds in 2008. Farmers in the village reported that affordable fertiliser would have made a bigger impact on the season's yield. SPDC fertiliser in Pegu costs 21,000 kyat, which is cheaper than the black market rate of 21,500 kyat, but the bribes required to get the SPDC fertiliser make it more expensive in the end.[256]

The country's most dramatic and devastating example of enforced cultivation has been exemplified by Senior-General Than Shwe's, 2005 nation-wide campaign to grow the poisonous, physic nut tree for biodiesel production. Originating in Mexico and Central America, the toxic physic nut has two varieties in Burma: jatropha and castor. Both strands can be turned into a bio-fuel that is a cheap, clean and renewable energy source and they have been planted extensively throughout the country. According to research done by the Ethnic Community Development Forum (ECDF):

> *"Each of Burma's states and divisions, regardless of size, are expected to plant at least 500,000 acres. In Rangoon Division, 20% of all available land will be covered in jatropha. In Karenni State, to meet the quotas, every man, women and child will have up to 2,400 trees."* [257]

In 2006, SPDC interest in the plant surged and the chief research officer at the Myanmar Oil and Gas Enterprise aimed to replace the country's oil imports of 40,000 barrels a day with *"home-brewed jatropha-derived bio-fuel"* [258] SPDC officials declared that the country would soon start exporting jatropha oil.[259] Enforced cultivation of the crop became wide-spread across Burma, often at the expense of edible crops that farmers depended on. Reports began to emerge of land confiscation, forced labour, and the enforced cultivation of physic nut as the SPDC planned to massively expand the project to grow 8.36 million acres of physic nut by the end of 2009.[260]

Seen by most as a failed initiative, evidence of several problems began to emerge in the fourth year of the project. The intense investment in bio-fuels drove up consumer prices, echoing what had already happened as a result of growing crops for bio-fuel in the rest of the world.[261] The toxicity of the physic nut is high if ingested and should not be planted in close proximity to children, pregnant women or livestock, a message the junta did not widely convey. In India and China the physic nut is only planted in land where food cannot be cultivated, but in Burma, it is planted in the country's most fertile land.[262] Monique Skidmore, a professor at the Australian National University said,

> *"People were being forced to grow it everywhere- fields, schools, along the sides of the road. It goes to show how [the generals] have no concept of how to properly run the country, especially in the aftermath of this cyclone."* [263]

Meanwhile, school children who could easily mistake the poisonous nut for the much loved betel nut have fallen ill and died after ingesting the physic nut. *Mizzima News* in August 2008 reported that 27 children fell ill after eating physic nuts.[264] In Kachin State, 8 children aged 8 to 11 were poisoned in June 2008 after they ate immature castor-oil-tree fruits growing near their playground.[265]

The promise of the mass plantations of physic nut is yet to be seen. The physic nut has a low survival rate in Burma, *"leaving up to 75 percent of the plants dead,"* due to the unsuitability of the tree to the amount of rainfall and soil type in much of the country.[266] Farmers have been left *"bewildered"* by the enforced cultivation of the physic nut and lack the knowledge needed to produce high yields. They have cultivated the plant simply to avoid punishment.[267] An agriculture official in Arakan State claimed that jatropha trees have only a 45 percent success rate, due to bad weather and a general lack of knowledge; a civil servant in Kachin State said that only 70 percent of his trees survived, while a school teacher in Kachin State noted that one in four of his plants survived. According to research done by the ECDF:

> *"Although there is a lot of hype and promotion about jatropha, practical knowledge and growing techniques are still lacking, as well as sufficient fertilisers or seeds. Due to lack of incentive, the project has been implemented quickly and haphazardly simply to avoid punishment and comply with orders, not to ensure success."* [268]

Jatropha takes four years to reach its optimum ripeness making any benefits available only in the long-term, while land used to plant the crop could be used for edible harvests. Processing the oil can either be done by hand, which is labour-intensive and difficult or it can be produced chemically by a reaction with vegetable oil and alcohol that, according to the ECDF report, is both expensive and dangerous.[269] If the bio-fuel is not properly refined, the carbon deposits have the ability to damage an engine in which it is used. Although physic nut fuel can be bought in many villages, locals reportedly stay away from it to protect their machinery.[270]

Nevertheless, planting continues throughout the country. An official memo from the office of the Chin State SPDC on 25 April 2008 stated that: *"an additional 60,707 acres of land will be used for jatropha plantation in Hakha and Thantlang Townships for the year 2008-2009."* The memo goes on to detail instructions to local officials on the amount of money that should be taken from each villager to cover the cost of buying seeds for the project.[271]

Furthermore, the SPDC signed a memorandum of understanding in November 2008 with the South Korean company Enertech Co Ltd to construct a new 2,000 acre bio-diesel plant for physic nuts in Burma along the Pathein-Mawtinsun motor way in Rangoon. The Japan Development Institute and Japan Bio-Energy Development Cooperation will join forces with the Myanmar Ministry of Agriculture and Irrigation to form the Myanmar Bio Energy Company to produce high-grade bio-diesel using Jatropha physic nuts and to create a trading centre; a raw edible oil factory; and a school to train experts in bio-diesel technology.[272]

Enforced Cultivation and Dry Season Paddy Crops – Partial list of incidents for 2008

Arakan State

On 1 August 2008, it was reported that villagers in Kwee Day, Amyint Kyunt, Par Dalike, Nga Tauk, and Chi Li Byint in Sittwe Township were forced by local authorities to work on a castor oil plantation without compensation. The plantations sit on land confiscated from the villagers.[273]

Chin State

In July 2008, it was reported that villagers who owned gardens in Thantlang Township were forced to purchase tea seed for 4,000 kyat per bag from the SPDC authorities and to replace their vegetables with tea crops or else face seizure of their land.[274]

Kachin State

On 20 June 2008, it was reported that the SPDC used villagers from Myitkyina Township to plant thousands of physic nut trees without compensation. Eyewitnesses reported that they saw over 100 civilians with knives and mattocks in Du Mare (Du Kahtawng), Shatapru and Tatkone areas planting physic nut saplings between the hours of 6 am and 9 am in heavy rain.[275]

On 1 July 2008, the SPDC military forced 100 civilians in N'Jang Dung village, three miles north of Myitkyina Township to work on a physic nut plantation. Villagers were threatened with incarceration and land confiscation if they *"oppose or criticise over the physic nut tree plantations either by word or action."* [276]

Mon State

On 11 June 2008, it was reported that Senior-General Than Shwe, ordered junta run schools in Mon State to grow 1,000 jatropha trees, 50 areca palms and 1,000 peppers to raise school funds. School Principals complained that the school could not afford this. A principal in Mon State said *"Most schools have to pay about 100 Kyat per castor oil plant. Our school bought it at the beginning of the project. But this year, I don't want to waste money because our school never received benefits from it."* Schools in the state must submit progress reports to the Department of Education each month.[277]

Pegu Division

On 15 January 2008, it was reported that residents of Daik Oo village were forced to buy sunflower seeds for 1,200 kyat to 2,000 kyat per *viss*. When the authorities were low on seeds, villagers still had to pay the same price but got less seeds. Although they were forced to cultivate sunflowers, no one wanted to buy them since it is difficult to make oil out of the seeds.[278]

On 16 December 2008, it was reported that authorities in Nyaunglebin district forced villagers to buy two *pyi* of sunflower seedlings per acre of land. Six farmers in Taloke-kone village in Kyavandaing tract had already been notified that their land would be confiscated because they did not purchase the seedlings. The farmers were reluctant to plant the seeds because the sunflowers would interfere with the growth of their other crops. It was the third year in a row that authorities forced the farmers to plant sunflowers, despite the crop failing each year.[279]

Shan State

During late April and May 2008, villagers in Kengtung Township were ordered to buy physic nut seeds from the TPDC and were forced to cultivate the plant on empty lands in and around their villages. Then, SPDC authorities gathered together community leaders from ten village tracts to tell them to plant more physic nut and ordered them to buy seeds from the authorities or face consequences. Villagers reported that physic nut grown in the village in previous years had already born fruit but the authorities would not buy them as they had promised, and they were still forced to plant more. The village tracts and the amount of physic nut seeds they were required to purchase at a rate of 45,000 kyat per basket were:

1. Kaad Pha village tract, 15 baskets;
2. Yaang Kaeng village tract, 12 baskets;
3. Kaad Tao village tract, 15 baskets;
4. Wat Saao village tract, 12 baskets;
5. Kaad Thaai village tract, 15 baskets;
6. Loi Long village tract, 15 baskets;
7. Yaang Kham village tract, 12 baskets;
8. Murng Zaem village tract, 15 baskets;
9. Murng Laab village tract, 12 baskets; and
10. Murng Lang village tract, 15 baskets.[280]

In April 2008, SPDC troops from IB #64 and IB #286 forced farmers from 20 villagers in Lai-Kha and Kae-See Townships to grow 150 physic nut plants at places designated by the SPDC troops while also taking care of those planted in previous years. Furthermore, each household was required to provide labour three times per week or be fined 5,000 kyat each time.[281]

On 11 June 2008, it was reported that between April and June, villages from Kengtung Township were forced to buy at least 12-15 *tang* (*tang*= 54 litres) of Jatropha seeds from the SPDC for 45,000 kyat per *tang*. Village tracts that could not afford this still had to pay, and village leaders had to collect the money from their own villagers. Although authorities forced villagers to buy the seeds, farmers reported that they did not buy them back once the crops were ripe. A farmer commented, *"I don't know why the government is so crazy about Jatropha plantation. We have never seen the advantages of it."* [282]

From 22 August 2008, LIB #99 based in Lin Khe Township forced villagers to grow physic nut and sesame for the military. Villagers were told to use their own tillers or use their hands to manage the crops. Six villages were given a similar order by LIB #99 in September 2008. The six villages were:

1. Wan Nong Lum;
2. Wan Than Kan;
3. Wan Nam Thoke;
4. Nam Thim;
5. Nam Naw; and
6. Lom Kaw.[283]

8.7 Self-Reliance, Development and Counter-Insurgency

Land confiscation, the forced sale of crops, forced cultivation and forced labour by division, village and township authorities are symptoms of the Self-Reliance Program, an SPDC scheme imposed on the armed forces and civilians. Under the program introduced in 1988, military battalions are responsible for their own food and supplies, which are to be taken from the local communities in which they reside. Despite 40 percent of Burma's annual spending going to the military, army units on the ground must still procure goods beyond the set quotas already demanded from the people.[284] A good proportion of those supplies go straight to high commanders. In March 2007, an article by *Jane's Defence Weekly* based on an obtained internal document from the SPDC exposed internal directives ordering *"battalion commanders to increase the amount of money that they raise on their own in order to supplement central salary and ration disbursements."* [285] The directive went on to condemn military commanders who do not abide by this policy, describing them as *"sucking oil"* from the SPDC.

The military junta's policy of self-reliance has allowed military authorities to target civilians, confiscating their land, their crops and causing them to perform forced labour on military bases. Military personnel receive such meagre rations and insufficient pay, that the self reliance policy is embraced in order for soldiers and leaders to sustain themselves and supplement their income.[286] Farmers become tenants of their own land, reduced to serfdom on farmland that may have been in their family for generations. Village leaders are forced to carry out the military's orders, collecting goods and delivering them to army bases, greatly diminishing their standing. Civilians are rarely compensated for their expropriated land, crops or time and live in a precarious state, not knowing when military personnel will next demand goods from them.[287]

Self-reliance has also found its way into the educational system, particularly in rural areas. (For more information, see Chapter 15: Right to Education) Local people must share the cost of school buildings, teacher's salaries, material and other expenses. Since rural villages are suffering from poverty, in many places education is not possible under this arrangement.

Similar policies are in place with regard to development projects and the building of infrastructure. It is the responsibility of the people to provide the money, materials and labour. In Kachin State, a villager reported that an announcement was made at all local churches that every household must provide one person per week to work without compensation to widen a footpath on a road. No food or shelter was provided for them. Speaking about the project, a local villager said, *"The local authority had told the villagers they were to work without pay on a 'self reliance' program to develop their region."* [288] In Mon State, villagers reported that 'self-help' development projects were common. In the townships of Moulmein, Mudon and Thaton, civilians were forced to build and repair roads to connect the three towns, build schools, clinics and hospitals while providing the funding and labour for the projects themselves.[289]

In addition to the aforementioned vulnerabilities faced by Burmese citizens, villagers living in states with ceasefire groups or rebel activity are subject to further abuses by the junta's Four Cuts Policy. Introduced in the late 1960s as a counter-insurgency tactic, the Four Cuts Policy is a campaign designed to cut off insurgents from food, funds, intelligence, and recruits. Ethnic villages are turned into free-fire zones where SPDC military forces, accompanied by villagers forced to be porters and minesweepers, destroy villages and relocate any survivors. The strategy has been designed to fragment communities, scattering groups of people so the SPDC can consolidate its control over contested regions. This policy is known to occur in the Kachin, Shan, Karenni, Mon, and Karen states. In north-west Burma the Four Cuts Policy is also used to destroy links between the civilian population and the Chin and Naga ethnic resistance forces.

Through this campaign, aid agencies estimate that in eastern Burma alone, at least half a million people have been internally displaced, with 160,000 people left living in Thai refugee camps. Charm Tong, a 26-year-old Shan activist in Goong Jor refugee camp recalled her experience of the Four Cuts Policy, *"The SPDC steal crops, burn villages, enslave villagers as army porters or roadbuilders, sow fields with landmines, rape women and children and murder villagers and anyone connected with the resistance."* [290] (For more information, see Chapter 20: The Situation of Refugees).

Forced Labour

Despite having signed the Forced Labour Convention in 1955, and Order #1/99 in 2000, officially banning the practice of forced labour and making its imposition punishable by law, forced labour is a pervasive and institutionalised practice used throughout the country as a means to build the country's infrastructure and maintain its military, especially in border states.[291] In tandem with the Self-Reliance Policy, local soldiers are directed to use forced labour to build development projects, such as roads and bridges; to maintain military bases; to assist in field operations, by portering and guiding; and to provide food and money through forced cultivation. While being forced to work on such projects, villagers must bring their own food, equipment and shelter if necessary; they receive no medical care and rarely receive any compensation. (For more information, see Chapter 7: Forced Labour and Forced Conscription).

When villagers are mandated to engage in forced labour, they must spend days, weeks or months away from their own livelihoods. If a member of the household is unable to partake in the work, they must pay for someone to take their place, often at a high cost, or face arrest, fines or land confiscation. The economic and physical strain of the extra work takes a high toll on already overburdened households trying to feed their families, who are forced to plant extra crops during the dry season under the Two Crop Policy. Forced labour is especially detrimental during labour intensive times in the crop cycle. Those considered by the authorities to be *"unwilling, slow, or unable to comply with a demand for forced labour"* can be subject to severe punishments such as *"physical abuse, fines, torture, rape and murder."* [292]

In February 2007, the ILO and the SPDC agreed upon the establishment of a mechanism to deal with forced labour complaints from its citizens. Under the agreement, the SPDC and the ILO have the power to jointly investigate allegations of labour abuses referred by the ILO. Under Article 1 of the Supplementary Understanding, Burmese citizens can, with protection from reprisal, seek justice under the law if they are subjected to forced labour. Yet, villagers in rural areas have little access to the justice system since forced labour is an authorised practice and the perpetrators are the representatives of the military junta. Those who do complain to higher authorities, such as the ILO, are met with intimidation and abuse. For example, in Magwe Division, after four farmers complained directly to the ILO because they were forced to cultivate physic nut and then had their land confiscated, along with fifty other households in the village, the TPDC charged the farmers under the Official Secrets Act for leaking state secrets. The TPDC also threatened 20 other families related to the case.[293]

Forced labour remains an ongoing threat to the livelihoods of the men, women, children and the elderly of Burma. In spite of international obligations, pressure from nations around the world and human rights organisations, the practice remains pervasive and well-documented. Since Cyclone Nargis ravaged the Irrawaddy Delta region, reports from survivors have provided evidence that the military regime used forced labour in reconstruction efforts, forcing survivors to work in order to receive humanitarian assistance.[294]

Arbitrary Fees, Taxation and Extortion

Taxes in Burma are amongst the lowest in the world, with overall revenue as a percentage of GDP hovering around 4.9 percent, compared to 18 percent in most other developing countries.[295] At the root of the problem has been the SPDC's inability to collect taxes consistently and at realistic rates, as well as the tax concessions it has made to business cronies in order to attract foreign investment. Ordinary citizens continue to bear the brunt of the regime's extensive system of officially sanctioned fees and taxes as well as their unofficial and arbitrary demands for money and goods.

Villagers have been left with various arbitrary taxes and fees collected under the banner of the state, which in many cases goes toward lining the pockets of authorities at various levels of the bureaucracy. Burdened with supporting the military presence in their towns, people are also taxed on various necessities such as collecting firewood and bamboo, cultivating their own crops, keeping animals, as well as birth, death and marriage certificates. The constant demands on the little income that villagers earn, coupled with the high cost of living, threaten people's ability to earn a living and provide for their family. Unable to meet the regular demands, many villagers are often forced to flee their homes to avoid punishment by the authorities.

Those living in ethnic states must also endure a second wave of taxation from ceasefire groups operating in their area who tax everything from their land to rice paddy to border-crossings. For example, in Chin State, despite the ongoing famine due to flowering bamboo, the Chin National Front (CNF), the biggest tax collector after the junta, decided to reduce its imposed taxation, but only on a temporary basis. It was reported in February 2008 that the CNF would be lowering the charge for border passes from Burma to India and taxes on the home. CHF argued that it must continue to collect taxes in order to protect the Chin people and their homeland.[296]

In another example, Karenni villagers reported paying taxes on annuities, rice, cars, tractors and ox-carts to both the SPDC and the Karenni National Progressive Party, a ceasefire group in Karenni State.[297] Villagers also complained of having to pay taxes to other ceasefire groups including the Karenni Nationalities People's Liberation Front, Karenni National Democratic Army and the Karenni National Solidarity Organisation (KNSO).

State authorities have often collected taxes under the guise of providing services and infrastructure, playing to rhetoric central to SPDC rule. This runs counter to the fact that services are often nonexistent; the development projects tend to run counter to the needs of the population and are built using forced labour. Despite the collection of taxes, health and education services are grossly under-funded and villages have generally been left to build their own schools and pay their own teachers. Basic services such as road maintenance and street lights are absent in most towns, forcing villagers to make their own arrangements. For example, in Myitkyina Township, Kachin State, authorities collected mandatory fees of between 20,000 kyat (US$17) and 90,000 kyat (US$76) per year from shop owners for the collection of garbage, but claimed that only the junta's Northern Command military headquarters could utilise this service.[298]

Checkpoints are another method used by the junta to control the movement of civilians and to extort money. Set up to encircle villages and along connecting highways, checkpoint guards charge arbitrary fees (levels are at the discretion of the personnel manning the station). It is common for farmers to own land located at the edge of their village and they sometimes have to pass several checkpoints to visit their land to tend their crops. This monetary burden often leads to less access for the farmer, or to the farmers having to abandon their land. In ceasefire areas, villagers have been forced to erect fences, leaving only a few points to pass through. Travellers who the guards deem suspicious, or who cannot pay the fee have been arrested in the past, assaulted and their travel passes confiscated.[299]

Following Cyclone Nargis which devastated the Irrawaddy delta in early May 2008, authorities operating in areas not affected by the disaster demanded money and goods from villagers, claiming that the money was going to a fund for the victims of the cyclone. No such fund was ever reported and villagers who refused or were unable to pay were harassed, arrested or penalised in some way.

Arbitrary Fees, Taxation and Extortion – Partial list of incidents for 2008

Arakan State

On 7 and 8 February 2008, two men were arrested for possessing Bangladeshi mobile phones; items which are illegal in Arakan State without the necessary permission and paperwork. Authorities are notorious for planting phones in people's homes or shops as a method of extorting large sums of money. One of the men, Abul Kasim, 55, from Naya Para village was found with a mobile phone in his house, although he claims he had never seen it before. He was taken to a police station after authorities searched his house and found the mobile phone. He was asked to pay 600,000 kyat for his release, but could not afford the sum.[300]

On 8 February 2008, a man identified as Abdullah, 20, from Ward #4 in Maungdaw Town was arrested in his tea shop when Officer Nyi Nyi Hlwin Soe and three other officers found a mobile phone, apparently planted by another officer, in some empty tins of condensed milk. Officers demanded 50,000 kyat for his release but his father would not pay and Abdullah remained incarcerated. The police involved in extorting money from farmers and shop owners by planting mobile phones have been identified as Major Aung Htwe, the Superintendent of Maungdaw District, U Thin Tin, the Assistant Superintendent of Maungdaw police station and head of the police surveillance group, and Khin Maung police personnel.[301]

On 8 February 2008, villagers who renovated Sayed Ali mosque in Myoma Ka Nyin Tan (Shikda Para) in Maungdaw Township were fined because they did not get the necessary permission. Abdul Amin, 36, was arrested by the TPDC Chairman on 9 February 2008 and was released after 200,000 kyat was paid to the TPDC Chairman.[302]

On 13 February 2008, it was reported that residents of Sittwe were forced to pay 15,000 kyat to have water meters installed in their homes. Many households could not afford this and were left without water. A local said, *"Many people have no money even to buy food, how can they give the authorities the demanded money for the water meter box?"* [303]

On 21 April 2008, 400,000 kyat was taken from Maulana Jaffar, 40, from Auk Pyoma village in Maungdaw Township by police from the Bawli Bazaar. Maulana Jaffar went to the Bawli Bazaar to return a loan of 1.5 million kyat. Police stopped him on the way while he was passing through Loung Don village, and searched his bag. When the money was found, he was accused of money laundering and was fined 400,000 kyat and released.[304]

On 27 April 2008, Buthidaung Town police arrested Tayaba Khatoon, 40, from Aley Chaung village of Buthidaung, over claims that her son Mohammed Zaker, 25, had illegally travelled to Malaysia. She was jailed until 29 April 2008 and released after paying 40,000 kyat.[305]

On 28 April 2008, at 8 am, Azizul Hoque, 35 years old, from Aley Chaung village of Buthidaung, was arrested by police of Buthidaung Township and had four bags of rice (50kg per bag) seized because the police accused him of being a rice trader. The rice was for his 16 member family to eat.[306]

On 19 May 2008, the SPDC Military Intelligence, SaRaPa, arrested Sayedullah, 38, a Rohingya from Loung Don Village tract in Maungdaw Township, for filling a pond with soil so that he could plant paddy on the unused land. Sayedullah was detained at a SaRaPa camp and charged 300,000 kyat for his release. On 21 May 2008, the victim was released after paying 30,000 kyat.[307]

On 21 May 2008, at Thri Mingla Hall the Western Command Commander announced that villagers in Maungdaw Township would have to pay into a fund for cyclone victims. TPDC Chairman, U Khin Maung Tun, ordered the VPDC to collect from 2 million to 2.2 million kyat per village depending on the size of the village. Many businessmen in Maungdaw were reportedly forced to contribute to the fund.[308]

On 29 May 2008, it was reported that labourers from Oo Shaikya village tract working for neighbouring NaSaKa areas #2, #4 and #6 in Maungdaw Township, were extorted for 5,000 to 10,000 kyat as tax by the VPDC. The labourers went to work in NaSaKa areas after VPDC authorities were paid money for 20 days to write them letters of recommendation. After working for 20 days for the NaSaKA and returning to Oo Shaikya village tract, the VPDC required them to pay a tax or be put into stocks (a wooden structure with holes for the feet and hands) until the money was paid. Some of the labourers had to sell their cattle to pay the tax and many could no longer support their families as a result. The authorities were identified as the Village Chairman of Oo Shaikya village tract, his younger brother Mohammed Alam, former Chairman Abdul Hakim and member Aman Ullah.[309]

On 6 June 2008, two Muslim Rohingya men were falsely arrested, tortured and their families extorted for money on allegations of human trafficking by NaSaKa personnel from sector #3. The victims were Ahmed Ullah, 27, and Osman, 28, from Lake Ya village, in Maungdaw Township. Both men were severely tortured, their families forced to pay 800,000 kyat each and each man was subsequently forced to report to the NaSaKa camp every day. After their release, the victims were told not to go to any hospital or NGO clinic. Local villagers claim that Major Thu Rain Kyaw frequently made false allegations to extort money using torture.[310]

On 27 June 2008, it was reported that from 12 June 2008 onwards, NaSaKa officials were taking registration photographs of villagers in Dabruchaung and Sarakkuni villages in Buthidaung Township on the orders of the Commander of NaSaKa camp #21 under NaSaKa area #9. Authorities charged 5,000 kyat if a person was not present for the photographs, 5,000 kyat if a person's name needed to be deleted from a family list and 3,000 kyat per photograph. Photographs of all villagers are taken once or twice a year to keep track of the Rohingya population and the process provides a convenient way to extort money from this demographic.[311]

On 7 July 2008, it was reported that 600,000 kyat was extorted from Ziaul Haque, 20, from Kan Hpoo (Gozobill) village of Aley Than Kyaw village tract in Maungdaw Township by authorities. The Ward Peace and Development Council (WPDC), along with police, claimed the victim had not submitted a guest list for his wedding to the appropriate authorities. However, he did submit a list to WPDC Chairman and Secretary Mohammed Ali, but was told that it was not necessary and there was no problem. An hour later he went to visit his mother-in-law when the WPDC chairman and the Secretary, accompanied by policemen from Maungdaw police station, came to his mother-in-law's house, arresting and torturing him because he did not inform them that he would be at his mother-in-law's house that evening. He was released after paying 600,000 to the police.[312]

On 20 July 2008, NaSaKa officials from area #9 of Buthidaung Township extorted money from four Rohingyas from Ngaran Chaung village in Taung Bazaar village tract of Buthidaung Township. The NaSaKa officials went to the victims' village in the evening with family lists for each household to make sure no extra people were asleep in the houses, but none were found. However, they did find four men missing because they were asleep in their farm huts. The four missing men were forced to pay 40,000 kyat each in order to stay on the family lists. The next day, the four men were summoned to the NaSaKa headquarters and arrested. They were forced to pay 40,000 kyat to be released, so as not to have been tortured. The victims were identified as:

1. Shikander, 40;
2. Ahmed Hussain, 50;
3. Abusiddique, 50; and
4. Abdu Khalek, 40.[313]

On 28 July 2008, authorities in Maungdaw Township falsely accused Mohamed, a tea shop owner, of involvement in the illegal cattle trade to Bangladesh, despite the fact that witnesses said that he spent everyday working in his teashop. Mohamed was forced to pay 300,000 kyat for his release from jail and was threatened with an extensive jail term for illegal border crossing and smuggling to Bangladesh if he did not pay. According to a local resident, *"In Maungdaw, most of the Rohingya community shopkeepers face allegations whenever the police want to extort money."* [314]

On 21 July 2008, authorities from Arakan State extorted money from villagers purchasing furniture made by NaTaLa villagers in Myoma Kayan Dan village, Maungdaw Township. U Myo Oo, a clerk of TPDC office of Maungdaw, along with police, arrested and tortured Faroque, 17, from Myuma Kayandan village and arrested his mother for buying a small bench from a NaTaLa villager. They were released after paying 20,000 to 30,000 kyat each, even though it is legal for Rohingyas to buy furniture from NaTaLa villagers.[315]

On 29 July 2008, Mohammed Ayas, a tea shop owner in Myuma Kayan Dan village, was arbitrarily fined 300,000 kyat by TPDC authorities for having a sewing machine owned by a NaTaLa villager. The sewing machine had been brought to a village mechanic for repair. Since the mechanic was absent, it was left temporarily at the tea shop.[316]

On 1 August 2008, NaSaKa authorities arrested Maulana Oli Ahmed, 35, from Tha Yai Gone Bong in Maungdaw Township and detained him for one month. He was arrested for constructing a house without permission. Although he had obtained permission from the TPDC, VPDC and Magyi Chaung NaSaKa camp #5, he failed to also ask NaSaKa area #7, so he was arrested. The victim was released after paying 2.5 million kyat to the NaSaKa officers.[317]

On 24 August 2008, it was reported that LIB #535 in Buthidaung had been collecting toll tax from Loung Chang, Inn Chaung Badana village tract, Mee Gyaung Gaung Swe (Kurkhali Para, Raung Para and Phesabor Para) village tract in Buthidaung Township for the past four years. Victims were from the Rohingya and Chakma communities.[318]

On 24 August 2008, it was reported that since January 2008, in Loung Chang, Inn Chaung Badana village tract, Mee Gyaung Gaung Swe (Kurkhali Para, Raung Para and Phesabor Para) village tract in Buthidaung Township, military authorities had been collecting 5,000 kyat per acre of thatch field and two *tans* (81.8 kg) of paddy per acre where villagers grew paddy in the summer season. The victims were from Rohingya and Chakma communities.[319]

On 16 September 2008, it was reported that residents of Thandwe Township were forced to pay 2,000 to 3,000 kyat per household to the VPDC to support their football team.[320]

On 18 September 2008, two villagers from Du Chee Yar Dan village were forced to pay ten million kyat to two police officers and a corporal of Maungdaw police station to release villagers arrested after a clash with the authorities over use of mobile phones. Commander of Magee Chaung NaSaKa camp of NaSaKa Area #7 of Maungdaw Township gave villagers permission to use mobile phones to make contacts abroad after they paid him monthly fees. The next day, the commander of Magee Chaung camp arrested Moulvi Ismail as well as two other villagers and sent them to NaSaKa Headquarters. Inspector Nyi Lwin Soe, who had received 6 million kyat previously, demanded a further 10 million kyat from villagers. Six people, including Moulvi Ismail, Haji Ismail, Eliyas, Sulton, Moulvi Mustobiz and a man identified only as Forok were arrested while they were collecting money from villagers for the police officers. Those involved in the extortion were named as District police Inspector Aung Htay and the inspector of Maungdaw police station Nyi Lwin Soe. The two were being investigated by the Bureau of Special Investigations of Arakan State at the time of the report.[321]

On 7 October 2008, Abul Fayaz, 22, from Tha Yai Gone Tan village in Maungdaw Township was charged one million kyat and detained at a NaSaKa camp for having a Bangladeshi mobile phone. The report claimed that Major Than Tun, NaSaKa area #6 commander, tolerated the use of mobile phones in his jurisdiction in exchange for 100,000 kyat per month. Pro-NaSaKa villagers charge the other villagers high prices to use these phones to communicate abroad. Any villager found in possession of a mobile phone without permission is liable to be fined and arrested.[322]

On November 6 2008, it was reported that Captain Kyaw Kyaw, the commander of camp #10 of Zeebin Chaung village in NaSaKa area #4 in Maungdaw Township went to houses that could afford to have a mobile phone or SIM card pretending to check guest lists. He planted these items in their homes and forced them to pay him 50,000 to 300,000 kyat when he claimed to find the item somewhere in the house.[323]

On 11 November 2008, police in Loung Don village tract in Maungdaw Township arrested, tortured and beat Maulvi Sayed Amin, 28, until he was unconscious for cutting some branches that were blocking the sun from his paddy crop. Another gardener, Abdu Zabber, informed the police about the situation and Maulvi Sayed Amin was promptly arrested and tortured. The victim's elder brother and a VPDC member went to the police camp to have the victim released. The policemen said the victim would be beaten until they received a payment of 50,000 kyat. When the victim was released, he was taken to Bawli Bazaar clinic where he was reportedly in critical condition.[324]

On 17 December 2008, it was reported that a family in Pauk Taw Township was forced to give a total of 900,000 kyat to authorities to release their son, Maung Tun Wai, 19, from the military after he was deceived into joining. While Maung Tun Wai was travelling from his job in a garment factory in Industrial Zone #1, in Shwe Pyay Tha Town in Rangoon, to his home in Arakan State, a man befriended him in Prome and invited the victim to his home. Instead, the stranger took Maung Tun Wai to an army recruiting unit in Prome where he was registered and sent away for training. His parents desperately tried to get him released to no avail until an army broker arranged for his release. His family was forced to pay 300,000 kyat to the chief trainer, 400,000 kyat to the principal of the training school and another 200,000 kyat to the broker and other officials.[325]

On 31 December 2008, it was reported that following the first week of December, MOC #9 in Kyauk Taw has been charging villagers a fee for treatment at a free clinic. Opened in April 2008, the clinic saw an influx of people after November as the winter season began. Higher MOC authorities ordered the clinic to only allow villagers with MOC permission to be treated and to charge villagers 2,000 kyat for a check-up. Villagers were also obliged to pay for medicine, which many could not afford. It was also reported that patients who visited Dr Aye Myint had to bring gifts in order to receive a better standard of service.[326]

Chin State

On 8 February 2008, it was reported that the TPDC in Thangtlang Township issued an order to the quarter and village leaders to collect 2,000 kyat from each household in the township, including areas hit by the famine caused by flowering bamboo. Khuang Hlei Thang, chairman of the Thangtlang TPDC, was claimed to have extorted money from villagers in order to recover the previous year's expenses incurred entertaining state guests.[327]

On 20 June 2008, villagers accused of assisting unknown Chin language-speaking kidnappers were fined 6 million kyat by Captain Thang Cing Thang, Camp Commander of LIB #20 in Shinletwa village, Paletwa Township. The captain also threatened to set fire to the whole village unless his demands were met. Kidnappers took two people hostage from Pawng Hmu village in Paletwa Township and demanded 7 million kyat for their release. The hostages were held for six days until villagers paid the ransom of 2 million kyat. Since the assailants hid in Ma U village, residents there were extorted for money as well.[328]

Irrawaddy Division

On 26 June 2008, it was reported that residents in 97 village tracts and 5 wards, including Ain Mae Township, were made to pay 100 *tin* of paddy (6,400 kg) and a buffalo to Chairperson Thein Win, allegedly as donations for farmers affected by Cyclone Nargis. In addition, VPDC authorities collected two *tin* of paddy and 5,000 kyat from each farmer and 7,000 kyat from each non-farmer.[329]

On 21 July 2008, it was reported that victims of Cyclone Nargis living in Labutta Township were forced to bribe officials to get access to machinery needed to till the paddy fields, seeds and diesel. A villager explained,

> *"You have to bribe the village head if you want to use the tillers [to work the paddy fields]. If you want to receive a tin (about 15 kg) of government-provided paddy seeds you have to pay about 1,000 to 1,500 kyat to the village authorities. Diesel costs 1,000 kyat per gallon."* [330]

The extra fees delayed the ability of farmers to plant the monsoon season rice crops on time.

On 4 August 2008, it was reported that local SPDC authorities were pressuring villagers in areas devastated by the cyclone to pay a construction tax for repair work on their houses in Bogale Township. Villagers were told they must apply for construction permits that cost from 100,000 to 200,000 kyat, depending on the house size. Villagers who paid the tax did not receive receipts.[331]

Kachin State

On 21 February 2008, it was reported that residents of Lekone village, Myitkyina were forced to pay 120,000 kyat (about US$99) to the junta authorities to build a new pylon to supply electricity to the quarter. Buga Company, run by the Kachin Independence Organization, provides electricity to the town, although most of the electricity goes to the military camp and its buildings.[332]

On 7 March 2008, it was reported that authorities in Phakant Township had demanded money for issuing new family documents and national identity cards. A local reported that *"The immigration officers and quarter administrators are demanding 5,000 kyat for issuing a new family unit and 10,000 to 20,000 kyat for a new national identity card."* [333]

On 10 June 2008, it was reported that jade miners in Phakant Township had been forced to give money for victims of Cyclone Nargis by the Military Strategic Command. Two million kyat was collected from owners of jade mines, five million kyat from organisations running jade mines and 200,000 kyat from illegal jade and gold mines operating in the region.[334]

On 16 June 2008, it was reported that Military Operations Command #3 located in Mogaung Township had collected rice from rice mill owners in Kachin State along the Myitkyina – Mandalay railway line from early June onwards. The rice was collected allegedly on behalf of cyclone victims, and the mill owners received no compensation. Village authorities collected 30 *tin* from big rice mills and 20 and 10 *tin* from medium and small mills. Rice mill owners unable to produce the rice for the authorities were forced pay 5,000 kyat per *tin*, or face closing down their rice mill.[335]

On 1 September 2008, it was reported that residents in Bhamo Town were forced to buy fire extinguishers priced at 40,000 kyat from the local fire brigade. A fire extinguisher could easily be bought in the town for 13,000 kyat. The fire brigade also harassed businesses, charging them 5,000 kyat to ensure their businesses were safe from fire hazards.[336]

On 30 September 2008, it was reported that residents of Myitkyina Township were forced to pay monthly electricity bills for public roadside lighting as of the first week of September 2008. The directive was issued by Kachin State Commander Major-General Soe Win of the Northern Command. It was reported that villagers were ordered to pay for the bulbs strung on poles on the left and right of the roadside for a stretch of nine miles from Balaminhtin Irrawaddy River Bridge to Northern Command headquarters in the township, with an electricity pole every 200 feet.[337]

On 11 October 2008, it was reported that junta authorities in Myitkyina Township forcibly collected money from shops owning printers in order to offset the costs of copier use by personnel at the Township Government Information Centre. Copier owners were charged 5,000 kyat or 10,000 kyat depending on the size of the copier. The order for money collection was issued directly from the ruling junta in Naypyidaw.[338]

On 21 October 2008, police arrested and severely tortured Na Tat, 30, a Naga gold dealer. Police accused him of being a rebel and of having a truck emblazoned with the National Socialist Council of Nagaland-Khaplang (NSCN-K) on the side. Na Tat was detained at the Burmese Army's Regional Operation Command headquarters (ROC or DaKaSa) in Danai (Tanai) commanded by Brigadier-General Khin Maung Aye. He was severely beaten and locked in a *Chauk Pauk*, a torture tool made of thick wooden planks with six or more circular holes where the legs are inserted and locked. His family paid 700,000 kyat for his release and took him to a hospital. According to villagers in Namti, where Na Tat is from, he has no connection to any rebel movements and was probably targeted because he dealt in gold and was likely to have money.[339]

On 27 December 2008, it was reported that earlier in December, authorities had been charging 500 kyat, at three separate checkpoints, from all vehicles crossing the Ledo Road in the NC HQ compound. The road is the main connection from Myitkyina to Danai (Tanai), Hpakant, Namti, Mogaung, Mandalay and the rest of lower Burma, with over 100 cars on the road every day.[340]

Karen State

On 16 March 2008, accompanied by eight soldiers, SPDC commander Chan Nyin Aung demanded 4,000 kyat from every saw mill owner in Kyo Kweh village of Kyone Doh Township.[341]

On 2 June 2008, on the edge of Aw Ler village, in Dooplaya District soldiers from DKBA Battalion #907 fought KNLA soldiers from security column Battalion #18. After the fighting ended, DKBA soldiers reportedly demanded compensation from the villagers totalling 700,000 kyat. Then, on 3 June 2008, Officer Na Khan Mway ordered soldiers from DKBA Battalions #907 and #999 to burn down 18 houses in Gkya Gka Wa village.[342]

On 20 June 2008, the DKBA Battalion #999 operation commander, Gkya Aye, announced that all villagers with motor boats in T'Moh village tract, Pa'an District would have to pay a tax. The victims and the taxes taken were:

1. Saw E--, 25,000 kyat;
2. Saw G--, 25,000 kyat;
3. Saw R--, 25,000 kyat;
4. Saw M--, 25,000 kyat;
5. Saw P--, 25,000 kyat;
6. Saw Ma--, 25,000 kyat; and
7. Saw N--, 25,000 kyat.[343]

On 27 June 2008, Deputy Company Commander, Pah Toe Heh of DKBA Brigade #999, 2nd Company extorted money from villagers in Dta Greh Township in order to buy herbicide to kill grass on his rubber plantation. The villages and amounts were:

1. Pa-- village, 100,000;
2. W--village, 100,000;
3. R--village, 100,000;
4. H-- village, 100,000;
5. D-- village, 60,000;
6. P-- village, 60,000;
7. Ta-- village, 60,000;
8. To-- village, 20,000;
9. O-- village, 20,000; and
10. G-- village, 20,000.[344]

Then, on 30 June 2008, DKBA Battalion #999 second in command, Pah Dtoh Heh based at the Pah Ee Gkyo military facility, also forced motorboat owners in T'Moh village tract to pay more taxes. Those who were charged are listed below:

1. Saw M--, 100,000 kyat;
2. Saw T--, 100,000 kyat;
3. Saw D--, 100,000 kyat;
4. Saw G--, 100,000 kyat;
5. Saw E--, 100,000 kyat;
6. Saw Ma--, 100,000 kyat;
7. Saw Gk--, 100,000 kyat;
8. Saw Gky--, 100,000 kyat;
9. Saw P--50,000 kyat;
10. Saw N—50,000 kyat;
11. Saw H--, 100,000 kyat;
12. Saw Pa--, 100,000 kyat;
13. Saw L--, 100,000 kyat; and
14. Saw K--, 100,000 kyat.

On 2 September 2008, in Kaw Hai village, DKBA soldier Shwe Aung accused Ko M--- of contacting the Karen National Liberation Army and arrested him. His family was told that Shwe Aung would be executed if his family did not pay 120,000 kyat.[345]

On 17 September 2008, villagers in Myitkyina were forced to pay 550,000 kyat per phone for a mandatory phone number change. Included in the payment was 50,000 kyat to the State Telecommunication Office for a recommendation and 500,000 Kyat to the Ministry of Post, Communication and Telegraph in Naypyidaw, through the Myanma Economic Bank.[346]

On 9 October 2008, DKBA Brigade #333, Battalion #1, under the control of Battalion Deputy Commander Thaw M'Nah extorted 510,000 kyat from 11 villages in Thaton District, including:

1. Noh Law Bplaw village, 100,000 kyat;
2. Bpwoh village, 100,000 kyat;
3. Htee Pa Doh Kee village, 50,000 kyat;
4. Meh Theh village, 50,000 kyat;
5. Meh Theh Kee, 30,000 kyat;
6. Noh Kar Day, 30,000 kyat;
7. Meh Gk'Na Kee, 30,000 kyat;
8. Gkyaw Kay Kee, 30,000 kyat;
9. Htee Gkyaw Kee, 30,000 kyat;
10. Tar Thoo Kee, 30,000 kyat; and
11. Htee Gkyoo, 30,000 kyat.[347]

On 11 October 2008, villagers from Mi Chaung Ai, Htee Nya Pau, Ma Yan Gone and Ka Law Ker were forced to supply Captain Tin Myint from LIB #3 with 15 villagers and three ox carts to build a bridge.[348]

Karenni State

On 20 October 2008, it was reported that villagers in Deemaw Hso and Loikaw Townships had refused to pay a tax on ox carts imposed upon them by Karenni armed groups. Villagers had already been forced to pay taxes on a variety of items such as rice, cars and tractors. The taxes were paid to the SPDC as well as the numerous armed groups operating in the area including: the Karenni Nationalities People's Liberation Front, Karenni National Democratic Army, Karenni National Solidarity Organisation and the Karenni National Progressive Party. Residents of the towns could not afford these charges but were forced to pay anyway.[349]

Mandalay Division

On 11 April 2008, villagers in Zapyu, in Popa province, were threatened with 14 years in jail if they did not vote 'yes' in the SPDC's May referendum. Each household had to pay 2,300 kyat for ballot stations; the money was collected by village headman U Khin Maung Htay. Nearby, Dah Gout Gone village paid 45,000 kyat to SPDC authorities for the referendum to be held. Tayat Taw, Kyee Kan and Le' Yar villages also reported money being collected to pay for the referendum.[350]

On 17 December 2008, households in Bagan were forced to give authorities 200 kyat to provide security for junta leader Senior-General Than Shwe's visit to the town. The people of Bagan were also ordered to suspend trading activities, traffic diversions were put in place and all guests had to be registered for a fee of 50 kyat.[351]

Mon State

On 20 February 2008, it was reported that police went to Mon State in order to confiscate, fine and arrest motorbike owners without licenses. Villagers in Moulmein and Ye cities were fined up to 40,000 kyat and verbally abused when they asked for their bikes to be returned. A villager from La Mine explained,

> *"At the moment it feels like everyday our township faces the same thing with motorbikes being seized and villagers being threatened with significant fines. The traffic cops wait outside the village, often concealing themselves until the last minute, so they are almost like robbers, sneaking out and seizing the bikes, threatening and fining the villagers."* [352]

On 21 February 2008, it was reported that tractor-trailer owners in Thanbyuzayart Township were forced by the TPDC to buy sand for 4,000 kyat a load for the purpose of revamping the Shwe Phyu Yatana golf course. Tractor-trailers are common in the 43 villages that make up Thanbyuzayart Township, with even the smallest town owning two trailers and the largest owning up to 20. Traffic police were also making money from the situation by charging 25,000 kyat to allow the victims to drive around in Thanbyuzayart Township and a 21,000 kyat wheel tax from each driver per year.[353]

On 25 May 2008, five village tracts in Mon Township were forced to pay 150,000 kyat to LIB #590 Army Battalion Commander Ko Ko Oo II, claiming the money was needed for victims of Cyclone Nargis. The villagers and amounts paid were as follows:

1. Lay Tain Daw, 350,000 kyat;
2. Tee Dto Lo, 700,000 kyat;
3. Aung Chan Tha, 350,000 kyat;
4. Paw Bpi Der, 400,000 kyat;
5. Myaung Oo, 350,000 kyat.[354]

On 14 July 2008, it was reported that authorities forced the village headman in Yin Ye village to collect 15,000 kyat from each family in the village. At least 5.4 million kyat was collected. Farmers were also forced to fence in their village without compensation to keep out Mon rebels. Villagers near the battalion also had to send their motorcycles and family members to chauffeur the soldiers as needed.[355]

Pegu Division

On 25 February 2008, it was reported that the state-run Electric Power Corporation demanded extra money from villagers of Tharawaddy Township and were withholding electricity services from those who could not pay. Residents reported only receiving two or three hours of electricity a day, although they were supposed to receive six hours per day. According to residents, *"The EPC is asking locals to pay extra charges, and they provide 24-hour electricity to households who pay them the money."* [356]

On 28 May 2008, it was reported in Zigon Township that authorities were taking almost one fifth of farmers' state agricultural loans by charging 1500 kyat for each acre of land. A local farmer reported,

> *"They told us we had to pay 700 kyat to the township authorities, 300 kyat for ballot station expenses, 200 kyat for cyclone victims and the rest goes to the Myanmar Women's Affairs Federation's funds and the government's custard plant growing program."* [357]

The villagers also reported that the VPDC chairman took money that was supposed to be delivered to victims of the cyclone for himself and also forced villagers to grow summer paddy, which is not appropriate for that time of year.

On 4 June 2008, it was reported that farmers in Zigon Township were forced to give money, rice and buffalo to village authorities who claimed to be collecting the money and goods for victims of Cyclone Nargis. Farmers had to pay 1,000 kyat from their agricultural loans into the cyclone fund. Some villagers had to give three *viss* of rice for each acre of farmland. Each village group was forced to donate three buffalo, worth around 350,000 kyat. In addition, in Nyaunglebin Township, authorities collected rice grain or 48,000 kyat for the cyclone victims and business owners had to pay between 30,000 and 50,000 kyat. Other villagers from Nwartehgone village in Zigon were forced to give the SPDC one fifth of their agricultural loans and 200 kyat per acre for the cyclone victims. There were no guarantees which indicated that any of the villagers' money would go toward helping the cyclone victims.[358]

On 13 June 2008, it was reported that farmers receiving state agricultural loans in Tharawaddy Township were arbitrarily charged up to 3,000 kyat in administrative fees. Sixty-nine village groups were forced to pay between 1,500 and 3,000 kyat towards their village group's costs. A resident explained the complicated and expensive process:

> *"In order to get the agricultural loan, each village group has to pay 20,000 kyat to the agricultural administration manager, 3,000 kyat to the deputy manager, 2,000 kyat each to the two administration secretaries, 8,000 kyat to the agricultural administration's approval letter and another 8,000 kyat for the landmark department's approval letter. Each farmer has to give an additional 500 kyat for an application form and 100 kyat more as a form filling fee. And then the village group has to pay another 15,000 kyat as an account checking fee."* [359]

In one of the villages within the township, Sein Na-khwa village, 30 families still did not receive their agricultural loan despite having paid the arbitrary fees required.

On 26 June 2008, it was reported that village authorities in Thanatpin Township were taking deductions from agricultural loans, claiming to give the money to victims of Cyclone Nargis. Villagers reported 100,000–200,000 kyat being deducted from their loan. Some farmers had 200 to 400 kyat withheld for each acre, while others had 2,000-3,000 kyat deducted regardless of their acreage.[360]

Rangoon Division

On 9 February 2008, it was reported that four villagers in Thongwa Township were fined 25,000 kyat and threatened with arrest by TPDC chairman Ko San Naing, three police and Ko Than Htay Aung from the VPDC for failing to register a guest. The victims, U Than Htun, U Tin Win, U Hla Myint and U Phoe Htaw failed to register the guest because it was during the crop harvest.[361]

On 10 June 2008, it was reported that cyclone affected residents in Kyaikkasan Housing, Tamwe Township, were forced to pay 200,000 kyat to EPC (Electric Product Code) officials to use electricity, which they could not afford under the circumstances. In South Okkalapa, residents were charged 250,000 kyat to the EPC office for electricity use. VPDC member of 29th Block Thuwanna, U Thein Han demanded 2,000 kyat to fix lampposts and 2,000 kyat for electricity, even if electricity was not provided.[362]

On 11 July 2008, it was reported that U Nay Win, secretary of the Rangoon Division Myanmar Video (MVO) had been extorting money from shops selling VCD movies and CDs in Mayangon, Mingaladon, South Okkalapa and Insein Townships. For the few months previously, U Nay Win had been finding out details about the investments of shop owners and extorting 30,000 to 50,000 kyat per month. Shop owners were threatened with closure if they did not pay.[363]

Sagaing Division

On 12 September 2008, it was reported that 250 households from Letpanchaung village in Kale Township, were forced to pay 2,000 to 2,500 kyat per household for the construction of a middle school in the town. Traders and high income groups were forced to pay 2,500 kyat and lower income families, such as manual workers, paid 2,000 kyat. In addition, each household also had to provide 5,000 kyat and one *tin* of rice for the construction workers.[364]

Shan State

On 29 January 2008, it was reported that residents from Namhkam Town in Northern Shan State were forced to pay for a ceremony celebrating the opening of a suspension bridge on Bamaw-Namhkam road, at the entrance of Namhkam city. Each household had to pay 2,000 kyat to pay for uniforms for official attendees of the ceremony. The bridge was said to be of no use to the local population.[365]

In February 2008, it was reported that villagers in Mong Ton Township were extorted for money and forced to work as labourers to build dams in two locations in Mong Ton Township, one near Mong Ton town and another near Naa Kawng Mu village in Murng Haang village tract. Each day, 50 people and two mini-tractors were ordered to work at the dam building site. The victims had to use their own tools and provide their own food. The collection of money was done according to three socio-economic strata and the authorities informed the villagers that more money would be collected as necessary. The levels were as follows:

1. Wealthy individuals such as company owners, etc. = 3 million kyat each;
2. Traders = 1.5 million kyat each;
3. Small traders = 1 million kyat each; and
4. Others = 400,000 kyat each.

A total of two hundred and twenty households were forced to pay. Twenty were believed to be 'rich' and were required to contribute 2,000,000 kyat each, and the other 200 households were required to provide at least 300,000 kyat each.[366]

On 27 February 2008, it was reported that at a high school in Tachilek, Shan State, teachers were extorting money from students to pass their end-of-year exams. Teachers Daw Kyi Kyi Soe, Daw Moe Thandar Hla and Daw Myintzu Aye demanded money from students and asked for money in advance for the next academic year. A passing grade cost 500 baht a subject or 6,000 baht in total.[367]

On 30 June 2008, it was reported in the Mawk Si Li area, southeast of Mong Ton, that farmers were forced to pay a tax of 14 *tins* of rice for every acre of land they owned. Farmers also had to transport the rice to the local military facility without reimbursement for labour or gasoline.[368]

In July 2008, it was reported that authorities in Kengtung Township were extorting money from families who were burying their dead. The costs were as follows:

1. Registration fees at the village or town quarter level office, 1,000 kyat;
2. Registration fees at the township municipal office, 45,000 kyat;
3. Fees for burial place, 5,000 kyat;
4. Fees for municipal workers, 5,000 kyat;
5. Fees for vehicle transporting the coffin, 20,000 kyat;
6. Fees for each of other transporting vehicles, 15,000 kyat; and
7. Fees for burial service, 10,000 kyat.

Prices were double during the rainy season.[369]

On 13 November 2008, it was reported that authorities had neglected to repair the road between Kengtung, eastern Shan State and Taunggyi, but continued to collect exorbitant taxes along the road. The taxes included:

1. Kengtung's car station - 900,000 kyat (US$ 709);
2. Tong Ta checkpoint - 280,000 kyat (US$220);
3. Mong Ping checkpoint - 500,000 kyat (US$394);
4. Takaw checkpoint - 1,600,000 kyat (US$1,260);
5. Kunhing - 800,000kyat (US$630);
6. Kholum - 150,000 kyat (US$118);
7. Nansang - 400,000 kyat (US$315);
8. Loilem - 1.6 million kyat (US$1,260);
9. Mong Pan authorities - 70,000 kyat (US$55);
10. Hopong - 50,000 kyat (US$39); and
11. Taunggyi checkpoint - 500,000 kyat (US$394).[370]

Looting and Expropriation of Food and Possessions

As part of the Self-Reliance Policy, soldiers and village authorities are expected to follow a policy known as 'living off the land.' [371] Instead of receiving adequate salaries and rations, SPDC units loot and expropriate food and possessions as a means of survival and to garner personal wealth. Villagers are ordered to provide items such as chickens, rice, alcohol, clothing, soap and oil. Demands are often made through the village head who is forced to collect the items from villagers on behalf of local military units and deliver the goods to the base himself, usually at his or her own cost.[372] In other cases, soldiers passing through a village or encountering a person on the road will demand food and goods on the spot. Compensation is rare, and when it occurs the payment is usually well below the market rate.

Raw materials, such as wood, bamboo, mud brick, logs, timber and thatch, are also demanded of villagers for construction projects and for the maintenance of military bases. Expropriated goods are not only used by authorities but are also sold on the commercial market for a profit.[373]

Looting is also rampant in rural areas, especially in remote communities. Livestock, rice, machinery and other goods are taken by force, leaving villagers helpless and vulnerable. Soldiers and others in power have been known to walk into stores and take what they want without paying.[374]

Villagers who complain do so at risk of harassment, arrest, torture and more expropriations and payments. The repeated demands for food and possessions, at times occurring on a daily basis, work to undermine the livelihoods of farmers and labourers, making their survival insecure and unsustainable.[375]

Looting and Expropriation of Food and Possessions – Partial list of incidents for 2008

Arakan State

On 1 April 2008, authorities from NaSaKa Headquarters of Gyikan Pyin (Kawarbill) robbed 1.6 million kyat from Mohammed Yunus, 20, from Ngakura village in Mungdaw Township. A rice trader, the victim had gone to Maungdaw to buy rice, but when he returned home, his money had been taken.[376]

On 28 June 2008, a cow was stolen from Maung Aung's cowshed in Sunsera village. Maung Aung watched outside her window as soldiers from Nag Kyi Dauk camp were patrolling the town. Along with several other villagers, the victim reported the incident to Captain Tin Maung, but he denied that soldiers were on patrol that night and did nothing.[377]

On 21 August 2008, NaSaKa forces from Bawli Bazaar camp #14 looted 125 litres of cooking oil and 35kg of Semi (vermicelli) from a man identified only as Rofique, 18, of Bawli Bazaar village in Maungdaw Township. Rofique worked as a trader bringing in goods from Bangladesh with the understanding of the NaSaKa, to whom he paid 50,000 kyat per month for free passage. After being tipped off, a group of NaSaKa went to Rafique's home in the middle of the night and looted most of the goods. Rofique lost 125 litres of oil worth 275,000 kyat.[378]

In the first week of October, Nyi Lwin Soe from Maungdaw police station confiscated 2.7 million kyat from a retired schoolteacher named Ali Zuhar from Skikdar Para in Maungdaw Township. Ali Zuhar had received the money from his son in Saudi Arabia to perform Hajj with permission from the SPDC. The victim informed higher authorities but no action was taken.[379]

On 17 October 2008, it was reported that the Ah Ngu Maw army patrol team from Mayu Peninsula in southern Rathedaung Township, demanded fish and fuel from boats while they were working at sea. A fishing boat owner from Sittwe, U Aung Ko, claimed that ten gallons of diesel and several valued fish were taken from him while he was at sea. The army patrol team are said to cruise around the area in a speed boat on the lookout for smugglers carrying items from Burma to Bangladesh. *"It is a new system for the army team to loot fuel and fish from us, and many fishing boat owners have faced this style of the army asking for fuel and fish"* said U Aung Ko. He went on to say that *"If we refuse the army's request for fuel, they can arrest us and accuse of being smugglers. So we give whatever the army team asks."* [380]

On 20 November 2008, in Dil Para of Myoma Kayindan village tract in Maungdaw Town, a policeman entered a shop and tried to take several items without paying for them. The shopkeeper argued with the policeman about the goods and a fight broke out. The policeman threw away the goods and severely assaulted the shopkeeper. Female relatives of the shopkeeper retaliated against the policeman. More police arrived on the scene and brutally beat the shopkeeper and arrested a man. As a third wave of policemen entered the shop, more villagers were assaulted and money was demanded for the first policeman's injuries and to stop further harassment. No further arrests were made.

Chin State

On 10 October 2008, it was reported that members of LIB #268 stole 20 chickens and two pigs from villagers in Sa Ek, Thangcang and Lianhna village in Rih Sub-town of Falam Township. The market price of a chicken at the time was 5,000 kyat and a pig was worth between 50,000 and 100,000 kyat. In addition, villagers from Rih were forced to build a fence around army camps in Rih and Tibual village in September. Villagers from Tiddim Township were forced to build a fence around the LIB #269 army camps based in Tuithang and Kaptel villages in Tiddim Township.[381]

On 11 December 2008, it was reported that in Khawthlir, Rih sub-township, soldiers from the LIB #268 stopped travellers on their way to look for work in Aizawl, India. The soldiers took 150,000 kyat and three hens from the travellers. Reportedly, soldiers wait along forest roads to extort money from those crossing the border.[382]

Karen State

On 4 May 2008, Burma Army LIB #590 captured a villager identified only as 'Saw XX' in Poe Thaw Suu village and demanded 200,000 kyat from him without any stated reason.[383]

On 5 May 2008, DKBA soldiers confiscated and ate one pig, priced at 80,000 kyat, from Mae Theh village.[384]

On 20 May 2008, DKBA authority Thaw Ma Na took seven bullock carts from Pwa Gaw, Noh Aw Lar, 4 bullock carts from Noh Law Plaw and 3 bullock carts each from Ta Thoo Khi and Kyu Kyi to transport timber for their saw mills.[385]

In July 2008, Pah Gka, DKBA Battalion #555 camp commander demanded the following items from Gk--- village:

1. 5 July, one *viss* of chicken;
2. 6 July, one *viss* of chicken and one bowl of sticky rice;
3. 10 July, one *viss* of chicken and one bowl of sticky rice; and
4. 15 July, one bowl of chili and one or two *viss* of fruit and vegetables.[386]

On 18 July 2008, troops from LIB #590 under the Paung Zeik Camp Commander Aung Win Htay demanded 50,000 kyat from Paung Zeik villagers and 50,000 kyat from Aung Chang Tha villagers.[387]

On 19 July 2008, Tun Win, the Myaung Oo camp commander, demanded 50,000 kyat from Myaung Oo villagers, 25,000 kyat from Paung Zeik villagers and 25,000 kyat from Aung Chan Tha villagers.[388]

On 20 July 2008, troops from LIB #590 battalion, under Commander Ko Ko Oo, demanded 75,000 kyat from Myaung Oo villagers, 75,000 kyat from Aung Chan Tha villagers, and 40,000 kyat from Kyauk Tan villagers.[389]

On 22 July 2008, in Kler Lar (Bawgaligyi), the commander of Military Operations Command #10 forced citizens from 12 villages to pay him 800,000 kyat.[390]

On 3 September 2008, SPDC forces under the command of Kyaw Zay Ya went to Kaw Tha village and stole many items from villagers, including two baskets of rice, 400,000 kyat, one gold necklace and one ring from a local pastor.[391]

On 3 September 2008, IB #75 led by military officer, Kyaw Ze Ya, looted money and goods from Kaw Tha Kaw village, including:

1. 40,000 kyat;
2. One golden ring;
3. One gold necklace; and
4. Two *tins* of rice.

The total value of the stolen items was approximately 250,000 kyat.[392]

On 7 September 2008, authorities from IB #24 and the Democratic Karen Buddhist Army (DKBA) demanded money and a pig from villagers in Ta Yweh Khi village, Thaton Township. The villagers and amounts extorted were as follows:

1. Maw Myint Than, 50,000 kyat;
2. Maw Myint, 10,000 kyat; and
3. Ko Gyi, one pig worth 70,000 kyat.

The troops remained in the village for several days. On 9 September 2008, they also took 20kg of rice from the village.[393]

On 30 September 2008, residents from Ta Rot Mae village were forced to pay 20,000 kyat to Second Company Commander, Than Sein Aung, from LIB #3.[394]

On 30 September 2008, residents from Kyet Chay village were forced to pay 350,000 kyat to Pah Ker Ler from the DKBA.[395]

On 26 September 2008, Thaw Ma Na of the DKBA demanded bamboo from Ha Ta Rai village tract. Eleven village tracts provided 710 pieces of bamboo and Pya Gaw village was forced to pay 1,000 kyat per household. In Pa New Klar (Painnedaw) authorities from MOC #1 also demanded 2,550 roofing leaves and 1,400 pieces of bamboo from Ha Ta Rai village tract.[396]

On 16 October 2008, villagers were forced to pay DKBA #333 100,000 kyat in Ei Hai, 70,000 kyat in Ei Hai Pa Doh, 60,000 kyat in Ler Ka Kya and 70,000 kyat in Noh Naw Wah.[397]

On 16 October 2008, villagers in Htot Klaw Hki had two *tins* of rice and eight *viss* of pork confiscated by Kyaw Min from DKBA #333.[398]

Mandalay Division

On 24 May 2008, it was reported that in cyclone damaged areas, under-paid soldiers were looting in the restive border areas, such as in Kale Township. Seizures of rice, fish and firewood were reported by villagers. At checkpoints, soldiers stopped villagers returning from the market and took their cash. Victims and eyewitnesses reported that the surge in demands was due to the soldiers fearing their pay would be diverted to the cyclone-hit areas.[399]

Destruction of Property

The destruction of property is a persistent and widespread tactic used by the junta authorities to forcibly displace and relocate civilians in ethnic areas not entirely under the control of SPDC forces. The SPDC's Four Cuts Policy aims to cut all suspected supply lines of food, funds, intelligence, and recruits from the civilian population to armed resistance groups. To achieve this goal, SPDC forces depopulate civilian areas by destroying their food, property and community, in turn depriving the rebels of the use of these resources. As a result, homes, farms, community property and businesses are destroyed. Villages are burned and mined so as to discourage civilians from ever returning. The victims are relocated to SPDC controlled areas were they can be monitored, extorted and used for forced labour by local military garrisons.

Crops and food supplies are also targeted in this policy. Fields are burned and mined just before the harvest and hidden caches of food are targeted and destroyed. Soldiers prematurely burn felled trees and scrub in civilian fields resulting in an uneven burn that reduces the amount of land that can be used for planting during the next season.[400]

Land is also indiscriminately destroyed for development and infrastructure projects, forcibly evicting villagers from their land, usually with little notice and no compensation.[401]

Development-induced displacement is common in ethnic areas where villages are destroyed and populations displaced to make way for projects such as hydroelectric dams, free trading zones, hotels and motorways among others. (For more information, see Chapter 19: Internal Displacement and Forced Relocation).

Destruction of Property – Partial list of incidents for 2008

Karen State

On 11 May 2008, MOC #10 shot mortars at Koe Haw Der and Thay Mu Der in Maw Koe Der village and burned down the villagers' beetle nut trees and cardamom farms.[402]

On 10 May 2008, SPDC troops from IB #241 from MOC #16 burnt down Mae Li Ki village, where 16 families used to live. Although the military attempted to destroy all of the houses in the village, because of the rains, only 11 were completely destroyed. Other items lost in the fire included 83 sacks of rice paddy and three sacks of rice. The soldiers ate four large pigs, 166 chickens and stole all of the villager's belongings.[403]

On 7 June 2008, LIB #368, under the command of Tin Ko Ko in Kaw Thay Der village, burnt down cardamom plantations belonging to local villagers.[404]

On 10 June, in Tay Mu Der area LIB #240 destroyed the roof of a Christian church and broke a musical instrument inside the church. The soldiers then burnt down three farmhouses along with 120 baskets of paddy and destroyed one sugar cane processing machine. The troops left the area the next day.[405]

On 17 September, Colonel Soe Tha, operation commander in Ler Doh Township, ordered all farm and garden huts to be destroyed, and refused permission for anyone to live in their fields.[406]

On 1 October 2008, DKBA soldiers burnt down four corn barns in Blah Toe village belonging to:

1. Saw Pla Per Moo;
2. Saw Nay Tha Moo;
3. Saw Paw Jet; and
4. Saw Me Wa.[407]

On 1 October 2008, DKBA soldiers burnt down two corn barns in Kaw Hser village belonging to Saw Ah Lah and Saw Jet Tha.[408]

On 2 October 2008, DKBA troops burnt down 20 corn barns in Meh Klaw Khee village belonging to:

1. Tu Nu;
2. Saw Pa Thu Be;
3. Saw Me Nyat;
4. Saw Baw Ler;
5. Saw Pu Lu Soe;
6. Saw Po Doh Kwa (two barns);
7. Saw Ma Leh Pa;
8. Saw Thaw Thee Pa;
9. Saw E'Si;
10. Naw La Hay Moe;
11. Saw Tay Ei, Saw Thoo Dah (two barns);
12. Saw Thoo Du;
13. Saw Kyi Pa;
14. Saw Tu Yin Moo;
15. Saw Htoo Kha;
16. Saw Ter Per Ler; and
17. Saw Hser Gay Ler.[409]

On 3 October 2008, DKBA soldiers burnt down a house belonging to Saw Pa Da Ray from Meh Klaw Khee and at 5:30pm DKBA troops killed Saw Daw Naw Poe.[410]

On 5 October 2008, the SPDC burnt down 11 houses in Mu Li Khi village. Residents lost the following items:

1. 83 baskets of paddy;
2. 166 chickens;
3. 4 pigs;
4. 11 cooking pots;
5. 30 dishes;
6. 10 *viss* of tobacco;
7. 5 *viss* of chilli; and
8. clothes.[411]

On 6 October 2008, five homes were burnt down in the village of Gah Law Klu.[412]

On 7 October 2008, in the village of Da Kaw Ka, eight homes and one primary school were burnt down.[413]

On 10 October 2008, DKBA soldiers killed KNLA soldier Saw Tha Pwee in Wah Kay Klo village, and then destroyed pots, clothing, soap and other items that had been sent to the village as aid.[414]

On 11 October 2008, DKBA troops burnt down homes and left landmines in villages close to the Thai-Burmese border.[415]

On 14 October 2008, DKBA battalions #907, led by Commander Blah Na; #906, led by Yah Sah; and #333, led by Thay Way, displaced more than 200 people, burned down homes and destroyed food supplies in attacks on residents and KNLA positions in Dooplaya District. Troops shot anyone they found, destroying all property they come across and mined the area so villagers could not return.[416]

On 28 October 2008, it was reported that DKBA troops burnt down houses in Ker Law Lu and Htee Per Kee villages. Four villagers were also injured by newly-planted landmines.[417]

On 28 October 2008, it was reported that troops destroyed more than 14 houses, 26 corn barns and four primary schools in the villages of Khaw Poe Kee, Paw Bu Lah Hta, Oo K'ray Kee and Kaw La Mee. Soldiers also left behind landmines, making it very difficult for villagers to return and salvage food or belongings.[418]

On 31 October 2008, troops from LIB #320 destroyed the rice fields, rice stores, gardens, and stole everything they could find in Ka Wor Ko village.[419] IB #60 moved into Thet Baw Der, fired their weapons, and found a secret storage area of farm materials. They took the materials, and destroyed the store house. The materials taken by IB #60 were: 1 rifle, 4 bottles of cooking oil, 5 machetes, 5 packets of seasoning, and 4 packs of dry tea leaves.

Mandalay Division

On 11 December 2008, the Deputy Chief of the Township General Administration Department, Myo Han, along with the fire brigade chief and 12 members of *Swan Arr Shin*, burnt down a market belonging to stone workers in Mahlaing Township. This was the second time this group had burnt down market stalls in the village, according to residents of Kyatphyu, Zigon and Hnawkan. In retaliation, villagers attacked the perpetrators with stones, sticks and catapults, wounding Aye Thaung of the fire brigade as well as Than Htay U. Led by township authority chairman Myo Thant, police returned to the Hnawkan quarry and burnt down more shops and arrested 14 male workers and three female shopkeepers. As of 16 December, the workers were issued with a restraining order and their motorcycles were confiscated.[420]

Tenasserim Division

In early January 2008, LIB #557 attacked IDPs in the Htee Law Kee and Htee Po Lay area, in Mergui-Tavoy District. The troops burned down 11 homes and destroyed over 150 baskets of rice paddy along with the victims' belongings.[421]

Restrictions on Trade, Travel and Cultivation

Year-round restrictions on movement in ethnic states greatly impede the ability of villagers to tend their fields and maintain their livelihood. Special permission must be acquired and travel passes carried whenever a person leaves their village, even to tend their fields. Obtaining travel passes can involve a series of bribes, negotiations and several months of waiting. Permission to leave is usually granted for a finite period of time, typically confined to the daytime in areas of unrest or a period of a few days in areas subdued by the military. People caught travelling without a pass are liable to be shot on site or arrested and tortured on suspicion of colluding with rebels. Since it is common for farmers to have their plots on the outskirts of the village, sometimes several hours travel away, the limited time they have access to their land is detrimental to the success of their crops. For example, farmers must spend two to three weeks during harvest time on their land to scare off birds, rodents and wild animals to maintain their crops.[422] Travel restrictions force farmers to neglect their main source of food and income, resulting in a lower yield.

Business and trade are strictly limited throughout the country but they are limited with particular severity in border areas where anyone found to be trading is liable to have their goods and money confiscated. The virtual eradication of trade has created large-scale food insecurity, breaking down traditional methods of acquiring income and goods when crop yields are insufficient or inaccessible. These tactics are yet another technique used by the junta to destroy livelihoods, making life in villages unsustainable, starving minority ethnic villagers out of the hills and into junta controlled territories.

In an attempt to consolidate power throughout the country, SPDC troops brutally evacuate villages, burning down houses and mining villager's land and food stores to deter them from ever returning. Landmine use was on the rise in 2008, as the military attempted to block all trade and travel in rebel held territories in Karen State. One person described the situation of Karen civilians in Papun District in Karen State and Nyaunglebin District in Pegu Division:

> *"Villagers are characteristically given short notice periods prior to relocation and villages are often burned down and mined in order to prevent return. The tatmadaw [Burmese military] has in many cases operated a shoot-on-sight policy for persons found in their villages after the expiry of the notice period for relocation. Villagers have been told that they would be killed if they failed to comply with relocation orders, and that any persons who remained would be taken to be supporters of armed opposition groups and therefore a legitimate military target during counter-insurgency operations or combat."* [423]

Soldiers commonly plant landmines along the borders of relocated villages and on pathways to markets to further restrict the movement of civilians and rebels. According to Clear Path International, the use of landmines is on the rise in border areas, including Karenni State, Karen State and Shan State. The number of people maimed or killed by landmines, a number widely believed to be underreported, doubled from 243 in 2006 to 438 in 2007.[424]

The Rohingya population in Arakan State faced its own set of restrictions, aimed at the eradication of its religion and ethnic group from the country. The Rohingya must undergo a lengthy and expensive process to procure permission to leave villages or seek medical attention in Bangladesh. Travellers receiving permission must inform authorities where they are going and with whom they are lodging, facing fines and arrest if they are not found to be in their reported location. Even after permission is granted, the villager remains vulnerable to harassment and extortion by authorities and often must pay the NaSaKa more fees lest they be arrested under fabricated charges. Businessmen assumed to have gained wealth through trade are targeted, their goods confiscated and arbitrary fines imposed upon them.

For example, on 8 March 2008, after paying the NaSaKa to obtain the correct documents for permission to export goods to Bangladesh, seven businessmen loaded 300 water melons and 10 goats in a row boat to take the merchandise to Bangladesh. As the businessmen crossed the Naf River, NaSaKa officials stopped the boat. Despite having the correct papers, all goods including their boat (worth a combined total of 4.4 million kyat) were confiscated. All of the men were arrested and detained for two days without water or supplies. The victims were finally released after paying 800,000 kyat to the commander of the Kunnapara NaSaKa camp of Maungdaw Township.[425] (For more information, see Chapter 18: Ethnic Minority Rights).

SPDC control over the trade and transport of rice has also led to severe food shortages and loss of income due to the prohibition on transporting rice across state or division lines. In an ill-fated attempt to stabilise rice prices, the ban has destroyed the livelihoods of rice traders who can no longer sell rice in markets outside their village where they fetch a higher price, in turn bringing a profit. Areas with a shortage of rice have seen prices skyrocket beyond what households can afford. Especially hard hit in 2008 were Arakan State, Karen State and Shan State, where trade by anyone other than state actors and cronies was made virtually impossible.

Restrictions on Trade, Travel and Cultivation – Partial list of incidents for 2008

Arakan State

On 1 October 2008, four traders went into hiding for fear of repercussions from the NaSaKa in their village after being accused of involvement in rice smuggling to Bangladesh by NaSaKa Sector #4. The four victims, Mohammed Hussain, 27, Mohammed Hassan, 26, Mohammed Siddique, 25, and Shab Meah, 25, were small traders who paid money to the authorities for permission to send goods from Burma to Bangladesh and vice versa. The four rice traders fled after they were summoned by the NaSaKa because they feared arrest and torture. Relatives of the victims claimed that the NaSaKa regularly extorted money from traders in the area.[426]

Karen State

On 30 June, troops from LIB #599 forbade villagers from leaving their village due to the defection and surrender of two SPDC soliders to the KNLA from LIB #439. The villages affected were: Ta Kaw Pwa, Wai Swan, Nge Pwa Daw, War Do Klar, Ko Ni, Kyun Pin Zeik, No Nya La, Si Pa Ler, Haw Hta Plaw, Al Law Si and Shan Lay Si. These restrictions on movement made farming and trade very difficult for people in the affected areas.[427]

In August 2008, SPDC stopped all trade between villagers from Kler La and Toungoo, preventing them from collecting food such as durian fruit, mangosteens and betel nut in the mountain areas to sell in Toungoo. Since the villagers were highly dependent on trade for income, the prohibition of trade caused serious financial difficulties.[428]

On 4 August 2008, as MOC #10 troops based in Bawgali Gyi patrolled the area between Bawgali Gyi and Ler Koh village, they shot Saw Da Cho Cho, 38, in the spine and killed him. He was a local villager who happened to be walking in the area.[429]

On 22 August 2008, a soldier from MOC #21, LIB #276 defected to the KNLA. In response, SPDC forces blocked the passage of the plains villagers to Wah Kee village and shut down local trade between the mountains and plains areas. The villages affected were: Ka Wor Ko, Thet Baw Dor, Yaw Ke, Play Ke, Nwa Lay Ko, Ta Na Ta, Ka Pa Hta, Na Htee Ko, and Nya Mu Ke.[430]

On 12 September 2008, Saw May Htoo, 15, was killed when SPDC forces from MOC #10 and LIB #364 shelled Klay Soe Kee village. Soon after, they also shelled a nearby betel nut plantation and seriously injured Saw Da Boe Bo, 14.[431]

On 13 September, troops from MOC #10, commanded by Ko Ko Hla, stopped 200 villagers from the plains of Pa La Wah from cultivating their fruit and cardamom plantations.[432]

On 17 September, Division #101 Lieutenant General Maung Maung Oo ordered all villagers in Ler Doh Township to stay out of the jungle or be killed, making it extremely difficult for villagers to harvest and/or forage enough food to survive.[433]

Not only must villagers living in areas of ongoing armed conflict contend with the threat of SPDC army attack and oppression, but also with the unseen threat of antipersonnel landmines. This photograph, taken in June 2008, shows the body of a dead buffalo which had stepped on a landmine soon after this village in Papun District, Karen State was attacked and burned to the ground by SPDC army soldiers from IB #240 on 4 June 2008. *[Photo: © KHRG]*

Mon State

On 21 November 2008, Mon rebels known as the 'Chan Dein group' kidnapped and ransomed 102 villagers in Ye Township while they were on their way to their rubber and betel nut plantations. The victims included 62 plantation owners and 40 workers from Sin Koo, Toe Thet Ywar Thit, Yin Ye, Yin Dein and Kabyar villages. Plantation owners were forced to pay the rebels 300,000 kyat and workers 30,000 kyat in order to be released. In response, LIB #31, led by Lieutenant Han Win Kyaw went to Yin Ye village and arrested and interrogated six people, accusing them of funding the rebels. Those arrested were tortured with fire until they informed the troops of how to find the rebel group. SPDC Army Lieutenant Commander Myo Swe also went to Yin Ye village and arrested seven more people, including three women. Then, on 22 November, the village head announced that the farmers in Yin Ye village were no longer allowed to visit their plantations. The decree was particularly devastating for the betel nut farmers because the nuts had just been picked and would spoil if they were not gathered.[434]

Endnotes

[1] Source: "Burma junta faulted for rampant diseases," University of California, 28 June 2007.
[2] Source: "A Day of Shame and a Day of Hope," *Irrawaddy*, 18 September 2008.
[3] Source: "Steep Rise in Food Prices Continues," DVB, 15 August 2008.
[4] Source: *Ibid*.
[5] Source: *Asian Development Outlook 2008: Myanmar*, Asian Development Bank, 2008.
[6] Source: European Parliament resolution of 24 April 2008 on the situation in Burma, European Parliament, 25 November 2008.
[7] Source: *The World Factbook- Burma*, CIA, accessed online at https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html; on 27 December 2008; "Weekly Business Roundup (December 12, 2008)," *Irrawaddy*, 12 December 2008.
[8] Source: *FAO/WFP Crop and Food Security Assessment Mission to Myanmar*, Food and Agriculture Organization of the United Nations, 22 January 2009.
[9] Source: "Myanmar (Burma) Cyclone Nargis Disaster," MCEER, 200, accessed 5 March 2009.
[10] Source: "Myanmar after Cyclone Nargis: Agricultural development offers protection against natural disaster," IRRI, 16 September 2008.
[11] Source: *Joint ASEAN-UN Press Release Comprehensive Assessment of Cyclone Nargis Impact Provides Clearer Picture of Relief and Recovery Needs*, ASEAN, 21 July 2008.
[12] Source: "Myanmar in Misery Six Months On," *The National* (UAE), 4 November 2008.
[13] Source: *Joint ASEAN-UN Press Release Comprehensive Assessment of Cyclone Nargis Impact Provides Clearer Picture of Relief and Recovery Needs*, ASEAN, 21 July 2008.
[14] Source: "Myanmar in Misery Six Months On," *The National* (UAE), 4 November 2008.
[15] Source: *Ibid*.
[16] Source: "Rampaging Rats Bring Starvation to Burma," *BBC News*, 26 September 2008.
[17] Source: *Ibid*.
[18] Source: "Food Crisis Deepens in Chin State," *Irrawaddy*, 8 October 2008.
[19] Source: "Chin Face Food Shortages," *Irrawaddy*, 16 July 2008.
[20] Source: *Asian Development Outlook 2008: Myanmar*, Asian Development Bank, 2008; *Burma's Economy 2008: Current Situation and Prospects for Reform*, Burma Economic Watch/Economics Department Macquarie University, Australia, May 2008.
[21] Source: *Living in Fear, Everyday life for villagers in Karen State*, Saw Gaw Say, Burma Issues, accessed online at http://www.burmaissues.org/En/BINewscurrent.html , on 21 October 2009.
[22] Source: *Staff Report for 2006 Article IV Consultation Report on Myanmar*," IMF, 15 September 2006
[23] Source: *Ibid*.
[24] Source: *Burma's Economy 2008: Current Situation and Prospects for Reform*, Burma Economic Watch/Economics Department Macquarie University, May 2008.
[25] Source: *Ibid*.
[26] Source: "Burma's Inflation Rate at 33 Percent," *Irrawaddy*, 8 August 2008.
[27] Source: *Burma's Economy 2008: Current Situation and Prospects for Reform*, Burma Economic Watch/Economics Department Macquarie University, Australia, May 2008.
[28] Source: "Black Market Crackdown Increases Fuel Prices", *Irrawaddy*, April 2008.
[29] Source: *Ibid*.
[30] Source: *FAO/WFP Crop and Food Security Assessment Mission to Myanmar*, Food and Agriculture Organization of the United Nations, 22 January 2009.
[31] Source: "The Cost of Death in Burma," *Irrawaddy*, 12 November 2008.
[32] Source: *Ibid*.
[33] Source: "Commodity Prices Rise in Devastated Rangoon," *Irrawaddy*, 3 May 2008.
[34] Source: *Ibid*.
[35] Source: *Ibid*.
[36] Source: "Commodity Prices Soar after Cyclone," DVB, 5 May 2008.
[37] Source: "Gas Prices Spiral to All-Time High," *Mizzima News*, 4 May 2008.
[38] Source: "Salt Prices Escalate In Mon State," IMNA, 18 June 2008.
[39] Source: "Gas Prices Spiral to All-Time High," *Mizzima News*, 4 May 2008.
[40] Source: "Steep Rise in Food Prices Continues," DVB, 15 August 2008.
[41] Source: *Ibid*.
[42] Source: "Steep Rise in Food Prices Continues," DVB, 15 August 2008
[43] Source: "Inflation Cuts Printing of Low-Value Notes," DVB, 14 October 2008.
[44] Source: "SPDC Raises Gas Prices in Attempt to Recoup Revenue Lost to Declining Energy Markets," IMNA, 12 December 2008.

[45] Source: "Junta Begins Dam Construction amid Protests in Kachin State," *Mizzima News*, 2 December 2008.
[46] Source: *Ibid*.
[47] Source: "China's Overseas Dams: Development or Destruction," CSR, 10 September 2008.
[48] Source: "China's Footprint in Myanmar Expands," *Asia Times*, 31 October 2008.
[49] Source: "Conflict Threatens Karen Biodiversity," *Irrawaddy*, 18 November 2008.
[50] Source: "Myanmar Agrees to Move Forward Hydropower Plant Proposal," *Xinhua*, 8 October 2008.
[51] Source: "Rangoon Residents Suffer Power Cuts," *Irrawaddy*, 12 December 2008.
[52] Source: *Ibid*.
[53] Source: "Moulmein Residents Fined For Purchasing Illegal Power from Military Training Battalion," IMNA, 14 November, 2008.
[54] Source: "Authorities Collect Meter Box Control Bill," *Khonumthung News*, 12 December, 2008.
[55] Source: Cost of Meter Boxes Increase Six Times in Falam Township, *Khonumthung News*, 13 September 2009.
[56] Source: "People Suffer for Shortage of Electricity," DVB, 12 January 2008, translation HRDU.
[57] Source: "Senior Monk Bringing Electricity to Large Villages in Mon State as Government Neglect Continues," IMNA, 12 December 2008.
[58] Source: "Junta Orders Civilians to Pay Electricity Charges for Roadside Lighting," KNG, 30 September, 2008.
[59] Source: *Ibid*.
[60] Source: *Transparency International Corruption Perceptions Index 2008*, Transparency International, 23 September 2008.
[61] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[62] Source: "Border Trade Officials Get 9 Months in Prison," DVB, 29 July 2008.
[63] Source: "Three Police Officers Sacked at Maungdaw," *Kaladan News*, 1 December 2008.
[64] Source: "Corrupt Clerk Yet To Be Punished," *Mizzima News*, 3 December 2008.
[65] Source: "Myanmar's Killing Fields of Neglect," *Asia Times*, 17 May 2008.
[66] Source: *Ibid*.
[67] Source: "Farmers Dispute Official 'Back to Normal' Claims," *Irrawaddy*, 21 July 2008.
[68] Source: *Ibid*.
[69] Source: *Ibid*.
[70] Source: *Ibid*.
[71] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[72] Source: "Low Salaries Contribute To Corrupt Officials," *Narinjara News*, 7 August 2008.
[73] Source: *Ibid*.
[74] Source: *Ibid*.
[75] Source: *2008 Index of Economic Freedoms*, The Heritage Foundation, http://www.heritage.org/index/
[76] Source: Economic freedom is measured using ten indicators. A grade is assigned in for each using a scale from 0 to 100, where 100 represent the maximum freedom. The ten component scores are then averaged to give an overall economic freedom score for each country. The ten components of economic freedom are: Business Freedom; Trade Freedom; Fiscal Freedom; Government Size; Monetary Freedom; Investment Freedom; Financial Freedom; Property rights; Freedom from Corruption and Labor Freedom, taken from *2008 Index of Economic Freedoms*, accessed online at http://www.heritage.org/index/.
[77] Source: *2008 Index of Economic Freedoms*, The Heritage Foundation, http://www.heritage.org/index/.
[78] Source: "Weekly Business Roundup (May 24, 2008)," *Irrawaddy*, 24 May 2008.
[79] Source: "Economist Says Junta Flouts World Bank Rules," DVB, 22 May 2008.
[80] Source: "Impractical Trade Policy Hits Burmese Manufacturers Hard," *Mizzima News*, 16 September 2008.
[81] Source: "Myanmar State Bank Sets Ultimatum for Deposit Reclaim from Closed Private Bank," *Xinhua*, 27 October 2008.
[82] Source: *Ibid*.
[83] Source: "Myanmar to Introduce Wireless Internet System Next Year," *Bernama* (Malaysia), 12 November 2008.
[84] Source: "Tay Za: Recession Taking a Toll," *Irrawaddy*, 12 December 2008.
[85] Source: "Global Financial Crisis Hits Burmese Markets," *Irrawaddy*, 19 November 2008.
[86] Source: "Bleak Economic Prospects in Store for Thailand," *Irrawaddy*, 3 December 2008.
[87] Source: "Regime Shrugs Off Effects on Burma of Global Economic Crisis," *Irrawaddy*, 17 December 2008.
[88] Source: *Burma Bulletin*, Altsean, Issue 24, December 2008.
[89] Source: "Bleak Economic Prospects in Store for Thailand," *Irrawaddy*, 3 December 2008.
[90] Source: *Ibid*.
[91] Source: *Migrant Worker Remittances and Burma: An Economic Analysis of Survey Results*, Burma Economic Watch, Sean Turnell.

[92] Source: "Bleak Economic Prospects in Store for Thailand," *Irrawaddy*, 3 December 2008.
[93] Source: *Burma's Economy 2008: Current Situation and Prospects for Reform*, Burma Economic Watch/Economics Department, Macquarie University, Australia, May 2008.
[94] Source: *Ibid*.
[95] Source: *Ibid*.
[96] Source: "How the Regime Hides Its Billions," contributed by Sean Turnell in *Irrawaddy*, 8 May 2008.
[97] Source: "UN Aid Disappearing in Burma Cash Scam," *The Daily Telegraph*, 29 July 2008.
[98] Source: "Burma Aid Cash Lost to Regime, says UN," *Financial Times*, 28 July 2008.
[99] Source: "UN, Myanmar Resolve Aid Currency Problem, In Theory," *Reuters*, 18 Aug 2008.
[100] Source: "Burma Aid Cash Lost to Regime, says UN," *Financial Times*, 28 July 2008.
[101] Source: "UN, Myanmar Resolve Aid Currency Problem, In Theory," *Reuters*, 18 August 2008.
[102] Source: "UN Cover-Up in Cyclone Aid Losses, Says NGO," *Irrawaddy*, 23 August 2008.
[103] Source: "Burma Aid Obstruction Cost Tens of Thousands of Lives, US Defense Chief Says," AP, 31 May 2008.
[104] Source: "EU Council Common Position 2006/318/CFSP," *Official Journal of the European Union*, 29 April 2006.
[105] Source: "Portugal, Denmark and Austria approve Lisbon Treaty," *Eurostep Weekly*, 28 April 2008.
[106] Source: "Bush Slaps another Round of Sanctions on Burma," *Irrawaddy*, 2 May 2008.
[107] Source: Sanctions Notice 11, *European Union Sanctions*, 18 April 2008.
[108] Source: "The European Union and Burma – Briefing and Recommendations," Burma Campaign UK, March 2009.
[109] Source: *Ibid*.
[110] Source: *Ibid*.
[111] Source: *Ibid*.
[112] Source: *Ibid*.
[113] Source: "The Case for Sanctions," Burma Campaign UK, 31 May 2007.
[114] Source: "The Baron Who Holds Burma's Purse Strings," *The Observer*, 2 November 2008.
[115] Source: *Ibid*.
[116] Source: "FO warns Lloyd's over Burma," *Guardian* (UK), 29 September 2008.
[117] Source: "Anger in New Zealand over Deal Easing Trade with Burma," *Irrawaddy*, 29 August 2008.
[118] Source: *Ibid*.
[119] Source: "Australia Extends Sanctions on Burma," *Irrawaddy*, 22 October 2008.
[120] Source: "Asean Can Impose Sanctions on Its Members, Malaysia Says," AP, 3 June 2008.
[121] Source: "Burma Ratifies ASEAN Charter with Human Rights Guarantees," *Voice of America News*, 21 July 2008.
[122] Source: *The World Factbook- Burma*, CIA, accessed online at: https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html, on 27 December 2008.
[123] Source: *Ibid*.
[124] Source: "US to renew ban on Myanmar imports," *The Times of India*, 25 July 2008.
[125] Source: "Tom Lantos 'Block Burmese Jade Act'," NCUB Statement, 31 July 2008.
[126] Source: "US Lawmakers Ease Pressure On Chevron in Myanmar," AFP, 16 July 2008.
[127] Source: "Chevron's Dilemma over Its Stake in Burma," *San Francisco Chronicle*, 5 July 2008.
[128] Source: "US Lawmakers Ease Pressure On Chevron in Myanmar," AFP, 16 July 2008.
[129] Source: "Burmese Gem Traders Dismiss US Embargo Threat," *Irrawaddy*, 13 August 2008.
[130] Source: *Ibid*.
[131] Source: "Bush Slaps another Round of Sanctions on Burma," *Irrawaddy*, 2 May 2008.
[132] Source: "US: Burma Gem Ban Strengthened," Human Rights Watch, 28 July 2008.
[133] Source: *Ibid*.
[134] Source: "House Votes To Punish Ruling Junta in Myanmar," AP, 16 July 2008.
[135] Source: "Looking Back at Burma 2008," *Irrawaddy*, December 2008.
[136] Source: *Country Report on Human Rights Practices 2008 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, March 2009.
[137] Source: "Burmese Labour Issues Destined To Invite Problems," *Mizzima News*, 22 December 2008.
[138] Source: *Burma Human Rights Yearbook 2007*, HRDU, September 2008.
[139] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[140] Source: *Ibid*.
[141] Source: *Ibid*.
[142] Source: "Burmese Labour Issues Destined To Invite Problems," *Mizzima News*, 22 December 2008.
[143] Source: *Ibid*.
[144] Source: *Country Report on Human Rights Practices 2008 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 25 February 2009.
[145] Source: "Burmese Labour Issues Destined To Invite Problems," *Mizzima News*, 22 December 2008.

[146] Source: *Ibid*.
[147] Source: *Country Report on Human Rights Practices 2008 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, March 2009.
[148] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[149] Source: "Workers Call for Rights on May Day," SHAN, 2 May 2008.
[150] Source: *Ibid*.
[151] Source: "Appeal for May Day Activists Denied," DVB, 3 July 2008.
[152] Source: *Ibid*.
[153] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labour, US Department of State, 11 March 2008.
[154] Source: "ILO Condemns May Day Activists' Appeal Denial," DVB, 11 July 2008.
[155] Source: *Ibid*.
[156] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[157] Source: *Burma Human Rights Yearbook 2007*, HRDU, September 2008.
[158] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[159] Source: *Ibid*.
[160] Source: "Cyclone Orphans Take Low-Paid Work to Survive," *Irrawaddy*, 8 July 2008.
[161] Source: *The Impact of the confiscation of Land, Labor, Capital Assets and forced relocation in Burma by the military regime*, Dr Nancy Hudson-Rodd, Dr Myo Nyunt, Saw Thamain Tun, and Sein Htay, May 2003.
[162] Source: *Ibid*.
[163] Source: *Ibid*.
[164] Source: "Army Training School Seizes, Resells Monastery Land in Northern Mon State," IMNA, 5 November, 2008.
[165] Source: *Burma Human Rights Yearbook 2007*, HRDU, September 2008.
[166] Source: *Displacement and Dispossession: Forced Migration and Land Rights Burma*, COHRE Report, November 2007.
[167] Source: *The Impact of the confiscation of Land, Labor, Capital Assets and forced relocation in Burma by the military regime*, Dr Nancy Hudson-Rodd, Dr Myo Nyunt, Saw Thamain Tun, and Sein Htay, May 2003.
[168] Source: *Displacement and Dispossession: Forced Migration and Land Rights Burma*, COHRE Report, November 2007.
[169] Source: *Burma's Economy 2008: Current Situation and Prospects for Reform*, Burma Economic Watch/Economics Department, Macquarie University, Australia, May 2008.
[170] Source: *Displacement and Dispossession: Forced Migration and Land Rights Burma*, COHRE Report, November 2007.
[171] Source: *Ibid*.
[172] Source: *China in Burma: The Increasing Investment of Chinese Multinational Corporations in Burma's Hydropower, Oil, Natural Gas and Mining Sectors*, EarthRights International, September 2008.
[173] Source: *Ibid*.
[174] Source: *Ibid*.
[175] Source: *Myanmar (Burma): No End in Sight for Internal Displacement Crisis*, IDMC, 14 February 2008.
[176] Source: *Ibid*.
[177] Source: *Ibid*.
[178] Source: *Ibid*.
[179] Source: "Fresh Confiscation of Land for Natala Villages," *Kaladan News*, 9 March 2008.
[180] Source: "Over 1,000 Acres to Be Seized For Natala Villagers in Maungdaw," *Kaladan News*, 23 June 2008.
[181] Source: *Critical Point: Food Scarcity and Hunger in Burma's Chin State*, Chin Human Rights Organisation, July 2008.
[182] Source: "Cyclone Affected Farmlands Likely To Be Seized For Forest Reserve," *Mizzima News*, 23 June 2008.
[183] Source: "Junta Harrassing Burma's Cyclone Survivors," *United Press International*, 1 July 2008.
[184] Source: "Fresh Confiscation of Land for Natala Villages," *Kaladan News*, 9 March 2008.
[185] Source: "Nasaka Collects Money for Cyclone Victims after Seizing Lands from Rohingyas," *Kaladan News*, 4 June 2008.
[186] Source: *Ibid*.
[187] Source: "Village Threatened With Relocation after Gas Discovery," *Narinjara News*, 10 June 2008.
[188] Source: "DPDC Seizes Muslim Graveyard in Maungdaw Township," *Kaladan News*, 10 July 2008.
[189] Source: "Farmers Landless After Authorities Seize Farms in Maungdaw," *Kaladan News*, 30 July 2008.

[190] Source: "Over 1,000 Acres to Be Seized For Natala Villagers in Maungdaw," *Kaladan News*, 23 June 2008.
[191] Source: "SPDC Seizes Lands from Rohingyas for Natala Villagers," *Kaladan News*, 14 July 2008.
[192] Source: "Eighty Houses Built On Rohingya Land," *Kaladan News*, 19 August 2008.
[193] Source: "SPDC Seizes About 100 Acres of Toddy, Flood-Tide and Ebb-Tide Forests," *Kaladan News*, 6 August 2008.
[194] Source: "Mayaka Seizes 280 Acres of Land in Buthidaung," *Kaladan News*, 21 August 2008.
[195] Source: "Nasaka Bent on Seizing 16 Acres from Widow in Rathedaung," *Kaladan News*, 8 September 2008.
[196] Source: "TPDC Chairman Goes To Loung Don Village for Inquiry," *Kaladan News*, 6 October 2008.
[197] Source: "Junta Leases 50,000 Acres of Farmland to Bangladesh," DVB, 10 October 2008.
[198] Source: "Burma Army Demands Labor and Land as Villagers Continue to Starve Western Burma," FBR, November 2008.
[199] Source: *Ibid*.
[200] Source: *Ibid*.
[201] Source: *Ibid*.
[202] Source: *Ibid*.
[203] Source: "Land Confiscations Begin For Trade," *Narinjara News*, 20 October, 2008.
[204] Source: "Over 365 Acres of Farmlands Confiscated In Rathedaung," *Kaladan News*, 23 October 2008.
[205] Source: "Burma Army Demands Labor and Land as Villagers Continue to Starve Western Burma," FBR, November 2008.
[206] Source: *Ibid*.
[207] Source: "Mayaka (TPDC) Seizes 1, 000 Acres in Maungdaw South," *Kaladan News*, 29 November 2008.
[208] Source: "Burmese Army Confiscates Land from Arakanese Farmers," *Narinjara News*, 18 December, 2008.
[209] Source: "TPDC Demands Paddy from Villagers," *Kaladan News*, 27 December 2008.
[210] Source: "Farmlands Confiscated for Tea Plantation," *Khonumthung*, 5 February 2008.
[211] Source: "Land Seized For Rubber Plantation," DVB, 7 February 2008.
[212] Source: "Farmers Left In Debt after Land Seizures," DVB, 25 June 2008.
[213] Source: "Labourers Forced To Work on Seized Cyclone Lands," DVB, 24 June 2008.
[214] Source: "Burmese Army Confiscates Cattle In The Name Of Cyclone Funds," KNG, 14 June 2008.
[215] Source: "Junta Confiscates Land Cowherds Allege," KNG, 25 August 2008.
[216] Source: "Kachin Villagers Destroy Plantation Built On Seized Land," DVB, 15 December 2008.
[217] Source: "Farmland Seized For Tourist Development," DVB, 23 December 2008.
[218] Source: "Forestry Officials Take Land without Compensating Owners," DVB, 11 February 2008.
[219] Source: "Yesagyo Township Peace and Development Council confiscates Land," DVB, 18 November 2008.
[220] Source: "Farmers Are Charged Under the Official Secret Act for Leaking State Secrets," DVB, 3 December 2008.
[221] Source: "Authorities Seized Good Alluvial Land in Yaesagyo," DVB, 28 December 2008.
[222] Source "Farmers Lose Out As Land Auctioned Off," DVB, 4 December 2008.
[223] Source: "Land Seized From Farmers for Steel Factory," DVB, 8 December 2008.
[224] Source: "New Station in Naypyidaw, About 20,000 House Were Relocated," *Khitpyaing*, 29 December 2008.
[225] Source: "Sugarcane Farms Were Seized To Build ASEAN Consulate Naypyidaw," *Khitpyaing*, 31 December 2008.
[226] Source: "More Land Seized In Northern Mon State," IMNA, 13 November, 2008.
[227] Source: *Ibid*.
[228] Source: "Army Bans Villagers from Fishing in Natural Lake," IMNA, 2 July 2008.
[229] Source: "More Land Seized In Northern Mon State," IMNA, 13 November, 2008.
[230] Source: "Army Training School Seizes, Resells Monastery Land in Northern Mon State," IMNA, 5 November, 2008.
[231] Source: "More Land Seized In Northern Mon State," IMNA, 13 November, 2008.
[232] Source: "Ler Doh Civilians' Plantations Confiscated by Burmese Army," *Kwekalu News*, 12 December 2008.
[233] Source: "Government Demanded to Solve the Farmer Difficulties," DVB, 3 March 2008.
[234] Source: "A Farmer' House Was Destroyed and Land Confiscated," DVB, 8 July 2008.
[235] Source: "Villages Deserted As Residents Flee To Border to Escape Military Persecution," SHAN, 8 July 2008.
[236] Source: "People Forced To Sell Rice, Threatened with Arrest and Land Confiscation," SHRF Monthly Report, July 2008.
[237] Source: *Ibid*.
[238] Source: *Ibid*.
[239] Source: *Ibid*.
[240] Source: *Ibid*.
[241] Source: *Ibid*.
[242] Source: *Ibid*.
[243] Source: *Ibid*.

[244] Source: *Ibid*.
[245]Source: *Ibid.*
[246] Source: "Unfair Tax and Restriction Imposed on Chin Farmers," CHRO, 8 February 2008.
[247] Source: *Rhododendron News, Volume XII, Issue III*. May-June 2008, CHRO May 2008.
[248] Source: "Burma Army Militarisation and the Use of Proxies in Eastern Shan State Shan State, Burma," FBR, 23 July 2008.
[249] Source: "Farmers in Kalay forced to provide paddy to Burmese Army," *Khonumthung News,* 11 August 2008.
[250] Source: "Army Collects Paddy from Local Farmers," *Narinjara News*, 3 December, 2008.
[251] Source: *Living Ghosts: The spiraling repression of the Karenni population under the Burmese military junta*, Burma Issues, March 2008.
[252] Source: *Ibid*.
[253] Source: *Ibid*.
[254] Source: "Farmers in Ye Township forced to harvest paddy prematurely, yields down," IMNA, 3 November, 2008.
[255] Source: "Myanmar's Poor Agricultural Policies Could Hamper Longer-Term Recovery," *Wall Street Journal Online*, 8 May 2008.
[256] Source: "Bago farmers forced to buy costly rice seed," DVB, 19 January 2009.
[257] Source: *Biofuel by Decree: Unmasking Burma's Bio-energy Fiasco*, Ethnic Community Development Forum, 2008.
[258] Source: *Ibid*.
[259] Source: "Myanmar's Poor Agricultural Policies Could Hamper Longer-Term Recovery," *Wall Street Journal Online*, 8 May 2008.
[260] Source: *Burma Human Rights Yearbook 2007*, HRDU, September 2008.
[261] Source: *Biofuel by Decree: Unmasking Burma's Bio-energy Fiasco*, Ethnic Community Development Forum, 2008.
[262] Source: "Myanmar's Poor Agricultural Policies Could Hamper Longer-Term Recovery," *Wall Street Journal Online*, 8 May 2008.
[263] Source: *Ibid*.
[264] Source: "Twenty Seven Children Poisoned By Physic Nuts," *Mizzima News*, 29 August 2008.
[265] Source: "Students Paste Anti-Castor-Oil-Trees Posters in Myitkyina," KNG, 03 July 2008.
[266] Source: *Biofuel by Decree: Unmasking Burma's Bio-energy Fiasco*, Ethnic Community Development Forum, 2008.
[267] Source: "Burmese Biofuel Policy a Debacle: Report," *Irrawaddy*, 1 May 2008.
[268] Source: *Biofuel by Decree: Unmasking Burma's Bio-energy Fiasco*, Ethnic Community Development Forum, 2008.
[269] Source: *Ibid*.
[270] Source: *Ibid*.
[271] Source: "Myanmar's Poor Agricultural Policies Could Hamper Longer-Term Recovery," *Wall Street Journal Online*, 8 May 2008.
[272] Source: "Myanmar, South Korean Companies to Produce Bio-Diesel," *Bernama* (Malaysia), 6 November 2008.
[273] Source: "Forced Labor Used At Castor Oil Plantation," *Narinjara News*, 1 August 2008.
[274] Source: *Critical Point: Food Scarcity and Hunger in Burma's Chin State*, Chin Human Rights Organisation, July 2008.
[275] Source: "Junta Resumes Plantations for Biofuel Post Referendum," KNG, 20 June 2008.
[276] Source: "Civilians Forced To Plant Jatropha Curcas in Paddy Season," KNG, 01 June 2008.
[277] Source: "Government Schools Ordered to Plant Jatropha," IMNA, 11 June 2008.
[278] Source: "Farmers are facing the problem of Sun Flower," DVB, 15 January 2008.
[279] Source: "Bago Farmers Forced To Grow Sunflowers," DVB, 16 December 2008.
[280] Source: "SHRF Monthly Report," SHRF, October 2008.
[281] Source: "SHRF Monthly Report," SHRF, November 2008.
[282] Source: "Villagers Forced To Buy Jatropha Seeds at High Price," SHAN, 11 June 2008.
[283] Source: "Shan State Villagers Forced To Grow Crops," DVB, 8 October 2008.
[284] Source: *Burma Human Rights Yearbook 2007*, HRDU, September 2008.
[285] Source: "Myanmar Army Document Spotlights Low Morale," *Jane's Defence Weekly*, 27 March 2007; *Burma Human Rights Yearbook 2007*, HRDU, September 2008.
[286] Source: *Burma's Economy 2008: Current Situation and Prospects for Reform*, Burma Economic Watch/Economics Department, Macquarie University, May 2008.
[287] Source: *Burma Human Rights Yearbook 2007*, HRDU, September 2008.
[288] Source: "Forced labour reported in scheme to open ski area," *Irrawaddy*, 8 December 2008.

[289] Source: *Breach of Rule of Law and Continuous Forced Labour in Southern Part of Burma*, HRFM, 30 August 2001.
[290] Source: "Forgotten Burma," New Statesmen, 1 May 2008.
[291] Source: *Displacement and Dispossession: Forced Migration and Land Rights Burma*, COHRE Report, November 2007.
[292] Source: *Ibid*.
[293] Source: "Farmers Are Charged Under the Official Secret Act for Leaking State Secrets," DVB, 3 December 2008.
[294] Source: International Labour Organisation, accessed online at http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang--en/WCMS/index.htm.
[295] Source: "Index of Economic Freedom: Burma," The Heritage Foundation, 2009; *Burma's Economy 2008: Current Situation and Prospects for Reform*, Burma Economic Watch/Economics Department Macquarie University, May 2008.
[296] Source: "CNF to Reduce Tax Imposed in Chin State," *Khonumthung*, 4 February 2008.
[297] Source: "Villagers Refuse to Pay for Tax on Ox-Carts," *Kantarawaddy Times*, 20 October 2008.
[298] Source: "Junta Collects Municipal Taxes But Provides No Service for Civilians in Myitkyina," KNG 12 September 2008.
[299] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[300] Source: "Arbitrary Arrest for Extortion in Maungdaw," *Kaladan News*, 11 February 2008.
[301] Source: *Ibid*.
[302] Source: "Fined for Renovation of Mosque in Maungdaw," *Kaladan News*, 19 March 2008.
[303] Source: "Sittwe Residents Squeezed for Water Meter Fee," *Narinjara News*, 13 February 2008.
[304] Source: "Police Loot Money from Villager," *Kaladan News*, 27 April 2008.
[305] Source: "Arbitrary Arrest, Extortion and Looting Continue In Arakan," *Kaladan News*, 3 May 2008.
[306] Source: *Ibid*.
[307] Source: "Rohingya Arrested By Sarapa for Filling Pond," *Kaladan News*, 23 May 2008.
[308] Source: "Forcible Collection of Money for Cyclone Fund in Arakan," *Kaladan News*, 24 May 2008.
[309] Source: "VPDC Members Extort Money from Laborers," *Kaladan News*, 29 May 2008.
[310] Source: "False Allegation and Torture in Northern Arakan," *Kaladan News*, 9 June 2008.
[311] Source: "NaSaKa Photographs Villagers in Buthidaung," *Kaladan News*, 27 June 2008.
[312] Source: "Police and WPDC Extort Kyat 600,000 from Bridegroom," *Kaladan News*, 7 July 2008.
[313] Source: "NaSaKa Extorts Money on False Allegations," *Kaladan News*, 5 August 2008.
[314] Source: "False Case to Extort Money from Shopkeeper," *Kaladan News*, 31 July 2008.
[315] Source: "TPDC, Police Extort Money from Villagers for Buying Furniture from Natala Villagers," *Kaladan News*, 29 July 2008.
[316] Source: *Ibid*.
[317] Source: "Man Detained By NaSaKa for Constructing House," *Kaladan News*, 22 September 2008.
[318] Source: "Army Collects Toll from Villagers," *Kaladan News*, 24 August 2008.
[319] Source: *Ibid*.
[320] Source: "Collect Money for Football," DVB, 16 September 2008.
[321] Source: "Police Demand 10 Million Kyat from Villagers," *Kaladan News*, 17 November 2008.
[322] Source: "Man Arrested With Bangladeshi Mobile Phone," *Kaladan News*, 7 October 2008.
[323] Source: "Security Force Harasses Villagers in Maungdaw Town," *Kaladan News*, 6 November 2008
[324] Source: "Police Beat a Villager Unconscious," *Kaladan News*, 15 November 2008.
[325] Source: "Family Pays 900,000 Kyat to Withdraw Son from Army," *Narinjara News*, 17 December 2008.
[326] Source: "MOC Collects Checkup Fee in Clinic from People," *Kaladan News*, 31 December 2008.
[327] Source: "Authorities Collect Money for Last Year's Office Expenditure," *Khonumthung*, 8 February 2008.
[328] Source: "Villagers Accused Of Helping Kidnappers Fined By Junta," *Khonumthung News*, 20 June 2008.
[329] Source: "Authorities Collect Money and Paddy for Rice Cultivation," DVB, 26 June 2008.
[330] Source: "Farmers Dispute Official 'Back to Normal' Claims," *Irrawaddy*, 21 July 2008.
[331] Source: "Bogalay Authorities Demand Construction Tax," DVB, 4 August 2008.
[332] Source: "Burmese Authorities Collect Money to Build Pylon in Myitkyina," KNG, 21 February 2008.
[333] Source: "Junta Demands Money for New Documents and IDs," KNG, 7 March 2008.
[334] Source: "Junta Collects Cyclone Funds from Jade Miners in Phakant," KNG, 10 June 2008.
[335] Source: "Forcible Collection of Rice in Kachin State," KNG, 16 June 2008.
[336] Source: "Fire Brigade Force Residents to Buy Fire Extinguishers for Funds," KNG, 1 September, 2008.
[337] Source: "Junta Orders Civilians to Pay Electricity Charges for Roadside Lighting," KNG, 30 September, 2008.
[338] Source: "Copier machine owners forced to donate money in Kachin State," KNG, 11 October 2008.

[339] Source: "Severe Torture and Extortion of Naga Gold Trader by Burmese Troops," KNG, 12 November 2008.
[340] Source: "NC HQ Extorts Money from All Cars Crossing Ledo Road," KNG, 27 December 2008.
[341] Source: *Exploitative governance under SPDC and DKBA authorities in Dooplaya District*, KHRG, 11 July 2008.
[342] Source: *Ibid*.
[343] Source: *Daily demands and exploitation: Life under the control of SPDC and DKBA forces in Pa'an District*, KHRG, 19 September 2008.
[344] Source: *Forced labour and extortion in Pa'an District*, KHRG, 8 August 2008.
[345] Source: "SPDC and DKBA extortion and forced labour in Thaton District," KHRG, 26 November 2008.
[346] Source: "Telephone Subscribers to Pay For Change In Phone Numbers," KNG, 17 September 2008.
[347] Source: "SPDC and DKBA extortion and forced labour in Thaton District," KHRG, 26 November 2008.
[348] Source: "Human Rights Violation in Burma (Sep – Oct 2008)," CIDKP, September 2008.
[349] Source: "Villagers Refuse to Pay for Tax on Ox-Carts," *Kantarawaddy Times*, 20 October 2008.
[350] Source: "Villagers threatened to vote and forced to pay for referendum," Ba Htoo, 11 April 2008.
[351] Source: "Bagan Authorities Demand Money for Security Measures," DVB, 17 December 2008.
[352] Source: "Traffic Police in Festivals to Extort Motorbikes Owners," *Kaowao News*, 20 February 2008.
[353] Source: "Tractor-Trailer Owners Forced to Buy Sand for Golf-Field," IMNA, 21 February 2008.
[354] Source: *Ibid*.
[355] Source: "Forced Labour and Extortion of Money by Army Continues," IMNA, 14 July 2008.
[356] Source: "Tharawaddy Electricity Board Extorts Money from Locals," DVB, February 2008.
[357] Source: "Local Authorities Skim Money off Farm Subsidies," DVB, 28 May 2008.
[358] Source: "Authorities Demand Money and Goods from Farmers," DVB, 4 June 2008.
[359] Source: "Farmers Charged Admin Fees to Receive Loans," DVB, 13 June 2008.
[360] Source: "Authorities Collect Money and Paddy for Rice Cultivation," DVB, 26 June 2008.
[361] Source: "Four Farmers Paid100000 Kyat in Fines for Guest Registration," DVB, 9 February 2008.
[362] Source: "VPDC Collects Money for Electricity," *Khitpyaing*, 10 June 2008.
[363] Source: "Association Member Extorts Money from VCD Shops," IMNA, 11 July 2008.
[364] Source: "Construction of School with Money from Residents," *Khonumthung News*, 12 September 2008.
[365] Source: "Namhkam Residents Forced to Pay for Shwelee Suspension Bridge's Opening Ceremony", NMG, 29 January 2008.
[366] Source: "Extortion and Forced Labor in Dam Building in Murng-Ton," SHRF, February 2008.
[367] Source: "Tachilek Students Asked To Pay To Pass Exams," DVB, 27 February 2008.
[368] Source: "Burma Army Militarization and the Use of Proxies in Eastern Shan State Shan State, Burma," FBR, 23 July 2008.
[369] Source: "SHRF MONTHLY REPORT - JULY 2008", SHRF, July 2008
[370] Source: "Keng Tung-Taunggyi Vehicles Extorted Of Millions to Repair Road Damages," SHAN, 13 November, 2008.
[371] Source: *Daily demands and exploitation: Life under the control of SPDC and DKBA forces in Pa'an District*, KHRG, 19 September 2008.
[372] Source: *Ibid*.
[373] Source: *Burma Human Rights Yearbook 2007*, HRDU, September 2008.
[374] Source: *Burma Human Rights Yearbook 2006*, HRDU, 25 June 2007.
[375] Source: *Daily demands and exploitation: Life under the control of SPDC and DKBA forces in Pa'an District*, KHRG, 19 September 2008.
[376] Source: "Arbitrary Arrest, Extortion and Looting Continue In Arakan," *Kaladan News*, 3 May 2008.
[377] Source: "Army Personnel Steal Cow from Buthidaung Villager," *Kaladan News*, 1 July 2008.
[378] Source: "Security Force Seizes Goods from Businessman," *Kaladan News*, 26 August 2008.
[379] Source: "Police Demand 10 Million Kyat from Villagers," *Kaladan News*, 17 November 2008.
[380] Source: "Army Loots Fuel and Fish from Arakanese Boats," *Narinjara News*, 17 October 2008.
[381] Source: "Burmese Soldiers Snatch Livestock in Northern Chin State," *Khonumthung News*, 10 October 2008.
[382] Source: "Army Extorts Money from Travelers," *Khonumthung News*, 11 December 2008.
[383] Source: "Burma Army Attacks Villages in Eastern Burma as they Obstruct Relief to Cyclone Victims in the South," FBR, 29 May 2008.
[384] Source: "General Human Rights Violation in Karen State (May 2008)," CIDKP, May 2008.
[385] Source: *Ibid*.
[386] Source: *Daily demands and exploitation: Life under the control of SPDC and DKBA forces in Pa'an District*, KHRG, 19 September 2008.
[387] Source: "Killing of Villagers, Deadly Landmines, and Women Forced to Work for the Burma Army," FBR, September 2008.
[388] Source: *Ibid*.

[389] Source: *Ibid*.
[390] Source: "Human Rights Violation Information (Jul-2008)," CIDKP, July 2008.
[391] Source: "Killing of Villagers, Deadly Landmines, and Women Forced to Work for the Burma Army," FBR, September 2008.
[392] Source: "Human Rights Violation Information (Sep-2008)," CIDKP, 12 September 2008.
[393] Source: *Ibid*.
[394] Source: "Human Rights Violation in Burma (Sep – Oct 2008)," CIDKP, September 2008.
[395] Source: *Ibid*.
[396] Source: *Ibid*.
[397] Source: *Ibid*.
[398] Source: *Ibid*.
[399] Source: "Cyclone Increases Army Looting On Burma Borders," *Reuters*, 24 May 2008.
[400] Source: *Burma Human Rights Yearbook 2007*, HRDU, September 2008.
[401] Source: *Myanmar (Burma):No End in Sight for Internal Displacement Crisis*, IDMC, 14 February 2008.
[402] Source: "Burma Army Attacks Villages in Eastern Burma as they Obstruct Relief to Cyclone Victims in the South," FBR, 29 May 2008.
[403] Source: *Ibid*.
[404] Source: "Killing of Villagers, Deadly Landmines, and Women Forced to Work for the Burma Army," FBR, September 2008.
[405] Source: "Human Rights Violation in Burma (June 2008)," CIDKP, 25 June 2008.
[406] Source: Killing of Villagers, Deadly Landmines, and Women Forced to Work for the Burma Army, FBR, September 2008
[407] Source: "Villager Killed and More than 200 Displaced by New Attacks in Central Karen State," FBR, 14 October 2008.
[408] Source: *Ibid*.
[409] Source: *Ibid*.
[410] Source: *Ibid*.
[411] Source: "General Human Rights Violation in Karen State (May 2008)," CIDKP, May 2008.
[412] Source: "Villager Killed and More than 200 Displaced by New Attacks in Central Karen State," FBR, 14 October 2008.
[413] Source: *Ibid*.
[414] Source: *Ibid*.
[415] Source: *Ibid*.
[416] Source: *Ibid*.
[417] Source: "New Attacks Force More than 250 People To Flee Across Border, Troops Kill Three Villagers," FBR, 28 October 2008.
[418] Source: *Ibid*.
[419] Source: "Villager Killed as 1,971 People are Chased into the Jungle by the Burma Army in Western Karen," FBR, 4 November 2008.
[420] Source: "Mahlaing Villagers' Stalls Burnt Down," DVB, 23 December 2008.
[421] Source: "Relief Efforts Continue for People in Hiding. Update from Mergui-Tavoy District," FBR, 20 August 2008.
[422] Source: *Burma Human Rights Yearbook 2007*, HRDU, September 2008.
[423] Source: *Myanmar (Burma): No End in Sight for Internal Displacement Crisis*, IDMC, 14 February 2008.
[424] Source: *Shattered Lives…New Hopes: Clear Path International Annual Report 2007-2008*, Clear Path International, 2007-2008.
[425] Source: "Burma's Security Force Betrays Business Men," *Kaladan News*, 11 March 2008.
[426] Source: "Four Traders Go Into Hiding to Evade Arrest," *Kaladan News*, 11 October 2008.
[427] Source: "Killing of Villagers, Deadly Landmines, and Women Forced to Work for the Burma Army," FBR, September 2008.
[428] Source: *Ibid*.
[429] Source: *Ibid*.
[430] Source: *Ibid*.
[431] Source: *Ibid*.
[432] Source: *Ibid*.
[433] Source: *Ibid*.
[434] Source: "Rebels ransom 100 villagers in Ye Township; SPDC responds with interrogations, torture and travel restrictions," IMNA, 24 November, 2008.

CHAPTER 9
Environmental Degradation

BURMA

HUMAN RIGHTS YEARBOOK 2008

9.1 Introduction

> *"Investment in natural resources and infrastructure in Burma has been accompanied by forced labour, forced relocation of indigenous populations, and environmental devastation. Key industries are controlled by military-run enterprises and plagued by incompetence and corruption."* [1]

Burma is a country rich in biodiversity, with a wealth of natural resources. This biodiversity however, is under threat in many ways, but particularly from the impacts of the projects which exploit natural resources for energy. Oil, gas and hydroelectric projects are all a valuable source of income for the regime, which exploits the country's abundant natural resources by signing deals with neighbouring countries for the extraction and export of these resources. Seldom do those Burmese citizens living in the areas of the projects see any benefits. Instead, they are often subjected to a wide variety of human rights abuses associated with increased militarization around the projects; abuses including forced labour, land confiscation and resettlement, among others. In addition, their drinking water supplies are threatened, as is the fertility of their farmlands.

2008 saw environmental devastation of a different kind with the impact of cyclone Nargis, which took many lives, destroyed land and tainted water supplies throughout the Irrawaddy delta region. (For more information on cyclone Nargis, see Chapter 10: Cyclone Nargis – From natural disaster to human catastrophe)

Students planting physic nut seedlings within their school grounds in Tiddim Township, Chin State. The SPDC has announced its intention of bringing 8.36 million acres of farmland throughout the country under physic nut cultivation by the end of 2009. Villagers across the country have been subjected to land confiscation to make way for the project, while others have been forced to purchase the seedlings from the military for cultivation on all available tracts of land. Though surveys conducted in January 2007 showed that Chin State was ill-suited to the crop, the junta has pushed ahead with the project regardless, almost invariably at the expense of villagers' livelihoods. *[Photo: © MWAF]*

9.2 Dams and Hydropower

Dam projects in Burma are closely linked to large-scale displacement, militarisation, human rights abuses and irreversible environmental damage, all of which have a negative effect on the livelihoods and food security of millions of people. The construction of large dams changes the profiles of riverbeds, and thus upsets a fine ecological balance. Nutrients can become trapped, leaving once fertile land nutrient-deficient, and fears remain over salt water intrusion into fresh water supplies. According to Thai-based environmentalist Steve Green, soil infertility would necessitate the purchasing of fertiliser by poor farmers to compensate for the degradation, a cost most can ill afford. Another serious concern of environmental groups is that the construction of dams in areas of seismic activity, in Kachin State or on the edge of the Shan Plateau for example, would result in devastation in the event of earthquake-induced damage to a dam.[2]

A number of countries are involved in dam projects in co-operation with the SPDC. Companies in China, India, and Thailand, many of them state sponsored, have won concessions for the development of hydropower stations throughout Burma.[3]

A report by International Rivers, (an NGO concerned with the environmental impacts of damming) focusing on China's overseas dams, many of which are located in Burma, mentions many destructive impacts of large dams: destruction of flora and fauna along the river; change in seasonal water level variations, negative effects on the growing pattern of local crops; riverbed erosion which can lead to lowering of the groundwater table, which in turn threatens vegetation, wells and the flood-plain. In addition to threats to drinking water and crops, fish supplies are also depleted by dam construction. According to 2008 statistics, dams pose a threat to 20 percent of the world's freshwater fish species.[4]

At the same time, the electricity produced by many of the dam projects in Burma, is not usually made available to those who live in the areas surrounding the dams or elsewhere, but rather it is neighbouring countries which benefit from the electricity supply. Furthermore, slower water flows resulting from the damming of the Irrawaddy and Salween rivers mean that pollutants could build up instead of being flushed away as is normally the case,

> *"River dam systems planned on the major Irrawaddy and Salween rivers—to generate electricity for Thailand and China—will reduce water flows which will not only undermine drinking water and fish supplies downstream, but also dangerously raise pollution levels from mercury and other poisons leaking from crude gold mining practices upstream."* [5]

Displacement of people is also reported in relation to dam projects: both due to flooding of areas normally inhabited, and as a result of increased militarisation of the areas. The proposed Upper Paunglaung dam project in Karenni State provides an example of the implications of large infrastructure projects, with the construction of the dam set to displace roughly 3,500 villagers and flood 5,000 acres of arable land.[6] Higher concentrations of troops connected to previous dam projects such as the Lawpita Dam, built in the 1960's, led to associated human rights abuses at the hands of the military, and the laying of land-mines close to certain dam sites.[7] (For more information on displacement and forced relocation, see Chapter 19: Internal Displacement and Forced Relocation)

The Salween Dams

Ten years ago, Thailand won a concession to build a massive dam on the Salween River in southern Shan State. With a capacity of 7,100 Megawatts, and at a height of 228 metres, the Tasang Dam will be the biggest dam in Southeast Asia and will flood hundreds of square kilometres of land, according to Salween Watch.[8] Construction began in November 2007, and a military security force was put in place to provide security for the project.[9] Some abuses have already been associated with the early phases of the dam construction; according to the environmental NGO Burma Rivers Network,

> *"In June 2007, the Burma Army confiscated lands in Wan Mai village of Mong Ton Township and gave them to MDX company (a company contracted to help build the dam) to build an office. Approximately 400 villagers were forced to attend the ground-breaking ceremony for the dam in 2007."* [10]

Projects such as the Tasang and Wai Gyi dams on the Salween River, threaten the rich biodiversity of the river, and could result in the extinction of over 40 endangered species normally found in the river. In addition, a shortage of freshwater is a threat in those areas where the river downstream dries up as a consequence of the dam construction.[11]

In the planning and construction process for these 'mega-dams', the public has been kept in the dark about environmental assessments and those who reside in the areas of the dam sites have never been consulted about the consequences, and in some cases, such as in the Tasang Dam construction, have not been forewarned of SPDC plans,

> *"A series of secretive agreements between the Thai and Burmese Governments, and the Electricity Generating Authority of Thailand (EGAT), culminated in a December 2005 Memorandum of Understanding, to build four mega-dams (Tasang, Wei Gyi, Dar Gwin and Htut Gyi) on the Salween (Thanlwin) River, and one on the Tenasserim River. Environment Impact Assessments on the planned dams have not been released to the public, and at no time in the agreement process were people at the proposed dam sites consulted, or even informed."* [12]

Dam projects on the Salween River will affect people in Karen, Karenni, Shan and Mon States. The people of Karenni State have experienced the consequences of dam projects before; a dam built at Lawpita in the 1960's did not provide any electricity for the Karenni people living along the river plains. Instead the dam resulted in;

> *"water shortage, destructive floods that destroy crops, disrupted fish habitats, thousands of Burma soldiers come and occupied the area causing human rights abuses such as forced labor, displacements of people and laying of land-mines on farm fields, sexual violence and extra-judicial killings"* [13]

More recently, construction has begun on more hydropower plants in Karenni State. The Karenni Development Research Group (KDRG) claimed in early 2008 that Chinese financed construction of Karenni State's third power plant has led to cases of forced labour, and incidences of landmine injury to eight civilians who were clearing land around two Lawpita hydropower plants near Loikaw.[14]

Dams in Kachin State and Earthquake Fears

In Kachin State, the Myitsone hydropower project, on the Irrawaddy River was launched in May 2007. The Myitsone Dam is the biggest of seven dams located in Kachin state. According to the Kachin Development Working Group (KDWG), the Myitsone Dam poses a serious threat of flooding due to the fact that the dam is close to an earthquake fault line. The surrounding area experienced at least four earthquakes in 2008, one measuring up to 5.3 on the Richter scale.[15] The location of the Myitsone dam project is only 100km from an earthquake fault line, and a large quake may have the potential to destroy the dam which would endanger the state capital of Myitkyina and its inhabitants of 140,000 people.[16] Despite repeated appeals by environmental and human rights groups, construction on the Myitsone project continues.[17] Additionally, the townships of Waingmaw, Sinbo and Bhamo Townships along the Irrawaddy River, where hundreds of thousands of people live, would also be at risk of flooding.[18]

Elsewhere in Kachin state, in the area of Chibwe, farmlands have been seized, and local people are being put under pressure to relocate to make way for the construction of a hydropower station on the N'mai Hka River. This displacement, along with the destruction of flora and fauna in the area is a cause for concern for those living in the area.[19] Again, appeals to stop the construction have been made to the companies involved, an unidentified Chinese company and the Myanmar-Asia World Company. These appeals have however, been ineffectual.[20]

In January 2008, human rights abuses were reported following the arrival of Light Infantry Battalion (LIB) #121 to provide security for the construction of the Myitsone Hydroelectric dam site which was being built 26 miles (42 km) north of the state capital of Myitkyina, in Kachin State. The soldiers took over a library in nearby Tanghpare village, extorted money from local merchants, took goods from shops without payment, and vegetables and animals from locals. Reports suggest that the local population was also threatened and told not to contact any media organisations or report what was transpiring in the area.[21]

On 29 April 2008, three villagers, one Palaung and two Kachin drowned during the building of Shweli dam. They were recruited as forced labour for the project. Other villagers who fled because of the forced labour demands were beaten.[22]

On 13 July 2008, in Chibwe, Kachin State, Christian religious leaders were summoned for interrogation in relation to a poster campaign against the Chibwe dam project. The Chibwe Dam project had started earlier in the year and resulted in land theft and environmental degradation by the stakeholders; a joint venture between a Chinese company and the Myanmar-Asia World company.[23]

Arakan State

In November 2008, villagers were forced by the Burmese military to assist in the construction of a hydroelectric dam in Kyauk Taw Township. On a daily basis, 100 to 150 villagers from the surrounding area, mostly from the Rohingya ethnic group, were forced to go to work on the construction site of the Zee Chaung Dam, between 6:00 am and noon. The labourers were said to be receiving 2 kilograms of rice per day but no salary for their work.[24]

Mon State

Construction of the Win-pa-non Dam in Mon State was also giving rise to concern among locals in early 2008 due to plans to rebuild the cracked and damaged base of the dam. This work would involve releasing water from the dam, which would threaten approximately eight villages in the area with flooding. Locals were also concerned that the proposed repairs may increase taxation at the hands of authorities. According to a villager who lives near the dam, the repairs may also endanger livelihoods,

> *"They (authorities) want to complete the dam work before the rainy season, which means they only have two months to act. The villagers along the Dam were forced to plant (S)ummer paddy that will now be flooded, along with our other plantations like melon and vegetables"* [25]

Chin State

Heavy rains during the monsoon season often cause the Chindwin River to burst its banks.[26] In 2008, the Indian state-owned National Hydroelectric Power Corporation (NHPC) won the rights to build two hydroelectricity dams; a 1,200-megawatt hydro-dam at Tamanthi, and a smaller 600-megawatt capacity system at Shwzaya in northwestern Chin State bordering India. The company has a reputation for using armed staff to intimidate people into leaving dam development areas, and has been called *"India's ugliest dam builder"* by German NGO Urgewald.[27] Despite power shortages in Burma, all 1,800 megawatts of electricity capacity from the two new hydropower dam projects will go to India, earning the junta around US $3.2 billion. An energy industry consultant based in Bangkok, Sar Watana pointed out, however, the futility of the electricity being used for domestic purposes, saying,

> *"The planned generating power of these two hydro systems is greater than Myanmar's entire national electricity capacity at present,…But of course it would in any case be of very little use to Burma without a major upgrade and expansion in the country's grid transmission infrastructure, which is very poor."* [28]

Shan State

In southern Shan State, ethnic Karenni people will suffer displacement due to the dam at Paunglaung, in the Pyinmana mountain range. The upper Paunglaung Dam is situated 26 miles east of the new capital, Naypyidaw. Construction began on the Chinese-funded dam in 2004, and is due to be completed in December 2009, with the resulting electricity being used to provide power to the new capital, Naypyidaw.[29] According to a study released on 18 June 2008 by the Kayan Women's Union (KWU) entitled *"Drowning the Green Ghosts of Kayanland"*, the dam will result in the destruction of over 5,000 acres of fertile land and the displacement of 3,500 people.[30] Due to the presence of security forces associated with the dam, forced labour has also been reported at the site and the people of the area have never been consulted about the project, or been offered compensation for loss of their land.[31]

The general secretary of the Burma River Network, Ko Aung Nge, had the following to say regarding the dam and the lack of consultation with local residents:

> *"[T]his (dam) will have a negative effect on locals. I want the public to be aware of the negative effects and public participation in our movement to stop it. We want parties involved in the dam construction to realize the negative consequences and stop the dam construction."* [32]

9.3 Extractive Industries

> *"It's reasonable to say that Burma is being systematically plundered for its natural wealth by its big neighbours, China, India and Thailand...The loss over time of gas, oil, timber, precious stones and now metals will further impoverish Burma's economic development if and when the regime comes to an end."* [33]

Burma is a country rich in natural resources which have the potential to provide ample finance for improvements in health, education, infrastructure and other areas in which only limited investment is currently made. It is estimated for example, that the natural gas fields in the Bay of Bengal and the Gulf of Martaban, if managed efficiently, could generate annual revenue of US$2 billion for a period of 40 years.[34] Instead of investing revenues in the infrastructure of the country however, the SPDC has consistently used the revenue generated through foreign investment in extractive industries to purchase arms and to strengthen the military. The SPDC have continued to sell off the country's vast and valued natural resources to foreign investors who enter into joint contracts with state owned enterprises, exporting oil and gas resources, while the majority of the country has no access to electricity. A broad range of human rights violations including forced relocations, forced labour and environmental destruction customarily accompany extractive industry projects.[35]

Natural Gas

> *"Currently, 13 foreign oil companies, mainly from Australia, Britain, Canada, China, Indonesia, India, South Korea, Malaysia, Thailand and Russia, are involved in oil and gas projects in Myanmar, according to official sources."* [36]

Yadana Natural Gas Project

According to EarthRights International (ERI), human rights abuses relating to the Yadana natural gas project began in 1991, and continued into 2008. Security for the pipeline is provided by the Burmese military, which has been responsible for incidents of forced labour, torture, rape and murder, since deployment to the project.[37]

The US company Chevron owns a 28 percent share in the Yadana gas project, making it the largest US investor in Burma. While remaining silent on the issue of human rights abuses in connection with the project, Chevron has removed all mention of Burma from its website.[38] The other shareholders in the project are the Burmese state-owned Myanmar Oil and Gas enterprise, the petroleum Authority of Thailand, and France's Total, which owns a 31 percent stake.[39] Total also has stakes in the Yetagun gas pipeline, in the Gulf of Martaban. Forced labour at gunpoint has also been alleged in the construction of this pipeline to neighbouring Thailand.[40]

Yunnan Pipeline

A deal was signed in June 2008 between China and Burma for the construction of a pipeline from Burma's western coast to Yunnan, in China.[41] Construction of the pipeline was due to begin in 2009, amid fears voiced by human rights groups of forced re-locations and forced labour along the pipeline route. The project which is jointly owned by the Myanmar Oil and Gas Enterprise and the China National Petrol Corporation involves the construction of a US$1.5 billion oil pipeline and US$1.04 billion gas pipeline.[42]

Shwe Gas Project

The largest natural gas field in Burma is the Shwe gas field in the Bay of Bengal. Shwe means gold in the Burmese language, which seems fitting given that the reserves in this area are estimated to be in the region of 10 trillion cubic feet of natural gas, which could earn the regime US$12-17 million in the next 20 years.[43]

The concession for exploration of the blocks of gas in this field was awarded to South Korean company, Daewoo in 2000, and the proximity of these blocks, particularly a newly explored block, 'AD-7', to the disputed area between Burma and Bangladesh, has caused tension between the two countries.[44] In November 2008, the SPDC sent warships to accompany Daewoo exploration vessels and rigs, while Bangladesh responded in kind with the dispatch of a number of naval vessels to the area.[45] The dispute was resolved after a few days, at least temporarily, with the initiation of the withdrawal of the Daewoo rigs.[46]

The increased militarisation of the area which is being explored has had serious repercussions for the local people. The Shwe Gas movement has said of the project;

> *"The Shwe project has already lead to forced relocations, beatings, intimidation and other abuses against people and communities in the project areas and against local populations expressing opposition to the project."* [47]

A section of the Yadana Pipeline in Mon State. Since the inception of the controversial project, there have been numerous reports of forced relocation, land confiscation and forced labour in the pipeline area related to the project. *[Photo: © AP]*

Arakan State

On 10 June 2008, it was reported that inhabitants of a village at the promontory of the Mayu Peninsula in Rathedaung Township, Arakan State, were given notice to relocate by the military authorities. This happened after gas deposits were found nearby by a Chinese company, China National Offshore Oil Company (CNOOC). The company also confiscated land in Ko Dan Kauk, Shaing Khali, Angu Maw Kon Dan, and Angu Maw in the southern end of the Mayu Peninsula, in addition to four small islands - Nantha, Wet Thet Cha, Krat Thwan, and New Maw - near Angu Maw Village. Gas deposits were discovered on these islands by the same company.[48]

It was revealed in July 2008 that in Arakan State, Indian oil company Essar was due to begin exploring natural gas options in the Sittwe and Maungdaw regions, an area known in oil exploration circles as 'L-Block'. The company was due to begin drilling test wells late in 2008 as part of an agreement signed in May 2005 with state-run Myanmar Oil and Gas Enterprise. A second area, known as A-2, which lies off the coast of Arakan State was to be explored at a later stage.[49]

On 31 October 2008, *India Press* reported on environmental destruction and human rights abuses on Ramree Island, in Arakan State. Explorations led by CNOOC destroyed rice fields and plantations, according to Arakan Oil Watch. Forced relocations were also reported, and no environmental impact assessment was carried out in advance of the drilling.[50]

Oil

> "*All but (US)$1 million of the (US)$622 million direct foreign investment in Burma over the first 11 months of the 2006-2007 fiscal year came from oil, gas and other power projects.*" [51]

Another resource which Burma has an abundance of is oil. Myanmar Gas and Oil Enterprise claim that there are 3.2 billion barrels of recoverable oil reserves in Burma, and companies all over the world are competing for a share in the proceeds. Many of the same companies which are exploring for gas are also drilling for oil in the same areas, in partnership with Myanmar Oil and Gas Enterprise (MOGE).[52]

Chinese companies have been awarded more gas and oil exploration licences in Burma than any other country. According to locals on Ramree island of Arakan state, a consortium led by China National Offshore Oil Company Ltd (CNOOC) has confiscated land, polluted soil and waterways in the course of their searches. One local farmer spoke to Arakan Oil Watch about her experiences with CNOOC,

> *"Over one acre of my land was confiscated by CNOOC's oil workers for their camp. They did not offer me any compensation. They seized land from many other people as well. To my knowledge, the others also received no compensation."* [53]

Traditionally, locals have drilled for oil themselves on a very small scale, in order to supplement the small income derived from the farming season. The advent of drilling and exploration by CNOOC has resulted in land and oil drilling rig confiscation by the local authorities with no hint of compensation.

Extractive Mining

Following oil and natural gas, gems were Burma's third most important export in both 2006 and 2007.[54] Environmental groups such as EarthRights International are concerned that indiscriminate jade and ruby mining in northern Burma is destroying the eco-systems of the area.[55] Poor mining practices have led to landslides, floods and other environmental damage.[56]

China's record for uncontrolled development with negative effects on both human rights and the environment gave rise to concern over Chinese companies mining in Burma. A nickel mining project in Tagung Taung, in Mandalay Division, was given the go-ahead in September

2008, and would become of the largest mining projects in the country, but environmental groups voiced concerns over land acquisition, displacement and the environmental impacts of the proposed project. Concerns were also raised regarding another Chinese supported nickel mining project in Mwetaung, Chin state.[57]

On 25 June 2008, it was reported that two mining centres, Hpakant and Mogok, in Kachin State were hit by floods and landslides. Between 11 and 22 people died in Mogok, in floods and landslides brought on by a combination of torrential rain, and forest clearance by mining enterprises.[58] In Hpakant, people were also displaced when their homes in upland areas were bulldozed by jade mining companies. The ecosystem of the river was also reported to be under threat as a result of soil dumped in it by the mining companies.[59]

A small-scale copper mining project managed by local residents of Monywa Township in Sagaing Division. Though projects such as this do far less damage to the environment than larger endeavours run by the SPDC and its affiliates, sites such as this implement very few environmental protection policies and often result in polluting the local environment. *[Photo: © Mizzima News]*

9.4 Deforestation

Deforestation continued in Burma throughout 2008, a country which is reported to have lost 18 percent of its forests between 1990 and 2005. This deforestation rate is one of the highest in the world, and is on the increase, according to statements by Burma Rivers Network:

> *"Fifteen tonnes of illegally logged timber crosses the Burmese border into China every seven minutes, 24 hours a day, every day of the year. Deforestation continues to increase. However, it is difficult to estimate how much increase there has been as almost all logging is illegal."* [60]

According to Altsean, deforestation gives rise to soil erosion, sedimentation of rivers, increased flooding, acute dry season water shortages, and decreases in biodiversity. The deforestation in Burma, Altsean says, occurs as a result of timber extraction to meet the demands of Chinese industry. It also happens when land is cleared for infrastructure projects, and for the immediate survival needs of local populations. Despite Burma's large gas reserves, almost two thirds of energy generation within the country comes from burning timber.[61]

Teak wood, which has long been a traditional building material in Burma, is becoming scarce.[62] Currently, 70 percent of the world's teak comes from Burma, and despite international embargoes against the sale of Burmese teak, logging in all but the most inaccessible regions of the country has provided funds for the military regime through smuggling to neighbouring countries where embargoes are not enforced.[63]

Coastal regions of Burma are also prone to degradation due to economic necessity. The problem of depletion of mangrove forests was highlighted in the aftermath of Cyclone Nargis. In addition to the rich biodiversity which exists in the mangrove areas along Burma's coast, the mangrove forests provided protection against the worst effects of the cyclone.[64] However, in many areas where the mangrove forests had been cut down, for breeding of fish and prawns, devastation was wrought due the lack of a natural barrier against the storm surge.[65] This type of deforestation is often the result of population pressures.[66]

In Arakan State, much of the timber exported goes to Teknaf port in Bangladesh. On 20 April 2008, about 155 metric tonnes of different types of valuable timber reached the port in one day. All of the timber came from Taungup Township, Arakan State.[67] With exports of this size, timber and materials like bamboo are becoming increasingly scarce in Arakan State, and local people have faced difficulties in buying bamboo for house construction, because of steep price increases.[68]

In another area of Arakan state, near the Mayu mountain range, teak forests were cleared to prepare the ground for a government rubber cultivation project.[69]

Deforestation of Mount Popa, in the Myin Gyan District of Mandalay Division, has resulted in the decline in butterfly species in the area. A habitat of some of the rarest butterflies in the world, Mount Popa has seen a decrease in species from 100 in 1982 to only 32 species in 2007. Ongoing deforestation at the hands of the military and logging firms and climate change are cited as responsible for the decrease.[70]

In Sagaing Division, forest clearance for the Htamanthi Dam project has destroyed the habitat of indigenous wildlife such as elephants, wild boars and tigers. The Chinese company responsible for the project construction was given permission to clear an estimated 100 square miles of forest. In addition to the flight of animals, the deforestation could also

lead to extinction of rare medicinal plants and herbs. Livelihoods of the local people have been threatened as a result, according to accounts from local Naga, Kuki and Red Shan inhabitants of the area. These groups were also forced off their land to make way for the construction of the dam which would flood the surrounding region.[71]

On 2 January 2008, it was reported in Kachin State, that the eldest son of the military regional commander who owned most of the shares in a local logging company called Awng Mai, had received special authorisation, from his father, to export timber to China. This was despite the fact that China officially stopped importing timber from northern Burma in 2005.[72]

On 16 January 2008, it was reported that the Hukawng Valley tiger reserve in Kachin State was under threat as a result of logging by the Rangoon based Yuzana Company. The company, which had a road reconstruction contract with the SPDC for the 100 mile Ledo road, cleared trees 10 miles to the left and right of the road, and the subsequent disappearance of wild animals such as elephants, deer, foxes and tigers created concern among locals. According to local sources, the Danai River in Hukawng Valley was filled with logs and roots disposed of by the company. The same locals also lost much of their own pastures and wood for construction and fuel, as a result of the deforestation.[73]

On 21 January 2008, it was reported in Aunglan Township that USDA members had felled teak trees illegally. The incident occurred on 12 December 2007, and the case was taken to Thayet District PDC (Peace and Development Council), and the district forestry department against a group of USDA officials who ordered the felling of two trees. It was estimated that the action of felling the trees generated 1 tonne of teak for sale at 600,000 kyat at local prices. No action was taken against the officials.[74]

In March 2008 in Kachin State, locals in the area of Ugang Mountain, in the village of Nawnghkying, reported that nearby mountain streams had dried up as a result of rampant logging by both Chinese loggers and by a Kachin peace group, the Lasang Awng Wa Peace Group (LAWPG).[75]

A timber camp located on Sino-Burma border in Kachin State. Logging concessions such as this one have devastated the forests of Burma as they extract the valuable teak wood from old growth forests. The HRDU has not heard any reports of any logging companies extracting timber from Burma engaging in reforestation programs to replenish the trees that they take. *[Photo: © KNG]*

In April 2008, residents of Wai Maw Township, Kachin State, expressed concerns about tree felling in the Yewe mountain range. They reported that streams had dried up on the mountain as a result; leaving them without the groundwater they had been relying on for their farms.[76]

On 23 May 2008, it was reported that tree felling by the Burma army and ceasefire groups in Karenni State, totalling an estimated 20,000 tons of timber, had caused a water shortage in the area. Locals said *"in Chikel, which is near Loi Kaw all wells are dry. The Hteyleetaw lake in Kayah, is bereft of water."* [77]

In September 2008 it was reported that teak in the 3,000 acre Mayu forest reserve was cut down to make way for rubber cultivation by order of the SPDC authorities, a ministry official said, *"We are now cutting down all teak in the Mayu forest reserve to cultivate rubber instead of teak in the area after the high government authority ordered us to clean the area during 2008."* [78]

On 15 December 2008, a villager was killed by gunshot as a result of a conflict between villagers and illegal timber loggers in the village of Kone Ting in Mansi Township.[79]

On 19 December 2008, KNG reported on monthly bribes paid by Chinese timber businessmen to military, police and SPDC authorities in Kachin State. This area was controlled at the time of reporting by the Burmese junta's Northern Military Command commander Major-General Soe Win. The township in question was Mansi Township, and the bribes were paid as follows:

1. Lieutenant-Colonel Aung Moe Naing, Commander of Light Infantry Battalion (LIB) #319 received 10,000,000 kyat;
2. Major Zaw Myo Oo, Military police under LIB No.319 received 10,000,000 kyat;
3. U Soe Than,Chairman of Township Peace and Development Council received 1,000,000 kyat;
4. Htun Kyi,Deputy police in-charge of the township received 600,000 kyat;
5. U Kyaw Htun,Head of Township Immigration, received 500,000 kyat;
6. U Myint Than, Head of Township Land Registry, received 300,000 kyat;
7. U Hla Pye, Head of Township Agriculture, received 300,000 kyat;
8. Corporal Nong Htun, Township Military Affairs Security Unit (Sa Ya Pha) received 6,000,000 kyat;
9. Sergeant Zaw Nyunt, Township Special Police received 6,000,000 kyat;
10. The head of the township forestry received 1,000,000 kyat;
11. The Special Mansi representative to Naypyidaw received 2,000,000 kyat.[80]

9.5 Forced Cultivation

The forced cultivation of various crops constituted a widespread problem in 2008. In many agricultural areas, like Murng Nai in Mon State for example, farmers were forced to plant and grow crops to help supply the military, reducing both the land at the disposal of farmers for the cultivation of their own crops, and the amount of time the farmers were able to spend on their own land. This led to reductions in crop yield and in some cases crop failures, which affected household incomes for farmers.[81] The junta's 'two crops policy' saw many farmers ordered to cultivate rice in the hot season, but difficult growing conditions, and the requirement for premature harvesting of wet season harvests meant that many farmers suffered low yields, and also spent a high proportion of their wet season income on growing the hot season crop.[82]

There were forced agricultural practices in Chin State as well, where, in addition to summer paddy cultivation, farmers were often forced to cultivate other crops such as sugarcane, groundnuts and sunflower.[83] Due to a lack of water, unsuitable land, and lack of knowledge, these crops often failed. The arrival of troops to enforce cultivation of crops ensured that farmers did not disobey the instructions. Another incentive to proceed with forced cultivation and tending of military crops was the threat of a tax or fine for non-compliance with orders.[84] Confiscation of Rohingya farming lands in Maungdaw Township Arakan State was also reported. Rohingya farmers had been ordered by local authorities to grow beans and pulses among other seasonal vegetables. Some farmers, however, were not able to comply with such demands as they did not have the resources. Local authorities then appealed to the Township Peace and Development Council authorities to have the lands of those failing to follow the directives confiscated and handed over to NaTaLa model villagers who had been relocated from inland Burma.[85]

The year 2008 saw the junta focusing their attentions on the growth of fuels for bio-diesel, in particular the cultivation of Jatropha, also known as 'physic nut'. Instances of forced cultivation of this crop increased in 2008, according to Altsean.[86] Despite cautions that the cultivation of bio-fuels could lead to food insecurity, environmental damage, and inequitable distribution of financial return, the bio-fuels program in Burma was being expanded throughout 2008, even while poorly planned crops were failing.[87] According to a report by the Ethnic Community Development Forum entitled *"Bio-fuel by Decree: Unmasking Burma's Biofuel Fiasco"*, lands traditionally used for growing food crops were to be reallocated for the growing of bio-fuel crops such as Jatropha, which could lead to food insecurity in future. As of 2008 the SPDC still had plans to plant around 500,000 plants in each state and division nationwide.[88]

The report also highlighted the fact that in some cases the fuel used in cultivating bio-fuel crops at times exceeded the expected fuel yields from those crops. This was in addition to the deforestation that comes along with clearing lands for cultivation. There are also the problems associated with the distribution of land and ownership; the ECDF report voiced concerns over poor farmers being forced off common grazing lands for livestock, which would further impoverish the already poor rural farming community.[89]

From mid-2007 up to early 2008, villagers of Huay Yae Khao and Phak Yaang villages in Wan Yaen village tract in Si-Seng Township were forced by SPDC troops of LIB #517 to grow crops for the military. They were forced to grow Jatropha (also known as '*physic nut*'), and seasonal crops for the troops, including soya bean and corn, using their own tools and providing their own food throughout the cultivation period.[90]

In January and February 2008, farmers in Mon State were ordered by SPDC authorities to cultivate a summer crop of paddy (rice). The order was given in Mudon and Thanbyuzayart, and nearby villages, Chak Toie, Dai Mai and Saung Min. Due to it being the wrong season for cultivating these crops, villagers were forced to purchase water and fertilizer to ensure the crops would succeed. Those farmers who refused to cultivate crops were forced to pay taxes of 10,000 to 15,000 kyat.[91]

In February 2008, family members of SPDC in Ngwe Saung Township seized 3,000 acres of land from farmers, for use as a rubber plantation. The farmers were given no compensation, and those who seized the land demanded wheat or labour from anyone passing through the land. The case was reported to the Village Peace and Development Council, but no action was taken.[92]

In July 2008, villagers in Maungdaw Township, Arakan State were ordered by Township Peace and Development Council (MaYaKa) Chairman U Khin Maung Tun to buy rubber saplings or seedlings from government nurseries and to cultivate rubber. Villagers were charged 300 kyat for the saplings, but were given no direction on where or how to grow them.[93]

In August 2008, the SPDC LIB #99, based in Lin Khe Township in southern Shan State, forced locals to grow physic nut and sesame for the military. Those who had tilling equipment were ordered to use it, and those who did not were ordered to work with their hands. Similar orders were given by LIB #99 in September in a number of villages including:

1. Wan Nong Lum;
2. Wan Than Kan;
3. Wan Nam Thoke;
4. Nam Thin;
5. Nam Naw;
6. Lom Kaw [94]

In September 2008 farmers in Laputta Township, Irrawaddy Division were forced to sign blank contracts for supplies that they had received. The farmers stated that they had no choice but to sign, and that they would have to pay whatever amount was asked, because it would be written on the contracts later.[95]

In October 2008 local authorities in Myingyan, Mandalay Division forced farmers to grow cotton as a project crop. If farmers wanted to grow crops other than cotton however, the authorities then demanded bribes. No soil test was carried out by the authorities even though the locals claimed that the soil was unsuitable for growing cotton.[96]

In October 2008, villagers in Magwe's Myayde Township reported that they were forced to grow sugar cane by a local military officer, on land unsuitable for growth of this crop. Troops were also deployed to ensure the farmers obeyed the orders.[97]

On 16 December 2008, it was reported that authorities in Nyaunglebin district, Pegu Division forced farmers to grow sunflowers and threatened to confiscate the properties of those who did not comply. Farmers were forced to buy 2 *pyi* of sunflower seeds per acre for the crop, which they feared would interfere with other plants already cultivated on their land.[98]

On 23 December 2008, chairman of the Lahu Democratic Front (LDF), an ethnic armed militia group operating in southern and eastern Shan State, alleged that opium cultivation in the area had increased as a result of orders from SPDC military to cultivate the crop. The same authorities then collected tax from the villagers who were forced to grow poppy, Chairman Ailong Khammwe alleged.[99]

9.6 Natural Disasters

In 2008 there were a number of natural disasters which affected the people of Burma. The most destructive of these natural disasters was Cyclone Nargis, which struck the southern coast of Burma, causing widespread destruction across the Irrawaddy delta and southern Rangoon Division. It was described as *"the worst natural disaster in the history of Myanmar, and the most devastating cyclone to strike Asia since 1991."* [100] The death toll was estimated at over 130,000, and a further 2.4 million people were affected, many left without shelter, food, and other basic needs.[101] Crops, homes, infrastructure and livelihoods were destroyed as a result of the cyclone. The inundation of rice fields in particular, resulted in an increase in the price of rice throughout the country, as the Irrawaddy region had until that time been responsible for 30 percent of the total rice production within the country.[102] (For more information, see Chapter 10: Cyclone Nargis – From natural disaster to human catastrophe).

Pollution as a result of the devastation caused by Cyclone Nargis was also a cause for concern in 2008, with reports of sewage waste contaminating groundwater supplies, and salinisation of water reservoirs in the aftermath of the cyclone.[103] With no alternative drinking water available, cyclone victims drank the polluted water, putting their health at risk from diseases such as cholera and typhoid.[104]

In July 2008, a study was released which showed that the Irrawaddy Delta region faced high risk of arsenic contamination in groundwater after the cyclone. This contamination could cause cancer and other diseases in residents of the area.[105]

Apart from the cyclone, there were reports of severe flooding in many regions of the country, with the Chindwin, Sittaung and Pegu rivers in Pegu Division bursting their banks in July 2008, flooding villages and farmland as a result of heavy rains.[106] During the same time period, there were also incidents of flood-induced damage to crops, roads and bridges in Arakan state.[107] Fatalities resulting from floods and landslides were also reported in Kachin State, Pegu Division, and in the Palaung region of Shan State.[108]

Earthquakes also occurred in 2008, with the Chinese border regions in Kachin State experiencing the majority of these quakes. A mild earthquake also hit Rangoon on 5 September 2008.[109]

In January 2008, a volcano erupted on Sai Chung Island in Arakan State, causing many locals to flee the area because of lava and ash overflow from the volcano.[110]

In June 2008, 11 people, including two children, were killed and several houses destroyed as a result of a landslide, brought on by heavy rain in Mogok Township in Mandalay Division.[111]

In July 2008, 30,000 acres of farmland were flooded when and an embankment burst due to heavy rain, in Pegu's Nyaunglebin Township, south of the Sittaung River. Locals said that inadequate drainage had worsened the situation, and that authorities had done nothing to offer assistance, although they had visited the flooded areas.[112]

In July 2008, 5 people were killed in the Laizar (Liza) area of Kachin State when Laizar creek burst its banks. The same area was hit by four earthquakes in April and May 2008.[113]

On 30 July 2008, at least 15 people were reported killed in a landslide caused by heavy rain in the jade mining area of Hpakant in Kachin state. Locals said that fatal mine collapses and accidents caused by controlled explosions were frequent occurrences in the area.[114]

On 8 August 2008, a tropical storm hit Mudon Township in Mon state and destroyed at least 20 houses. The worst affected villages were: Set-thawe, Ah-bit and Kyaik ywe.[115]

On 16 August 2008, six people died, including one child died in a landslide in Mogok Township in Mandalay Division.[116]

In September 2008, an increase in invasive freshwater snails was observed in the wake of cyclone Nargis. According to local farmers, the snails fed on young rice seedlings and destroyed much of the paddy planted after the cyclone.[117]

In September 2008, 5 villages in Sagaing Division were flooded when the Irrawaddy River burst its banks. The villages affected were south of Mingin Township including: Thayetpinseik, Letpan, Htantaw, Kyethaung and Ahlaung villages. Officials denied that there were floods in the area.[118]

In November 2008, water shortages for survivors of Cyclone Nargis were reported. In the village of Shaw Chaung, water ponds remained contaminated with salt despite numerous efforts by villagers and the United Nations Development Programme to pump out the salt water.[119]

May 7, 2008

May 3, 2002

Before and after satellite images of a small unidentified village located 27 kilometres (16 miles) south of Rangoon in Irrawaddy Division. The top image, taken on 7 May 2008, shows the devastation caused by Cyclone Nargis, while the lower image shows the same village six years earlier. The top image clearly shows the inundation of the rice fields and the utter destruction of the village and all of the trees which lined its few streets. *[Photos: © Geoeye/CRISP-Singapore]*

9.7 Other Factors Resulting in Environmental Degradation

Fishing and Shrimp Farm Projects

Unsustainable fishing methods are another of Burma's environmental problems, with a depletion of fish stocks being noted in Arakan State in 2008. According to local fishermen, there has been a vast increase in the hauls taken by foreign fishing companies in recent times; the sizes of which have not been regulated by Burmese authorities.[120] It was reported in August 2008 that increased amounts of shrimp farms were having a negative influence in areas of Maungdaw Township in Arakan State. The greater numbers of farms began in the late eighties as shrimp farming was seen as an alternative source of income and was heavily supported by the SPDC who were keen to receive tax revenues from the farms. Unfortunately the dams required for the farms have eaten into the areas which were previously used for paddy farms, resulting in lower yields of rice and ensuing food insecurity in the region. Farmers in Maungdaw have complained that their paddy fields have been salinised by leakage from shrimp dams, making the paddy fields unusable.[121]

In May 2008, villagers in Maungdaw, Arakan State found that an informer in Burma's border security force had channelled salt water through canals for his shrimp farm. The saline water seeped into the villagers' arable land, making 30 acres of land unfit for paddy cultivation. The villagers did not go to the security forces for fear of reprisal.[122]

Mautam, Rats and Food Insecurity

The year 2008 saw plagues of rats descend on villages in Chin State in Burma, as the bamboo forests flowered. This blossoming of the bamboo flowers, technically known as *Mautam* (after the Bengali word meaning 'bamboo death"), only occurs once every fifty years. As the flowers wither, the rats eat the seeds; the abundance of the food source leads to an explosion of the rat population which then turns on farmer's crops following the depletion of the bamboo flowers. In Chin state, the villages of Weibula, Mualzawl, Thlawrzawm, Ralum and Kawlfang in Falam Township were those worst effected by the rat plagues. The droves of rats invaded fields, destroyed crops and grain, leaving many villages without food, despite villagers in these locations killing up to one hundred rats per night. The Chin Human Rights Foundation estimated that up to 100,000 people were affected by food shortages in Chin State, a situation exacerbated by the rat plagues.[123]

Threats to Biodiversity

Threats to wildlife are another cause for concern for the rich biodiversity that exists in Burma. Trade in tiger parts in Burmese markets in Rangoon and along the border in Three Pagoda Pass, Taichilek and at Kyaiktiyo in Mon State continues, putting the tiger population at risk.[124] It is relatively easy to purchase bones, skins and claws at these markets, with roughly half the produce coming from species that are banned in international trade.[125] In addition, deforestation, both for logging and land clearance for dams and other projects, has destroyed habitats and depleted wildlife in many areas.[126] Although the Burmese authorities have officially pledged to protect the wildlife of the country in some areas where the ecosystems are under threat, environmental impact assessments are rarely considered when a new dam or similar project is planned.

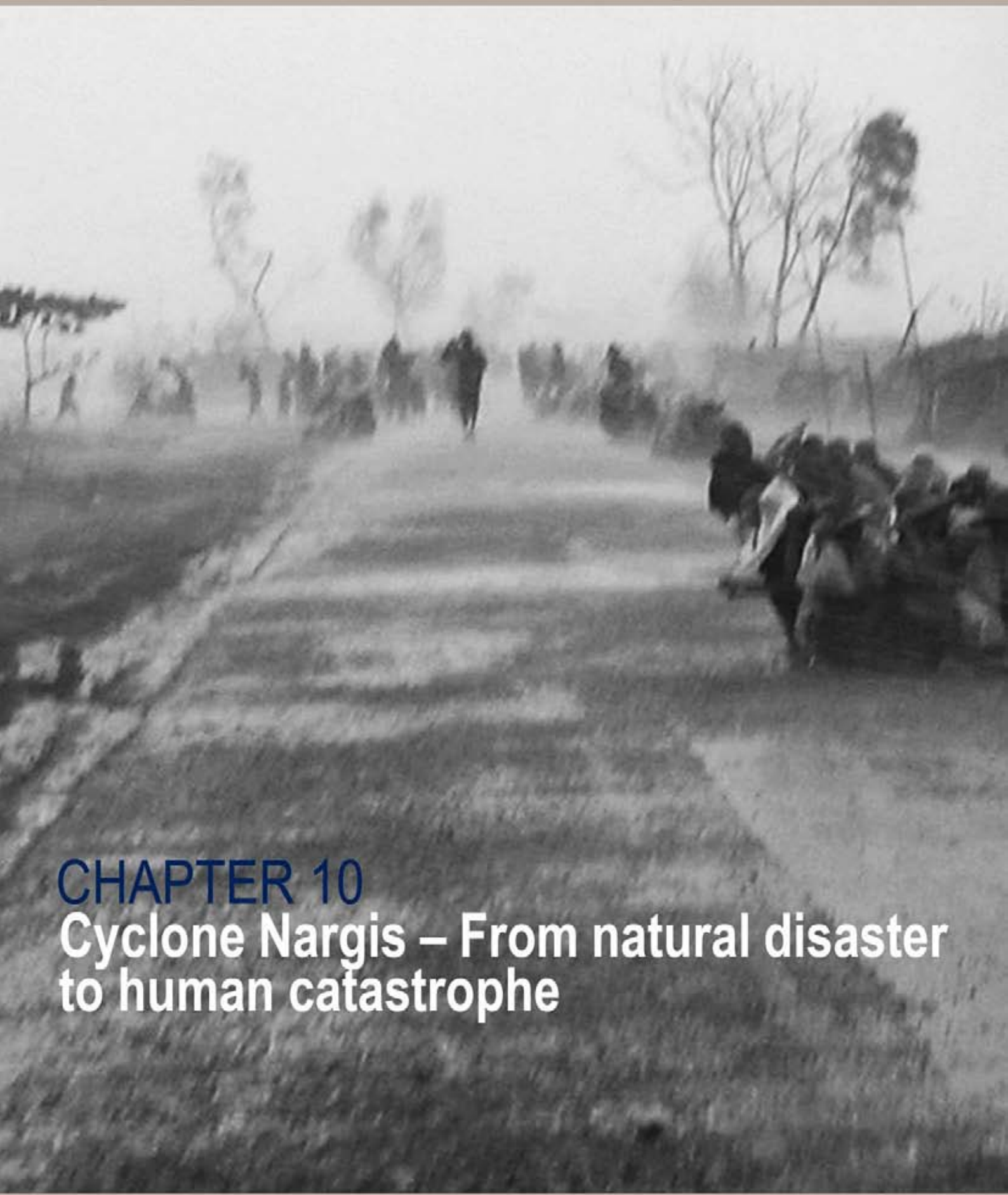
In April 2008, it was reported that two orchid species were now extinct in Burma. The species, Rainbow Orchid and the *Hirsute Paphiopedilumhe* were discovered in the valleys of Putao and Nagmung in northern Kachin State some 20 years ago. No reason has been cited as to the cause of this extinction in Burma, but demand for certain herbal remedies in China was cited as a possible factor.[127]

Endnotes

[1] Source: "Burma: Social and Ecological justice at threat," Altsean, 9 October 2008.
[2] Source: "Ban the Dam, Say Activists," *Irrawaddy*, 14 March 2008.
[3] Source: *Ibid*.
[4] Source: "China's Overseas Dams: Development or Destruction," CSR, 10 September 2008.
[5] Source: "A Natural Disaster in the Making," *Irrawaddy*, April 2008.
[6] Source: "Villagers to Be Displaced By Dam Project," DVB, 23 June 2008.
[7] Source: "Ethnic Armed Groups Condemn Dam Projects on the Salween," SHAN, 21 February 2008.
[8] Source: "Exim Bank to Complete Burma Loan," *Bangkok Post*, 17 March 2008.
[9] Source: "Chinese Dam Builders Set up 60 Pillars for Tasang Dam," SHAN, 16 January 2008.
[10] Source: "Tasang Dam," Burma Rivers Network. Accessed online at http://www.burmariversnetwork.org/damprojects/salween-dams/tasang.html, on 9 July 2009.
[11] Source: "Junta's Hydropower Projects to Endanger Biodiversity of Salween River," *Mizzima News*, 27 September 2008.
[12] Source: "Myanmar (Burma): No end in sight for internal displacement crisis: A profile of the internal displacement situation," IMDC, 14 February 2008.
[13] Source: "Ethnic Armed Groups Condemn Dam Projects on the Salween," SHAN, 21 February 2008.
[14] Source: "Ban the Dam, Say Activists," *Irrawaddy*, 14 March 2008.
[15] Source: "Earthquake Raises Concern over Mega Dams," *Irrawaddy*, 20 August 2008.
[16] Source: "Earthquake Hits Ruili," *Irrawaddy*, 26 December 2008.
[17] Source: "Kachin Hydropower Projects to Spell Doom," KNG, 31 January 2008.
[18] Source: "Fear of Future Disasters Should Stop China's Dam Projects in Northern Burma," Salween Watch, 21 May 2008.
[19] Source: "Kachin Hydropower Projects to Spell Doom," KNG, 31 January 2008.
[20] Source: "Christian Leaders Questioned Over Anti-Dam Campaign," DVB, 29 July 2008.
[21] Source: "Irrawaddy Dam Construction Begins, Human Rights Abuses Begin," *Irrawaddy*, 29 January 2008.
[22] Source: "Three Villagers Died During Forced Labour for Dam," DVB, 2 May 2008, Translation by HRDU
[23] Source: "Christian Leaders Questioned Over Anti-Dam Campaign," DVB, 29 July 2008.
[24] Source: "Forced Labor for Dam in Kyauktaw Township," *Kaladan News*, 24 November 2008.
[25] Source: "Dam Repairs May Disrupt and Destroy," *Kaowao News*, 14 March 2008.
[26] Source: "Post-Nargis joint assessment," Tripartite core group report, July 2008.
[27] Source: "India's Support for Burmese Junta Pays Off," *Irrawaddy*, 24 September 2008.
[28] Source: "Weekly Business Roundup (September 19, 2008)," *Irrawaddy*, 19 September 2008.
[29] Source: "Myanmar's New Capital: Remote, Lavish, Off-Limits," *International Herald Tribune*, 23 June 2008.
[30] Source: "Long-Neck Kayan Villages Will Be Inundated Because Of Paunglaung Dam," *Kantarawaddy Times*, 18 June 2008.
[31] Source: "New Hydropower Dam to Displace Thousands," *Irrawaddy*, 18 June 2008.
[32] Source: *Ibid*.
[33] Source: "Weekly Business Roundup (September 26, 2008)," *Irrawaddy*, 26 September 2008.
[34] Source: "Burma Human Rights Yearbook 2007," HRDU, September 2008.
[35] Source: "Burma: Social and Ecological justice at threat," Altsean, 9 October 2008.
[36] Source: "Myanmar, Russia to Jointly Explore Oil, Gas," *Xinhua*, 9 September 2008.
[37] Source: *The Human Cost of Energy: Chevron's Continuing Role in Financing Oppression and Profiting From Human Rights Abuses in Military-Ruled Burma (Myanmar)*, EarthRights International, April 2008.
[38] Source: "Amazon Defense Coalition: Chevron Whitewashes Its Website Of Burma," *Business Wire*, 3 November 2008.
[39] Source: "Chevron's Dilemma over Its Stake in Burma," *San Francisco Chronicle*, 5 July 2008.
[40] Source: "Weekly Business Roundup (April 11, 2008)," *Irrawaddy*, 11 April 2008.
[41] Source: "China Signs Natural Gas Deal with Myanmar," *The Straits Times*, 1 July 2008.
[42] Source: "Sino-Burmese Pipeline Work to Begin Soon," *Irrawaddy*, December 2008.
[43] Source: *The Human Cost of Energy: Chevron's Continuing Role in Financing Oppression and Profiting From Human Rights Abuses in Military-Ruled Burma (Myanmar)*, EarthRights International, April 2008.
[44] Source: "Bangladesh and Myanmar in Fuel Spat," *Asia Times*, 19 November 2008.
[45] Source: "Bangladesh and Burma Send Warships into Bay Of Bengal," *Guardian (UK)*, 4 November 2008.
[46] Source: "Bangladesh Said Tension with Burma Defused," *Mizzima News*, 10 November 2008.
[47] Source: "Shwe Gas Movement Criticizes Korea's Rejection of OECD Complaint," IMNA, 23 December 2008.
[48] Source: "Village Threatened With Relocation after Gas Discovery," *Narinjara News*, 10 June 2008.
[49] Source: "Indian Company to Start Drilling Gas in Myanmar," *Xinhua*, 9 July 2008.
[50] Source: "China's Thirst for Oil Ignores Environment, Rights," *India Press Service*, 31 October 2008.

[51] Source: "Burma Dams would Flood Rebel Territories," Salween Watch, 8 June 2008.
[52] Source: "Weekly Business Roundup (September 13, 2008)," *Irrawaddy*, 13 September 2008.
[53] Source: *Blocking Freedom*, Arakan Oil Watch, 2008. Accessed online at http://www.arakanoilwatch.org/publications/Blocking%20Freedom.pdf, on 9 July 2009.
[54] Source: "*Burma's Gem Trade and Human Rights Abuses*," Human Rights Watch, July 2008.
[55] Source: "Conflict Threatens Karen Biodiversity," *Irrawaddy*, 18 November 2008.
[56] Source: *Blood Jade: Burmese Gemstones and the Beijing Games, 8808*, Burma & All Kachin Students and Youth Union, 2008.
[57] Source: "China's Grip on Burma 'Cause for Concern," *Irrawaddy*, 29 September 2008.
[58] Source: "Gem Mining Destroying Environment, Activists Say," *Irrawaddy*, 25 June 2008.
[59] Source: "Moegok Ruby City Landslide Kills 22, Eight Missing," *Mizzima News*, 13 June 2008.
[60] Source: "Burma Tops List in Deforestation," IMNA, 6 June 2008.
[61] Source: "A Natural Disaster in the Making," *Irrawaddy*, April 2008.
[62] Source: "Burma's Disappearing Teak," *The Guardian* (UK), 9 April 2008.
[63] Source: "Weekly Business Roundup (April 11, 2008)," *Irrawaddy*, 11 April 2008.
[64] Source: "The Mangrove Forests: Burma's Best Bio-defense," *Irrawaddy*, September 2008.
[65] Source: "Deforestation May Have Exacerbated Cyclone Impact," DVB, 6 May 2008.
[66] Source: "Aid Groups Confront Abundant Challenges," *The International Herald Tribune*, 7 May 2008.
[67] Source: "155 Tons of Wood Reach Teknaf Land Port in One Day," *Kaladan News*, 22 April 2008.
[68] Source: "Bamboos Scarce In Arakan State," *Kaladan News*, 18 December 2008.
[69] Source: "Forest Cleared For Rubber Plantation," *Narinjara News*, 9 December, 2008.
[70] Source: "Goodbye to the Butterflies," *Irrawaddy*, 1 March 2008.
[71] Source: "Forest Clearance for Dam Project Drives out Wildlife," DVB, 10 October 2008.
[72] Source: "Regional Commander's Son Exports Illegal Timber to China," KNG, 2 January 2008.
[73] Source: "Yuzana Company Pollutes River in the World's Largest Tiger Reserve," KNG, 16 January 2008.
[74] Source: "Officials Avoid Punishment for Illegal Woodcutting," DVB, 21 January 2008.
[75] Source: "Kachin Peace Group Resumes Logging against Locals Wishes," KNG, 20 March 2008.
[76] Source: "Residents Are Concerned on Water Shortage due to Cutting down Wood in Wai Maw Township," NMG, 27 April 2008.
[77] Source: "Massive Deforestation in Karenni State," *Kantarawaddy Times*, 23 May 2008.
[78] Source: "Forest Cleared For Rubber Plantation," *Narinjara News*, 9 December 2008.
[79] Source: "Monthly bribes for rampant logging in northern Burma," KNG, 9 December 2008.
[80] Source: *Ibid*.
[81] Source: "Villagers forced to cultivate soya bean for military on their cultivated land, in Murng-Nai," SHRF Monthly Report November 2008.
[82] Source: "Farmers in Ye Township forced to harvest paddy prematurely, yields down," IMNA, 3 November, 2008.
[83] Source: "Chin People Forced To Clean Bushes in Tea Garden," *Khonumthung News*, 11 July 2008.
[84] Source: "People forced to grow more physic nut in Lai-Kha and Kae-See," SHRF Monthly Report November 2008.
[85] Source: "TPDC Chairman Goes To Loung Don Village for Inquiry," *Kaladan News*, 6 October 2008.
[86] Source: "Burma: Social and Ecological justice at threat," Altsean, 9 October 2008.
[87] Source: *Biofuel By Decree: Unmasking Burma's Bio-energy Fiasco*, ECDF 2008.
[88] Source: *Ibid*.
[89] Source: *Ibid*.
[90] Source: "People forced to grow crops for the Military in Si-Seng," SHRF Monthly report, May 2008.
[91] Source: "Summer Paddy Cultivation Ordered in Mon State," *Kaowao News*, 21 February 2008.
[92] Source: "Land Seized For Rubber Plantation," DVB, 7 February 2008.
[93] Source: "TPDC Forces Villagers to Buy Rubber Saplings," *Kaladan News*, 13 July 2008.
[94] Source: "Shan State Villagers Forced To Grow Crops," DVB, 8 October 2008.
[95] Source: "Farmers Forced to Sign for Supplies," DVB, 1 September 2008, Translation by HRDU.
[96] Source: "Land Survey and VPDC Demand Money from Residents," DVB, 8 October 2008, Translation by HRDU.
[97] Source: "Cotton Farmers Forced To Grow Sugar Cane," DVB, 20 October 2008.
[98] Source: "Bago Farmers Forced To Grow Sunflowers," DVB, 16 December 2008.
[99] Source: "Ethnic Militia Accuses Junta of Forcing Opium Cultivation," *Mizzima News*, 23 December 2008.
[100] Source: "Post-Nargis joint assessment," Tripartite Core Group report, July 2008.
[101] Source: "Looking Back at Burma 2008," *Irrawaddy*, December 2008.
[102] Source: "Analysis: Cyclone Nargis and the Rice Crisis," DVB, 20 June 2008.
[103] Source: "Post-Nargis joint assessment, Tripartite Core Group report," July 2008.
[104] Source: "Health Problems Mount In Delta; 'Second Wave' Of Deaths Feared," *Mizzima News*, 11 May 2008.

[105] Source: "Study Finds Myanmar, Indonesia, Thailand Face High Risk from Arsenic Contamination," AP, 15 July 2008.
[106] Source: "Farmland Flooded in Pegu," *Irrawaddy*, 11 July 2008.
[107] Source: "Incessant Rain Destroys Paddy, Vegetables, Bridges and Roads in Northern Arakan," *Kaladan News*, 9 July 2008.
[108] Source: "Landslides Kill 13 in Northeast Burma's Shan-Palaung Region," DVB, 14 November 2008.
[109] Source: "Earthquake Fuels Rumors of Retribution," *Irrawaddy*, 5 September 2008.
[110] Source: "Volcano Erupts In Western Burma," *Mizzima News*, 8 January 2008.
[111] Source: "Moegok Landslide Kills 11," DVB, 16 June 2008.
[112] Source: "Burst Embankment Floods 30,000 Acres of Farmland," DVB, 11 July 2008.
[113] Source: "Flooding In Kachin State Kills 5," DVB, 2 July 2008.
[114] Source: "Landslide in Kachin State Kills 15," DVB, 5 August 2008.
[115] Source: "Tropical Storm Hits Mon State, Dozens of Houses Destroyed," IMNA, 9 August 2008.
[116] Source: "Landslide in Moegok kills 6," DVB, 19 August 2008.
[117] Source: "Cyclone-Hit Farmers Battle Snails," IRIN, 26 September 2008.
[118] Source: "Rising Irrawaddy Floods Five Villages in Sagaing Division," *Mizzima*, 12 September 2008.
[119] Source: "Myanmar Cyclone Survivors Face Water Shortage," *Reuters*, 3 November 2008.
[120] Source: "Valuable Fish Decrease off Arakan Coast," *Narinjara News*, 1 March 2008.
[121] Source: "Shrimp Projects Destroys Many Paddy Lands in Maungdaw," *Kaladan News*, 18 August 2008.
[122] Source: "Saline Water Makes Arable Land Unfit For Paddy," *Kaladan News*, 28 May 2008.
[123] Source: "Rats on the Rampage in Western Burma," *Khonumthung News*, 16 July 2008.
[124] Source: "Brisk Trade in Tiger Parts in Myanmar, Says WWF," AFP, 15 October 2008.
[125] Source: "Burma's Wild Cats at Risk," *Mizzima News*, 16 October 2008.
[126] Source: "Forest Clearance for Dam Project Drives out Wildlife," DVB, 10 October 2008.
[127] Source: "Orchid Species Now Extinct in Burma," *Irrawaddy*, April 2008.



CHAPTER 10
Cyclone Nargis – From natural disaster to human catastrophe

BURMA

HUMAN RIGHTS YEARBOOK 2008

10.1 Introduction

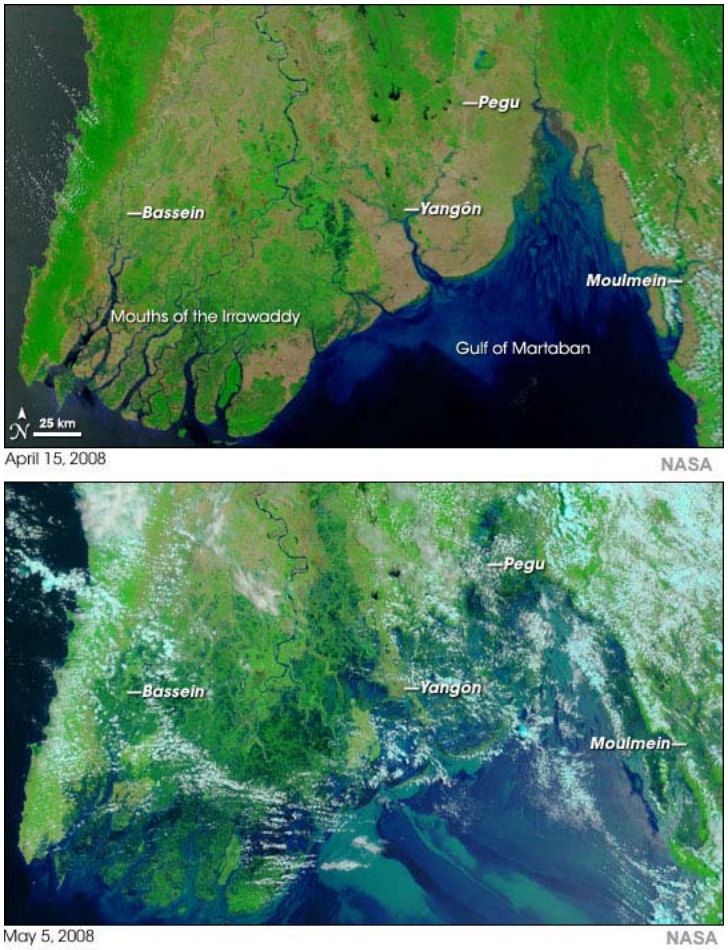
On 2 May 2008 the lower western regions of Burma were hit by Tropical Cyclone Nargis. The scale of the cyclone and the devastation it left in its wake made the task of identifying victims and those affected very difficult to accurately gauge. Estimates vary in range, however, most sources agree that around 140,000 people may have lost their lives, and around 2.4 million people were directly affected by the event. The actual story of the cyclone and its effects have been covered extensively by the international and exile media as well as those groups operating on relief and reconstruction efforts in the Irrawaddy and Rangoon Divisions, which bore the brunt of the cyclone's impact. Therefore, it shall not be necessary to herein repeat the details of the event. This chapter will look at how the disaster may have served to facilitate human rights violations in the early phases of the relief effort, including those abuses that were directly related to the cyclone, but not necessarily perpetrated in the delta regions, where most examinations of the human rights element to the relief operations have been focused.

It should be established at the outset that the areas worst affected by the cyclone; the Rangoon and Irrawaddy Divisions, were not typically those where egregious rights violations associated with armed conflict have been carried out previously in Burma. Both of these divisions are, and have been for some time, firmly under the control of the State Peace and Development Council (SPDC). This is in contrast to the areas in the east of Burma, such as Karen State, that remain divided into areas controlled by the SPDC, the Democratic Karen Buddhist Army (DKBA) and the Karen National Liberation Army (KNLA). These areas are characterised, in human rights terms, by abuses associated with armed conflict and militarization; including the targeting of civilians, forced portering and sexual abuse at the hands of soldiers, to name a few of the more common abuses.

By contrast, two different sets of rights abuses are examined in this chapter. The first is the denial of aid and lack of response in the initial period after the cyclone, constituting a breach of the state's responsibility to protect its citizenry. The second set of abuses relate more closely to those that have arisen due to poverty as well as those restrictions that are more familiarly linked to repressive police states; restrictions of movement, control of the media, political repression, corruption etc.

This photograph depicts the incredible devastation done to Haing Gyi Island off the coast of Irrawaddy Division. The island was the first place in Burma to be hit by the cyclone, although very little information was made available as to the scale of the destruction that it endured. *[Photo: © Mizzima News]*

There have been competing reports from international groups which provide very different accounts about human rights abuses in the immediate aftermath of the cyclone. Without any one group of international or local actors, be they international non-governmental organisations (INGOs) or media having access to the overall picture, it remains a difficult process to accurately assess the levels of abuse that occurred in the delta and other areas. What is clear, and can be stated with confidence, is that the junta's initial response to the crisis was slow and unacceptable, ran contrary to international law and deserves condemnation. Secondly, even though much of the evidence of rights abuse in the later periods of the relief operation was somewhat circumstantial, the frequency of media reports in which people claimed corruption on behalf of the SPDC in various levels of the relief and reconstruction phase were too numerous to be ignored or discounted out of hand. These reports, mostly from the media, combined with the strength of the military's atrocious track record, do nothing to dispel the image of pervasive and corrupt practices on behalf of SPDC personnel. Furthermore the reports surrounding the holding of the referendum suggested the ongoing repression of political activists and their allies in the civil society sector.



Before and after satellite images of the Irrawaddy Delta showing the enormity of the damage done by the cyclone. The top photograph, dated 15 April 2008 shows the typical coastline of Irrawaddy and Rangoon Divisions, while the second photograph, dated 5 May 2008, three days after the cyclone, shows the extent of inundation and the immense amount of damage done to Burma's coastline. *[Photos: © NASA/MODIS Rapid Response Team]*

A final important point to note is that the area that was struck by the cyclone was already greatly impoverished in much the same way as other areas of the country before the cyclone. The general poverty of Burma, when combined with a severe disaster created ripe conditions for abuses to take place. For example, the general confusion in the immediate aftermath allowed confused individuals into being tricked by traffickers into thinking that they were aid workers who would take them safety. There were already abuses such as illegal taxation and political repression, to use just two examples, taking place in the areas in question, however, the cyclone and the ensuing relief and reconstruction efforts allowed greater opportunity for those abuses to flourish in some instances.

An aerial view of Irrawaddy Division in the wake of Tropical Cyclone Nargis showing the extent of inundation. Most of the land shown in this photograph was being utilized as irrigated rice fields prior to the cyclone; although the deluge of salt water which flooded the region has since rendered much of this land not viable for cultivation. *[Photo: © Reuters/ UN]*

10.2 Nargis and the Failure to Respond

The International Law Perspective

In the weeks that followed the cyclone, even hardened Burma watchers were surprised to witness the negligent manner in which the regime handled the relief efforts. The large amounts of foreign aid and disaster experts that were prepared to enter the country at a moments notice were largely rejected in the initial phase, as the military sought to shore up its image of self-sufficiency, at the cost of those un-reached survivors in the remote delta regions. It is impossible to quantify the cost of this inaction; however, it seems likely that many would have lost their lives due to the slow recovery efforts in the areas that were entirely devastated and were left exposed to the elements. As those communities were left stranded without aid, the SPDC simultaneously snubbed foreign aid, aid workers and international agencies while proceeding to steer essential resources away from the relief effort and toward going ahead with the constitutional referendum. The junta's refusal to grant visas for humanitarian staff of INGOs and UN agencies, as well as the subsequent blocking of aid and workers going into the delta, while shocking, did not last very long. Within several weeks, groups were granted visas, and access to a large percentage of the survivors in the delta region. Despite that short time frame of recalcitrance on the SPDC's behalf, it was more than long enough to put at risk the lives of survivors who were in immediate need of food, medicine and shelter. The SPDC's abrogation of its clear responsibilities was in contravention of customary international law. Quite apart from breaches of international law regarding the regime response to the crisis, there were also those abuses purportedly committed in connection with the relief efforts.

Both the impediments to the relief efforts and the eventual implementation of the relief and reconstruction activities should be at least looked at through the rubric of international law, in order to judge whether or not human rights abuses occurred in this context.

As a background to briefly looking at the relevant bodies of international law that might apply in the post-Nargis environment, it should be said that Burma's track record over the preceding decades under military rule in regards to international law has been abysmal. The SPDC have regularly flouted most customary international laws including the Geneva Conventions, the Universal Declaration of Human Rights (UDHR), as well as the more specific international conventions that it has actually acceded to, such as the Convention on the Rights of the Child (CRC), the Convention on Elimination of all forms of Discrimination Against Women (CEDAW) and the ILO Forced Labour Convention of 1930.

Over the course of 2008, to highlight just one area in which the SPDC have failed to live up to convention obligations, international human rights activists released four separate reports deriding Burma's efforts to protect the rights of children in line with its obligations under international treaties. The reports detailed instances of forced labour, sexual violence against children, use of children as child soldiers, lack of health care and poor access to education, to name just a few of the more common abuses. Even though all of these abuses are illegal under Burmese domestic law (mostly under the Child Law) as well as under the CRC, the abuses continue.

These breaches of the CRC, coupled with the range of human rights abuses in Burma and the persistent lack of action taken against perpetrators of rights abuses, serve as an example of several aspects of the current Burmese situation. Firstly, it illustrates how little regard there is for the rule of law in Burma, let alone international law. Secondly, it shows that there is very little political will on the part of the junta to uphold even domestic law and this assertion is supported by the fact that hardly, if ever, do reports emerge from Burma where perpetrators of rights abuse are punished through the judicial system. The lack of political will has been noted by many working in human rights in Burma, notably the ILO who have criticised the junta's lack of will in addressing concerns around the issue of forced labour, regardless of its accession to the ILO Forced Labour Convention of 1930, which it ratified in 1955.[1]

Lack of Humanitarian Access

One of the most troubling aspects of the SPDC's handling of the relief effort following Nargis was the restriction of humanitarian access to those survivors of the Irrawaddy delta region. The blocking of international aid and aid workers, both foreign and domestic, drew much debate from the international community regarding whether or not these actions constituted violations of international law. From some quarters came the argument that denial of aid constituted a crime against humanity, whilst others took the view that the regime's dilatory response was enough to invoke the Responsibility to Protect (R2P) doctrine. Crimes against humanity are defined by the Rome Statute of the International Criminal Court as;

> *"any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:*
> *(a) Murder;*
> *(b) Extermination;*
> *(c) Enslavement;*
> *(d) Deportation or forcible transfer of population;*
> *(e)Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;*
> *(f) Torture;*
> *(g)Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;*
> *(h)Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;*
> *(i)Enforced disappearance of persons;*
> *(j The crime of apartheid;*
> *(k)Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health."* [2]

The aftermath of Tropical Cyclone Nargis in Bogale Township, Irrawaddy Division. Cyclone Nargis, which hit Burma on 2 May 2008, affected an estimated 2.4 million people in what has become the worst natural disaster in Burma's history. *[Photo: © Delta Tears]*

The main problem inherent in labelling the acts of the regime as crimes against humanity is the wording of the initial sentence quoted above which states that attacks must be 'widespread and systematic'. M. Cherif Bassiouni, a United Nations international legal expert, explains that despite eleven separate international legal definitions of crimes against humanity, a common element to all definitions is that crimes against humanity,

> *"must be the product of persecution against an identifiable group of persons irrespective of the make-up of that group or the purpose of the persecution. Such a policy can also be manifested by the "widespread or systematic" conduct of the perpetrators"* [3]

Even though the junta's behaviour in denying immediate access to the delta and the prompt provision of aid to survivors was abhorrent to both the international community and the domestic community alike, it would be difficult to classify their actions as being part of a widespread and ongoing attack on a specific group of people in the subsequent fortnight following the cyclone when aid was impeded. Given the timeframe involved and Burma's strained relations with the international community (which provided a pretext to stall aid inflows that may have been construed by the regime as foreign interference in internal affairs), it would be difficult to argue that the regime went out of its way to conduct crimes against humanity in this instance.

Having made this point however, there were more than enough incidents taking place in the delta and elsewhere in Burma to suggest that grave violations of human rights, though not at the level of crimes against humanity, were indeed taking place, and some of those shall be documented hereafter.

In the second instance where R2P is concerned, there were many disquieting factors in recommending the invocation of the R2P doctrine. The biggest constraint on the idea was that the doctrine is in no way an international legal norm and is still being debated in the international community. The central tenet of the R2P being that, *"each individual state has the primary responsibility to protect its populations from genocide, war crimes, crimes against humanity and ethnic cleansing."* [4]

Tropical Cyclone Nargis as seen from the International Space Station (ISS) on 29 April 2008, three days before making landfall along the Burmese coast. *[Photo: © NASA]*

Quite apart from the limitations on the use of R2P arising from its unclear international legal status, the wording of the doctrine explicitly suggests that the doctrine was not intended to be applied in cases of state neglect in times of catastrophe, despite the unsavoury nature of the regime's response. Despite these clear objections, wild arguments suggesting humanitarian intervention were bandied about after the impact of Nargis that were neither realistic nor helpful. Furthermore, the inference that foreign forces would consider aid drops, which would have violated Burmese sovereignty, could have had no other realistic effect beyond frightening the generals into making their stance against foreign aid offers even more rigid.

SPDC's Failure to Act on Warnings

The regime's irresponsible reaction to the impact of Nargis was, in point of fact, its second act of negligence regarding the disaster. Eventually reports emerged that the Indian Meteorological Department (IMD) had warned the SPDC about the impending formation of a low-pressure system in the Bay of Bengal as far as 48 hours ahead of the eventual cyclone making landfall on 2 May 2008. The IMD claimed that they received no reply from the Burmese authorities. According to Mr M Mahapatra, the cyclone director of the IMD, warnings to Burma began from 26 May 2008, when the IMD first noticed the tropical depression forming in the bay. According to Voice of America the director said,

> *"We issued the lengthy warning for Myanmar, that is, a cyclone is likely to cross [the] Myanmar coast - that bulletin was issued 36 hours in advance. We sent an e-mail actually, we could not get any reply. So there was no direct contact, but we had sent the bulletins as for the practice."* [5]

The Executive Director of the IMD, Mr B P Yadav was also quoted as saying, *"'We updated the Myanmar [Burmese] authorities every three hours and on April 30 we provided the detail route, speed and locations of where the cyclone will hit.'"* [6]

Such an amount of notice provided ample time for the authorities to take harm reduction measures and evacuate people from the Irrawaddy Delta; however, in the end there was little warning from the authorities for the people living in the region who found themselves being struck by what, in the end, proved to be a category 4 level cyclone (a *'very severe tropical cyclone'*).[7] According to the *Irrawaddy*, "*Burma's Department of Meteorology and Hydrology (DMH) issued inaccurate and inadequate information, failing to inform residents in the storm's path."* [8] Other sources reported that the DMH merely posted a warning on its website on 27 April 2008 indicating that a cyclone was forming in the Bay of Bengal and was heading in the direction of Burma, but nothing further.[9] This information was not widely disseminated however, and was of little use to the rural poor in the remote parts of the delta, some of whom were living without electricity, let alone internet access. Eventually, state media got around to announcing the imminent danger of the cyclone, but this warning only came on 2 May 2008, the day the cyclone struck; far too late to be of any consequential benefit. According to Dr Smith Dharmasaroja, chairman of Thailand's National Disaster Warning Centre, the junta should have issued a cyclone warning long in advance of the cyclone making landfall in order to facilitate evacuation of the delta, and that the failure to do so may have cost *"thousands of innocent lives."* [10] It should have been possible to do this as warnings came not just from IMD, but also from the Asian Disaster Preparedness Centre in Bangkok; despite these warnings, the authorities took no steps to disseminate the information to the wider public, effectively endangering the lives of the inhabitants of the Irrawaddy and Rangoon Divisions.[11]

Blocking of International Aid

Immediate Aftermath

It quickly became apparent that the scale of devastation resulting from Nargis was enormous. The first few days of reports saw death tolls rise from several hundred to a few thousand and rapidly up into the tens of thousands. It became clear also, that the areas destroyed were vast and in some places, villages had been completely obliterated, wiping out entire populations. After the scale of the damage became apparent and was broadcast to the international community, the response from Burmese authorities was expected to be something akin to what had taken place 4 years earlier following the Asian tsunami, where the size of the relief response required was well beyond the capacity of the individual states involved. In that instance, a vast international relief effort was put into motion with almost immediate effect. Many imagined that despite the regime's chequered past with the international community, the size of the tragedy and the scope of the relief efforts needed would be so overwhelming as to facilitate a more open approach to help cope with the problem. This proved not to be the case, as the SPDC proceeded to put its image, pride and the referendum before the welfare of its desperate citizens.

Soon after the impact of Nargis, on 9 May 2008, the regime was beginning to elucidate its stance toward foreign aid and aid workers more clearly; it was happy to receive the material, but the workers would have to stay out of the country. A statement from the foreign ministry was released indicating that a relief flight was repulsed after landing in Rangoon because it contained a search and rescue team as well as foreign media that had not received prior permission to enter the country.[12]

These two young girls from Bogale Township, Irrawaddy Division were among the estimated 140,000 who had died in the cyclone. Thousands of bodies were pulled from the water and debris in this area alone. *[Photo: © Delta Tears]*

By mid-May, two naval vessels from the United States and French navy were anchored just outside Burmese territorial waters in the Bay of Bengal and were ready to assist in reaching the most remote areas of the delta. Due to the limited capacity of the Burmese armed forces in this regard (Burma has access to only half a dozen or so functioning helicopters) the SPDC was in no position to deliver urgent aid to villagers in remote areas of the delta.[13] In addition to the Burmese military's limited airlift capacity, Nargis also destroyed a significant portion of the Burmese navy's vessels, when as many as 25 vessels were sunk in the

storm.[14] The USS *Essex* and *Le Mistral* of the US and French navies respectively were willing and able to deliver food aid as well as temporary shelters. The USS *Essex* was anchored about 80 kilometres off the coast of the delta and was equipped with amphibious craft as well as personnel trained in relief work. Despite promises by Rear Admiral Timothy Keating of the US Navy that the relief operations would be entirely self-sufficient and would able to deliver more than 110,000 kilograms of food and relief supplies per day courtesy of 24 medium-lift helicopters, the offer was rejected. Admiral Keating was quoted at the time as saying,

> *"'I assured our Burmese colleagues that we would do this without fingerprint. … We would come in, be entirely self-sufficient. … We offered them the opportunity to put their own military members or civilians, their choice, on our airplanes, on our helicopters. And I delivered a written letter of invitation to have a Burmese delegation visit the USS Essex off the coast, should they so choose, so as to observe our operations.'"* [15]

US naval assurances however were not enough to allay the suspicions of the generals in Naypyidaw and the US vessel continued to languish off the coast, unable to deliver essential aid.

Similarly, *Le Mistral* remained anchored and ineffectual, just 22 kilometres off the Burmese coastline. *Le Mistral* was carrying around 1,000 tonnes of food and shelters; enough supplies to feed 100,000 people for 15 days and enough shelters for 15,000 people.[16] Negotiations failed to assuage the suspicions of the SPDC leadership and unfortunately this aid was also not delivered. A full month after the cyclone struck reports were still emerging from the most remote areas of the delta, indicating that some survivors had still not been reached; it would have been for the people in these areas that *Le Mistral* and USS *Essex* could have been the most valuable. In a stunning show of either cynicism or naiveté, the *New Light of Myanmar*, the junta's mouthpiece publication, claimed that the,

> *"'Myanmar people are capable enough of rising from such natural disasters even if they are not provided with international assistance. … Myanmar people can easily get fish for dishes by just fishing in the fields and ditches. … In the early monsoon, large edible frogs are abundant.'"* [17]

The regime's reaction to the offers of help by the navies of foreign powers may have been to some degree predictable given the junta's abiding fear of invasion and/or interference in its domestic affairs; however, their negligent refusal to allow foreign aid workers into the country is much harder to understand. Given the regime's glaring lack of resources in terms of disaster preparation and response, the refusal to allow aid workers, aid and logistical support into Rangoon and the delta bordered on the criminally negligent. The generals held firm on the line of refusing foreign aid workers for at least a fortnight before slowly beginning to grant aid workers visas. In that time the SPDC was resolutely committed to taking foreign aid, but insisting that it be delivered by the SPDC itself. As of 10 May 2008, visas were still being denied to foreign aid workers and although much aid had arrived, most of it had been impounded at Rangoon airport, awaiting distribution by the SPDC.[18] By 15 May 2008, the gap in the aid effort left by the SPDC was being filled by international organisations following the easing of restrictions on at least the larger of the UN agencies and INGOs. According the United Nations World Food Program, it had delivered 700 tonnes of rice, high-energy biscuits and beans to around 100,000 people, across all accessible cyclone affected areas as of 15 May 2008.

Although the regime had refused help from the USS *Essex* earlier, US military continued to supply aid, sending four more flights of emergency supplies into Rangoon on 16 May 2008, comprising a total of 17 flights for that week. Two of the flights were carrying aid provided by the Thai government.[19]

The International Committee of the Red Cross (ICRC) and United Nations Children's Fund (UNICEF) had also begun operations in the delta near Labutta Township, where they had set up temporary shelters, mobile clinics and sanitation facilities.[20] Although the areas of Bogale and Labutta were the focus of the international operations, the outlying areas were still largely neglected at this time, a full two weeks after the initial impact of Nargis.

US Army personnel securing crates of drinking water aboard a C-130 Hercules military transport aircraft in preparation for delivery to cyclone survivors in Irrawaddy Division. *[Photo: © Irrawaddy]*

Although the international teams were now operating, albeit under the conditions set by the SPDC, and despite the fact that the SPDC claimed it would be able to handle the logistics of the relief operation, disturbing claims were still surfacing that people in far flung areas were still waiting after three long weeks for some aid to arrive. According to the abbot of Maha Gandaryon, who was part a relief team that went into the delta to distribute aid, there were still significant numbers of survivors who were faring on their own, with no state assistance. The abbot recounted to DVB on 21 May 2008 that he had received a letter from a village deep in the delta claiming that there were 5,000 people there who had not received a single scrap of aid from the SPDC or anyone else for that matter. The abbot was quoted as saying,

> *"'We received a letter from a village located far away from the places we reached. I don't remember the name of the village. It says there are over 5,000 survivors there but they haven't received any relief supplies to date. No one has heard of those people getting any assistance'"* [21]

Despite the urgency of the situation, the junta continued to drag its feet on aid delivery well into July. On 10 July 2008 Douglas Alexander of the United Kingdom's foreign aid branch said, *"While access has improved and the rate of delivery of relief goods continues to increase, we believe that around 300,000 people are at quite serious risk if they do not get more help soon"* [22]

The Longer Term

Three months after the cyclone, the situation in the Irrawaddy delta was still a source of consternation to international aid agencies. According Daniel Baker, the UN Humanitarian Coordinator in Burma,

> *"We have seen significant progress being made in the affected areas as a result of the coordinated efforts of local and international humanitarian actors. However, much more urgently needs to be done in remote areas where affected communities are still living in dire conditions,"* [23]

The agricultural sector remained severely afflicted with 85 percent of seed stocks lost and 50 percent of buffaloes gone. The rice planting season was also threatened, thereby impacting on food security and livelihoods. Despite its importance to these areas, the agricultural sector was still not adequately funded three months after the cyclone with UN citing unmet requirements of US$51 million. This estimate came at a time when the UN Office for the Coordination of Humanitarian Affairs was claiming an urgent need to supply food to just over 900,000 people over the nine months that was to follow.[24]

The SPDC's token efforts to address problems were typified by the manner in which the regime resolve the problem of rice seedlings in Bogole, one of the hardest hit areas of the delta. With the delta being described as the rice bowl of Burma and providing large amounts of the rice harvest for the rest of the country every year, it is clearly crucial for the entire country that the rice crops be successful. Instead of taking steps to ensure this outcome, the SPDC treated the fallout of Nargis as a money making venture. Local authorities handed out seeds to farmers in Aye Chan Thar village in Bogale Township, Irrawaddy Division, but then made them pay for it. A farmer who was involved told exile media that farmers had been forced to pay for seedlings and described the process as follows,

> *"'A farmer is given one basket [equivalent to 16 bushels] of seeds. And we have to pay 1000 Kyat for it. But we found out that most of the seeds do not yield and we cannot use them for planting'"* [25]

Cyclone survivors from Dedaye Township in Irrawaddy Division wait in line to receive much need food relief in the wake of the cyclone. *[Photo: © AFP]*

This behaviour was, and remains, characteristic of the short term thinking of the regime. Such actions threatened the rice harvest and food security throughout the country and violated the farmers' rights to livelihoods at a time when experts from the Food and Agriculture Organisation were predicting that the rice harvest in Burma would be reduced to a third of annual output due to the effects of Nargis.[26]

Denial of Access to Shelter

As a result of the cyclone, many thousands of civilians from the delta region were left homeless and found themselves forced to move toward larger population centres in order to find adequate shelter. To give an idea of the scale of the destruction, SPDC statistics from July 2008 suggested that at least 150,000 houses would have to be rebuilt in the areas of Bogole, Labutta and Hainggyi Island Townships in the Irrawaddy Division alone.[27] The World Food Program (WFP) estimated in July that as many as 724,000 people in the delta region would require food aid for at least six months.[28] In addition, the UN Emergency Shelter Cluster gave very rough figures as of July 2008, which indicated that as many as 480,000 people had lost their access to shelter.[29] Many residents from these areas would surely have been hoping that their accommodation requirements would be met by the state, at least for the foreseeable future. Food insecurity also placed an added pressure on Internally Displaced Peoples (IDPs) to find and remain in shelters for extended periods. Prior to the cyclone many IDPs had maintained their livelihoods through agricultural pursuits, activities which now proved impossible to pursue.

It was estimated that 550,000 of the 2.4 million people who were affected by the cyclone were residing in temporary settlements, mostly schools and monasteries as of the beginning of June.[30] Amnesty International (AI) was able to record 30 instances of people being removed from unofficial and temporary shelters in the aftermath of the cyclone. AI concluded, as did many other groups, that the forced eviction of storm survivors was timed to coincide with several junta objectives.

The first of these objectives was the referendum on the sham constitution. By evicting storm survivors, the SPDC were able to use schools and monasteries as polling booths (two of the more popular shelters for IDPs) during the referendum on the delayed date of 24 May 2008, in the cyclone affected areas. The second benefit for the junta in evicting numerous groups of survivors was to be able to declare the relief section of the operations over and to signal the beginning of the reconstruction phase, facilitating even greater use of forced labour and giving a pretext for gaining greater control over international aid agencies.

The junta was prompt in issuing orders for IDPs to vacate schools and monasteries. A mere two weeks after the cyclone, people sheltering in schools and monasteries in the 26th, 55th and 70th blocks of South Dagon Township, Rangoon Division, were being informed by authorities that they were to be expelled after 14 May 2008. According to one resident of the camp,

> *"They told us (local authorities) we must be driven away anyway. If we don't follow the order, the Minister of Home Affairs will take an action against us……The local authorities announced all the victims can stay until 14 May in camp and later they'll drive out us."* [31]

Other cyclone survivors who were sheltering in a warehouse in Bo Htun Zan Block evacuated of their own accord following threats that they would be forcibly expelled by military forces. According to one IDP who was expelled, *"Even though we don't have a place to live and they (authorities) told us they if we don't move, we'll be forced out by the military force, according to the VPDC chair, Nay Lin Aung."* [32]

Others noted that evicting the survivors and sending them back to their agricultural lands would ensure that farmers got back to work in time for the beginning of the rice planting season in particular. For all intents and purposes however, this was a ridiculously flawed plan, as most agricultural land had been inundated with salt water and was at that stage unusable.[33] An AI report detailed cases of evictions in Bogale, Myaungmya, Maubin, Pyapon, and Labutta in Irrawaddy Division, and Shwebaukan Township and State High School No 2 in Dala, Rangoon Division. After one such eviction, a boat transporting survivors from Bogale to Kyane Chaung village sank, resulting in 30 deaths.[34] According to AI, *"Of the 45 resettlement sites that existed in Pyapon, by 28 May only three remained."* [35]

A family rests in a small shelter that they were able to erect admit the destruction of what had once been their village in Dedaye Township in May 2008. *[Photo: © AP]*

The forced evictions were undertaken with very little restitution for the survivors who were sometimes given a small amount of cash, food and very little warning. At times survivors were told that they must leave and to go anywhere but where they were, leaving large amounts of people with few options, as it proved impossible to return to villages that were completely destroyed by the cyclone. An aid worker from Bogale supported the claims of AI saying that in Bogale he had seen 3,000 IDPs distributed between 4 monasteries who were forcibly relocated to various areas, including Maubin in the Irrawaddy Division, resulting in the forced separation of some families. According to the witness, many were in poor physical condition and did not have sufficient food to eat. Despite aid donations from private donors, many were struggling to survive, especially due to the SPDC policy of selling aid to the survivors for 80 kyat per Pyi (about 2.08 Kg). The source also said that some survivors were showing symptoms of cholera, diarrhoea and boils.[36]

Of course, forcing villagers back to areas that were completely or partially destroyed, and in many cases still under water, was never going to prove sustainable. Some had little choice but to return to the camps from which they had been evicted earlier, having no other available means to survive. On 3 June 2008 it was reported that several thousand IDPs who had been forcibly sent back to their villagers from IDP camps in Labutta had returned. Locals and aid workers told exile media group *Irrawaddy* that these IDPs had been ejected from the camps and sent to rural areas without any aid or assistance from authorities. It was in no way surprising that the villagers had returned, given the accounts of aid workers who had visited the villages that they were supposed to go back to. One NGO worker from Rangoon who had managed to visit the remote villages of Kyane Chaung, Ale Yekyaw, Maung Ngne, Hlaing Pone and Thit Chaung, described how survivors were barely subsisting with little to no help in the form of relief supplies from the regime authorities. These villages were without shelter, food or clean water and bodies of storm victims were contaminating the water supply such that the residents were unable to wash in the rivers.[37]

For some cyclone survivors the best hope of staying alive following the cyclone was to camp along roads that led from the larger towns into the delta. In this way they were able to get around the lack of SPDC assistance by relying on handouts from private donors passing by. This practice was extremely displeasing to the authorities who sought to crack down on it and disperse those begging on roadsides. On 29 May 2008 it was reported that families living along roadsides were being forced to leave the area and return to their villages, despite these areas being completely under water and their dwellings having been demolished. One internally displaced person (IDP) from the town of Pyapon, Irrawaddy Division, said of the forced relocation, *"'Where my house used to be is still filled with water up to my waist, … How can I build a new house there?'"* [38] The man was one of hundreds of IDPs who were told by the military to leave their roadside camps.

On 2 July 2008, roughly a month after the cyclone, the *Irrawaddy* reported that around 7,000 people out of a total of 10,000 IDPs were being forced to leave three temporary shelters in Labutta Township in the Irrawaddy delta. According to local source Aye Kyu, authorities were warning IDPs that there would be no aid in the month to come if they were to stay in the camps. IDPs were being offered enough rations to last approximately ten days, including rice, cooking oil and beans. Those who agreed to take the rations and return to their villages would also go into a 'draw' for new houses that were being built by authorities in the devastated areas. Despite the numbers of homeless, regime officials at the time of the report had plans to build a mere 4,000 houses in the Irrawaddy delta and the Rangoon Division. IDPs were also under pressure from authorities in other areas with reports suggesting that thousands of residents from around 30 villages in Bogale Township were forced to relocate because they were camping on National Park grounds.[39]

By mid to late July authorities in Labutta Township were busy attempting to expel the last of the cyclone victims from makeshift camps in the township. Over the course of several months, the 3 camps in Labutta Township had housed close to 50,000 people escaping from the destruction in the delta region. Authorities reportedly began applying pressure on the remaining 6,000 residents of the camps to return to their villages using the usual mixture of promises threats and coercion that characterises the junta's approach to dealing with the public. Residents were promised that they would be looked after if they went back to their villages; a female resident of one of the camps described the junta's bargaining chip as follows,

> *"If we return to our village, we are provided about 3 pyi of rice (pyi is a Burmese measurement close to 0.25 Liters), chili, onion, a sheet of tarpaulin, six packs of instant noodles and a zinc pot. Then the authorities send us to our villages by boat,"* [40]

If this offer failed to persuade recalcitrant IDPs, the authorities sought a new approach through the threat of cutting of aid supplies altogether and warned those remaining that aid would cease as of 5 August 2008. One 40 year old man from Sa-Lu Seik village of Labutta Township who was living at Five-Mile camp related what authorities had told those in the camp, *"After August 5, we will not receive our ration rice and the refugees may not receive other food items."* [41]

Other questionable tactics were employed by the authorities running the camps. One such tactic was to secure signatures from those leaving stating that they had left the camps voluntarily, thereby ensuring that there were no repercussions from the forced evictions at a later stage. A more invidious practice however, was the use of camp residents as forced labour. Storm survivors related how some people who had refused to leave had been beaten and used as forced labour on reconstruction projects, or simply expelled from the camps. A resident of Yatanar Dipa camp from Mi-Kyaung Ai said of the situation,

> *"If we don't do forced labor, we could be driven out from the camp," … If a couple quarrel or speak loudly, the husband might be called in and beaten and then forced to leave the camp."* [42]

For those who were forced to return to their villages, the conditions remained extremely dire. By 9 June 2008 United Nations Children's Fund (UNICEF) reported terrible conditions in the villages which IDPs had returned to, especially in Labutta Township. UNICEF also claimed that many more tarps were needed to address the problems of inadequate shelter in this area. It was also at this time that UN Office for the Coordination of Humanitarian Affairs (OCHA) was calling for a further 500,000 tarps to address shelter requirements, as only around 22 percent of survivors had received any shelter assistance from international agencies according to the International Federation of the Red Cross (IFRC).[43]

A full three months after Nargis, some areas were still not getting assistance from the SPDC that would help rebuild lives, livelihoods and accommodation. On 28 July 2008 a report described the plight of one family in the Irrawaddy delta which was demonstrative of the SPDC's priorities in dealing with cyclone survivors. Thein Hlaing (name changed for security) and his family had barely survived the cyclone, but had lost their dwelling which was blown away. By salvaging tin and driftwood from a nearby swamp, Thein Hlaing rebuilt the family's hut on the only piece of dry ground in the area. After not seeing any authorities for three months, the family was visited finally by local officials and police. They were not there to deliver any assistance however, and told Thein Hlaing and his family that they must dismantle the hut and move off the ground which had already been allocated for a building development. If they refused to go they would face jail instead.[44]

The SPDC's inept handling of the crisis stemmed from a distinct lack of experience in dealing with a situation of this magnitude, as well as a profound lack of state resources. These problems were reflected in the short-term solutions and ad-hoc methods by which the SPDC sought to handle the influx of cyclone survivors into the urban centres. The effects of the regime approach were such that those not directly affected by the cyclone were forced to pay a price as well. In Rangoon's Twante Township for example, residents were forced out of approximately 600 houses so the SPDC could demolish their dwellings and replace them with new accommodations for cyclone survivors. As of July 2008 a 75 square acre block that had been home to mostly day labourers near the Nyaung Wine monastery was set to be cleared to make way for around 500 new homes.[45]

This family, lucky to still be alive, took refuge in a State High School in Labutta Township, Irrawaddy Division. However, only weeks after the tragedy, tens of thousands were evicted from emergency relief centres such as this to make way for the planned constitutional referendum. *[Photo © Moe Aung Tin]*

10.3 Misappropriation of Foreign Aid

Following the first difficult month after the impact of Nargis, which had been marked by regime recalcitrance and international frustration regarding the lack of humanitarian access and blocking of foreign aid, junta restrictions seemed to be easing somewhat and more aid was getting into the delta, though some agencies claimed that reaching the remotest locations was still difficult, if not impossible. There were still debilitating political and physical roadblocks to international aid and questionable handling of the aid that did reach the country. Supplies were being warehoused and hoarded by the regime in Rangoon, for example, such that it could be delivered by the military instead of international actors.[46] Nevertheless, things were looking decidedly better on the aid front than it had in the initial fortnight. Unfortunately, a measured optimism on behalf of the international community was dampened by reports that emerged from witnesses inside Burma who claimed that foreign aid was being appropriated, sold on the black market for profit and that aid was being kept for the military while inferior goods were being handed out to survivors. Although SPDC spokespersons released statements condemning the practice and promising requisite punishments, the regime seemed to be doing little in the way of tackling the problem, as was evidenced by ongoing reports over the course of the next six months.

In addition to misappropriation of aid supplies, the United Nations estimated that by September, the SPDC imposed currency exchange regulations resulted in the UN losing around US $1.56 million dollars of relief funds. The amount, enormous though it was, was a vast reduction from the figures delivered earlier by John Holmes, the UN under-secretary-general for Humanitarian Affairs, who had given a figure of US $10 million in lost relief funds based on preliminary estimates from late July.[47] Even though the revised figure looked much smaller, it still represented a vast amount of relief supplies that were lost to regime meddling.

Reports of irregularities in the handling of aid began soon after the relief efforts were underway. As early as 12 May 2008, a local resident of Rangoon said that he had observed aid supplies being sold in local markets. The man, who was not identified by name, said, *"I saw dry noodle packets, condensed milk tins and mosquito nets from rescue efforts in downtown. They are selling noodle packets at Nyaungpinlay Market for 600 [kyat] a packet, and tins of condensed milk too,"* [48]

On 13 May 2008 it was reported that high-energy biscuits sent by the World Food Program (WFP) in one of its first aid shipments had been appropriated by the military and taken to a warehouse where they were swapped for biscuits of an inferior quality, which had been produced locally by the Industry Ministry. These inferior goods were then distributed to cyclone victims. According to the report, the fate of the WFP produce was unclear, but seemed destined either for resale on the black market or for troop mess halls. International non-governmental organisation representatives supported these claims saying that the rice they had witnessed being distributed in the delta was of a highly inferior quality to that being delivered in aid shipments by the WFP, strongly suggesting that a swap had taken place.[49]

Again on 13 May 2008 news emerged from Bogale Township, Irrawaddy Division, that SPDC officials were selling aid to the public instead of delivering it directly to those affected by Nargis for free. Members of the military, Swan Arr Shin (a people's militia allied to the SPDC) and the Union Solidarity Development Association (a quasi-civil society organisation founded by the SPDC) were selling sheets of roofing tin around Bogale Town. The sheets were left outside roofless houses and money was to be collected later as payment for the sheets.[50]

According to exile media groups, it was common to see foreign aid goods being sold in markets in various towns across Burma just two weeks after Nargis struck. Residents of Rangoon claim to have seen *"biscuits of foreign make, dried meat, instant noodles, tarpaulins and plastic sheets on sale in Nyaungpinlay market, Mingalar market, Bogale market, Theingyi market and other markets in Rangoon."* [51]

The misappropriation of aid could not simply be a matter of unscrupulous individuals acting alone if some reports were accurate. Locals in Rangoon described seeing *"army trucks from the Navy supplies Depot, in Mingaladon, Syriam and Laputta bringing the relief materials to the markets"*, suggesting a greater level of collusion than just a few rogue individuals.[52]

Boxes of tissues emblazoned with Red Cross labels, believed to have been pilfered, were seen on sale in the Mingalar market in downtown Rangoon on 14 May 14, 2008. *[Photo: © Mizzima News]*

A different report from 14 May 2008 claimed that Generals were giving out aid as an effort to garner publicity and make it appear as though the military was living up to its obligations of providing emergency relief. Members of the military were filmed giving out packages of aid with names of army generals which had clearly been printed over the top of labels stating *"'Aid from the Kingdom of Thailand.'"* [53]

On 15 May 2008, local sources were again suggesting that aid had been misappropriated by authorities. According to one source identified as Aye Kyu, rice and diesel fuel donated by international aid groups was being sold by local authorities, *"The authorities are demanding between 13,000 and 15,000 kyat (US $11.25 and $12.99) for one bag of rice and 10,000 kyat (US $8.66) for one gallon of diesel fuel,"* [54]

Also on 15 May 2008 Nyan Win from the National League for Democracy related to *Irrawaddy* magazine how the NLD had purchased towels from the Mingalar market, only to discover later that the bag that the towels came in was marked with the WFP's logo, the Japanese flag and a message written both in Burmese and English that said, "'*donated by the Japanese people.'"* [55]

On 16 May 2008 however, a shopkeeper from Rangoon gave a first hand account of corruption involving aid. The shopkeeper related how a soldier had come into his shop with aid supplies, offering to sell them to him and went on to ask him if he were interested in buying some Zinc sheets to resell for roofing. To the businessman's credit he refused this offer, saying, *"I denied him, because I do not want to put up any aid supplies meant for refugees,"* [56]

Despite UN monitoring not finding any evidence of misuse of foreign aid, local residents of Rangoon continued to supply details of military involvement in selling of aid goods in markets throughout Rangoon. On 17 May 2008 a resident was quoted as saying that,

> *"They (the military) are selling bags of rice donated from abroad. The army delivers them during the night in their cars……You can see Two Prawns brand oil donated by Thailand being sold on the streets in various types of bottles and boxes and measures, and you can get as much as you like,……When I asked the sellers about it, they told me that they were sold by people in army trucks at night."* [57]

The same source also alleged that donated tarpaulins were being sold in Yuzana Plaza, Mingaladon Market, Theingyi Market and Nyaungpinlay Market Plaza at a price of 7,000 kyat.[58]

On 21 May 2008, residents of Maubin, Irrawaddy Division, claimed that the bags of rice given out to cyclone victims contained only broken rice (a very low quality of rice), which had supposedly been donated by the Swiss government. Locals confronted USDA members about the food provided, however, their complaints were met with denials from officials who claimed that the bags had been distributed just as they had been delivered. These claims were completely refuted by a local Ward Peace and Development Council member identified as Myo Win, who was seen openly selling rice meant for survivors. According to locals, Myo Win claimed that he could make money from the donations which would help the local population buy more aid in future.[59]

Burmese children from Irrawaddy Division receiving small gifts of aid. Much of the aid given to those who had survived the cyclone had come from foreign donors; the SPDC had provided a paltry amount by comparison. *[Photo: © Getty Images]*

On 3 June 2008, roughly a month after the impact of Nargis, it was reported that dozens of letters of complaint had been filed with authorities accusing officials of stealing, selling or hoarding aid for personal gain. The letters went unanswered despite an announcement from Naypyidaw in May 2008 welcoming information describing misappropriation of aid and promising ramifications for perpetrators. At the time of the report, not one official had faced investigations or consequences due to the allegations. The letters described the selling of donated rice, officials keeping plastic sheeting for themselves, selling food aid, and replacing donated foreign food aid with lower quality locally-produced Burmese food.[60]

On 5 June 2008, residents of Bogale Township in Irrawaddy Division reported that the ward Peace and Development Council chairperson of Hai Shay sub-village tract had sold bags of rice that should have gone to cyclone survivors. The chairperson identified in the report as U Poe Zaw, sold 250 sacks of rice at a price of 10,000 kyat per sack to Maung Kaung, a shop owner in Ward 3 Township of Bogale. Even though the official's conduct was openly known, there had been no retribution despite the promises from the regime to prosecute anyone found to be misappropriating aid.[61]

On 10 June 2008, in a rare change from the general trend, two officials were arrested for stealing aid supplies. Ward Peace and Development Council members U Yan Naing Htun and U Tin Htun were arrested after aid workers accidentally discovered some aid supplies that the pair had hidden in a lake behind their offices. The lake was drained as it had been contaminated by the flood waters. Aid workers discovered, "*over 100 zinc kitchen utensils, 12 packages of canned food, seven buckets of cooking oil and four tarpaulin sheets."* [62]

In September 2008 *Irrawaddy* reported that there were large amounts of foreign aid still being sold on the black market, though much less than there had been in June and July at the peak of the relief efforts. The report suggested that the practice was being conducted by members of the local authorities, the Village Peace and Development Council, and was undertaken with the full support and backing of the local military units. It was implied that village headmen had intentionally inflated the numbers of people in their villages in order to secure greater amounts of aid from distribution centres in Labutta, Irrawaddy Division, and then had gone on to sell the aid. Items for sale included; rice, salt, cooking oil, mosquito nets, tarpaulins and clothes.[63] The cooperation between village level authorities and local military commanders was all but confirmed by a villager from Ka Nyin Kone who described a meeting called by the village headman who warned of complaining against such practices, saying,

> *"'On August 7 and 8, U Sein Myint called meetings and said to the villagers that they can go and complain anywhere they like. But he boasted that he would still be village headman in 2010. Then he brought along some soldiers who were stationed nearby to threatened us,'"* [64]

On 29 September 2008 it was reported that Chinese donated super-phosphate fertilizer was being sold by regime officials. Sacks of fertilizer weighing 40 kilograms each were donated by Burma's neighbour and were meant to go to cyclone victims. Instead, the sacks were transported into northern Kachin state and were being sold to farmers in Bhamo and the state capital of Myitkyina for around 17,000 kyat (US $14).[65]

As late as October 2008, individuals were still being arrested for the misappropriation of aid in Burma. Exiled media group *Mizzima* detailed a case of two men who sold rice donated by Saudi Arabia. The two individuals were identified as Kyaw Soe, a clerk at the Pyapon Township Peace and Development Council (TPDC) and Hla Htay. The pair was arrested in October 2008 by the Bureau of Special Investigations (BSI) for allegedly selling 1,000 bags of rice donated for cyclone victims. Local sources claimed that there were many other instances of aid being sold in markets by officials, however there had been no arrests in these cases as the quantities had been much smaller, making the perpetrators more difficult to catch. In typical fashion, there seems to have been no follow up investigation in the case, regardless of the fact that the details had been sent by the BSI to Naypyidaw. A local source claimed that, "*The BSI has sent the investigation results to Naypyitaw, but the case is not progressing,"* [66]

On 17 November 2008 two township level officials from Pyapon Township, Irrawaddy Division, were under investigation under allegations of selling cyclone aid. Rice merchant Hla Tun acting under the orders of Pyapon Township authority office secretary Kyaw Soe, was told to sell 900 bags of rice in Rangoon. The pair was arrested and questioned by intelligence officials after buyers of the rice suspected that it was of foreign origin. The rice had indeed donated by Saudi Arabia for storm victims. Pyapon Township was also the location for another dismissal of township level authorities after the chairman had been stood down for selling fertilizers meant for cyclone victims. Myo Myint Zaw, the former chairman had stolen 6,000 bags of fertilizer, claimed they had been destroyed by Nargis and then attempted to sell the goods in Rangoon markets at 30,000 kyat per bag. Despite his dismissal, Myo Myint Zaw was never prosecuted for his crime.[67]

Many of Burma's coastal communities were particularly hard hit. This photograph shows a fishing vessel from southern Burma that was not only sunk by the storm, but cleaved in two. *[Photo: © Reuters]*

10.4 Lack of Protection for Storm Victims

Burma has been a traditional source of trafficked labour for the surrounding countries in the region; providing workers for the agricultural, fishing, manufacturing, sex and domestic services industries. Over the previous 5 years, since the introduction of a new law criminalising the practice, around 480 people have been liberated by Burmese authorities.[68] The amount freed is most likely a tiny fraction of the total number of people smuggled out of Burma each year, bound for sweatshops and brothels in locations ranging from Thailand to China, where the majority of trafficked persons end up. In fact, around 80 percent of people trafficked out of Burma annually finished their journey in China. As stated earlier, the numbers of those trafficked are likely to be vastly under-represented, with a US report from 2007 suggesting that the SPDC authorities were complicit in smuggling people into China, Thailand, Malaysia and Bangladesh.[69]

A natural disaster such as Nargis opens up many opportunities for smugglers to conduct their operations at a time when there is general confusion and a noticeable lack of law enforcement due to the prevailing conditions. The scale of the cyclone meant that many families found themselves separated and many hundreds of children were orphaned in the process, thereby becoming easy prey for traffickers.

On 14 July 2008 reports surfaced that authorities were able to save around 80 women and children from being trafficked into a neighbouring country after the group had been abducted by traffickers posing as aid workers. The traffickers had taken the group from the Irrawaddy delta, where they had been lured by offers of work. This was a ruse no doubt facilitated by the chaos following the cyclone, and made easier by the junta's inept response to the emergency.[70] By July 2008 international aid agencies were estimating that around half of the 140,000 people killed by the cyclone were children, but there were still no reliable figures about how many orphans were left in the wake of the tragedy as tracing victims was proving difficult. In the report referred to above, UNICEF spokesman Zafrin Chowdhury indicated that 428 separated or unaccompanied children had been identified in just two months.[71]

Cyclone survivors, still awaiting aid, huddle in the mud of a small rudimentary shelter set up beside a road in Bogale Township in Irrawaddy Division. An estimated one million people were displaced as a result of the cyclone. *[Photo: © AFP]*

10.5 Denial of Access for the Media

One aspect of the junta's attempt to control the public's image of what was happening in the delta and Rangoon city at the time of the cyclone was to cut off the flow of information to the general public and the international community. It was not possible to completely control such a large centre as Rangoon; however the junta made a substantial effort to block access to the delta, especially for foreign and local media. A media ban would serve to lessen the impact of the regime's disastrous handling of the relief effort and would mask the fact that the military was vastly under resourced in terms of its capacity to handle a crisis of such an enormous magnitude, regardless of its constant boasts about Burma's self sufficiency. Blockades and the arrest of journalists who sought to cover the crisis, as well as those involved in the relief effort, combined to impinge upon individual rights to livelihoods as well as on rights of expression and movement. According to Rangoon based journalists, the press censorship board, which is notoriously strict in the best of circumstances, clamped down firmly on any information critical of the junta's handling of the crisis. Said one Rangoon based senior editor, *"We are forbidden to report anything about the problems of cyclone victims and refugees, … We know that many cyclone survivors still haven't received any assistance, but we can not say anything on their behalf."* [72]

According to reporters inside Burma who were working at the time, pictorial evidence of the devastation proved unacceptable to the censorship board as well as certain words and phrases such as *"refugees"* and *"people are starving",* which were struck by the board.[73] (For greater explanation of these rights see Chapter 13: Freedom of Movement, Assembly and Association)

On 21 May 2008 a group of 8 journalists were arrested for reporting from the delta without informing regime authorities. The journalists were from a variety of publications including *The Voice*, *7 Day News* and *Yangon Times*. A colleague of the arrested journalists told the *Irrawaddy*,

> *"Soldiers came and arrested them at their hotel about 11 p.m. The soldiers accused the eight reporters of failing to inform the authorities of their presence in Laputta and then arrested them….. The soldiers deleted all the photographs the journalists had taken, … The soldiers threatened the journalists and swore at them."* [74]

Debris littered the street of Rangoon in the wake of the cyclone. Roofs were ripped from houses, while trees were torn from the ground. Anything less structurally sound was simply destroyed. *[Photo: © Mizzima News]*

The reporters were held overnight and were interrogated by soldiers, said to be from Light Infantry Division #66, they were subsequently released at 7 am the following morning after signing commitments not to return to the areas destroyed by the cyclone.

The colleague of the arrested group explained the limitations imposed by the regime that journalists were faced with in terms of the scope of their cyclone reporting, *"Only positive stories are allowed. Photos about refugees, victims and children are always rejected," said the source in Rangoon. "The censorship board will only allow propaganda stories and photos, such as reconstruction projects, to be published."* [75]

The source also pointed out that the censorship board was not allowing reporting on the death toll resulting from the disaster.[76]

On 10 July 2008 reporter Ma Eine Khine Oo of the Ecovision Journal of Rangoon was arrested for filing stories on cyclone survivors who were approaching international NGOs for assistance. The 24 year old female reporter was jailed for five months whilst awaiting sentences on charges of taking photos to sell to foreign journalists. On 14 November 2008, Ma Eine Khine Oo was sentenced by a special court inside Insein prison to two years in prison for her journalistic activities. The trial was held behind closed doors and the accused was refused access to a lawyer during the process.[77]

On 4 June 2008 prominent comedian and blogger Zarganar was arrested at 10.30pm at his home by a combined force made up of members from the military affairs security department, members of the Special Bureau and the chief of the SPDC Sanchaung Township Ward. Officials were said to be primarily concerned with the relief efforts that Zarganar had coordinated on his own behalf, mobilising some 400 individuals to deliver relief supplies and cash to around 40 villages in the storm affected areas. In addition to this relief work, Zaganar had also posted blogs on his website that were critical of the junta's handing of the relief operations and had also been in contact with foreign and exile media groups, drawing the ire of the regime. According to friends of the comedian, Zarganar was also in danger of prosecution for mocking an article in the state backed '*The New Light of Myanmar*', which had claimed that cyclone survivors could support themselves and did not need 'chocolate bars' from western donors. Security forces confiscated items from the comedian's home that could be seen as damaging to the regime including: video footage of the devastated delta areas, a DVD of the wedding of Senior General Than Shwe's daughter and a copy of the banned DVD Rambo 4.[78] On 21 November 2008, Zarganar (real name Maung Thura) was sentenced to 45 years in prison under several criminal acts including infringement of the Electronic Act 505 b.[79]

On 13 June 2008 well known sports journalist Zaw Thet Htwe from the *First Eleven* periodical was arrested for participating in private efforts to hand out aid to cyclone survivors. After being banned from writing about the tragedy unfolding in the delta, Thet Htwe joined a group to help funnel aid supplies into the delta. He was arrested on 13 June 2008 while visiting his sick mother in Minbu. The security forces confiscated the journalist's mobile phone, computer and documents. Other journalists operating in the delta at the time reported that the authorities were exercising strict control over photographic equipment at this time in order to prevent photographic evidence of cyclone victims being circulated.[80] Thwe was originally sentenced on 21 November 2008 to a total of fifteen years in prison; however this sentence was increased by an additional 4 years on 27 November 2008, bringing the total sentence to 19 years. The original sentence was brought under charges of violating the Electronics Act.[81]

On 15 June 2008, Aung Kyaw San was arrested by authorities for taking part in relief efforts. The editor-in-chief of the *Myanmar Tribune* and the other sixteen people arrested had been helping to bury the corpses of storm victims in the Bogolay area. Friends claimed that the group had already helped to bury around 400 victims. The group was arrested as it returned to Rangoon to pick up more sacks for the burying the dead. At the time of reporting of this incident, Aung Kyaw San was being held in Insein prison.[82] A friend of the family made the following comments at the time,

> *"Aung Kyaw San has not yet been released. We heard that he was arrested in Bogale but is now transferred to Rangoon. His wife is worrying about him since she does not know his whereabouts. She is asking many people about her husband unaware where he has been kept, He made frequent visits to Bogale. He made about three trips. He was arrested during his last visit. We heard that his colleagues arrested along with him were released yesterday,"* [83]

(For further information regarding arrests of journalists, including foreign nationals, see Chapter 14: Freedom of Movement, Assembly and Association)

Volunteers from the Rangoon-based Free Funeral Service Society (FFSS) cremating the decaying bodies left behind by the cyclone in Kungyangon Township, Rangoon Division in May 2008. *[Photo: © AFP]*

10.6 Extortion in States not Affected by the Cyclone

In the aftermath of the cyclone the SPDC made a great deal of noise about being adequately equipped to handle the reconstruction and aid efforts unilaterally. This was no doubt a manoeuvre to save face after years of denouncing the outside world as a destructive influence on the union of Burma and an attempt to maintain the military's image of omnipotence. The fallacy of self-sufficiency was being laid bare in areas outside of the delta however, as the SPDC began raising revenue for the relief efforts from the population in other states that were unaffected by the troubles in the south of the country. Exile media began to report extortionate activities being undertaken across Burma, with forced donations of currency, livestock and food stores being demanded by local authorities acting under orders from Napyidaw. The magnitude of the disaster and its impact on the main agricultural production area of the country meant that the regime would need to draw resources from other areas of the country. Estimates at the time by the Food and Agriculture Organisation suggested that more than *"120,000 mature draught animals—as well as 66,000 pigs, 498,000 ducks, nearly 7,000 goats and more than a million chickens"* perished in the storm.[84] It was not the fact that donations were requested for the survivors, for this is a normal practice in times of national emergency. The aberration was that civilians suffered from 'forced donations', a practice amounting to little more than theft, and they were at no stage remunerated by the regime authorities for these donations. In many instances the farmers who bore the brunt of these actions by the SPDC were in dire economic situations themselves and could ill afford to lose resources essential to a successful rice planting campaign at the beginning of the rainy season.

An Arakanese member of the Human Rights Defenders and Promoters group noted that, *"The authorities in Arakan State have collected donations from local Arakanese people on the pretense of supporting Nargis victims from Irrawaddy. However, the authorities collected the donations forcibly from the people against their will."* [85]

The human rights defender indicated that forced donations had occurred in a number of townships across Arakan State including Pauk Taw, Maungdaw, Rathedaung and Buthidaung Townships, where the authorities had collected *"paddy seeds and cow, buffalo, and timber".*[86] The source also claimed that,

> *"In Pauktaw Township, township chairman Kyaw Zaw Hla is collecting 500 kyat per acre from all farmers to buy paddy seeds to send to Irrawaddy division to donate cyclone victims. Every farmer in the township has to give 500 kyat per acre to township authority."* [87]

In other townships such as Maungdaw, military authorities collected 3.4 million kyat from local businessmen to donate to the storm victims, while in Buthidaung the local business community was forced to donate 2.9 million kyat. Despite the astronomical sums being demanded of these communities, absolutely no feedback was provided regarding how the money was to be spent or allocated in the delta region. The lack of transparency surrounding the entire process gives reason to be concerned that at least a portion of the money went toward lining the pockets of those further up the chain of command.

Roughly one week after the incidents mentioned above, other reports from Arakan State came to light which revealed that the NaSaKa or Burmese border forces were involved in collecting 'forced donations' on behalf of Naypyidaw. This report claimed that the NaSaKa, *"collected 3 kgs of paddy seeds per acre from the farmers of Maungdaw and Buthidaung Townships, in Arakan State."* [88] It was also claimed that up to 10,000 kyat had been collected per household in the same townships.

Other reports from Western Arakan State indicate that orders to collect 'forced donations' were coming from high levels within the regime. On 24 May 2008 it was reported that the Western Command commander had ordered township authorities in Maungdaw Township to collect between 2 and 2.2 million kyat per village, depending on the size of the village and number of inhabitants. A local source said the directive had been delivered by the commander at a meeting at Thri Mingla Hall at 3:00 pm, Wednesday on 21 May 2008. According to the source, *"'The order was issued by Western Command Commander to the township authorities during a meeting with the local administration in Maungdaw on May 21,"* [89]

Townships in Kachin State also suffered from confiscations dressed up as 'donations' which went unremunerated by the regime. According to a report on 17 June 2008, Artillery Battalion #372 (AB #372), led by Major-General Ye Yint Twe, seized cattle near the Mogaung River which belonged to three cattle owners from Nimma city on 28 May 2008. In comments made to villagers at the time, Major-General Twe indicated that his actions were supported by the Northern Command's Commander Major-General Ohn Myint. The troops of the same battalion also seized paddy fields, orchards and slaughtered farmer's livestock without any compensation.[90]

Several other battalions were involved in livestock confiscations, again offering no payment to poor farmers for their actions. The groups responsible for these acts, operating under the auspices of the #3 Military Operations Command based in Mogaung, included: Infantry Battalion #105 (IB #105) in Sarhmaw (Samaw), Infantry Battalion #15 in Monyein (IB #15) and Light Infantry Battalions #385, #386 (LIB #385/6).[91]

Farmers in Mon State were also targeted for forced donations after state level authorities requested that the Township Peace and Development Council (TPDC) come up with 70 buffaloes to send to the delta. These 70 animals were to comprise part of an effort to provide 6,000 buffaloes to the delta to aid in the beginning of rice planting before the rainy season was due to begin.[92]

Farmers were not the only people targeted in the scramble to raise money for the cyclone victims. A source in Kachin State claimed on 17 June 2008 that authorities were taking money from, *"all government workers, Kachin ceasefire groups, businessmen and civilians in Kachin State."* [93] The rationale behind the collections, and the implications for the way in which it would be spent were clearly not lost on some of the civilians who suffered from the forced donations activities; one NGO worker made the following comment on the practice,

> *"I am sure, the military authorities of Kachin State will send only one third or two thirds of the collected funds to the cyclone-hit areas because the entire governing system of the junta is corrupt and government personnel are equally corrupt."* [94]

The forced donations also adversely affected the agricultural activities of those in the state who felt the financial impact of the forced donations at a time when extra money was needed to start agricultural pursuits coinciding with the beginning of the wet season. Some townships were debilitated by having to donate buffaloes and cows which would normally be used for farming practices. Rathedaung Township, as an example, lost 100 cows which were taken by the authorities under the pretext of them going to cyclone victims.[95] The fact that citizens from other states were forced to pick up the tab for the regime, thereby having their right to livelihoods violated, was indicative of the level of economic mismanagement that has turned Burma from the rice bowl of Asia into the dust bowl of Asia, under the cynical hand of the generals in Naypyidaw.

10.7 Forced Labour

Reports emerged following the cyclone that forced labour had been used in reconstruction efforts. While this is seemingly in contravention of the ILO Forced Labour Convention of 1930, articles in the said convention, namely Article 2, state in relation to the definition of forced labour that,

> *"2. Nevertheless, for the purposes of this Convention, the term forced or compulsory labour shall not include—*
>
> *(d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population,"* [96]

At this point it becomes unclear as to how the convention should be interpreted, as it is drafted in such a manner as to be quite general in its application. Juxtaposed against the generality of the written law, are those cases of forced labour following Nargis, the details of which are quite intricate. Firstly, it appears that in international legal terms the stipulation of 2d) safeguards the extraction of forced labour following the cyclone. However, there are several other stipulations in the Forced Labour Convention that could challenge this interpretation.

Article 3, for example states that, *"For the purposes of this Convention the term "competent authority" shall mean either an authority of the metropolitan country or the highest central authority in the territory concerned."* [97]

In terms of arguing for cases of forced labour following cyclone Nargis, it may be possible to assert that the SPDC is not the competent authority within Burma, having failed to recognise the results of the 1990 elections. Some would argue that the legitimate leaders, or 'highest central authority' within Burma is actually the National League for Democracy, and that as such, the SPDC has no legal authority with which to extract forced labour from the populace.

Numerous reports emerged in the aftermath of the cyclone of local communities perform forced labour for the SPDC in reconstruction efforts. This photograph shows a number of Rangoon residents, including one young boy (centre-right) who is clearly pre-pubescent, rebuilding a roadway which had been damaged by the cyclone on the outskirts of Rangoon. *[Photo: © AP]*

A second issue raised by the convention is that mentioned in Article 4, which states that, *"The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations."* [98]

There are several issues in relation to this stipulation. Before discussion of the specifics however, it should be pointed out that in the aftermath of the storm there were several types of reconstruction taking place. Those efforts conducted by the military itself and those where contracts were awarded for reconstruction to the SPDC's business cronies such as Asia World Company, Htoo Trading, the Eden Group, Max Myanmar and Shwe Thanlwin.[99] Whilst forced labour could have been extracted legally under the forced labour convention in times of emergency (if ordered by the SPDC and deemed to be for the civic good), forced labour extracted from citizens who were operating under the auspices of companies who were awarded business contracts by the SPDC do not seem to fit into this category.

Indeed, in these cases it appears that the forced labour was used for the benefit of private individuals or companies. The company Ayer Shwe Wah is an example. The company, one of 43 construction companies awarded reconstruction contracts by the junta, was established by Aung Thet Mann, the son of General Thura Shwe Man.[100] The general has been accused in the past of using his influence in order to secure contracts for the Ayer Shwe Wah company through the War Office for work in Naypyidaw. Following the cyclone, aid workers operating in Labutta Township claimed that Ayer Shwe Wah was utilising forced labourers on its reconstruction projects, paying them a wage of 800 kyat (70 US cents per day).[101] According to *Irrawaddy*, many other companies with links to the regime were retained to aid in the reconstruction efforts including: Naing Group Construction Company, Phwint Phyo Aung Construction Company, Shine Construction Company, Tet Lann Group, Universal Construction Group, A1 Construction Company, ASPIDIN Construction Company, Chan Tha Construction, Ah Yone Oo Construction Company and Yuzana Construction Group.[102] It is reasonable to speculate that if Ayer Shwe Wah was able to use forced labourers on reconstruction projects, then it is more than likely that the other companies may have used forced labourers also.

Although the case mentioned above appears in this light to be a clear cut case of forced labour, it may be possible for the SPDC to argue that the labour was used for purposes that constitute 'the civic good', even though they were taking place under the auspices of private companies. These are matters that would be best left for the International Court of Justice to rule on; however, even a cursory look at the Forced Labour Convention is enough to raise concerns over the behaviour of the SPDC in the cyclone's aftermath.

There were also reports of dubious cases of forced labour such as those recorded in Ka-Nyin-Kone, in Labutta Township. An unidentified source from a village in the township described the activities of the village headmen in the following terms,

> *"When the secondary school at Ka-Nyin-Kone was destroyed by the cyclone, the monks from Min Kyaung monastery handed over a donation for its reconstruction, including payment for carpenters, … However, U Sein Myint, the village headman, summoned the villagers and forced them to work on the construction of the school without payment. If they failed to do so, they were beaten."* [103]

Other reports, from as late as the end of October, highlight that the military was still using the cyclone as a pretext for extracting forced labour from civilians in order to work on military projects. Light Infantry Division #66 was still forcing civilians to work on military projects and threatening those who refused to go with fines ranging from 3,000-5,000 kyat.[104] A man identified as a paddy field owner from Bogole Township, Irrawaddy Division, said that residents had been forced by LID #66 to carry materials for the construction of roads in the

villages of: Saa-O Kyaung, Set Su, Yay Kyaw Gyee, Shwe Pyi Aye, Mondaing Lay, Khyoon Thaya, Kyeinchaung. He claimed further that,

> *"'They are forcing almost the whole villages to take part in road building, cleaning their buildings, and loading and unloading timber for the construction companies,…….They have to work from 6.30am to 11am. Then they have to take a rest and have lunch at their own home. Then they have to work again from 1pm to 4.30pm, … They are saying that they are doing local development, but in fact they are just using forced labour.'"* [105]

The source claimed that these practices had been enforced by the military since July 2008.

Another report from 10 October 2008 provided testimonies from residents in Rangoon who had been put to work by authorities with no compensation. A resident of Shwe Paukkan Township gave the following account of being forced to labour,

> *"We were given orders by the ward Peace and Development Council that one person per household must help clean up roads and drains – those who refused to work were denied permission for guest registrations, … They gave us no money for our work, just a pyi of wet rice for each person but the rice was not edible."* [106]

Residents of Khayan-Thongwa Township were also forced to perform labouring duties for the local authorities. The time spent doing forced labour for the junta meant that these residents who were doing daily jobs in order to survive no longer had time to undertake these tasks. According to one resident,

> *"We were forced by local ward authorities to rebuild farms destroyed by the cyclone with no money for the work, … We earn money with our daily work to feed ourselves but since we have been forced to do work for the authorities, we could not do any work of our own."* [107]

Should residents fall ill when performing this labour for the authorities there was no help forthcoming. According to one resident from Thanlyin Township, *"We were forced by the ward PDC chairman U Zaw Win to work but he wouldn't give us any medical insurance or assistance when we got sick from doing his work."* [108]

10.8 Nargis and the Constitutional Referendum

As the nation and the international community reeled from the impact of Cyclone Nargis, the SPDC calmly moved ahead with its proposed referendum on the draft constitution. The vote was to take place on 10 May 2008 in all areas except for those 47 worst affected towns in the south of the Irrawaddy and Rangoon Divisions. Much work had already gone into the referendum and the regime saw no reason to squander those efforts, even as hundreds of thousands of citizens were left without food, shelter and water in the cyclone affected areas. As part of the preparations on behalf of the authorities, many SPDC officials had toured the nation's states and divisions in an attempt to shore up support for the draft constitution in the referendum.

On 21 April 2008 Deputy Home Minister, Brigadier General Phone Swe paid a visit to Maungdaw in Arakan State and held meetings with township-level authorities in order to gauge the support among the populace for the draft constitution and ostensibly to make certain that no villages in the area were thinking of voting against the constitution. Swe was told by local leaders that indeed all surrounding areas were in support of the draft and intended to cast yes votes. The visit of the Deputy Minister was said to have taken place after rumours began spreading that people in Arakan State were opposed to the constitution and were considering a boycott on voting day.[109]

As the scheduled day of the constitutional referendum approached, many survivors from Rangoon Division had sought refuge in the urban areas, with no alternatives but to seek shelter there in the hope that the authorities would come to their assistance. As was widely reported at the time, many families had lost their dwellings and often, their relatives. Despite the clear need for those survivors to find shelter, food and water, authorities instead delivered an ultimatum. Cyclone survivors who had gathered in a community hall in San-Yeik-Nyein Quarter, South Dagon Township, Rangoon Division were told by authorities that they would have to evacuate the premises forthwith because the facilities would be used as a polling station on 24 May 2008, the delayed date of the referendum for the areas hardest hit by the cyclone. A local volunteer who helped to take care of those sheltering in the hall said that the authorities had not provided any alternative solutions or help for those evicted, but had merely said that they needed to be gone by 20 May, four days prior to polling day.[110]

The subsequent referendum was a deeply floored process, marred by corruption, voting rigging and general fraud. The entire process, since derided by the international community and Burmese opposition groups alike, involved a wide spectrum of rights abuses, the details of which are explored in Chapter 13: Freedom of Opinion, Expression and the Press.

Endnotes

[1] Source: "Constitutional loophole leaves door open for forced labor: ILO," *Mizzima News*, 8 June 2009.
[2] Source: *The Rome Statute of the International Criminal Court*, accessed online at http://www.icc-cpi.int/NR/rdonlyres/EA9AEFF7-5752-4F84-BE94-0A655EB30E16/0/Rome_Statute_English.pdf, on 23 June 2009.
[3] Source: *Crimes Against Humanity*, M Cherif Bassiouni, War Crimes Project. Accessed online at http://www.crimesofwar.org/thebook/crimes-against-humanity.html, on 24 June 2009.
[4] Source: "Responsibility to Protect". Accessed at http://www.responsibilitytoprotect.org/index.php/pages/2, on 23 June 2008.
[5] Source: "Indian Forecasters Gave Burma Advance Warning of Cyclone Nargis," VOA, 7 May 2008.
[6] Source: "Burma knew of cyclone nearly a week before it hit," *Mizzima News*, 6 May 2008.
[7] Source: "Tropical cyclone prediction in the North Indian Ocean: Nargis and Myanmar," P Berlinger, J Masters and Peter J Webster. Accessed online at http://ams.confex.com/ams/89annual/techprogram/paper_152121.htm, on 24 June 2008.
[8] Source: "Cyclone Nargis Has Never Been 'Natural'," *Irrawaddy*, 21 May 2008.
[9] Source: "Burma knew of cyclone nearly a week before it hit," *Mizzima News*, 6 May 2008.
[10] Source: *Ibid*.
[11] Source: *Ibid*.
[12] Source: "Junta Wants Foreign Aid, Not Foreign Aid Workers," *Irrawaddy*, 9 May 2008.
[13] Source: "Burma's Blockade," *Washington Post*, 10 May 2008.
[14] Source: "Burmese Navy Decimated in Cyclone," *Irrawaddy*, 12 May 2008.
[15] Source: "Junta Still Obstructing Cyclone Relief Effort; Cheron Still Complicit In Abuses," ERI. Accessed online at http://www.earthrights.org/related/when_will_the_people_of_burma_catch_a_break.html, on 29 June 2008.
[16] Source: "French Navy Ship Hover near Burma," *Irrawaddy*, 17 May 2008.
[17] Source: "Junta Still Obstructing Cyclone Relief Effort; Cheron Still Complicit In Abuses," ERI. Accessed online at http://www.earthrights.org/related/when_will_the_people_of_burma_catch_a_break.html, on 29 June 2008.
[18] Source: "Burma's Blockade," *Washington Post*, 10 May 2008.
[19] Source: "French Navy Ship Hovers near Burma," AP, 17 May 2008.
[20] Source: "A Trickle of Aid Reaches Survivors," *Irrawaddy*, 15 May 2008.
[21] Source: "Joint Relief Efforts in Irrawaddy Delta," DVB, 21 May 2008.
[22] Source: "Additional £17.5 Million by DFID to Help Burmese Cyclone Survivors," *Mizzima News*, 10 July 2008.
[23] Source: "Aid Delivery in Myanmar Still a Challenge," *UN News Centre*, 5 August 2008.
[24] Source: *Ibid*.
[25] Source: "Junta Sells Seeds Which Do Not Sprout To Farmers in Irrawaddy," *Mizzima News*, 19 July 2008.
[26] Source: *Ibid*.
[27] Source: "At Least 50,000 Houses Need Rebuilding After Cyclone," *The Myanmar Times*, 10 July 2008.
[28] Source: "Thousands of Cyclone Survivors Unable to Return Home," *Irrawaddy*, 10 July 2008.
[29] Source: "Emergency Shelter in Burma Needs Still Great," *Irrawaddy*, 17 June 2008.
[30] Source: "Myanmar Briefing Human rights concerns a month after Cyclone Nargis," Amnesty International. Accessed online at http://www.amnesty.org/en/library/asset/ASA16/013/2008./en/85931049-32e5-11dd-863f-e9cd398f74da/asa160132008.eng.pdf, on 30 June 2009.
[31] Source: "The Authorities Expel the Cyclone Victims," DVB, 15 May 2008. Translation by HRDU.
[32] Source: *Ibid*.
[33] Source: "Refugees Return to Relief Centers in Laputta," *Irrawaddy*, 3 June 2008.
[34] Source: "Myanmar Briefing Human rights concerns a month after Cyclone Nargis," Amnesty International. Accessed online at http://www.amnesty.org/en/library/asset/ASA16/013/2008./en/85931049-32e5-11dd-863f-e9cd398f74da/asa160132008.eng.pdf, on 30 June 2009.
[35] Source: *Ibid*.
[36] Source: "Refugees Forcibly Removed From Monasteries in Bogalay," DVB, 12 May 2008.
[37] Source: "Refugees Return to Relief Centers in Laputta," *Irrawaddy*, 3 June 2008.
[38] Source: "Cyclone Survivors Victimized by Myanmar Soldiers," AP, 29 May 2008.
[39] Source: "7,000 Laputta Refugees Told to Return Home," *Irrawaddy*, 2 July 2008.
[40] Source: "Three Laputta Refugee Camps to Close," *Irrawaddy*, 18 July 2008.
[41] Source: *Ibid*.
[42] Source: *Ibid*.
[43] Source: "Emergency Shelter in Burma Needs Still Great," *Irrawaddy*, 17 June 2008.
[44] Source: "Burma's Cyclone Survivors Are Left to Struggle with Their Fate," *The Telegraph* (UK), 28 July 2008.
[45] Source: "Families Forced Out Of Homes in Ton Tay," DVB, 25 July 2008.
[46] Source: "Will corruption hurt Myanmar relief effort?" Reuters AlertNet, 19 June 2008.
[47] Source: "UN Says only $1.5 Million Lost in Relief Effort," *Irrawaddy*, September 2008.

[48] Source: "Aid for Cyclone Victims Sold In Rangoon," DVB, 12 May 2008.
[49] Source: "Most Cyclone Victims Without Relief; Regime Accused of Stealing Aid," *Irrawaddy*, 13 May 2008.
[50] Source: "Relief supplies appropriated by officials in Bogalay," DVB, 13 May 2008.
[51] Source: "Junta's role makes life more difficult for Nargis survivors," *Mizzima News*, 1 May 2009.
[52] Source: *Ibid*.
[53] Source: "Why Myanmar's junta steals foreign aid," *Asia Times Online*, 14 May 2008.
[54] Source: "A Trickle of Aid Reaches Survivors," *Irrawaddy*, 15 May 2008.
[55] Source: *Ibid*.
[56] Source: "Aid Supplies Resold In Markets, Junta Issues Warning," *Mizzima News*, 16 May 2008.
[57] Source: "Rangoon resident claims military selling aid supplies," DVB, 17 May 2008.
[58] Source: *Ibid*.
[59] Source: "Cyclone victims suspect officials of switching aid," DVB, 21 May 2008.
[60] Source: "Junta Ignores Complaints of Corruption," *Irrawaddy*, 3 June 2008.
[61] Source: "Bogalay residents accuse authorities of selling aid," DVB, 5 June 2008.
[62] Source: "Local officials charged with stealing aid supplies," DVB, 10 June 2008.
[63] Source: "Corruption Rampant in the Delta," *Irrawaddy*, 5 September 2008.
[64] Source: *Ibid*.
[65] Source: "Junta Sells Foreign-Aid-Fertilizers for Cyclone Nargis-Hit Irrawaddy River Delta," KNG, 29 September, 2008.
[66] Source: "Junta's role makes life more difficult for Nargis survivors," *Mizzima News*, 1 May 2009.
[67] Source: "Pyapon Authorities Investigate Rice Scam," DVB, 17 November 2008.
[68] Source: "China Top Destination for Myanmar Trafficking Victims," AFP, 15 July 2008.
[69] Source: *Ibid*.
[70] Source: "Victims of Burma Cyclone Rescued from Human Traffickers," *Irrawaddy*, 3 July 2008.
[71] Source: "Agencies Seek To Protect Cyclone Orphans," AP, 14 July 2008.
[72] Source: "Journalists Arrested, Detained for Nargis Reporting," *Irrawaddy*, 2 July 2008.
[73] Source: *Ibid*.
[74] Source: "8 Burmese Journalists Arrested in Laputta," *Irrawaddy*, 21 May 2008.
[75] Source: *Ibid*.
[76] Source: *Ibid*.
[77] Source: "Reporter covering Nargis victims sentenced to two years," *Mizzima News*, 14 November 2008. Accessed online at http://www.mizzima.com/nargis-impact/1296-reporter-covering-nargis-victims-sentenced-to-two-years.pdf, on 2 July 2008.
[78] Source: "Zarganar Arrested, Cyclone Relief Money Seized," *Irrawaddy*, 5 June 2008.
[79] Source: "Zarganar, Ashin Gambira Get Long Prison Terms," *Irrawaddy*, 21 November 2008.
[80] Source: "Call for release of magazine chief editor and blogger held for distributing aid to cyclone victims," Reporters Without Borders, 16 June 2008. Accessed online at http://www.rsf.org/Call-for-release-of-magazine-chief.html, on 2 July 2009.
[81] Source: "Myanmar: Journalist Zaw Thet Htwe sentenced," English Pen, 27 November 2008. Accessed online at http://www.englishpen.org/writersinprison/bulletins/myanmarjournalistzawthethtwesentenced/, on 2 July 2009.
[82] Source: "Burmese journalists continue to be arrested, foreign journalists still unwelcome," Reporters Without Borders, 25 June 2008. Accessed online at http://www.rsf.org/Burmese-journalists-continue-to-be.html, on 2 July 2009.
[83] Source: "Volunteers burying storm victims arrested," *Mizzima News*, 18 June 2008.
[84] Source: "Water Buffaloes Needed in Cyclone-hit Burma, Says FAO," *Irrawaddy*, 19 June 2008.
[85] Source: "Arakanese People Suffer For Nargis Victims," *Narinjara News*, 7 June 2008.
[86] Source: *Ibid*.
[87] Source: *Ibid*.
[88] Source: "Burmese Force Collects Paddy Seeds for Cyclone Victims," *Kaladan News*, 14 June 2008.
[89] Source: "Forcible Collection of Money for Cyclone Fund in Arakan," *Kaladan News*, 24 May 2008.
[90] Source: "Burmese Army Seizes Cattle For Despatch To Cyclone-Hit Areas," KNG, 17 June 2008.
[91] Source: *Ibid*.
[92] Source: "Mon State told to Send 70 Water Buffaloes and 27 Men to Cyclone Victims," IMNA, 20 June 2008.
[93] Source: "Burmese Army Seizes Cattle For Despatch To Cyclone-Hit Areas," KNG, 17 June 2008.
[94] Source: *Ibid*.
[95] Source: "Arakanese People Suffer For Nargis Victims," *Narinjara News*, 7 June 2008.
[96] Source: "C29 Forced Labour Convention, 1930". Accessed online at http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029, on 23 June 2008.
[97] Source: "Forced Labour Convention". Accessed online at http://www.unhchr.ch/html/menu3/b/31.htm, on 1 July 2009.

[98] Source: *Ibid*.
[99] Source: "Regime Cronies Win Contracts for Cyclone Reconstruction Work," *Irrawaddy*, 16 May 2008.
[100] Source: "Regime Cronies Win Reconstruction Contracts," *Irrawaddy*, June 2008.
[101] Source: "Regime Cronies Win Contracts for Cyclone Reconstruction Work," *Irrawaddy*, 16 May 2008.
[102] Source: *Ibid*.
[103] Source: "Corruption Rampant in the Delta," *Irrawaddy*, 5 September 2008.
[104] Source: "Bogalay Residents Forced To Work on Reconstruction," DVB, 21 October 2008.
[105] Source: *Ibid*.
[106] Source: "Cyclone Victims Forced Into Reconstruction Work," DVB, 10 October 2008.
[107] Source: *Ibid*.
[108] Source: *Ibid*.
[109] Source: "Deputy Home Minister Visits Western Border for Referendum," *Narinjara News*, 21 April 2008.
[110] Source: "Cyclone survivors told to make room for voters," *Mizzima News*, 14 May 2008.

CHAPTER 11
Right to Health

BURMA

HUMAN RIGHTS YEARBOOK 2008

11.1 Introduction

For the people of Burma, 2008 has been another difficult year. The difficulties related to lack of healthcare facilities continued, while other factors relating to poverty remained key influences on the health of the nation. The enduring story from Burma from 2008 was the humanitarian consequences of Tropical Cyclone Nargis, which hit the country on 2-3 May 2008. However, even at the beginning of the year, there were worrying reports and statistics emerging from Burma regarding the health status of the population.

In January 2008, the United Nations Children's Fund (UNICEF) released figures which showed Burma had the second highest child mortality rate in the world, with between 270 and 400 children dying on a daily basis, many from preventable causes.[1] By year end, the combination of the estimated 130,000 deaths due to Cyclone Nargis and the increasing HIV/AIDS crisis lead Médecins Sans Frontières (MSF) to describe the current situation in Burma as *"critical"*, and also contributed to Burma being included in MSF's list of the ten worse humanitarian situations in the world.[2] While it has been estimated that approximately half of Burma's annual budgetary allocation goes towards military expenditure, less than half a percent of Burma's Gross Domestic Product (GDP) is allocated to healthcare.[3] Burma's per capita spending on healthcare has been reported to be *"the lowest in the world"*.[4] As a direct result, deaths arising from easily preventable and readily treatable diseases are common. Burma also has the second highest child mortality rate in all of Asia, with ten percent of children dying before their fifth birthday; only Afghanistan's child mortality rate is higher.[5]

While the State Peace and Development Council (SPDC) military regime makes little to no effort to actively promote good health or to provide adequate healthcare, in some areas it actively prevents the population's access to healthcare through restrictions on movement and other human rights abuses. For example, in August 2008, it was reported that medical students were to be forced to take an exam on the current political situation in the country before being allowed to take up medical placements in hospitals. Presumably, those students who failed to toe the SPDC line would not have been permitted to commence their placements. Although this was denied by the SPDC, it was confirmed by lecturers at Rangoon's Medical Institute.[6]

Not only does the SPDC fail to provide healthcare and inhibits its delivery, in some cases it is actually the cause of the ill health. Forced labour is a serious problem, particularly in areas experiencing ongoing armed conflict. Typically, whenever SPDC army forces arrive in an area, they force locals to porter their supplies even if they are in poor health. For example, 40-year-old Mu Lin was already unwell when he was forced to porter for an unidentified SPDC army column for a week in Hopong Township, Shan State in April 2008. Despite complaining that he was feeling unwell and high a high fever, he was forced to continue carrying the heavy load that he was given. He was utterly exhausted by the time that he was released. A few days after returning home, Mu Lin heard that opposition forces might also be coming to his village to demand porters. Fearing that he would have to go again, he collected whatever possessions he could and fled to the Burma-Thai border with his wife and child. However, on the way, Mu Lin fell sick again, quite likely as a result of his weakened condition, and died before they could reach the border.[7] (For more information, see Chapter 7: Forced Labour and Forced Conscription).

Serious concerns regarding the health of political prisoners also continued to be expressed throughout 2008. Burmese prisons are renowned for their poor conditions and lack of access to healthcare. According to a letter written by an unidentified prisoner in Buthidaung Prison in Arakan State, many prisoners have developed skin infections such as scabies due to poor sanitation facilities, while the inadequate diet has resulted in many prisoners also

contracting beriberi. The same letter also reported that scores of inmates in Buthidaung Prison had been treated with the same hypodermic needle, resulting in the spread of HIV among the prison population.[8]

In the wake of Tropical Cyclone Nargis, which struck the country on 2-3 May 2008, the health of many, particularly those in the coastal regions and the Irrawaddy Delta, was greatly affected. The refusal of the junta to either act themselves or allow in international aid agencies resulted in a deterioration in the situation and led to many unnecessary deaths, and has been classified by some commentators as a Crime against Humanity.

Despite worldwide concern and criticism regarding the situation in Burma, the World Health Organisation (WHO) has in fact been positive. In spite of the deplorable state of Burma's healthcare system, the disgracefully small budgetary allocation for the sector, and the near complete lack of political will of the SPDC to provide for the population, in September 2008, the WHO Deputy Regional Director for Southeast Asia, Poonam Singh, was quoted as having said that the junta was *"actually doing quite a lot to meet the health needs of the people"*.[9] Unsurprisingly, such apologetic support for the regime by an international organization which consistently claims its neutrality shocked many Burma watchers at home and around the world.

This photograph, taken in November 2008, shows Naw Mary Wah as she was receiving treatment from a local Karen aid organization after failed suicide attempt. Earlier in the month she had attempted to kill herself by overdosing on quinine tablets which are typically used for the prophylactic treatment of malaria. Two months prior, she had lost her husband after he had stepped on a landmine while crossing a road. The blast did not kill him outright, but blew off most of his leg. After lying on the road in agony for some time, he eventually took his own life by shooting himself with his own hunting rifle. *[Photo: © FBR]*

11.2 Access to Healthcare

As in previous years, investment in healthcare by Burma's ruling military junta was close to non-existent, with MSF estimating that only 0.3% of the nation's Gross Domestic Product (GDP) was spent on healthcare.[10] This paltry amount translates to just US$0.70 per person and represents the lowest budgetary allocation for healthcare in the world.[11] Meanwhile, neighbouring Thailand was said to spend an estimated US$61 per capita on healthcare.[12]

Access to healthcare is limited throughout Burma; however, certain groups have a tendency to suffer more than others. Inevitably, the availability of healthcare is far lower in rural areas than it is in inner city areas. One clear consequence of this uneven distribution of healthcare is the high rates of malnutrition identified among several of the country's ethnic minorities. For example, one report from October 2008 showed that in one particular area of Chin State, all 300 villages scattered throughout the region had been neglected by the authorities and possessed no healthcare facilities. It was reported that a medical team visiting the area had to send 23 people to hospital as emergency cases and voiced concern about the health of the local population.[13]

Following the advent of Tropical Cyclone Nargis, the health situation in certain rural areas that were particularly hard hit by the cyclone deteriorated significantly (For more information, see Section 11.5: Natural Disasters below, as well as Chapter 10: Cyclone Nargis – From natural disaster to human catastrophe). On 11 June 2008, it was reported that the people of 14 villages in the Dedaye Township, Irrawaddy Division had yet to receive any medical assistance. This meant that almost six weeks after the cyclone had struck the region, there were still dead bodies uncollected and people with serious injuries such as broken shoulders and ribs who were as yet still to receive any sort of assistance.[14]

While the SPDC claims to have improved healthcare facilities throughout the country, the reality is somewhat different. Though new clinics have been built in various different ethnic and rural areas, for instance in parts of Karen State, they are often the result of the forced and uncompensated labour of the local population. Moreover, once built, many village clinics stand unused are they are often left unstaffed and provided with no supplies.[15] Such projects are typically carried out by the SPDC purely so that they can say they are building clinics and providing for the health concerns of the population. Following the completion of any new clinics, high-ranking SPDC army personnel often visit the site for the obligatory photo opportunity, which often later appear in the State-run press as evidence of all the ways in which the SPDC is benefiting the nation. However, after their photographs are taken, the officers depart and little to no further assistance is provided to the clinic. Many such clinics remain empty and on occasion, even permanently locked.

Meanwhile in urban areas, public hospitals are underfunded, fraught by corruption and are often unable to treat the most seriously ill. Many of the private clinics that could treat these patients are not only expensive but also often turn away patients they fear may die in the interest of protecting their reputations, even if these patients were able to pay. This was reported to have occurred in parts of Mon State in February 2008.[16]

Meanwhile, it has been reported that in Kyauktaw of Arakan State, Military Operations Command (MOC) #9 has extorted additional fees from individuals who visit a local clinic for a checkup. The clinic in question was allegedly was set up as a free clinic by MOC #9, however, patients not only have to pay a consultation fee and for any medications that they require, they are also expected to bring gifts should they want to receive an adequate examination.[17] Stories such as this sadly are not uncommon in Burma.

That said, there were numerous reports throughout 2008 of medical professionals doing their best for their patients across Burma despite the difficult circumstances they face. For example, in Arakan State in October 2008, a doctor saved the life of a woman requiring complex gynaecological surgery which would normally need modern operating facilities despite the very basic facilities he had access to.[18] Similarly, in the cyclone-hit Bogale Township in Irrawaddy Division, one nurse, Moe Moe, was in her clinic when the cyclone struck on 2 May 2008, but managed to save her medical instruments which proved invaluable in the aftermath of the cyclone.[19]

A young internally displaced Karen boy, shown here as he was receiving medical treatment from an FBR medical team in southern Nyaunglebin District in March 2008. *[Photo: © FBR]*

Maternity Provisions

As with all other forms of healthcare in Burma, maternity provisions are poor in all areas of the country. The junta claimed that throughout 2008, it worked to extend maternal healthcare throughout the country, with plans to see a skilled midwife in every village.[20] As with many other claims made by the SPDC, it remains to be seen whether they will realise their commitments. Increased maternal care is much needed in Burma. According to the WHO, there is on average only one skilled midwife for every 5-10 villages, resulting in the majority of births being attended by unqualified auxiliaries if at all.[21] The WHO estimates that the maternal mortality rate in Burma is 383 per 100,000 live births, one of the highest in the region.[22] In the wake of Cyclone Nargis, it was feared that these figures would rise still further as a result of pregnant women living in poor conditions and the destruction of any maternal healthcare provisions. However, since that time, numerous NGOs have worked to set up clinics in the Irrawaddy Delta to help improve the situation.[23]

It is believed that communities in Eastern Burma, where an estimated half a million people have been displaced by continuing armed conflict and associated human rights abuses, suffer some of the worst maternal health in the entire country.[24] The situation is exacerbated by the poor living conditions and general health of the population, resulting in high levels of poor nutrition, anaemia and malaria, which increase the risk of complications during pregnancy and delivery. In this area, only 1 in 20 births are attended by a skilled midwife, increasing the maternal mortality rate to 1,000 per 100,000 live births, almost three times the country average. Meanwhile, infant mortality is 91 per 1000, compared with the national average of 76 per 1000 live births.[25]

Abortion is illegal in Burma, and can often lead to life-threatening situations for poor women. Many women are employed in low-paying jobs with little security and a pregnancy would most likely result in loss of their job; a situation that they could ill-afford. While Burma's domestic laws stipulate that women are entitled to 45 days of paid maternity leave, in practice this rarely happens and women are far more likely to lose their jobs altogether. Despite contraception being available in Burma, it remains beyond the means of most women. Even the cheapest means of birth control costs 700 kyat per month, while sterilisation is illegal for women under 35 years of age.[26] Meanwhile, many women are reluctant to buy condoms for there have been reported cases of women being arrested and convicted for protestation purely for being in possession of condoms. Due to its illegality, obtaining an abortion from a qualified medical professional can cost as much as 50,000 to 100,000 kyat which, considering that the average wage of an unskilled worker is only around 1,500 kyat per day, such a procedure is far beyond the means of most. The only option, therefore, is a *"backstreet abortion"* conducted by unskilled individuals at a cost of 5,000 to 20,000 kyat. Such procedures can result in life-threatening complications, the most common of which is blood poisoning, but even in such peril many women are reluctant to seek medical help out of fear of being prosecuted for the crime of having an abortion. Those convicted can face up to three years in prison.[27]

Pharmaceuticals

During 2008, pharmaceuticals were Burma's seventh largest import item, most of which reportedly came from India. This has led to local companies struggling to compete.[28] The almost complete collapse of the Burmese healthcare system has left the country vulnerable to counterfeit medications, which can be incredibly dangerous, if only through their ineffectiveness. According to an article published by the Kachin News Group (KNG), counterfeit artesunate tablets, used for the prophylactic treatment of malaria, were found at one stall in the central market in Kengtung, Shan State. They were tested at a laboratory at the United States Center *[Sic.]* for Disease Control and Prevention in Atlanta, Georgia, and were found not to contain any of the crucial active ingredient required to fight the disease, thus making them ineffective.[29] Considering that *Plasmodium falciparum* malaria, widely recognised as the most deadly strain which can often lead to coma and death, is widespread throughout Burma, the production and trade of counterfeit drugs can cost lives. (For more information, see the section on "Malaria" below).

The case of artesunate is but only one example; there is a wide range of counterfeit drugs available on the Burmese market which claim to treat a variety of ailments. The absence of adequate or affordable healthcare in Burma lead many people to take the risk of using such counterfeit medications, many of which prove to be little more than ineffective placebos.

In October 2008, the KNG reported another incident on the Sino-Burma in which local people were forced to purchase medicines from Northern Regional Military Command (*MaPaKa*) Commander, Major General Soe Win, who was known for having previously distributed medicines which had passed their expiry date.[30]

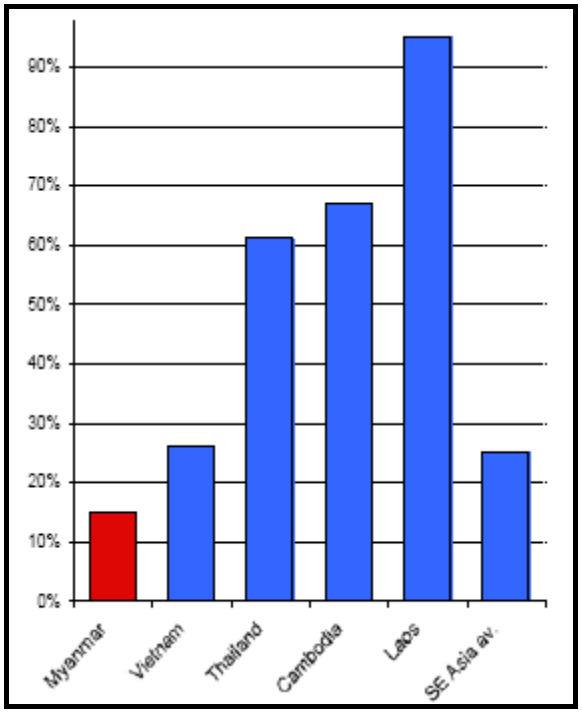
There have also been reports of smuggling of drugs into Burma, presumably as a cheaper alternative to the imports being brought into Burma from India and China. Again, this is not particularly surprising given the state of Burma's ailing healthcare system. At different times throughout the year, there were reports of several police raids being carried out on seemingly-legal businesses and clinics in Arakan State. For example, in November 2008, police raided a neonatal clinic and had reportedly seized contraband birth control tablets and injections.[31] Similarly, a few months prior, in September 2008, local police conducted another raid on a medical dispensary during which they had reportedly seized medicines

valued at an estimated 600,000 kyat. The reasons for these raids are unclear, particularly as the latter was selling genuine medications made in Burma and had a license to do so. The owner was arrested and detained for ten days despite having paid 400,000 kyat to police. The owner had already lost approximately one million kyat over the incident and could not afford the additional 200,000 kyat being demanded by the police to have the medicines returned. It was believed that the owner, who is a member of the Muslim Rohingya community, had been targeted by the authorities purely so that they could extort money from.[32]

A Karen relief team distributing medical supplies to internally displaced villagers in Papun District of Northern Karen State in August 2008. For many villagers living in conflict areas, teams such as this one are among some of the only sources of aid that IDPs receive. *[Photo: © KHRG]*

11.3 HIV/AIDS

The HIV/AIDS situation in Burma is one of the worst in Asia and has deteriorated to the extent where Médecins Sans Frontières (MSF) has labelled it as one of the ten worst humanitarian situations in the world.[33] Statistics released by the United Nations Joint Programme on HIV/AIDS (UNAIDS) showed that between 240,000 and 360,000 people out of Burma's population of approximately 50 million are HIV positive.[34] Approximately 25,000 people lost their lives to AIDS-related illnesses in 2007 and according to MSF, just 20 percent of those requiring Anti-Retroviral Therapies (ARTs) are receiving them, with most of these being delivered through MSF. On average, ARTs cost US$29 per month in Burma. With the average wage of just US$1.2 per day, this is far beyond the means of most Burmese.[35] Of the 76,000 people estimated to be in need of immediate care, during 2007, MSF treated approximately 11,000. Meanwhile, the SPDC provided care to only 1,800 and spent only US$200,000 to combat the HIV/AIDS crisis, despite the need to spend an estimated US$18 million just to treat those currently in need of ARTs.[36] As a result of this extreme lack of funding, many patients must wait for a significant amount of time before receiving any form of treatment, while others die tragically while still waiting. In October 2008, it was reported that at one clinic in Rangoon, as many as 50 patients were seen queuing each morning in the hope of getting access to free ARTs. However, according to one doctor working at the clinic, only ten percent of patients ever receive ARTs; the remaining 90 percent die before they get the chance.[37]



This chart summarizes the findings of a study conducted by MSF on the percentage of Anti-Retroviral Therapy (ART) coverage, current to the end of 2007. The results from Burma (shown in red) are compared against similar findings from other neighbouring countries in Southeast Asia. *[Table: © MSF]*

Although public awareness of HIV/AIDS in Burma is gradually increasing, throughout 2008 there was still a significant lack of knowledge and stigma often inhibited its prevention and treatment. In February 2008, a film about people living with HIV won the best picture award at Burma's equivalent to the Academy Awards, possibly indicating a change in attitudes

towards public awareness of the disease.[38] However according to the *2007 Asia Epidemic Update Regional Summary*, when asked, only 50 percent of Burmese adults could provide three methods of HIV transmission, while in some areas there is a belief that the virus can be transmitted by mosquito bites.[39]

A high proportion of those who are HIV positive are youths, with those under 24 accounting for almost two thirds of those living with the virus.[40] According to MSF, a significant reason for the high HIV/AIDS prevalence in Burma is the high level of intravenous drug use among young people. It is thought that many young people use drugs due to a sense of hopelessness in the country. A report by the Kachin National Organisation (KNO) has alleged that in Myitkyina, Kachin State, as many as eight out of every ten youths will at one point have used intravenous drugs, and this often would have involved the sharing of needles.[41]

Sex-workers are another group at increased risk of contracting HIV. Due to the endemic poverty in Burma and lack of well paid jobs, many women are drawn to sex work in the cities in order to support their families and pay for education and medical bills for their children, parents and siblings. These women are particularly vulnerable and are at increased risk of contracting HIV both through sex and drug use, to which they are more likely to resort.[42]

Of the 400 prisoners held in Myitkyina jail, in February 2008, approximately 90 percent were diagnosed as being HIV positive. A former political prisoner blamed these high levels of HIV infection on the poor basic healthcare provisions inside the jail.[43] In November 2008, it was reported that two years prior, in October 2006, jailed poet and member of the opposition National League for Democracy (NLD), Aung Than, had contracted HIV in Insein Prison in Rangoon Division while receiving treatment for a prostate problem. According to reports, *"a member of the hospital staff who was not a doctor"* forcibly injected 36-year-old Aung Than with a used needle despite his protests. It is not clear what the needle contained, but it is believed that it had been used on another inmate who had HIV. Soon after the incident, Aung Than began displaying symptoms such as *"repeated fevers, skin ailments, and frequent colds"*, first sparking fears that he had contracted HIV. His requests to be tested were all denied. His fellow detainees, some of which included medical practitioners, have reported that his symptoms were typical of someone with AIDS. At the time of the original report, two years after the incident, Aung Than was still yet to receive treatment or be released from jail.[44]

11.4 Other Infectious and Communicable Diseases

As in previous years, the broader Burmese population continued to suffer from infectious and communicable diseases during 2008 and in many cases the levels of these diseases were higher than in other countries in the region. Among the primary reasons which gave rise to this are poverty, which results in a lack of clean drinking water, a lack of adequate sanitation facilities, malnutrition, a lack of vaccinations, and a lack of political will on the part of the SPDC to adequately address these issues.

Though vaccinations are widely considered to be one of the most cost-effective forms of public health, the Burmese junta provides no childhood vaccines for its citizens. The few vaccination programs operating within the country are conducted by international NGOs. For example, UNICEF provides up to 90 percent of all vaccinations in the country, yet despite their best efforts, these programs to not reach all children. Many parts of the country remain off-limits to international organizations and sadly, it is within many of these areas that the most vulnerable populations live.[45]

Beyond the specific diseases discussed below, there were outbreaks of a number of other diseases in 2008. For instance, in November 2008, there was an outbreak of measles among an internally displaced population in Karen State. Measles is easily prevented through vaccination, but few children in Burma receive the necessary vaccinations. By the time the outbreak had been brought under control, 512 people had been taken ill and four had died.[46] Meanwhile, in March 2008, there was an outbreak of chickenpox in Buthidaung Township, Arakan State which had killed four children, all aged two to three years old. Deaths from chickenpox are almost unheard of in most countries of the world where adequate vaccination programs and healthcare facilities exist, but in Burma, poverty and malnutrition, along with poor healthcare, can often lead to complications and ultimately to deaths.[47]

Tuberculosis

According to MSF, Burma has one of the highest levels of Tuberculosis (TB) infection in the world, with an estimated 80,000 new cases every year.[48] TB is highly infectious, but can lay dormant in carriers for many years. Its effects are most serious for those with weakened immune systems, for example those who are malnourished. It is also the most common killer of AIDS patients; therefore, the relationship between HIV/AIDS infection levels and TB infection levels in Burma is extremely important. A representative of the International Organization for Migration (IOM) reported that many people infected with TB do not go to hospitals and attempt to treat themselves at home with traditional herbal remedies and other such treatments which typically prove to be ineffective.[49]

In 2008, an independent study which relied on data obtained from the health screening of ethnic Shan migrants working in Thailand showed TB to be the most common communicable disease diagnosed. The study also revealed that significantly lower numbers of Burmese migrant workers complete the treatment programme compared with Thai citizens who contract the disease.[50]

Malaria

Globally, it is estimated that a million people die of malaria every year, and according to MSF, it is Burma's leading cause of death, leading Burma to account for half of all malarial deaths in all of Southeast Asia.[51] There are massive discrepancies in the estimated prevalence of the disease. While in June 2008, the WHO conservatively estimated there to be approximately 500,000 cases per year, malaria specialist, Dr Frank Smithuis the MSF head of mission in Rangoon, was quick to dismiss this, estimating that the number of malaria cases in Burma each year to be nearer 10 million.[52] As with many other communicable diseases, the high mortality rates for malaria in Burma is believed to be due to both the overall poor health of local communities, which in turn are a result of poor living conditions, and the almost complete lack of healthcare services and budgetary allocation. While MSF has been committed to tackling the malaria epidemic for some years, its 30 clinics treating around 200,000 people per year still leave many untreated, although from the figures above it is difficult to say if it is hundreds of thousands or millions who are going without treatment. As with other aspects of healthcare, those in remote areas are most at risk. One report published in November 2008, maintained that almost the entire population of one village in Kachin State were infected with malaria.[53] While, in December 2008 it was reported that 23-year-old refugee Abdul Malek had died of jaundice and malaria in a refugee camp in Bangladesh after having receiving only paracetamol and antibiotics, which would be ineffective for malaria.[54]

Following Cyclone Nargis, there were fears that a culmination of factors could result in a serious outbreak of malaria in the affected Irrawaddy Delta region. The influx of salt water into the delta created an ideal breeding ground for the mosquitoes that transmit it. Many animals were also killed leading to concerns that mosquitoes would be more likely to try to feed on humans thus transmitting malaria.[55] Thankfully, however, these fears do not appear to have been fully realised as there were no reports throughout the rest of the year of any serious outbreaks in the area. (For more information, see the section dealing with "Cyclone Nargis" below).

Dengue Fever

Dengue fever continued to be a serious problem in Burma in 2008. As with malaria, it is transmitted by mosquitoes, but unlike malaria the dengue carrying mosquitoes are generally active during the day. This makes it far more difficult for people to protect themselves from being bitten and there is no vaccine. Dengue manifests itself as flu-like symptoms of severe fever, rash, headaches and joint pain.[56] It is particularly dangerous for children and the elderly.[57] In July 2008, there were reports that 3,000 people in Burma had thus far been infected with dengue that year, but no further information was provided as to the number of fatalities which resulted.[58] The worst outbreaks of dengue normally come later in the year during the height of the rainy season. There was a further report at the end of July 2008 of an outbreak in Monywa Township in Sagaing Division which had killed an unspecified number of children, with locals saying that health services were not adequate to deal with the outbreak and had been overrun.[59]

As with malaria discussed above, there were fears that Cyclone Nargis had left behind favourable conditions for the mosquitoes that transmit dengue, raising concerns of an epidemic in cyclone-hit areas. The WHO and UNICEF worked with local organizations to try to reduce the risk by destroying breeding areas, primarily through spraying insecticide and larvicide into stagnant pools of water left behind by the cyclone.[60] Fortunately, these measures would appear to have had the desired effect, as no major outbreaks in the cyclone-hit areas were reported later in the year. However, ten Taiwanese aid workers reportedly contracted dengue after volunteering in the area and were expatriated and successfully treated in back home in Taiwan.[61]

Diarrhoea and Dysentery

As waterborne diseases, diarrhoea and dysentery are both problems in poorer areas which lack adequate sanitation facilities. Although easily cured where good healthcare is in place, in poorer areas, lives, particularly those of children, are often lost to this easily treatable disease. Diarrhoea is also easily prevented; it has been estimated that by having access to proper latrines, rates of diarrhoea can be reduced by up to 40 percent; however, only 25 percent of Burmese have such access.[62] There was an outbreak of dysentery and diarrhoea in a number of villages in Maungdaw Township of Arakan State during August and September 2008. The deaths of two people, 35-year-old Rohima Khatoon and 12-year-old Shom Jeeda, were reported at the end of August 2008. Many more were affected and a team of doctors from Maungdaw reportedly travelled to the affected villages to assess the situation. The doctors suggested that malnutrition was a key cause of the outbreak.[63] By mid-September 2008, there had been more deaths in several villages in the area.[64] In October 2008, the Maungdaw Township Health Officer made an appeal to the authorities for help. There were no more beds in the hospital and the area was in urgent need of doctors and medicines. There were also concerns about the levels of malnutrition, particularly in children. There were no official reports as to the total number of fatalities, but local health workers reported that more than fifteen children had died during the outbreak.[65]

Wherever malnutrition and a lack of fresh water are found, diarrhoea and dysentery are typically not far behind. Both diseases are particularly rife in refugee camps. In July 2008, two children reportedly died of diarrhoea in the Kutupalong refugee camp in Bangladesh. Poor sanitary conditions, a lack of adequate food and absence of medical care all contributed to outbreaks of diarrhoea, dysentery, malaria and pneumonia within the camp.[66] In November 2008, a further outbreak of diarrhoea was reported among the refugee population in the Nayapara refugee camp, also in Bangladesh. One baby girl was reported as having died, while several others were being treated. A relative of the baby girl reported that her death was a result of poor medical care. Other refugees reported having to stand in long queues to obtained medicine. Some reported having to join the queues from as early as 3:00 am, with only about half of those queuing eventually getting any treatment.[67]

A Free Burma Ranger medic providing medical and dental treatment to internally displaced villagers in Karen State during 2008. *[Photo: © FBR]*

Cholera

Cholera is another waterborne disease which often affects those living in poverty. As with diarrhoea and dysentery, it can be easily prevented through drinking purified water and using adequate latrines; however in Burma in 2008, it continued to take many lives unnecessarily. Left untreated, cholera can kill as many as one out of every two people infected.[68] An outbreak in Kachin State in October 2008 reportedly killed 21 people after the stream that the villagers used for drinking water had flooded and become contaminated. However, it would seem that the intervention of the SPDC-affiliated Kachin Independence Organization (KIO) prevented the disease from spreading further and saved many lives. According to reports, the KIO had sent a medical team into the area and prohibited travel and quarantined the affected area to prevent the spread of disease to neighbouring areas. The SPDC also reportedly sent a medical team from Myitkyina to the worst affected area for two weeks to assist the efforts of the KIO.[69]

As with other waterborne diseases, there were fears after Cyclone Nargis hit that there will be an epidemic of cholera in the area. There were in fact reports of outbreaks of cholera in the area, but these were not only in line with figures reported in previous years, but also were only to be expected for a region dominated by a large river delta soon after being struck by a tropical cyclone. The WHO was reported to have distributed water purification tablets after the cyclone, which it claimed had prevented many deaths.[70]

Foot-and-Mouth Disease

Although foot-and-mouth disease does not affect humans, it is highly infectious among farm animals and has a high fatality rate. This can have a devastating effect on already poor farmers and lead to a loss of livelihood, which in turn could have adverse health effects. The only reported outbreak of the disease in 2008 was in Irrawaddy Division, which had already suffered extreme devastation in the wake of Cyclone Nargis. It was estimated that approximately 200,000 farm animals died in the cyclone, but the number lost to foot-and-mouth disease after the storm had passed remains unknown. The loss of more livestock could destroy the livelihoods of many farmers already struggling to survive.[71] In 2003, an agreement was signed between Burma, Thailand and Malaysia to reduce the spread of foot-and-mouth disease across national borders.

In August 2008, it was also reported that the Japanese Government had initiated an US$829,000 aid project aimed at combating a variety of animal diseases in the country including, but not limited to, foot-and-mouth disease and avian influenza (H1N1). According to reports, the project will be carried out over three years and will include the establishment of two separate laboratories to work on the prevention of disease transmission.[72]

11.5 Contaminated Chinese Milk Products

In September 2008, toxic melamine was discovered in a variety of Chinese milk products, particularly in powdered baby milk. Melamine is a chemical that can be used to artificially elevate protein levels, but is mainly used in plastics and can be harmful to humans if ingested. It is particularly harmful to young children, and can cause kidney stones, which in very young children can lead to death. In China, tens of thousands of children were affected and at least four children were reported to have died. Chinese milk products are all exported throughout Asia, leading to widespread concern across the region.

Chinese dairy products are widely sold in Burma as cheap Chinese-manufactured products have flooded Burmese markets. In September 2008, the SPDC reported that they were to destroy 16 tonnes of milk powder produced by Chinese companies and investigate if there were any other contaminated milk products in the country.[73] Towards the end of September, SPDC-affiliated health inspectors seized large quantities of Chinese dairy products for testing from the popular Mingalar and Nyaungpinlay markets in Rangoon.[74] However, it was not until almost a month after news of the contamination broke that the regime made an official announcement naming the products that they had found to be contaminated.[75] The affected products were removed from shop shelves and on 10 October 2008, the SPDC then banned the importation and distribution of the nine dairy products that they had found to be contaminated. A few days later a further seven products were also banned after also being found to be contaminated.[76]

Despite this, however, there were concerns about the junta's response to the crisis. To begin with, their actions came nearly a month after the contamination was originally reported, and during that time, not only had the authorities not tested any products but they had also not warned the public of the possible dangers. Secondly, due to the widespread poverty of the general population, many families are not able to buy branded baby milk powder, but instead buy the cheaper repackaged baby milk powder at a cost of approximately 100 kyat in local markets. Furthermore, at the time there was absolutely no indication from the SPDC that they had any plans to inform the public about the risks of purchasing repackaged baby milk.[77] According to the *Mizzima News*, one grocery store chain in Rangoon introduced an exchange policy for customers to exchange contaminated milk products for safer alternatives.[78] Many consumers boycotted Chinese dairy products altogether out of fear of other products being contaminated. Unable to sell the products in their stores due to a lack of consumer confidence, many merchants reportedly began to offer Chinese milk products to their customers at heavy discounted prices. In spite of such savings, locals reported that it was only those who were ignorant of the dangers of the contamination who were buying the products as others were not prepared to take the risk.[79] Products continued to be tested at the end of October 2008, including several brands of "three-in-one" instant coffee, but no further products were reported to have been contaminated.[80] Despite the widespread availability of Chinese milk products in the Burmese market, there were no reports of any fatalities or illnesses arising from the ingestion of contaminated products.

11.5 Natural Disasters

Cyclone Nargis

Tropical Cyclone Nargis struck the Burmese coastline on 2 May 2008 and is believed to have killed more than 140,000 people. In total, an estimated 2.5 million people were affected by the devastation caused, and in some areas, particularly those areas situated within the Irrawaddy Delta, up to 95 percent of homes were destroyed.[81] (For more information, see Chapter 10: Cyclone Nargis – From natural disaster to human catastrophe).

In response to the enormity of the disaster, numerous countries and international aid agencies lined up to provide relief for those affected. However, in spite of the sheer scale of the catastrophe, the immensity of the human cost, and the generosity of the international community willing to help, the junta both failed to act and also actively prevented the provision of aid to those in desperate need. The denial of humanitarian aid in this fashion is tantamount to a crime against humanity.

The initial concern of the international community quickly turned to outrage as it was feared that thousands more Burmese civilians would lose their lives through disease and hunger while offers of assistance were refused.[82] Days after the cyclone, hundreds of thousands of people had received no aid whatsoever and reports began to emerge of people dying of hunger and dehydration. Bodies lay strewn in the streets and in streams near which survivors continued to live.[83] Reports also began to emerge of overflowing toilets and people drinking from stagnant water sources, a dangerous situation which could lead to outbreaks of waterborne diseases such as diarrhoea and cholera and provide a breeding ground for the mosquitoes responsible for the spread of malaria and dengue fever.[84] This sparked the very valid fear that the spread of disease could take many more lives than the original event.

It was reported that two weeks after the cyclone had hit, only 86 visas had been granted to international aid workers, although even these few were denied access to the worst affected areas.[85] The handful of aid workers allowed in had to work with those who had already been working in the country to coordinate the aid operation. Many such local aid workers had lost family members in the cyclone as well and were already traumatised by their experiences. Yet, in spite of this, they were not able to mourn the loss of their loved ones as they were then forced to work tirelessly so as to help as many as they could while the junta still refused the international offers of help.[86] In one reported incident, aid workers were actually blocked by police officers from reaching the survivors they were trying to help.[87]

After three weeks had passed and with no shift in the junta's position, there were a growing number of voices, both within Burma and around the world, calling for the UN Security Council to take action or even to force the SPDC to accept aid and allow the international community to help.[88] It was estimated that as much as 50 percent of the limited existing healthcare facilities in cyclone-affected areas had been destroyed, and the fact that people had limited access to food and sanitation made them all the more vulnerable to disease.[89] In addition to disease, there was also the risk of cuts and other injuries sustained during the storm becoming infected, which without treatment could have quickly become life-threatening.[90]

Doctors operating in Irrawaddy Division reported primarily treating patients with cuts and flesh wounds, diarrhoea and respiratory diseases, and though many thousands of people in the region were treated, the number of patients who had contracted infectious diseases thankfully remained lower than had initially been feared.[91] Meanwhile, a number of cholera outbreaks were reported to have occurred in some of the relief centres set up to accommodate the displaced, such as the one at Labutta, however, the frequency of cases was said not to have been significantly greater than in previous years.[92]

There were also legitimate concerns for those who were already ill prior to the cyclone, in particular those suffering with TB and HIV/AIDS whose treatment, if indeed they were receiving any, could be disrupted. Such people were also more vulnerable to contracting other diseases, particularly as a result of the poor living conditions and the destruction of sanitation facilities.[93]

Eventually, after several diplomatic visits to Rangoon by representatives of the United Nations, the junta relented and many millions of dollars in relief and hundreds of aid workers flooded into the country. Fortunately, in spite of the initial fears of outbreaks of disease, these appear never to have come to fruition and a second wave of deaths from disease did not materialize. However, regardless of the aid agencies eventually being allowed entry into the country, by mid-June 2008, some six weeks after the event, the UN estimated that a million people in need had yet to be reached.[94] By the end of August 2008, it was reported that there had been no further large-scale outbreaks of disease which could be attributed to the cyclone.[95]

This photograph, taken in the Irrawaddy Delta region in late October 2008, shows the severity of the devastation left behind by Cyclone Nargis and the resultant living conditions that families continued to survive under. *[Photo: © Charles Metzger]*

Famine

Parts of Chin and Arakan States continued to be plagued by a famine which began in 2006 with the flowering of the bamboo. This rare phenomenon takes place only once every 50 years as the bamboo comes to the end of its life cycle. When this happened, however, it brought a plague of rats which fed on the flowers and whose fertility then increased as a result. Once they had consumed the bamboo flowers, they then went on to feed on villagers' crops.[96] The effect of this on the already-impoverished region was devastating. Villagers have estimated that around 40 percent of their rice crops had been destroyed, which, in turn, resulted in rice prices in local markets increasing by 75 percent.[97] The last time that the bamboo came into flower back in the 1950s, an estimated 15,000 people died from starvation and through the diseases spread by the rats. By June 2008, it was estimated that approximately 20 percent of Chin State's population of 500,000 were suffering from hunger and malnutrition, leading to warnings from aid agencies that the famine was reaching a critical point.[98]

As the year progressed, the situation became increasingly serious. Doctors warned that malnutrition and starvation in the population was leading to an increase in disease through their weakened immune systems.[99] There were reports which maintained that in some areas; in particular in a number of villages in Thangtlang Township, Chin State, diarrhoea, cholera and skin conditions had become endemic, with numerous deaths being reported.[100] In June 2008, it was reported that in Sittwe, the capital of Arakan State, a father, unable to find enough food to feed his family, had poisoned his two young children before taking his own life rather than watch them die slowly from starvation.[101]

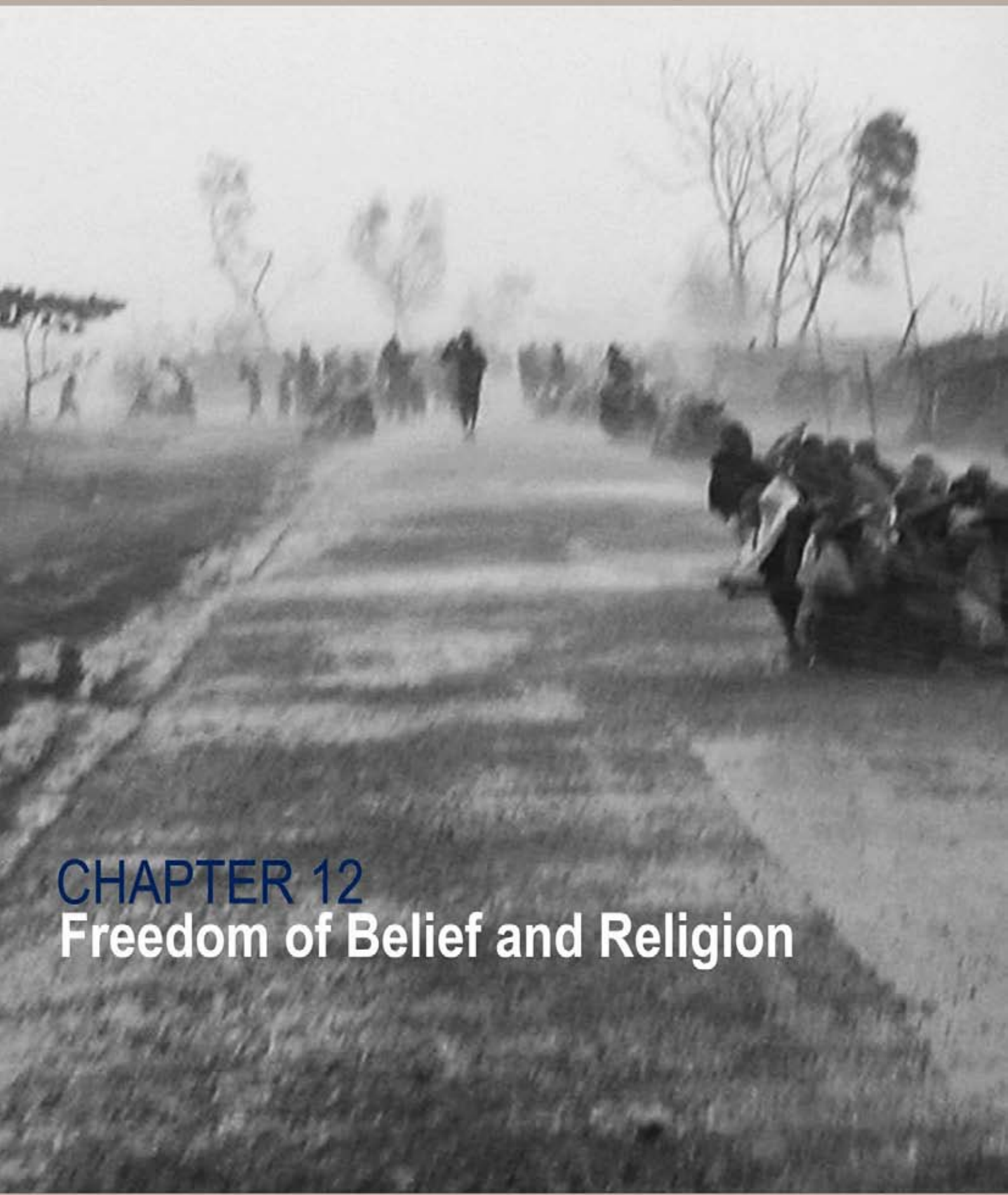
Despite the severity of the situation, the SPDC offered virtually no assistance to the people of Chin and Arakan States. It was not until much later in the year, in November 2008, that the junta offered a token aid delivery to a few villages. That which was provided was inconsequential when compared to the enormity of the demand. It is likely that the only reason that anything was offered at all was so that the regime could claim that they were doing all that they could to help the people. Most Chin people were being helped through the famine by Chin living abroad sending supplies back to their families or communities.[102] Meanwhile, throughout the crisis, rather than helping the people, the military continued to impose fines, unofficial taxes and wholesale movement restrictions, while also forcing the local population to perform forced and uncompensated labour, all of which only added to the severity of the famine and the hardships faced by the civilian population.[103]

It is believed that 140,000 people lost their lives to Tropical Cyclone Nargis, while an estimated 2.5 million were adversely affected. Sadly, scenes such as this one were not uncommon in the wake of the cyclone as thousands of bodies lay strewn across the streets and littered streams and beaches. This photograph, taken in Bogale Township, Irrawaddy Division, in May 2008, shows the bodies of at least eight people who were killed, some of whom were children not yet even in their teens. *[Photo: © Delta Tears]*

Endnotes

[1] Source: *Burma Bulletin: Issue 13*, Altsean Burma, January 2008.
[2] Source: "Burma One of the Worst Crises in the World: MSF," *Irrawaddy*, 22 December 2008.
[3] Source: *Burma Economic Review 2005-2006*, The Burma Fund, June 2007.
[4] Source: *Growing up under militarisation [Sic.]: Abuse and agency of children in Karen state*, KHRG, 30 April 2008.
[5] Source: "Measles Outbreaks Highlight Regime's Irresponsibility," *Irrawaddy*, 6 November 2008.
[6] Source: "Medical Graduates to Appear For Tests on Politics for Placement?," *Mizzima News*, 13 August 2008.
[7] Source: "Forced Porterage, Causing Death Later, in Ho-Pong," *SHRF Monthly Report - November 2008*, SHRF, 26 November 2008.
[8] Source: "A Postcard from Prison," *Mizzima News*, 15 December 2008.
[9] Source: "Doctor WHO?," *Irrawaddy*, 16 September 2008.
[10] Source: "Counterfeit Anti-malarial Drugs Sold in Shan State," *Irrawaddy*, 8 February 2008.
[11] Source: "Burma's Health Care Cripplingly Under Funded: MSF," *Mizzima News*, 22 December 2008.
[12] Source: "Counterfeit Anti-malarial Drugs Sold in Shan State," *Irrawaddy*, 8 February 2008.
[13] Source: "Medical Team Visits Rural Areas of Paletwa Township," *Kaladan News*, 6 October 2008.
[14] Source: "Remote Villagers Lacking Proper Medical Treatment," DVB, 11 June 2008.
[15] Source: *Growing up under militarisation [Sic.]: Abuse and agency of children in Karen state*, KHRG, 30 April 2008.
[16] Source: "People 'Paying the Price' for Health Care in Burma," *Kaowao News*, 6 February 2008.
[17] Source: "MOC Collects Checkup Fee in Clinic from People," *Kaladan News*, 31 December 2008.
[18] Source: "Doctor Saves Woman's Life in Maungdaw," *Kaladan News*, 21 October 2008.
[19] Source: "Nurse Moe Moe, Myanmar: 'I want to do my bit'," IRIN, July 2008.
[20] Source: "Myanmar media stress promotion of maternal, child health services," *Bernama*, 20 October 2008.
[21] Source: "Myanmar: Every Village Should Have One Midwife," IRIN, 16 October 2008.
[22] Source: "Pregnant women a priority for health services," IRIN, 11 August 2008.
[23] Source: "HRDP Provides Antenatal Support for Pregnant Women," DVB, 28 July 2008.
[24] Source: "Maternal Health-Care Inadequate In Eastern Burma: Report," *Mizzima News*, 24 December 2008.
[25] Source: "Maternal Health Care 'Extremely Limited' in Eastern Burma," *Irrawaddy*, 23 December 2008.
[26] Source: "Desperate decisions," *Irrawaddy*, 17 December 2008.
[27] Source: "Problem Pregnancies," *Irrawaddy*, July 2008.
[28] Source: "Burma Pharmaceutical Imports on Rise," Xinhua, 1 July 2008 -9.
[29] Source: "Nearly Entire Htoi Ra Yang Population Suffer From Malaria and Cholera," KNG, 31 July 2008.
[30] Source: "Laiza Residents Forced To Accept Medicine," KNG, 6 October, 2008.
[31] Source: "Raid on Private Clinic in Kyaukpru Town," *Kaladan News*, 24 November 2008.
[32] Source: "Medicine worth Kyat 600,000 Seized In Rathedaung," *Kaladan News*, 5 September 2008.
[33] Source: "Burma One of the Worst Crises in the World: MSF," *Irrawaddy*, 22 December 2008.
[34] Sources: "Dire Need of ART Drug for HIV/AIDS Patients in Burma," *Mizzima News*, 28 November 2008; "Number of HIV-Infected People Drop in Myanmar," Xinhua, 5 August 2008.
[35] Source: "A preventable fate: the failure of a ART scale up in Myanmar", MSF, 26 November 2008.
[36] Sources: "Abandoning Burma's HIV/AIDS Afflicted Community," *Mizzima News*, 26 November 2008; "Myanmar Faces 24,000 AIDS Deaths For Lack Of Antiretroviral Drugs," DPA, 25 November, 2008.
[37] Source: "HIV Patients Have Long Wait for Drugs," *Irrawaddy*, 21 October 2008.
[38] Source: "HIV Film Wins Burma's Oscar," *Irrawaddy*, 8 February 2008.
[39] Source: "Awareness of HIV/ AIDS increasing," *The Myanmar Times*, No. 22, Vol. 425, 6 July 2008.
[40] Source: "Youths in Myanmar at Risk," AFP, 1 December 2008.
[41] Source: "A preventable fate: the failure of a ART scale up in Myanmar", MSF, 26 November 2008.
[42] Source: "Anyo, "I Don't Know Whether I Will Live or Die", IRIN, December 2008.
[43] Source: "Drug Abuse and HIV/AIDS Rampant in Kachin State," *Irrawaddy*, 5 February 2008.
[44] Source: "Jailed Poet Gets HIV Virus from Forcible Injection in Insein Prison," RSF, 13 November 2008.
[45] Source: "Measles Outbreaks Highlight Regime's Irresponsibility," *Irrawaddy*, 6 November 2008.
[46] Source: *Ibid*.
[47] Source: "Chicken Pox Breaks Out In Arakan," *Kaladan News*, 13 March 2008.
[48] Source: "Burma One of the Worst Crises in the World: MSF," *Irrawaddy*, 22 December 2008.
[49] Source: *Ibid*.
[50] Source: "Displacement and disease: The Shan exodus and infectious disease implications for Thailand," Voravit Suwanvanichkij, *Conflict and Health*, Vol. 2, Issue 4, 14 March 2008.
[51] Source: "Burma One of the Worst Crises in the World: MSF," *Irrawaddy*, 22 December 2008.

[52] Source: "Ten Million Malaria Patients in Myanmar," *Radio Netherlands Worldwide*, 25 June 2008.
[53] Source: "Measles Outbreaks Highlight Regime's Irresponsibility," *Irrawaddy*, 6 November 2008.
[54] Source: "Malaria Kills Unregistered Refugee in Leda Camp," *Kaladan News*, 18 December 2008.
[55] Source: "Malaria Risk High In Cyclone-Hit Delta," IRIN, 24 July 2008.
[56] Source: "Dengue Fever Still a Risk in Cyclone-Hit South," IRIN, 24 August 2008.
[57] Source: *Ibid*.
[58] Source: "At Least 3,000 People Infected with Dengue Fever in Myanmar This Year," Xinhua, 23 July 2008.
[59] Source: "Dengue Fever Outbreak in Monywa," DVB, 29 July 2008.
[60] Sources: "UN Plans Massive Anti-dengue Operation in Cyclone-hit Burma," *Irrawaddy*, 16 June 2008; "UN Plans Myanmar Anti-Dengue Operation," AP, 16 June 2008.
[61] Source: "Mass Overseas Infection of Dengue Fever Recorded," Central Taiwan News Agency, 29 July 2008.
[62] Source: "Send in the Latrines," IHT, 19 May 2008.
[63] Source: "Two die in Maungdaw Township from diarrhea *[Sic.]* and dysentery," *Kaladan News*, 30 August 2008.
[64] Source: "Waterborne Diseases Rising In Maungdaw," *Kaladan News*, 16 September 2008.
[65] Source: "Maungdaw Health Officer Requests Medical Help," *Kaladan News*, 16 October 2008.
[66] Source: "Elephant and Diarrhea *[Sic.]* Kill Four Refugee Children," *Kaladan News*, 3 July 2008.
[67] Source: "Diarrhea *[Sic.]* Kills Refugee Girl in Nayapara Camp," *Kaladan News*, 6 November 2008.
[68] Source: "Mass Overseas Infection of Dengue Fever Recorded," Central Taiwan News Agency, 29 July 2008.
[69] Source: "Cholera Kills 21 in Northern Burma," KNG, 18 October, 2008.
[70] Source: "Some Cholera Confirmed in Cyclone-hit Myanmar," Reuters, 16 May 2008.
[71] Source: "Animal Disease Outbreak in Irrawaddy Delta," *Irrawaddy*, 27 June 2008.
[72] Sources: "Japanese-aided Animals Disease Control Project Under in Myanmar," Xinhua, 11 August 2008; "Send in the Latrines," IHT, 19 May 2008.
[73] Source: "Burma to Destroy 16 Metric Tons of Chinese Milk," AP, 25 September 2008.
[74] Source: "Burma Conducts Surprise Check On Chinese Milk Powder," *Mizzima News*, 24 September 2008.
[75] Source: "Junta Identifies Nine Brands of Contaminated Milk," *Mizzima News*, 10 October 2008.
[76] Source: "More Chinese Milk Products Banned in Burma," *Irrawaddy*, 14 October 2008.
[77] Source: "Cholera Kills 21 in Northern Burma," KNG, 18 October, 2008.
[78] Source: "Exchange Program Offered For Contaminated Milk Powder," *Mizzima News*, 16 October 2008.
[79] Source: "Consumers Reject Chinese Milk Products," DVB, 17 October 2008.
[80] Source: "Burmese Authorities Testing Instant Coffee for Contamination," *Mizzima News*, 31 October 2008.
[81] Source: "UN Humanitarian Chief Arrives In Yangon to Boost Aid Efforts," IRIN, 18 May 2008.
[82] Source: *Ibid*.
[83] Source: "Bodies Litter Burma Delta; Survivors Focus on Staying Alive," *Irrawaddy*, 12 May 2008.
[84] Source: "Survivors in Delta Still Waiting for Aid," *Irrawaddy*, 7 May 2008.
[85] Source: "UN Says Nobody Knows Full Extent of Cyclone Disaster," *Irrawaddy*, 16 May 2008.
[86] Source: "Trauma Risk for Burma Aid Workers," BBC, 22 May 2008.
[87] Source: "Myanmar Police Blocks Aid Workers, Food Piles Up," AP, 13 May 2008.
[88] Source: "Time for UN Security Council to Act," HRW, 20 May 2008.
[89] Source: "Burma Facing Serious Health Crisis," VOA, 30 May 2008.
[90] Source: "Burmese Relief Workers Bring Aid to Desperate Villagers," *Irrawaddy*, 16 May 2008.
[91] Source: "Burmese Endure In Spite Of Junta, Aid Workers Say," *New York Times*, 18 June 2008.
[92] Source: "Cholera Outbreak in Laputta Relief Centre," *Mizzima News*, 12 May 2008.
[93] Source: "Cyclone Raises Tuberculosis in Myanmar," Reuters, 10 June 2008.
[94] Source: "One Million Survivors Not Yet Reached," IPS, 11 June 2008.
[95] Source: "Myanmar Health Cluster Situation Report No. 41," WHO via Relief Web, 20 August 2008.
[96] Source: "Rampaging Rats Bring Starvation to Burma," BBC, 26 September 2008.
[97] Source: "Burma Army Demands Labor *[Sic.]* and Land as Villagers Continue to Starve," FBR, November 2008.
[98] Source: "Severe Food Shortage Looms over Burma's Chin State," *Chiland Guardian*, 9 July 2008.
[99] Source: "Rampaging Rats Bring Starvation to Burma," BBC, 26 September 2008.
[100] Source: "Acute Scarcity of Food Leads to Diseases in Chin State," *Mizzima News*, 19 September 2008.
[101] Source: "Family Commits Suicide to Escape Hunger," *Narinjara News*, 24 June 2008.
[102] Source: "Some Succor *[Sic.]* for Famine Affected Chin People," *Khonumthung News*, 5 November, 2008.
[103] Source: "Burma Army Demands Labor *[Sic.]* and Land as Villagers Continue to Starve in Western Burma," FBR, November 2008.



CHAPTER 12
Freedom of Belief and Religion

BURMA

HUMAN RIGHTS YEARBOOK 2008

12.1 Introduction

Burma was again noted in 2008 as one of the 11 nations of *"of particular concern"* by the United States Commission on International Religious Freedom (USCIRF). Since the establishment of this commission in 1998, Burma has made the list every year. Officially Burma does not have a state religion, although the ruling military junta has continued to promote Theravada Buddhism while marginalizing and alienating other religions. Since the monk led 'Saffron Revolution' in September 2007 however, the junta have increased their attacks on the country's Buddhist population as well.[1]

According to official statistics gathered and released by the State Peace and Development Council (SPDC), roughly 90 percent of the Burmese population are practicing Buddhists, while Christians and Muslims comprise six and four percent of the population respectively. Contrary to these figures though, independent research has suggested that the non-Buddhist population of the country could be as high as 30 percent. Other religions being practiced in Burma include Hinduism, Animism and even Judaism, which is comprised of a small Jewish community of approximately 25 followers in Rangoon, although there is no resident rabbi to conduct sermons at the local synagogue.[2]

There are many different ethnic groups throughout Burma and there is some correlation between religion and ethnicity. For the Burman ethnic group, along with the Shan, Arakanese and Mon ethnic minority groups, Buddhism remains the dominant religion. Christianity is the practiced religion among the majority of the Kachin, Chin and Naga ethnic groups. Furthermore, Christianity is also very popular among the Karen and Karenni ethnic groups, along side a still prominent Karen and Karenni Buddhist population. Islam is mostly practiced in Arakan State and is the main religion of the Rohingya ethnic minority. There are also smaller Islamic communities comprised of ethnic Burmans, located in Rangoon and Mandalay.[3]

In early 2008, the SPDC announced that there would be a constitutional referendum in May and that most citizens and ethnic minorities would be eligible to vote in the referendum with the exception of those belonging to religious orders and prisoners. The draft constitution, which was released in March 2008, explicitly recognized the *"special position of Buddhism as the faith practiced by the great majority of citizens,"* but merely mentioned Christianity, Islam, Hinduism and Animism as 'existing' within Burma. The constitution also claims to prohibit religious discrimination and to promote the freedom of religious practices while being *"subject to public order, morality, health, and other provisions of the constitution."* [4] Moreover, religious orders are denied the opportunity to form parties to vie for political office such that religion can never be abused by serving political ideology.

Despite these promises of religious freedom, in 2008 members of all religions were still abused by the SPDC to varying degrees. Local officials continued to monitor and interrupt religious activities and meetings of all sorts, which in turn resulted in restrictions on freedom of expression, association and assembly. Technically, all religious organisations are supposed to apply for registration with the SPDC; the junta can then choose which organisations are allowed to register. Following this process, only registered organisations can open bank accounts or buy or sell property. Several requests for religious meetings and festivals were denied by the SPDC in 2008, and all religious publications and sermons were under the control of strict censorship. Religious minority groups were also refused permission to build new religious structures and places of worship and in some cases had their religious sites destroyed by the SPDC.[5]

Buddhism has traditionally been synonymous with Burman nationalism. The idea of ultra-Burman nationalism has been used by the military regimes to unite Buddhists in solidarity, and to oppress non-Buddhists. Constant rhetoric, such as the saying 'Buddha Bata, Myanmar Lumyo' meaning, 'To be Myanmar is to be Buddhist' is used by the junta to justify their actions and this ideology remains at the centre of the SPDC's political philosophy. Consequently, the SPDC has maintained efforts to assimilate all ethnic minority groups into the mainstream Burman society to create a single national identity under the policy of 'one race, one language, one religion'. Under this ideology, the SPDC promotes Buddhism over all other religions. Evidence of this is seen in the Ministry of Religious Affairs, which contains the Department for the Protection and Propagation of Sasana (Buddhist teaching). Buddhist doctrine features heavily in the state mandated curriculum for all official elementary schools, where students are required to recite Buddhist prayer daily. Moreover, the SPDC continues to operate two Sangha universities, in Rangoon and Mandalay, to train Buddhist monks under the control of the State Monk Coordination Committee. In 2008, there were no official reports of forced conversion of non-Buddhists, however many students and poor youth were pressured heavily by local authorities to convert to Buddhism. Job placement in the public sector and advancement in the military was largely dependent on whether one was a practicing Buddhist or not. Furthermore, one's religious affiliation was a requirement for all identification cards that citizens and permanent residents were required to be in possession of at all times.[6]

Burma's monastic community was quick to come to the aid of the population in the wake of Cyclone Nargis while the SPDC sat on its hands and even actively hindered the provision of aid. This photograph, taken in May 2008, depicts a patient being comforted by Sitagu Sayadaw in a clinic in Irrawaddy Division. *[Photo: © Irrawaddy]*

In 2008, the military continued to abuse Christians and Muslims and their right to religious freedom. It was reported that members of these religious minority groups were occasionally used for forced labour to serve the military regime. In some cases forced labour was used to destroy mosques, churches or graveyards in order to build Buddhist pagodas.[7] Sometimes these Buddhist pagodas would even be built using forced labour in areas with a low Buddhist population even though, the Religious Affairs Ministry claims to only allow the construction of religious monuments in situations that *"depends upon the population of the location."* However, this rule seemed to be ignored for the building of Buddhist sites in non-Buddhist areas. Christians and Muslims nonetheless, still experienced trouble when applying for permission to build or repair their own religious sites. In many cases, Christians and Muslims were eventually able to obtain the necessary permits to build, but only when the groups in question had paid bribes to the authorities. There were also occasions when these groups simply had their applications denied for various reasons, such as that the church did not have a proper property permit. At other times, church or mosque leaders were given informal permission to commence construction, only to have SPDC authorities change their mind and destroy the buildings after they had been completed. This raises the question of whether or not in these cases the authorities processed the applications solely in order to collect the bribes required to have the petitions granted.[8]

In addition to oppressing religious minority groups in 2008, the SPDC increased its control over Burma's Buddhist population. Even though there are approximately 400,000 monks in Burma, there are only nine state-endorsed monastic orders that are permitted to operate under the SPDC sponsored Sangha Maha Nayaka Committee (SMNC). Furthermore, independent monastic orders are illegal since the establishment of the 1990 Sangha Organisation Law. These laws have since been used to control the Sangha and limit its rights to expression and assembly. For example, abbots are not allowed to deliver instruction on any topics which could be related to politics and monks are restricted from joining together in opposition to the government. Violations of this law, as witnessed during the September 2007 'Saffron Revolution', result in grave consequences. Monks who were accused of participating in the protests were defrocked in jail, where they were not allowed to shave their heads or eat their meals in accordance with the monastic codes. Monks were thus treated as laypersons and common criminals; treatment which comprises one of the gravest offences one can commit within the Buddhist religion.[9]

12.2 Religious Discrimination against Christians

Under the justification of 'Burmanization' in 2008, the SPDC continued to suppress Christians in a perceived move toward the creation of a pure Buddhist country. Thus, throughout Burma, and especially in the heavily Christian populated Chin and Kachin States, there were reports of religious discrimination and persecution. There were reports, for example, that Chin Christians were forced at gun point to destroy religious symbols and to build Buddhist pagodas in their place. In such cases, Christians were abused during the forced labour used in the destruction of religious buildings and symbols, as well as in the replacement of the structures with those of a Buddhist orientation, while they also had to contribute to building costs. Furthermore, children in these villages were reported to have been taken from their homes and sent to all-Buddhist monasteries to become monks. Other children were said to have been forced to celebrate Buddhist holidays at their schools, or were forced to lie about their religion in order to attend primary school. Christian groups, among others, had difficulties purchasing land or gaining permission to build or renovate religious sites.[10]

Again in 2008 it remained illegal to import Bibles into Burma that were translated into an indigenous language. Bibles translated into Burmese that were allowed to enter the country were also subjected to censorship. The SPDC continued to prohibit more than 100 Christian terms because these words are similar to Buddhist terms of Pali origin.[11] Furthermore, complete sections of the Old Testament continue to be eliminated because the junta has claimed it teaches violence against non-believers. Aside from importing Bibles for the indigenous community, Christians also had difficulties proselytizing. Christian leaders within Burma were discouraged through intimidation from seeking consensual conversions, while the prohibition against permanent foreign religious missions, which has been in place in Burma for over 40 years, remained in 2008.[12]

Of the three million reported Christians in Burma, 700,000 are believed to be Catholic. In 2008, Catholics had their rights violated in similar ways to other Christians. For example, Roman Catholic churches that raised funds and collected donations to aid cyclone survivors had their merchandise confiscated by the SPDC. Furthermore, the Catholic Church was prohibited from providing shelter and education to homeless children and members of the church were arbitrarily arrested.[13] In November 2008, a Burmese clergy member from Karenni State reported on the issue further. The clergy member, known only as David, who had worked in Catholic missions in Danutphyu in Taninthary, in the Irrawaddy and Tenasserim Divisions respectively, made claims that the SPDC had arrested over 40 teachers from a bible school in Rangoon and sent them to jail for two weeks. Moreover, David claimed that churches, of all kinds, were still being regularly demolished and Catholic run orphanages had been shut down by the junta, while children were sent back to their villages. When referring to the junta's attitude toward freedom of religion, he said,

> *"Myanmar government doesn't give any chance to do anything. For example regarding either Catholic mission or bringing up the orphans, they give us no right to do on our own. They said there are Social organizations if we want to do, we must be under those organizations. But we firstly have to show the budget if we join those organizations."* [14]

Regardless of the human rights violations that Christians and Catholics alike have faced in Burma, Pope Benedict XVI recognized the legitimacy of Burma's ruling military junta in October 2008. This information became known after the Pope was invited to visit Burma by the Burmese archbishop, Charles Maung Bo, in early October. The archbishop then claimed of the Pope that, *"He would be ready to make a short visit to Myanmar [Burma] if he chooses to visit one of the countries in Asia,"* [15] Although the Vatican replied that there were no

immediate plans to make an Asian tour, one Vatican official did report to the Union of Catholic Asia (UCA) News that, *"It should be stated clearly that there is no persecution against Christianity or Catholics in Myanmar."* [16] Another Vatican official continued to claim that the Catholic Church in Burma possessed complete freedom of worship even though the church cannot work in areas of education and healthcare. *"Nor can it express its position on socio-political questions in accord with the Church's social teaching,"* the same source maintained.[17]

Christians throughout all of Burma were discriminated against in 2008, though many of the reported acts of persecution came in areas where there were a greater proportion of Christians. Such areas include Kachin and Chin States, where Christianity is practiced by a majority of the population, and in Karen and Karenni States, where there are large Christian communities.

Kachin Christians

An estimated 90 percent of the Kachin ethnic group identify themselves as Christians. There were frequent reports of forced labour, forced relocation and religious persecution suffered by this group at the hands of the SPDC authorities throughout 2008.[18] In addition to persecution and oppression, the SPDC tried to bribe Christian Kachin leaders, in the form of offering goods and luxuries, in exchange for gaining Christian support for the May referendum. After the referendum, further bribes were also given to the Christian community from the military regime in order to legitimize itself to the religious and ethnic minorities. One such example of this behaviour took place in February within Kachin State. During a meeting at a local Union Solidarity Development Association (USDA) office in Du Mare, Myitkyina Township on 23 February, leaders from the Catholic and Baptist church were promised that they would be allowed to purchase GSM mobile phones. Brigadier-General Thein Zaw, the SPDC's minister of Telecommunications, Post and Telegraphs, ran the meeting and promised to sell the mobile phones to the church leaders for a fraction of the market price if the two churches would promise to support the draft constitution in the upcoming referendum. The religious leaders agreed to this proposition when Thein Zaw also promised all church employees the chance to buy the phones within three months. Normally, citizens must pay 3,500,000 kyat for a GSM mobile phone, but under this deal the Kachin Catholic and Baptist churches could buy them for 1,500,000 kyat per phone. Negotiating with the junta ultimately upset many Christian villagers, who suspected ulterior motives on the part of the regime officials. Said one disgruntled villager of the deal, a young local Baptist pastor, *"I disagree with what the aged pastors' say. In fact, the junta is organizing pastors because there are many follower-civilians with them. The junta is trying to garner public support for the ensuing referendum and election."* [19]

Then on 2 July, once again in Myitkyina Township, Kachin State, the junta attempted to foster the good will of the Kachin Christian community. This time, the SPDC's new Northern Command (MaPaKha) Commander Major-General Soe Win, held a meeting to introduce himself and donate rice and oil to the local Christian community. Over 300 church members, of both the Baptist and Roman Catholic Church, were in attendance, including church leaders and pastors. At the meeting Major-General Soe Win claimed he wanted to have a stable relationship with community and announced a donation of 80 sacks of rice and cooking oil to the church members in attendance. The Myitkyina District Baptist Convention (MDBC) alone received 15 sacks of rice and 1.6 Kg of groundnut oil to be distributed among the township's 15 other Baptist churches.[20]

Chin Christians

Christianity is the dominant religion in Chin State and is observed by around 80 percent of the state's population. In addition to being an ethnic minority, the Chin with their large Christian community, have been seen as a threat by the SPDC and have therefore been regularly victimised for their beliefs. Although there were no reports of actual forced conversion in 2008, Christian Chins were pressured to practice Buddhist rituals, attend Buddhist seminaries and eventually convert willingly to Buddhism. Only Buddhist children have been allowed to attend local schools in Chin State, leaving Christian students no choice but to convert in order to attend. There were also reports in early 2008 of children being taken from their homes without their parents' permission and placed into Buddhist monasteries to learn how to live as monks.[21]

Christians in Chin State did not receive the same treatment as those in Kachin State. On 4 April, the junta's Deputy Minister for Religious Affairs, Brigadier-General Thura Aung Ko, travelled to southern Chin State to gain support for the referendum, however, Chin Christians were not offered cheap mobile phones for their support in the referendum. Instead of offering bribes of value, the Deputy Minister ordered the residents to vote 'yes', as the constitution was the only path to democracy which the minister claimed increased religious rights for the Chin Christians. He also maintained that if the referendum was not approved, the outcome would mean a continuation of the military's harsh rule in the area.[22]

In July, during one of the worst famines in the history of Chin State, the SPDC made no effort to help the starving Christian population and even made getting aid difficult. The famine was the result of the flowering of bamboo, which occurs roughly every fifty years. The flowering produces an abundance of flowers, fruits and seeds which causes an explosion in the local rat population. Unfortunately the flowering does not last long, leaving the rats without a food source, whereupon they turn to human grown crops and food stores, causing famine. The starving population's only access to aid was that smuggled across the Indian border from Mizoram State. It was feared that the crisis had the potential to take the lives of 100,000 Chin residents, or 20 percent of the state's population. The Executive Director of CHRO, Salai Bawi Lian Mang, commented on the junta's response by saying,

> *"This is just another example of the regime's extreme disregard for the people of Burma. The regime has done nothing to provide assistance to communities in immediate need of food aid. Rather, they are obstructing relief supplies and hindering humanitarian efforts in western Burma."* [23]

Another source indicated that relief groups were having difficulty accessing the already isolated regions of Chin State because of the authorities' interference. This delay worried some aid groups because the monsoon rains usually made the foot trails that lead to those villages in dire need impassable. It was also reported that local authorities confiscated over 300 bags of rice (over 50 Kg) from the Roman Catholic Church in Paletwa Township, because the church was collecting donations to send to villages in the affected areas.[24]

Karen Christians

Although not a majority, a large number of the Karen population is Christian. In 2008, it was reported that Christian leaders and communities in Karen State were targeted in attacks by the SPDC. These attacks lead to the destruction of 167 villages, which in turn led to the displacement of approximately 76,000 people. Furthermore, after the September 2007 protests, the junta increased their presence in Karen State to intimidate the populace into refraining from any additional demonstrations and to continue with previous offensives. The military now has 10 divisions in the state, compared to nine in previous years.[25]

Persecution of Christians - Partial list of incidents for 2008

Throughout January 2008, the military junta continued its campaign to restrict the construction of a Kachin Baptist church in Tarang village of the Hukawng Valley, Kachin State. The Regional Operations Command (ROC) of the Danai-based SPDC Army, DaKaSa, first started its campaign to prevent the construction of the church in 2005. The prohibition also banned church members from collecting firewood for the use of baking bricks, which could be used for the church's construction.[26]

In January 2008, the Naga National Democratic Organization (NNDO) issued a statement criticizing the SPDC for religious discrimination against the Naga people. According to the report, approximately 90 percent of the Naga population are Christian. The report maintained that Naga workers were used for forced labour during the New Year Festival and had been pressured by the regime to convert to Buddhism. One Naga representative said that, *"The [Buddha] statues given to the Naga people are not actually gifts, but symbols of a religion forced on the Naga people against the idea of freedom of religion."* [27]

On 26 March 2008, a report released by the *Irrawaddy* claimed that Christians had faced religious discrimination within the military ranks and were ineligible for internal promotions as a result. One SPDC army officer maintained, *"The generals don't want Christians and even a junior officer's wife must be a Buddhist."* [28]

On 17 April 2008, it was reported that officials in Falam Township, Chin State, forced the town's Gospel Baptist Church to celebrate the church's Silver Jubilee ceremony three weeks ahead of schedule. Initially, the event was scheduled for the second week of May, but authorities felt that a religious ceremony could not be held near the 10 May referendum, so the church was forced to change the date. One church member responded, *"The jubilee committee has finally agreed to celebrate on April 25 because the authorities pressurised them."* [29]

On 18 June 2008, it was reported that military authorities began building a pagoda in Zupmaiyang village, Kachin State, which is an all Christian area. The pagoda was scheduled to take five years to complete and was under constant military surveillance by SPDC Commander Major-General Ohn Myint. Local Christian residents have claimed that this was another attempt by the military to ethnically cleanse the Kachin Christians, under the junta's policy of Burmanisation.[30]

On 10 July 2008, it was reported that the Township Peace and Development Council (TPDC), led by U Kyaw Tu, in Sadung, Kachin State, had confiscated Christian owned land from the Baptist church. The authorities had no permission from the church to take the land, yet they proceeded to build an administration office in the place of the Christian boarding house that had been in existence for 10 years under the Kachin Baptist Convention (KBC). Local Christian leaders claimed to be upset but admitted there was nothing they could do to prevent the land seizure.[31]

On 22 July 2008, it was reported that Christian students in Putao District, Kachin State, were obliged to claim that they were Buddhists in order to attend the free, SPDC operated, school of Development of Border Areas and National Races (NaTaLa). It is mandatory for all students to follow Buddhist laws and actively participate in Buddhist religious ceremonies. Forcing the Christian students to denounce their original religion was seen by the community as another attempt by the junta to curb the religious freedoms of the Christian populations in the country.[32]

On 29 July 2008, it was reported that two Christian pastors in Chibwe, Kachin State, were accused by local authorities of spreading anti-dam propaganda in the region. Each pastor was interrogated individually at the police station then forced to sign an agreement that they would find those responsible for the anti-dam posters. The Chibwe Dam project was begun as a joint venture between the Myanmar-Asia World Company and a Chinese company in early 2008 on the Chibwe River. The project has been linked to land confiscation and environmental abuse.[33]

On 14 October 2008, Burmese military junta officials started the demolition process on a Christian cemetery in Dukathaung Ward, Myitkyina Township, Kachin State. Authorities claimed that the cemetery, which had been in use since 1960, had to be removed to make way for a Physic Nut plantation project. One Kachin resident maintained, *"The local people are disappointed and upset as they are not being allowed to retrieve the sacred remains of their forefathers. These tombs and mortal remains are priceless and sacred for their faith and religion."* [34]

On 17 October 2008, it was reported that residents, whose Christian cemetery was confiscated in Dukathaung Ward, Myitkyina Township, Kachin State, were being forced to pay 200,000 kyat to transfer one of their relatives' tombs to a different cemetery. However, after the bulldozing of the cemetery began on 14 October 2008, under the command of Major-General Soe Win of the Northern Military Command (MaPaKha), it became nearly impossible to identify the individual remains. Chairman Awng Wa, of Kachin Development Networking Group (KDNG), maintained, *"It was an act of discrimination by Burma's ruling junta that the Christian cemetery was confiscated. It is a condemnable act of the regime."* [35]

On 24 November 2008, the Hakha Khuahlun Baptist Church in Hakha, Chin State, burnt down. The fire that destroyed the two-storey church was said to have started from unknown causes in the backroom, while the staff was away at lunch. When local police and fire fighting authorities arrived on the scene there were no efforts made to extinguish the fire until after the building had completely burnt down. Church sources claimed that 50 million kyat worth of goods were destroyed in the fire.[36]

On 27 November 2008, local TPDC members in Tayawati Town, Kalaymyo Township, Sagaing Division, destroyed a Christian church which had been under construction. The church was to be the Christian Technology Fellowship Church and was founded by Christian students from Chin State and Sagaing Division who were studying at the local Government Technology Centre. Previously, the students worshipped in hostels and other rented rooms, but they were continually asked to leave once it was known that they were practicing Christians. One student commented, *"We could not rent a room for worship, so we applied to the Kaly Council of Churches (KCC) to build a Church for us. Reverend Cing Lian Sum, Secretary of KCC approved building a Church and bought a place for Kyat 3 lakhs in 2005."* [37]

12.3 Religious Discrimination against Muslims

Muslims in Burma, most of whom belong to the Sunni sect of Islam, officially makeup 4 percent of Burma's population. However, independent research has suggested that this figure has been underestimated by SPDC officials and the actual number of Muslims in Burma could potentially range from 6 to 10 percent of the population.[38] Most of these Muslims live in northern Arakan State. Within Arakan State there are two main groups of Muslims. Firstly, there are those Muslims from the Rohingya ethnic minority, which comprise a majority of the Muslim population and speak a Bengali dialect. (For more information on the Rohingya see sub-section below) The other Muslim group in Arakan State is referred to as ethnic Burman Muslim. Although both groups are Muslim, the ethnic Burmans receive better treatment from the state and can enjoy the privileges of citizenship, unlike their Rohingya counterparts. Burman Muslims can even obtain National Registration Cards and passports if they are prepared to part with a bribe. However, all of these official documents are required to indicate the owner's religion, in which case authorities have been said to harass Muslim cards holders. [39]

Muslims were still facing obstacles in 2008 when attempting to obtain identification cards. Students, who applied for their identification cards in the middle of 2007, had still not received their cards by the first few months of the year, while students of other religions obtained their cards within a few weeks. Identification cards are needed in order to travel from one village to the next, to obtain further official documents, such as a passport, and even to access and attend higher education. Furthermore, those caught without identification cards are subject to arrest or extortion.[40]

Throughout the year, many Muslim leaders, and even members of the Myanmar Muslim Council (MMC), were arrested arbitrarily. In some instances the arrests were made under suspicions of having links to Muslim insurgent groups abroad, or for conspiring against the referendum. At other times, leaders were arrested for hosting illegal religious functions. This of course forced other Muslim leaders to go into hiding or cease their religious activities altogether for fear of arrest.[41]

Restricting the number of Muslims that can be gathered at one time continued to be a common practice. Muslims were generally allowed to gather for regular prayer services or holidays, but for any other type of congregation, Muslims were subject to arrest. There were also instances in towns outside of Rangoon where Muslims were only allowed to assemble for prayer during the most important religious holidays. However, even to celebrate the major holidays, some Muslims were required to receive advance permission. For example, to celebrate Biswa Iitema in Dhaka, Bangladesh, many Burmese Muslims paid large sums of money for permission to travel and participate in the holiday. After they returned however, NaSaKa officials arrested and fined them for leaving the country illegally.[42]

Arresting and fining Muslims for gathering during religious functions was just one of many examples of how the SPDC continued to discriminate against Muslims in the country. In 2008, there were also many examples of religious leaders being arrested or fined for renovating, building or extending a mosque. It remained a requirement in 2008 for each mosque's authorities to receive a permit in order to build or alter any religious structure. This permission however, can take months, if not years to be granted. In some documented cases, in which Islamic religious leaders went ahead with renovations without permits, arrests were made and fines of up to 1.3 million kyat were imposed for their actions.[43]

Aside from the visible persecution experienced by Muslims in 2008, the ruling junta also instigated forms of symbolic discrimination against the religious minority groups. There were some cases in which clearly identifiable Muslim bodies were found by NaSaKa guards and

were thus handled inappropriately. Authorities in these cases failed to return the bodies to the local community so the deceased could obtain a proper Muslim burial. Instead, the authorities cremated the bodies in accordance to Buddhist customs and then informed the families of the deceased afterwards. (Note: Normal Muslim custom stipulates that the deceased are usually interred within 24 hours of death, never cremated) [44]

Another form symbolic persecution took place when the SPDC officials began enforcing a new law that required all Muslim men to be clean-shaven when applying for marriage permits. In addition to breaking the traditions of their religion, Muslim men were also required to pay an additional large sum of money, up to 30,000 kyat when applying for the permit. The strenuous process of even applying for a marriage permit deterred many Muslims from having a traditional Muslim wedding.[45]

Despite the abuse Muslims faced at the hands of the SPDC, the military still tried to mobilize the Muslim and Rohingya communities in efforts to garner their support for the referendum. There were reports in April that authorities in Maungdaw Township held specific meetings with local Muslim leaders to gain support. On 25 April 2008, one meeting was organised by district officials with over 500 Muslim leaders in attendance. The district officials, notably District Chairman U Hla and Maungndaw delegate to the National Convention U Mya Maung, were reported to have given speeches in favour of the referendum. A Muslim leader who was in attendance said of the pro-referendum rally:

> *"They explained to us how the military government has given the opportunity to the Muslim community in Burma because there is no chance for monks and other religious leaders to cast votes in the upcoming referendum - only Muslim religious leaders will get the chance to cast votes in the upcoming referendum. So, they said Muslim religious leaders need to cast "yes" votes during the referendum."* [46]

This meeting was just one example among many which depict how SPDC officials continue to manipulate minority groups in order to achieve their own political agenda.

Discrimination against the Rohingya

The Rohingya are a Muslim minority group residing in north-western Arakan State. There are said to be one million Rohingyas living in Arakan State, out of a total state population of approximately three million. Recently, the United Nations High Commission for Refugees estimated that of the 910,000 people living in northern Arakan State, 725,000 are Rohingya. Within northern Arakan State, the Rohingya are concentrated in two major townships. In Maungdaw Township the Rohingya comprise 96 percent of the population and in Buthidaung Township they account for 88 percent of the population. The Rohingya have experienced the most heinous forms of abuse from the SPDC because of their Muslim beliefs and because of the junta's policy stipulating that the Rohingya are not native to Burma, but rather 'Bengali intruders' that entered Burma after British colonialism. Due to this ideology, the SPDC does not refer to the Rohingya by their given name and instead refers to them solely as 'Muslims'. In contrast, the Rohingya maintain that there is an historical record to confirm that the Rohingya are in fact an indigenous group to Burma since the seventh century. Nonetheless, the junta passed the 1982 Citizenship Act, which excluded the Rohingya from the 135 nationally recognized races. Therefore, the Rohingya are seen and treated as foreigners, who can never obtain citizenship identification and are lucky to receive Foreign Resident Cards (FRC) or Temporary Resident Cards (TRC). This status leaves the Rohingya stateless and thus creates many problems for them that will be discussed further.[47]

In September 2008, Christian Solidarity Worldwide (CSW) published a report elucidating the daily human rights violations occurring in those Muslim Rohingya communities residing near the Bangladesh-Burma border. CSW obtained their information during a five-day fact finding visit to the area. After visiting unofficial refugee camps, CSW was able to confirm that these Muslim groups were still being denied full citizenship rights, the rights to marriage, movement and freedom of religion, and were the victims of forced labour, land confiscation, torture, extortion and arbitrary arrests. A Rohingya leader was quoted in the report as saying, *"The regime is trying to take away our identity. We will not be there in the very near future. Our prime concern is that we must not be eliminated …We are a people on the brink of extinction."* [48] The report also documented the testimonies of former NaSaKa officials, who admitted that they acted under orders to harass Muslim minority groups. Furthermore, there were reports of voting corruption during the constitutional referendum on 10 May.[49]

Subsequent reports verified the allegations produced by CSW in September. In October 2008, another report was published that exposed how the Rohingya community was being singled out within Burma's Muslim population. Since the SPDC continues to claim that members of the Rohingya ethnic group are more ethnically Bengali than Burman, the Rohingya have been labelled 'temporary residents' only and are thus denied full citizenship. This lack of citizenship creates many problems for the Rohingya community and allows the junta to perpetually marginalise the group. Non-citizens, or 'temporary residents', for example, are required to seek permission to marry, while the SPDC follows a policy of allowing a maximum of three Rohingya marriages per year. Furthermore, obtaining permission for marriage can take several months, if not years, and there have been reports that the permit seekers must be willing to pay large amounts in bribes, break religious codes, or even denounce their religion to receive the permission needed to marry. Aside from obstacles pertaining to marriage, the Rohingya also face severe restrictions to their movement. They can be arrested or fined for just travelling to the next village, in addition to travelling to other regions and states/divisions of the country. These movement restrictions place significant impediments on the ability of the Rohingya ethnic minority's access to healthcare and greater education. The lack of citizenship in combination with harsh movement restrictions also means that the Rohingya are prohibited from working for the state. Therefore, Rohingya cannot work in the public service, be teachers, nurses or any other type of civil servants. Consequently, in regions of Arakan State where the population is overwhelmingly Muslim, there are Buddhist teachers for Rohingya students. In such cases, it has been noted that teachers will regularly fail to show up for class and that schools will refuse to teach, or let the students speak, in their native Rohingya language.[50]

In 2008, as apart of the SPDC's efforts to marginalize the Rohingya and Muslim populations, the junta continued to re-populate the heavily Muslim populated northern Arakan State with ethnic Buddhist Burmans, through the establishment of so-called NaTaLa villages. Ethnic Burman citizens were resettled from inland areas into these 'model villages', which were created by the previous residents. Rohingyas have typically been used for forced labour to cultivate the lands, and then as soon as the land became fertile, they were confiscated and given to incoming Burman migrants. In some cases Rohingya communities have been forced to grow additional crops for the new villagers, such as peas, pulses or potatoes. However, if Rohingya farmers were not able to keep up to demands or simply refused to grow additional crops, the land would be immediately confiscated and be given to the NaTaLa villagers.[51]

An example of this practice was witnessed throughout August 2008 in Koe Tan Kauk village, Rathedaung Township, Arakan State. Noor Jahan aged 50, the widow of Mohammed Kasim, was told she would have to relocate her house and give her 16 acres of paddy fields, along with a shrimp dam, to the commander of NaSaKa outpost camp No. 21 of NaSaKa area #9. After she took the matter to the local Township Peace and Development Council (TPDC) to delay the NaSaKa's seizure, the NaSaKa proceeded to destroy her shrimp dam by draining the water and stealing the shrimp therein.[52]

Persecution of Muslims - Partial list of incidents for 2008

On 27 January 2008, 13 Muslims, of the Tabaligue group, were arrested by NaSaKa officials near Taung Bazar, Buthidaung Township, Arakan State, for their participation in Biswa Ijtema in Dhaka, Bangladesh. The Biswa Ijtema is the second largest gathering of Muslims, after the Hajj; it is a three day annual festival that began on 25 January 2008. The 13 people arrested initially had permission to leave their village, but when they returned from Bangladesh they were arrested for not having the correct papers. Once the detainees arrived at NaSaKa area No. 9 camp, officials demanded 500,000 kyat per individual for their release.[53]

On 5 February 2008, Muslims in Arakan State still had not received the identity cards they applied for in August 2007. Identity card applications that were submitted to the Department of Immigration in Sandoway, Arakan State, were sent to higher levels of government for approval if the applicant was Muslim. Those of other religions had their applications approved within a week. Consequently, many Muslims were subjected to arrests whilst the applications were pending because Muslims can be charged and detained for not possessing proper papers when stopped at check points.[54]

On 6 February 2008 it was reported that Muslim students in Thandwe Township, Arakan State, still had not received their identification cards from the local immigration department. One student's father claimed, *"Other students who are Buddhist, Christian, or otherwise have received their national ID card within seven days, but Muslim students have been unable to get their cards in that time period."* [55] In 2007 Burma's education and home ministry ordered all immigration departments to issue ID cards to all high school students within six months but Muslim students were singled out and as of February 2008 they still did not have their cards. It has been speculated that this was an attempt by local authorities to discriminate against Muslims by restricting their movement and access to college because one needs an ID card to travel within the country and attend a university. Another source maintained,

> *"A major problem is that the Muslim students in Thandwe will have no chance to attend university because they don't have national ID cards. Many students in Thandwe have not continued to university level education after passing the matriculation exams."* [56]

It was also reported that Muslim students were required to pay 50,000 kyat to immigration officials just to submit their identification papers.

On 7 February 2008, the NaSaKa No. 4 commander in Maungdaw Township fined a madrasa in Zibin Chaung Village, Arakan State, 1.3 million kyat. The reason given for the fine was for renovating the madrasa's floor with cement without gaining prior permission from the NaSaKa to do so. Villagers claimed only Rohingya Muslims were required to gain permission to renovate their religious property and other religious groups did not need such permission.[57]

On 8 February 2008, the Sayed Ali Mosque in Maungdaw was fined 200,000 kyat by Maungdaw Township Peace and Development Council (TPDC) Chairman Myint Maung, for renovating the mosque's veranda. Renovating any mosques, religious buildings or icons in the Rohingya community is prohibited without prior consent from local authorities. The villagers were originally denied permission to repair the veranda after it was damaged in 2007; although, they decided to proceed with the renovation regardless. Abdul Amin (36), the son of a mosque committee member, was initially arrested and detained by the TPDC until the 200,000 kyat had been paid.[58]

On 10 February 2008, 12 villagers from Thinn Baw Gwe, Maungdaw Township, were arrested by NaSaKa authorities for renovating a local mosque and Hafez Khana (a Koran memorial centre). Permission was initially granted to the villagers for the renovation by the Commander of NaSaKa area No. 8 of Maungdaw Township, three months previously. However, this commander was transferred and the succeeding Nasaka Commander opposed the renovation to the mosque and Hafez Khana. Upon making the arrest, the NaSaKa Commander ignored the villagers' documents and detained the 12 at a NaSaKa camp for 10 days before sending them to the Maungdaw police station. On 24 February 2008, the 12 arrestees were sentenced to seven years in prison. Seven of those arrested were:

1. Hashim Ullah, male, age 40;
2. Rahamat Ullah, male, age 30;
3. Latif Mistry, age 50;
4. Noor Mohamed, age 50;
5. Sayed Yullag, age 40;
6. Mohammed Rofique, male, age 40; and
7. Nur Islam, age 50.[59]

On 12 February 2008, a policeman from the Maungdaw police station urinated on the floor of the central mosque in Maungdaw Town. Although there was nobody in the mosque because the act took place after Asar prayers, an eye witness reported the incident from just outside the mosque's entrance.[60]

On 22 February 2008, a Rohingya Muslim in Sittwe, Arakan State, was cremated in accordance to Buddhist customs by local police. Zawmir Uddin was tortured and died during a police interrogation session after being arrested by Sergeant Win Kyaw's police squad on 21 February. After Uddin's death, the police took him to the local Buddhist cemetery to proceed with the cremation, failing to acknowledge his religious rights and neglecting to inform his family of the death.[61]

At approximately 11:00 pm on 26 March 2008, NaSaKa personnel raided an Islamic religious function in Maung Nama village of Maungdaw Township. Despite the fact that Abu Sofian had obtained prior consent from local authorities to arrange the religious function, two NaSaKa units invaded the gathering and arrested Maulana Sayedul Amin, a 60 year old local religious leader, while he was preaching to the gathered congregation. The NaSaKa soldiers fired their weapons into the air to disburse the crowd when a number of them had tried to free Maulana Sayedul Amin. Maulana Sayedul Amin was released the following morning.[62]

At 9:00 am on Sunday, 30 March 2008, a squad consisting of local police, military intelligence (SaRaPa), Special Investigation Branch (BSI) and Special Branch of the Police (SB) raided the Myanmar Muslim Council's (MMC) office in Maungdaw, Arakan State. The raid concluded at 4:00 pm with the arrests of 10 local Muslims. Master Shamshu, a senior assistant teacher, and Salim, the Chairman of the Myanmar Muslim Council were among those arrested. An aid to the NaSaKa, Burma's security force, claimed the arrests were made for national security reasons and were ordered by the Military Operation Command (MOC) Commander of Buthidaung Township; although neither the name nor numbers of those to be arrested were addressed in the MOC Commander's order. Many locals speculated that the arrests were made in relation to the upcoming constitutional referendum. If that was indeed the reason, the raid could be seen as an act of intimidation to vote in favour of the constitution.[63]

On 30 March 2008, more arrests of Muslim leaders took place in Maungdaw Township, Arakan State. In all, ten Muslim leaders were arrested when a raid took place at 10:30 am at the office of U Than Tun. U Than Tun, the president of the Maungdaw District Myanmar

Muslim League, was among those arrested. The arrested were taken to NaSaKa headquarters at 4:00 pm and they were not permitted to speak to any family members. The reason for the arrests and raid remains unknown.[64]

On 1 April 2008, further members of the Myanmar Muslim Council (MMC) were arrested in their homes in Maungdaw Township, Arakan State. Those arrested include: Dr. Kamal, Dr. Zahirb, a dentist from Ba Gone Nah village, Nur Khobir, Haji Shamshu, a previous Village Peace and Development Council (VPDC) chairman, and Bahu Du, from Nafati Dil in Maungdaw Township. The arrested were then sent to be interrogated by the Military Intelligence (SaRaPa) for their alleged involvement with Muslim insurgent groups abroad. Following the arrests, more members of the MMC were forced to go into hiding.[65]

On 2 April 2008, additional Muslim leaders were arrested in Maungdaw Township, Arakan State, with no justification offered by authorities. Those arrested were Dr. Kyaw Myint, Dr. Tun Aung and their driver Nur Kobi. One resident commented on the arrests of local Muslim leaders, *"I heard the leaders were severely tortured by intelligence agents during the interrogation and their health has started to deteriorate after the torture in the interrogation cell."* [66] Rumours circulated at the time suggested that the arrests had been made to scare the Muslim community into voting in favour of the referendum.

On 4 April 2008, two Maulanas from Maungdaw Township, Maulana Mohammed Hamid Hussain (45) and Maulana Mohammed Nuzu Meah (43), were arrested after Friday prayers in their local mosque. Following the prayers, the two allegedly spoke to a group of people in the mosque about opposing the ruling regime. NaSaKa claimed to be informed of this and therefore made the arrests. However, other witnesses claimed that the two Maulanas only spoke of religion and faith, in addition to the fact that they had never been involved in any anti-junta activities. After the arrests Mohammed Hamid Hussain and Mohammed Nuzu Meah were interrogated further at the Tactical Operation Command (TOC) in Buthidaung Town.[67]

On 13 May 2008, Abul Khair (45) was arrested in Hatbaga village, Maungdaw Township, Arakan State for building a Hafez Khana in his home. He was arrested by NaSaKa officials for not obtaining permission to build a Muslim place of worship.[68]

On 1 June 2008, junta members in Bandohla Camp, Maungdaw Township, Arakan State cremated two Rohingya Muslims. The two unidentified bodies were found in a bamboo forest near the Burma-Bangladesh border and were said to have been shot dead by border authorities who fired into the forest to scare bamboo cutters on 31 May 2008. One local Muslim commented, *"Bodies of Muslims are not cremated as per traditional Muslim custom, but the army didn't handover the bodies to the nearest Muslim village and cremated them in keeping with Buddhist customs."* [69]

On 10 July 2008, authorities of the Maungdaw District Peace and Development Council (DPDC) in Maungdaw Township, Arakan State, seized Muslim graveyards in Bagonah and Gowyah. Authorities claimed that the land was needed for NaSaKa camps and other military related purposes. Residents in the area claimed there was plenty of available land for the junta to use, yet the DPDC decided to take land that was important to local Muslims.[70]

On 25 July 2008, it was reported that 10 Muslim students who were arrested for their involvement in the Saffron Revolution had been transferred to forced labour camps. The students were each sentenced to two years imprisonment at Kyauktada Township Court, Rangoon Division, and were classified as political prisoners. *"The transferal of those Muslim students to forced labor camps is religious persecution. Those young students are now facing a life-threatening situation,"* replied Tate Naing, the Secretary of the Assistance

Association for Political Prisoners Burma (AAPPB).[71] Tate Naing also maintained that it is extremely rare for political prisoners to ever be transferred to forced labour camps.
The arrested Muslims were identified as:

1. Tun Myint Aung;
2. Tun Tun Naing;
3. Eisud (aka) Thaung Htut;
4. Naing Lin;
5. Nyi Nyi Zaw;
6. Kyaw Hlaing;
7. Myo Thant;
8. Myo Win;
9. Han Thaw Min Aung; and
10. Nay Lin Oo.[72]

On 26 August 2008, NaSaKa commander of NaSaKa Area No. 18 seized 3.5 million kyat worth of Iftar items from mosque committee members in Inn Din village, Maungdaw Township, Arakan State. Iftar items are Muslim foods that are to be eaten at sunset when breaking the fast of Ramadan. The mosque members travelled to Maungdaw to buy these goods for the poor, so they too could participate in their religious ritual; however, upon returning to the village authorities seized all of the goods. Generally Iftar, which is comprised of: chicken, lemon, rice, cucumber and fruits, is distributed from the mosque following the evening prayers.[73]

On 9 September 2008, Christian Solidarity Worldwide (CSW) published a report detailing ways in which NaSaKa defectors had previously used their power to oppress the Muslim minorities. One former NaSaKa official said, *"Throughout my life in the Na Sa Ka, I was used to this system of arresting Muslims, asking for money, torturing them, every day. We only arrested Muslims, not Rakhines (Arakanese)."* [74]

On 17 September 2008, 105 Muslim individuals were sentenced to six months to prison in Sittwe, Arakan State, for attempting to take a bus from Sittwe to Rangoon without permission. One witness claimed that the individuals hoisted a Buddhist flag on the bus to give the appearance that the individuals were all Buddhists and travelling together for a holy pilgrimage. It is a junta policy that all Muslims must seek permission to travel outside of their villages, which is why the travellers were forced to pretend to be Buddhist. Upon arrest authorities also seized 80.5 million kyat from the group.[75]

On 6 October 2008, it was reported that Rohingya Muslims were facing severe discrimination while in Buthidang prison, Arakan State. Prison guards were reportedly forcing the Muslims to do harder labour than others and giving Muslims less food than Arakanese, non-Muslim inmates. Muslim inmates were reportedly used as forced labour for the rebuilding of highways and the growing of rice paddy in the nearby villages.[76]

On 24 October 2008, it was reported that over 100 Rohingya Muslims in Kyauk Pyu and Ramree Townships, Arakan State, had been used as forced labour for the construction of Kyauk Pyu-Maayee Road. It was noted that authorities only demanded Rohingya Muslims for the labour, and members of other religious and ethnic backgrounds were not forced to work. One local student maintained, *"We are facing starvation after my father went to the road construction site where the authorities provide the lowest quality of rice as wages and we have no other source of income for survival."* [77]

On 30 October 2008, NaSaKa authorities, under the command of Aung Mangahla, raided an Islamic ceremony that was taking place at the home of Abu Subayan and a woman identified as Mrs Amina, in Maung Hna Ma village, Maungdaw Township, Arakan State. Many Muslim villagers were in attendance at the ceremony to listen to speeches of the renowned Muslim

leader, Syedul Amin. As Amin was giving his religious speech, NaSaKa authorities, along with village chairman Zubair, entered the home and ordered the ceremony to cease. Following the raid, house owner Abu Subayam was arrested on charges of holding illegal functions in the village and spreading political propaganda through religious teachings.[78]

On 4 November 2008, it was reported that NaSaKa officials in Maungdaw Township, Arakan State, issued a decree that all Rohingya Muslim groomsmen who applied for marriage licences must be clean-shaven. Many Muslims find it important to their faith to grow out their facial hair. Aside from being clean-shaven, the groom was also obligated to pay authorities 30,000 kyat for permission. In October, Maulavi Abu (22), refused to shave his beard when asked by the authorities. Upon his refusal, the authorities denied his right to marry. Aside from ordering men to shave, NaSaKa officials also ruled that Maulavis (Islamic leaders) were no longer allowed to wear their Kurtas, which are long Islamic traditional shirts that are used to identify the Maulavis.[79]

On 5 November 2008, nine Muslim leaders were sentenced to prison in a Maungdaw Township court, Arakan State. Ko Than Tun was sentenced to 13 years of prison, on three charges of trying to form an illegal organisation and communicating with foreign organisations. The eight others, which included NLD branch founder Ko Kyaw Win, were sentenced to 10 years each on similar charges. The nine Muslim leaders were among a group of 12 Muslims that were arrested arbitrarily in March 2008. Three of the 12 were eventually acquitted; those released were Dr. Hla Myint, Nurl Ko Bi and Dr. Anwa.[80]

Despite the scale of the devastation wreaked on the nation by Cyclone Nargis and the enormity of the needs of the population as result, construction on this enormous pagoda (remarkably reminiscent of the Shwedagon Pagoda in Rangoon) in Naypyidaw continued throughout 2008 at considerable cost. *[Photo: © Min Khet Maung]*

12.4 SPDC Promotion of and Control over Buddhism

In 2008, the SPDC continued to show their support for Buddhism, despite the fact that military generals ordered the attacks on, and jailing of, many Buddhist monks who took to the streets in the September 2007 'Saffron Revolution'. Through the state run media, these generals were seen praying, visiting monasteries, building new pagodas, offering alms and paying homage to Buddhist monks. All of this was done to portray the ruling military as a truly Buddhist entity to the rest of the public. In fact, this propaganda favouring Buddhism was so convincing that even the Thai Prime Minister of the time was quoted saying the SPDC generals were *"good Buddhists"* because they *"meditate."* [81]

Although the junta favours Buddhism over all other religions, it still tries to control the religion and manipulate Burma's Buddhist followers to keep them in line with the ideology of the SPDC. For example, even though Burma is said to be home to more than 400,000 monks, the junta forbids any organisation of the Buddhist clergy other than the nine state recognized monastic orders under the Sangha Maha Nayaka Committee (SMNC). Furthermore, under the 1990 Sangha Organisation Law, all independent monastic orders are illegal. In 2008, the SPDC maintained its control over Buddhism by monitoring monasteries that were suspected of being involved in the September uprising, arbitrarily arresting monks who were considered to be in opposition to the junta. Authorities interrupted Buddhist festivities to intimidate the attendees and dissuade them against any type of protest and created barriers restricting monks from allocating aid to the survivors of Cyclone Nargis. All the while, the regime still tried to generate good will among the general population by attempting to portray itself as respectful of Buddhist customs.[82]

The SPDC also created the Department for the Perpetuation and Propagation of the Sasana. This was done in order to establish the correct teachings for the Buddhist monks to propagate in Buddhist schools. Moreover, the junta directly trained Buddhist monks by funding two Sangha universities in Rangoon and Mandalay, which were and continue to be controlled by the state-sponsored SMNC. Additionally, the SPDC operates an International Theravada Buddhist Missionary University (ITBMU) that opened in Rangoon in 1998 to teach the true messages of Buddhism to the rest of the world.[83]

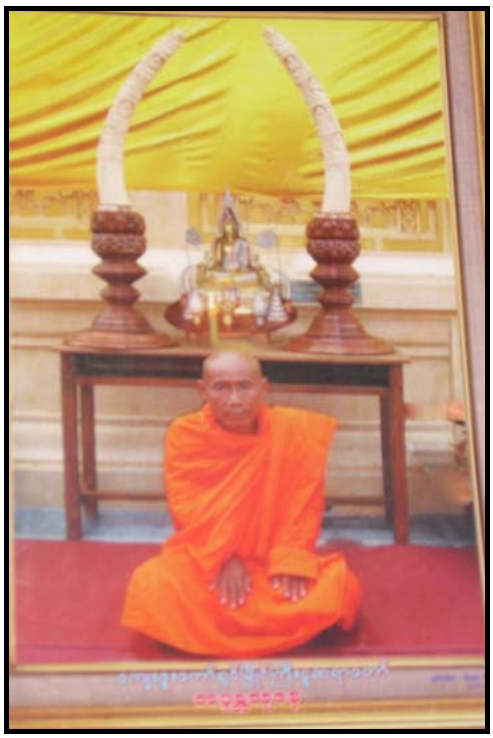
Monks and monasteries that work directly beneath the junta receive beneficial treatment accordingly. For example, in August 2008, it was reported that the military donated over 70 million kyat worth of food to monasteries in Sittwe, Arakan State. The donations consisted of bags of rice, cooking oil and salt. Most monasteries were said to have received donations, with larger monasteries receiving between 120 and 170 bags of rice. However, when comparing the size of donations to particular monasteries, one abbot noticed that state sponsored monasteries were being granted a disproportionately large share of the goods. The abbot went on to note that,

> *"All monasteries in Sittwe received the donation of rice and other goods from the Burmese military government, but there was not equal distribution among the monasteries. If a monastery is close to the authority, it received more rice from the government."* [84]

Others in the region said that this behaviour by the junta was simply another attempt to gain the monks' support for the military regime and to prevent any future protest against the state.

The junta also sent state-sponsored monks abroad to gain Buddhist support for the SPDC. In February 2008, five senior monks from the Arakan State Thinga Mahanayaka, which is a junta controlled monk-council, were sent on a mission to Bangladesh during a local religious ceremony to halt a monk led religious boycott against the Burmese military regime. Once it

became known that pro-SPDC monks were attempting to infiltrate a Buddhist ceremony in Bangladesh, the five monks were stopped at the border and ordered to return to Arakan State.[85]



Local villagers from Thaton District in southern Karen State were forced to buy copies of this framed photograph of U Thuzana, the nominal head of the SPDC-allied Democratic Karen Buddhist Army (DKBA), in September 2008 at a cost of 2,500 baht (approximately US$70) each. *[Photo: © KHRG]*

In other attempts to portray the leadership as good Buddhists and to gain goodwill from the independent Buddhist community, the SPDC also created forged documentation from the monk led September uprising. For example, in August 2008, authorities in Sittwe, Arakan State, showed a video to a group of Buddhist leaders that depicted the monks involved in the Saffron Revolution as not actually being monks at all but impostors who were trying to cause trouble. This was seen as an attempt by the authorities to justify their violent actions because according to the Buddhist code, harming a monk is one of the worst offences one can commit. One abbot that was present for the viewing claimed,

> *"During the show, the authority explained to us that the arrested monks in Sittwe and other parts of Burma during the Saffron Revolution were not real monks, but were impostors. They also showed some monks sitting with women and collecting money from people for their personal interest."* [86]

Validity of the video remained suspect, as the abbot later maintained, *"I do not know who took the video documentary of the monks, but I suppose some parts of the documentary are not real, and some show phony facts."* [87] The authorities also held a food offering ceremony on this date so citizens from the rest of the community could view the video. After the screening, authorities tried to convince the abbots to oppose all who still protested against the junta.[88]

Despite the SPDC's continued efforts in 2008 to show the country that they were not only good Buddhists, but also good people, Buddhists still had their rights to freedom of religion violated. In many cases monks, abbots, regular Buddhist followers and monasteries alike suffered for any type of suspicious link the junta could find to the September protests or to any other type of political opposition. It was common for monasteries to be shut down without any explanation. In June 2008, a popular monastery was shut down outside of Rangoon and all of the residing monks were forced to return to their villages. Former monks from this monastery had been involved in the September 2008 uprising, leading authorities to surmise that it may still be an origin of political dissent. Authorities took the opportunity to follow the evicted monks to see where they would go next, in the hope of uncovering their networks and possible political contacts.[89]

After initially shutting down monasteries, local authorities then started to conduct regular raids. In February 2008, authorities raided any monastery that was said to be overcrowded. It is generally common for monasteries to provide housing for poor travellers but the regime authorities ordered the monasteries to stop providing such hospitality. One monastery was raided in Kawthaung Township, Tenasserim Division. Following the raid, a monk who witnessed the event stated, *"They warned us that the monastery has been very crowded and told us not to accept visitors anymore. This will make it difficult for people to find a place to sleep."* [90]

Furthermore, throughout June, July and August, SPDC officials then limited the number of monks eligible to stay in any given monastery. This idea was conceived to prevent large groups of monks congregating together in order to avoid the organisation of any type of protest or ceremony prior to the 20 year anniversary of the '88 uprising or the one year anniversary of the 'Saffron Revolution'. During these months, authorities restricted monasteries to no more than 10 registered monks and guests per night, while township authorities in Rangoon limited each monastery to hosting a mere five guests per night. Any monastery that was caught hosting more guests or monks than the maximum amount was punished, with the monks being forced to leave.[91]

Sometimes, instead of shutting down or harassing a particular monastery, junta officials suppressed the speech of popular abbots. In February 2008 for example, authorities in Magwe Division cancelled a three-day Dhamma talk being given by Abbot U Thu Mingala. When police summoned the abbot, they ordered him to leave town immediately and for the hosting pavilion to be demolished. Reasons for the raid were said to be because the abbot could have potentially spoken of political ideas that were anti-SPDC.[92]

In other instances, the SPDC limited monastery's ability to help and aid those in need during the aftermath of Cyclone Nargis. On 16 May 2008, a prominent abbot from Mandalay admitted in an interview that military forces had been trying to prevent his groups from collaborating with non-governmental organisations (NGOs) in attempts to supply relief aid to those affected by the cyclone. Authorities warned relief organisations not to work with any monks or abbots, while each monastery was told to submit any donated aid to local authorities, so it could then be channelled to those in need via official channels.[93]

However, such threats against the monasteries did not stop the monks from taking donations and giving them directly to the victims. On 14 May 2008, four abbots from Maha Gandaryon monastery in Mandalay drove to the cyclone hit areas of the Rangoon and Irrawaddy Divisions to deliver aid. The abbots were said to have personally joined the relief effort with other volunteers on the ground. They arrived with two vans full of rice, onions, beans, salt, clothing and even cash to give to those in need, vowing to continue with the relief effort for as long as possible.[94]

Then again, on 21 May, it was reported that monks in Pakokku Township, Magwe Division had raised over 10 million kyat along with large amounts of clothing, rice, beans and oil for the local people. Donations were drawn from the town's residents and surpassed any type of expectations for the relief mission. The monks testified that they would not pass on such goods to the military junta regardless of how they were threatened. One of the monks involved explained to the media, *"We told them that we would donate to them personally, and we will keep that promise."* [95]

Although some monks were able to safely provide aid in the aftermath of the cyclone, many were not, and still other Buddhists suffered at the hands of the junta as the year continued. Many monks and nuns who were arrested for participating in anti-SPDC activities were stripped of their robes and humiliated in jail. On one occasion in February 2008, eight monks and seven nuns from North Okkalapa Township, Rangoon Division were forced to wear traditional longyis in court. It is seen as a grave symbolic disgrace to the religion for any monk or nun to be disrobed without going through the proper procedures according to the Buddhist doctrine.[96]

Later in the year, in August 2008, many residents and monks attempted to hold a memorial protest marking the first anniversary of the previous year's monk-led demonstration against commodity prices in Sittwe, Arakan State. The police presence had already been augmented in the area to limit any type of large gatherings, so when it was discovered that there would be a Buddhist memorial; the authorities violently shut down the event before it began. One monk who was in attendance claimed, *"authorities got wind of the plan and so security forces turned up suddenly and aggressively and it didn't happen."* [97]

In all, throughout 2008, followers of Buddhism continued to suffer at the hands of the military junta. All the while, the SPDC still promoted the one religion that undermines their authority; Buddhism. This was done in the attempt to look good in front of the population and maintain their powerful position within the country. In 2008, monks who were arrested for protesting were charged with defamation of Buddhism and in the aftermath of Cyclone Nargis, monks and monasteries were limited in the amounts of aid that they could give to the victims because the SPDC wanted to be seen giving aid ceremonially in an attempt to strengthen their image. This contradictory behaviour by the SPDC, favouring while threatening Buddhism, was summed up by Priscilla Clapp, a former U.S diplomat in Burma:

> *"They pretend they're traditional Theravada Buddhists, but they really aren't. They indoctrinate their officers especially and also the rank and file soldiers politically. … So they can justify really outrageous actions on the basis of Buddhism, including attacks on monks and letting people starve. It has everything to do with keeping them in power."* [98]

Control and Oppression of Buddhists - Partial list of incidents for 2008

On 1 February 2008, it was reported that four monasteries in Pakokku City had been under heavy surveillance from local police and USDA members. The monasteries listed were A-Shay-Taik (East Monastery), Nar-Yi-Sin A-Lel Taik (Middle Yard Monastery), Mandalay Taik and Baw-Di-Man-Dai Taik, as these were all schools that were believed by the junta to have had participated in the September 2007 protests. To effectively monitor the monks, authorities followed and questioned guests who went to the monasteries, eavesdropped on phone conversations and even disbanded some of the monasteries' telephone lines. When asked about the authorities' surveillance methods, one monk from Mandalay Monastery mentioned that the authorities, *"eavesdrop whenever we talk on a telephone at the telecom exchange office,"* and added, *"We can't say anything controversial."* Pakokku City is located

75 miles southwest of Mandalay and is home to the second largest student-monk population in Burma, after Mandalay.[99]

On 5 February 2008, Ngway Kyar Yan Monastery, in South Okkalapa Township, Rangoon, had its free school closed by local junta officials. The monastery has traditionally provided free education for 2,000 to 3,000 students per year, for the last 14 years, to students in the surrounding 10 townships. Speculation suggested that the classes were cancelled because of the participation of monks from Ngway Kyar Yan Monastery in the September 2007 uprising.[100]

On 12 February 2008, officials surrounded and closed all entries to Phaung Taw Oo Pagoda, in Taungup Township, Arakan State, while locking the resident monks inside. This denied entry to many Taunggok National League for Democracy (NLD) members, along with others, who had travelled to the pagoda to give the monks food on the 61st anniversary of Union Day. Upon arriving at the pagoda, U Than Pe, Taunggok NLD Deputy Chairman, claimed, *"There were about 30 government security troops, armed with shields, batons and other lethal weapons, and about 20 people in civilian clothing, led by township police chief Win Aung Ne, waiting at the east entrance gates of the pagoda."* [101] The authorities then followed the group and harassed them as the NLD members were trying to give the food to other monks outside of the pagoda.

This photograph, taken on 17 December 2008 on Mayan Hill in northern Arakan State, depicts a Traditional Buddhist Noviciation Ceremony in which these young men entered the monkhood as novices. *[Photo: © Burma Digest]*

On 16 February 2008, local authorities in Pwintbyu Township, Magwe Division cancelled a Dhamma talk that was being given by Abbot U Thu Mingala, from Mogok Wipathana Monastery in Mandalay. The Abbot was conducting a three day talk and had spoke the previous two days before local police chief, U Sein Win, intruded on the third day and claimed that U Thu Mingala had been banned from giving Dhamma talks and that he would have to leave town. Aside from forcing the monk to leave immediately, U Sein Win also ordered the pavilion, where the talks were being held, to be demolished. The police gave no reason for their actions and showed no documentation to legitimise the raid. Many felt however, that it was the result of the monk's reputation for speaking on controversial topics. For example, the first talks were titled *"Time for a change of leader"* and *"Do not take the easy path."* However, the Abbot maintained, *"I did not say anything damaging towards [the government], in fact everything I said came from Buddhist teachings."* [102]

On 19 February 2008, a prominent monk's traditional funeral cremation ceremony in Miwa village, Paletwa Township, Chin State, was abruptly ended after two intoxicated soldiers fired their guns into the air during a drama troupe's performance. The soldiers fired their weapons in response to a monk's requests for the soldiers to leave the stage upon which the troupe had been performing and to respect the funeral's rituals. Immediately following the incident, the large crowd panicked and fled, injuring many children in the process.[103]

On 21 February 2008, it was reported that five senior monks working for the Burmese junta were sent to the Bangladeshi border town of Cox's Bazaar in an attempt to organise monks in Bangladesh to support the current military regime in Burma. Democratic protests by Bangladeshi activists and Burmese refugees ensued after news of the five monks' intentions was made known.[104]

On 25 February 2008, it was reported that an SPDC owned cement factory, Myaingkalay, had destroyed ancient Buddha statues and votive tablets in Kawgun cave, near Hpa-an. Myaingkalay routinely blasted the mountains surrounding Kawgun cave in order to extract resources, even though mining and excavating is prohibited near religious sites by Burma's Ministry of Culture.[105]

In March 2008, a Buddhist abbot reported to a Bangladeshi newspaper that his monastery was set on fire and later bulldozed by the junta shortly after the Saffron Revolution in September 2007. The monastery, located in Theik Thapon Khami village in Kyauk Taw Township, Arakan State was targeted for destruction following allegations that the abbot and a number of the resident monks were involved in the September 2007 protests. The abbot fled to Bangladesh fearing that he would be arrested by authorities.[106]

On 21 March 2008, during the Ta Paung full moon festival, many Buddhist worshipers were restricted from entering the Lawkanaanda Pagoda in Sittwe, Arakan State, by the local security forces. Consequently, a clash ensued between the Buddhist devotees and security forces and then proceeded to spread throughout the rest of Sittwe. The security forces were able to maintain control by forcing the Buddhists home from worship, and imposing a curfew in the local area between 6:00 pm and midnight. Increased security forces were present to enforce the curfew and to prevent any Buddhists from going to any of the nearby pagodas for the next few days.[107]

As in other times of crisis in Burma, the *Sangha* (Buddhist monastic community) came out in force to assist local communities in the aftermath of Cyclone Nargis. Monasteries opened their doors to IDPs displaced by the storm and provided them with refuge and food. This photograph shows a group of monks moving a downed tree away from railway tracks. *[Photo: © AP]*

On 21 March 2008, a report indicated that increased security measures were taken at Shwedagon Pagoda in Rangoon for the Buddhist Ta Paung full moon festival. Security was tightened around the country during the festival in the junta's effort to discourage any further political protests after the mass demonstrations of September 2007. Shwedagon Pagoda has traditionally been a centre of political activity. SPDC army personnel were stationed at all of the pagoda's entrances and all approaches were blockaded with barbed wire barricades, effectively limiting the rights of Buddhist citizens to pay homage and worship on their religious holiday.[108]

On 29 March 2008, Two Lions Monastery in Lamadaw Taung Ward, Sittwe, Arakan State, was raided by Inspector San Shwe Maung and local police. Although there were no arrests made, the authorities claimed to be looking for monks involved in the September protests of the previous year.[109]

In April 2008, junta authorities were claimed to have closely monitored the Zawtanarama monastery in Rangoon. One Rangoon resident in Alone Township noted that from 24 April 2008, up to 17 police vehicles, accompanied by military officers, had been placed in front of the monastery on Thittaw Street to monitor the monks. Zawtanarama monastery was home to more than 130 monks before the September protests, but after the many raids that followed, the monastery was host to approximately 40 monks. [110]

On 1 April 2008, a late night raid occurred in Hpa-an Township, Karen State, at Thamanya Hill. Three trucks, filled with armed uniformed men, entered the temple by force, detained the lay attendants and stole the enshrined body of Abbot Sayadaw Winiya from his glass coffin. The abbot had been placed in the temple as a holy relic since his death at age 93 in 2003. Buddhists from all over the country had previously journeyed to Thamanya Hill to pay homage to the former social worker, spiritual leader and advisor to Aung Sun Suu Kyi. It remains unclear why the abbot's body was stolen and who was responsible.[111]

On 2 April 2008, it was reported that only 1,000 Arakanese monks would be participating in the annual monks' exam in Sittwe. This represented a decrease of 2,000 monks, after 3,000 Arakanese monks participated in the exam in 2007. Two possible reasons for the decrease were posited. Firstly, many monks were forced to leave Sittwe in the aftermath of September 2007 uprising and these monks feared that if they returned to Sittwe they would be arrested. Secondly, many monks wanted to boycott the junta-sponsored exams, as the military had been responsible for deaths, arrests and disappearances of countless monks following the uprising.[112]

On 9 April 2008, U Gambira, the prominent leader of the All-Burmese Monks Alliance (ABMA) who was arrested in November 2007 for his role in instigating the September protests, publicly denounced Insein Prison authorities for reducing detained monks to lay status. Prison authorities were also issuing the monks lay identity cards, so they could vote in the upcoming referendum, as monks and other religious figures were barred from the vote. U Gambira claimed that he would report this to international organisations if the authorities continued to force the monks into accepting lay status, which is a degrading and humiliating offence in Buddhist culture.[113]

On 21 May 2008, police in Taungup, Arakan State, interrupted the Buddhist holiday which celebrates the day Buddha attained enlightenment, to discourage any type of political protest. As local residents marched to a monastery in Kaingshay village to fulfil the holiday's ritual of pouring water onto a banyan tree, police followed in a threatening manner with sticks and shields. One resident, who was upset because the police presence was a nuisance to the ceremony claimed, *"It wasn't a rally. NLD members and residents from nearby villages just went to a monastery together to pour water onto a banyan tree."* [114]

On 27 May 2008, it was reported that the roof of Sasana Gonye Monastery, in Bahan Township, Rangoon Division had been torn off during Cyclone Nargis on 2 May 2008, leaving many valuable scriptures at risk of further damage. Sasana Gonye Monastery was one of many monasteries that were shut down by authorities following the Saffron Revolution and local officials refused to re-open the monastery to the abbot, U Zawana, or to its other supporters to repair the damage to the building and scriptures.[115]

On 13 June 2008, Sasana Theikpan Monastery, in Bahan Township, Rangoon Division, was closed indefinitely by the township chairman and local security forces. Sasana Theikpan Monastery gained a reputation as a pro-opposition monastery after dozens of pro-democracy activists attended the funeral of the monastery's head monk on 7 June 2008, which was heavily monitored by local authorities. After the closure of the monastery, three monks were forced to take temporary shelter in nearby monasteries.[116]

On 21 July 2008, Burmese migrant labourers in India's Aizawl District, Mizoram State, stated that their employers, along with local pastors, threatened Buddhist migrants with losing their jobs or being reported to the police for being in the country illegally if they did not convert to Christianity. One worker claimed that they were forced to attend a mass gathering for four days, from 17 to 20 July, without being allowed to leave. The employers claimed they only wanted to teach the employees more about the Christian God; however, one Buddhist employee, who had no intentions of converting, claimed, *"We told them we don't* [want] *to become Christians. We have been given these badges with different colours for those who have agreed to convert to Christianity and those who have not*." [117]

On 5 August 2008, it was reported that known monks who had accepted alms from National League for Democracy (NLD) members had come under pressure from local authorities. These authorities raided local monasteries to obtain further information about the monks who accepted alms from the NLD. In Buddhism, it is customary for monks to accept alms and donations from a cross-section of society.[118]

On 8 August 2008, police in Sittwe, Arakan State, raided two local monasteries in search of monks who were under suspicion of preparing a demonstration on the anniversary of the 8-8-88 uprising. The two monasteries were Kyin The Nat Kong Monastery in Sittwe's Ta Rar Thi Su Ward, and Say Gri Monastery in Sittwe's Bauk Thi Ward.[119]

On 21 August 2008, authorities in Katha Township, Sagaing Division, ordered 10 monks to lead 10 local residents in chanting incantations for a period of 10 consecutive days. The chanting of incantations is a traditional Burmese ritual that is to be done when there are two new moons in the same month, in order to avoid bad luck. Although the authorities claimed the ordered chanting was to protect all of Katha Township's residents, one monk noted that the particular incantations were written to only protect the leaders from any bad luck.[120]

On 21 August 2008, it was reported that Ashin Gambira, leader of the All Burma Monks' Alliance (ABMA), was disrobed in Insein Prison for his role in organising the mass uprising in September 2007. Gambira's lawyer, Aung Thein, claimed that the monk was not disrobed in accordance traditional Buddhist customs, and refusing to follow the traditional procedures or consult other monks' organisations in this regard constituted a great offence to the religion.[121]

On 23 August 2008, two monks, Damathara and Nandara, were arrested at Thardu Monastery in Kyimyindaing Township, Rangoon. Following the arrest by local authorities, the two monks were taken to Insein Prison to face interrogation. It was unknown what the direct charges were against the monks but speculation at the time suggested that the monks may have been arrested for illegal communication with foreign media outlets.[122]

On 25 August 2008, it was reported that the Maggin Abbot U Nandiya (70), in Myothit Town, Taungdwingyi Township, Magwe Division, refused to collect alms offered by local authorities. Authorities initially drove the abbot out of town and left him in a guarded and isolated location. Furthermore, he was not allowed to collect alms and regular food and was denied healthcare.[123]

On 26 August 2008, authorities in Kemmendine Township, Rangoon Division, raided Sardu monastery and arrested two student monks. One of the two monks, Ashin Damah Tharya (25), was arrested while in the middle of his studies at the monastery however, the reason for the arrest remains unknown.[124]

On 29 August 2008, it was reported that authorities had begun taking detailed information of each monk that was residing in local monasteries in the four Dagon townships of South Okkalapa, Thaketa, Dawbon and Shwepyitha, in Rangoon. Although it is common for authorities to take the names of all monks living in a monastery, in 2008 the authorities gathered more thorough information than usual. One resident confirmed, *"They are making profiles of each monk with details such as where their families live and what they do and if they have any political background."*[125] This was seen as an attempt to intimidate the monks into avoiding any type of protest gathering on the one year anniversary of the Saffron Revolution.

Hundreds of small statues of Sakyamuni Buddha were donated at the Shwedagon Pagoda in Rangoon by Buddhist pilgrims in the aftermath of Cyclone Nargis. Fearing further tragedy, the population turned to their faith in religion for salvation as rumours spread through the city of a second catastrophe that would strike and the floodwaters would reach the Shwedagon Pagoda. *[Photo: © AP]*

On 4 September 2008, two monks, Sayadaw U Panna Wontha and U Thuta Nyanna from Shwe Taung Monastery in Mingalar Taungnyunt Township, Rangoon, were respectively sentenced to between 5 and 10 years in prison. They were charged on acts of religious defamation, under section 295 of the Penal Code, for their role in the 2007 September uprising.[126]

On 7 September 2008, it was reported that a monk, Ashin Kawvida, had been disrobed and severely tortured for refusing to appear in court in Burma's Insein Prison. Kawvida initially refused to attend his court hearings because he believed his arrest and subsequent disrobing were in violation of Buddhist customs. Authorities, however, tied him to a rope and dragged him into the courtroom for the hearing. Kawida later said he would only obey judgments from the State Monk Coordination Committee.[127]

On 9 September 2008, it was reported that military officials in Sittwe, Arakan State, increased their presence on the streets to prevent the local Buddhist community from celebrating the 69th anniversary of the death of praised Arakanese monk, Ashin Ottama. Witnesses claimed that soldiers and riot police were sent to local monasteries and landmarks around the city to prevent any festivities. Locations that forces were deployed to included Payagyi Temple and Ottama Hall. One student maintained, *"The authorities deployed security forces in several areas, because they are worried that people will hold ceremonies. Also, teachers have been told to closely monitor their students."* [128]

On 13 September 2008, authorities from the junta's Southeast Command interrupted the annual Buddhist festival, Long Bebin Kaloin or Suan Kyi Laung festival, that was taking place near the villages of Bha-Out and Rogo in Moulmein Township, Mon State. The annual festival is meant to be celebrated by supplying mass donations to local monks. When asked to let the festival proceed in peace, the authorities responded that they were ordered to stay for the duration of the event to provide security to the families of military personnel that were present. However, this was the first time authorities had ever interrupted this ceremony and the head monk maintained, *"The troops made people afraid, like they were doing something wrong. But they were only donating to make merit. We hold this festival every year, it concerns our religion. It is just a religious observance, there is no need to show security like this."* [129]

On 19 September 2008, it was reported that riot police had been deployed at all of Rangoon's most popular monasteries in an attempt to prevent another monk uprising. Furthermore, it was noted that there had been a presence of plainclothes policemen and Union Solidarity and Development Association (USDA) members at other important Buddhist sites in the region. One monk that had witnessed the undercover police presence claimed, *"The plainclothes security forces are carefully observing the monks' daily routines. They are watching for any signs of anti-government activity, or to see if monks are sending information to the exiled media."* [130] Another monk from Shwedagon commented on the authorities' attempt to prevent pilgrims from worshipping at a local pagoda by saying, *"They are guarding it like it's a prison camp."* [131]

On 14 October 2008, hundreds of monks in Sittwe, Arakan State, were denied access to the annual Buddhist full moon festival. Traditionally, the festival takes place on the full moon day of Wa Kyut and is celebrated at the Winkabar grounds in Sittwe with over 1,000 monks present. However, in 2008 only 100 monks (two monks per monastery) were allowed to attend the festival and the traditional performance by an artist's troupe was cancelled by local authorities due to security reasons.[132]

On 14 October 2008, it was reported that village authorities in Yenanyaung Township, Magwe Division, had scratched off five billion kyat worth of gold coating from four historic Buddha statues in Pin Skkalanpa pagoda compound in Pin Phayagon village. The statues were built by King Anarwahta, of the Bagan dynasty over 950 years ago and consequently have been coated by Buddhist followers since. One witness to the destruction maintained, *"They said they were only doing that to re-coat the gold on the statues* [as in a maintenance process] *but normally they would have to get permission from the township authorities and the 13 Sanga Nayaka monks."* [133] None of the monks were aware of the gold theft until after the act was committed.

On 20 and 21 October 2008, three monasteries: Larawan, Daw Pu Pu and Myoma, were raided in the middle of the night in Sittwe, Arakan State. No monks or abbots were arrested and it is thought that the authorities were looking for individuals that were believed to be involved in a recent bombing in Rangoon.[134]

On 29 November 2008, it was reported that Ashin Seinaya (30), a monk from Ah-Naut Taik Monastery in Pakokku Township, Magwe Division, was arrested in Nyaungcho Town, Shan State, while visiting his relatives. Residents claimed that the monastery had been under surveillance and the police guard at the time was punished for allowing Seinaya to leave the monastery. Seinaya was a monk for 10 years and was studying Dammah Sayira at the time of his arrest. The arrest was viewed by the local community as an attempt to oppress the monk community in Pakokku Township.[135]

On 5 November 2008, it was reported that a military training school (Training School No.4) in Thanbyuzayat Township, Mon State, had confiscated about 140 acres of land from a local monastery. The confiscated land had previously been designated as an animal habitat over 20 years ago by the local abbot. Following the confiscation, the military operated school sold the land at 500,000 kyat per acre, while not giving any money back to the monastery. The junta justified the seizure by claiming monasteries were only allowed to own five acres of land.[136]

On 11 November 2008, six monks from Ngwe Kyar Yan Monastery in South Okkalapa Township, Rangoon, were disrobed and sentenced to serve eight and half years in Insein Prison after being charged under Section 505(b) of the penal code in relation to their actions during the uprising in September 2007. Then, on the following day, 12 November 2008, two more monks from Ngwe Kyar Yan Monastery were also disrobed and sentenced to four and a half years in Insein Prison on similar charges. One court witness said all of the monks appeared in court wearing blue uniforms. The eight disrobed and sentenced monks were identified as follows:

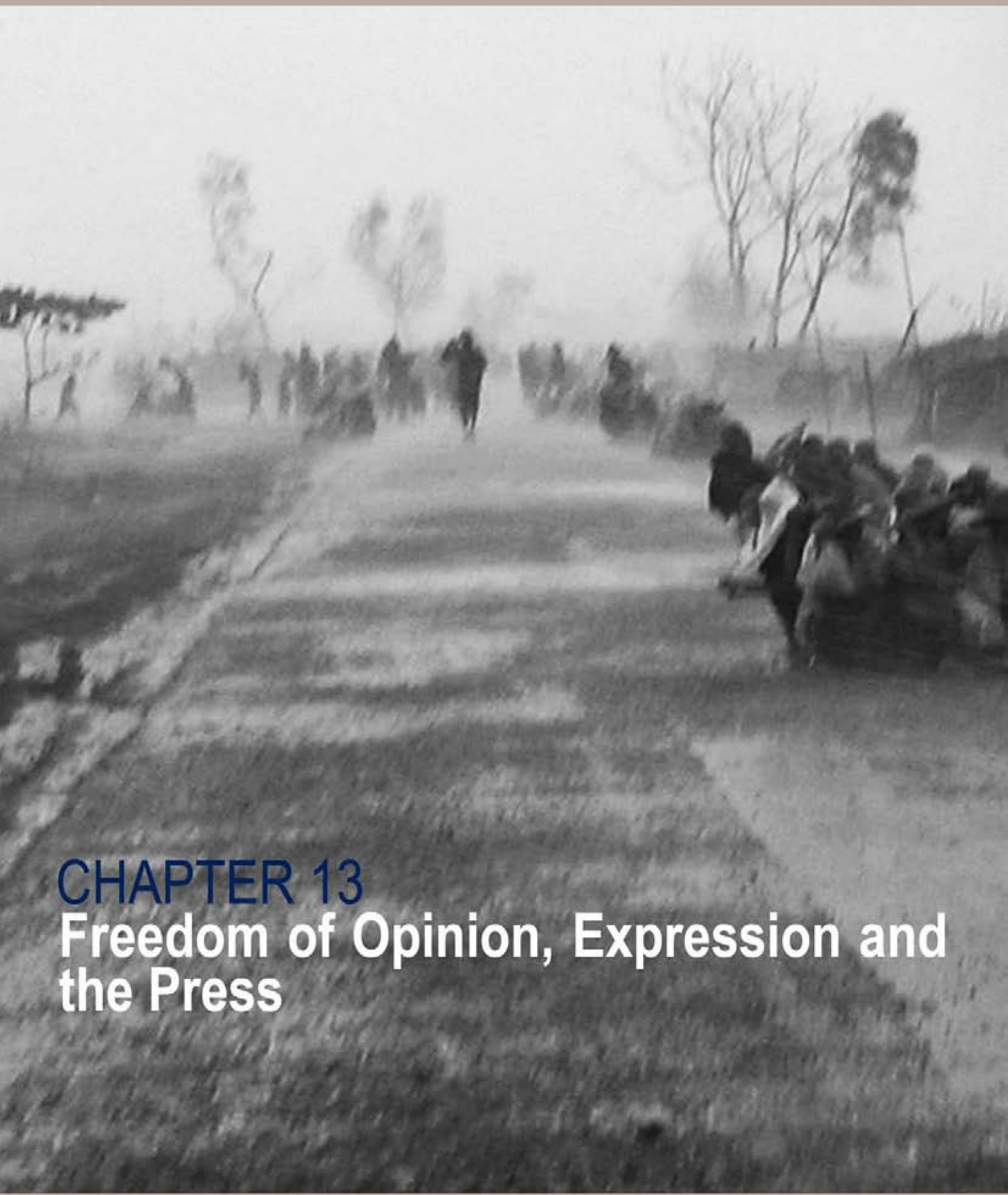
1. U Zarnaya;
2. U Eikthariya;
3. U Wila;
4. U Sekka;
5. U Nada;
6. U Egga Damma;
7. U Gawthita; and
8. U Zadila.[137]

Endnotes

[1] Source: *USCIRF Annual Report 2008 - Burma*, United States Commission on International Religious Freedom (USCIRF), 1 May 2008.
[2] Source: *Ibid*.
[3] Source: *Ibid*.
[4] Source: *International Religious Freedom Report 2007: Burma*, Bureau of Human Rights, Democracy and Labor, U.S. Department of State, 19 September 2008.
[5] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[6] Source: *International Religious Freedom Report 2007: Burma*, Bureau of Human Rights, Democracy and Labor, U.S. Department of State, 19 September 2008.
[7] Source: *USCIRF Annual Report 2008 - Burma*, United States Commission on International Religious Freedom (USCIRF), 1 May 2008.
[8] Source: *International Religious Freedom Report 2007: Burma*, Bureau of Human Rights, Democracy and Labor, U.S. Department of State, 19 September 2008.
[9] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[10] Source: "Burma's Generals-Blending Nazi-like Thought, Astrology, Brutality and Greed," *The Cutting Edge News*, 12 May 2008.
[11] Source: *International Religious Freedom Report 2007: Burma*, Bureau of Human Rights, Democracy and Labor, U.S. Department of State, 19 September 2008.
[12] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 11 March 2008.
[13] Source: "Pope to Visit Burma," UCAN, 3 November 2008.
[14] Source: "Christians in Myanmar Are Oppressed," *Kantarawaddy Times*, 14 November, 2008.
[15] Source: "Pope Not Averse To Visit Burma," *Mizzima News*, 5 November 2008.
[16] Source: "Pope to Visit Burma," UCAN, 3 November 2008.
[17] Source: *Ibid*.
[18] Source: "Briefing: Burma: Visit to the Thailand-Burma Border 16-28 November 2007," CSW, November 2007.
[19] Source: "Brig-Gen Thein Zaw Promises More GSM Phones to Kachin Churches," KNG, 25 February 2008.
[20] Source: "Kachin commander greets religious organizations with staple food," KNG, 04 July 2008.
[21] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 11 March 2008.
[22] Source: "Thura Aung Ko Campaigns For Referendum in Western Burma," *Khonumthung*, 21 April 2008.
[23] Source: "Severe Food Shortage Looms over Burma's Chin State," *Chinland Guardian*, 9 July 2008.
[24] Source: "Relief Group to Deliver Aid for Famine Victims in Northwest Burma," *Khonumthung*, 23 May 2008.
[25] Source: *USCIRF Annual Report 2008 - Burma*, United States Commission on International Religious Freedom (USCIRF), 1 May 2008.
[26] Source: "Construction of Kachin Baptist Church in Tarung Prohibited," KNG, 17 January 2008.
[27] Source: "Naga Group Calls for Boycott of Junta-backed Naga Festival," *Irrawaddy*, 15 January 2008.
[28] Source: "Burmese Armed Forces Day to Mark Decades of Military Rule," *Irrawaddy*, 26 March 2008.
[29] Source: "Gospel Baptist Church's Silver Jubilee Postponed," *Khonumthung*, 17 April 2008.
[30] Source: "Junta Constructs Pagoda in Christian Stronghold," KNG, 18 June 2008.
[31] Source: "Junta Confiscates Christian Owned Land in Sadung, Kachin State," KNG, 10 July 2008.
[32] Source: "Non-Buddhist Students Must Accept Buddhism in Na-Ta-La School in Putao," KNG, 22 July 2008.
[33] Source: "Christian Leaders Questioned Over Anti-Dam Campaign," DVB, 29 July 2008.
[34] Source: "Christian Cemetery Being Razed In Myitkyinar," *Mizzima News*, 17 October 2008.
[35] Source: "Junta Starts To Clear Confiscated Christian Cemetery," KNG, 17 October, 2008.
[36] Source: "Blaze Destroys Church in Chin State," *Mizzima News*, 26 November 2008.
[37] Source: "New Church Destroyed In Sagaing Division," *Khonumthung News*, 10 December, 2008.
[38] Source: *International Religious Freedom Report 2007: Burma*, Bureau of Human Rights, Democracy and Labor, U.S. Department of State, 19 September 2008.
[39] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[40] Source: "Muslim Students National ID Cards Delayed," *Narinjara News*, 6 February 2008.
[41] Source: "More MMC Members Arrested in Maungdaw," *Kaladan News*, 2 April 2008.
[42] Source: "Tabalique Group Arrested by Burma's Security Forces," *Kaladan News*, 12 February 2008.
[43] Source: "Harassment by police, Nasaka and Sarapa in northern Arakan," *Kaladan News*, 23 February 2008.
[44] Source: "Burma Army Cremates Rohingya Muslims," *Kaladan News*, 4 June 2008.

[45] Source: "Nasaka Director Orders Maulavi Bridegrooms to Be Clean-Shaven," *Kaladan News*, 4 November 2008.
[46] Source: "Authority Invites Muslim Religious Leaders for Referendum," *Narinjara News*, 26 April 2008.
[47] Source: "Burma: Visit to the Bangladesh-Burma Border," *Christian Solidarity Worldwide*, 26-31 August 2008.
[48] Source: "CSW Visits Bangladesh-Burma Border, Interview Rohingya Refugees, Saffron Revolution Monks and SPDC Defectors," CSW, 9 September 2008.
[49] Source: *Ibid*.
[50] Source: "Burma's Muslim Rohingya Minority Dwell at the "Brink of Extermination"," *Kaladan News*, 6 October 2008.
[51] Source: "TPDC Chairman Goes To Loung Don Village for Inquiry," *Kaladan News*, 6 October 2008.
[52] Source: "Nasaka Bent on Seizing 16 Acres from Widow in Rathedaung," *Kaladan News*, 8 September 2008.
[53] Source: "Tabalique Group Arrested by Burma's Security Forces," *Kaladan News*, 12 February 2008.
[54] Source: "Arakan Muslims Denied ID Cards," DVB, 5 February 2008.
[55] Source: "Muslim Students National ID Cards Delayed," *Narinjara News*, 6 February 2008.
[56] Source: *Ibid*.
[57] Source: "Harassment by police, Nasaka and Sarapa in northern Arakan," *Kaladan News*, 23 February 2008.
[58] Source: "Fined for Renovation of Mosque in Maungadw," *Kaladan News*, 19 March 2008.
[59] Source: "Twelve Sentenced To Seven Years in Jail for Renovation of Mosque," *Kaladan News*, 28 February 2008.
[60] Source: "Policeman Urinates in Central Mosque in Maungdaw," *Kaladan News*, 16 February 2008.
[61] Source: "Rohingya Cremated According to Buddhist Rites in Akyab," *Kaladan News*, 23 February 2008.
[62] Source: "Religious Function Ransacked By Security Force," *Kaladan News*, 27 March 2008.
[63] Source: "Myanmar Muslim Council's Office Raided in Maungdaw," *Kaladan News*, 31 March 2008.
[64] Source: "10 Muslim Community Leaders Arrested in Arakan," *Narinjara News*, 1 April 2008.
[65] Source: "More MMC Members Arrested in Maungdaw," *Kaladan News*, 2 April 2008.
[66] Source: "More Arrested, Others Hiding in Maungdaw," *Narinjara News*, 3 April 2008.
[67] Source: "Two Maulanas Arrested in Maungdaw," *Kaladan News*, 5 April 2008.
[68] Source: "Villager Arrested for Building Hafez Khana," *Kaladan News*, 21 May 2008.
[69] Source: "Burma Army Cremates Rohingya Muslims," *Kaladan News*, 4 June 2008.
[70] Source: "DPDC Seizes Muslim Graveyard in Maungdaw Township," *Kaladan News*, 10 July 2008.
[71] Source: "Ten Students Sentenced to Hard Labour," *Irrawaddy*, 25 July 2008.
[72] Source: *Ibid*.
[73] Source: "3. 5 Million Kyat Iftar Items Seized By Nasaka in Maungdaw," *Kaladan News*, 4 September 2008.
[74] Source: "CSW Visits Bangladesh-Burma Border, Interview Rohingya Refugees, Saffron Revolution Monks and SPDC Defectors," CSW, 9 September 2008.
[75] Source: "105 Sittwe Muslims Imprisoned For Traveling," *Narinjara News*, 20 September 2008.
[76] Source: "Prison Labour for Extra Income in Buthidaung Jail," *Kaladan News*, 6 October 2008.
[77] Source: "Rohingya Muslims Work in Kyaukpru–Maayee New Road," *Kaladan News*, 24 October 2008.
[78] Source: "Authorities Attack Religious Ceremony in Maungdaw," *Kaladan News*, 1 November 2008.
[79] Source: "Nasaka Director Orders Maulavi Bridegrooms to Be Clean-Shaven," *Kaladan News*, 4 November 2008.
[80] Source: "9 Muslim Leaders Sentenced To Over 10 Years in Arakan," *Narinjara News*, 11 November, 2008.
[81] Source: "Burma's Generals-Blending Nazi-like Thought, Astrology, Brutality and Greed," *The Cutting Edge News*, 12 May 2008.
[82] Source: *International Religious Freedom Report 2007: Burma*, Bureau of Human Rights, Democracy and Labor, U.S. Department of State, 19 September 2008.
[83] Source: *Ibid*.
[84] Source: "Military Authority Donates 70 Million Kyat of Food to Sittwe Monasteries," *Narinjara News*, 1 August 2008.
[85] Source: "Senior Burmese Monks Barred from Bangladesh Town," *Narinjara News*, 20 February 2008.
[86] Source: "Authority Claims Monks from Saffron Revolution Are Impostors," *Narinjara News*, 20 August 2008.
[87] Source: "Sasana Theikpan Monastery Closed Without Warning," DVB, 17 June 2008.
[88] Source: *Ibid*.
[89] Source: *Ibid*.
[90] Source: "Monastery Warned Not To Accept Visitors," DVB, 7 February 2008.
[91] Source: "Monks Forced Home From Rangoon," *Kaowao News*, 3 July 2008.
[92] Source: "Authorities Ban Dhamma Talk in Magwe," DVB, 18 February 2008.
[93] Source: "Monks Prevented from Working with Other Donors," DVB, 16 May 2008.
[94] Source: "Mandalay Abbots Reach Rangoon with Relief Supplies," DVB, 14 May 2008.
[95] Source: "Pakokku Monks Collect Aid for Cyclone Victims," DVB, 21 May 2008.
[96] Source: "Monks and Nuns in Court over September Protests," *Irrawaddy*, 29 February 2008.
[97] Source: "Sittwe Monks' Protest Disrupted By Authorities," DVB, 26 August 2008.

[98] Source: "Burmese Junta Stonewalling On Aid; Buddhism's Influence, The Government Wants to Be Seen As Agency Distributing Relief to Show Its Legitimacy, Experts Say," Inside Burma, 14 May 2008.
[99] Source: "Subdued but Unbowed," *Irrawaddy*, 1 February 2008.
[100] Source: "Monastery Stops Free Education Service," DVB, 5 February 2008.
[101] Source: "Pagoda Closed To Taunggok NLD Members," DVB, 12 February 2008.
[102] Source: "Authorities Ban Dhamma Talk in Magwe," DVB, 18 February 2008.
[103] Source: "Buddhist Monk Funeral Disturbed by Army Gunfire," *Narinjara News*, 26 February 2008.
[104] Source: "Demonstration against Senior Burmese Monks in Bangladesh," *Narinjara News*, 21 February 2008.
[105] Source: "Cement Factory Accused of Destroying Antiquities," *Irrawaddy*, 25 February 2008.
[106] Source: "Monastery Set Ablaze after Bulldozing," *Narinjara News*, 13 March 2008.
[107] Source: "Curfew Imposed in Akyab after Thapound Full Moon Day," *Kaladan News*, 25 March 2008.
[108] Source: "Junta Increases Security at Shwedagon Pagoda in Rangoon," *Irrawaddy*, 21 March 2008.
[109] Source: "Monastery, Home Raided in Sittwe," *Narinjara News*, 2 April 2008.
[110] Source: "Authorities Keep Rangoon Monks under Close Watch," DVB, 30 April 2008.
[111] Source: "Enshrined Body of Abbot Stolen from Temple," *Irrawaddy*, 2 April 2008.
[112] Source: "Senior Abbots Request Security during Monk Exams," *Mizzima News*, 2 April 2008.
[113] Source: "Detained Monks to Be Given Lay Identity Cards," DVB, 9 April 2008.
[114] Source: "Buddhist Ceremony Disrupted in Taunggok," DVB, 21 May 2008.
[115] Source: "Buddhist Scriptures at Risk of Rain Damage," DVB, 27 May 2008.
[116] Source: "Junta Shuts Down Pro-Opposition Monastery," *Mizzima News*, 14 June 2008.
[117] Source: "Buddhist Migrants Pressured To Convert To Christianity," DVB, 21 July 2008.
[118] Source: "Monks Pressured For Accepting NLD Offering," DVB, 5 August 2008.
[119] Source: "Police Raid Two Monasteries in Sittwe," *Narinjara News*, 9 August 2008.
[120] Source: "Authorities Order Chanting to Ward off Bad Luck," DVB, 21 August 2008.
[121] Source: "Junta Disrobes, Charges Leading Monk," *Irrawaddy*, 21 August 2008.
[122] Source: "Arrested Monks Held in Rangoon Detention Center," *Irrawaddy*, 27 August 2008.
[123] Source: "The Maggin Abbot Who Was Driven Out From the Monastery," DVB, 25 August 2008, Translation by HRDU.
[124] Source: "Two Monks Are Arrested from Sardu Monastery," DVB, 26 August 2008, Translation by HRDU.
[125] Source: "Rangoon Authorities Collect Monks' Personal Data," DVB, 29 August 2008.
[126] Source: "Two Monks Who Were Arrested In September, Were Sentenced," DVB, 5 September 2008, Translation by HRDU.
[127] Source "Monk Was Disrobed For Court Hearing," DVB, 7 September 2008, Translation by HRDU.
[128] Source: "Commemoration of Monk's Death Muted in Arakan State," *Irrawaddy*, 9 September 2008.
[129] Source: "Burmese Army Provides 'Security', Intimidates People At Large Buddhist Festival," KNG, 20 September 2008.
[130] Source: "Where are Burma's Monks?" *Irrawaddy*, 19 September 2008.
[131] Source: *Ibid*.
[132] Source: "Monks Banned From Religious Festival," *Narinjara News*, 15 October, 2008.
[133] Source: "Officials Scratch off Gold from Buddha Statues," DVB, 14 October 2008.
[134] Source: "Raid on Monasteries in Akyab," *Kaladan News*, 23 October 2008.
[135] Source: "A Monk from Pakokku Was Arrested In Shan State," DVB, 29 November 2008, Translation by HRDU.
[136] Source: "Army Training School Seizes, Resells Monastery Land in Northern Mon State," IMNA, 5 November, 2008.
[137] Source: "Two Monks Sentenced," DVB, 13 November 2008, Translation by HRDU.



CHAPTER 13
Freedom of Opinion, Expression and the Press

BURMA

HUMAN RIGHTS YEARBOOK 2008

13.1 Introduction

Upon release after his 19 years in prison, journalist and political activist, U Win Tin realised that freedom of expression in Burma was just as limited in 2008 as it was when he was arrested. At the 10th anniversary of the South East Asian Press Alliance, he said *"many members of the press in Burma are still discriminated (sic), persecuted and imprisoned."* [1] The year of 2008 saw over ten journalists and countless other citizens arrested for merely expressing an opinion or the truth.[2] Hundreds and perhaps thousands more have been intimidated into silence by repressive laws and the strict practice of censorship.

As in years past, freedom of expression in the arts was met with stringent censorship. The regime imprisoned poet Saw Wai for publishing a Valentine's Day poem with a hidden message denouncing General Than Shwe. The editor of the magazine *Cherry*, Htay Aung, was dismissed for publishing a poem about the ancient history of Depayin that could have been construed as a reference to the 2003 Depayin Massacre, which targeted National League for Democracy (NLD) leaders and supporters. The State Peace and Development Council (SPDC) censorship board also banned popular American film, *Rambo*, which denounced the violence of the regime.

The Internet, televised media, and printed press also continued to be strictly censored throughout 2008. During Cyclone Nargis and in its aftermath, the regime prevented the unaffected regions of the country from obtaining accurate information on the destruction and humanitarian crisis. The SPDC not only restricted access to the cyclone hit regions, banning the use of cameras or video recorders, but they also limited the print media to releasing positive images of the regime handing out food and supplies and providing shelter. While the regime has always censored access to the Internet, for the first time in 2008, authorities arrested blogger Nay Phone Latt for his reporting on the September 2007 Saffron Revolution. In November of 2008, he received a sentence of 20 and half years in prison.

All media continued to be subject to the publishing guidelines of the Press Scrutiny Board. Publishers and artists must submit their work to the censorship board in advance of dissemination and then wait for comments and exclusions. Once it has been reworked, the final product must be approved a second time by the board, before it goes to the public. Such a lengthy process has made self-censorship the more convenient option amongst weekly news journals. It has also prevented the immediate release of relevant information, as was the case with delayed coverage of the cyclone and referendum. Understandably, the Burmese public have turned to the internet and international media sources for information on what is happening inside Burma as an alternative to junta mouthpieces such as the *Myanmarhlaing,* and the *Mirror*.

Politically, the regime forced the entire eligible voting population of Burma to participate in a tightly controlled and engineered referendum to approve a draft constitution that was the product of a 14-year long, undemocratic National Convention. None of the requirements for free and fair voting, including freedom to vote in privacy; availability of information related to the issues, freedom from intimidation or bribery, and independent monitoring, were ensured by the regime during the referendum process. Instead, individuals met with forced advance voting, threats, and a new Referendum Law for the Approval of the Draft Constitution of the Republic of the Union of Myanmar (issued on 26 February 2008), which prevented any speech against the referendum or dissemination of political information.[3] The end of the year saw the regime preparing for the next step in the seven-step roadmap to democracy, national elections in 2010. Evidence to date suggests that the campaigns and election will be conducted under similarly repressive conditions as those that marred the referendum on the draft constitution, eventually leading to the SPDC's goal of a transition to a 'disciplined democracy'.

13.2 Laws Restricting Freedom of Opinion, Expression and the Press

The Official Secrets Act (1923)

This law, intended to prevent treason, prohibits the collection, possession, and dissemination of any information that is prejudicial to State interests. The breadth of this law has allowed the regime to interpret any conversations with exile media groups or possession of information regarding the undisclosed activities of the government to be violations. There is no exception for the disclosure of classified information on public interest grounds. Anyone convicted under this law is liable to be punished with imprisonment for up to fourteen years or a fine or both.[4]

The Burma Wireless Telegraphy Act (1933)

Under this act, no one can possess, without official permission, any *"wireless telegraphy apparatus."* [5] In 1995 and again in 1996, the SPDC added amendments to expand coverage to unlicensed fax machines and computer modems. Anyone found in possession of these devices without official permission can be imprisoned for up to three years or a fine of up to 30,000 kyat.

Emergency Provisions Act (1950)

The Emergency Provisions Act grants the regime unchecked power to punish any real or perceived dissent, even in the absence of an official recognised state of emergency. The breadth of the law covers collection and dissemination of information that could be construed as jeopardising the State as well as outlawing any act that is *"intended to cause, or causes, sabotage or hinders the successful functioning of the State military organizations and criminal investigative organizations."* Similarly, Article 5(e) prohibits individuals from *"spread[ing] false news about the Government"* and Article 5(j) outlaws any actions causing or intending to *"disrupt the morality or the behaviour of a group of people or the general public."* Persons convicted under this Act can face punishments as harsh as life imprisonment and even death.[6]

Section 122, Penal Code of Burma (1957)

Section 122 of the Penal Code defines High Treason as those actions taken in an attempt to overthrow the State. Such actions are punishable by death or life imprisonment. The regime has used this law to suppress dissent, particularly of oppositional political parties such as the NLD.[7]

The Printers and Publishers Registration Law (1962)

First established in 1962 and amended in 1971, this law proscribes the registration procedures to which all publishers must subscribe in order to print or distribute any material. The regime takes broad powers to view and censor all materials prior to publication and bans any publication of any false information or information contrary to State interest. As stated in the censorship guidelines, banned publications include anything, *"detrimental to the*

ideology of the State; anything which might be harmful to security, the rule of law, peace, public order, national solidarity and unity; and any incorrect ideas and opinions which do not accord with the times." [8]

More than any other, the SPDC uses this law to suppress freedom of expression and freedom of press inside Burma. The law serves to deter any dissent as well as punish those brave enough to speak the truth. In addition to a suspension of their printing licenses, violators can be punished with up to three years in prison, a 2,000 kyat fine, or both.

State Protection Law (1975)

Also known as the Law to Safeguard the State from the Dangers of Destructive Elements, the regime wields the State Protection Law of 1975 to suspend individuals' fundamental rights, including that of due process and freedom of movement. While the declaration of a State of Emergency gives the regime the right to restrict any individual's freedom it is not necessary to do so. As amended in 1991, the period of detention without trial or warrant can be extended from 180 days to five years. Those detained under this law have no right to appeal in regular courts, but only through the SPDC cabinet.[9] The regime has previously used this law to extend the unlawful detention of Daw Aung San Suu Kyi among others.

The Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbances and Oppositions (1996)

Also known as SLORC Law No.5/96, the SPDC passed this law specifically to control the happenings of the National Convention, making it illegal to incite, demonstrate, deliver speeches, write statements or disseminate material that would *"disrupt and deteriorate the stability of the state, community peace and tranquillity and prevalence of law and order,"* or *"affect and destroy national reconciliation."* It also forbids:

> *"disturbing, destroying, obstructing, inciting, delivering speeches, making oral or written statements and disseminating in order to undermine, belittle and make people misunderstand the functions being carried out by the National Convention for the emergence of a firm and enduring Constitution*." [10]

Punishment ranges between three months to 20 years imprisonment along with a possible fine. Organisations convicted under these provisions risk bans and confiscation of property. The SPDC has used this law to imprison and ban NLD leaders.

The Television and Video Law (1996)

Established with the objectives to both, *"Cause emergence of video tapes which will contribute towards national solidarity and, dynamism of patriotic spirit; [and] to prohibit and ban decadent video tapes which will undermine Myanmar culture and Myanmar tradition*," [11] This law establishes the regulations by which each television, satellite, and video cassette recorder must be registered and operated as well as establishing a video censorship board and regulations for video businesses. Those found illegally operating television businesses can be imprisoned for up to five years and fined and those found illegally possessing or distributing banned videos can be imprisoned for up to three years and fined.[12]

The Motion Picture Law (1996)

Similar to the Television and Video Law, this law has the objective of promoting those films *"beneficial to the all-round development of the State and to the preservation of Myanmar cultural heritage; [and] to prohibit decadent motion picture films which will undermine Myanmar culture and Myanmar traditions and customs."* [13] The law establishes the regulations and licensing process for those persons wanting to create a motion picture or operate a cinema as well as establish a Motion Picture Censor board. Punishments for showing banned films include imprisonment for up to one year and a fine of up to 100,000 kyat.

The Computer Science Development Law (1996)

Under this law, individuals inside Burma must apply for a license and register if they would like to purchase, import, or use any form of computer technology. Those found in possession of such technology without a permit, or assisting in the connection or installation of unlicensed technology may be punished with a prison term ranging from seven to 15 years and a fine. Additionally, the law can be used to punish those using licensed technology for the purpose of *"carrying out any act which undermines State Security, prevalence of law and order and community peace and tranquillity, national unity, State economy or national culture."* [14]

Electronic Transactions Act (2004)

In 2000, the SPDC issued new regulations through the Myanmar Post and Telecommunications (MPT) regarding the prohibition of the posting of any writings on the internet that may be deemed detrimental to the interests of the Union, its policies or security affairs. Violations of these guidelines are punishable with imprisonment, a fine, or both.[15]

Referendum Law for the Approval of the Draft Constitution of the Republic of the Union of Myanmar (2008)

Passed on 26 February 2008, the regime banned *"lecturing, distributing papers, using poster or disturbing voting in any other manner at the polling booth or near the premises of the polling booth or at a public or private place to destroy the referendum"* with a punishment for up to three years and/or a fine for those caught violating the provisions of the law. In addition to the Printers and Publishers Act, this law attempted to quash all dissent leading up to the referendum.[16]

13.3 Freedoms of Speech and Expression

The year following the bloody crackdown on participants of the Saffron Revolution of 2007 saw a continuing repression of any speech or expression deemed to be anti-regime. All types of expression, from ethnic celebrations to religious activities to political protests were subject to a regime clamp-down. For example, on 18 February 2008, local Police Chief U Sein Win of Pwintbyu Township in Magwe Division prevented Mandalay Abbot U Thu Mingala from Moegok Wipathana monastery from finishing a three-day *'dhamma'* talk (sermons on Buddhist teachings), demanding that the abbot leave town immediately and that the pavilion serving as the venue for the talks be demolished. When Kone Zaung village youth Chit Wai San demanded an explanation for the cancellation of U Thu Mingala's talks, Police Chief U Sein Win punched and then arrested the youth who was held in custody until the village negotiated a 100,000 kyat bribe to be paid to the police cheif.[17] In another example of restrictions on freedom of expression, a group of ethnic Chins were prevented from celebrating Chin National Day. The year of 2008 marked the 60th anniversary of Chin National Day on 20 February, the day on which the Chin State government decided to embrace a democratic system in 1948. The military regime prevented celebrations in the Chin State capital of Haka in Haka Township and prevented Chin university students from celebrating on Kalay University campus in Sagaing Division. Authorities ordered organisers refer to the occasion as *'Chin Culture Day'*, in attempt to stifle the political import of the anniversary.[18]

Political expression was dealt with in a particularly harsh fashion 2008. Most notably during the period leading up to the referendum when expression contrary to the referendum was banned and breaches were severely punished. (For more information, see Section 13.11 Referendum, below). Additionally, in anticipation of the 20-year anniversary of the 1988 uprising, security was tightened across Burma. As early as 5 August 2008, SPDC forces were in Sittwe responding to a poster campaign that urged residents to fight for democracy on the anniversary of the 1988 uprising.[19] Hundreds of police and plain clothed officials were dispatched to locations of customary political unrest in Rangoon, including high schools, universities, and monasteries. Monks were instructed by regime authorities to not leave their monasteries except for the collection of their daily alms.[20] Additional barricades and a fire engine were brought to the location where Daw Aung San Suu Kyi is still kept under house arrest in Rangoon.[21] Rangoon University students reported that access to the campus was limited to two gates and their professors were told to not tolerate any political activity from their students.[22] Additionally, ten battalions of troops were sent to the Thai-Burma border where the regime anticipated violent outbreaks to mark the anniversary.[23]

Despite these measures to discourage commemoration, the All Burma Federation of Student Unions (ABFSU) distributed leaflets at universities in the towns of Mandalay, Kyauk Se, Monywa and Magwe calling for a renewed revolution.[24] Youth activist group, Generation Wave, engaged in a red paint campaign to commemorate those killed in the 88 Uprising.[25] Although quickly removed by authorities, the activists splattered red paint on Alone High School (3) and near the theatre in Alone and had planned to spread more red paint throughout the city.[26] Residents of Rangoon wore black in the streets and the NLD held a rally in Yenangyaung Township, Magwe Division.[27]

Reported arrests surrounding the anniversary of the 1988 demonstrations include Myo Teza, a leader of the All Burma Federation of Students' Unions, and two of his colleagues on 7 August 2008.[28] On Friday, 8 August 2008, the SPDC arrested at least 30 residents of Taungup in southern Arakan State, for marching in commemoration of the 88 uprising.[29] Another planned protest in which monks in Sittwe, the capital of Arakan State, gathered early in the morning at Bura Gri temple, was prevented by riot police who stormed the temple and stopped the demonstration.[30] As of 22 September 2008, an estimated 370 activists had been arrested or detained by the police and 56 persons were imprisoned for their dissident activities.[31]

The regime sent military and police forces to prevent any commemoration or renewed protest in the lead up to the anniversary of the Saffron revolution, in September, just as they had done previously for the anniversary of the 1988 uprising. On 2 September 2008, 52 police officers, led by Taungup township police chief U Win Aung, staged a training session believed to be a show of force in Taungup Township, Arakan State. Local residents, who were very active during 2007's protests, believed this display was intended to intimidate residents as the one year anniversary of the Saffron Revolution approached. In addition to the trainings that were held in public, the town also saw an influx of military intelligence officials and military affairs security officers from Naypyidaw to monitor the situation in the town.[32] The SPDC also increased their military presence in Pegu Town, Pegu Division on 2 September 2008. Security personnel equipped with shields and batons were noticed around the city and specifically around the Shwe Maw Daw Pagoda. Teashop owners and other restaurants were alerted that a curfew of 10:00 pm would be imposed and all businesses had to be closed by that time.[33] Security was also stepped up in the former capital where according to an Associated Press (AP) report on 25 September 2008, *"As many as nine truckloads of riot police holding assault rifles and tear gas and carrying shields and batons cruise the streets [of Rangoon] daily."* [34] Rangoon in particular saw SPDC military, Union Solidarity and Development Association (USDA) members, members of the auxiliary fire brigade (essentially a regime backed militia), and other civil servants wearing red scarves to signal their readiness to combat any renewed protests.[35]

On 5 September 2008, *Democratic Voice of Burma* (DVB) reported that the State Sangha Maha Nayaka had sent a directive to monasteries in Chauk Township, Magwe Division, ordering monks to not take part in political activities and that 'swift action' would be taken against any monks found to be breaking the law.[36] Other sources in central Burma reported on 5 September 2008 to *Mizzima News* that abbots were forced to sign pledges that they would not permit their monks to participate in any protests.[37] In Pakokku Town, a key city of protest in the Saffron Revolution, monks again refused to accept donations from regime officials; in response, soldiers set up barbed wired barricades to block traffic and constantly monitored the actions of local monasteries.[38] Regime authorities also sought to make their presence felt in Sittwe, the capital of Arakan State, where the military moved their daily drills from the private outskirts of the city to the public main streets where they marched and shouted military slogans with the intention of intimidating residents.[39]

It was reported on 16 September 2008 that the SPDC had arrested 14 democracy activists over the course of the previous week in anticipation of an attempt to revive 2007's demonstrations. Six persons were arrested on 9 September 2008 in Rangoon and an additional eight were taken into custody on 11 September in Meiktila Township, Mandalay Division. Arrested individuals included, Aung Ko Ko Lwin and Ko Moe Htet Hlyan, relatives of activist-monk U Gambira who played a leading role in the previous year's anti-regime protests.[40] The junta further prepared for the anniversary by imposing a curfew on three monasteries in Sittwe, Arakan State and conducting night surveillance on monasteries in Pegu Division.[41]

July through September 2008 saw a huge increase in the SPDC crackdown on political opposition in preparation for the upcoming 2010 elections. The exile group, the Assistance Association for Political Prisoners Burma (AAPPB), reported that over 91 political activists were arrested in those three months.[42] Additionally, many of those activists imprisoned during the 2007 Saffron Revolution faced trial and were subject to sentencing in 2008. Win Mya Mya, a 50-year-old female NLD party member received a 12-year prison sentence on 24 September 2008. On the same day, five male NLD members from Mandalay met with sentences ranging from eight to 13 years under Section 505(b) and 153(a) of the criminal code, both of which punish any speech that the regime interprets as a disturbance to public tranquillity. Sentences were handed down in secret trials held inside Mandalay prison.[43]

(For more information, see Chapter 1: Arbitrary Detention and Enforced or Involuntary Disappearances and Chapter 14: Freedom of Assembly, Association and Movement).

The end of 2008 brought increasing numbers of trials and sentencing for arrested activists. According to Reporters without Borders, in November, *"jail terms with a combined total of several hundred years were imposed on poets, bloggers, monks, comedians, singers, ethnic minority leaders, trade unionists, and political activists"* in a two-week span of time.[44] AAPPB reported that 53 activists were sentenced between 5 and 11 November 2008 alone. Those sentenced included:

1. Zarganar, comedian and blogger, 45 years;
2. Tin Maung Aye, student of Zarganar, 29 years;
3. U Ashin Gambira, monk leader of Saffron Revolution, 65 years;
4. Ma Hanny Oo, ABFSU leader of Saffron Revolution, 9.5 years;
5. Min Ko Naing, 88 Generation Student Leader, 65 years;
6. Ko Ko Gyi, 88 Generation Student Leader, 65 years;
7. Ko Myo Yannaung Thein, 88 Generation Student Leader, 2.5 years;
8. Ko Min Min Soe, 88 Generation Student Leader, 2.5 years;
9. 15 NLD Party Leaders from Hlaingthaya Township, 7.5 years;
10. U Nanda, monk from Ngwe Kyar Yan monastery, 6.5 years;
11. U Wilar Thekka, monk from Ngwe Kyar Yan monastery, 6.5 years;
12. U Agga Dhama, monk from Ngwe Kyar Yan monastery, 6.5 years;
13. U Eithiriya, monk from Ngwe Kyar Yan monastery, 6.5 years;
14. U Zarnayya, monk from Ngwe Kyar Yan monastery, 6.5 years. [45]

The last five monks had been members of Ngwe Kyar Yan monastery which had been raided on 26 November 2007 by SPDC officials who dragged away over 100 monks. They were sentenced in a special court inside Insein prison on charges of unlawful assembly and association, as well as crimes against public tranquillity and speaking out against the state.[46] International organisations such as Reporters Without Borders and the Burma Media Association strongly condemned the trials as illegitimate and called on the European Union and the United Nations (UN) to include the head of the justice system, U Aung Toe, and other judges who participated in the trials in the list of those officials targeted by political sanctions.[47]

The repression of public expression of opinion drives such expression underground, however many people in Burma found other ways to express their opinions about the military regime. In one example, activists scattered kyat banknotes and pamphlets with pictures of General Aung San and anti-regime slogans throughout Gyobingauk Township, Pegu Division. Although the authorities quickly confiscated the materials, some of the messaged notes were still circulating at the time of the report on 23 September 2008.[48]

Restrictions on Freedoms of Speech and Expression - Partial list of incidents for 2008

On 29 February 2008, the High Court of Rangoon rejected out of hand a complaint filed by the NLD against the junta for failing to convene the peoples' parliament in accordance with the 1989 Election Law and the results of the 1990 election. Nyan Win, a lawyer and spokesman for the NLD said at the time, *"If a case filed at the highest level of courts is rejected, then where can we file our complaints?"* [49]

On 10 June 2008, several cyclone survivors marched from their homes in North Dagon Township to Rangoon with the intentions of approaching international aid organisations for help; however, they were stopped by the authorities. The reporters who recorded these protests were arrested at the United Nations Development Programme office on Natmauk Road, Tamwe Township in Rangoon and charged under Section 505(b) of the Criminal Code.[50] (For more information, see Section 13.5 Freedom of the Press, below).

On 28 August 2008, Rangoon mayor, General Aung Thein Linn ordered all 'provocative' advertisements displayed outside to be taken down, as it offended Burmese tradition and culture. This included billboards and posters of private businesses. Advertising firms and businesses were at a loss to explain this directive, since many of these advertisements, which pictured models in relatively revealing clothing, would have to be recalled and redesigned, without compensation from the Mayor's office.[51]

On 9 September 2008, the SPDC stepped up security measures in Sittwe, the capital of Arakan State, to prevent commemoration of the 69th anniversary of monk Ashin Ottama. Ottama is seen as a national hero for his resistance to English colonial rule. Riot police and soldiers were stationed at monasteries, Payagyi Temple and U Ottama Hall and other local places and teachers were told to be on alert for any political activities undertaken by their students.[52]

On 12 September 2008, three Pakokku residents, U Nayla, U Tha Aung, and U Sein Lin, who were previously arrested for speaking to foreign media outlets, were sentenced to two years in prison. U Thant Shin, arrested on similar charges, was sentenced to nine years.[53]

On 15 September 2008, SPDC troops took several lake owners from Karen State into custody for failing to pay a bribe that had been demanded of them. One of the men, Saw Oh Thi was accused of *"listening to the radio"*, in addition to not paying the 50,000 kyat to the battalion. For this infraction, IB #60 Colonel Ko Ko Aung shot and killed Saw Oh Thi on the spot. (For more information, see Chapter 3: Extra-judicial, Summary or Arbitrary Executions).[54]

On 18 September 2008 it was reported that the All Kachin Student Union (AKSU) marked the 20th anniversary of the regime takeover by pasting over 400 small posters in and around Myitkyina, the capital of Kachin State. The posters contained the following declarations:

1. Immediately free all political prisoners;
2. Quickly implement a political Tripartite Dialogue;
3. Fall of the SPDC - the military junta;
4. Success of the democracy movement.

In response to the campaign Commander Major General Soe Win, who could find no individual to hold responsible, imposed a mandatory curfew of 10:00 pm on all of Myitkyina.[55]

On 26 September 2008, in Sittwe, Arakan State, one monk was arrested during a peaceful march of about 150 monks across Buluma Bridge. The march was seen as a protest and plain-clothed security personnel attempted to block the demonstration. Four other monks were also arrested later the same evening.[56]

On 16 October 2008, exiled *Kachin News Group* covered the story of Nalung village headman, Salang Ladai Brang Awng of Kachin State being assaulted and tortured by SPDC forces at the Lajayang military checkpoint for alleged connection to the Kachin Independence Army (KIA). After seeing the news coverage, Lieutenant Colonel Aung Thaung Htike, the officer in charge of the checkpoint and LIB #105, forced Salang Ladai Brang Awng to retract his statement and sign a new one clarifyng he had not been assaulted by regime military personnel.[57]

On 23 November 2008 at an opposition meeting of exiled Burmese activists in Kuala Lumpur, Malaysia, a spy from the Burmese Embassy was identified. The suspected spy was carrying a voice recorder and camera as well as making frequent phone calls from the meeting. The opposition group confiscated the recorders but let the man go.[58]

On 30 December 2008, at least nine NLD supporters were arrested for protesting the continued detention of Daw Aung San Suu Kyi. The protesters marched from the conclusion of a party meeting on West Shwegondine Street in Bahan Township to an old parliament building where the SPDC police assaulted them before taking them into custody. They were shouting NLD slogans and carrying *"Free Daw Aung San Suu Kyi"* posters.[59]

The Federal Constitution Drafting and Coordinating Committee (FCDCC) in session in February 2008. The FCDCC has been tasked with the production of an alternative constitution for a future Federal Burmese Republic which recognizes the rights of the nation's ethnic minorities. *[Photo: © Mizzima]*

13.4 The Roadmap to Democracy

The year 2007 marked the end of a 14-year National Convention (NC) and the drafting of a national constitution, fulfilling the first steps in the SPDC's seven-step roadmap to democracy. The following year, 2008, saw the completion of that draft, a national referendum, and the scheduling of multi-party democratic elections for 2010. None of the SPDC's actions so far, however, have given the people of Burma confidence that the implementation of the rest of the seven-step roadmap will break the current pattern of political oppression and the suppression of free expression and opinion that have been characteristic of the SPDC's rule thus far.

In contravention of the mandate of the Pyithu Hluttaw Election Law which provided for the drafting of a constitution by those publicly elected officials in the 1990 elections, the delegates to the NC were hand picked by regime officials and were extremely limited in their powers of deliberation and reporting to the public.[60] Originally formed in 1993, the NC went into recess in 1996 after the regime passed the repressive Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbances and Oppositions Order 5/96 and members of political opposition parties boycotted the remainder of the NC. Under the law, a person or an organisation can be arrested for,

> *"disturbing, destroying, obstructing, inciting, delivering speeches, making oral or written statements and disseminating in order to undermine, belittle and make people misunderstand the functions being carried out by the National Convention for the emergence of a firm and enduring Constitution."* [61]

A person charged under the law could be sentenced to anywhere from three months to 20 years in prison, along with a possible fine. When finally reconvened in 2004, the regime continued to use the law to prosecute persons and organisations that it found to be disruptive to the NC process despite already having absolute control over the outcome of the NC.[62] Finally the NC concluded in August 2007, and in October 2007 the regime appointed 54 officials to draft a constitution in line with the NC's recommendations.[63]

On 9 February 2008, the SPDC announced that the final draft of the Constitution was complete and that, following a referendum in May 2008, elections would be held in 2010.[64] Critics, however, doubted the regime's intentions. The junta's premature scheduling of elections before the referendum had confirmed the drafted constitution was interpreted as a sign that the entire process would be engineered to the regime's liking.[65] At the time when the dates for the elections were announced, the public still did not have access to the newly drafted Constitution. Moreover, the regime never publicised the principles of the National Convention.[66] Thus, the public had no access to the political information they needed to understand the 'principles' used by the Convention to draft the Constitution. Political opposition member Zaw Min of the Democratic Party for a New Society stated his belief that *"the climate today is worse than when Burma had its last referendum in 1974 to approve [the] second constitution. There was a little more openness then."* [67]

On 15 February 2008, the Federal Constitution Drafting and Coordinating Committee (FCDCC) announced that it had completed the second draft of its alternative Constitution for the Federal Republic of Burma, endorsed by over 90 pro-democracy and ethnic organisations. Compared to the regime's draft constitution, the FCDCC insists that its drafting process was inclusive and democratic; however, this alternative constitution was ignored by the regime.[68]

As early as 21 February 2008, groups ranging from ex-politicians to pro-democracy activists to leaders of ceasefire groups released statements calling for a free and fair referendum and general election. Generation Wave as well as the 88 Generation Students Group called for the referendum to be free and fair and for it to include independent monitoring mechanisms.[69] Veteran politicians, including Thakin Chang Htun and Thakin Thein Pe, urged that the regime to comply with the following requests; to release a copy of the drafted Constitution so that the people would have adequate time to review it before the referendum, to free political prisoners so that they could participate in the referendum and election process, and to allow international observers and journalists to monitor the voting. Even ceasefire groups, such as the Kachin Independence Organisation (KIO) who participated in the NC called on the regime to host fair and monitored elections.[70]

29 February 2008, the Ethnic Nationalities Council (ENC) called on the military regime to come together with the various ethnic and political parties to negotiate a new and inclusive constitutional drafting process.[71] On 1 September 2008, the ENC again criticized the Constitution for being undemocratic and said that it could not participate in the 2010 elections under such circumstances. The ENC reiterated its call for a tripartite dialogue between NLD, ethnic leaders and the military regime.[72]

The next step of the roadmap was the actual referendum on the draft constitution held on 10 May 2008 and in the cyclone affected areas on 24 May 2008. Both the lead-up and the execution of the referendum were tightly controlled by the SPDC regime. As much as possible, the regime cracked down on opposition. For example, on 30 March and 1 April 2008, authorities detained seven activists peacefully demonstrating by wearing 'No' t-shirts in the streets of Rangoon. The AAPPB, which keeps statistics on arrests and convictions for political activities, noted that between 25 and 28 April alone, the regime arrested over 70 activists.[73] Further, the regime used tactics such as vote buying, voter intimidation, and door-to-door collection of advanced votes in order to skew results in favour of a 'yes' vote that would affirm the constitution. During the actual voting process, citizens reported that they arrived to polls where their vote had already been registered and that when polls were closed no members of the public were allowed to watch the counting. The referendum process ensured that the regime reached the desired outcome of a confirmed constitution. (For more information, see Section: 13.11 Referendum, below).

Once the junta tallied the votes and announced the overwhelmingly positive reaction to the draft constitution, they turned their attention to the 2010 elections. As the regime had done with the referendum, persuasion, coercion, and bribery were employed to garner support for their proposed representatives. In June and July of 2008, Major General Soe Win and Brigadier General Thein Zaw met with religious communities in Myitkyina, Kachin State, donating rice, oil, and money to win their favour. Similarly in August, general secretary of the Kachin State USDA, Rawang Jung, met with church leaders and congregations in Putao to encourage them to vote for the USDA in the 2010 elections. Some of the residents, however, complained that they were forced to attend the meetings and to listen to pro-junta propaganda.[74]

At times the sweeteners offered by regime officials were not enough to sway staunch detractors of the regime. In these cases when bribery could not be used to sway opinion, the SPDC simply responded by locking up critics. According to NLD spokesperson Nyan Win, at least 30 party members were sentenced to at least two and a half years in prison between September and early October. NLD members Hline Aye and San Pwint were sentenced to two and a half years jail on 22 September 2008 for disturbing the public tranquility, and on 6 October 2008 Soe Kywe, Khin Aye, and Myint Thein received the same sentence. Nyan Win believed the regime had imprisoned and intimidated critics *"so that they can manipulate the elections any way they like."* [75]

On 22 September 2008, the NLD released a statement criticizing the convention process as well as the referendum and calling for the regime to reconsider the Constitution through the formation of a constitutional review committee representing all stakeholders, including military regime representatives, ceasefire groups, constitutional experts, ethnic nationalities representatives, and opposition political parties. On 25 September 2008, regime police Brigadier General Khin Yi summoned members of the NLD's central executive committee to the interior ministry and told them that the NLD must withdraw its statement, since it contained statements that might insight the public to act against the state. The NLD refused to do so, claiming that their statement contained credible information. The brigadier general warned the members releasing the statement that action could be taken against them, though what that 'action' would constitute was not made clear by the representative of the interior ministry.[76]

On 29 October 2008, NLD spokesperson, Nyan Win, said, *"If we have a chance to talk with the regime, we will hold bilateral negotiations and go on based on the agreement. Our idea is for 'democratic reform.' We willingly want to negotiate with them."* [77] Yet, in response, the junta only continued to imprison those calling for negotiations and rebuffed requests for dialogue, noting that the Constitution was drafted by over 1,000 delegates and approved by the public in the referendum.[78]

Ceasefire groups also had reservations about the junta's roadmap.[79] Although they publicly endorsed the draft constitution at the time of the referendum, the representatives of the KIO for example, had previously warned that they would most likely not accept the order to lay down arms before the 2010 elections.[80] The New Mon State Party echoed the KIO's desires to have more of a dialogue before laying down arms and held particular reservations over the fact that the Constitution did not provide for ethnic groups' rights or a federal system.[81] On 12 October 2008, the Arakan League for Democracy announced a boycott of the 2010 elections, citing the illegitimacy of the referendum and the lack of attention to the issue of ethnic rights.[82] More recently on 15 December 2008, the Chin National Front (CNF) stated that it would protest the 2010 elections and would only discuss political progress through a tripartite dialogue, composed of representatives of ethnic groups, political opposition groups and the junta.[83]

In response to the criticism and in preparation for the 2010 election, the SPDC continued its intimidation with military action against the Karen National Union (KNU) and planned major offensives against the Shan State Army-South and Karenni National Progressive Party in 2008. Thailand-based military analyst Htay Aung concluded that these offensives were directly linked to the SPDC's desire to completely control the upcoming election, *"I think the military government will mount a major offensive for two reasons: to threaten the ceasefire groups and to wipe out the non-ceasefire groups."* [84]

Following his August 2008 visit to Burma, UN Special Rapporteur Tomas Ojea Quintana suggested that the military regime needed to make more reforms with regards to human rights before Burma would be ready for democracy. Specifically, he said, *"The right to freedom of peaceful assembly and association, as well as the right to freedom of opinion and expression, are fundamental rights to be respected in the process towards the establishment of a solid and reliable democracy."* [85] Underlining the seriousness of the UN's criticisms, five prominent rights experts from the UN, including Frank La Rue, Special Rapporteur for Freedom of Opinion and Expression signed a statement urging the junta to implement reforms and release those persons imprisoned for peacefully *"exercising their internationally recognized human rights."* [86]

Despite widespread criticism, the military regime seemed to be proceeding as if the results of the election in 2010 were already secured. Sources within the junta released the names of Lieutenant General Myint Swe and Minister of Industry Aung Thaung as probable choices for president once 2010 elections were completed and the parliament formed.[87] Many people speculate that the junta-backed USDA, which claims to have more than 23 million members, will be transformed into a political party to shore up the regime's influence in parliament.[88] Additionally, since the regime's constitution grants a quarter of the parliamentary seats to the military and will surely engineer a majority of the other seats in the upcoming election, the SPDC seem certain to maintain their authoritarian status well beyond the 'transition' to democracy.[89] The regime scheduled the release of the new Election Laws for January 2009, thereby minimising the time frame for opposition groups to coordinate a well organised campaign ahead of the election (at the time of this publication the laws had still not been released, thereby further decreasing the future opportunities for opposition groups to organise prior to the election). The delay of the release of the electoral laws, as well as the continued harassment and arrest of opposition politicians in conjunction with overt pressure and bribery from the SPDC and the USDA, all serve to weaken the opposition's ability to contest the elections in any meaningful manner.[90]

A hawker sells copies of countries draft constitution in Rangoon. *[Photo: © AFP]*

13.5 Freedom of the Press

Freedom of the press declined all over the world in 2008 and Burma was no exception. The military regime strictly controlled the freedom of journalists and publications to report the truth about the state of the nation.[91] An American research group, the Freedom House, which ranks nations based on a 'freedom index' has consistently ranked Burma amongst the worst nations in the world for press freedom. Burma shares this honour with Cuba, Libya, North Korea, and Turkmenistan.[92] Reporters without Borders ranks Burma 170th out of 173 nations—only having marginally more press freedom than the worst three: Turkmenistan, North Korea, and Eritrea.[93] While the junta makes promises of a transition to democracy, the state of press freedom in 2008 proves that Burma has a long road to travel before reaching this goal.

In advance of the national referendum, the SPDC increased suppression of the media. Anyone critical of the regime knew that they could face prison if they expressed their ideas through printed material. The media was ordered to reprint junta propaganda and was barred from critiquing the draft constitution or the referendum.[94] Human Rights Watch (HRW) Asia Director, Brad Adams, noted that *"The arrests of journalists and repression of access to information deny the Burmese people any real opportunity to debate the proposed new constitution."* [95] (For more information, see Section 13.7: Continuing Detention of Journalists, below).

Cyclone Nargis brought with it a crackdown on both domestic and foreign journalists trying to cover the natural disaster. The junta imposed a travel ban for all domestic and foreign journalists attempting to travel to the affected Irrawaddy delta areas, forcing reporters to go undercover into those areas. The SPDC set up police checkpoints and searched those hotels popular with foreign journalists. The regime found and deported at least ten foreigners following the cyclone, including a British Broadcasting Company (BBC) journalist.[96] Several journalists attempting to enter Burma through neighbouring Thailand learned at the Burmese Embassy in Bangkok that they had been blacklisted from entering the country. Immigration authorities proscribed bans on journalists who had previously visited to Burma on tourist visas in 2007 to cover the September demonstrations.[97] Junta officials even seized cameras from individuals, non-journalist citizens, and camera stores to prevent any documentation of the disaster. Local military authorities in Kungyangon Township, Rangoon Division had confiscated at least ten cameras by 12 June 2008.[98]

Unlike foreign journalists who faced deportation, Burmese journalists faced prison sentences if they were caught violating the junta's orders. Some were lucky, such as the eight Burmese reporters detained overnight and then released in Laputta Township on 19 May 2008 after promising to leave and stay away from the area.[99] Others such as Ein Khaing Oo however, were not so fortunate. It was reported on 14 November 2008 that 24 year old Ein Khaing Oo, a reporter for *Ecovision Journal*, was sentenced to two years in prison for covering the cyclone.[100] (For more information, see Section 13.7: Continued Detention of Journalists, below). Those providing information to international media sources were also in jeopardy of facing prison sentences. In one such case, SPDC officials and police searched sports writer Zaw Thet Htway's house and took him into custody after he helped distribute aid to cyclone survivors and spoke about his experience to the DVB. According to the victims wife,

> *"About seven government officials from Bahan Township and police Special Information Division officers came with ward authorities and searched our house ….. They seized his mobile phone, a PC, a couple of computer discs and some documents"* [101]

The regime also controlled the information that did reach news-stands; forcing local media to publish stories that diminished the severity of the disaster and made it appear that the junta had the relief effort firmly under control.[102] The regime even attempted to control its international image through inviting foreign diplomats to visit the affected area. The visits were carefully orchestrated however, ensuring that the diplomats could only see *"neatly configured aid camps"* instead of the real extent of the catastrophe.[103] On 13 May 2008, *Mizzima News* reported Prime Minister Thein Sein's orders that anyone assigned to reconstruction or aid work would not be permitted to carry cameras.[104] Burmese journalists and publishers could not report on the misery and destruction, print pictures of dead bodies, or describe how international aid was not reaching the starving survivors.[105] The aid work of Buddhist monks and local relief groups were also struck from publications.[106] Journalists were only permitted to print positive stories about the regime's aid and reconstruction efforts.[107] The SPDC also tore out the coverage of Cyclone Nargis from international news sources such as *Newsweek*, *The Economist*, and *The Bangkok Post*.[108] Reports from late in May reveal that news regarding aid distribution was still censored by the regime. A Rangoon journalist told *Irrawaddy* magazine, *"the government doesn't want people, especially the international community, to know that so many survivors are still waiting for aid."* [109]

The regime also battled domestic and international criticism through its own print media. In the regime-published *New Light of Myanmar*, an article from early June accused *'self-seekers'* of faking video footage and giving it to foreign media sources to purposefully mislead the international community and tarnish Burma's image. The conditions, the regime stated, were not as bad as media sources were making them out to be through their wilful exaggeration.[110] The junta insisted that the foreign news coverage itself was 'more destructive than Nargis' and was intended to drive a wedge between the SPDC and international donors. The regime noted that in contrast to international reports that people in the affected regions were dying, the natural resources in the delta would flourish in the wake of the cyclone and the people would have more than enough fish, frogs, fresh vegetables, mushrooms and water clover, to sustain them.[111] *The New Light of Myanmar* reported that *"life is returning to normal"* in the delta region even though international organisations suggested that the relief and reconstruction effort would stretch well into the next six months.[112]

Official figures released also differed greatly from those found by independent international sources. The regime's numbers alleged that roughly 84,537 people were killed, 53,836 were missing and that 19,359 were injured. The storm, the junta reported, severely affected only about 2.4 million people. In comparison, other sources reported that 300,000 people were killed and 5.5 million were severely affected.[113] The UN figures estimated that between 62,000 and 100,000 people died and that the cyclone had left another 2 million people without food, clean water, or medicine.[114] Despite international pressure on the junta to allow journalists to tell the real story, including a statement by the International Press Institute (IPI) specifically addressing the SPDC's disregard for the rights of journalists and freedom of the press during and after Cyclone Nargis, the regime tightened censorship and suppressed the truth where possible.[115]

Suppression of the media was not a phenomenon that was limited to the timeframe of cyclone Nargis unfortunately. In July 2008, the SPDC, in taking a proactive step to secure their power, ordered military officials to listen to exile and foreign radio broadcasts so that the regime could more effectively respond through state-run media.[116] In the same month, on 19 July 2008, Martyrs' Day in Burma, the police prevented journalists from taking pictures at the memorial site in Rangoon where Martyr's Day is traditionally celebrated. Martyrs' Day commemorates the 1947 slaying of national hero and father of NLD leader Aung San Suu Kyi, General Aung San, and eight others. One journalist reported being detained and another said the police physically attacked him. The police also confiscated cameras and film. Foreign journalists were banned altogether from attending the commemorations.[117]

In late July, the Internet servers for exile news sources *Mizzima News* and DVB came under a Distributed Denial of Service (DDoS) attack, whereby the attackers tried to disable the site by overwhelming it with requests. While no one can confirm that the SPDC engineered the attacks, they came from countries where several members of the regime are studying.[118] Similar attacks occurred again in September 2008 against DVB, *Irrawaddy*, and *New Era Journal*. Anonymous tips traced the attackers to regime technicians operating from Russia.[119]

On 26 August 2008, Rangoon police summoned reporter Saw Myint Than of *Flower News Journal* and chastised him for a PSB approved article he wrote regarding a murdered couple in Thingangyun Township. On 3 September 2008, he appeared in court to answer charges under the Unlawful Associations Act and the Electronic Communications Law. According to a regime source, his actions of releasing the news to an exiled media source defamed the police department.[120] On 16 September 2008, a Rangoon court transferred the journalist to Insein prison.[121] The regime used Saw Myint Than's situation as an example for other local publications. Officials visited at least six Rangoon journals and warned them about making contact with exile media and foreign news sources.[122] Finally, seven weeks after being arrested, on 20 October 2008 Saw Myint Than was released. The police stated that there was insufficient evidence to determine that Saw Myint Than had contacted the *Irrawaddy* regarding the murder case.[123]

The restriction of information, however, continued through to the end of 2008. Township police stations stated in early September that they would no longer be able to field questions or give out information regarding crimes. Interested journalists would have to approach the Divisional Police headquarters for such information.[124] Later into September, as protests against the Thai government flared in Thailand, the junta censored all print and broadcast media coverage of the situation. They even blocked the coverage on international network CNN, available to residents of Burma via satellite.[125] Further, throughout October the censor board maintained a ban on any information or reporting of cases of contaminated Chinese milk powder. This ban continued even after a young Burmese girl died in early October from drinking contaminated milk powder. Thus, consumers continued to buy the contaminated product, unknowingly putting themselves at risk because they did not have the information necessary to make better consumer choices.[126] A case such as this illustrates how the regime's paranoia over the state's control of information has greater consequences than just those which affect the political opposition and reflects just how cynical the junta has become.

While the regime does everything within its power to silence the media in Burma, the international community has attempted to recognise and pay tribute to the independent media. In August 2008, the International Women's Media Foundation recognised Burmese female journalist Aye Aye Win, 54, a correspondent for the Associated Press, for her courageous reporting under the almost constant surveillance and threats of the military regime. Although she could not attend for fear of her family's safety, Aye Aye Win responded through her publisher, saying she did nothing extraordinary for a journalist in Burma.[127] In other recognition for the hard work of being a journalist in Burma, DVB was invited to speak at the Global Investigative Journalism conference on the dangers and difficulties faced by both staff reporters and anonymous sources and citizens inside Burma to get the truth to the world.[128] Freedom of the press in Burma is merely a chimera, and 2008 may have been one of the most repressive years in the recent past. (For more information, see 13.7 Continuing Detention of Journalists, below).

13.6 The State of Publications

About 100 privately-owned publications are registered inside Burma.[129] Several of those have close connections to the regime and the censorship board, such as: MK Media, Yangon Media, Eleven Media, and *The Myanmar Times* – run by Myat Khaing, Ko Ko, Than Htut Aung and Ross Dunkley.[130] These publishers exploit their ties with the regime to hamper their competition, further distorting the freedom of press and expression in Burma and making publishing even more difficult for their unconnected competition.[131]

Established by the Printers and Publishers Act, the Press Scrutiny Board (PSB) must approve all media content before printing.[132] The PSB crosses out and redacts information it deems unfit for print and sends the mark-up back to the publisher to be reformatted. The board then reviews the final version once more before it is actually printed. Customarily, anywhere from a few to over half of the articles can be censored by the PSB. Thus, publishers include extra articles in order to have enough to print. Even if a journal strictly adheres to the PSB guidelines and recommendations, they may not necessarily be safe. Journalists and their editors face punishment for articles that pass the PSB but later displease the authorities. If this happens, the regime punishes the publisher and reporter, not the censorship board. In one January 2008 example, *Myanmar Times* ran a PSB approved article regarding the increase in satellite television licensing fees, yet when the authorities subsequently found this article too critical, they closed the journal and ordered the firing of senior reporter Win Kyaw Oo.[133]

In the first few months of 2008, the PSB literally started using magnifying glasses and mirrors to do their work. The new tools came as a result of the publication of a poem entitled *"February 14"* that ridiculed Senior General Than Shwe through the first letters of each line of the poem and a Danish advertisement which contained the hidden message *"Killer Than Shwe."* The extra vigilance increased the time the PSB needed to review publications, further burdening independent journals.[134]

On 16 September 2008, *Mizzima News* reported that publications all over Burma were suffering due to the temporary absence of the director of the PSB, Major Tint Swe. As usual, the publishers submitted their drafts to the censorship board, removed the censored articles, re-typeset the publication, and finally resubmitted them for final approval. While under the more sympathetic Tint Swe, some articles could merely be modified before being reconsidered by the board. The Deputy-Director Major Aung Kyaw Oo however, tightened censorship criteria so as not to make any mistakes and directed news journals to *"delete all news covering government ministries and departments without interviewing the responsible person of the department concerned."* [135]

These restrictions resulted in heavy losses for the print media inside Burma. One unnamed weekly journal removed half of its 80 articles after the PSB board reviewed original drafts. Other literary magazines, such as *Mahaythi, Cherry, Ahtwe Ahmyin, New Ni,* and *Sabephyu* suffered losses too. One monthly magazine went from 10,000 copies to 7,000 and another went from 3,000 copies to just below 1,000 copies sold due to the reduced and more heavily censored content.[136]

Cherry magazine had a particularly rough year with the censorship board. After the PSB took an extra week to review submitted poems, the publication had to delay its August issue until September. The PSB responded that it was short on manpower; however, other magazines received their mark-ups in normal time. The magazine staff believed that the delay related to a previously published poem, 'Depayin', which passed the PSB but displeased the regime authorities.[137] (For more information, see Section 13.10 Freedom of Expression in the Arts below)

However, *Cherry* was not the only magazine to face excessive censorship; the board suspended the publication of 80 pages in an issue of *Padaukpwinthit* magazine that discussed writer U Nyo Mya of Oway magazine. U Nyo Mya was involved in the Burmese independence movement and was a close associate of national hero General Aung San. The board gave no reason as to why they restricted the article.[138] Even an article on the Free Funeral Service Society (FFSS), a Non-Governmental Organisation (NGO) helping the impoverished to bury their loved ones, was stricken by the PSB.[139] The FFSS had previously fallen afoul of regime authorities, especially following Nargis for providing free funerals for cyclone victims. The junta took offense to a private group providing this service as it made the regime appear as if it were not in total control of the relief effort

In September 2008, the PSB suspended the publishing licenses of two Rangoon weekly journals, *True News* and *The Action Times* for extremely minor infractions. *The Action Times* was suspended for one month after it published an article on released prisoner, U Win Tin with the title modified to read *Sayagyi* (Great Master) Win Tin after the version reading U Win Tin had been approved by the censor board. Similarly, *True News* was suspended for two months after adding a caption to a photograph after the censor board had approved the print layout.[140]

Late in the year, the censorship board released a directive with ten rules for domestic publications to follow. While not a drastic change from the prior directives, these rules reminded publishers that every word or image must be approved by the board before publication. It goes on to list the possible punishments for violating the directives, including confiscation of the printed materials, suspension of publication license, confiscation of the actual printing press, and revocation of the publication license. In addition the directive stipulates laws that provide for heavy prison sentences should the directives be breached.[141] The SPDC then issued a new directive, further attempting to streamline the censorship process, which created a press committee for each ministry. The press committees serve as the contact point for all information flowing outward to the press and public. On one hand this could streamline a complex process of releasing information to the public, however, critics worry that this will further enable the regime to withhold information and only release news that reflects positively on the regime.

As on magazine editor from Rangoon noted when the idea of the committees was broached,

> *"The media space will likely become more constricted. The media community will run into a wall while covering departmental news because senior officials of the concerned ministry and department will not disseminate news. They will make evasive denials in issuing official news. So, the media space will be more stifling,"* [142]

Finally, in December 2008, the junta unofficially announced that it would start the publication of a new regime-run daily newspaper from Naypyidaw, the 'Nay Pyi Taw.' This publication was set to supplement the three current regime Burmese-language daily publications, *Myanma Ahlin Kyemon*, and *Yadanabon* and the English-language daily, *The New Light of Myanmar*.[143]

13.7 Continuing Detention of Journalists

The year of 2008 saw a rise in the number of detained and imprisoned journalists, from an estimated seven or eight imprisoned media workers in January to at least 14 journalists and media workers by 1 December 2008.[144] The AAPPB reported that there were at least 41 journalists imprisoned in Burma as of September 2008.[145] According to the Committee to Protect Journalists (CPJ), Burma ranks third worst worldwide for detention of journalists, right behind China and Cuba and only slightly better than Eritrea.[146]

Despite its unenviable rating, and in a move that surprised journalists and activists worldwide, on 23 September 2008, after 19 years in prison, the military regime released journalist U Win Tin. The regime, then known as State Law and Order Restoration Council (SLORC), originally arrested the former editor of the daily *Hanthawaddy*, vice-president of the Burma Writers Association, and mentor to NLD leader Daw Aung San Suu Kyi, on 4 July 1989 for publications and actions that the junta viewed as subversive. He was subjected to torture and further suppression during his time in prison including solitary confinement.[147] Upon his release, U Win Tin refused to sign 'document 401' which forces released prisoners to denounce political ambitions and avowed to continue his activist work.[148] He also refused to be released on grounds of old age and poor health and wore his prison uniform home in protest.[149] Despite the good news of U Win Tin's release, 2008 saw more journalists imprisoned than released.

Continuing Detention of Journalists - Partial list of incidents for 2008

Maung Maung Lay Ngwe, September 1990

In September of 1990, Maung Maung Lay Ngwe was arrested and imprisoned for writing and distributing a collection of publications entitled *Pe-Tin-Than*, translated as *"Echoes"*, which the authorities believed would undermine the regime. The CPJ has been unable to confirm his current whereabouts or legal status since his imprisonment over 18 years ago.[150]

Aung Htun, February 1998

On 17 February 1998, writer and activist, Aung Htun, was imprisoned for writing and disseminating a book on the history of the 1988 generation student movement. Sentenced under the Printers and Publishers Act, the 1950 Emergency Provisions Act, and the Unlawful Associations Act, Aung Htun received 17 years total. In 2002, Amnesty International issued an urgent appeal requesting that Aung Htun be granted access to medical treatment for health problems that he was suffering in prison. According to the Burma Media Association, another urgent appeal was issued in July 2007 for his medical release. Also in 2007, ABFSU re-published Aung Htun's book. As of 2008, he is being held in Rangoon's Insein Prison.[151]

Ne Min (Win Shwe), February 2004

On 7 May 2004, Ne Min, a lawyer and former journalist for the BBC, received 15 years in prison for passing information on to exiled anti-regime organisations, according to the AAPPB. The regime had previously sentenced him to 14 years of hard labour in 1989 for his work for the BBC. Under that sentence, he served nine years in Insein prison before his release in 1998.[152]

Thaung Sein (Thar Cho) and Kyaw Thwin (Moe Tun), March 2006

On 27 March 2006, in the days after their arrest, Thaung Sein, a freelance photojournalist, and Kyaw Thwin, a columnist at the Burmese-language magazine *Dhamah Yate*, were sentenced to three years in prison for taking footage of the capital city Naypidaw.

Because the two journalists did not have a certificate from the regime indicating their approval of the footage, they were charged with the 1996 Television and Video Act, and imprisoned at Yemethin Prison in central Burma, according to AAPPB. A 2007 appeal in Yemethin Court was denied. The photographs and videotapes were never released.[153]

Win Saing, August 2007

On 28 August 2007, photographer Win Saing was arrested for his documentation of the Saffron Revolution. While the authorities arrested thousands of people and several journalists, Win Saing remained in detention in 2008 without being charged, according to the BMA.

Nay Phone Latt (Nay Myo Kyaw), January 2008

On 29 January 2008, well-known blogger and Internet café owner, Nay Phone Latt, who wrote about democracy and the regime's violence after the September 2007 peaceful demonstrations on his blog at www.nayphonelatt.blogspot.com, was taken into custody.[154] At the age of 28, Nay Phone Latt became the first blogger to be imprisoned along with his co-defendant Thin July Kyaw, under section 32(b)/36 of the Video Act, section 505(b) of the Criminal Code, and section 33(a)/38 of the Electronic Act.[155]

After his hearing in July, Nay Phone Latt was moved to Insein Prison, according to the AAPPB and the US Campaign for Burma. Finally, on 10 November 2008, he was sentenced to 20 and a half years, according to the BMA.[156]

Nay Phone Latt (left) sentenced to 20.5 years and Ein Khaing Oo (right) sentenced to two years were two of the many journalists and bloggers detained and imprisoned for reporting on Cyclone Nargis. *[Photo: © Irrawaddy]*

Thet Zin and Sein Win Maung (Ko Soe), February 2008

On 14 February 2008, the SPDC raided offices of *Myanmar Nation*, arresting Editor Ko Thet Zin and Office Manager U Sein Win Maung after a four-hour search turned up a copy of a UN Human Rights report, Shan ethnic leader Shwe Ohn's book on federalism, and a VCD on the Saffron Revolution. A few days later regime officials raided the office for a second time, and on 19 February 2008, the junta stopped the publication and distribution of the magazine. The public knows Editor Thet Zin to be critical of the SPDC as he was previously arrested for his activism in 1988.[157] According to *Mizzima News,* they were first held in Thingangyun Township police station until they were charged on 25 February.[158] They were then moved to Insein prison where they were detained, interrogated, and tortured for several months.[159] Finally, on November 2008, a Rangoon court sentenced the two to six years in prison under the Printing and Publishing Law.[160]

Although the *Myanmar Nation*'s offices were only temporarily shut down until March, the newspaper closed for *"lack of leadership."* [161]

Maung Thura (Zarganar), June 2008

On 4 June 2008, authorities arrested well-known comedian and blogger, Zarganar, in his Rangoon home. The authorities also confiscated a computer, several banned films, and US$1,000 from his home that he collected in donations for cyclone refugees.[162]

At the time of his arrest, Zarganar was working with other entertainers to raise money and help survivors of Cyclone Nargis. During his trips to the Irrawaddy delta region, Zarganar took photographs and footage which he then released to international media.[163]

After receiving his sentence in August, Zarganar was held in Insein prison on charges of violating Section 505(b) and the Electronics Law until 21 November 2008 when a special court sentenced him to 45 years in prison.[164] On 27 November, he received 14 more years for his communications with exiled media groups and foreign media.[165]

The regime had previsously detained Zarganar in 2007 for helping Buddhist monks during the Saffron Revolution. His blog, Zarganar-windoor, continued to be maintained by his supporters after his incarceration, according to BMA.[166]

Ein Khaing Oo and Kyaw Kyaw Thant, June 2008

On 10 June 2008, 24-year-old *Ecovision* reporter Ein Khaing Oo and freelance journalist Kyaw Kyaw Thant, were arrested for reporting on the Cyclone Nargis devastation and a protest staged by 30 survivors in front of a United Nations Development Program (UNDP) office in Tamwe Township.[167] On 14 November 2008, a Tamwe Township court in Rangoon Division sentenced Ein Khaing Oo to two years in prison and sentenced Kyaw Kyaw Thant to seven years under Section 505(b) and 124(a) of the Criminal Code for undermining the regime.[168]

At the time of arrest, Ein Khaing Oo, a graduate in law, had only worked as a reporter for *Ecovision* for two months.[169]

Zaw Thet Htwe, June 2008

On 13 June 2008, military police arrested magazine editor of *First Eleven Journal*, Zaw Thet Htwe while he was visiting his mother in Minbu, Magwe Division.[170] He was helping to distribute aide to cyclone survivors along with Zarganar and speaking with international media sources.[171] On 21 November 2008 a special court judge in Insein prison sentenced him to 15 years in prison for the photographs he took during the referendum.[172] On 28 November 2008, he was given another four years.[173]

Zaw Thet Htway knows the price of free speech well; he was previously imprisoned in 2003 for an article he authored regarding the misappropriation of funds by the regime.[174] The regime accused him of plotting to overthrow them and sentenced him to death, although the sentence was later commuted.[175]

Aung Kyaw San, June 2008

On 15 June 2008, editor of the *Myanmar Tribune*, Aung Kyaw San, was arrested along with 15 others who had been working to help bury the deceased cyclone victims in the Irrawaddy delta region. According to BMA, photographs that Aung Kyaw San took while working appeared on some websites in violation of the junta's orders. The newspaper was subsequently closed and he has not yet been formally charged.[176]

Aung Kyaw San had also been imprisoned in 1990 for more than three years for political activities.[177]

13.8 Academic Freedom

Since the 1988 student-led protests the regime has taken a particularly harsh stance towards academic institutions. International democracy monitoring organisation, Freedom House, again reported that in 2008, academic freedom was severely limited in Burma. In addition to being subject to the repressive laws against free expression imposed on all citizens, the regime holds professors accountable for the action of their students and limits their ability to freely publish academic work and speak freely in lectures.[178] The Ministry of Education prohibits teachers and professors from discussing politics at work or joining any political organisations other than the mandatory Union Solidarity and Development Association (USDA) membership. Further, academics must obtain advance permission for meetings with foreigners, who are likewise not permitted on campuses or to attend student or teacher meetings without regime approval. The regime also dictates curricula, censors course materials and uses intimidation tactics to keep teachers from straying from the proscribed script.[179]

The delivery of quality education was negatively affected by the regime through practices of compulsory donations and school fees at public schools coupled with a lack of adequate textbooks and materials. Schools were also sites of discrimination, forced labour, bribery, and plagiarism. These factors all combined to adversely impact upon the education system.[180] Religious schools such as Buddhist monastery schools, Christian seminaries, and Muslim madrassas were similarly monitored and regulated. Private schools and classes were all but banned under the Private Tuition Act. Aung Pe, a private teacher and NLD supporter, remains in prison, serving a three-year sentence under Private Tuition Act charges. The act prohibits the delivery of private tuition without a permit from the authorities. It was reported however that Aung Pe had actually been apprehended for teaching lessons about General Aung San on Union day in Burma, which is standard for teachers, and also for hanging a t-shirt bearing the image of Aung San Suu Kyi in his classroom.[181] (For more information, see Chapter 15: Right to Education).

In June 2008 the writers of a paper for the United Nationalities Alliance (UNA) were still in prison for the publication of an eight-page report, *"The Future of Burma"* that angered the regime. Originally written in 2005, the paper was only released on 27 September 2008. Those sentenced to prison for treason and defamation of the state include:

1. Major General Hso Ten, Shan State Army, 106 years;
2. Khun Tun Oo, leader of Shan Nationalities League for Democracy, 93 years;
3. Sai Hla Aung, 79 years;
4. U Myint Than, died in prison, 79 years;
5. U Tun Nyo, 79 years;
6. U Nyi Nyi Moe, 79 years;
7. Sai Myo Win Tun, 79 years;
8. Sao Tha Oo, released, 12 years.

The paper highlighted the weaknesses of the regime's plans for development and hailed the counter-proposals submitted by the National Coalition Government of the Union of Burma (NCGUB).[182] (For more information see Chapter 15: Right to Education)

13.9 Control of Computer Technology and Communications

The Internet

French organisation, Reporters Without Borders ranks Burma as the worst nation in the world, along with China, for internet access and freedom.[183] According to the Burmese Journalist Protection Committee (BJPC), the regime blocks 80 percent of websites.[184] Furthermore, only about one percent of the total population in Burma even has access to the Internet.[185] The limited section of the general populace that does have access often utilise internet cafés, as it is too expensive to have internet in the home. Even internet cafés, though, must seek a license from Myanmar Info-Tech Corporation Ltd and pay both a registration fee and a monthly fee to stay open.[186] In 2008, the regime increased surveillance of internet cafés and pressured owners to record identity information and internet usage of patrons. The regime also attempted to block access to blog sites and email servers such as Gmail, Yahoo and Hotmail, as well as slowing down transmission speeds to make uploading photographs difficult.[187] Industrious café owners and users found proxy sites to access blocked information. Few feel safe, however, as the regime raids internet cafés unannounced to question patrons and pressures internet café owners to take screen-shots of internet usage as often as every five minutes.[188]

Though Internet café usage has reportedly increased across Burma, only one percent of the population has access to the Internet. Meanwhile, use of the Internet remains tightly regimented, with approximately 80 percent of all websites being blocked by the junta . *[Photo: © AFP]*

As mentioned above in Section 13.7 Continued Detention of Journalists, for the first time in January 2008, the junta arrested an internet café owner and blogger, Nay Phone Latt, for blogging about politics and the September 2007 protests. In November he was sentenced to 20.5 years in prison.[189] This harsh crackdown coupled with the potentially long prison sentences for violations of the Electronic Law purposefully intimidate everyday users of the internet.[190]

Despite the internet being down for several days following the cyclone, it still provided a crucial source of information for the rest of the world and the rest of Burma about the conditions in the affected areas.[191] The BBC noted that because the regime would not release information nor allow reporters to publish their findings, average citizens posting on

the internet became the main source of information regarding what was going on in Burma at that time.[192]

Later in May 2008, the military regime stepped up their censorship of the internet. Authorities became aware of several proxy sites used to access the World Wide Web and exile media group sites and subsequently blocked access to them. The regime utilises its connections and control over the nation's three internet service providers: Myanmar Teleport; Bagan Net; and Myanmar Posts and Telecommunications, to limit public access to information and contact with the rest of the world.[193]

In July 2008 the websites of exile media groups *Mizzima* and DVB came under attack by internet hackers. The Distributed Denial of Services (DDoS) attack overwhelmed and disabled the sites.[194] A similar attack occurred in September against DVB, *Irrawaddy*, and *New Era Journal*.[195] The attacks also brought down proxy sites and seemed to be timed to coincide with the anniversary of the Saffron Revolution. Suspicions point to a regime backed offensive coming from SPDC supporters living and studying abroad as well as paid hackers.[196] Reporters Without Borders denounced the regime attacks as they limited the ability for people inside Burma to access a main source of information regarding events and politics in their own country.[197]

Telecommunications

In February 2008, the junta attempted to block access to foreign broadcast networks through raising the license fee from US$5 to US$800 for satellite dishes.[198] On 11 February 2008 Colonel Myint Oo, Commander of the Area Operations Command announced a new tax on entertainment systems such as TVs, VCD players, and satellite dishes for villagers in Pong Pa Khem Sub-Township, Mong Ton Township in eastern Shan State. The tax amounts to 20,000 kyat for possession of all three and households with auto satellites were forced to pay 40,000 kyat.[199] In May 2008, a junta-friendly company released a new satellite service, Family Entertainment, which allowed citizens to watch foreign news broadcasts such as CNN and MTV, however the channels were censored by the authorities. The satellite receives 19 channels and costs US$250 including the first year's fee.[200]

Cyclone Nargis left the telecommunications infrastructure of the affected areas in tatters. Cell phone towers and phone lines were toppled and television broadcasts were disabled.[201] Telecom Sans Frontieres (TSF), an international NGO that responds along with the UN to deliver emergency telecommunication services such as satellite phones and remote offices to disaster areas, received clearance to enter Burma following the cyclone; however employees of the organisation then found themselves detained in Rangoon. Aid workers for the NGO stated that it was clear that the regime did not want the telecommunications equipment in the affected areas. It is reasonable to assume that regime fears of accurate information leaking out of the delta to foreign media prompted these restrictions on the group. TSF chose to leave the country, to the detriment of cyclone survivors, due to the limitation placed on the organisation by the junta.[202]

Also in response to the cyclone's devastation, China sent Burma over 2000 radios for distribution to victims. Yet, the regime worried about victims using the radios to listen to foreign broadcasts. Authorities also worried that if they did not distribute the radios, they would anger China, and so an attempt was made to adapt the radios to only obtain local signals. The result, however, was that the radios only picked up one station – the regime broadcast Myanmar Radio and Television Department.[203] At the same time, the junta attempted to stop the dissemination of information through a ban on satellite televisions. They warned several dealers in Rangoon not to sell to individuals without a license and

confiscated 50 satellites from another dealer.[204] Currently, only 60,000 licensed satellite dishes exist in Burma, a country of 55 million people.[205]

The price of mobile phones in Burma remains prohibitively high where the average income is US$300 per year.[206] One source quoted the price for the most common type of mobile phone as 2.3 million kyat or US$1,800 for a Global System for Mobile (GSM) phone in addition to a permit and Subscriber Identity Module (SIM) Card fees. Even for those who can afford the costs, permits are extremely hard to come by since the SPDC officials have first access to them. Many individuals resort to renting a mobile phone on the black market from one of these junta officials for around 40,000 to 50,000 kyat a month.[207] The price of a SIM Card in Burma remains high at US$1,300 from the official company and between US$1,600 and $2,000 on the black market. As of the beginning of 2008, approximately 250,000 mobile phones operated in Burma.[208]

Several landline subscribers in northern Kachin State also saw their prices increase in September 2008 after they learned that numbers starting with 25, indicating Chinese made telephone service operating machines, would need to be changed to a number beginning with 20 as the operating machines changed to Israel manufactured systems. The change would cost families US$464, payable to the State Telecommunications Office.[209] Landline subscribers in Irrawaddy Division also encountered problems after Cyclone Nargis destroyed much of the telecommunications infrastructure. Although the SPDC promised to restore the lines, over 50 residents of Pyapon Township still did not have service a month after the cyclone and were being told it would cost a bribe of 20,000 kyat to fix their phone lines.[210]

In August 2008, the regime approved a service to send text messages abroad. The service had a membership fee of 5,000 kyat which allowed texts that cost between 100 kyat and 600 kyat depending on the destination country.[211] Because the text messages go through a web service, it is presumed that the military can monitor these messages. Direct international text messages from mobile phones remained disabled.[212]

In November 2008, Myanmar Post and Telecommunications Department announced that it would introduce a prepaid coupon system for mobile phones similar to those sold elsewhere in the world. The system was to be targeted at tourists and priced in US dollars, but would also be available to the public. The proposed service was aimed at alleviating the long lines mobile customers must wait in each month to pay their bill.[213] Upon release in December, the short-term SIM Cards proved exceedingly popular as they cost closer to 24,000 kyat or about US$20 compared to the astronomical price of permanent SIM Cards.[214]

13.10 Freedom of Expression in the Arts

The regime continued to repress the artistic expression of Burma's poets, actors, visual artists, comedians and musicians in 2008. Within Burma the censorship is so strict that creating art outside regime-approved themes can easily result in a hefty prison sentence. The oppression is so virulent that many artists have been forced into exile. Those artists often use their medium to publicise the plight of those inside Burma and criticise the regime before international audiences. The regime has gone as far as to discourage body art such as tattoos by banning images of them in printed and televised media.[215]

An article that ran in the 15 February 2008 issue of *Newsweek* described the thriving underground political art community. Images of Daw Aung San Suu Kyi and other 88 Generation Student Group leaders are printed, painted, and traded on the black market or sent abroad to be sold and displayed. Despite the fact that every painting or piece put on display in a Burmese gallery must pass the censorship board, artists create pieces with hidden messages attempting to evade their scrutiny. Musicians must also have their lyrics approved before they can perform or record and police attend concerts to make sure no anti-regime songs are performed.[216]

Film and Television

The newest Rambo film was released in the United States on 25 January 2008, and while banned in Burma, quickly became an underground sensation. Despite the fine of a 100,000 kyat (US$81), or 3 years in jail if caught with a contraband copy, burned VCD copies circulated amongst friends who related to the film's depiction of a Burmese regime soldiers terrorising Karen villagers as starring actor, Sylvester Stallone came to the rescue.[217] In an interview, Stallone stated that his film was both angering authorities and inspiring resistance to the brutal regime as people were using rallying quotes, such as *"Live for nothing,..or die for something."* Two of the Burmese-born actors, Stallone reported, had family members jailed as retribution for their participation in the film. International exile media groups have engaged in a dialogue regarding the neo-colonialism and stereotypes the film serves to perpetuate, however, without the legal ability to view the film in the first place, such open expression and dialogues cannot take place inside Burma.[218]

Following the devastation of Cyclone Nargis, documentarians took the little video footage that made it out of the affected areas and created an educational film. In Arakan State, however, in June 2008, authorities declared that the watching or possession of such films was prohibited. While residents understood the prohibition on documentaries of the 2007 Saffron Revolution because they were of a clearly political nature, they could not understand why this non-political disaster was being censored. It had not become apparent to some parts of the Burmese population that the aftermath of Nargis and the junta's negligent response to the crisis had become a highly political matter. The film showed accurate images of the devastation, death, and the suffering of survivors, which provided a stark (and in the opinion of the SPDC, unacceptable) contrast to what the regime's mouthpiece media outlets were seeking to portray.[219]

Visual and Performance

In April 2008, popular hip-hop artist Yan Yan Chan of ACID was arrested.[220] Two months earlier another member of his group, Zeyar Thaw, was detained for political involvement and possession of foreign currency, which resulted in a six-year prison sentence being handed down on 20 November 2008. Zeyar Thaw had helped create an anti-regime album as part of ACID and was also a member of the activist group Generation Wave.[221]

The regime has also continued to censor traditional music performances. The *Thangyat* performances and poems recited during the New Year's Water Festival traditionally poke fun at politics and current events. Since the regime has banned their performance inside Burma, exile groups have been producing CDs which are then smuggled and distributed inside Burma. Of course, it is dangerous for people to listen to these CDs as they face imprisonment, but it has not stopped their circulation.[222]

Television continued to be under the complete control of the regime. Favourite meteorologist, Tun Lwin, lost favour with the public when he followed the regime's orders to not release information about the approaching cyclone.[223]

On 31 May 2008, a concert to benefit cyclone survivors to be put on by comedians Maung Moe and U Kyaw Kyar as well as Pa Pa Lay, commonly known as the 'Moustache Brothers', was halted by regime authorities. The officials told the group right before they were to go on stage that they must reschedule the performance for 4 June. The performers believe this may have been a result of the concert's date coinciding with the fifth anniversary of the Depayin Massacre, however, performers insisted their only intentions were to help the cyclone survivors.[224]

In August 2008, over 70 cartoonists banded together to create an exhibit for Lawkanat Art Gallery to raise funds for cyclone survivors. Over 100 cartoons were displayed and the show earned 1.1 million kyat for the survivors. Yet, the regime denounced several cartoons and would not let the cartoons or any stories about the exhibit be published in weekly journals.[225]

Poetry

On 22 January 2008, poet Saw Wai was arrested for the publication of a Valentine's Day poem entitled "February Fourteen". Undetected by the PSB, the first letters of each line of the poem spelled out "Power Crazy Than Shwe." When finally noticed, the regime imprisoned Saw Wai and suspended the publication of *Achit Journal* for three weeks. Saw Wai was charged under Section 505(b) of the Criminal Code for treason.[226] On 10 November 2008, Saw Wai was sentenced during a closed hearing in Insein prison to two years in prison for disrupting public tranquillity.[227]

In June 2008, regime authorities forced monthly magazine *Cherry* to fire their poetry editor, Htay Aung for publishing a poem about the city of Depayin. The poem addressed the ancient history of Depayin, but since this was also the site of the 2003 attack on NLD leaders and party members, people could choose to interpret the poem differently. While the poem initially passed the PSB's censors, regime authorities later found out about it and requested that Htay Aung be fired regardless.[228]

13.11 The Constitutional Referendum

The last referendum was held in Burma in 1973, on the 1974 Constitution. The regime declared that more than 99 percent of the voters supported the constitution, but most observers believed that the entire process was a sham.[229] In many ways, history repeated itself in 2008. After announcing the coming referendum, the regime passed the Referendum Law for the Approval of the Draft Constitution of the Republic of the Union of Myanmar, on 26 February 2008. The law provided for up to three years in prison and/or a fine of up to 100,000 kyat for anyone caught, *"lecturing distributing papers, using posters or disturbing voting in any other manner at the polling booth or near the premises of the polling booth or at a public or private place to destroy the referendum."* [230] The regime arrested at least 70 persons under this law in late April for trying to stage a peaceful 'Vote No' demonstration. (For more information, see Section 13.12 Vote No Campaign, below)[231] The law also excluded key groups of voters such as all Buddhist religious leaders, Christian religious leaders, Hindu religious leaders, prisoners (including political prisoners), and persons illegally living abroad.[232] In addition 700,000 Muslim Rohingyas (who are not officially recognised citizens of Burma), and the millions of refugees in exile and in conflict zones were not allowed to vote. Widespread reports of referendum fraud including advance voting for USDA members and civil servants, among many other types of irregularities, confirmed the real reason many suspected the junta had for not permitting international observers—the regime never had intentions of holding a free and fair referendum.[233]

Former UN Special Rapporteur for Human Rights in Burma, Paulo Sergio Pinheiro said,

> *"A referendum without some basic freedoms – of assembly, political parties and free speech – is a farce. What the Myanmar government calls a process of democratization is in fact a process of consolidation of an authoritarian regime."* [234]

Representative for the US State Department Tom Casey echoed Pinheiro's comments saying,

> *"A credible political transition in Burma must be inclusive and transparent. It must involve universal suffrage, secrecy and security of the ballot, and freedom of speech and association, . . . The credibility of the process also must be evaluated through comprehensive, long-term monitoring by independent domestic and international observers."* [235]

Although the referendum was announced months in advance, the draft constitution only became available a short time before the vote. Copies were in short supply and printed only in Burmese, a language not spoken by many of Burma's ethnic minority communities. Even then, the sale price was 1,000 kyat (about US$1), an amount that many people could not afford.[236] International organisations as well as the exile media groups dissected the draft constitution and diagnosed it as a tool to consolidate and legitimise the regime's power for years to come.[237] Amnesty International noted the following problematic aspects of the Constitution:

1. A limitation on the protection of individual freedoms for threats to the State or peace and tranquility (Chapter VIII);
2. Members of certain religious orders and destitute persons may not vote (Chapter IX);
3. The military can suspend all individual rights as necessary in an emergency for a period to last up to one year (Chapter VI);
4. During a declared state of emergency, the commander-in-chief along with the National Defence and Security Council assume all legislative, executive, and judicial powers (Chapter XI);

5. Appointed military will comprise 25 percent of the members of parliament and one third of all state and regional assemblies (Chapter IV);
6. A member of the military must be one of three candidates for president to be elected by parliament and therefore must at least be one of the two vice-presidents (Chapter III) and the president does not answer to either the judicial or legislative branch in exercising his duties (Chapter V);
7. Only military officials can occupy the positions of Minister for Defence, Ministers of Security and Home Affairs, and Minster of Border Affairs (Chapter V);
8. The military is independent of all government branches answering only to the commander-in-chief (Chapter VII) and the judiciary has no power over military courts (Chapter VI);
9. Lastly, the Constitution contains an impunity clause stating that no legal action may be taken against those *"who officially carried out their duties according to their responsibilities"* during the period of military rule.[238]

In addition, the regime added a clause that bans Daw Aung San Suu Kyi from running for office in the 2010 elections. In a report released in April 2008, Human Rights Watch (HRW) definitively stated that the conditions for a free and fair referendum did not exist in Burma. HRW described a political climate characterised by widespread repression, censorship, bans on political activity, and a lack of any independent monitoring body.[239]

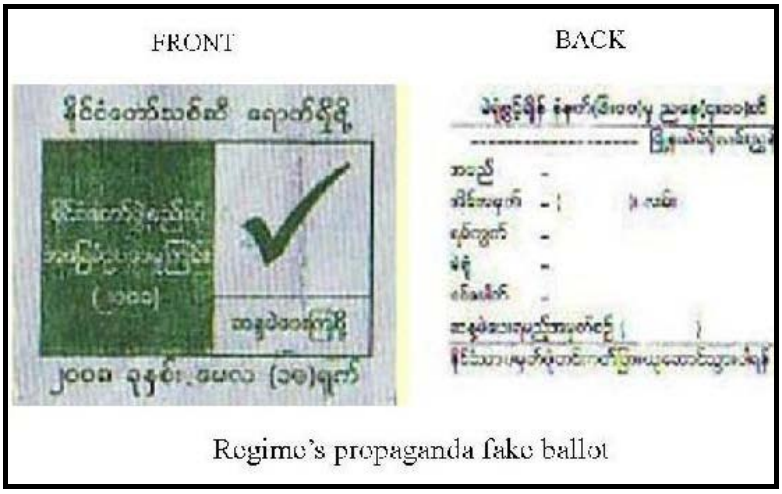
In the week leading up to the referendum, polls conducted across Burma revealed that a majority of persons planned to vote 'no'.[240] A poll conducted by *Irrawaddy* found that half of voters opposed the draft constitution, while another 40 percent were unsure. In a telephone pole surveying 300 people in the Rangoon, Sagaing, and Irrawaddy Divisions, as well as Shan State, only 17 percent responded in support of the draft constitution and eight percent refused to answer.[241] A similar poll conducted by *Mizzima* found that 71 percent of 416 persons polled did not understand the substance of the draft constitution.[242] The fact that very few people understood the details of the draft constitution is testament to the fact that political opposition groups within Burma had their right to free expression stifled and were prevented from disseminating essential information regarding the flaws in the new document. The ignorance of large parts of the population to the intricacies of the new proposed constitution facilitated the regime being able to step up their tactics of bribery and coercion to elicit 'yes' votes from Burmese citizens.

The junta imposed additional restrictions on international NGOs operating inside Burma in the month leading up to the referendum, whether or not their mission was political. The organisations included Save the Children Fund; Population Services International, Marie Stopes International, Care International and World Vision. They were summarily told to stop all educational activities at the grassroots level, particularly in rural areas.[243]

The regime's actions, however, were met by severe international criticism including an Executive Order passed by US President George W. Bush blocking all property interests held by individuals tied to the regime and a statement condemning the lack of freedoms in Burma as well as the SPDC's failure to comply with the directives issued by the United Nations.[244]

When Cyclone Nargis devastated Burma right before the scheduled referendum, international organisations attempted to send support to the country but also pleaded that the regime postpone the referendum to clean up after the natural disaster and to take care of the survivors. Exile Burmese government officials and HRW called the junta's decision to continue with the referendum despite the tragedy *"inhuman."* [245] In a statement issued on 8 May 2008, UN Secretary-General Ban Ki-Moon called on the regime to focus their efforts on helping those affected by the natural disaster rather than continue promoting the

referendum.[246] Yet, on 9 May 2008, the regime continued its appeal for residents to vote 'yes'. Despite the millions of suffering people in the cyclone affected areas, regime propaganda implored, *"If you are patriotic and you love your nation you must give an affirmative vote,"* on television messages accompanied by performances of popular Burmese musicians and celebrities.[247]



An example of one of the pre-marked ballot papers distributed by the SPDC. As can be seen, the ballot has already been marked in favour of the draft constitution with no space to vote against it. *[Photo: © Human Rights Defenders & Promoters]*

Voting Irregularities

In advance of the referendum, the regime did everything within its power to engineer and ensure the success of the draft constitution. Beyond the repressive laws that limited opposition, the SPDC ran its own Vote 'Yes' campaign, as well as mobilised its influence and resources across the country to collect advance votes, intimidate and bribe voters, and staff polling stations with regime supporters.

One such tactic included the distribution of pre-marked 'yes' ballots across the country. The front of the ballot reads, *"voting 'YES' to new democratic nation"* and the back has a place for the resident's personal identification information. These ballots lacked any place to mark 'no'.[248]

Reports from 10 May 2008, as voting took place recorded the following irregularities in voting across the Burma:

1. Voters were asked to leave the polling stations for the counting process although junta supporters were permitted to stay;
2. Some voters were forced to vote 'yes' by security and official staff;
3. One person being permitted to vote for the entire family;
4. Police and security forces stood near polling booths (an act of intimidation);
5. Foreign and local journalists were not permitted near polling stations;
6. Voters did not have access to the draft constitution before voting;
7. Voters found that their votes had been cast in advance only after arriving at the polling stations;
8. Military members and their families were forced to vote 'yes.' [249]

On 15 May 2008, the junta announced the results of the election. Read by Chief Justice Aung Toe, 92.4 percent (20,786,596 votes) of the more than 22 million voters were in favour of the draft constitution. The regime also reported that 1,375,480 'no' ballots were cast and 334,584 ballots were cancelled. The official turnout rate was 99.07 percent of eligible voters in 278 of the 325 townships.[250]

The second official round of voting took place on 24 May 2008 in 47 townships in cyclone affected areas. Voters reported similar harassment to that described above at the polling stations. A resident of Sanpya ward in Tadarchuang village of Dala Township in Rangoon Division said a women's affairs group member snatched his ballot and marked 'yes' for him. Similarly, at a polling station in Thingangyun Township of Rangoon Division, a voter reported that, *"The headman of the locality kept shouting 'vote yes' – if you vote 'no' you will be penalized with three years in prison and a fine of 100,000 kyat (approximately USD 100)."*[251]

On 26 May 2008, state radio announced the results of the 24 May 2008 voting in the cyclone devastated areas. In the 47 townships, 92.93 percent of the 4,580,393 voters cast 'yes' votes which brought the total acceptance rate to 92.48 percent in favour of the draft constitution.[252] NLD spokesperson, Nyan Win, however, revealed that some villages did not even have polling booths and authorities cast votes on behalf of entire villages.[253]

In spite of the SPDC's confidence, the results of this contrived referendum, however, were on the whole, rejected by the international community. Human Rights Watch stated that the referendum procedures fell short of any existing standards and US Ambassador to the UN, Zalmay Khalilzad, said that the referendum did not meet the UN Security Council standards for an open and fair process.[254] President George W. Bush himself declared the referendum a sham.[255]

What follows is a partial list of incidents of voter coercion and corruption leading up to and on the days of the referendum for the draft constitution:

Arakan State

On 2 April 2008, reports from Maungdaw Township, Arakan State, claimed that District Peace and Development Council authorities called a mandatory meeting for all Rohingya girls over 18 from the village tracts of Nwah Yon Taung, Bag Gone Nah, Ay Tah Li Yahtilla of Maungdaw Township to meetings in two locations; the local VPDC office and a primary school. The girls were told that they would be given Identity Cards, marriage restrictions would be lifted, and they would be permitted to move freely if they promised to cast 'yes' votes. The girls were also informed that the casting of their votes would be monitored and their votes checked afterward and threatened that any person casting 'no' votes would be subject to immediate interrogation in order to find out the reason.[256]

Throughout April the District Peace and Development Council (DPDC) Chairman, U Hla Win, summoned village elders and community leaders in Maungdaw Township, Arakan State to his office to encourage them to vote 'yes' and to have their followers do the same in exchange for future benefits.[257]

On 11 April 2008, SPDC officials warned residents of Maungdaw Township in Arakan State during a mandatory meeting, that if they cast 'no' votes, the country would be overtaken by hardships. All of the attendees were forced to promise to vote 'yes' and encourage others to do the same.[258]

On 21 April 2008, despite the referendum law passed to prevent any opposition groups from rallying against the drafted constitution, USDA members, Village Peace and Development Council (VPDC) members, Township Peace and Development Council (TPDC) members, and

members of the women's affairs council along with the Township Referendum Commissioner, held a rally to campaign for a 'yes' vote in Kyauk Pyu Township of Arakan State.[259]

On 22 April 2008, it was reported that Light Infantry Battallions (LIB's) #373, #374, #375, and #376 based in Kyauk Taw Township promised farmers in rural Arakan State lower taxes on rice and infrastructure such as road building, in exchange for a 'yes' vote. They also collected the names of everyone over 18 to ensure that they would report and vote 'yes'. [260]

On 30 April 2008, authorities in Maungdaw Township invited Muslim religious leaders, including over 1,000 *maulanas* (religious teachers) to a meeting where they were told that since they were the only religious leaders permitted to vote in the election, they therefore must vote wisely and vote 'yes'.[261]

In rural areas of Arakan State, SPDC soldiers walked the streets to intimidate people into voting 'yes'.[262] Conversely, on the border with Bangladesh, soldiers stopped their usual practice of collecting taxes and harassing traders and asked people in a 'friendly' way to vote 'yes' as it was important for the future of Burma.[263]

On 7 May 2008 in Gyikan Pyin (Kawarbill) village of Maungdaw Township, NaSaKa border security forces distributed 500-600,000 kyat to four village *madrasas* (muslim religious schools): Meyazan Pur Madrasa of Loung Don village tract; Amedia Madrasa of Aung Seik Pyan village tract; Ngakura Madrasa and Ngar Sar Kyeu (Naitha Pru) village tract. Additionally, each student received 1,000 kyat and each teacher received 10,000 kyat.[264]

On 10 May 2008, a voter in Aung Seik Pyan village in Maungdaw Township faced humiliation by members of the VPDC before being thrown out of the polling place for casting a 'no' vote. Another voter from Lake Ya village in Maungdaw Townhip was detained for two hours by police for casting a 'no' vote.[265]

On 10 May 2008, voters in Maungdaw Township reported having to show their identity card to military personnel before voting and then reveal how they voted upon leaving the polling station. Residents also reported that the authorities forced heads of households to vote on behalf of their entire family and closed shopkeepers' stores, forcing them to vote. In each instance authorities demanded that the voter mark 'yes'.[266]

On 10 May 2008, a Rohingya male, Mohammed Jamal, of Kyauk Chaung village in Maungdaw Township, was arrested for asking a NaSaKa officer if the referendum was a real referendum, and *"if so, why do you force people to cast the 'Yes' vote?"* At the same time, the authorities were looking for six other youth from the same village to arrest them for voting 'no'.[267]

On 11 May 2008, villagers in Shwe Hlain Vay and Palawa of Pauk Taw Township of Arakan State had to re-vote 'yes' after a group of Arakan Liberation Party members confiscated two ballot boxes and discovered that some individuals had originally voted 'no'.[268]

Chin State

On 24 March 2008, Chairman of the TPDC in Paletwa Township called over 100 village heads to attend a mandatory training programme for their role as monitors during the referendum. The attendees were forced to sign a statement of their approval of the draft constitution, they were instructed to disallow any 'no' vote campaigning, and they were told that they must persuade the citizens in their village to vote 'yes' by whatever means.[269]

On 19 April 2008, reports from Matupi Township in Chin State stated that Chairman of the TPDC, U Than Oo required that all civil servants, such as clerks and teachers, attend a

training session on the referendum. One Matupi teacher reported that, *"the trainees were told that they must cast the 'yes vote' in the referendum. They were threatened with dismissal from their jobs if they did not comply."* [270] Another teacher added that local authorities were warning residents that they would be arrested if they cast a 'no' vote.

At the end of April 2008, the SPDC conducted a mock poll for the referendum to test the response in Chin State. After 'no' votes dominated the poll, they switched tactics from telling people that if they voted against the draft constitution, they would see 15 more years of regime rule, to bribing residents of Hakha Township, who were facing a food shortage, with 150 bags of rice in order to secure a 'yes' vote.[271]

Irrawaddy Division

On 10 May 2008, it was reported that in Kyone Pyaw Township in Irrawaddy Division, polling station authorities handed residents pre-ticked 'yes' ballots and told them to place the ballots in whichever ballot box they would like.[272]

On 26 May 2008, reports regarding the delayed referendum from Bogale Township stated that ballot papers had already been marked 'yes' when voters received them. A resident of Bogale stated the following; *"Authorities collected 'Yes' votes from locals in advance the day before the referendum. Some voting tickets were already checked in the 'Yes' field."* [273]

Kachin State

In early March 2008, Brigadier General Thein Zaw, minister of Communication, Post, and Telegraph, visited several Christian churches in Myitkyina Township, Kachin State. The minister gave 5,000 kyat (about US$4.20) to each attendee at the meetings and donated 600,000 (about US$492) kyat to the church. He also brought rice, cooking oil, and salt, as well as promises of future deliveries of cement for church improvements and landline and mobile telephones by April.[274] Other villages that hosted Thein Zaw required residents to attend the meeting under threat of being banished from the village. They also had to decorate the village and prepare traditional Kachin dances to perform for the Brigadier General.[275]

On 30 April 2008, police in Bhamo Township of Kachin State were forced to cast a 'yes' vote as well as submit their names, personal numbers, and ranks with their vote. The township Head of the Education Department, U Ohn Ngwe, was similarly pressured to persuade his staff to vote 'yes'.[276]

Karen State

On 30 April 2008, Battalion Commander Ko Ko Oo from LIB #590 gathered villagers from Mee Daing Taw, Myaung Oo, Pau Pi Der, and Aung Chan Tha to tell them that if they rejected the draft constitution they would be fined 100,000 kyat and potentially imprisoned for three years. The commander of LIB #599 conferred the same message to villagers from Ko Ni (Nyaung Bo) and Ta Kot Bwa.[277]

On 10 May 2008, the commander of LIB #101 gathered all the residents of P'Deh Gone and Ba Ga Ta villages in Karen State and forced the entire population over 18 to vote 'yes'.[278]

It was reported on 12 May 2008 in Nyaunglebin Township, that residents who arrived at the polls found that their ballots had already been ticked 'yes' for them. One Nyaunglebin resident said,

> *"We were disappointed to find out that the ballot station officials had already ticked 'Yes' on our ballot slips and we demanded an explanation from them,…..They said it was only an error."* [279]

Karenni State

On 16 May 2008, it was reported that LIB #248 investigated 'no' votes in Kaylyar and Htaybyarnyi villages of Karenni State. The local SPDC authorities threatened the village headmen from Phruso, Shadaw, and Loikaw Townships where citizens had voted 'no'.[280]

Mon State

On 22 April 2008, students at nursing schools in Moulmein Township in Mon State were told that if they did not attend the mandatory pre-referendum ceremony, they would lose their right to attend the next level in school, their nursing permit would be cancelled, and in the worst case scenario, their right to further education would be revoked completely.[281]

Magwe Division

On 2 May 2008, it was reported that in Magwe Township, Magwe Division, an oil-mill owner who met with junta authorities prior to the referendum related that the district authorities had warned traders that their business licenses would be revoked if they voted 'no'.[282]

On 4 May 2008, in Yenangyaung Township, it was reported that the Ballot Commission went throughout the township to collect advance votes from elderly persons' houses during an electrical outage. The residents were forced to mark a 'yes' vote in front of their village headman in the dark.[283]

On 6 May 2008 in Salin Township of Magwe Division, three NLD members, Ko Aung Soe, Ko Win Shwe, and Ko Thein Lwin, were arrested for distributing pamphlets containing information on how to vote in the referendum. The pamphlets did not tell people to vote yes or no, but rather just encouraged voter participation.[284]

Mandalay Division

On 22 April 2008, Minister Aung Thaung made a public speech in Kyauk Padaung Township and required that all residents of the surrounding areas attend or pay a 3,000 kyat fine. His speech warned residents to support the draft constitution or *"wait for 18 years more*." [285] He also promised the villagers of Latkaphar, near Mount Popa, that if they all cast 'yes' votes, the SPDC would build a school and provide electricity. He also warned, however, that if they voted 'no' the regime would cut off their water supply.[286]

On 10 May 2008, the actual day of voting, residents of Mandalay Township in Mandalay Division said that polling station officers turned them away, saying that their votes had previously been collected. Voters at polling station No. 390-391 at primary school No 34 in Southwest Mandalay Township were only asked to provide a signature by authorities since their votes had already been counted.[287]

On 10 May 2008, in Myingyan Township, Mandalay Division, members of the junta-supported women's groups forcefully took ballots from voters and marked them in support of the draft constitution.[288]

On 12 May 2008, it was reported that loudspeakers in Myingyan Township, Mandalay Division announced to residents that those who voted 'no' in the referendum would be sent to Naypyidaw and imprisoned.[289]

On 15 May 2008, *Mizzima* published the confession of a SPDC official in Mandalay. The anonymous official who was the secretary of an undisclosed ward in Mandalay that controlled seven polling booths, worked through the night at the request of the SPDC to tick 'yes' on thousands of ballots. Previously, the SPDC had recorded the names of each eligible voter. Of the approximately 6,000 voters, the anonymous official said that they managed to tick 'yes' for about 5,405 of them. The following day, when voters arrived, the authorities told them that their ballot had already been cast.[290]

Pegu Division

On 10 May 2008, residents of Zigon Township in Pegu, including a 50-year-old businessman, reported that members of the Women's Affairs Council were entering the private voting booths and forcing voters to mark a tick for 'yes'.[291]

On 10 May 2008, reports from Nga Phyu Law, Magyi Kwin, Taung Whay Shae, Koemeenin, Yaydwingone, Kywechaninn villages in Tharawaddy Township stated that farmers were told not to go to the polls as their votes had already been cast for them by authorities.[292]

On 12 May 2008, it was reported that SPDC authorities collected 'yes' ballots from 700 workers of the Tharawaddy Township dish factory in advance of the referendum.[293]

Rangoon Division

As early as February 2008, the Ministry of Immigration and Population along with the USDA began granting temporary citizen cards to residents of Hlaingthaya, North Dagon, and Kemmendine Townships in Rangoon without the customary fee to garner support for the upcoming referendum. At the same time, USDA members encouraged the residents to become USDA members, promising favours such as new roads and clinics.[294]

On 30 April 2008, it was reported that No.2 high school in Insein Township threatened students who were eligible to vote that only those students who voted 'yes' would be allowed to pass the tenth grade.[295]

Also on 30 April 2008, almost 700 employees of the Ministry of Electric Power in Rangoon were forced to vote under the eyes of authorities as well as their supervisors. Those who refused to vote 'yes' had to hand in their resignation.[296]

On 2 May 2008, the Human Rights Defenders & Promoters reported that educators in Twante Township were being threatened with three years imprisonment and a fine for voting 'no'. [297]

On 3 May 2008, it was reported that authorities threatened to cut Bahan Township residents' electricity and water supplies if the referendum did not result in 80 percent 'yes' votes.[298]

On 7 May 2008, *Mizzima* reported that a teacher in Rangoon was told that if she did not vote 'yes' she would lose her job or be sent to a remote school. The same report detailed how ten people had been arrested and detained by authorities for speaking out against the referendum in a teashop.[299]

On 8 May 2008, residents of Hlegu Township filed a collective complaint with the Referendum Commission for forced 'yes' votes that were collected on 5 May in advance of the referendum date by VPDC members U Thein Zaw and Daw Kay Thi Lwin. The complaint also mentioned the forced 'yes' votes on 6 May 2008 by VPDC Chairman U Kyi Moe, commission members U San Htay, U Then Myint, and U Aye Kyi and police constable Maung Kyaw of Baungyi West village tract. The Referendum Commission rejected the complaint and told the residents to send the complaint by mail to Rangoon.[300]

In May 2008, NLD member Aung Aung of Dagon Township was arrested for taking photographs at the polling station. On 28 August 2008, Dagon Township Court sentenced him to three years in jail.[301]

SPDC leader Senior General Than Shwe casts his vote on the constitutional referendum in Mandalay on 10 May 2008. *[Photo: AFP]*

On 14 May 2008, cyclone survivors were ordered to vacate their temporary home in a community hall in San-Yeik-Nyine Quarter of South Dangon Township by 20 May 2008 so that the buildings could be used as polling stations on 24 May 2008 for the referendum. USDA members also collected advance votes from residents in South Dangon Township.[302]

On 21 May 2008, it was reported that in Kemmendine Township, all teachers had been instructed to vote 'yes' by the principal. Those who did not abide and voted 'no' in the advance vote were told to change their vote. Locals in Thingangyun Township were also given rice and cooking oil if they agreed to vote 'yes.'[303]

On 22 May 2008, in Rangoon Division, preceding the second wave of voting in the cyclone affected areas, officials from the ward-level Peace and Development Council distributed pre-marked 'yes' ballots and told people to appear with their identity cards ready to sign on the days of voting.[304]

On 22 May 2008, authorities in Hlaingthaya, Rangoong Division turned 60 cyclone victims around at the Ough-Toe Gate checkpoint and told them to return to Irrawaddy Division to vote for the referendum. The villagers were travelling to Rangoon to seek emergency supplies from the NGOs which were stationed there.[305]

On 22 May 2008, VPDC headman, U Thet Aung told about 90 cyclone victims that they had to leave their temporary shelter in the Buddhist community hall, since it would be used as a polling place. The victims had no where else to go, so they were forced to move into the much smaller kitchen until the end of the referendum.[306]

On 26 May 2008, reports regarding the recent referendum from South Dagon Township stated that polling stations broadcast loud 'vote yes' propaganda on the day of the referendum. Additionally, in the refugee camps, such as Kunchangone, cyclone refugees were forced to vote 'yes' or told they would not receive food rations. In Thingangyun Township, authorities told voters that they would be punished with three years imprisonment and 100,000 kyat fine if they voted 'yes.'[307]

Sagaing Division

On 1 May 2008, citizens in Shwebo Township reported that ID card numbers and detailed addresses were necessary for advanced voting. Since so much information had to be given, voters feared repercussions if they voted 'no'.[308] Public officials including teachers, military, and civil servants were given pre-marked 'yes' ballots and told to vote in advance.[309]

On 10 May 2008, voters in Monywa Township of Sagaing Division reported that officials allowed and even forced one person to vote for their entire family, disregarding the one person, one vote dictum.[310]

On 10 May 2008, in Kalewa Township of Sagaing Division, officials took photographs of registered voters as they cast their vote.[311]

On 11 May 2008, it was reported that in Monywa Township of Sagaing Division, voters saw the authorities going door-to-door in the weeks leading up to the referendum to collect ballots from the elderly and civil servants. Critics suspect that these would all have become yes votes since they were cast in front of military officials.[312]

Shan State

On 20 April 2008, in Maing Inn village, Kengtung Township in eastern Shan State, five villagers filled out the ballots for 1350 residents of their village, marking 'yes' under orders from the Chairman of the VPDC.[313]

On 8 May 2008, the Chairman of the VPDC in Ho Hae village in Maing Khon village group, Kyaing Township of Shan State voted 'yes' on behalf of villagers who did not know how to vote. He also forced a further 250 villagers to cast 'yes' votes.[314]

On 16 May 2008, several voting irregularities were reported. In Kengtung Township, only two ballots were given to each family and the remaining ballots were marked 'yes' by the officials and then cast. In Lashio Township, voters were given pre-marked ballots or told to go home since their vote had already been cast; and in Rubyland Mogok, when there were 900 'no' votes to 700 'yes' votes, the authorities ticked 'yes' for all those people that failed to appear and counted the marks other than a tick for 'yes' or a cross for 'no' as votes in favour of the draft constitution.[315]

During the referendum, an Ethnic Palaung Youth Working Group gathered evidence from 57 polling stations in nine Shan State townships for their published report, *The Ballots which Oppose the People's Will*. They recorded several instances of voting irregularities and rigging. The report cited instances of coercion such as when U Kyaw Ying of the Palaung ceasefire group threatened voters in Nyeinchanyay Kone village, Kyaukme Township that they would be evicted from their homes if they voted 'no', or when Captain Than Htut of the ceasefire group threatened to ban rice imports from lower Burma if the 'no' votes were high in his area.[316]

Tenasserim Division

On 23 April 2008, six residents of Chaung Zone village, Tavoy Township who were set to travel on the date of the referendum were told that they had to vote before they left. They were given ballots and envelopes that they did not understand without time to read them and told to place ticks where the former village headman, U Than Shein, indicated.[317]

The Aftermath

Despite the regime's proclaimed success in the referendum, authorities still sought out for retribution those who voted 'no'. On 15 May 2008, Burmese border security forces (NaSaKa) in Arakan State arrested Maungdaw Township resident, Noor Mohamed (25), for voting 'no'. NaSaKa officers asked for a 1.2 million kyat bribe, which Mohamed paid, after which time he was released. He was, however, rearrested on 1 June 2008 and told he must pay an additional 200,000 kyat to be released.[318] Similarly, on 16 May 2008, Tun Thein Maung (28) and Kyaw Aung (27) of Ramree Township in Arakan State were arrested after casting 'no' ballots on 10 May 2008 and writing notes on the ballot papers of their family members and elders telling them to also cast 'no' votes.[319]

Those in charge of generating support for the draft constitution were also punished when they failed to do so. Following the referendum the regime removed those responsible for overseeing voting from their official posts in areas such as Katha Township of Sagaing Division, an area that overwhelmingly voted 'no' during the referendum.[320]

The SPDC also punished those villages where the rate of voting against the constitution was high. On 4 June 2008, after the referendum, Captain Thang Cing Thang of LIB #20 stationed in Paletwa Township of southern Chin State, called for all villages in the area to engage in forced labour. The labourers were used for building and fencing military camps on the Indo-Burma border. Many villages in the area voted 'no' during the referendum and villagers believe the forced labour order was punishment for their votes. If the village refused to send workers, they were forced to pay a 30,000 kyat fine.[321] Also in Chin State, on 7 June 2008, commanders of LIB #140 stationed in Matupi Township questioned village heads from Lawnthaung, Pala, Ruava, and Thawnlang villages regarding who had been responsible for promoting the draft constitution in their areas. After the village heads responded that villagers acted against their recommendations to vote 'yes', commander of LIB #140, Major Kyaw Lynn Oo, forced villagers in the surrounding areas of Lailenpi village, Matupi Township, Chin State to carry military rations as punishment for their votes.[322]

As late as 19 August 2008, it was reported that in Yenangyaung Township, Magwe Division, authorities cut off the electricity supply to areas that had overwhelmingly voted against the constitution while extending the electricity supply to 24-hours a day for pro-junta and USDA occupied areas.[323]

13.12 Vote No Campaign

Despite the severe restrictions on opposition to the referendum, a strong Vote 'No' campaign developed across the country to try to disseminate information regarding the consequences and realities of the draft constitution. The activists were up against the regime which had started its own Vote 'Yes' campaign on 11 April 2008.[324] The activists were also going against the wishes of opposition groups such as the United Nationalities League for Democracy (UNLD), who felt the vote should be boycotted altogether.[325] The activists faced severe penalties for their work and the regime did not hesitate to arrest and imprison dissidents. In April alone, over 70 protesters were arrested.[326]

Starting in various places across Burma as early as March, students began distributing information. Members of the All Kachin Student Union (AKSU), on 25 March 2008, passed out over 600 posters in areas of Myitkyina and Waingmaw Townships in Kachin State that urged people to vote down the draft constitution.[327]

An example of one of the vote 'No' campaign posters that were distributed throughout Burma in the run up to the constitutional referendum that was held on 10 May 2008. *[Photo: © Naringara News]*

It was not only students and activists however, who participated in these community campaigns. In Arakan State, on 31 March 2008, in Taungup Township, anonymous citizens distributed protest flyers urging the public to vote against the draft constitution.[328] The SPDC police also found anonymous Vote 'No' campaign materials distributed across Ramree and Kyauk Pyu Towns, as well as in Sittwe, the capital of Arakan State on 24, 25, and 26 April.[329] Similarly, in Shan State, during the water festival, Vote 'No' posters were displayed across Taunggyi, Panglong, and Keng Tung areas. The posters were put up anonymously at night time and promptly taken down by SPDC soldiers.[330] During the last week of April 2008, Vote 'No' activists enlisted the help of dogs running around Sittwe, the capital of Arakan State, by tying small posters around their necks marked with an 'X' and the word *"against"* written in Arakanese.[331]

Mon State was the stage for an anti-referendum graffiti campaign. The campaign began on 14 April 2008, during the water festival and spread throughout the state. Activists used red and white paint to write their message across pro-junta billboards and in other public places – simply scrawling 'No' on them. Since the authorities could not find the responsible parties, they forced village officials to clean the graffiti.[332]

Not all of the protests, though, went unpunished by the regime. In March 2008 in Taungup Township of western Arakan State, four NLD members were arrested for distributing leaflets urging voters to oppose the draft constitution. They were finally sentenced on 27 June 2008 for *"trespassing with intent to commit offence."*[333] In Mon State, on 16 April 2008, authorities assaulted almost 20 youths who were riding motorbikes from Mudon to Moulmein Township wearing 'No' t-shirts in protest.[334] Also during the water festival from 13 to 17 April, over 50 people were arrested by SPDC soldiers in Arakan State for wearing 'No' t-shirts.[335] Finally, on 6 May 2008, in Paletwa Township of Chin State, four people: U Kho Take; U Hla Tun Aung; U Aung Be; and U Hwe Lan were arrested for possessing anti-referendum posters and pamphlets.[336]

Opposing the referendum even carried the most severe punishment of death. In a family of eight people, seven were killed by township administrator Nyar Reh and USDA secretary Noe Reh, in Pekhon Township of Shan State, after authorities found a 'no' vote campaign flyer in front of their house.[337]

On 11 May 2008, SPDC officials arrested Sai Ngeun Hsoi Hsai, former headman of Wanpong-Wanoi, Kunlong village, Namkham Township, northern Shan State for having Vote 'No' leaflets in his home. The leaflets had been distributed prior to the referendum, but could not be traced.[338]

Endnotes

[1] Source: "Message from U Win Tin," *Mizzima News*, 15 November 2008.
[2] Source: "Suppressed," *Irrawaddy*, February 2009.
[3] Source: "Referendum law excludes monks and bans dissent," *Irrawaddy*, 28 February 2008.
[4] Source: "The Official Secrets Act (1923)". Accessed online on the Online Burma Library at http://www.burmalibrary.org/docs6/OFFICIAL_SECRETS_ACT.pdf on 8 July 2009.
[5] Source: "The Law Amending the Myanmar Wireless Telegraphy Act". Accessed online on the Online Burma Library at: http://www.blc-burma.org/HTML/Myanmar%20Law/lr_e_ml93_13.html on 8 July 2009.
[6] Source: "Emergency Provisions Act (1950)". Accessed online in the Burma Lawyers Council Archive at: http://www.blc-burma.org/html/Suppressive%20Law/s5epa_e.html on 8 July 2009.
[7] Source: "Penal Code of Burma (1957)".)". Accessed online in the Burma Lawyers Council Archive at: http://www.blc-burma.org/html/Myanmar%20Penal%20Code/mpc.html on 8 July 2009.
[8] Source: "1962 Printers and Publishers Registration Law". Accessed online on the Online Burma Library at: http://www.burmalibrary.org/docs6/Printers_and_Publishers_Registation_Act.pdf on 8 July 2009.
[9] Source: "State Protection Law (1975)". Accessed online on the Online Burma Library at: http://www.burmalibrary.org/docs6/State_Protection_Law+amendment.pdf on 8 July 2009.
[10] Source: "The Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbances and Oppositions (1996)," *Irrawaddy*. Accessed online at http://www.irrawaddy.org/article.php?art_id=3561 on 8 July 2009.
[11] Source: "The Television and Video Law (1996).")". Accessed online in the Burma Lawyers Council Archive at: http://www.blc-burma.org/html/myanmar%20law/lr_e_ml96_08.html, accessed on 8 July 2009.
[12] Source: *Ibid*.
[13] Source: "The Motion Picture Law (1996)." Accessed online in the Burma Lawyers Council Archive at: http://www.blc-burma.org/html/myanmar%20law/lr_e_ml96_09.html on 8 July 2009.
[14] Source: "The Computer Science Development Law (1996)," Burma Lawyers Council Archive, online at http://www.blc-burma.org/HTML/Myanmar%20Law/lr_e_ml96_10.html, accessed on 8 July 2009.
[15] Source: "Electronic Transactions Law (2004)".)". Accessed online in the Burma Lawyers Council Archive at: http://www.blc-burma.org/html/myanmar%20law/lr_e_ml04_05.htm on 8 July 2009.
[16] Source: "Referendum Law for the Approval of the Draft Constitution of the Republic of the Union of Myanmar (2008)". Accessed online on the Online Burma Library at: http://burmalibrary.org/docs4/Referendum_Law-2008-02-26.pdf on 8 July 2009.
[17] Source: "Authorities Ban Dhamma Talk in Magwe," DVB, 18 February 2008.
[18] Source: "Burmese Regime Bans Chin Historical Day," *Khonumthung*, 20 February 2008.
[19] Source: "Security Tightened In Sittwe after Anti-Government Posters Spread," *Narinjara News*, 5 August 2008.
[20] Source: "Security Stepped Up Ahead Of 8888 Anniversary," DVB, 6 August 2008.
[21] Source: "Security Crackdown in Burma on Eve of Uprising Anniversary," *Telegraph* (UK), 8 August 2008.
[22] Source: "Many in Rangoon Wear Black on 8.8.88 Anniversary," *Irrawaddy*, 8 August 2008.
[23] Source: "Burma Beefs Up Border Troops," *Bangkok Post*, 7 August 2008.
[24] Source: "ABFSU Calls for a New Uprising," DVB, 7 August 2008.
[25] Source: "Security Tightens as 8.8.88 Anniversary Campaign Begins," *Irrawaddy*, 4 August 2008.
[26] Source: "Activists Commemorate 8888 despite Restrictions," DVB, 7 August 2008; "Generation Wave Plans Red Paint Campaign," DVB, 5 August 2008.
[27] Source: "Many in Rangoon Wear Black on 8.8.88 Anniversary," *Irrawaddy*, 8 August 2008.
[28] Source: *Ibid*.
[29] Source: "Arakan State Faces Unrest," *Narinjara News*, 9 August 2008.
[30] Source: "Demonstration in Sittwe Foiled By Riot Police," *Narinjara News*, 8 August 2008.
[31] Source: "Saffron Revolution a Year Later: It's Not Over," Altsean, 22 September 2008.
[32] Source: "Riot Police Training Held In Taunggok," DVB, 2 September 2008.
[33] Source: "Security Tightened In Bago Ahead Of Protest Anniversary," DVB, 2 September 2008.
[34] Source: "Myanmar Junta Rules Roost 1 Year after Crackdown," AP, 25 September 2008.
[35] Source: "Red Alert in Rangoon," *Irrawaddy*, 18 September 2008.
[36] Source: "Directive Orders Monks to Avoid Political Activity," DVB, 5 September 2008.
[37] Source: "Monastery Raided In Rangoon, Abbot Arrested: AAPP," *Mizzima News*, 5 September 2008.
[38] Source: "Security Stepped Up in Pakokku," DVB, 29 August 2008.
[39] Source: "Authority Threatens People in Sittwe with Army Training Exercise," *Narinjara News*, 18 September 2008.
[40] Source: "Fourteen Activists Arrested," *Irrawaddy*, 16 September 2008.
[41] Source: *Ibid*.
[42] Source: *The Future in the Dark: The Massive Increase in Burma's Political Prisoners*, AAPPB, September 2008.
[43] Source: "No Mercy for Women Political Activists," IPS, 27 October 2008.

[44] Source: "Insein prison trials called insult to rule of law and international community," Reporters Without Borders, 21 November 2008.
[45] Source: *Ibid*; "Long Prison Terms For 15 More Activists," *Mizzima News*, 13 November 2008; and "88 Generation Students," *Irrawaddy*, December 2008.
[46] Source: "Five Monks Put Away For Six And-A-Half Years," *Mizzima News*, 12 November 2008.
[47] Source: "Insein prison trials called insult to rule of law and international community," Reporters Without Borders, 21 November 2008.
[48] Source: "Bago Activists Launch Banknote Campaign," DVB, 23 September 2008.
[49] Source: "NLD Sues Junta, Rangoon HC Rejects Case," *Mizzima News*, 29 February 2008.
[50] Source: "Hearing of Ecovision Reporter Case Fixed For July," *Mizzima News*, 2 July 2008.
[51] Source: "Ad Industry in a Spot over Mayor's Order," *Mizzima News*, 28 August 2008.
[52] Source: "Commemoration of Monk's Death Muted in Arakan State," *Irrawaddy*, 9 September 2008.
[53] Source: "Eight Sentenced For Political Activities and Media Contact," DVB, 12 September 2008.
[54] Source: "Killing of Villagers, Deadly Landmines, and Women Forced to Work for the Burma Army," FBR, September 2008.
[55] Source: "Anti-Regime Posters Mark 20th Anniversary of Coup," KNG, 18 September 2008 and "Kachin Village Headman Forced To Retract Statement on Assault," KNG, 25 October, 2008.
[56] Source: "Peaceful Protest to Mark 1st Anniversary of Saffron Revolution in Arakan," *Kaladan News*, 29 September 2008.
[57] Source: "Kachin Village Headman Forced To Retract Statement on Assault," KNG, 25 October, 2008.
[58] Source: "Spy Identified At Opposition Meeting," *Mizzima News*, 25 November 2008.
[59] Source: "Nine Arrested In Rare Protest in Rangoon," *Mizzima News*, 30 December 2008.
[60] Source: "Special Statement," NLD, 12 June 2008.
[61] Source: "Burmese Regime's 'Roadmap' To Democracy Likely Leads to Dead End," *World Politics Review*, 21 February 2008.
[62] Source: *Ibid*.
[63] Source: "*Freedom in the World – Burma (Myanmar) 2008*," Freedom House, July 2008.
[64] Source: "Make the Most of the Junta's 'Democracy'," *Irrawaddy*, 14 February 2008.
[65] Source: "Little Hope in Burmese Junta's Democratic Blusters," *The Nation*, 12 February 2008.
[66] Source: "NLD Calls for Publication of Convention Principles," DVB, 22 February 2008.
[67] Source: "Resistance to Constitutional Referendum Builds Up," IPS, 12 February 2008.
[68] Source: "Burmese Opposition Groups Challenge Junta's Constitution," *Mizzima News*, 15 February 2008.
[69] Source: "Opposition in Burma Calls for Free Referendum," *Mizzima News*, 21 February 2008.
[70] Source: "Outcry for Fair Referendum, Elections," *Irrawaddy*, 22 February 2008.
[71] Source: "Rhododendron News Volume XI, No. I, January – February 2008," CHRO, February 2008.
[72] Source: "ENC Reiterates Call for Tripartite Dialogue," *Mizzima News*, September 2008.
[73] Source: "Burma Referendum a Shame," *Narinjara News*, 1 May 2008.
[74] Source: "USDA Woos and Pressures Christian Community in Putao for 2010 Elections," KNG, 28 August 2008.
[75] Source: "Myanmar Junta Raises Suppression, Says Opposition," AP, 8 October 2008.
[76] Source: "NLD to Celebrate 20th Anniversary," *Irrawaddy*, 26 September 2008; "Myanmar Opposition Wants Review of Constitution," AP, 22 September 2008; and "NLD Ordered To Withdraw Statement," DVB, 25 September 2008.
[77] Source: "What's the NLD Strategy for 2010 Election?" *Irrawaddy*, 29 October 2008.
[78] Source: "Opposition Holds National Day Celebration," *Mizzima News*, 24 November 2008.
[79] Source: "Myanmar Opposition group backs Constitution," *Jane's Intelligence Review*, 13 June 2008.
[80] Source: "Ceasefire Groups Strengthen Forces in Shan State," DVB, 10 September 2008.
[81] Source: "Outcry for Fair Referendum, Elections," *Irrawaddy*, 22 February 2008.
[82] Source: "Arakan Party Pledges Not To Contest 2010 Election," DVB, 16 October 2008.
[83] Source: "Ethnic Chin Group Rejects Junta's 2010 Election Plans," *Mizzima News*, 15 December 2008.
[84] Source: "Regime Troops Launch Attack on KNU," DVB, 31 October 2008.
[85] Source: "UN Envoy Calls For Respect for Basic Rights," DVB, 10 October 2008.
[86] Source: "Rights Experts Adamant That Reform Must Predate 2010 Elections," *Mizzima News*, 18 November 2008.
[87] Source: "Two Names Tipped for Burma's post-2010 Presidency," *Irrawaddy*, 15 October 2008.
[88] Source: "An Alternative Road Map is Needed Now," *Irrawaddy*, 3 July 2008.
[89] Source: "Two Names Tipped for Burma's post-2010 Presidency," *Irrawaddy*, 15 October 2008.
[90] Source: "Burma Likely To Announce 'Election Law' On Independence Day," *Mizzima News*, 19 December 2008.
[91] Source: "*Freedom in the World – Burma (Myanmar) 2008*," Freedom House, July 2008.
[92] Source: "World Press Freedom Day—But Not for Burmese," *Irrawaddy*, 3 May 2008.
[93] Source: "Democracies Losing Battle for Press Freedom Abroad," *Mizzima News*, 23 October 2008.

[94] Source: "World Press Freedom Day—But Not for Burmese," *Irrawaddy*, 3 May 2008.
[95] Source: "Junta Targeting Burma's Press," *Irrawaddy*, 22 February 2008.
[96] Source: "Analysis: Junta's Information Black-Out," DVB, 4 July 2008 and "BBC Reporter Deported From Airport by Junta," *Mizzima News*, 6 May 2008.
[97] Source: "Danger: Getting the Truth Out of Burma," *Irrawaddy*, 13 May 2008.
[98] Source: "Junta Officials Seize Cameras," *Mizzima News*, 12 June 2008.
[99] Source: "No Happy Endings," *Irrawaddy*, June 2008.
[100] Source: "Reporter Covering Nargis Victims Sentenced To Two Years," *Mizzima News*, 14 November 2008.
[101] Source: "Writer Zaw Thet Htway Arrested," DVB, 16 June 2008.
[102] Source: "Danger: Getting the Truth Out of Burma," *Irrawaddy*, 13 May 2008.
[103] Source: "Orwell Lives in Burma today," *Wall Street Journal Asia*, 19 May 2008.
[104] Source: "No Foreigners, No Cameras' In The Irrawaddy Delta: Burmese PM," *Mizzima News*, 13 May 2008.
[105] Source: "Burmese Journals Face Restrictions on Cyclone Coverage," *Mizzima News*, 12 May 2008; "Censor Bans Journals from Reporting On Cyclone," *Mizzima News*, 29 May 2008 and "Reporters Banned From Photographing Storm Damage," DVB, 17 May 2008.
[106] Source: "No Happy Endings," *Irrawaddy*, June 2008.
[107] Source: "Censor Bans Journals from Reporting On Cyclone," *Mizzima News*, 29 May 2008 and "Weekly Journals Ordered Not To Cover 'Destruction', But Cover 'Reconstruction'," *Mizzima News*, 20 May 2008.
[108] Source: "Analysis: Junta's Information Black-Out," DVB, 4 July 2008.
[109] Source: "Burma's Censors Vet In-Depth Cyclone Reports," *Irrawaddy*, 28 May 2008.
[110] Source: "Burma Hits out at Cyclone Reports," BBC, 6 June 2008; "Burmese Exiles' Leading Media Websites under Attack," *Southeast Asian Press Alliance*, 30 July 2008 and "Junta Attacks Media's Cyclone Coverage," *Irrawaddy*, 6 June 2008.
[111] Source: "Foreign Media 'More Destructive than Nargis': Junta," *Irrawaddy*, 9 June 2008 and "Looking for a Happy Ending? Read the New Light," *Irrawaddy*, 29 May 2008.
[112] Source: "Looking for a Happy Ending? Read the New Light," *Irrawaddy*, 29 May 2008.
[113] Source: "BURMA: Females Hit Worst by Cyclone Nargis – Report," IPS 27 July 2008.
[114] Source: "Danger: Getting the Truth Out of Burma," *Irrawaddy*, 13 May 2008.
[115] Source: "IPI Urges Junta to Allow Free Access to Journalists," *Mizzima News*, 17 June 2008.
[116] Source: "Burmese Officials Ordered to Listen to Exile Broadcasts," *Irrawaddy*, 2 July 2008.
[117] Source: "Police Bars Some Press Photographers from Martyrs' Day Ceremonies," *Irrawaddy*, 21 July 2008.
[118] Source: "Mizzima Website under Attack," *Mizzima News*, 29 July 2008 and "Press Release: DVB web site hit by DDoS attack," DVB, 25 July 2008.
[119] Source: "DVB Hit by DDoS Attack," DVB, 17 September 2008; "Websites of Three Burmese News Agencies in Exile under Attack," *Mizzima New*, 17 September 2008; "The Irrawaddy Hopes to Defeat the Hackers Soon," *Irrawaddy*, 19 September 2008 and "The Burmese Regime's Cyber Offensive," *Irrawaddy*, 18 September 2008.
[120] Source: "Police Prosecutes 'Flower News' Journal Reporter," *Mizzima News*, September 2008 and "Reporter Arrested over Murder Story," *Irrawaddy*, 3 September 2008.
[121] Source: "Detained Rangoon-Based Journalist Transferred To Insein Prison," *Mizzima News*, 20 September 2008.
[122] Source: "Journalist's Arrest Triggers Regime Warning to Editors," *Irrawaddy*, 4 September 2008.
[123] Source: "Newspaper Reporter Freed After Being Held For Seven Weeks," RSF, 22 October 2008 and "Myanmar Police Free Local Magazine Journalist," AP, 23 October 2008.
[124] Source: "Township Police Stations Told Not to Release Crime Information," *Mizzima News*, September 2008.
[125] Source: "Burmese Media Silent on Thai Turmoil," *Irrawaddy*, 3 September 2008.
[126] Source: "Newspaper Reporter Freed After Being Held For Seven Weeks," RSF, 22 October 2008.
[127] Source: "Burmese Woman Journalist Awarded 'Courage in Journalism' Prize," *Mizzima News*, 13 August 2008; "Burmese Journalist Wins Major Press Award," *Irrawaddy*, 22 October 2008; "Burmese Journalist Wins Major International Press Award," *Irrawaddy*, November 2008; and "Media Foundation Honors Burmese Woman Journalist," *Mizzima News*, 22 October 2008
[128] Source: "DVB Speaker Praises Role of Burma's Citizen Journalists," DVB, 15 September 2008.
[129] Source: "Military Censors Send Privately-Owned Media Directive with 10 Prohibitions," RSF, 4 November 2008.
[130] Source: "Burma: The Censored Land," *Irrawaddy*, 1 March 2008.
[131] Source: "Cronyism; Unhealthy Competition in Media Market," *Mizzima News*, 17 July 2008.
[132] Source: "Military Censors Send Privately-Owned Media Directive with 10 Prohibitions," RSF, 4 November 2008.
[133] Source: "Report On Fossil Finds? Burmese Censors Say No," *Christian Science Monitor*, 11 February 2008.
[134] Source: "Burma's Censors are Now Also Code-breakers," *Irrawaddy*, 4 February 2008.
[135] Source: "Censor Board Tightens Screws," *Mizzima News*, September 2008.
[136] Source: *Ibid*.

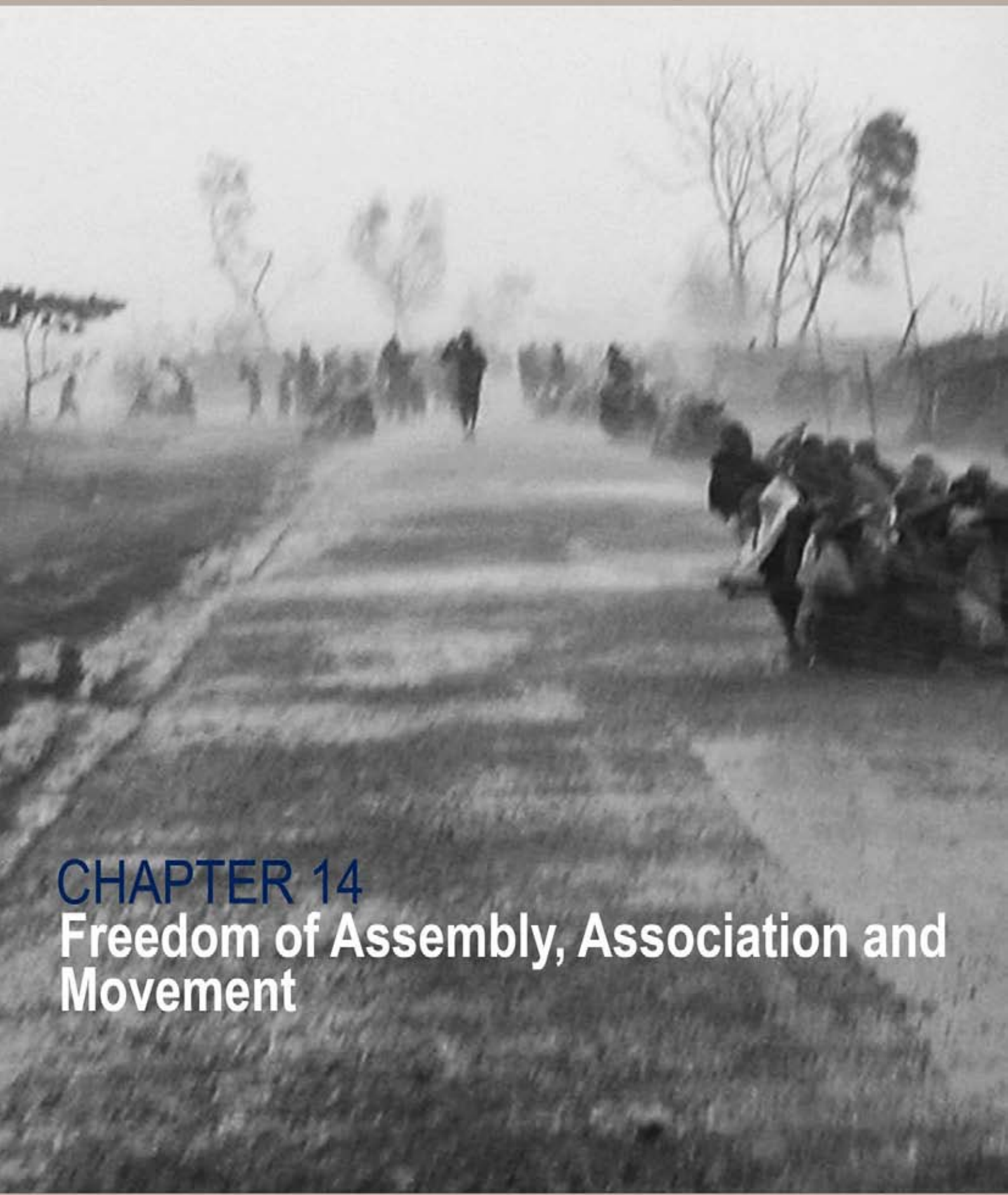
[137] Source: "Publication of Cherry Magazine Deferred Due To Censors," *Mizzima News*, 12 August 2008.
[138] Source: "Censor Board Scraps Article on Oway Nyo Mya," *Mizzima News*, 29 July 2008.
[139] Source: "Junta Censors News about Free Funeral Services Society," *Irrawaddy*, 4 February 2008 and "Funeral Fund's Announcements Blocked," DVB, 4 February 2008.
[140] Source: "Publishing license of two Burmese weekly journals' suspended," *Mizzima*, October 2008.
[141] Source: "Military Censors Send Privately-Owned Media Directive with 10 Prohibitions," RSF, 4 November 2008 and "Burmese Censor Board Tightens Grip with News Directives," *Mizzima News*, 6 November 2008.
[142] Source: "Domestic Media Wary Over Formation of Press Committees," *Mizzima News*, 6 November 2008.
[143] Source: "Naypyidaw to Launch New Daily," *Irrawaddy*, 23 December 2008; "Naypyitaw to Launch Newspaper Soon," *Mizzima News*, 25 December 2008.
[144] Source: *Journalists in Prison: CPJ's 2008 Census*, CPJ, 1 December 2008.
[145] Source: *The Future in the Dark: The Massive Increase in Burma's Political Prisoners*, AAPPB, September 2008.
[146] Source: "Burma among Top Five in Detaining Journalists: CPJ," *Mizzima News*, 5 December 2008.
[147] Source: "Conversation with 'Man of Steel'," *Mizzima News*, 25 September 2008.
[148] Source: "Joy at U Win Tin's Release after 19 Years in Prison," RSF, 23 September 2008.
[149] Source: "Conversation with 'Man of Steel'," *Mizzima News*, 25 September 2008.
[150] Source: *Journalists in Prison: CPJ's 2008 Census*, CPJ, 1 December 2008.
[151] Source: *Ibid*.
[152] Source: *Ibid*.
[153] Source: "Dark Burmese Days," *Guardian* (UK), 22 September 2008 and *Journalists in Prison: CPJ's 2008 Census*, CPJ, 1 December 2008.
[154] Source: "Burma Condemned on Crackdown on Internet Freedom," *The Nation*, 1 February 2008.
[155] Source: "Burmese Blogger Face the Trial," *Mizzima News*, 25 July 2008; "Blogger Nay Phone Latt Appears In Court," DVB, 9 July 2008; and "Blogger Nay Phone Latt Produced Before Court for First Time," *Mizzima News*, 10 July 2008;
[156] Source: *Journalists in Prison: CPJ's 2008 Census*, CPJ, 1 December 2008.
[157] Source: "Distribution of 'Myanmar Nation' halted," *Mizzima News*, 19 February 2008; "Junta Targeting Burma's Press," *Irrawaddy*, 22 February 2008 and "Officials Conduct Second Raid on Journal Office," DVB, 19 February 2008.
[158] Source: *Journalists in Prison: CPJ's 2008 Census*, CPJ, 1 December 2008.
[159] Source: "A Brother's Plea: Remember Burma," *Burmanet News*, 26 December 2008.
[160] Source: "Journalists Caught In Crackdown by Myanmar Junta," AP, 1 December 2008.
[161] Source: *Journalists in Prison: CPJ's 2008 Census*, CPJ, 1 December 2008.
[162] Source: "Zarganar Appears in Court in Insein Prison," *Irrawaddy*, 31 July 2008 and "Zarganar and Zaw Thet Htway Appear In Court," DVB, 31 July 2008.
[163] Source: *Journalists in Prison: CPJ's 2008 Census*, CPJ, 1 December 2008.
[164] Source: "Comedian Zargana Sentenced To 45 Years Imprisonment," *Mizzima News*, 21 November 2008.
[165] Source: *Journalists in Prison: CPJ's 2008 Census*, CPJ, 1 December 2008 and "Total Prison Term for Zarganar Climbs to 59 Years," *Mizzima News*, 28 November 2008.
[166] Source: *Journalists in Prison: CPJ's 2008 Census*, CPJ, 1 December 2008.
[167] Source: "Court Hears Case of Female Reporter Covering On Cyclone," *Mizzima News*, 24 July 2008.
[168] Source: "Hearing of Ecovision Reporter Case Fixed For July," *Mizzima News*, 2 July 2008 and "Reporter Covering Nargis Victims Sentenced To Two Years," *Mizzima News*, 14 November 2008.
[169] Source: "Reporter Arrested For Covering Cyclone News," *Mizzima News*, 24 June 2008 and "Reporter Charged With 'Inciting' Public Ire," *Mizzima News*, 2 June 2008.
[170] Source: *Journalists in Prison: CPJ's 2008 Census*, CPJ, 1 December 2008.
[171] Source: "Writer Zaw Thet Htway Arrested," DVB, 16 June 2008.
[172] Source: "Insein prison trials called insult to rule of law and international community," Reporters Without Borders, 21 November 2008.
[173] Source: "Total Prison Term for Zarganar Climbs to 59 Years," *Mizzima News*, 28 November 2008.
[174] Source: "Writer Zaw Thet Htway Arrested," DVB, 16 June 2008.
[175] Source: *Journalists in Prison: CPJ's 2008 Census*, CPJ, 1 December 2008
[176] Source: "Myanmar Journalist Arrested For Burying Cyclone Dead," AFP, 26 June 2008 and *Journalists in Prison: CPJ's 2008 Census*, CPJ, 1 December 2008.
[177] Source: *Journalists in Prison: CPJ's 2008 Census*, CPJ, 1 December 2008.
[178] Source: *Freedom in the World – Burma (Myanmar) 2008*, Freedom House, July 2008.
[179] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[180] Source: "Findings in the Open Heart Letter Campaign," 88 Generation Students, March 2008.

[181] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[182] Source: "Paper worth 20-Year Prison Sentence Released," S.H.A.N, 12 June 2008.
[183] Source: "Burma's Internet Worst in the World," *Irrawaddy*, February 2008.
[184] Source: "Myanmar Journalists Face Intimidation, Pressure from Junta," *The Jakarta Post*, 17 December 2008.
[185] Source: "The Cyber Dissident," *Irrawaddy*, 1 March 2008.
[186] Source: "Junta Plans Survey of Internet Cafes," *Irrawaddy*, April 2008.
[187] Source: "Burma Condemned on Crackdown on Internet Freedom," *The Nation*, 1 February 2008 and "Burma's IT Generation Combats Regime Repression," *Irrawaddy*, 7 October 2008.
[188] Source: *Ibid*.
[189] Source: "Statement," AAPPB, 11 November 2008.
[190] Source: "Internet Users Increasingly Concerned Over Security," *Mizzima News*, 27 November 2008.
[191] Source: "Internet Likely Down At Least 2 More Days," *Mizzima News*, 5 May 2008 and "Internet can Force Change in Myanmar," AFP, 19 May 2008.
[192] Source: "Burmese Blog the Cyclone," BBC News, 8 May 2008.
[193] Source: "Junta Bans More Proxy Sites," *Mizzima News*, 30 May 2008.
[194] Source: "Burmese Exiles' Leading Media Websites under Attack," Southeast Asian Press Alliance, 30 July 2008 and "Press Release: DVB web site hit by DDoS attack," DVB, 25 July 2008.
[195] Source: "Websites of Three Burmese News Agencies in Exile under Attack," *Mizzima New*, 17 September 2008 and "The Irrawaddy Hopes to Defeat the Hackers Soon," *Irrawaddy*, 19 September 2008.
[196] Source: "The Burmese Regime's Cyber Offensive," *Irrawaddy*, 18 September 2008.
[197] Source: "Military Government Paralyses Internet," RSF, 9 October 2008.
[198] Source: "Burma Increases Satellite TV Fee," *Irrawaddy*, February 2008.
[199] Source: "Junta Collects Taxes on Home Entertainment," SHAN, 19 February 2008.
[200] Source: "New Satellite Receivers Selling Well in Burma," *Irrawaddy*, May 2008.
[201] Source: "Building Burma's Digital Front Line," *BBC News*, 1 July 2008 and "Myanmar Television Still Down In Rangoon," *Mizzima News*, 4 May 2008.
[202] Source: "Burma Blocks Emergency Telecoms," BBC News Science and Technology Reporter, 26 June 2008.
[203] Source: "Analysis: Junta's Information Black-Out," DVB, 4 July 2008.
[204] Source: "Junta Blacks out Media," *Mizzima News*, 9 June 2008.
[205] Source: "Satellite Dish Shops Raided and Confiscated," *Mizzima News*, 9 June 2008.
[206] Source: "Burma Increases Satellite TV Fee," *Irrawaddy*, February 2008.
[207] Source: "Burma Introduces WCDMA," *Mizzima News*, 7 July 2008.
[208] Source: "Burma Mobile Subscriber Numbers Rise," *Irrawaddy*, May 2008.
[209] Source: "Telephone Subscribers to Pay for Change in Phone Numbers," KNG, 17 September 2008.
[210] Source: "MPT Extorts Money for Phone Line," DVB, Translation by HRDU.
[211] Source: "International Text Messaging Approved in Burma," *Irrawaddy*, 21 August 2008.
[212] Source: *Ibid*.
[213] Source: "Prepaid Card System for Mobile Phones in Burma Soon," *Mizzima News*, 25 November 2008.
[214] Source: "Brisk Sale of Single Use GSM SIM Cards," *Mizzima News*, 13 December 2008.
[215] Source: "Tattoo not Taboo," *Irrawaddy*, 1 February 2008.
[216] Source: "The Art of Defiance," *Newsweek*, 15 February 2008.
[217] Source: "Illegal Rambo VCDs Circulating Rangoon," *Mizzima News*, 4 February 2008 and "Heroes Never Die.... They Just Download," *Irrawaddy*, 11 February 2008.
[218] Source: "Rambo: Another Victory for the West and a Defeat for Burma," *Irrawaddy*, 1 February 2008.
[219] Source: "Authority in Arakan Prohibits Watching Nargis Video," *Narinjara News*, 23 June 2008.
[220] Source: "Burma's Hip-hop under Attack," *Irrawaddy*, May 2008.
[221] Source: "Hip-Hop Singer Zeyar Thaw Sentenced To Six Years Imprisonment," *Mizzima News*, 20 November 2008.
[222] Source: "Thangyat: Traditional Songs Hard to Suppress," *Irrawaddy*, April 2008.
[223] Source: "From Rock to Romance," *Irrawaddy*, December 2008.
[224] Source: "Cyclone Benefit Concert Stopped By Authorities," DVB, 2 June 2008.
[225] Source: "Nargis Cartoon Show Was Not Allowed to Express in Journals," DVB, 11 August 2008, Translation by HRDU and "The Joke's on the Generals," *Irrawaddy*, November 2008.
[226] Source: "Detained Burmese Poet Allowed Meeting with Wife," *Mizzima News*, 21 February 2008 and "Poet Remanded To Custody for Jeering At Junta Supreme," *Mizzima News*, 25 June 2008.
[227] Source: "Closed Door Trial Sentenced Blogger to Over 20 Years," AHRC, 13 November 2008.
[228] Source: "Magazine Editor Fired Over Depayin Poem," DVB, 30 June 2008 and "Rangoon Editor Fired Over Offending Poem," *Irrawaddy*, 30 June 2008.
[229] Source: "Burmese Referendum: Here We Go Again...," *Irrawaddy*, 13 February 2008.

[230] Source: "Constitutional Referendum Flouts Human Rights," Amnesty International, 9 May 2008
[231] *Ibid*.
[232] Source: "Referendum Law Excludes Monks and Bans Dissent," DVB, 28 February 2008.
[233] Source: "20 Years since 1988 - Japanese Policy Betrays the Burmese People," *Nikkan Berita* (Japan), 12 August 2008.
[234] Source: "Burma's Referendum: A Done Deal That May Yet Unravel," *Mizzima News*, 2 May 2008.
[235] Source: "Junta's Referendum Lacks Credibility: US State Department," *Mizzima News*, 29 February 2008.
[236] Source: "Burma's Referendum: A Done Deal That May Yet Unravel," *Mizzima News*, 2 May 2008.
[237] Source: "Democracy, Burma-style," The Wall Street Journal, 1 May 2008.
[238] Source: "Constitutional Referendum Flouts Human Rights," Amnesty International, 9 May 2008.
[239] Source: "Referendum is a Sham, Governments should not Endorse vote on new constitution," HRW, 1 May 2008.
[240] Source: "Arakan State to Vote 'No': Irrawaddy Survey," *Irrawaddy*, 3 May 2008.
[241] Source: "Half of Voters Say 'No' in the Irrawaddy Poll," *Irrawaddy*, May 2008.
[242] Source: "Poll Finds a Divided and Indecisive Public on Referendum," *Mizzima News*, 2 May 2008.
[243] Source: "Junta Restricts More NGO Activities," *Irrawaddy*, May 2008.
[244] Source: "Statement by the President of the United States on Burma," White House, 2 May 2008.
[245] Source: "Junta Called 'Inhuman' For Planning Poll in Wake of Disaster," *Mizzima News*, 5 May 2008.
[246] Source: "UN Chief Criticises Junta's Referendum Decision," DVB, 9 May 2008.
[247] Source: "Burmese Junta Urges Patriotic 'Yes' to Referendum," *Irrawaddy*, 9 May 2008.
[248] Source: "Fake Ballots Distributed by Burmese Authorities," Burma Human Rights Defenders & Promoters, 1 May 2008.
[249] Source: "Facts about Voting Today in Burma," *Mizzima News*, 10 May 2008.
[250] Source: "Burma Approves Draft Constitution By 92.4 Percent," *Mizzima News*, 15 May 2008 and "Government Claims Overwhelming 'Yes' Vote," DVB, 17 May 2008.
[251] Source: "Burma Concludes Second Round of Referendum Polling," *Mizzima News*, 24 May 2008.
[252] Source: "Junta Claims 92 Percent Endorse Constitution," DVB, 27 May 2008.
[253] Source: "Burma's Draft Constitution: 'Overwhelming Support in Cyclone Hit Regions'," *Mizzima News*, 26 May 2008.
[254] Source: "Junta Says Constitution Given Mandate, Opposition Rejects Contention," *Mizzima News*, 4 June 2008.
[255] Source: "Mrs. Bush Meets with Burmese Refugees," *New York Times*, 8 August 2008.
[256] Source: "Girls Threatened, Asked To Support Draft Constitution," *Kaladan News*, 6 April 2008.
[257] Source: "DPDC Mobilizes People to Cast Yes 'Vote' in Maungdaw," *Kaladan News*, 9 April 2008.
[258] Source: "Junta Authorities Warn Villagers Not To Cast 'No' Vote," *Kaladan News*, 11 April 2008.
[259] Source: "Campaign for 'Yes' Vote by Pro-Military Groups In Kyaukpru," *Kaladan News*, 24 April 2008.
[260] Source: "MOCs woo people to cast the 'Yes' vote in Kyauktaw," *Kaladan News*, 22 April 2008.
[261] Source: "Authority Invites Muslim Religious Leaders for Referendum," *Narinjara News*, 26 April 2008 and "Meeting on Referendum in Maungdaw," *Kaladan News*, 2 May 2008.
[262] Source: "Army to Deploy In Rural Areas for Referendum," *Narinjara News*, 2 May 2008.
[263] Source: "Army Stops Toll Collection in Western Burma," *Narinjara News*, 28 April 2008.
[264] Source: "Monetary Support to Madrasas for Referendum," *Kaladan News*, 8 May 2008.
[265] Source: "Burma Holds Referendum Regardless of Cyclone Devastation," *Kaladan News*, 12 May 2008.
[266] Source: "Referendum Starts In Northern Arakan," *Kaladan News*, 10 May 2008.
[267] Source: "Surprised Voters Learn Junta Cast Votes For Them in 'Rigged' Referendum," *Mizzima News*, 15 May 2008.
[268] Source: "Burma Holds Referendum Regardless of Cyclone Devastation," *Kaladan News*, 12 May 2008.
[269] Source: "Village Heads to Monitor Polling Booths," *Khonumthung*, 15 April 2008.
[270] Source: "Constitutional Training for Government Employees," *Khonumgthung*, 19 April 2008.
[271] Source: "Rhododendron News: Volume XI, No II, March-April 2008," CHRO, April 2008.
[272] Source: "Junta Continues Dirty Tricks as Burma Votes," DVB, 12 May 2008.
[273] Source: "Voters Go To the Polls in Delayed Referendum," DVB, 26 May 2008.
[274] Source: "Brig-Gen Thein Zaw Woos Christians in Northern Burma ahead of Referendum," KNG, 8 March 2008.
[275] Source: "Forced Attendance at Brig-Gen Thein Zaw's Referendum Campaign," KNG, 29 February 2008.
[276] Souzce: "Bamaw Police Ordered To Cast 'Yes' Votes In Advance," *Mizzima News*, 2 May 2008.
[277] Source: "*Human Rights Violations in Karen State*," CIDKP, May 2008.
[278] Source: "Burma Army Attacks Villages in Eastern Burma as they Obstruct Relief to Cyclone Victims in the South," Free Burma Rangers, 29 May 2008.
[279] Source: "Junta Continues Dirty Tricks as Burma Votes," DVB, 12 May 2008
[280] Source: "Village Headmen Threatened for Villagers Casting 'No' Votes," *Kantarawaddy Times*, 16 May 2008.
[281] Source: "Public Service Personnel Threatened to Vote 'Yes'," *Kaowao*, 22 April 2008.

[282] Source: "Burmese Residents Facing Intimidation," *Irrawaddy*, 2 May 2008.
[283] Source: "Advanced Vote at Night in Yaynanchung," DVB, 4 May 2008, Translation by HRDU.
[284] Source: "Salin NLD Members Arrested for Referendum Pamphlets," DVB, 7 May 2008.
[285] Source: "Violations Related to 10 May Referendum in Burma," Federation of Trade Unions – Burma, 23 April 2008.
[286] Source: "Burmese Residents Facing Intimidation," *Irrawaddy*, 2 May 2008.
[287] Source: "Voter realizes their votes have been cast in advance at the booth," *Mizzima News*, 10 May 2008
[288] Source: "Burma Concludes Referendum Polling, But Results 'Pre-Determined', Voters Say," *Mizzima News*, 11 May 2008.
[289] Source: "Junta Continues Dirty Tricks as Burma Votes," DVB, 12 May 2008.
[290] Source: "Surprised Voters Learn Junta Cast Votes For Them in 'Rigged' Referendum," *Mizzima News*, 15 May 2008.
[291] Source: "Burma Closes Polling Stations," *Mizzima News*, 10 May 2008.
[292] Source: "Junta Continues Dirty Tricks as Burma Votes," DVB, 12 May 2008.
[293] Source: *Ibid*.
[294] Source: "Govt Issues Temporary Citizen Cards for Referendum," *Irrawaddy*, 28 February 2008.
[295] Source: "Violations Related to 10 May Referendum in Burma," Federation of Trade Unions Burma, 30 April 2008.
[296] Source: "Constitutional Referendum Flouts Human Rights," Amnesty International, 9 May 2008 and "Myanmar 'Forces' Civil Servants to Vote for Charter," *Reuters*, 2 May 2008.
[297] Source: "School Teachers Pressured to Vote 'Yes', and 'Monitor' Elections," Burma Human Rights Defenders & Promoters, 2 May 2008.
[298] Source: "Industry Pressured to Vote 'YES'," Burma Human Rights Defenders & Promoters, 3 May 2008.
[299] Source: "Many Ready to VOTE 'NO' In Rangoon," *Mizzima News*, 7 May 2008.
[300] Source: "Villagers Complain To Commission Over Forcible Voting," *Mizzima News*, 8 May 2008.
[301] Source: "NLD Member Jailed after Photographing Polling Stations," DVB, 28 August 2008.
[302] Source: "Cyclone Survivors Told To Make Room for Voters," *Mizzima News*, 14 May 2008.
[303] Source: "Authorities Give Out Food In Exchange For 'Yes' Votes," DVB, 21 May 2008.
[304] Source: "Junta's Vote Rigging Efforts Exposed Again," *Mizzima News*, 23 May 2008.
[305] Source: "Authorities Demand Victims Vote and Drive Others Back To Homeland," DVB, 22 May 2008, Translation by HRDU.
[306] Source: "Victims Are Driven Out From Shelter for Voting," DVB, 22 May 2008, Translation by HRDU.
[307] Source: "Voters Go To the Polls in Delayed Referendum," DVB, 26 May 2008.
[308] Source: "Advance Voting Allowed If It Is a 'Yes' Vote," *Mizzima News*, 1 May 2008.
[309] Source: "A 'Yes' Vote Will Be No Surprise," *Irrawaddy*, 3 May 2008.
[310] Source: "Family members allow voting on behalf in Monywa," *Mizzima News*, 10 May 2008.
[311] Source: "Authorities photograph voters in Kalaymyo," *Mizzima News*, 10 May 2008.
[312] Source: "Burma Concludes Referendum Polling, But Results 'Pre-Determined,' Voters Say," *Mizzima News*, 11 May 2008.
[313] Source: "Villager Shot, People Forced to Porter and Vote 'Yes'," Lahu Relief Team, FBR, 10 September 2008.
[314] Source: *Ibid*.
[315] Source: "Shan Party Dismisses 'Rigged' Referendum," SHAN, 16 May 2008.
[316] Source: "Ethnic Palaung Releases Report 'Ballots Which Opposes People's Will'," *Mizzima News*, 3 July 2008.
[317] Source: "Violations Related to 10 May Referendum in Burma," FTUB, 1 May 2008.
[318] Source: "Referendum Backlash Still On In Northern Arakan," *Kaladan News*, 4 June 2008.
[319] Source: "Two Rakhine Youths Arrested For Disrupting Referendum," *Kaladan News*, 19 May 2008.
[320] Source: "Voters and Officials Punished For 'No' Votes," DVB, 19 August 2008.
[321] Source: "Forced Labor for 'No' Voters; Villagers Build Military Outpost," *Khonumthung News*, 4 June 2008.
[322] Source: "More Village Heads Questioned After Referendum," *Khonumthung News*, 16 June 2008.
[323] Source: "Voters and Officials Punished For 'No' Votes," DVB, 19 August 2008.
[324] Source: "Constitutional Referendum Flouts Human Rights," Amnesty International, 9 May 2008.
[325] Source: "UNLD Calls for Referendum Boycott," *Irrawaddy*, 1 May 2008.
[326] Source: "Constitutional Referendum Flouts Human Rights," Amnesty International, 9 May 2008.
[327] Source: "Students Paste 'No' Vote Posters on Referendum in Northern Burma," KNG, 25 March 2008.
[328] Source: "Anti-Referendum Flyers Spread in Southern Arakan," *Narinjara News*, 2 April 2008.
[329] Source: "Anti-Referendum Paper Distributed In Arakan," *Kaladan News*, 28 April 2008.
[330] Source: "Vote 'No' posters displayed in Shan State," SHAN, 8 May 2008.
[331] Source: "Dogs Enlisted for Anti-Referendum Campaign," *Narinjara News*, 30 April 2008.
[332] Source: "Songkran Graffiti Campaign Continues Through Mon State," *Kaowao*, 21 April 2008.
[333] Source: "Court Sentences Myanmar Protesters to Jail," AP, 4 July 2008.

[334] Source: "The Authorities Assaulted the Youths Who Wore 'NO' T-Shirts," DVB, 24 April 2008, Translation by HRDU.
[335] Source: "Security Tightened in Sittwe Again," *Narinjara News*, 22 April 2008.
[336] Source: "Four Arrested For Anti-Referendum Campaign in Chin State," *Narinjara News*, 7 May 2008.
[337] Source: "Family Allegedly Killed After 'No' Leaflet Was Found," *Kantarawaddy Times*, 15 July 2008.
[338] Source: "Villager Arrested For Possession of Anti-Referendum Leaflets," SHAN, 14 May 2008.



CHAPTER 14
Freedom of Assembly, Association and Movement

BURMA

HUMAN RIGHTS YEARBOOK 2008

14.1 Introduction

The right to freedom of movement, assembly and association were all severely curtailed in Burma throughout the course of 2008, a year marked by natural disaster, political repression and ongoing, intractable armed conflict. The Burmese military junta continued to flout its obligations to uphold Articles 13 and 20 of the Universal Declaration of Human Rights (UDHR), despite its signatory status. Article 13 states that; *"Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including their own, and to return to their country",* while Article 20 establishes the rights of assembly and association thus; *"Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association."* [1]

The citizens of Burma however, failed to benefit from the protections of the UDHR, or any other international or domestic laws that enshrine freedom of movement, assembly and association throughout the year. The trend of previous years that were characterised by tight movement restrictions on the population was maintained, and in some respects these rights were restricted even further. The movement of those in the ethnic rural areas that have witnessed low-level armed conflict, in particular the Karen, Mon, Shan and Karenni States was rigidly controlled by the armed forces and to a lesser extent the non-state armed groups. The movement of internally displaced persons (IDPs), particularly those who were displaced from villages and sent to relocation sites by the military, or who fled into jungle hiding sites was severely curbed. Movement restrictions on the population in Arakan State, in particular the Rohingya ethnic minority, were stringently imposed. In spite of the harsh movement restrictions imposed by the State Peace and Development Council (SPDC), 2008 saw the continued illegal migration from these states and others into neighbouring countries such as Thailand, India and Bangladesh. Domestic travel in general was also restricted, especially in the rural ethnic regions where travellers faced arbitrary taxation at the hands of the Burmese military and non-state armed groups (NSAGs).

The regime authorities also the restricted movements of foreigners travelling into and out of Burma and this stance was typified by the junta's response to offers of outside assistance during the aftermath of tropical cyclone Nargis, which struck the country in early May 2008. Many international emergency response specialists and aid workers from a variety of countries were denied visas to enter Burma to begin work on disaster response and relief work, despite the junta's clear lack of capacity to address the situation adequately with its own limited resources. Members of the foreign media also faced serious restrictions, with the junta hampering efforts to cover the impact of cyclone Nargis.

The SPDC's negligent response to cyclone Nargis prompted action on the part of civil society and opposition political groups to assume those responsibilities which should have befallen the state. The impromptu relief response from organised groups, as well as concerned individuals, was not only snubbed by the junta, but was actively quashed, in an attempt to maintain legitimacy and control over the 'official' relief effort. Groups were denied access to the Irrawaddy Delta region, aid was confiscated by troops (sometimes to be resold on the black market) and Burmese aid donors were, at times, detained arbitrarily.

The consequences of the Saffron revolution continued to reverberate across the nation over the course of 2008. The nationwide defiance of the regime in late 2007 had a wide range of flow-on effects that resulted in stern limitations on the freedom of assembly in 2008. The possibility of repeated civil unrest around the anniversary of the uprising provided a pretext for the regime to usher in hitherto unheralded restrictions on political activists, opposition politicians and civil society groups, resulting in the doubling of political prisoners held in jails across the country. Much to the dismay of the largely Buddhist population of Burma, the

brotherhood of monks, the Sangha, also came under intense, sustained pressure for its role in the previous year's upheaval, resulting in the arrests and de-robing of large numbers of monks.

Regime authorities continued to limit political assembly in particular, breaking up opposition meetings, peaceful marches, prayer vigils and commemorations of significant anniversaries such as Martyr's Day.[2]

The regime undertook a concerted effort to rein in the influence of opposition political groups and activists in 2008 by way of an unparalleled swathe of arrests and detentions. The Unlawful Associations Act was employed heavily in conjunction with other domestic legislation with such frequency over the course of the year that restrictions on association resulted in the estimated increase in political prisoners from 1,192 in June 2007, to over 2,123 by the middle of 2008.[3]

The SPDC was particularly stringent in its treatment of the National League for Democracy and the 88 Generation Students Group. Members of these groups and others were dealt lengthy prison terms for alleged offences during the Saffron revolution of late 2007 and for political activity in 2008 itself. Many of these prisoners were relocated to remote prisons across the country, in order to isolate them from their supporters and relatives. Their disproportionately large sentences appeared to indicate a concerted effort on behalf of the regime to keep dissident political activists sidelined in the run up to the 2010 elections.

In 2006, SPDC authorities forcibly relocated some of the residents of Shah See Bo, Wah Loh and Kheh Der villages in Toungoo District to Toungoo town in eastern Pegu Division. Following the forced relocation, local authorities enforced heavy restrictions. They barred the villagers from returning to their former homes to tend agricultural fields and also from accessing other arable land closer to the relocation site. As these restrictions continued many villagers, shown in the photos here, fled to a refugee camp in Thailand. *[Photo and caption: © KHRG]*

14.2 Restrictions on Villagers in Border Conflict Areas

Karenni State, Karen State, Mon State, Shan State and Pegu Division continued to be the predominant regions which experience low-level armed conflict in 2008. As such, it was these states and divisions which bore the brunt of conflict-related restrictions on movement, and to a lesser extent, assembly and association. As with so many other areas of civilian life in Burma, international law continued to be ignored by the junta in these states. The 1966 International Covenant on Civil and Political Rights (ICCPR) Article 12(1) states that, *"Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence."* [4] Moreover, the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which came into force on 3 January 1976 states in Part III, Article 6, Section 1 that,

> *"The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right."* [5]

In addition to these two covenants, the Burmese civilian population should be protected by the stipulations of the Universal Declaration of Human Rights; however the junta continues to ignore a raft of the declaration's recommendations (including Articles 9, 13, 20, 23, 25 and 26).

For the ethnic population of Burma that resides in the states still experiencing conflict, none of these rights have been realised, nor does the evidence suggest that there is any hope for improvement in the near future for the rural ethnic populations affected by conflict. Reports continued to emerge from the eastern conflict-affected states throughout the year of 2008, indicating that human rights conditions remained poor and that movement in these areas was highly restricted and controlled by SPDC forces and to a much lesser extent, some of the non-state armed actors. The movement restrictions resulted in civilians facing omnipresent threats of extortion, of being denied access to their livelihoods, arbitrary arrest and in some areas with active armed resistance, the threat of being shot on-sight. Ongoing conflict also meant that the civilian population remained in the unenviable position of being caught between non-state armed resistance groups and Burmese army forces, both of whom extracted levies of varying types from civilians. Usually this rent seeking behaviour was manifested through arbitrary taxation extracted at checkpoints along more common trade and travel routes in the border regions. In Karen State, the restrictions more commonly seen were those associated with relocation-sights. Relocation-sights are those areas into which civilians have been driven by the SPDC's military forces. Often these are villages that have been rebuilt, sometimes with the forced labour provided by the villagers themselves.

The SPDC continued its drive to dominate the mountainous north of Karen State as well as consolidating the gains made in the plains regions of the south and southwest. The resulting effect was that many villagers were forced from their villages and moved into relocation-sights administered by the military. In SPDC efforts to control these sites and the disputed lands around cleared out villages, relocated inhabitants were often barred from leaving relocation-sights, effectively denying them the right to earn their livelihoods, constituting a breach of international law as highlighted earlier. At times, permission to leave camps could be bought from the authorities in charge. Movement restrictions lead to the further impoverishment of these populations by cutting off their main sources of income and access to education and health care. The SPDC further restricted the movement of relocated populations by mining the areas around relocated villages in an attempt to discourage people from returning to those sites as well as to target rebel fighters.

In terms of movement restrictions, those living in the areas of rural Burma that are still contested by rebel armies face a dual challenge. In Mon state for example, villagers are caught between small bands of opposition fighters and the Burmese army who seek to flush out the remaining pockets of resistance. These groups sometimes extort villagers by restricting their access to their crops and orchards until they are paid with cash or goods. On 21 November 2008, members of the Chan Dein rebel group, led by Nai Chan Dein, arrested over 100 people from five different villages in Yin Ye, southern Ye Township, whilst they were on their way to rubber and betel nut plantations. The villagers were held to ransom and forced to come up with payment for the rebels. The ransom was met through cash or payment in goods, in this case, gold and jewellery. In retribution for this 'collusion' with resistance organisations, the villagers faced detention and arrests from SPDC soldiers based in the area as troops lead by Lieutenant Han Win Kyaw of Infantry Battalion #31 (IB #31), and Lieutenant Commander Myo Swe appeared in the village over the course of the next two days, arresting 13 villagers and torturing two men. One man's armed was burned with a torch and another severely beaten in an attempt to extract information regarding the rebels' activities. The village was then subjected to a 24 hour travel restriction and its inhabitants were prevented from travelling to their plantations to work.[6]

The relationship between the presence of rebel fighters and related abuses at the hands of the SPDC has not been lost on the villagers of Yebyu Township, an area where the Chan Dein group also operates. One individual, Nai Aye, 45, from Yebyu Township made the following observation,

> *"LIB 282 is blocking us from going outside at night time…I have 3 plantations, but I can only pick 3 days of betel nuts. In the night time, most of my betel nuts are stolen… If I do not change my career, my family cannot survive. Those are the effects of the Chan Dein group on my business. I want them [the Chan Dein group] to move away from my village so the battalion will not block the village any more."* [7]

Villagers such as those in the example above face the threat of the resulting movement restrictions that the Burmese army puts in place, in response to rebel activity in the area. In these brown and black zones of conflict (brown zones being those contested areas and black zones being fully controlled by insurgent forces), movement restrictions are part of the 'Pya Leh Pya' or 'four cuts' policy, that the Burmese army has been using to successfully eliminate logistical support for non-state armed groups, by cutting off access to information, recruits, food and finances.[8] The policy has been relatively successful for the Burmese Army; however it has been disastrous for the civilian populations of the areas in which it has been employed. In essence, villagers are placed in a no-win situation, they are vulnerable to being extorted by rebels and restricted by the regime and the army.[9]

Border Checkpoints

In areas of border conflict there are large financial obstacles that represent restrictions on the movement of the population. Whereas conflict and its associated dangers represents barriers to unfettered movement in areas such as Shan or Karen state, the economic aspect of armed conflict and the rent seeking behaviour of armed actors in other areas pose a similar, if less dangerous obstacle to freedom of movement.

Around the town of Three Pagodas Pass, a traditional border crossing area, the illegal trade in many goods and services has attracted the attention of several armed factions that seek to profit from trade. A consequence of this presence and active involvement by all amed factions in illegal activity has been the setting up of checkpoints that any one wishing to

travel through this area must pass. There are two basic routes for example, between the town of Three Pagodas Pass in Kanchanaburi Province in Thailand and Thanbyuzayat Town in Mon State, Burma, depending upon the season. Wet season dictates that the traveller must take a boat part of the way up the Zemi River, whilst in the dry season the roads are passable for the whole journey, allowing the trip to be completed by car. During the wet season the river route, which is only about thirty kilometres in length, is home to roughly thirty checkpoints, including those of New Mon State Party (NMSP), Democratic Karen Buddhist Army (DKBA), Karen Peace Force (KPF), State Peace and Development Council (SPDC) and the Karen National Liberation Army (KNLA), depending on the security situation. Human Rights Foundation of Monland (Hurfom) estimates that a trip from the town of Three Pagodas Pass to Thanbyuzayat Town in Mon State takes about two days and costs the traveller around 35,000 kyat (1,200 Baht).[10] The recent evidence suggests that the costs of the illegal taxes will only increase over time. It was reported on 1 December 2008 that the costs of levies along the Thanbyuzayat -Three Pagodas Pass road had doubled in the last year, up from 500 to 1,000 kyat per passenger. The number of checkpoints also rose, increasing from 30 up to 40.[11]

The imposition of illegal and arbitrary taxation at checkpoints such as those mentioned above, make it difficult for normal people to move freely in the border areas where armed groups operate, hampering their ability to trade and travel, to access medicines in Thailand, to visit relatives in these areas or to exercise their general rights to freedom of movement.

Besides the established checkpoints throughout border regions, there are also others that may crop up from time to time based on various security concerns. An example of this was the reopening of six military checkpoints along the Myitkyina-Hpakant Road in Kachin State of northern Burma. It was reported on 17 November 2008 that the military had reopened these defunct checkpoints as a security precaution following rumours of a planned bombing of Hpakant mining town.[12] The fluid nature with which roadblocks and checkpoints can arise in response to security concerns, and the associated dangers that they imply, poses real concerns for many ethnic minority groups and impinges upon their ability to travel, assemble and associate freely.

Taxation as a Form of Movement Restriction

Burma is widely recognised as one of the most corrupt countries in the world.[13] Transparency International's annual Corruption Perception Index 2008 ranked Burma as the second most corrupt county in the world, only managing to beat out Somalia, a country which has essentially been a collapsed state and without effective governance since 1991.[14] With the mismanaged economy steadily degenerating and a bloated defence force that is inadequately paid, soldiers in the rural areas have been left to their own devices by the central command structures of the Burmese Army. As many salaries are insufficient and arrive at unreliable intervals, soldiers and commanders of both the Burmese Army and non-state armed groups often impose arbitrary forms of taxation upon villagers in outlying rural areas as part of the sanctioned 'Self-Reliance Policy'.[15]

Arbitrary taxation has no basis in legislation and is based upon opportunity and the whim of individual officers. It takes many forms and can include taxes raised to buy weapons, fund people's militias or pay for food for soldiers, among many other uses. A common form of this punitive taxation can be viewed as a type of movement restriction. Checkpoints on roads and river ways act as toll booths whereupon soldiers are able to extract levies in an arbitrary and unregulated fashion. The taxes imposed in this manner often impinge on villagers' abilities to earn income, as the roadblocks are sometimes established between villages and farms, crops and orchards which can at times be situated quite far apart. This

forces poor villagers to face the difficult decision of attending their farms and paying crippling fines, or staying at home, deprived of the means of earning their living and supporting their families. It was reported on 24 September 2008 that a new checkpoint had sprung up on the Ahbit to Yetagon - Waenaing road and soldiers manning the checkpoint had begun taking taxes from 2 July 2008. The new tax to travel this stretch of road (approximately 10,000 kyat, or roughly US $10, to obtain a card allowing passage) affected up to two hundred farmers from the surrounding six villages.[16]

Northern Karen State

Ongoing military activity in Karen State has led to various forms of restrictions on the movements of villagers in that region. Military offensives in the state have typically been divided between the jungles of the mountainous northern region and the relatively flatter areas of the southern plains that stretch to the Bay of Martaban off the west coast of Karen State. The differing nature of the terrain between northern and southern halves of Karen State have led to different approaches by the Burmese military in an attempt to subjugate and control the populations of both areas. In turn the different tactics employed by the SPDC forces have led to different types of associated rights abuses. In general however, both north and south of Karen State have been affected by movement restrictions in some form or another, as restrictions form the backbone of the junta's attempts to control villagers movements, and to hamper their ability to contact and support rebel forces operating in the state.

As has been well documented, the militarisation of the rural areas of Karen state has led to large parts of the population being forced to move into relocation-sights which are strictly monitored by SPDC forces, or forced to evade attacks from the military by fleeing into the jungle. Clearly, major rights violations in Karen state are those related to the displacement of villagers and the corollary effects on livelihoods, education and the like. Following displacement however, a subsequent set of problems arises in conjunction with the situation of living under the watchful eye of troops in relocation-sights. There are severe movement restrictions on villagers living in this manner. Villagers are only allowed a very limited range of movement and access to crops and other methods of making a living in relocation-sights. According to one unnamed 58 year old male villager from Tantabin Township in Karen State;

> *"We didn't have a chance to do our work, because they [the SPDC] didn't allow us to go outside the village. So we just stay in our village. The military is based in Kler La, Wah Tho Ko and Gkaw Tha Koh - not in my village. We couldn't leave the village for almost 3 weeks... We didn't know what happened to our cardamom fields."* [17]

Restricting the movements of villagers is also accomplished by keeping them confined in controlled settings. A Karen Human Rights Group report from May 2008 indicated that villagers in Kler La were ordered by the SPDC's Ko Ko Lat from Military Operations Command #10, to construct fences around local villages in an attempt to better monitor villagers' activities. Curfews were also placed upon the villagers living in the area. The curfew forbade movement between crops and villages between sundown and sun-up. Curfews such as these restrict the normal practices of farmers in Karen State, who tend to sleep in their fields during the height of agricultural seasons in order to gain as much time as possible for working on their crops.[18] In a further move enforced to guarantee that villagers did not secretly spend time in their fields, no uncooked rice was allowed to be carried to and from fields. This measure ensured that villagers in the example above were not able to stay for long periods on the crops by cooking at night time. The report suggested that those caught with uncooked rice risked arrest and a subsequent jail term of four years.[19]

A further manner in which the SPDC can control rural populations is to restrict movement which is directly related to their acquisition of food supplies. An incident reported in late March 2008 exemplifies how the SPDC has used movement restrictions to control the population of Toungoo District in northern Karen State. Residents of Kler La Town in Toungoo District were previously able to purchase sacks of rice (one sack = 64 kilograms) for 18,000 kyat in Toungoo Town. At the time of the report however, SPDC forces from Infantry Battalion #39 had set up a market at the 'Four Mile' point along the Kler La – Toungoo Town road in order to have the villagers purchase the sacks of rice from the military at an inflated price of 20,000 kyat per sack. On top of the extortionate pricing, the villagers also had to pass an SPDC military camp at Bper Leh Wah on the return leg of the journey to Kler La at which point they would be forced to pay a 10 percent 'rice tax' on their goods, in order to be able to cross the bridge over the Day Loh River.[20]

Furthermore, any travel is only possible with the express permission of the Burmese army, or its allied ceasefire groups such as the DKBA in Karen State. It was reported in February 2008 that permission to travel could be purchased from the SPDC at a cost of 200 kyat in Toungoo District, which would provide the holder with permission to travel for two days. Although the permission system had been put in place in Toungoo District, the report suggests that villagers had regularly been shot on-site anyway by SPDC forces who had come across them, without even bothering to confirm whether they were in possession of the required travel documents.[21] At least 12 documented victims were listed in the report. The victims had all been shot over the course of the six months between July and December in 2007; however, reports from 2008 indicate that the policy is still in place and severely affecting rural populations.

Shoot on-Sight Tactics

Very often in areas where relocations have taken place, the SPDC forces have a shoot on-site approach for anyone caught outside relocation sites, which constitutes a strong restriction on the movement of villagers. The shoot on-sight policy (not an official SPDC policy) has been used to dual effect in the areas where the Burmese Army forces are attempting to gain total control of rural areas by subjugating villagers and quelling resistance forces. Firstly, the shoot on-site practices have the effect of constituting a very strong deterrent to villagers wanting to leave the SPDC administered relocation villages. The threat of being shot is real and keeps the majority of individuals from risking trips to their fields. The second benefit derived from the practice by the Army is to maintain the civilian population in firmly controlled areas where military personnel can continue to extract forced labour, money and supplies that the SPDC should be providing.

The policy effectively means that there are restrictions on a range of activities normally undertaken by villagers. These activities include, but are not limited to, normal agricultural activity, collection of forest goods for food, as well as firewood, collection of water from streams, travel to schools for young villagers and travel further a-field for adults. Shoot on-site policies are in effect in areas where the SPDC does not have full control over a contested area. One such area is Toungoo District in northern Karen State. Despite the imposition of the policy, the value of successful cropping to low income rural villagers is a powerful inducement to ignore the movement restrictions in order that villagers may continue with cultivation. The defiance of those under oppressive military tactics in these areas at times results in injury or death, for example on 8 April 2008, Saw Kru Kra, a 35 year old man from Kler La was shot dead by SPDC soldiers operating around Kler La Town. His body was later found by villagers.[22]

Fines and Arbitrary Taxation

Due to the dilapidated state of the Burmese Army and the SPDC's inability to adequately compensate those who work for it, there are strong incentives to arrest and extort villagers who are found to be breaking curfews or travel restrictions. The benefits for SPDC soldiers of arrest and extortion over shooting villagers outright are clear; arrest and extortion leaves victims alive and therefore able to be extorted again at some point in the future. In an incident reported in early March 2008, a group of men from Pya Ka village in Toungoo District were arrested while they were out collecting firewood in the local area. The group was seen by SPDC troops however, and were arrested. The SPDC troops then confiscated all the firewood that the group had collected on their foray, making the villagers deliver the wood to a nearby army camp site. The villagers were then fined to the tune of 20,000 kyat per cart of firewood that they had found on the mountain.[23]

Movement restrictions can also result in arbitrary detentions as well as fines, such as those mentioned above. The implementation of the 'four cuts' policy, provides a convenient pretext for the SPDC to perform arbitrary arrests of those breaking curfews and movement restrictions, by accusing villagers of aiding non-state armed groups. It would appear from documented cases that often arrests are made merely with the aim of extorting cash or supplies from villagers. The fines imposed upon those caught in contravention of movement restrictions are often arbitrary, which strongly suggests that there is no official policy regarding the punishment of offenders. Furthermore, the SPDC has dealt with those collaborating with armed resistance groups extremely severely in the past. Cases of summary executions are not uncommon, which again suggests that fining those caught breaking curfews is incongruous with this stance, and that fines and detentions are merely a further technique to occasion extortion.

In some cases however, when the victims are not able to provide bribes to soldiers, they may indeed be arrested instead. It was reported in June 2008 that two villagers arbitrarily arrested while tilling their fields on 9 June 2007 were still languishing in prison. Maw Ywa Doh, 25, and Bpaw Lee Gka, 16 were accused by SPDC soldiers from IB #73 of supplying food to the Karen National Union and imprisoned for one year in the Toungoo Town prison, in Toungoo District.[24]

Southern Karen State

Unlike the situation in northern Karen State, the SPDC and the allied DKBA forces have been able to maintain a consolidated military presence in southern Karen State where the open plains represent a theatre of operations more suited to subduing the population that have fewer places to hide, in contrast to the difficult mountainous jungle regions of the north of the state. The long list of human rights violations including those of movement restrictions can be attributed to the pervasive presence of the military in the south of the state and their attempts to forcefully relocate villagers into controlled zones along roads and into areas next to military bases. As in the north, these restrictions are frequently enforced both as a measure to control the population by cutting off support to rebel factions and as a way of supplementing military incomes. In the Districts of Dooplaya and Pa'an in Karen State for example, it was reported in October 2008 that those working on relocation camps in Khaw Thoo Kee, Htee Per Wa, Paw Nya Ku Day, G'law Gaw and Paw Bu Lah Hta were facing restrictions on movement, meaning that they were unable to visit their fields for more than three days without receiving permission from the DKBA. The DKBA were able to financially profit from the imposition of the restrictions by imposing a fine of 10,000 kyat (US$ 10) on those wishing to stay at their fields for longer periods of time. It is clear that the payment of such fines would have been unavoidable at times, for negligence of the crops could well lead to a loss of livelihoods for low-income villagers.[25]

An un-named female villager, aged 40 from Kawkareik Township, in Dooplaya District, had the following to say regarding the situation in her area;

> *"My occupation is hill field farming, but at the moment we're not able to work on our hill fields because landmines have been planted along the path and around our village. Now in my village villagers are facing so many difficulties that I don't know how to describe it. Villagers haven't been allowed to go outside of the village since last month [April 2008]."* [26]

The source of the quotation was referring to the heavy restrictions that were put in place by the SPDC around Kawkareik Township in response to the activities of KNLA troops in the area. The report from July 2008 asserted that DKBA troops have accused those villagers living in the area of collusion with the KNU and KNLA and have implemented restrictions that have prohibited the residents from attending to hillside cultivation and hence attaining their livelihoods. To supplement the limitations on movement, the DKBA planted landmines around Noh Poe village and has continued to patrol the areas around the village, virtually eliminating all chance of villagers being able to get to their plantations.[27]

Mon State

The situation in Mon State differs markedly from that of Karen State in one major way, which is that the largest resistance group in Mon State signed a ceasefire with the junta in 1995. The Mon National Liberation Army (MNLA), which forms the armed wing of the New Mon State Party, no longer operates in an offensive capacity within the Mon State. Despite the signing of the ceasefire, there has been almost continuous low-level conflict since 1995. Several break away factions of the MNLA, disgruntled at the terms of the peace agreement, formed small bands of resistance fighters that continue with sporadic hit and run attacks on SPDC targets. Unfortunately for the civilians of Mon State, the presence and activity of groups such as the Monland Restoration Party (also known as the Hongswatoi Restoration Party) and the Chan Dein Group - led by Nai Chan Dein - provides a convenient excuse for SPDC forces to abrogate the conditions of the ceasefire, including territorial boundaries.

The turbulent security situation in southern Mon State has occasioned heavy restrictions in the movements of ethnic Mon, Karen and Tavoyan peoples as the Burmese army seeks to bring rebel forces under its control. Unfortunately, many in areas such as southern Ye Township are handicapped by the restrictions imposed on them by the Burmese army. The official travel restrictions create wide ranging deleterious effects for villagers who are heavily reliant upon the agriculture and fishing industries in generating their daily incomes and in turn supporting their families. According to interviews conducted in November 2008 by HURFOM, residents from the Kabya-Gyi and Kabya-Wa Villages claimed that they had been prevented by the local Burmese Commander from going to their farms and plantations, as well as from conducting their normal fishing activities. The two villages, which rely extensively on Betel nut production and fishing to provide their meagre incomes, were unable to continue to support their families. A 58 year old resident of Kabya-Gyi Village, Nan Yai had the following to say regarding the travel restrictions;

> *"The Burmese Commander ordered to every villager not go to farms or plantations that are surrounding our villages. This order also affected fishermen in Kabya-Wa village. So that even in the harvest time, like previous months, we could not collect our betel nut and rice. We totally rely on income from betel-nuts plantation. Because of the restriction order from the battalion, we lost all of our families' income. No one dared to go to their work places because if the army found them, they would be killed."* [28]

Travel Permits

The travel restrictions documented reveal that not only is travel to work limited and controlled by the army but also travel on main roads, travel to densely populated regions and travel to other villages upon which occasion, permission must be granted by local authorities. As in Karen State, the activity of resistance groups in Mon State provides enough justification for the SPDC to impose travel restrictions. However, the fact that these restrictions can be avoided for the right price suggests that they may well be in place as much to make money as to limit contact with rebel groups. On 28 October 2008 former residents of Khabya-Wa and Magyi villages, both in Khaw Zar Sub-Township, related to exile media group *Independent Mon News Agency* how travel restrictions were impinging on daily life within Mon State. In Khabya-Wa residents were obliged to notify the army of any trips to nearby villages and state the journey's duration and purpose. In Magyi, meanwhile the former residents told of having to purchase permission to get to crops and plantations, as well as to visit other villages, which would incur a cost of 1,000 kyat per day. If residents wished to host guests in their homes they were obliged to pay as much as 3,000 kyat for this privilege.[29] In this way the Burmese army and local authorities can extort a daily rent from civilians. The civilians are left with little choice, as without purchasing these documents, they are unable to continue tending farms and crops etc. Failure to respect the need for travel documents brings can result in dire consequences ranging from arrest and interrogation to being shot on-sight

It was reported on 16 June 2008 that in Ko-Mile village in Ye Township, southern Mon State, orders were issued by Infantry Battalion (IB) #299 that people from Ko-Mile and Marn-Ong were no longer allowed to leave the village in order to go to work. However, some villagers claim that this was simply a way in which to extract money from the villagers in return for travel permits authorising holders to leave the villages to continue work on plantations and crops. The assertion was supported by a statement from an employee of a computer shop in the area, who related that army personnel had hundreds of permits printed out in anticipation of demand for the documents.[30]

In order to escape this type of exploitation by the Burmese Army, many are forced to consider the idea of moving from the area altogether, however, a concurrent type of movement restriction is that of purchasing permission for families to relocate. The price for this type of permission is relatively high. Permission to leave Khaw Zar or Yebyu Townships for example costs around 30,000 baht which must be paid to Infantry Battalions (IB) #273 and #282 in Yebyu. The report did not specify who the payments are made to in Khaw Zar, though IB #31 is said to control this region.[31] Those wishing to move to Kabya-Wa in Khaw Zar Sub-Township were said to require 30,000 kyat in order to secure permission. This may prevent many families from affording to move away from areas where they are extorted and prevented from going to work.

Exploitation at the hands of the military is simply too oppressive for some villagers to continue trying to make their living off the land under such circumstances. Due to the excessive demands of the military, many people from Mon State have fled from the areas mentioned above. According to testimonies collected in late 2008, the size of Amae Village in Yebyu Township has roughly halved in the last four years due to residents being driven away by the military's demands for money and labour.[32]

Arrest and Detention

Despite heavy travel restrictions on villagers in conflict areas, the economic incentives to maintain livelihoods and provide for families is sometimes too strong, forcing those under the limitations to break curfews and also travel without documentation. The worst case scenario for such villagers is to be shot on-sight; however, in less extreme cases they may also face detention and interrogation, especially in areas where rebel groups have recently been active. It was reported on 20 March 2008 that SPDC and Democratic Buddhist army (DKBA) soldiers in Thaton District, Mon State were routinely detaining villagers who travelled near their camps in order to extract information regarding the movements of KNLA troops in the area, and that due to this threat many villagers had ceased travelling to pursue their agricultural livelihoods.[33]

Restrictions on Villagers in Border Conflict Areas - Partial list of incidents for 2008

Arakan State

On 8 December 2008, 108 Arakanese people were arrested in Rangoon's Thilawa harbour. Initially the detainees were held at Nawarat housing estate in Aungchantha ward, Thanlyin, before being transferred to Insein prison. The group which included several Muslim members had reportedly paid around 60,000 kyat to brokers who had promised them passage and employment on arrival. The group had planned to travel to Thailand by sea; however inclement weather took the vessel off course. The group members were without national ID cards and were arrested, despite carrying the white ID cards which were issued before the constitutional referendum in May. The group was set to be prosecuted under the Immigration Act by the Thanlyin Township immigration office. The boat owner and the brokers who had arranged the trip were not arrested. A Taungup resident claimed that *"Agents and immigration people in Sittwe, Kyaukpyu, Buthidaung, Maungdaw areas cooperate and 'carry' people,"* and that these parties were interested in making money from Muslims who face strict travel restrictions inside Arakan state.[34] The resident claimed that apart from the 108 people arrested on 8 December 2008, there were a further 100 or so already in Thandwe jail on similar charges.

Chin State

On 8 February 2008 it was reported that military authorities imposed a tax and restrictions upon farmers in Matupi and Falam Townships in Chin State creating further hardship for already poor communities whose sole survival depended on slash and burn cultivation. The order was issued by Colonel Zaw Myint Oo, Commander of Tactical II Command based in Matupi Township and came into effect in November 2007.[35]

On 15 August 2008 it was reported that authorities from the police and immigration Departments were overcharging travellers at the Kyutongpin checkpoint. The checkpoint is on the road between Falam Township in Chin State, in northwestern Burma and Kalay Town in Sagaing Division. The checkpoint is approximately eight kilometres from Kalay Town. According to sources, those carrying recommendation letters from authorities were being charged 2,000 kyat, while those lacking the correct papers were being charged 5,000 kyat. The prices charged by the authorities have risen sharply in recent times. Earlier those caught travelling without the requisite papers were only being charged between 1,000 and 2,000 kyat. The report stated that these increases were having a large effect on travel in the area as the checkpoint sees heavy traffic with at least 150 vehicles passing through it everyday, including vehicles travelling to Rih, Kalay and Falam Towns. An unnamed trader from Falam Town estimated that around 20

percent of those travelling the road to Kalay from inside Chin State do so without possession of the required documents as the fee charged in order to obtain national identification cards is far too high. Although there is a policy in place which sets the price for the identification cards at 3,000 kyat, locals from Chin State claim that immigration officials can charge anything between 15,000 to 20,000 kyat to obtain the document.[36]

Karen State

On 11 March 2008, troops from DKBA Battalion #907 captured and killed Pa Oo Bpee, 40, a villager from Ta Waw Thaw village in eastern Dooplaya District. The villager had been visiting Thailand to buy livestock and was returning when he was captured by troops who later killed him. The report did not specify the manner in which he was killed however. The soldiers commanded by Mee Nyaw Thu, accused the man of being involved with the KNU.[37]

13 April 2008, troops from the military's LIB #363, under MOC #10, laid landmines around villages that they had burned down previously in an attempt to prevent villagers from returning to the area. The burned villagers were Ler Ker Der Koh, Thu Ka Der, and Ku Thay Der villages, all of which lie in Toungoo District.[38]

Kachin State

It was reported on 22 September 2008 that Northern Command (Kachin State) Commander Major-General Soe Win imposed a curfew of 10pm on the citizens of Myitkyina Town, the capital of Kachin State, on the 20th anniversary of the formation of the State Law and Order Restoration Council in Burma. The curfew was placed on the town in response to an anti-regime poster campaign by student activists. Those found breaking the curfew were arrested and fined, at times even before the 10pm deadline, including some trishaw drivers. The drivers were picked up before 10pm and were fined 10,000 kyat (roughly 8 US dollars). Those arrested were threatened with prison if they were unable to pay the fine. The report also claimed that the Military Affairs Security Unit (SaYaPha) had posted a reward of 100,000 kyat (roughly US$ 84) for any precise information leading to the arrests of those responsible for putting up the posters around the city.[39]

Mon State

It was report on 20 November 2008 that during a military operation in March 2008, BA troops had summarily executed a villager in Mon State. An eye-witness, Nai Chain, a villager from Amae village in Yebyu Township related how Nai Ha-Pwe-Dut, 50, also from Amae village, was detained by patrolling troops from the LIB #273. The troops led by Colonel Myint were on a patrol in the area of Cha-Pone and Mae-San-Taung villages, when they came across Nai Ha-Pwe-Dut. The villager was detained and questioned in relation to rebel activity in the area but was unable to answer, as he spoke only limited Burmese. He was then beaten with rifle butts and afterwards shot dead, according to the witness.[40]

Shan State

It was reported on 5 November 2008 that authorities in Taunggyi Town, the capital city of Shan state, had increased security around the time of Thasaungdine, which is *"a Buddhist festival where devotees collectively offer special gifts and offerings to monks."* [41] Police and soldiers checked bags and identification cards of those coming to attend the festival following several bombings around the country which raised concerns about crowd safety.[42]

14.3 Restrictions on the Movement of the Rohingya

Article 26 of the International Covenant on Civil and Political Rights states that,

> *"All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."* [43]

Unfortunately the covenant has done very little in the way of protecting the rights of Burma's Rohingya population previously and there was little improvement over the course of 2008. The ethnic Muslim minority of Arakan State continued to face a litany of human rights abuses throughout the year, including, but not limited to, severe restrictions on movement. A core problem for the Rohingya people continues to be the lack of recognition by the Burmese authorities in relation to citizenship. The lack of access to full citizenship rights for the Rohingya has continued to have a dire effect on the lives of this impoverished minority. Chapter II of the Burma Citizenship Law, which came into effect as of 1982, precludes any legal claim by Rohingya people to citizenship rights.[44] The lack of recognition of the Rohingya as one of the 135 officially recognised national races of Burma means that the Rohingya are only recognised as 'temporary residents'. This is despite being recognised as legal citizens by previous governments, such as that of U Nu.[45] Indeed, the first president of Burma, Sao Shwe Theik, an ethnic Shan, stated;

> *"Muslims of Arakan certainly belong to one of the indigenous races of Burma. In fact, there is no pure indigenous race in Burma, if they do not belong to indigenous races of Burma, we also cannot be taken as indigenous races of Burma."* [46]

The status of 'temporary resident' means that only 'Temporary Resident Certificates' can be issued to Rohingya people (at a cost of around 2,500 kyat), thereby severely limiting their ability to travel.[47] The barriers to citizenship faced by the Rohingya, in combination with religious discrimination against those of the Islamic faith, force the Rohingya into situations of flight in which they face further rights violations closely associated to the imposition of travel restrictions.

According to the US Department of State (US DoS), a wide range of crippling movement restrictions was forced upon Muslim Rohingyas in Buthidaung, Kyauktaw, Maungdaw, and Rathidaung Townships of Arakan State. It is in these townships opposite neighbouring Bangladesh where the majority of the Rohingya reside in Burma. These travel restrictions have far-reaching consequences on the Rohingya's access to legal, economic and social rights in Burma. For example, such travel restrictions dictate that young Rohingyas are prevented from studying at schools and universities located in other states.[48] This discrimination results in Rohingya youth being denied a number of their rights to education. Inability to access higher education puts the Rohingya at a further social disadvantage and plays a significant role in preventing the ethnic group as a whole from being able to develop or service their own communities.[49] This example serves to illustrate the seriousness of movement restrictions as a human rights abuse in two ways. Firstly, it shows the interconnected nature of the effects of human rights abuses. Secondly, it illustrates the manner in which rights abuses impact individuals and communities in the short term, and perhaps more importantly, it shows the manner in which they affect those same groups in the longer term as well.

Human rights violations against the Rohingya in Arakan State are well documented and include instances of sexual violence, forced labour, arbitrary arrest, torture, summary and extra-judicial killings and religious discrimination, among other abuses.[50] The population is also closely monitored by agents of the Burmese military regime in Arakan State. Every year, and sometimes biannually, the Burmese border security forces (NaSaKa) document the numbers of Rohingya in Arakan State by photographing families as part of a population registration process. The business of documentation serves a dual purpose; authorities are able to track the movement of Rohingya people, and they are also able to extract money from families whose members are not present when the photographs are taken, or population registrations are scheduled to take place. It was reported that since 12 June 2008, NaSaKa personnel from camp No 21, in NaSaKa Area No 9 had been recording the names of family members and taking photographs of those present in Dabruchaung and Sarakkuni villages in Buthidaung, Arakan state. Two associated payments were part of the process. Firstly, families were forced to pay 5,000 kyat for any members missing during the photographing sessions. Secondly, if families wanted a person struck from the family list, the head of the said family could choose to make a payment of 5,000 kyat.[51] Families may wish to have a member struck off the list for a variety of reasons. If the person has moved to another location in search of work for example, or if the family member has passed away, having that person struck off the list means avoiding another 5,000 kyat fine in the next round of population registrations.

In response to their harsh treatment at the hands of the authorities, many Rohingya make the difficult choice of trying to escape across the border into neighbouring Bangladesh. It is this movement of the Rohingya that places them at great risk of rights violations by the NaSaKa who patrol the border between the two countries. Rohingya travellers are often detained by the NaSaKa and held on spurious charges, beaten in custody, extorted for large sums of money and accused of involvement in human trafficking. An unnamed official, who had previously deserted from the NaSaKa, had the following to say about his time working on the Burma-Bangladesh border:

> *"Throughout my life in the Na Sa Ka [Sic}, I was used to this system of arresting Muslims, asking for money, torturing them, every day. We only arrested Muslims, not Rakhines, [Arakanese]."* [52]

Assertions such as the one above are supported by Rohingya civilians who are subject to frequent harassment and restrictions on their movement. According to one source,

> "*The authorities pick on any one [Sic] in the Rohingya community they wish to, with allegations such as possessing a mobile phone, border crossing, involvement in drug business, human trafficking, involvement in illegal business and money laundering among others*." [53]

The trader from Maungdaw Township, Arakan State, who provided this comment, was responding to a story about a young student who was summoned to NaSaKa Area No 4 for questioning. On 11 October 2008, NaSaKa personnel summoned Shajalal, a student from Kyauk Chaung village in Maungdaw Township and accused him of having engaged in political activity.[54] For a person from the Rohingya ethnic minority, an encounter with the authorities such as the one described above is enough to force them into hiding for fear of further harassment from the regime's border patrol forces. The NaSaKa keep close surveillance on the activities of the Rohingya people and they are especially diligent when it comes to Rohingya people becoming involved in any political activity, which could be seen as a challenge to state authority.

The treatment meted out to Rohingya who are alleged to have breached domestic laws by the NaSaKa is often brutal in informal situations and disproportionately harsh when matters end up in court. Sayed Amin, 20, from Kyauk Pundhu Village of Maungdaw Township, was arrested by local Village Peace and Development Council (VPDC) Chairman Fazul Islam. The VPDC official handed Amin over to NaSaKa personnel from Inn Din Village under an allegation of illegal border crossing. He was taken before the courts on 13 June 2008 after being in custody for four days. He was subsequently sentenced to five and a half years in prison and sent to Buthidaung jail.[55]

Faced with the ailing state of the Burmese economy and a dearth of social rights in Arakan State, many Rohingya choose to flee across the border to Bangladesh. A lack of both social and economic rights (for example, limited access to education), deprives the Rohingya people of economic security. The denial of the right to travel in search of improved living conditions elsewhere in Burma, means many Rohingya see the choice to flee as one fuelled by the expectation of better opportunities, and subsequently a higher quality of life, in Bangladesh. The flow of illegal migration out of Arakan State is driven by various factors. On the Burmese side of the border, a lack of social rights provides a compelling reason to flee, while across the border in Bangladesh, the perceived opportunity for economic advancement provides a complementary impetus. The flow of illegal migration however, results in an international refugee situation that places the Rohingya people in a position of great vulnerability. The journey to Bangladesh, which many people choose to do by boat, is dangerous and difficult. Despite the dangers evidenced by annual drownings however, the natural frontier constituted by the Naff River has traditionally not been enough to deter those desperate to flee, at times on un-seaworthy craft.

On 19 June 2008, a small rowboat taking a group of Rohingya from Burma to Bangladesh sunk in inclement conditions. Although a passing vessel managed to rescue most of the passengers, one 12-year-old boy, Magu was never found. It was claimed that the boat people were attempting to get to Bangladesh to visit relatives who were living there in one of the refugee camps. The report also makes mention of the fact that there are groups which operate on the shores of the Naff River making a business out of taking people illegally to either side of the river for a fee. The fact that Rohingya are forced to deal with human traffickers, who employ unregulated and clearly dangerous practices such as overloading boats, reveals the lengths to which they will go to escape from the persecution that they face in Burma.[56]

The Naff River also presents dangers for Rohingya refugees who are forced to leave camps on the Bangladeshi side of the river in search of manual day labour. Mohammed Sayed, 25, from Block F, Leda Tal refugee camp, drowned on 8 August 2008 after returning from day labouring on Zaliadia Island. The boat that he was travelling on capsized due to overcrowding. Nine other refugees were able to swim to safety, but Mohammed Sayed did not know how to swim and perished. (Note: There is some confusion over the exact residence of the drowned man Mohammed Sayed. Although the report specifically mentions Block F in *"Leda Tal"* camp, other media reports have made mention of two separate camps, namely Leda and Tal. The report fails to note this distinction)[57]

For those who risk the trip to Bangladesh, their troubles are not over; 2008 saw the return of refugees who were caught in certain border areas of Bangladesh. On 28 June 2008, for example, four Rohingyas were forcibly returned to Burma through the Shapuri Dip checkpoint of Teknaf Union after they were apprehended by the Bangladeshi border security forces, the Bangladesh Rifles (BDR). The group had attempted to sneak across the border by boat. It was unclear at the time of the report what the group were doing in Bangladesh. This incident followed the repatriation of 21 Rohingya four days earlier on June 24 2008.[58]

Restrictions on the Movement of the Rohingya - Partial list of incidents for 2008

On 23 January 2008, police arrested Goffar, from Myo Thu Gyi village in Maungdaw Township, who as accused of being involved in political activities. Maungdaw police and military intelligence (SaRaPa) extorted one million kyat as payment to release him.[59]

On 6 February 2008, it was reported that as many as 80 Rohingya had been arrested by NaSaKa personnel and held in a detention centre in Burma's border security forces area No 5 in Maungdaw Town, Arakan State. The detainees were charged with a range of offences including use and ownership of Bangladeshi mobile phones, Illegal border crossing and human trafficking. A teacher from Ngakura village claimed that the charges were false and also said that this was why the detainees had not been turned over to the police. Two detainees, Fayaszul Islam 40, and Maadu Islam, 35, both from Auk Pyoma village, whose relatives were able to pay fines of two million kyat per detainee, were released. The majority of the detainees however, were not able to meet the NaSaKa demands for cash and thus remained incarcerated at the time of the original report.[60]

On 12 February 2008, Mostafa Kamal 22, from Bawli Bazaar in Maungdaw Township was arrested by Bawli Bazaar police. The police officers alleged that he had travelled illegally to Bangladesh, even though he had records from the guesthouse in Maungdaw Town, proving that he hadn't in fact travelled to Bangladesh at all. Despite the evidence proving his innocence, police officer San Min made Mostafa Kamal pay 50,000 kyat in order to secure his release.[61]

On 26 March 2008, police arrested 21 year old Idris from Krat Chaung village in Loun Don village tract, Maungdaw Township, Arakan State. Police alleged that he had travelled to Bangladesh after taking the man from his house around 8.30 am and taking him to their camp. He was held at the police camp and tortured and was still in custody at the time of the report.[62]

On 20 July 2008 Shomjeda Begum, 24, was arrested by NaSaKa security forces from Aung Mangala Nasaka camp and held for two days in the NaSaKa camp in Maungdaw Township, Arakan State, for two days. NaSaKa officials initially demanded a bribe of 500,000 kyat in order to secure the release of the victim, however they eventually accepted a sum of 300,000 kyat, with the remaining 200,000 kyat to be paid by her father at a later date. The reason given for the arrest of the victim was that she had been living at her parents abode without informing the relevant authorities of Maungdaw Township.[63]

On 23 August 2008, NaSaKa personnel arrested seven Rohingya youths who were suspected of political activities. Following the initial arrest and torture of one of the youths, Redowan, 18 from Ramiya Khali village of Maungdaw Township, Arakan State, a confession was extracted which implicated the other six youths who were later detained. Sources maintained that the individuals were not involved in any political activity and that the accusations levelled at them were false. The names of the six youths and one adult were as follows:

1. Redowan, 18, from Ramiya Khali village of Maungdaw Township;
2. Jaber, 16, from Ramiya Khali village of Maungdaw Township;
3. Mubarak, 17, from Ramiya Khali village of Maungdaw Township;
4. Fotiqua, 15, from Ramiya Khali village of Maungdaw Township;
5. Nurul Nezam, 16, from Ramiya Khali village of Maungdaw Township;
6. Abdullah, 17, from Ramiya Khali village of Maungdaw Township; and
7. Moulvi Shamshu Alam, 35, from Medi village of Kun Thee Bin village tract [64]

On 26 August 2008, the NaSaKa commander of border security forces camp No 18 of Nasaka area No 8, stationed in Maungdaw, Arakan State, seized a car and its load of provisions from a group of Rohingya civilians from Inn Din village, including mosque committee members, as they were travelling back to their village with food for the Ramadan period. The load of food was reportedly valued at 3.5 million kyat. The money had been collected from members of the Inn Din village and was to be distributed among the poorer members of the village as they went to pray at the mosque to break their fast. (While the report uses the term 'car', the vehicle seized was most likely a truck, given the large value of the goods confiscated.) [65]

It was reported on 26 August 2008 that 12 people including, Salim Ullah (aka U Than Htun), the chairman of the district branch of the Myanmar Muslim Organisation (MMO) were arrested by Maungdaw police while attending a meeting of the organisation at an MMO District level office. Even though the organisation is legal, the District office is not registered and police broke up the meeting, arresting the men on charges of planning insurgency operations against the regime. Later on 28 August 2008 two of the MMO members were acquitted of charges of holding a meeting in an unregistered office. The acquitted were Dr Kamal, alias Dr Hla Myint, son of Mohammad Sayed of Ward No 4 of Maungdaw, and Dr Zahir, alias Dr Zaw Nyint.[66]

A small detachment of KNLA soldiers, shown here in March 2008, as they escorted a group of IDPs (just out of frame) to safety through parts of Toungoo District, Karen State that were heavily patrolled by SPDC army soldiers. Quite often, the only way for displaced communities to safely travel through these areas is with an armed escort who can protect them should they encounter an SPDC army patrol. *[Photo: © KHRG]*

14.4 Restrictions on Travel and Migration

As with the year previously, 2008 saw strict limitations and conditions placed upon both domestic and international travel, within and from Burma respectively. The harshest restrictions were those applied in the ethnic rural areas of the country that experienced armed conflict, however, in other areas of the country there were also restrictions in place. Although those inhibitions on movement were of a less severe nature than those in areas of conflict, they proved similarly debilitating in the manner in which they restricted freedom of movement and trade, access to education and a raft of other rights that are granted by the constitution. The border regions close to crossing points were typical areas which experienced movement restrictions in the form of arbitrarily taxed checkpoints controlled by a range of actors, from the SPDC to non-state armed groups. Limitations on domestic travel were made starkly apparent following tropical cyclone Nargis when domestic and private aid donors were prevented from travelling to deliver much needed aid to the Irrawaddy Delta region. Nargis also served to increase already stringent controls over foreign diplomats, aid workers and foreign journalists entering the country to observe and provide assistance during the regime's far from ideal handling of the crisis.

Restrictions on Domestic Travel

The SPDC introduced a new type of domestic travel restriction for many Burmese civilians in July 2008. Government officials announced that all motorcycles across the country would need to be registered between the dates of 1 July and 31 October 2008.[67] Burma is home to around half a million unregistered motorcycles according to the Burmese Customs Department. Estimates of the cost of the new registrations ranged from 75,000 to 450,000 kyat, depending on the type of motorbike registered.

Even though the process left the vehicles legalised, the registered owners were not able to purchase fuel from government pumps and owners also faced restrictions on travel. The restrictions limited travel to the states and divisions in which the motorcycles were registered.[68]

In line with the move to have motorcycles registered throughout Burma, the military authorities also began selling licences to motorcycle users. In a move seen by many to be a revenue raising scheme by authorities, motorcycle licenses were made available over a four month period from July to the end of October 2008. The time frame roughly coincided with the period announced at a similar time for motorcycles to be registered. (Although the scheme was intended for the general public, in Rangoon and Napyidaw only central government officials, police and military intelligence personnel were issued with the licenses. It is not clear why this was done). The prices in central Burma in towns such as Taunggyi and Mandalay were set around 400-500,000 kyat (US $340-425), while those in outlying and border areas such as Tachileik on the Thai-Burma border were lower at around 300,000 kyat (US $255).[69]

In addition to the price of the licenses, customers going to purchase licenses for their vehicles reported being asked to make a 'contribution' to cyclone relief efforts. Based on the amount of graft associated with other areas of the relief effort, it would be reasonable to assume that at least a part of these donations would never have made it to the victims of the cyclone. (For more information about corruption and the relief effort, see Chapter 10, Cyclone Nargis: From natural disaster to human tragedy). The cost of the licences, combined with what appeared to be unofficial 'donations' to the relief effort, in an impoverished country represented a prohibitively expensive outlay for large parts of the population. As many civilians in both rural and urban areas rely heavily on motorcycles for

transportation to and from their occupations, this imposition had serious implications. Those individuals who use motorcycles to maintain their livelihoods were obliged to continue using them, even if they were unable to purchase legal licenses. These people then ran the risk of being fined if they were apprehended by the authorities. This was particularly the case for those who were engaged in interstate and even international trade.

Local sources close the Township Land Transportation Department (TLTD) in Moulmein suggested that there was also an element of corruption involved in the processing of licenses. It was reported in August 2008 that the TLTD was processing licenses at the rate of roughly 10,000 per month as of July and that the process could be expedited in return for bribes to TLTD office officials, resulting in an overnight granting of licenses.[70]

The life span of the licenses issued in 2008 was a mere 2-3 years. In 2004 when the junta offered similar licenses, thousands of motorcycles (and cars) were seized from civilians who were unlicensed. These vehicles were subsequently distributed to senior army figures and departmental officers.[71] Thus the move in 2008 raises the question of whether or not it was undertaken merely as a revenue raising exercise.

As with many of Burma's rights violations throughout the year, the implementation of domestic travel restrictions and their severity was tied closely to political events. Increases in travel restrictions were recorded as several important anniversaries loomed in the second half of 2008, including those of the 88' uprising and the 2007 Saffron revolution. Monks were particularly targeted at these times due to the involvement of the Sangha in leading the peaceful demonstrations of late 2007. (For more information see this chapter, 14.6 Restrictions on the movement of Monks)

At similar times, political opposition groups, activists and civil society organisations also came under intense scrutiny from the regime's security, police and proxy social organisations (such as the USDA) in an attempt to neutralise and control political activity in the lead up to important anniversaries. The effect of the paranoia in the SPDC's handling of the situation surrounding the anniversaries had some spill over effects into the broader community. The regime's mistrust of the NLD and its leader Aung San Suu Kyi was evidenced in June when bus drivers had their licenses suspended by authorities. Bus drivers had decided to suspend their services due to the condition of the roads; however the date that they chose happened to coincide with the birthday of Aung San Suu Kyi. As a reprisal authorities confiscated the licenses of the drivers indefinitely, thereby affecting their ability to earn a living, but also hampering the movement of ordinary civilians wishing to travel the routes which the former drivers used to cover, from Rangoon to Twante.[72]

Residents in Mon state reported heavy increases in security and checkpoints through the month of August in the lead up to the September 2007 uprising anniversary. The bus route to Rangoon from Moulmein saw the opening of three new checkpoints with residents being asked to provide both identification cards (ID) and details of their origin, destination, reason for travel and duration of their stay. Monks were especially targeted and required to provide the ID cards assigned by the Sangha Mahanayaka Committee (a government-organised monks' organization).[73]

Restrictions on Cyclone Nargis Survivors

Many elements of the regime's disaster relief operation following Nargis gave cause for concern. This was in large part due to the junta's apparent lack of concern for the survivors, as well as the draconian treatment of those individuals that were actually able to make it to relief centres and shelters that had been eventually erected, as well as the public infrastructure that had been momentarily appropriated to house and care for survivors.

Those lucky enough to have survived the impact of the cyclone in the outlying areas of the Irrawaddy Delta could have been forgiven for thinking that they may receive some sort of government assistance in the aftermath of the storm. This proved to be an erroneous assumption for many, with some areas of the hardest hit regions not receiving government assistance for a full month after the disaster. As such, it was hardly surprising that some people decided to flee the areas of destruction in remote parts of the delta in order to seek a minimum standard of security and safety. The response of the regime to such behaviour was to have survivors arrested, as was the case for 65 individuals from Bogale Township, who attempted to flee the area on 24 May 2008, approximately three weeks after the cyclone ravaged their region. According to the Network for Democracy and Development (NDD), the group had been planning to head for the relative safety of refugee camps in Thailand. The vessel they were on was intercepted however, by Burmese navy ship No 517 on 2 June 2008 near Zardatgyi Island, west of Kawthaung Town in Tenasserim Division. The 65 people aboard the boat who were arrested had lost all their possessions and residences when the cyclone hit their town on 2-3 May 2008.[74]

Strict conditions in government supplied relief and refugee camps, located in the urban centres such as Myaungmya, for example, meant that those who managed to escape the destroyed delta region were only marginally better off than other survivors. Many survivors made their way to these locations hoping for a modicum of help from the regime, only to be met with draconian movement restrictions that kept them virtually hostage in shelters. In the town of Myaungmya close to the completely destroyed Labutta Township, around 3,600 survivors were reported to have been kept in six separate shelters that had been fashioned from high schools in the town. Restrictions on the survivors meant that no-one was allowed out of the shelter and no visitors were allowed in unless they could *"prove a legitimate interest"* in seeing one of the survivors registered on the list of residents.[75] If this was proven, then the visitors were allowed to speak to the inhabitant, however the inhabitants were forced to wear an identification number at all times. The report also claimed that occupants were not even allowed out in order to search for missing relatives.[76] (For more information regarding abuses associated with the relief effort see Chapter 10: Cyclone Nargis: From natural disaster to human catastrophe)

Restrictions on International Travel

International travel remained beyond the economic means of most Burmese people in 2008. The price of a Burmese passport meant that for the majority of the population, obtaining the most essential item required for international travel was simply not economically viable. Nevertheless, there continued to be a high outflow of illegal migration through the porous Thai border as well as the Indian and Bangladeshi borders. Illegal immigration into Thailand was fuelled by the continuing armed conflict and associated human rights abuses along Burma's eastern borders. Human rights abuses in Arakan State, primarily against the ethnic Rohingya minority, continued to play a role in the exodus of the Rohingya into both India and to a greater extent into Bangladesh. It is reasonable to assume that the economic deterioration within Burma also played a significant factor in forcing many to flee Burma in 2008 in the hope of greater economic opportunities abroad. Reports from 2008 suggested for example, that of the 298,847 Burmese nationals who had entered Thailand via the Friendship Bridge in Mae Sot, Tak Province on one-day border passes in the first six months of the year 86,517 had not returned to Burma.[77]

There were three documents required by a Burmese national to leave the country as of March 2008, these being a passport from the Ministry of Home Affairs, a revenue clearance from the Ministry of Finance and Revenue, and a departure form from the Ministry of Immigration and Population.[78] A Burmese passport from the Ministry of Home Affairs costs in vicinity of 3-4000 baht and in addition to the expensive fee attached to obtaining the document; there are also associated fees necessary to pay bribes and to have the process expedited to avoid long waiting times.[79] The US Department of State estimated that bribes for the expedition of visas for travel cost the average applicant around US$230 (300,000 kyat), which would be *"approximately equivalent to the average annual salary of a skilled worker."* [80] Despite the high costs associated with obtaining a passport, as of October 2008, the Burmese passport office, located in Pansodan St in central Rangoon, was processing between 8-10,000 passports per month, with an average waiting time of around 40 days.[81]

The high numbers of people applying for passports were reflective of the dire economic conditions within the country. In spite of the high numbers of applicants for passports, the majority of those who left the country throughout the year were not able to do so in a legal fashion. The restrictions on travel represented by exorbitant costs of obtaining passports, combined with the need to earn money regardless of that restriction, forced many into illegal migration throughout the year. The need to find employment at any cost also drove prospective immigrants into the clutches of unscrupulous human traffickers. Smuggling lead to the deaths of many seeking to escape Burma's crushing poverty in 2008. This was tragically illustrated in April 2008 when 54 illegal Burmese immigrants suffocated to death in the back of cold storage truck in Thailand's south. The truck was transporting 121 Burmese from Ranong to the island of Phuket off Thailand's south west coast. The group, held in a container of just 6 metres by 2 metres ran out of oxygen resulting in 54 deaths and twenty one hospitalisations. This was also illustrative of two other facts related to smuggling. Firstly, the consideration of expense; the individuals concerned had each paid around 5,000 baht (US $157) to smugglers, indicating the level of desperation that poor Burmese will go to find work. Secondly, the danger involved; all surviving members of the container were arrested by Thai authorities, illustrating that even if Burmese labourers get to Thailand, their security is still not assured. (For more information regarding see Chapter 21: The Situation of Migrant Workers)

The fact that many Burmese are prepared to take risks such as those mentioned above also places them in a perilous situation should circumstances change and they are forced for whatever reason to return to Burma. Domestic law regulating migration into Burma stipulates that those entering the country require passports. The Burma Passport Act (2) states the following;

> *"Without prejudice to the generality of the foregoing power such rule may – (a) prohibit the entry into the Union of Burma or any part thereof of any person who has not in his possession a passport issued to him"* [82]

Secondly, the Burma Immigration (Emergency Provisions Act) (2) states that;

> *"No citizen of the Union of Burma shall enter the Union without a valid Union of Burma Passport; or a certificate in lieu thereof, issued by competent authority"* [83]

These regulations mean that anyone who has left the country without a passport and is caught returning can be imprisoned for up to 5 years.

For those with the financial means to obtain a passport, there was still the hurdle of acquiring the visas necessary for international travel. The visa process had become more difficult by mid-2008, adding an additional restriction on movement across international borders. A report from 15 July 2008 quoted a recent Burmese applicant for a Thai visa in Rangoon who suggested that the numbers of those applying for visas had dropped significantly due to increased fees for obtaining visas. Previously, applicants were required to receive a revenue clearance from the Ministry of Finance and Revenue by showing that they were in possession of roughly US $600, whereas by July, that figured had almost tripled for a Thai Tourist visa to US $1,525.[84] On top of proving solvency, applicants were obliged to submit information about all possessions including residences, cars and mobile phones. Other recent applicants made mention of the fact there were long delays in the processing of visas in the aftermath of cyclone Nargis, however it remained unclear at the time of the report as to possible reasons explaining these new delays.[85]

14.5 Population Registration

The process of registering the population has been a common theme of past years inside Burma as a way for the SPDC to monitor the population and to keep track of any elements of society deemed to be a possible threat to regime authority. Population registration has also proven to be a way in which the regime can discriminate against ethnic minority groups and to extort money from those who have been unable to attain identification or travel documents. Although these practices continued through 2008, there were two new focuses to the process of population registration in 2008 that distinguished the year from those prior to it. The first half of the year, up until early May, was dominated by registrations that were connected to the May 10 referendum which was held to 'vote' on the new constitution. The registrations occurring in the latter half of the year were undertaken seemingly in an effort to monitor and prepare the populace for the upcoming 2010 election.

The effort to register the population in the rural ethnic regions in the lead up to the May referendum was dubious in its lack of transparency and appeared to be a thinly veiled attempt to allow the maximum number of names to be used in the referendum, a process that would eventually sanction the new constitution drafted by the military. An illuminating example was the process that unfolded in January in northern Karen State, where the SPDC officials engaged in coercion, threats and subterfuge in the registering of the Karen populations of the Dooplaya and Pa'an Districts. As early as the beginning of January officials had summoned headmen of the villages in these districts to inform them that everybody needed to participate in the referendum on 10 May 2008 or the headmen would be punished. In a report released by Karen Human Rights Group in late April, an unnamed 37 year old man from a village in Pa'an related what took place in early January 2008 in his village;

> *"On January 7th they [local SPDC authorities] announced that an election (referendum) would be held. They had given the order to the village head and the village head informed the villagers that they would have to be involved in the election and that nobody would be allowed to travel [during the time of the referendum]. All the villagers must give their time to participate in it [the referendum]. If the villagers don't give their time to participate in it, the village head will face problems."* [86]

Officials notified village leaders that temporary identification cards would be given to those without identification (that would have no other use other than to allow voting in the referendum) however, those same officials, as of the end of April, had provided no details as to the content of the constitution, nor the date when the referendum, or the subsequent election would be held.[87] The cynicism with which temporary identification cards were delivered to those who were previously not eligible for them, along with the concurrent threats of punishment for those who dared to go against the SPDC's wishes merely served to strengthen arguments asserting that the entire referendum lacked transparency, accuracy and was geared from the beginning to achieve a specific outcome. Support for this argument in the case of the registrations in Pa'an and Dooplaya came in the form of the fingerprinting of villagers as part of the registration process. In some cases, officials simply took registration information, along with finger prints but did not produce any of the promised identification cards.[88]

In light of subsequent reports of the referendum voting process, with multiple recorded instances of graft and fake 'yes' votes being cast by regime officials on behalf of unsuspecting civilians, it would be reasonable to assume that this is what was done with the details of these villagers. Furthermore, in areas of conflict, such as in Karen State, villagers speculated that the registration of populations may well have been taken for the dual purpose of accurately assessing the amount of forced labour and taxation that could be extracted from such villages, as well as for the sake of the referendum.

Events reported on 15 February 2008 in Meiktila, Mandalay Division, gave rise to the fact that the SPDC, by way of the registration process, may have been looking much further down the track than just the referendum on the constitution that was held on 10 May, and 24 May 2008 in the areas worst affected by the cyclone. A citizen gave testimony that he had found thousands of household registration forms in each of the Ward Peace and Development Council (PDC) offices in Meiktila. The forms however, were not the standard type normally used to register households. The source stated that;

> *"They seem to make the people fill up these forms unwittingly. These are not the ordinary Immigration Form 10. They printed these copies systematically. In the heading of each form, it was printed 'USDA households'. In short, people will become USDA members automatically when they fill up these forms,"* [89]

The discovery created concerns among the community that the registration of households, which was compulsory, would lead to people unwittingly becoming members of the USDA. The report stated that two other townships were facing a similar situation. Ward PDC chairmen had gone through neighbourhoods registering household members, listing any occupants over the age of 18 as USDA members. The motivation behind registering ordinary civilians as members of the USDA was not entirely clear, however, analysis of the behaviour of the SPDC throughout the referendum process that eventually took place may help to suggest possible reasons for the move. Media coverage of the referendum indicated a large degree of fraud in the 2008 referendum voting process. One way in which the SPDC manipulated the outcome of the vote was to vote on behalf of USDA members or force them to provide a 'yes' vote under threat of punishment. Many USDA members who are employed in the civil service rely on their USDA membership in order to attain certain privileges and protections from the SPDC and were in no position to refuse these commands. The forced enrolment of further members of the public may well have been a ploy from which the SPDC could guarantee greater numbers of votes in the approaching 2010 elections, despite SPDC statements towards the end of 2008 indicating that the USDA would not participate in the election as a political party.

After the conclusion of the referendum process in May 2008 and its stunning endorsement by almost the entire population, according to SPDC figures, registration of the Burmese population continued throughout the year as the junta sought prepare the country for nation-wide elections in early 2010. It was reported in Mon State as late as November 2008, that family registrations were being forcibly ordered in Mudon Township. Residents were ordered to present family lists (which are compulsory for all households in Burma) to the Village Peace and Development Council Offices. Ominously though, the orders for the presentation of the family lists was not given by local SPDC level officials, but rather by the People's Militia Force. The lists were required to contain names, birthdates and thumbprints of every resident of the household.[90]

Residents of Mudon Township said that they hadn't been diligent in updating lists previously for several reasons, including the costs of updating the list and the fact that they place no importance on them. Despite this lax approach by the villagers, they had not previously received any pressure on behalf of authorities to update the lists. However, they pointed out that just prior to the time of the referendum in May, authorities began to take notice of the family lists and sought to update as many as possible in order to produce identification cards so as to register citizens for voting in the referendum. Importantly though, those identification cards did not provide legal proof of citizenship, nor did they represent permission for travel, suggesting that their sole purpose was to allow participation in the referendum, while limiting other freedoms.[91] The resulting pressure to update the family lists at the end of 2008 is suggestive of the fact that the SDC was interested in gathering as many registered voters for the upcoming 2010 elections as possible. It would be possible to speculate that based on the manipulation of the voter registrations during the referendum of 2008, that the elections may suffer from similar levels of corruption and tampering by the SPDC.

Junta efforts to closely monitor the population were even more comprehensive in Falam Township in northern Chin State where in October 2008 it was reported that family lists were being requested along with lists of assets. It was reported on 25 October 2008, the Falam Township Peace and Development Council were demanding lists from residences recording family members, electronic equipment and even domestic animals. Some residents in the town speculated that the lists were required as a way of cracking down on tax evasion in 2009; however, some were convinced that the measures were directly related to determining the numbers of eligible voters on the 2010 election.[92]

In the capital similar activities were undertaken by authorities. On 24 December 2008 it was reported that authorities in Rangoon were also collecting data from families. Township authorities in Rangoon's Thingangyun, Hlaingthaya and South Okkalapa Townships were collating lists of family members and their possessions, starting in the month of November. Residents were unsure what the reason for the census was. Regardless of this, they had to provide details of ownership of the following items: bicycles, motorcycles, cars, fridges, sewing machines, televisions and cassette players. Families were also reportedly questioned in relation to any relatives who had gone abroad.[93] (For more information regarding the Constitutional Referendum, see Chapter 13: Freedom of Opinion, Expression and the Press)

This photograph, taken on 23 April 2008, shows the precious few belongings that a group of internally displaced villagers in Karen State were able to carry on their backs. The area in which these villagers lived was subject to frequent SPDC army patrols who would hunt them and attempt to force them into an SPDC-garrisoned forced relocation site. Knowing the severe restrictions that the SPDC imposes upon villagers living in such sites, these villagers instead opted for a life of flight hiding in the forest from those very patrols. These villagers must then be always packed and prepared to move again at a moment's notice, lest they be either caught by the soldiers or forced to leave behind some of what little they have left. *[Photo: © FBR]*

14.6 Restrictions on the Movement of Monks

Burmese monks paid a high price throughout 2008 for their involvement in the political uprising of the previous year. Whilst the results of the monks' involvement, and their responsibility for playing a leading role in the people's protests were predictable in the several months immediately following the demonstrations of September 2007, few would have predicted the sustained attack on the freedoms of the members of the Sangha over the course of the ensuing year. The position of reverence that Buddhist monks have traditionally held in Burma has been well documented in the past. Whilst the lay population of Burma continues to maintain a high degree of respect for the monks, it became clear over the duration of 2008 that the SPDC had lost all deference for their moral authority and rights as citizens and religious leaders. Currently, Burma's monks comprise the nation's largest non-military entity at around 400,000 members.[94] Despite having played a part in previous uprisings, notably those against British colonial rule, it has traditionally been students that form the core of the political movements of Burma.[95] By spearheading the protests of September 2007, the Sangha placed itself at the forefront of the opposition movement. In doing so, it incurred the type of treatment that has traditionally been reserved by the SPDC over the previous decades for the likes of the NLD, ethnic minorities and human rights activists.

Movement restrictions against individuals, harassment of monks, arrests, security crackdowns on monasteries and interruption of religious ceremonies were characteristic of the treatment of the Sangha throughout 2008. Restrictions imposed on the movement of monks effectively disabled their rights to assemble and associate in a perfectly legal manner. The SPDC, through its standard and proxy security apparatus, effectively manipulated several key domestic laws in its actions against the monks of Burma. Arrests were made using a range of these laws including: Section 17/1 of the Unlawful Association Act; Section 13/1 of the Immigration Act (for illegal movement across borders); and Article 5(J) of the Emergency Provisions Act (for encouraging demonstrations).

The nature of the laws used is such that they are vague enough to be interpreted in a variety of ways in order to justify arrests on the most spurious grounds. Those monks being held in various prisons across Burma had their rights further violated by authorities who did not follow the stipulations of the Prison Handbook which contains provisions for the treatment of monks in custody of the state. Articles 64, 65 and 66 were some of those reported as being violated on a regular basis, as authorities refused to provide robes for monks being held as prisoners.

The SPDC took concrete steps to isolate, intimidate and dissuade monks from gathering together across Burma, for fear that they would be able to organise further anti-regime activities. This was particularly the case in the months of August and September as well several months prior. The months of August and September were especially auspicious in 2008, as they marked the 20th anniversary of the 88 Uprising and the first anniversary of the 2007 Saffron revolution respectively.

In the lead-up to these anniversaries, movement restrictions formed the basis of the SPDC's efforts at controlling the activities of monks. In a suspiciously timed move, the regime authorities began ordering monks who had come to Rangoon to further their religious education, back to their home towns from the beginning of August. These orders came prior to the beginning of the Waso lent period. Reports emerged from Mon state on 3 July 2008, indicating that around 100 monks had been forced to leave Rangoon and had returned to their home monasteries of Sin Phyu, Sein Ma Ma and Ye in Moulmein. The orders that forced the guest monks out of the former capital explicitly stated that the monks were to be gone before the beginning of the Waso lent period.[96] The dubious timing of the order raised

the suspicions of the monks of Rangoon, who told independent sources that the moves were aimed at reducing the number of monks in Rangoon in the weeks before the August anniversary of the 88 Uprising. The monks who were forced from the Rangoon monasteries related that the new orders stipulated that no more than 10 monks and guests combined could stay in monasteries, with a maximum number of 5 guests per monastery. Furthermore, no visiting monks from regional centres would be allowed to begin Buddhist studies in Rangoon from July onwards.[97] The movement restrictions on monks in this example were also, in effect, an attack on monks' rights to religious freedom. (For more information on Religious freedom, see Chapter 12)

Other areas of Burma also saw restrictions imposed on monks and monasteries. It was reported on 2 September 2008 that security around pagodas, the Shwe Mawdaw Pagoda in Pegu Division in particular, was increased in the lead up to the anniversary of the September 2007 protests. Witnesses reported seeing police patrol cars around the area accompanied by security personnel equipped with shields and batons.[98]

The capital of Arakan State also witnessed significant increases in the levels of security around religious centres. Arakan State became synonymous for the connection between religion and politics as the birthplace of the revered U Ottama. Ottama and the monks of Sittwe were active in the movement to eject the British colonial powers in the early parts of the 20th century. Current Sittwe monks were also leading participants in the Saffron revolution of 2007.[99] The participation of the Sittwe Sangha community marked them out for special attention from the junta over the course of 2008. As a renowned focal point for political unrest, the monks and monasteries of Sittwe experienced notable increases in security measures in the early parts of August as authorities made plans to thwart any possible repeats of the previous year's civil unrest. It was reported as early as 5 August 2008 that more security details had been employed by the SPDC across Arakan state including the towns of Mrauk-U, Kyauk Pyu, Ramree, Taungup and Sandoway. In Sittwe, movement restrictions in the form of greater police presence were recorded around religious sites including the U Ottama Park, pagodas, temples and shrines.[100] The report also suggested that police and security officials had cut people off from visiting the monasteries and were prohibiting morning prayer vigils. Regime authorities were also said to be actively searching for any monks that had participated in the 2007 uprisings.[101]

In the lead up to the commemoration of the September uprising of 2007, authorities took care to increase security measures in popular locations in the former capital of Rangoon, including the areas in the proximity of monasteries, thereby inhibiting the movements of monks. Rangoon has customarily played a large role in national movements and is home to Burma's most sacred Buddhist site, the Shwe Dagon Pagoda. Shwe Dagon, along with several of the most significant Buddhist sites in Rangoon including Sule Pagoda square, Myaynikone, and Shwegonedine Street were subject to greater scrutiny from the junta security forces, including the Swan Arr Shin and riot police in early August. On 8 August 2008 reports from Rangoon emerged suggesting that up 200 members of the regime's security apparatus had been stationed in various areas around Rangoon including Damayone and Sule Square in order to monitor and restrict the movement of monks and prevent a possible repeat of the Saffron revolution. Police were also seen to be checking anyone moving in the area and had completely sealed off the road leading to the Shwe Dagon Pagoda.[102]

These types of restrictions, on both the lay population and monks, were reported in other areas around the country including in Myitkyina, Kachin State, where residents reported that the police intensified their activities, checking people who were viewed as being 'suspicious'. The police were also said to be standing guard at Buddhist temples throughout the town.[103] Even after the tense months of August and September had passed, widespread reporting indicated that the SPDC continued to pay special attention to monks who were travelling

within the country in 2008. On 3 October 2008 it was reported that monks travelling from Myitkyina to Rangoon were being searched and questioned in great detail about the reasons for their journeys as well as where they would be staying in Rangoon. These checks were being performed on all common forms of travel from railway to roads and major highways.[104] The report also claimed that monks were coming under more intense scrutiny at checkpoints than normal civilians were. According to one Rangoon resident, seeing monks travelling had become much less common due to the increased pressure from authorities.[105]

Reports of rights violations against monks and continuing movement restrictions were substantiated late into 2008. After escaping to the Thai border toward the end of 2008, monk U Eitthariya recounted to *Democratic Voice of Burma* (DVB) that there had been a high degree of surveillance on monks at the hands of the regime's proxy organisations. He said,

> *"I came out of Burma because it was not safe for me. I was involved with the young people of Generation Wave and other political groups. We distributed leaflets and gave training and when the eight people in Nyein Chan's group were arrested, the situation became worse for me…..They found out where I was and shadowed all the places I frequented. I came here because I had nowhere to hide."* [106]

In the interview released on 23 October 2008, U Eitthariya suggested that spies had been placed inside monasteries and that monks had been cautioned against any political activities, going so far as to suggest that it was even conceivable for abbots to be imprisoned should monasteries be subject to raids by authorities.

Monitoring of Monks and Monasteries

Besides the increases in physical restrictions that prevented monks from travelling, studying, observing religious rituals and assembling and associating, their movements were also curbed by intense monitoring and surveillance. On 22 October 2008 Human Rights Foundation of Monland (Hurfom) reported that the activities of monks across Mon state had come under increased surveillance by the authorities. The monitoring of monks' movements was conducted by a range of security forces that were stationed around monasteries in Moulmein including Sin Phyu, Ye Kyaung, Sein Ma Ma and Sasarna 2500. Monasteries were surveilled around the clock in Moulmein by as many as half a dozen armed sentries including plain clothed and uniformed police. Up to 50 sentries were also posted around Kyaik Than Lan Pagoda and the Dhamma Yone, another poplular religious venue.[107]

In Mandalay the authorities employed the junta backed USDA, along with informers and police to keep watch on monasteries that had produced many participants in the 2007 protest marches. A-Shay-Taik (East Monastery) near State Middle School No 3, Nar-Yi-Sin A-Lel Taik (Middle Yard Monastery), Mandalay Taik and Baw-Di-Man-Dai Taik were all said to be under close watch. Authorities were also said to be taking note of visitors to the monasteries mentioned above, as well as assigning informers to keep track of those leaving the monasteries.[108] Monks from Mandalay Monastery also alleged that surveillance even extended to the telephone conversations between the monastery and outside sources.[109] Although surveillance may not present a direct danger to monks in and of itself, the monitoring of their activities, often by armed personnel is suggestive of the fact that the police or security forces were willing (or at least ready) at any given time to intervene against any activities that authorities deemed unacceptable. Viewed in this light, surveillance posed a legitimate threat to the right to free movement, assembly and association.

Restrictions on Accepting Guests into Monasteries

As an added measure of surveillance throughout 2008 the SPDC authorities instructed abbots from monasteries around the country to begin registering guests, and at times issuing limitations on the numbers of monks and guests (either travelling civilians or monks) that could occupy temples at any given time. On 30 August 2008 it was reported that all monasteries in Pegu town received instructions requiring them to begin registering guests staying on the premises. A Pegu monk was quoted in the report as saying;

> "*They sent the order to our monastery two days ago. The letter states we need to report the number of guests sleeping in our monastery and where they come from,…….It is difficult to report the number of guests because many people who have taken Buddha preset are sleeping in the temple*," [110]

Arrest of Monks

In addition to movement restrictions, monitoring and surveillance in circumscribing the activities of monks, the SPDC also utilised outright arrests. As mentioned earlier, the activities of monks that were deemed to be of a political nature by the SPDC, placed monks at risk of running afoul of extremely vague domestic laws aimed at curtailing opposition to the regime. Throughout the course of the year, authorities continued to search for any monks who had participated, or had helped to organise and lead the demonstrations of the previous year. According to the Assistance Association for Political Prisoners Burma (AAPPB), 52 monasteries across Burma were raided by authorities following the September 2007 uprising, including the major monasteries of Rangoon and Mandalay.[111] Often those raids resulted in high numbers of arrests. Although some were subsequently released, many monks were destined to languish in Burmese prisons for long periods. Of the 96 monks arrested in November 2007 from the Ngwe Kyar Yan monastery, as of February 2008, only 51 had been allowed to return to the monastery. Figures from AAPPB suggest that almost 600 hundred monks were arrested in the aftermath of the 2007 protests. Exact figures of how many remain in prison throughout 2008 are unavailable.[112] However, some estimates put the number close to 195.[113]

Arrests of monks took place country-wide, for the duration of 2008; however they were particularly frequent in the epicentres of the 2007 uprising. In keeping with the increased security around temples in the month prior to the Waso lent period and the two anniversaries mentioned previously, the frequency of raids and arrests rose correspondingly in July and August. It was reported on 30 July 2008 that nine monks were arrested at a railway station in Rangoon in the middle of the month.[114] In the following month reports emerged indicating that these monks were subsequently charged and sentenced to two years in prison for *"bringing the Sasana into disrepute."* [115]

In the month of September monks faced the prospect of arrests for involvement in marches commemorating the protests of the year before. On 29 September 2008 150 monks in Sittwe, Arakan State staged a march in commemoration of the 2007 protests. Following the march and over the course of the next day five monks were arrested in connection with the march.[116]

The beginning of 2008 saw some of the first sentencing of monks who had previously been detained in connection with the people's demonstrations of 2007. Despite the specious nature of the charges brought against monks as pretexts for their arrests, the members of the junta's law enforcement arm enjoyed unbridled support from a judiciary whose transparency continues to degenerate. The support provided by the judicial system, in the

form of long prison sentences, legitimised (or in any case legalised) the restrictions on movement, assembly and association imposed on monks through the form of arrests.

In January 2008, four leading members of the 2007 protests from Sittwe, U Kitharihya from Seikthathukhah monastery, U Kawmala from Adithan monastery, U Wunnathiri from Yadanabonmyay monastery and U Eindiya from Myoma monastery, received sentences ranging from two and a half to seven and a half years in prison for their involvement in the 2007 protests. By years end, these harsh sentences would be made to appear lenient as other members of the Sangha were sentenced to extraordinary prison terms ranging up to 65 years in length.[117]

The sentencing of monks to lengthy prison sentences meant that monks experienced a transition from having their right to movement and assembly abused, to having their rights of association abused. Eyewitness accounts regarding the treatment of monks during their trials and subsequent time in prison suggests that monks have had their rights of association abused as members of the Sangha. The following is the testimony of monk U Pyinyarthiri, who was arrested in early 2008 following involvement in the uprising of 2007.

> "*They were not pleased with my answers, I did not tell them what they wanted to hear. The worst persons during torture were MAS officials Ko Ko Aung and U San Win. They kicked my chest with their combat boots and stomped on my face with my hands handcuffed behind me. Every question was accompanied by kicks and punches to my head and body. I was almost unconscious. I fell on the table in front of me when they kicked me from the back. At last I could not endure anymore such torture. They twisted my arms and tried to break them, which affected the nervous system in my hand. They pressed between my rib bones. They slapped me on my temple and pulled my earlobes violently. They stepped on my shins which left me with severe pain until I was sentenced to prison term.*" [118]

Following his arrest in Monywa by authorities on 18 October 2007, U Pyinyarthiri, a Rangoon monk originally from Pyigyitagun Township, Mandalay Division, was tortured by authorities and then sentenced to prison time. He was transferred to Kale prison on 21 May 2008. After spending about one week in Kale prison, the monk was transferred to the Lend Tlann prison labour camp in Tiddim Township, Chin State, at the end of May 2008. In his interview with *Mizzima News*, U Pyinyarthiri related being not only tortured, but also driven to hard labour by his captors and threatened multiple times with being defrocked and ex-communicated from the Sangha. After working at the labour camp and suffering repeated interrogations regarding his part in the Saffron Revolution, U Pyinyarthiri risked his life by escaping from the labour camp. He eventually made it to the Indian State of Mizoram and safety.[119]

The treatment of U Pyinyarthiri at the hands of regime authorities illustrates some of the ways in which monks were mistreated in prisons across Burma in 2008. During trials, monks were forced to go without their robes even though this is well within their legal rights as monks. Aung Htoo, the general secretary of the Burma Lawyers Council, maintains that, "*According to the prison handbook, to try monks in this way, disrobed, is not allowed. Articles 64, 65 and 66 of the prison handbook state that the prison must issue robes.*" [120]

Aung Htoo asserts further that not only were the authorities breaking domestic court laws, but also the laws established in the jail manual.

> *"What is going on is a great violation of the [rights of] monks in prison, … Monks are allowed to wear their robes and pursue their rituals in prison. But this is not happening, because they have been forced to disrobe and wear prison clothes, and they are not getting the food they need at the correct time."* [121]

To add injury to the ignominy of insulting the religious rights of detained monks, the Burmese prison authorities reportedly exposed monk detainees to the same harsh treatment meted out to other prisoners. According to Aung Kyaw Oo from AAPP, there were also reports of torture, *"Some of the monks have been beaten with sticks, punched, kicked after they had protested. Some have their ankles in iron shackles."* [122]

Some monks also shared the fate of several high profile political prisoners and were transferred to remote prisons throughout the country. In December of 2008, U Gambira the 29 year old monk and leader of the 2007 uprising was relocated from Insein Prison. The young monk, who had previously been sentenced to an astonishing prison term of 68 years, was transferred to Kanti prison in Sagaing Division in the northwest of Burma.[123] It is reasonable to speculate that the transfers of both high profile political prisoners and monks to these isolated penitentiaries was an attempt by the regime to cut off support to the prisoners and lower their morale and ability to communicate with their supporters. (For a larger discussion of prisoner transfers see Restrictions on Human Rights Activists and Human Rights Defenders)

The treatment of monks during the Saffron Revolution and the subsequent security crackdown proved distinctly unpopular among the Sangha. In a backlash, the movement of monks have, over the course the year following the Saffron revolution, chosen to express their disgust with authorities of the regime by refusing to accept alms from members of the ruling junta and its proxies. In September it was reported that young monks in Pakkoku were still refusing alms from government officials and would continue to do so until an apology was issued by authorities for the treatment of monks during the quelling of the September 2007 protests.[124] Monks also chose not to officiate at any ceremonies requiring their presence and blessings, as a way of voicing their rebellion at the appalling treatment meted out during their non-violent contribution to the mass people's demonstrations. It was reported on 25 November 2008 that monks from Kyauktalone-taung, Three Pagodas and Kaylatha-taung monasteries in Mon State had agreed to boycott government officials and their supporters by refusing to accept alms or perform religious rites on their homes.[125] The ban would encompass the residences of any ward, village or township chairs, civil servants or members of the Union Solidarity and Development Association, as a response to the past and ongoing ill treatment of monks.

Restrictions on the Movement of Monks - Partial list of incidents for 2008

It was reported on 18 March 2008 that SPDC security forces closed down the Kaba Aye monastery in Rangoon.[126]

On 3 July 2008 it was reported that over one hundred monks had been forced out of monasteries in Rangoon and told to return to their hometown monasteries in Ye, Sein Ma Ma and Sin Phyu. Monks that had been forced out of Rangoon said that authorities had given orders that monasteries were not to hold more than ten monks and registered guests combined.[127]

It was reported on 30 July 2008 that nine monks had been arrested whilst waiting at a train station in Rangoon. The onlookers said the monks appeared at the station separately and hadn't seemed to be conversing before their arrests. The report claimed that the monks were sent to Insein prison following their arrest.[128]

On 8 August 2008, two monasteries were raided by police in Sittwe, Arakan state. Sources claimed that the police were searching for monks who were allegedly planning demonstrations for the 20th anniversary of the '88 uprising. The two concerned monasteries were Kyin The Nat Kong monastery, in Ta Rar Thi Su Ward and Say Gri monastery, in Bauk Thi Su Ward in Sittwe.[129]

It was reported on 11 August 2008 that abbot U Thumana from Ramree Taung Kyaunn monastery was detained along with Maung Aye Thein, a teacher from State Middle School No 1 in Ramree.[130]

On 13 August it was reported that the nine monks arrested at a Rangoon railway station in mid-July were each sentenced to two year jail terms for allegedly *"bringing the Sasana into disrepute".*[131]

On 13 August 2008 it was reported that prison visits from family members had been suspended for 15 monks and nuns from North Okkalapa's Thitsa Tharaphu monastery. The group was arrested in connection with the September 2007 protests and charged with bringing the Sasana into disrepute. The report suggested that the monks were in poor health and suffering from malnutrition.[132]

It was reported on 18 August 2008 that military personnel and law enforcement officers had been put in place around Addi Htan monastery, in Sittwe, Arakan State. Although the abbot of the monastery was widely known, the reason for the deployment of the troops and police was not clear at the time of the report.[133]

On 23 August 2008 two monks from Rangoon were arrested in their monastery. The report claimed that the two monks, Damathara and Nandara, from Thardu monastery in Rangoon's Kemmendine Township were being held at an interrogation centre in Insein prison.[134]

On 1 September 2008 three monks were arrested as they visited the Shwe Maw Daw pagoda in Pegu.[135]

On 5 September the state Sangha Maha Nayaka committee sent out a directive in Chauk, Magwe Division to all monasteries and lecturing colleges ordering that monks refrain from all types of political activity. The directive made clear that there would be reprisals against monks found to be participating in activity not condoned by the Magwe Division Sangha Maha Nayaka.[136]

On 9 September 2008 it was reported that a monk was detained and questioned for five days in relation to joining a signature campaign aimed at stopping the forcible relocation of Cyclone Nargis victims from shelters in Laputta to Bokhone village.[137]

On 9 September 2008 police arrested monk leader U Gambira's brother in-law, Moe Htet Lian, along with four other activists.[138]

It was reported on 9 September 2008 that plainclothes informants had been deployed around monasteries in Sittwe, capital of Arakan State. The increase in surveillance followed the foiling of three previous attempts by monks to stage anti-regime demonstrations in the city.[139]

A planned demonstration by monks was interrupted on 13 September 2008 by security forces in Sittwe, Arakan State. Security personnel dispersed the gathering, and no known arrests were made.[140]

On 19 September 2008 U Indika and another monk appeared before court in Insein Prison. They were charged under Sections 295 and 505 of the Burmese Penal Code.[141]

On 29 September 2008 it was reported that security measures in Sittwe, Arakan State had been enhanced from 20 September in preparation for upcoming commemorations of the 2007 protests. Following the protests five monks were arrested by authorities on 26 September 2008.[142]

On 13 October 2008 authorities in Sittwe announced restrictions on the numbers of monks allowed to attend the Thedinkyut full moon rice donation. Normally the numbers of monks attending the activity was around 1500. Officials reduced the numbers of monks allowed to attend to two per monastery, meaning that only 550 would be allowed to attend in 2008. Security surrounding the event was increased in the preceding days with riot police and troops deployed. Monks were also required to provide their names and those of their monasteries.[143]

On 11 November 2008 six monks from Ngwe Kya Yan Monastery received 6 and half year sentences after being charged under Section 505(b) of the Penal Code for agitating unrest, among other offences.[144]

It was reported on 14 November 2008 that Ashin Sanda Dika and another monk were sentenced by Kyauktada court to 8 years jail for participating in the September 2007 uprising. Two other monks, U Sandimar and U Sanda from Ngwe Kya Yan Monastery were sentenced under the same charges by the township court in Yankin. [145]

On 18 November U Kaylatha a monk from Mandalay was sentenced to 35 years in jail under the Unlawful Association Act.[146]

It was reported on 18 November 2008 that monk U Sandara was sentenced to eight and a half years in prison by Tamwe Township court. U Sandara is from North Okkalapa Township's Thiri Mingalar monastery.[147]

On 21 November 2008 a special court in Rangoon sentenced monk leader U Gambira to 68 years in prison for his involvement in leading the Saffron Revolution in 2007.[148]

On 21 November 2008 monk U Kaylartha from ABMA (Mandalay Division) had his 35 year sentence extended by four years to 39 years.[149]

On 26 November 2008 monks Sandar Thiri and Kawvida were transferred from Insein Prison to Buthidaung prison in Arakan State. The two Buddhist monks are from Maggin monastery in Rangoon's Thingangyun Township.[150]

On 1 December 2008 Saffron Revolution leader U Gambira was transferred from Rangoon's Insein prison to Kanti prison in Sagaing Division in northwestern Burma.[151]

14.7 Restrictions on Foreigners in Burma

Restrictions on foreigners entering Burma and working there remained as strict in 2008 as in previous years. During the post-Nargis period those restrictions were increased for a short duration, limiting the entry of international aid workers and UN staff, although these were later eased to allow in a quota of aid workers and advisors. Once again members of foreign media groups experienced difficulties in entering and operating in the country and faced particular barriers in attempting to bring the story of the cyclone and its after effects to the international community. Those INGO workers already in a semi-permanent role inside the country working on various educational and health issues faced further restrictions and impediments in carrying out their mandates as well in renewing visas to continue service delivery.

Humanitarian and Aid Agencies: Regulations and Restrictions

The year of 2008 began poorly for international non-governmental organisations (INGOs) operating inside Burma, when the Ministry of Health summoned the representatives of 14 health related organisations operating inside the country to a meeting in the administrative capital of Napyidaw on 11 January 2008. The Deputy Director-General of the Public Health Department, Dr San Shwe Win and ministry officials met with 14 sets of representatives of health groups, however, members of three INGOs including the Swiss Medecins Sans Frontieres delegation did not attend the meeting. At the meeting Dr San Shwe Win, in a sign of things to come, portentously reiterated the guiding principles for INGOs working within the country and passed out copies of the national planning ministry guidelines that were established in February 2006. Representatives were made to understand in no uncertain terms that the guidelines needed to be followed strictly and that the work of the assembled groups should be, *"non-political, non-religion, non-profit and nongovernmental."* [152] Officials also highlighted that travel for field missions would remain a complicated and difficult process that would require applications to be put in with the Ministry of Defence (Army) a full two weeks prior to the planned activity. Any field trips that were cancelled would still need to be reported to the Ministry, again in advance. Officials also said that organisations would have to provide very detailed briefs laying out the locations to be visited, activities planned and the overall purpose of field trips. It was the pedantic nature of these sorts of regulations and travel restriction that forced the withdrawal of the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria in 2005. An employee of an INGO operating in Burma who wished to remain anonymous, gave a statement at the time reflecting the frustrations of operating under the SPDC's strict guidelines,

> *"They [the authorities] allowed us to open our office, but now all the activities have to stop," he said. "They also asked us to report every single thing we do in the field. It is very difficult to implement our project because we can only work when there is government staff with us."* [153]

In a further blow to organisations whose projects required implementation over the longer term in order to achieve tangible results, ministry officials also announced that project lengths would be reduced from five years to just one year. On top of these new restrictions, INGOs were informed that they would now have to re-apply for approval up to six months in advance. The result being that, in effect, INGOs would have to renew their projects every six months. The reason given by the Ministry of Health for the changes was supposedly that the approvals would have to be granted by three different government departments, including the Ministry of National Planning, Ministry of Revenue and the Attorney-General of Burma.[154] Three further limitations were placed on the work of INGOs. Firstly, no travel permits would be issued for short-term consultants or international trainers. Secondly,

employees of INGOs working in the country who applied for visas would have to state the exact period that they planned to stay and for what reason. Thirdly, officials made clear that field missions involving survey work or research would be highly discouraged due to the sensitivity of such undertakings.[155]

The tone of the meeting with the Ministry of Health officials did not bode well for the work of INGOs in the country and in the space of a month international groups were dealt a second, more debilitating blow when the Health Minister Dr Kyaw Myint met with the UN Special Envoy to Burma Ibrahim Gambari on 9 March 2008. At the meeting, the minister informed Mr Gambari that it had come to the attention of the department that INGOs operating in Burma had provided financial support to the NLD, who had in turn channelled these funds down to groups operating at the grassroots level.[156] Several well known INGOs were among those named by the minister including Save the Children Fund, Population Services International (PSI), Marie Stopes International (MSI), Care International in Myanmar (Care-Myanmar) and World Vision. In a successive meeting, all 34 health-related INGOs registered with the Ministry of Health operating on HIV/AIDS issues in the country were ordered to completely cease all operations at the grass roots level.[157] This edict, based on what was deemed to be political activity by the regime, spelt the end of the work of all INGOs that were implementing programs dealing with health education and counselling for HIV/AIDS patients in rural areas.

Humanitarian Access

It became clear to the international community very quickly that the regime was ill-equipped, not to mention reluctant, to stage a comprehensive and timely relief operation following the calamitous impact of cyclone Nargis. This was especially the view of the regime toward an effort which would entail a participatory, multi-national approach, such as the effort of the international community in the post-tsunami period of December 2004. The reluctance of the regime, fuelled in part by years of isolationist policy and the need to perpetuate the myth of self-sufficiency, meant that humanitarian aid, expertise and manpower were blocked by the junta from entering the country in the immediate aftermath of the storm. According to Altsean, by 9 May 2008, a full six days after the storm – an ample time in which to develop a reasonably accurate appreciation for the level of the crisis being faced – only four of the 40 NGOs working within Burma had been granted permission by the authorities to work in the cyclone affected areas.[158]

Over the course of the next month, the junta began to slowly open the doors to aid flows into the country, however, some victims of the cyclone in the remote regions of the delta were still waiting to receive aid a full month after the initial impact. It is difficult to quantify the impact of the regime's negligent response to the crisis in terms of possible deaths due to tardiness of the relief response; common sense would indicate however, that an influx of medicines, food and shelter that the international community were willing to provide in a timely fashion would have mitigated to some extent any unnecessary loss of life in the delta.

Despite the slowly developing humanitarian space allowed by the junta, international aid agencies still faced many hurdles in delivering urgently needed supplies to survivors. On 10 June 2008 the junta released a set of guidelines, akin to those delivered to INGOs earlier in the year, through which the regime sought to increase and consolidate control of the relief effort. The new limitations consisted of 10 operating guidelines which applied to UN agencies and INGOs working on relief efforts. The guidelines stipulated that (PTO):

> *"detailed lists of the type and quantity of aid donated from overseas must be submitted to the relevant government ministry, permission must be requested prior to aid distribution and relief supplies must be stockpiled in Rangoon. When permission to distribute aid is granted by the junta another request must be made to township authorities where the aid will be given out and supplies can only be distributed when permission from local officials has been granted."* [159]

Unfortunately, the restrictions on INGOs in the end turned out to be to the detriment of survivors of the cyclone and proved too much for some groups to continue their work. Telecoms Sans Frontieres (TSF) chose to abandon its operations due to the imposition of tight regulations by the SPDC on its attempts to contribute to the relief effort, in much the same way that restrictions had forced some programs of the International Committee of the Red Cross and Medecins Sans Frontieres to fold in previous years. TSF had initially rushed to Rangoon in the hope of providing communications services and technical assistance to help both the coordination of aid agencies as well as connecting victims to relatives outside the country. Originally this was planned as part of the coordination effort controlled by the United Nations Children's Fund (UNICEF). After receiving visas, the team from France arrived in Rangoon on 1 June 2008 only to find that they would be unable to travel to the delta region where they had hoped to conduct their field work. The director of TSF, Monique Lanne-Petit noted at the time, *"We got visas but have been confined to Rangoon, without being allowed access to the field. Our aim was to help the people. Now we have decided to leave."* [160] The regime's restrictions had driven the French team out of the country within just 15 days, in which time they had been able to contribute nothing to the relief effort.

The ICRC

Since the most recent closures of two field offices of the International Committee of the Red Cros (ICRC) in Burma in March 2007, the organisation has not been able to fully reinstate or run the programs that it once did. The 2007 closures and concurrent reduction in staff left a mere three field offices in operation in 2008, and those three offices were operating under the threat of closure according to the Burma deputy head of delegation for the ICRC, Thierry Ribaux.[161] As of January 2008, the ICRC had been able to achieve no concrete breakthroughs with the recalcitrant regime in talks to reinstate the ICRC's prison visits programs. Until December 2005, the ICRC had conducted visits to prisons to monitor living conditions and ensure that prisoners' rights were being respected. These visits were terminated after the ICRC refused to bow to demands of accompaniment on the visits by members of the junta backed USDA. Such accompaniment would be in contravention of the ICRC's long held policy of impartiality and independence.[162] According to Ribaux, the ICRC were only continuing with two programs as of January 2008, one supporting a medical program and the other supporting relatives of prisoners and facilitating visits to prisons.

The United Nations

The United Nations continued to have a presence within Burma in 2008 and became especially active in the aftermath of the cyclone in May. The UN agencies faced serious restrictions in gaining access to visas, and hence entry into the country, in the immediate period following the storm, as a recalcitrant SPDC attempted to manipulate political conditions and commandeer the delivery of aid promised by the international community. The political brinkmanship of the regime delayed the visa process for many hundreds of aid workers, though over the period of the month following the cyclone the regime began to slowly open a corridor of access for aid to trickle into the country. The marginal, and by no means adequate, opening of humanitarian space allowed by the SPDC signalled a commensurate relaxation of the visas and entry restrictions on foreign aid workers and UN staff.

The easing of restrictions on UN staff was slow to transpire however, and as of 13 May 2008 it was still being reported that UN staff were facing difficulties in gaining visas to actually enter the country, as well as permission to travel into the delta region once they were in-country, in order to assess the situation and formulate a response that would eventually lead to the delivery much needed aid supplies. According to Aye Win, the UN spokesperson in Rangoon, only local staff members were being granted access to the worst hit areas of the delta, but foreign staff members were still not being allowed into the region almost two weeks after the initial impact of the cyclone. In a statement released by Social Welfare Minister General Maung Maung Swe, the SPDC made it clear that the military was firmly in control of the situation and that the relief effort would not leave much room for UN staff to participate. It also became increasingly clear that the UN staff would continue to be blocked from accessing the delta region. The Minister stated that the regime was, *"in control of the situation, … nobody has died except as a direct result of the cyclone."* The Minister went on to say that, *"Myanmar is pleased to receive assistance, but distribution is to be done by the government and foreigners are not allowed in affected areas."* [163]

Workers from the Food and Agriculture Organisation and the World Health Organisation, were still being denied access to the region and at this time, around 60 key UN staff members were waiting for visas just to travel into the country.[164]

By 25 May 2008, negotiations were still taking place between the junta and the international community on the distribution of aid at a donor meeting to establish the Tripartite Core Group composed of the UN, SPDC representatives and ASEAN. Meetings and negotiations to iron out the logistics of delivering aid between the three groups was still being held on 9 June 2008, a full month after the cyclone hit.[165]

Despite restrictions, the UN staff enjoyed greater relative access by June than many of the other international organisations who experienced up to three week delays for visa approvals. By contrast, the UN had sent 86 international staff to regions in the delta in the comparable time frame, and 179 visas had been granted to UN staff in general.[166] Although the granting of visas to UN international staff occurred reasonably frequently at this stage, the UN agencies attempting to deliver services on the ground in the delta still faced some stiff challenges including; telecommunications equipment being held in customs, restrictions on the official import of telecommunications equipment, increasing food prices due to the scarcity of commodities and lack of information regarding population movements which hampered service provision (exacerbated by lack of access to the delta in the initial period).[167] (For further information about the UN and the relief effort, see Chapter 10: Cyclone Nargis, from natural disaster to human tragedy)

United Nations Representatives

Beyond the role of the large UN agencies which were primarily involved in the relief efforts following cyclone Nargis, the UN maintained its other function as the intermediary between Burma and the wider international community throughout 2008. This was characterised not only by ongoing development and technical assistance projects, but also through the good offices of special representatives.

The activities of the United Nations in relation to Burma have often been contentious and 2008 proved to be no exception. While the role of the UN has been looked upon favourably by the international community in many respects, the world's preeminent multilateral organisation has also taken a buffeting over it's interaction with the military junta. The UN's failure to secure any movement from Burma's generals over the detention of political prisoners, the ongoing house arrest of Daw Aung San Suu Kyi and the country's appalling human rights record have done little to augment the UN's reputation in the wider international community. Patience seems to have run out among Burmese activists as well, as they have watched one Special Envoy after another come and go without tangible result. Cyclone Nargis also drew the world's attention to the fact that not even requests from Ban Ki-Moon could make the general's open the doors to international aid any faster.

The current Special Envoy to Burma, Ibrahim Gambari has been widely lambasted by the press and observers as having been ineffective in his role. Merely looking at the results of Gambari's work thus far suggests that there is some validity in the criticism; however, there needs to be a serious caveat to this argument. It should not be overlooked that the Special Envoy has effectively been hamstrung by a pathetically weak mandate from the Security Council, leaving Gambari with little to no leverage or bargaining power to deal with the generals; resulting in futile trips to Burma where he has not even managed to secure meetings with the top players in the regime. Such an outcome has drastically undermined the Special Envoy's credibility and it is clear to the NLD that if Gambari cannot meet with Than Shwe, then the NLD achieves nothing from meeting Gambari. This is precisely what happened on Gambari's August 2008 trip (see below for details). The limitations on Gambari make his presence and impact questionable.

UN Special Rapporteur for Human Rights in Burma: Tomas Ojea Quintana

Mr Tomas Ojea Quintana took over the role of Special Rapporteur for Burma from Mr Paulo Sergio Pinheiro, who had served in the post from December 2000 until April 2008.

On 3 August 2008 Tomas Ojea Quintana, the United Nations' Special Rapporteur for Human Rights in Burma traveled to the country for the first time. The Special Rapporteur met with members of the State Sangha Organisation in Rangoon early on the morning of 4 August 2008. Quintana later met with members of other religious organisations as well as members of a SPDC backed women's organisation.[168]

Quintana's trip was scheduled for four days in which the Special Rapporteur planned to meet with a cross section of Burmese society including political groups, ethnic organisations and senior SPDC officials. Quintana also visited the Irrawaddy Delta and the regions affected by cyclone Nargis that hit Burma in early May 2008. At that time the Special Rapporteur was due to meet the Tripartite Core Group consisting of members of the SPDC, UN agencies and members of ASEAN. On 6 August Mr Quintana was able to meet with five political prisoners in Insein Prison. The five were identified as U Gambira, the 30 year old monk and protest leader of 2007, Win Tin, at the time Burma's longest serving political prisoner and three labour rights activists: Su Su Nway, Thurein Aung and Kyaw Kyaw.[169]

The limitations of the role of Special Rapporteur were made clear during Mr Quintana's visit when he was only allowed ten minutes to speak with the SPDC's liaison with Daw Aung San Suu Kyi, Mr Aung Kyi of the Labour Ministry. He was afforded roughly the same amount of time to talk to members of the NLD. The fact that the one of the UN's highest officials in dealing with the regime is afforded so little time to discuss such large and pressing issues is a disgrace and demonstrates the scant regard in which the international community as represented by the UN is held by the regime. Adding weight to this appraisal is the fact that as soon as Mr Quintana had left Burma, the SPDC arrested Myint Aye of the Human Rights Defenders and Promoters organisation and members of the NLD. According to *Irrawaddy*,

> *"Nyi Pu, chairman of the NLD Taungup branch in Arakan State, and Dr Tin Min Htut, an elected member of parliament from Panthanaw constituency in Irrawaddy Division, were arrested on Tuesday morning. No reason for their arrests was given."* [170]

Tomas Ojea Quintana from Argentina, the newly-appointed UN Special Rapporteur on the Situation of Human Rights in Burma. *[Photo: © AP]*

UN Special Envoy to Burma: Ibrahim Gambari

In mid-August the UN Special Envoy to Burma, Ibrahim Gambari made a trip to Burma but failed to secure meetings with any of the key players in the conflict, notably, Daw Aung Sann Suu Kyi and Senior General Than Shwe. The opposition leader refused a meeting with Gambari on 20 and 22 August, despite the envoy's aides and junta officials standing outside the detained leader's residence, requesting her presence over loudspeakers. Gambari was already under pressure for not securing any tangible results from previous trips to the country. Subsequently, the failures to meet the top leadership of either the SPDC or the political opposition only served to compound and highlight the limitations placed on the special envoy. Suu Kyi's refusal to meet with the envoy was said to be linked to the envoy's failure to secure a tête-à-tête with Senior General Than Shwe. Without a meeting with the

man calling the shots, the opposition leader would have realised that there could be no negotiation of terms between the SPDC and the NLD and subsequently snubbed the envoy, effectively ending any chance of a successful trip. It was a telling indictment that the only meeting granted to Mr Gambari was with SPDC backed 'civil-society' groups, a move seen by many as legitimising the SPDC prior to elections in 2010.[171]

On Wednesday 20 August 2008 Mr Gambari was able to conduct a meeting with the NLD's central executive committee, but was granted a paltry twenty minutes in which to discuss all issues at hand, in particular the demand for the release of political prisoners and reconciliation between the NLD and the SPDC. In meetings with the SPDC Mr Gambari was able to talk to officials from the Ministry of Health and the Ministry of National Planning and Economic Development on socio-economic issues, though the details of these meetings were not made public.[172]

Following Mr Gambari's exit from Burma, the special envoy came in for harsh criticism from the NLD as years of frustration at a lack of results spilled over. The NLD spokesman Nyan Win was quoted as saying that *"Mr Gambari has made six visits to Burma, but nothing has happened. We consider it a waste of time."* [173]

Vast differences of opinion surfaced during the special envoy's last visit to the country over the forthcoming elections in 2010. NLD representatives repeatedly made clear to Mr Gambari that the 1990 election results needed to be honoured before any progress toward reconciliation could be made in the country. It was reported that Mr Gambari was not amenable to this position and tried to persuade members of the NLD that the UN would ensure that the 2010 elections would be free and fair, and that they should participate in those elections.[174] Just how the UN would achieve this lofty goal is not clear, and the NLD's scepticism seems valid considering that the UN could not even secure a meeting with the Senior General of the ruling regime in the past. Nor does it seem likely that following years of appeals from the UN to release all political prisoners that the regime would about face in 2010 and release members of the opposition, thereby jeopardising the SPDC's pre-programmed election process.

UN Special Representative for Children and Armed Conflict: Radhika Coomaraswamy

Radhika Coomaraswamy continued in the role of U.N. Special Representative for Children and Armed Conflict and visited Burma in June 2008. Coomaraswamy left with an agreement from the SPDC to set up a mechanism for the reporting of child soldier usage following a meeting with the acting Prime Minister Thein Sein and members of the Committee for the Prevention of Military Recruitment of Underage Children (CPMRUC). The reporting mechanism would operate in conjunction with the CPMRUC. According to a UN statement issued after the meetings, the new agreement to set up a reporting mechanism would augment the efforts of the prevention committee, which according to a 2007 statement by the UN, would *"undertake the reintegration of children, and the Ministry of Defense would regularly provide training on protecting children during conflicts."* [175]

Whilst these steps were seemingly positive, Coomaraswamy seemed under no illusions as the effects that these measures were having in Burma, admitting openly that recruitment of underage children continued within the country. In response to statements from Jo Becker of Human Rights Watch, Coomaraswamy recognised the limitations of the UN Security Council in being able to deal with a wide range of Burma's troubling issues, including those of child soldiers, due to the spoiling tactics of China in the Security Council. Previously Becker was quoted by Radio Free Asia as saying that,

"Once [Burma] came onto the agenda of the Security Council's Working Group on Children and Armed Conflict, China basically obstructed every constructive proposal that was put forward to try and address the problem of ongoing child recruitment in Burma." [176]

Foreign Journalists

Foreign journalists were treated with suspicion in Burma in 2008 and were subject to strict entry conditions as well as movement restrictions once access to the country had been granted. The restrictions on the foreign press were increased following the Saffron revolution of 2007, during which time several foreign journalists had entered the country and taken photos of the suppression of the peaceful protests. Such coverage had apparently infuriated junta officials who went to great lengths to prevent similar breaches of security in 2008. This was achieved through the so-called 'blacklisting' of several journalists who learned of their fate whilst attempting to procure visas at the Burmese Embassy in Bangkok, Thailand.[177]

One such individual was prominent Swedish journalist and author of several books focusing on Burma, Bertil Lintner, who was blocked from entering the country in the aftermath of cyclone Nargis. Lintner's name was struck from the list of people slated to attend an international conference on aid in Rangoon. Lintner was set to accompany a Swedish delegation led by Minister of International Development Cooperation Gunilla Carlsson to the conference, only to find that he had been blacklisted even before leaving Stockholm.[178]

The advent of cyclone Nargis did nothing to alleviate the restrictions on journalists seeking to report on the natural disaster. In fact, the SPDC made a concerted effort at concealing the poor impact of a mismanaged relief effort from the international press in an attempt to cover up what was to become a man-made tragedy, as thousands of survivors were left, sometimes for up to a month, without receiving adequate food, water or shelter. It was reported on 13 May 2008 that journalists were banned from travelling to the Delta region, some had had their phones tapped and others intimidated by SPDC officials. Hotels were also raided by officials looking for westerners in regions known to be popular with the foreign press.[179] According to a special police officer working at the Rangoon airport, "*at least 10 foreigners were sent to the airport from their hotels or the streets and deported within the month after the cyclone ravaged the country.*"[180] Some journalists chose to work undercover and enter the country illegally in attempts to travel to the delta and report on the situation in that area. Very soon after the cyclone hit the Irrawaddy and Rangoon Divisions, roadblocks were thrown up on the Rangoon-Bassein highway, prompting foreign journalists to search for different ways to get to the delta regions. It was reported that some tried to evade the restricted access along the main highway by travelling an alternative route on the Rangoon-Kaw Hmoo-Kongyankone-Daydaye-Pyarpon road. As a result the SPDC *"deployed thousands of riot police along the way, in addition to the numerous checkpoints."* [181]

Once the SPDC perceived that the foreign media were adequately under control, regulated visits to the delta region were allowed but were conducted under the aegis of SPDC officials. The first visits that sanctioned a media presence were those to areas such as Pyapon, Dedaye, Labutta and Bogale. The trips, involving foreign dignitaries and military personnel were led by the Deputy Foreign Minister U Kyaw Thu and gave access to the region to journalists from *Reuters* and *Xinhua* news agencies.[182] These regulated visits to the delta by foreign media were conducted almost two months after the initial impact of the cyclone.

Beyond the scope of cyclone Nargis, other journalists ran afoul of the SPDC and their inherent distrust of the NLD throughout the year. In the month following the cyclone, a Korean journalist bore the brunt of the regime's displeasure. Lee Yu Kyong had entered the country on a tourist visa and had attempted to go the Irrawaddy delta to report on events there, only to be blocked by restrictions. In a further attempt to garner information regarding the situation of the cyclone victims, the journalist had contacted members of the opposition National League for Democracy in Rangoon and had arranged a meeting. On 18 June 2008, Miss Lee had gone to the NLD office in Bahan Township in Rangoon to gather information regarding victims and the following day had attended the birthday celebrations for Aung San Suu Kyi. Following these two interactions with the NLD, Miss Lee was arrested at Okinawa Guest House on 32nd Street in Kyauktada Township downtown Rangoon on 22 June 2008 by 5 members of the police Special Branch. Officers had asked the journalist what her activities had been on 18-19 June 2008 and informed her that because she had entered the country on a tourist visa, that her meetings with the NLD were illegal. The police confiscated four CD's containing images from the storm ravaged delta. The police also arranged for the immediate deportation of the Korean national on a Thai Airways flight that left Rangoon at 10am on the same day of her arrest, without allowing her to contact the Korean Embassy.[183]

Foreign Tourists

Foreign tourists once again faced movement restrictions on travelling inside Burma. As usual, the areas that experienced low-level armed conflict remained off-limits to all tourists. The spectre of cyclone Nargis loomed large on the horizon and had a dramatic impact on the amount of tourists that entered the country (numbers which were in all likelihood also affected by the dramatic scenes of the repression of the Saffron revolution of 2007) in 2008. Previously popular tourist destinations were transformed into off-limits areas by the military practically over night, once foreign media began publishing photos of the devastation of the Irrawaddy delta. The restriction of travel to the area was made complete following the release of images showing victims of the cyclone. The areas of Bassein, Ngwe Haung and Chaung Thar, which had traditionally seen many tourists, were cut-off by roadblocks manned by military personnel. All cars travelling in the Rangoon-Bassein route were stopped and checked for foreign passengers.[184]

As mentioned, the resulting impact of the cyclone on the tourist industry was quite significant and the SPDC did not encourage tourists with the news that visas on arrival in Burma could only be secured at the time of the cyclone by those tourists who were on SPDC approved 'package tours'.[185] According to figures reported at the time, the SPDC tourism numbers indicated that arrivals of tourists at Rangoon International Airport were *"15,204 in the first quarter of the fiscal year 2008-09, a drop of 47.59 percent from 29,007 in the same period of 2007-08."* [186]

Restrictions on Foreigners in Burma - Partial list of incidents for 2008

On 5 August 2008 British national Mr Andrew William Fardae was deported by regime authorities from Rangoon, where he had arrived on a Thai Airways flight. Burmese authorities claimed that Fardae, a reporter for the British Broadcasting Corporation, had previously breached tourist visa rules and was thus blacklisted.[187]

Foreign journalist Andrew Marshall from Britain was deported from Rangoon on 21 May 2008. Marshall underwent several hours of interrogation before being placed on a flight to Bangkok along with his American photographer.[188]

On 21 June 2008 Korean journalist Lee Yu Kyong was deported by regime authorities. Lee, who had previously attended the birthday celebrations of Aung San Suu Kyi, was told that she had performed an illegal act by visiting the NLD headquarters. Lee had four CD's of photographs documenting the devastation left behind by cyclone Nargis confiscated prior to her deportation.[189]

German national Ingra Gruss, previously a volunteer with Burmese NGO Myanmar Egress, left the country sometime after 15 June 2008 after receiving several warnings from authorities regarding her activities. Gruss, a social science researcher with a focus on Kachin people, had her passport checked and was warned by authorities that she should leave Burma. Gruss drew the attention of authorities after meetings with veteran political and ethnic leaders. Local sources indicate that regime officials suspected that Gruss was involved in journalistic activity.[190]

On 8 August 2008, the 20th anniversary of the 1988 pro-democracy uprising, barbed wire security barricades were placed along the road leading to the home of NLD opposition leader Daw Aung San Suu Kyi is being detained, barring anyone from approaching. Security was tight across the city as the regime expected there to be additional protests to mark the anniversary. *[Photo: © Mizzima News]*

14.8 Restrictions on the Freedom of Assembly

Article 21 of the International Covenant on Civil and Political Rights states that,

> *"The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."* [191]

The Burmese junta maintained its strict controls over rights to assembly through the duration of 2008. The regime has upheld this firm stance against the right to assemble since the 88 uprisings, and has codified it through the imposition of SPDC Order 2/88. The act prohibits the *"gathering, walking or marching in procession by a group of five or more people regardless of whether the act is with the intention of creating a disturbance or of committing a crime."* [192] Under these prevailing conditions, political space and the ability of the population to congregate were severely impeded well before the 2007 protests. The crackdown on protestors and subsequent arrests of participating monks, activists and civilians saw Burma begin 2008 with a heightened level of political tension and unrest. It was amid the turbulent aftermath of the protests of 2007, and using those protests as a pretext to curb opposition, that the SPDC restricted the right to assemble even further in 2008. Activities that were disrupted by authorities included, but were not limited to; peaceful demonstrations and marches, gatherings to mark historical occasions, political and religious meetings and prayer vigils.

The SPDC focused particularly on preventing or disrupting gatherings composed of members of the opposition and the Sangha in 2008, as those two groups were considered by the SPDC to be the prime movers behind the prior year's demonstrations. Regime harassment of the NLD has been standard practice in past years and 2008 proved to be no exception. There was however a significant change in the attitude of the regime toward monks in the post-saffron environment. The repositioning of the Sangha as a genuine political force, as opposed to its traditional role as primarily a moral authority, placed it front and centre of the SPDC's attempts at curbing political freedom. The right to assembly was in large part restricted due to these factors. Restrictions on assembly also lead to unprecedented numbers of associated arrests and detentions of opposition politicians, activists and monks, among others. The estimated number of political prisoners in Burma nearly doubled over the course of the last year, and now stands at more than 2,100 compared, with nearly 1,200 in June, 2007.[193]

Restrictions on Political Assembly

The NLD endured a further year of harassment and intimidation of its members in 2008. Similar to previous years, the majority of the field offices of the NLD remained closed outside the main centres of Rangoon. A US Department of State report from March highlighted restrictions on assembly affecting the NLD; the limitations meant that party activities were not allowed to be held, even outside the party headquarters in Rangoon. NLD leaders were also asked to provide lists of members attending events in an apparent attempt to intimidate or dissuade people from attending meetings.[194] On the rare occasions when party activities were not disrupted by SPDC security forces or its proxy forces, such as the USDA and Swan Arr Shin, events were monitored very closely. On 22 November 2008 the NLD held a celebration of its 88th National Day, from noon till 3 p.m., at party headquarters in Rangoon's Bahan Township. The celebrations drew a crowd of 400, including supporters of the NLD as well as various ethnic national organisations and members of the Committee Representing

the People's Parliament (CRPP). Although the celebrations were not disrupted, government officials completely surrounded the NLD headquarters and closely monitored events.[195] Four plainclothes officers were present with the crowd, whilst fifteen vehicles were stationed around the venue.[196]

Security officers also kept watch over other activities involving NLD members that could not take place at the party headquarters, including such innocuous events as women's groups visits to the Shwedagon pagoda in Rangoon.[197]

Restrictions on Monks and Political Assembly

The manner in which the role of the Sangha is discussed in relation to Burmese society changed significantly following the September 2007 protests. The staunch defiance of the regime by the Sangha, and its key role in leading the demonstrations blurred the old lines that formerly separated religious leaders and political activists. Consequently, when considering the events of 2008, it is necessary to take into account this repositioning of the Sangha as an inchoate political force, and to understand that restrictions on assembly in relation to religious sites, ceremonies and gatherings may also be viewed as political restrictions.

Throughout the year, all arms of the SPDC security apparatus were employed in increasing security around monasteries across Burma, especially in the months of August and September. As mentioned previously, the dual commemorations of the 88 uprising and the anniversary of the so-called Saffron revolution, in the months of August and September respectively, brought about raised security levels in the vicinity of monasteries. In conjunction with possible assembly and unrest associated with these important anniversaries, there was also continued pressure on monasteries, as police and security forces continued to hunt for members of the Sangha that had participated in the September 2007 protests.

By early August security forces had been deployed throughout Sittwe, the capital city of Arakan State, in anticipation of further unrest on the anniversary of the 2007 protests. Extra security details were placed in locations including the Town Hall, U Ottama garden, Lawkar Nanda, Bura Gri temple, U Raykyaw Thu monastery, the inland water jetties, and the former Sittwe college compound. Members of the security forces also questioned residents of monasteries in order to determine if out of town monks had come to visit or stay in the monasteries of Sittwe that had played a key role in the uprising of the prior year.[198] The close eye kept on the monasteries by local intelligence meant that some abbots chose not to let their novice monks leave the monasteries for fear of harassment.

On 8 August 2008 riot police raided the largest temple in Sittwe, Bura Gri. The monks of Bura Gri had planned a demonstration to coincide with the 20th anniversary of the 88 uprising. A monk from the monastery said,

> *"Many riot police besieged the temple in the morning on the day to prevent the monks from staging a demonstration by marching in the streets. Moreover, the security forces blocked all roads near the temple. So the monks plan to stage a demonstration was foiled,…….Staging a demonstration is very difficult in Sittwe at present because many security forces, including army and police, are being deployed at many places in Sittwe to crack down on demonstrators,"* [199]

The march was to be comprised of monks from several different monasteries who had gathered at Bura Gri.[200]

In Rangoon security forces were also stepping up operations at this time as a means of deterring possible large scale assemblies associated with the approaching anniversaries. On 8 August 2008 residents of Rangoon reported that there was a vast increase in the amount of security personnel throughout many different areas of the city. One local resident, quoted by media sources, related the following scene,

> *"Security personnel are swarming everywhere. There are about 100 policemen and other security officials in front of the Emmanuel Church in Sule Square. And there are also several of them on the eastern and southern gates of Shwe Dagon shrine*," [201]

Other residents reported the presence of members of the police, riot police, military and Swan Arr Shin, equipped with batons and shields, patrolling strategic areas of the city including religious sites and key junctions. Earlier in the week, residents reported seeing dozens of military trucks patrolling the streets, including those streets that had been used in the past by student protestors such as the Rangoon-Pyay Road and the Rangoon-Insein road.[202]

Another local was quoted as saying, *"They were patrolling since yesterday in places such as Hledan and Insein. There are about 30 police vehicles patrolling downtown. But this morning there is no more patrolling. They have positioned the vehicles at important junctions,"* [203]

The authorities in Mon state also took precautions early in August, in anticipation of trouble there due to the approaching anniversary of the Saffron revolution. Hurfom reported in October 2008 that information leaked from high offices of the SPDC in Mon state revealed that authorities had been instructed to increase security throughout August and September. Exit and entry into the state capital Moulmein was monitored and nightly patrols were conducted throughout more than half of the capital's wards. Security was also enhanced in other towns of Mon State.[204]

Demonstrations and the SPDC Response

The anniversary of the 88 uprisings saw peaceful demonstrations take place nationwide, despite the aforementioned security clampdowns in the major urban centres. The demonstrations were undertaken with varying degrees of success. Whilst some were quashed before they were able to get under way, others began, only to be disrupted by SPDC forces. The arrest of demonstrators was a common theme in the regime's response to the peaceful marches.

Many towns in Arakan staged commemoration marches, including Taunggup, Kyauk Pyu, Ramree and Sittwe. The marches elicited varying responses from authorities. In Taunggup Township, 21 activists that were travelling to a planned march in Taunggup were arrested close to the village of Nackmoaw. Of the 21, 16 were later released after signing documents stating that they would refrain from marching again. Five members of the party, thought to be leaders of the group were still being held in detention at the time of the report on 11 August 2008.[205]

In Kyauk Pyu a demonstration was broken up by soldiers from Light Infantry Battalion (LIB) #34 at 8 am; in this instance there were no arrests of activists made. In Ramree, an abbot from Ramree Taung Kyaunn monastery, U Thumana and a teacher from a state middle school, Maung Aye Thein were detained in connection with protests.[206] In Sittwe a demonstration held at the largest temple in the city, Paragyi was also dispersed by authorities.

By mid-September 2008 authorities had placed informers in strategic locations around Sittwe in Arakan State, due to the three protests that been broken up over the course of the previous two months. It was reported on 16 September 2008 that plainclothes informants had been placed in and around monasteries and temples in order to gather information relating to possible further protestor action.[207]

In September 2008 the authorities also took pre-emptive steps in order to prevent possible protests in the major urban areas. In Mon State and in Arakan State, monks were forced out of monasteries and sent back to their hometowns. On 26 September 2008 it was reported that two monks were forced out of monasteries in Sittwe. U Pai Nyathuka from Sitta Thuka monastery and U Tayza Dhama from Ten Kho monastery were sent back to Ann Town and Mrauk U respectively. The report stated that these monks were suspected of being leaders of the recent anti-regime protests in Sittwe.[208] The city, which is heavily identified with protests, had seen three demonstrations in the two months prior to the report, all three of which had been foiled by the junta's security forces. The report suggested that the two returned monks were under close surveillance in their hometowns even after they had been forced to leave the monastery and were under the watch of intelligence officials.[209] In effect, this surveillance meant that they were not capable of exercising their legitimate rights to assemble with other monks. It also meant that their religious freedoms were being violated by the junta.

On 8 August 2008, 48 activists were arrested in Taunggup Township, Arakan State, after they staged a rally commemorating the 20th anniversary of the 8888 uprisings. Those arrested were taken to Thandwe in southern Arakan State for interrogation by the authorities. Following questioning, the majority of those arrested were released, however, at the time of the report there were still five participants who had not been released. The parents of one those still in detention expressed concern at not knowing the whereabouts of their daughter, aged 20. The parents were unable to ascertain the whereabouts or condition of 20 year old Ma Ni Ni Myint. They gave the following statement, "*We have not had any contact with her since she was arrested. The concerned authority has not yet informed us of her arrest. So we do not know what has happened to her,*" [210] Also detained by the authorities in Thandwe prison were Ko Moe Nay Soe and Ko Than Lwin, and two other unidentified youths from Net Maw Village.[211]

Saffron Revolution Anniversary

Whilst security clampdowns around the months of August and September were to be somewhat expected due to the major anniversaries falling in those months, there was no easing of the security situation after those crucial months had passed. Security forces maintained a tight control over the right to assembly and also continued the hunt for those monks that had any involvement, perceived or otherwise, in the 2007 protests. On 13 October 2008 it was reported that two monasteries in Sittwe, Arakan State had been raided by police. Police conducted searches to look for monk leaders who were allegedly planning demonstrations on the day of the full moon religious festival. About 50 policemen raided the monasteries of Daw Pu Pu, in Bon Dut Thar Su Ward and Dhama Ron in Kon Dan Ward. Monks had received prior warning of the raids and fled into hiding, meaning that police failed

to make any arrests.[212] Family members of some monks were detained for questioning but later released. The situation in Sittwe and the continued presence of security forces was such that the rights of the population there to assemble were highly restricted. A monk from Sittwe made the following observation in relation to the continued security around the city,

> *"It is impossible for any protests to surface against the regime in Sittwe because many monk leaders are hiding in unknown locations. Meanwhile, the authorities have not withdrawn security forces from Sittwe"* [213]

Economic Motivations for Protests

Although political dissatisfaction motivated a great number of protests during 2008, there were other reasons for civilians to stage demonstrations. The September 2007 demonstrations were triggered partially by the government fuel hike and rising commodity prices. Even though the problem of the protestors was dealt with through the use of military force by the SPDC, the underlying difficulties of Burma's dire economic situation remained. Economic mismanagement by the junta and the grinding poverty faced by many Burmese, animated protestors at the beginning of 2008. On 17 January 2008 police forces interrupted a large march in Taunggup Township, Arakan State. Although the demonstration had been held partially to make demands for the release of political prisoners held in Thandwe prison, march organisers indicated that it was also an attempt to protest the spiralling economic fortunes of the general population. After the protestors were dispersed, a demonstrator had the following to say,

> *"Our programme failed yesterday but we have not given up our plan. We are going to stage another demonstration in the near future……..Because we are unable to tolerate the junta's oppression of people who are now facing many social difficulties such as poverty."* [214]

Protestors had also come from the surrounding areas of Taunggup to voice their concerns over forced rice purchases by the SPDC and the manner in which farmers had been forced into the cultivation of sunflowers in regime schemes. Regime security forces not only broke up the demonstration, they also prevented those travelling from rural areas from joining the assembly by blocking the entrances to the township with police and army personnel. As a consequence of the demonstrations, the town market was closed down and police were stationed at Faungdaw Oo temple.[215]

Religious Assembly Restricted

Religious ceremonies also came under scrutiny throughout the duration of 2008. As mentioned previously the renewed connection between the representatives of Buddhism and politics meant that even normal religious assemblies became suspect events in the eyes of the regime authorities. On 16 January 2008 a meeting of the Tuesday Prayer Group, was interrupted by members of the USDA who assaulted the participants, and the group's leader Naw Ohn Hla. The Tuesday Prayer Group meets weekly to pray for the release of Aung San Suu Kyi. Witnesses recounted seeing about 100 men from the USDA hitting and kicking members of the prayer group, including men and women. Witnesses said that although there were uniformed police on hand, they did nothing to stop the assailants. Furthermore, it was reported that there were no actions taken in response to a complaint against the attackers placed by Naw Ohn Hla.[216]

This incident is highly suggestive of the fact that the SPDC has chosen to restrict the rights to assembly of the civilian population, but has no such concerns when 100 members of the USDA gather to assault innocent civilians staging a peaceful prayer vigil. (For a discussion of impunity see Chapter 1: Arrests)

On 18 February 2008 a report surfaced that a three day religious talk was disrupted by authorities in Kone Zaung Village, Pwintbyu Township in Magwe Division. Abbot U Thu Mingala of Moegok Wipathana monastery in Mandalay was to have a delivered a three day religious sermon known as a 'dhamma talk'. After just two days however, the authorities broke up the talks. Witnesses recounted the following;

> *"Local police chief U Sein Win arrived at the location where the talk was being held at around 2pm on Saturday afternoon and said that U Thu Mingala has been banned from conducting Dhamma talks, … He also demanded that the pavilion be demolished and the monk leave town at once."* [217]

The report said that one youth who demanded an explanation for the cancellation of the talks was punched and arrested and that local residents were subsequently forced to pay a large amount of kyat to the local police chief, U Sein Win in order to secure his release. A local villager from Kone Zaung said, *"The day after, Sein Win demanded 200,000 kyat for Chit Wai San's release," he said … But the villagers bargained with the police chief and managed to get him to agree to 100,000."* [218]

On 13 September 2008, Moulmein Township, in northern Mon State, hosted the Long Bebin Festival. The festival was held between the villages of Bha-Out and Rogo and comprised one of the largest offerings of donations to monks for people in the surrounding areas. The festival was presided over by troops in full uniform. Although the organising committee requested the removal of the troops, the commander denied the request and the troops remained in position in a perimeter of 200 metres around the festival. The troop presence was justified by the local military commanders as being for the security of military families.[219]

Trials of Activists and Restrictions on Assembly

A more subtle form of the restriction on assembly over 2008 was the manner in which the junta handled the trials of activists and human rights defenders. Many trials were moved from local courts to special court hearings inside prisons, including Insein. In this manner the regime sought to cut off public access to those facing trial and reduced the transparency of already dubious legal proceedings against activists and the like.

On 5 November 2008 it was reported that the trial of activist De Nyein Linn had been relocated inside Insein prison. Ko Nyo Nyi Hlaing, the lawyer appointed to defend De Nyain Linn was given the information after he was summonsed by the joint divisional court 2 in Rangoon. The reason for the move given by court officials was that Sanchaung Township police chief Kyaw Kyaw was concerned about security at the trial in the local courts and had requested a change of venue. In response to the change of venue, Ko Nyi Nyi Hlaing made the following observation, *"According to the regulations on court hearings, a trial must be held openly in front of the public and the families of those involved*," [220]

Pro-Junta Rallies

Not all of Burma's civilian population face harsh restrictions on their rights to assembly. Members of the junta backed organisations such as the USDA were allowed to hold rallies without hindrance or fear of interference from the authorities. In fact, attendance at pro-junta rallies is often compulsory and failure to attend these large gatherings may even result in fines. In an interview released by Human Rights Watch in early 2008, one shop owner described having to send employees to attend pro-junta rallies,

> *"The SPDC order us to attend mass rallies, they use trucks to bring the people [to the rallies]. You know you can't refuse, if you do you will face hardships. You stop getting permits, orders for stock from the government. The YaYaKa [Village Peace and Development Council] and members of the [volunteer, pro-government] Fire Brigade came to my shop and asked me to send two staff to a rally in December. I had to send them to the Ya Ya Ka office by 4 a.m. I'm a businessman, I have to contribute to whatever they want. I want a good relationship with them."* [221]

Restrictions on the Freedom of Assembly - Partial list of incidents for 2008

Eleven pro-democracy activists were arrested on 28 August 2008 for taking part in demonstrations against rising commodity prices in Hledan junction, Kamayut Township, Rangoon Division. According to Ko Thant Zin Oo from Hlaing Thar Yar the activists were charged under section 505(b) (inducing crime against public tranquillity), section 143 (joining unlawful assembly), sections 145 and 152 of the Criminal Code (Indian Penal Code).[222]

On 27 June 2008 Burma's Supreme Court rejected an appeal by detained activists to have their sentences reduced. The six were handed sentences ranging from 20-28 years for attending a Labour Day event in 2007.[223]

On 15 August 2008 five activists previously arrested for taking part in demonstrations were sentenced in Taunggup Township, Arakan State. The group had taken part in demonstrations to commemorate the 20th anniversary of the 8888 uprisings. The Sandoway court handed down sentences of two and a half years to the foloowing individuals: Ko Moe Naing Soe, Ko Maung Maung Thet, Ko Chit Maung Maung, Ko Than Lwin and Ma Ni Ni Nay Myint. The activists were all about 20 years of age.[224]

On 5 September, Malayone monastery, located in Thanlin Township, Rangoon was raided by security forces. The unidentified assailants, thought to be members of the military intelligence apparatus, took abbot U Thila Won, 58, into custody. [225]

It was reported on 9 September 2008 that military authorities in Sittwe, Arakan State had heavily increased security in advance of the upcoming anniversary of the death of revered monk Ashin Ottama. Witnesses said that security forces were deployed around Payagyi Temple and U Ottama Hall, two areas likely to host ceremonies in the late monk's honour.[226]

It was reported on 10 September that the military had stepped up its surveillance and security in Myitkyina in the lead up to the anniversary of the Saffron revolution. Residents reported increases in security forces in the town itself and within a ten kilometre radius of the town, including checkpoints after 8pm.[227]

14.9 Restrictions on the Freedom of Association

Article 22 of the International Covenant on Civil and Political Rights (ICCPR) states that,

> *"1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.*
>
> *2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.*
>
> *3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention."* [228]

The protections afforded by Article 22 of the ICCPR and Article 20 of the Universal Declaration of Human Rights regarding freedom of association did not deter the SPDC from continuing to employ a range of long standing legislative acts against its domestic opponents in 2008. Restrictive measures were enacted against association related to opposition political groups, monks, human rights defenders and activists. As in the previous years, the Unlawful Associations Act kept the number of newly formed legal organisations to a minimum, ensuring little resistance to the military junta. Article 15 (2) of the Unlawful Associations Act, 1908 (1957) states that an unlawful association is one:

> *a) which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts, or*
>
> *b) which has been declared to be unlawful by the President of the Union-under the powers hereby conferred.* [229]

Supplementing the use of the Unlawful Associations Act, the SPDC also relied upon SPDC Order 2/88, which was mentioned previously in the restrictions on assembly, to restrict association. The act prohibits the *"gathering, walking or marching in procession by a group of five or more people regardless of whether the act is with the intention of creating a disturbance or of committing a crime."* [230] This order was used to break up and arrest members of opposition groups staging various types of political and non-political gatherings throughout the year.

Also employed for curbing the activities of opposition groups was the The State Protection Law of 1975, which permits the administrative detention for 90 days (renewable for an additional 90 days) of persons mobilising for perceived anti-government activity.[231]

Another common manipulation of the Burmese Penal Code by the SPDC was to call into effect Article 144. The broad terms of the Article mean that it can be used to break up many types of political activity from meetings to marches. The article prohibits "*disturbance of the public tranquillity, or a riot, or an affray.*" [232] A *prima facie* understanding of the law seems to indicate that it could be suitably applied in situations of potential violence or serious civil unrest, however, the article also bans the gathering of five or more people, and hence it has been used in order to break up peaceful gatherings as well.[233] Furthermore, the SPDC's

inherent fear of any opposition activity meant that the definition of activities that disturb the public tranquillity encompassed such unobjectionable undertakings as prayer vigils and peaceful anniversary marches.

The restrictions on association kept the number of legally registered political groups in the country to 10, according to US Department of State.[234] Despite the legal status of these registered parties, they were still required to request permission from the government to hold meetings of their members.[235] Of those groups, the NLD was particularly targeted and its members faced harassment throughout the year. Other groups to suffer discrimination and intimidation included the 88 Generation Students Group and the All Burma Federation of Student Unions. The ability of the SPDC to restrict association with and between groups like these meant that their political efficiency was severely debilitated, rendering most groups ineffective. The intimidation of registered and potential members, kept membership of these opposition organisations down. The vast number of arrests of political activists throughout 2008 and general pressure from the SPDC meant that even the strongest of the opposition groups, the NLD, faced leadership issues during the year. Whilst the three opposition parties were burdened by continual harassment and threats, the remaining seven legally registered parties enjoyed relative freedom by kowtowing to the regime in return for more favourable treatment.[236]

In the ethnic minority areas that were still experiencing low level combat operations in 2008, there were also punitive measures taken by the SPDC against civilians for perceived association with armed opposition groups. Civilians faced fines, beatings, arbitrary detention, execution and forced labour if suspected of consorting with, or supplying, non-state armed groups in a continuation of the long-standing '*four cuts'* policy. The four cuts policy aims to sever ties between civilians and non-state armed actors by interrupting lines of food, funds, intelligence and recruits.[237] The four cuts policy has had a wide ranging effect on civilian villagers in the rural ethnic minority areas in several states, including Karen, Mon, Shan and Chin States, for example. The implementation of the policy has lead to a clear and ongoing deterioration in the human rights conditions faced by the populations in these areas. SPDC troops operating in areas not fully under their control (designated 'Black' and 'Brown' regions) throughout Burma were reported to have committed various human rights violations, often in an environment of near total impunity. (For more information see Chapter 10.1 Restrictions on Villagers in Border Conflict Areas)

14.10 Restrictions on Political Parties

Since its failure to recognise the results of the 1990 elections, the Burmese junta has taken progressive steps in order to restrict political space within the country. The failure of the junta to relinquish power to the elected National League for Democracy was the first step in a long procession of manoeuvres culminating in a situation where there is little opportunity for a viable opposition within Burma. As mentioned earlier, there remains a mere three functioning opposition parties inside the country, and during 2008 those three parties faced greater restrictions than ever.

The latest clampdown on political freedoms was kick-started by the Saffron revolution of 2007. The vast groundswell of support for economic and political reform, reflected by the numbers of participants in the peaceful marches, indicated to the junta that there was a growing and palpable dissatisfaction with years of economic mismanagement and oppression under the SPDC. The response of the regime to this threat was to take an even greater aggressive stance toward the opposition political parties, lest they be able to capitalise on the anti-regime sentiment running through Burmese society. The restriction of political space for the opposition in Burma was typified by widespread arrests, detention, beatings and sentencing of members of opposition political parties, human rights campaigners, and student activists among others. The SPDC sent strong signals throughout 2008 that dissenters would be dealt with harshly in an effort to dissuade association with political groups and activities. Some of those held since the Saffron revolution in 2007 were finally tried in 2008 and were dealt hefty sentences. The leader of the All Burma federation of Student Unions, Sithu Maung was among many charged in 2008. Following his arrest in Tamwe in late 2007 for involvement in the Saffron revolution, charges of unlawful association and crimes against public tranquillity were brought against him by Tamwe Township's Deputy Police Chief Than Htay Aung. The charges were laid at the Tamwe Townwship court.[238]

The charges laid against Sithu Maung were typical of the regime's attempts to extinguish any possible attempts in 2008 of repeating the popular uprisings of the year before. Several groups were dealt with harshly as a means of discouraging political activity, and the Unlawful Associations Act was called upon heavily throughout 2008 in order to restrict political space. Generation Wave, an inchoate organisation conceived following the Saffron Revolution, saw roughly a tenth of its 100 person membership imprisoned in 2008.[239] On 20 November 2008, five members of the group were sentenced to prison terms of five years each in Rangoon. Aung Zay Phyo, Arkarbo, Thiha Win Tin, Wai Linn Phyo and Yan Naing Thu were found guilty by the Lanmadaw Township Court of forming an illegal organisation under the Unlawful Association Act. A sixth member of the group, well known hip-hop singer Zeyar Thaw received a slightly higher sentence of six years, for possessing foreign currency in addition.[240] The All Burma Federation of Students' Unions (ABSFU) was another group to attract the ire of the junta throughout the year. On 7 August 2008 authorities arrested Myo Teza, a leader of the ABFSU. Two of his colleagues were also arrested.[241]

In addition to unfounded accusations of crimes against public tranquillity and unlawful association, two of the most common charges against political activists in Burma, the regime even went as far as accusing members of the NLD of terrorism in relation to a number of bomb blasts in the former capital of Rangoon in 2008. These accusations came despite the NLD's repeatedly professed adherence to principles of non-violent resistance, in conjunction with claims of responsibility from separate activist groups. On 1 July 2008, a bomb exploded outside the Shwepyitha Township offices of the Union Solidarity and Development Association (USDA) offices in the former Burmese capital of Rangoon. The regime, through its state run media, were quick to lay the blame for the attack at the feet of the NLD, however, a relatively new activist group, the Vigorous Burmese Student Warriors (VBSW) claimed responsibility for the attacks, claiming it was the work of one of their units. The VBSW also claimed responsibility for an earlier attack in April in Rangoon.[242]

Following the Saffron Revolution, a catalyst from an unexpected quarter was to provide an additional rationale for the SPDC to clampdown on the opposition movement. Tropical cyclone Nargis tore across the delta region of lower Burma in May, leaving a trail of destruction in its wake. The SPDC response to the cyclone served to highlight the ineptitude of the regime in being able to cope with a natural disaster of such a scale, shattering the SPDC myth that Burma is a country capable of complete self-sufficiency, and that the country's woes are the result of so-called 'foreign destructive elements'. Jumping into the void left by the regime's glacial response to the crisis, opposition groups, activists and monks adopted some of what would, in many other countries, have been state responsibilities and began to deliver the urgent assistance required by the cyclone survivors. (For more information see Chapter 10: Cyclone Nargis – From Natural Disaster to Human Catastrophe). The spontaneous, timely response from the opposition and other activists, made the SPDC look cynical by comparison. While the regime prevaricated and deliberated on the best way to accept offers of international help without losing face, the opposition and its allies ferried supplies to the Irrawaddy Delta by all possible means.

The response from these non-state actors was enough to prompt the regime to begin clamping down on their activities in order to appear to maintain control of the relief effort. To the detriment of survivors (some in outlying areas of the delta who were not reached by SPDC administered relief for up to a month following the cyclone) the SPDC began to restrict movements into the Delta region. Authorities seized supplies and set up roadblocks in order to monitor various groups involved in the relief effort. The fallout from Nargis and the response of the opposition groups and others meant that the SPDC sought to further de-legitimise and clampdown on the NLD, the 88 Generation Student group and others as a way of quashing any viable alternative to the SPDC control over the country. These groups continued to suffer in the later months of the year as a result of their actions in response to Nargis.

A further rationalisation of the increasing intimidation, arrests and harassment of the Burmese opposition groups appeared to be the election looming in 2010. The proposed election will constitute the country's first democratic election since 1990, and is step 5 in the 'Roadmap to Democracy' (For all seven steps, see Chapter 13 Freedom of Opinion, Expression and the Press). Analysis of the SPDC's implementation of the 7 step 'Roadmap to Democracy' reveals several concerning trends. Pundits consider the process to have been manipulated by the SPDC from its inception and the plan has been characterised by the marginalisation of important stakeholders such as the ethnic minority political parties and the main opposition party, the NLD. The National Convention stretched out for several years and was not in any case an inclusive process, partly due to boycotting over attendance regulations and partly due to the fact that many important opposition politicians languished in prisons throughout Burma at the time of the convention. Eventually the convention yielded a flawed and highly criticised constitution that was voted on during a national emergency (cyclone Nargis). Numerous reports told of glaring irregularities in the voting process, from intimidation of voters, to coercion, vote rigging and outright fraud, to such an extent that the truly incredible 92.4 percent 'yes' vote announced by Burmese state radio after the second phase of polling was transparently implausible.[243] The trend throughout the Roadmap process thus far of marginalising the NLD and others through arrests, beatings, surveillance and other nefarious means, suggests that the SPDC has no interest in using the elections as anything but a way of consolidating power. An important element in achieving that consolidation is to keep all opposition groups in their current moribund state. With the election possibly billed as early as March 2010, the SPDC stepped up attacks of all forms against the opposition during 2008.

The SPDC's history of promise keeping is poor to say the least. The fiasco of foreign aid delivery around the time of Nargis and the past relationship with the United Nations are cases in point. It is not surprising therefore that the SPDC has adopted a two-track

approach to the coming elections. It has been recent policy in Burma to adopt a conciliatory stance when dealing with the international community to ease external pressure, whilst maintaining absolute control of the domestic political scene.

Internationally, it has touted the elections as one of the final steps in establishing the ominously titled 'discipline flourishing democracy' in Burma. The junta has sought to appease the international community, just as it has on so many other occasions, by describing the election process with internationally acceptable catch-phrases such as 'free and fair', 'transparent' and 'multi-party' in an attempt to legitimise a process widely regarded by political analysts as a sham.

The rhetoric fed to the international community by the SPDC however, belies the domestic political reality. The junta has shown no recent inclination to relinquish its hold on power, and based on the restrictions on political parties in 2008 there is no reason to suggest that the elections in 2010 will change this reality. In a telling statement from the information minister, the SPDC will lay out strict guidelines which will hamper the way in which political parties will be structured and registered. Brigadier-General Kyaw Hsan, the SPDC Information Minister, said at a press conference on 8 September 2008, that arrangements were being made for the multiparty general election in 2010,

> *"Every political party which is in conformity with the prescriptions of the already approved constitution and rules and laws on political parties to be prescribed in the future will have rights to stand for the 2010 election,"* [244]

Whilst superficially this statement appears to be innocuous, there are three glaring problems that should leave the international community and the Burmese opposition with cause for concern.

Firstly, political groups in the past have conducted their affairs 'in conformity' with domestic law, only to have their members harassed and arrested by the regime officials. Whilst interpretation of the law remains an arbitrary practice in Burma, 'conformity' has only a relative meaning and does not constitute a legal protection for opposition political actors.

A second, two-fold problem is constituted by the so-called 'rules and laws' governing the political parties contesting the elections. At the time of publication, these regulations had not yet been announced, however common sense, and the fact that there are less than ten viable opposition political parties in a country of more than 50 million people would suggest that they will not favour the easy formation of anti-junta political organisations. Furthermore, rule and regulations for the current parties in existence have been routinely ignored by the SPDC for all groups except the pro-junta organisations such as Swan Arr Shin and the USDA. (For more information on these groups see Sections 13.16)

Finally, the phrase 'approved constitution' is highly problematic. As discussed previously, the process of approving the constitution was domestically and internationally discredited. Furthermore, the drafting of the constitution was not an inclusive process and lacked the participation of many ethnic nationality political groups as well as many political leaders who languished in prison.

The veracity of the analysis above is evidenced by the vast amounts of arrests through the duration of 2008 in a continuation of the policy of removing key players from the political process and keeping them sidelined in the lead up to the 2010 election. The arrests were consolidated by wildly disproportionate sentencing of activists and opposition leaders. According to Assistance Association for Political Prisoners Burma (AAPPB) based in Mae Sot, Thailand, up until 2 September 2008, at least 286 activists had been arrested in Burma.[245]

Restrictions on and Harassment of the NLD

Despite its legal status, the NLD has long been targeted for harassment and intimidation by SPDC authorities. There was no respite for NLD members from threats, arrests and beatings at the hands of the security forces of the SPDC throughout 2008. The reported numbers of political prisoners incarcerated at the end of 2008, a great number of which were comprised by the NLD, is suggestive of the fact that, if anything, the NLD was targeted to an even greater degree by the SPDC over the course of 2008. As mentioned earlier, most of the NLD's offices located outside the main urban centres of Rangoon and Mandalay remained closed.

The concerted campaign against the NLD has taken many forms in the past years. The Saffron revolution provided a convenient context for the SPDC to step up its suppression of the NLD and its members, and this added pressure carried through from the time of the protests in 2007 into 2008. Against the backdrop of the unstable security situation following the uprising, the regime authorities consistently pursued a policy of harassment and intimidation of the NLD over the course of 2008. A widespread crackdown on members of the legal party produced scores of arrests and perfunctory trials in the year following the September uprising of 2007. According to Nyan Win of the NLD, many party members arrested since last year were now facing trials, with at least 30 having been sentenced to at least 2 and a half years in prison between September and early October 2008.[246]

As can be expected, the SPDC's assaults on the democratic freedoms of association have taken a heavy toll on the NLD. As result of the decimation of it's membership in the past year and constant harassment of it's remaining members, the NLD's ability to carry out it's mandate as a legitimate political party has been severely curtailed. A corollary of this attack on the NLD has been that both the direction and control of the party has suffered. A high profile example of this was the resignation in 2008 of 100 Youth Members of the party, following disputes with upper leadership.[247] The pressure exerted by the SPDC has had other noticeable effects on the party. The constant surveillance and intimidation of the leadership of the party has made it difficult for the central leadership to maintain a strong directorial role in the conduct of the affairs of the regional offices. A story emerging from early October 2008 suggested that the regional offices were languishing and without direction due to a lack of policy directives from the upper echelons of the party. NLD sources indicated that this lack of drive from the central leadership was affecting morale to some degree in the regional offices.[248] An elected MP from Pegu cited the following three reasons why political activity had become so difficult in the repressive political climate;

> *"Firstly, all the township offices have been closed down so we have nowhere to hold meetings and no one dares to host us……Secondly, the restrictions imposed on us, for example we have to inform the authorities when we are holding meetings, make not only normal members but also the central executive committee afraid to come to meetings,…..Thirdly, the headquarters haven't handed down any instructions or issues that we need to discuss and gain agreement on."* [249]

With the NLD's ageing leaders, the constant pressure on the party is creating leadership problems. NLD Chairman Aung Shwe is already 91 and was in ill health in 2008 and was not expected to return to work as of 22 October 2008, whilst one of the NLD's secretaries, 86 year old U Lwin, suffered a stroke in 2008.[250]

Forced Resignations

The SPDC employed a range of measures against the membership of the NLD over the course of 2008 in order to adversely affect the cost-benefit ratio of joining the party and participating in its activities. Clearly, arrest and detention was the most prevalent method to achieve this end and will be discussed in due course, however there were also less visible methods of coercion and discouragement that potential and actual members of the party faced throughout the year. One such measure was to threaten members with punitive action unless they resigned from the party and desisted from political activity. In a Human Rights Watch report from early 2008 a former NLD member related how he was forced into resigning from the party in 2007, due to threats from authorities. The teacher from Pa-an Town who was interviewed in Mae Sot, Thailand, had the following to say;

> *"They called me in to the Ya Ya Ka (Ward Peace and Development Counsel) office and told me to resign from the NLD. If I didn't they said they'd find something 'wrong' with me. They have all the names of NLD members. We have no choice, we have to resign. Even though I resigned they still investigated me to find something 'wrong.' It is easy to find something wrong—they accuse you of being drunk, or they deny you a promotion or travel documents. My family was worried. I had to sign my resignation statement."* [251]

As can be noted in the example above, the SPDC efforts to punish and discourage association with the NLD have diversified beyond the political spectrum. The regime has been able to manipulate the deteriorating state of the Burmese economy in its efforts to dissuade members of the NLD. Throughout 2008, NLD members were targeted in not only in their political roles but also in their capacity as private business people. It was reported that one elected MP of the NLD in Sittwe, Arakan State, was forced to leave Sittwe because of his affiliation with the NLD. U Maung Krun Aung's colleague noted the following;

> *"Yes, the authority restricted his business and was always disturbing him so he could not do his work in his town, after he refused to resign from the NLD against government pressure. So now he has left his native town,"* [252]

This photograph shows a group of NLD members who had been arrested and detained by security personnel in Rangoon during 2008 as they were being taking away in two trucks (centre). A third truck can be seen following loaded with armed security personnel. Additional security personnel follow behind the convoy on motorcycles. *[Photo: © PDC]*

Apart from being a politician, U Maung Krun Aung was also a local businessman and the owner of two businesses: a gas station and a tea shop. U Maung Krun Aung faced pressure from the SPDC several times and was pressured to resign from the NLD. The businessman refused to bow to the demands from the SPDC authorities, however he faced increasing problems at the hands the regime for his refusal to comply. Local SPDC officials refused to issue a licence for his gas station ever since the1990 NLD election victory. The inability to obtain legal sanction for his businesses led U Maung Krun Aung to move the location of his enterprises from Rathidaung to Northern Arakan State, where he continued to work for the NLD.[253] The politico-economic discrimination by the SPDC against U Maung Krun Aung is indicative of the way in which freedom of association, in this case with the NLD, is restricted by the junta. It also highlights the way in which the SPDC is able to exert economic pressure on those it views as a threat to its hold on power.

In another example reported in 2008, a businessman from the Irrawaddy Division related to Human Rights Watch how the SPDC placed pressure on him through implicit threats and how fellow traders have been shut down by the SPDC. In an interview conducted in March 2008 the man related the following;

> *"He soon lost his permit [to trade] and was closed down. He no longer lives there, he had to move away. As a businessman I have to act according to their [SPDC's] rules. If I do so, if I do it's okay. The unwritten law is don't join the NLD. If you maintain a good relationship with the SPDC there's no trouble. I do business with people who are connected [to the SPDC], I can't join opposition groups, I can't have an opinion, I can't talk about politics, I can't talk about the referendum. I can only talk with close friends and listen to the radio in secret. I can't listen openly to the BBC."* [254]

The treatment of the interviewee, and the fellow trader mentioned, again highlights the manner in which the SPDC are able to target livelihoods as a manner of controlling the political opposition within the country, thereby weakening any legitimate opposition. The current pathetic state of the Burmese economy means that threatening the loss of livelihoods leaves many individuals who juggle political and business interests with little choice but to desist from political activities in order to guarantee the that they can continue to provide for their dependents. (For more information regarding loss of livelihoods, see Chapter 8: Deprivation of Livelihood).

Surveillance and Restrictions on Meetings

As mentioned earlier the NLD must request permission from the SPDC before holding certain gatherings and the authorities can choose to grant or deny permission as they see fit. The Unlawful Association Act, which bans the gathering of five or more individuals, means that people gathering in a group of greater than five need to request this permission. However the enforcement of the Act appears to be reasonably arbitrary. For example, pro-junta rallies or gatherings of USDA members do not appear to be subject to this particular law. The denial of permission for gatherings is the first way in which the SPDC can attempt to halt meetings of the NLD. According to NLD communications committee member Daw Khin Than, an example of this took place in Sagaing Division. It was reported on 13 February 2008 that the SPDC refused to grant permission for the holding of Union Day celebrations by the NLD.[255]

Even after successfully negotiating the seemingly arbitrary process of getting meetings authorised by SPDC representatives, the NLD gatherings face further obstacles. In some cases the regime attempts to sabotage political gatherings of the NLD through outright threats to individual members, warning against going ahead with meetings. Throughout the

year threats against the party were reported and ranged in severity. In Mandalay Division for example, the Thaungtha Township NLD Chairman U Than Myint said that the party had been warned not to go forward with any plans that were in place for celebrating Union Day in 2008. This message was delivered by the Township Peace and Development Council for Thaungtha Township. Threats such as this one are reported regularly despite the NLD's status as a legally registered party with the right to carry out any and all lawful gatherings and celebrations allowed for under Burmese domestic law. U Than Myint observed that there had been an increase in the level of restrictions on party activities over the course of 2008; he was reported as saying, *"On previous Union Days, they didn't come to ask these kinds of question, but this year they have been trying to find out about our plans,"* [256]

On the occasions when gatherings are permitted to go ahead by the SPDC, there is invariably a considerable presence at these meetings of some or all of the following: police, intelligence officials, USDA members or Swan Arr Shin members. In two separate examples in Rangoon and Aung Lan Township, Magwe Division, NLD meetings were attended by members of the USDA, TPDC and military intelligence officials. At the Rangoon meeting, around 400 members of the USDA observed and took photographs of an NLD celebration that took place at noon on 13 February 2008. On the same day in Aung Lan Township, military affairs security officials, accompanied by local authorities oversaw an NLD meeting of around 30 members.[257]

Particularly large or important anniversaries continued to draw considerable attention from authorities throughout 2008. In July 2008 the NLD celebrations for the 61st Martyr's Day came under intense scrutiny. NLD members and guests numbering 400 held the commemoration at party headquarters in Rangoon. According to witnesses, the Swan Arr Shin and USDA junta backed organisations sent around 1,000 members to keep watch over the commemoration services. The pro-junta organisation's members were supported by riot police and fire-fighters, with all three groups taking up positions around the residence of detained pro-democracy leader Aung San Suu Kyi in University Avenue, as well as around the NLD headquarters in West Shwegondine Street in Bahan Township, Rangoon.[258]

Surveillance of Individual NLD Members

Beyond the heavy surveillance that can accompany NLD meetings, the regime intelligence apparatus, police and other proxy groups also keep a close eye on individual members of the NLD at most times. In this way the SPDC severely restricts the right to association of members of the NLD. The quote below shows the extent to which the SPDC forces will go in order to keep track of NLD members. U Tin Thein Aung who is the acting Secretary of the Taunggup Township NLD and also the Organising Committee Chairman, had the following to say regarding the SPDC surveillance of NLD members,

> *"They are watching our members more closely now by assigning police officers to follow each individual,…..It's becoming more like in football matches where players from one team mark the players on the other team,….The police officers will closely follow you from dawn until dusk and keep a record of everything you say. Now we can't even visit to people close to us freely."* [259]

The high levels of surveillance placed on the upper ranks of the NLD have become open and obvious, to the point where U Tin Thein Aung was able to identify those who were responsible for tracing his movements (in this case, police Private Kyaw Myint).[260]

According to Soe Lay, the NLD secretary for Gwa Township in Arakan State, party members have been not only surveilled, but also prevented by local authorities from performing regular party duties. Beyond the normal levels of harassment of the members themselves, Soe Lay

indicated that the SPDC authorities also attempt to cut off NLD members from the other members of the civilian community. This has been done by threatening punitive action against those seen as helping or colluding with the NLD in any way. According to Soe Lay,

> *"The authorities here are preventing us from attending the party's meeting and questioning us whenever we do things,…..They have threatened to the motorbike taxis in town not to provide us with transportation. They are trying to isolate us from people around us by making them scared to communicate with us."* [261]

The SPDC's attempts to control and isolate the NLD and its membership mean that associating with the NLD can have dire consequences for other members of the community. In such an environment of repression and arbitrary arrest, the price of associating informally with the NLD is simply too high for some.

In a report from 21 February 2008, the dilemma faced by ordinary civilians in supporting the NLD was made plain. The report details the arrest of a boatwoman and two of her family members on 5 February 2008. The crime of the boatwoman had been to transport Dr Aung Moe Nyo and five other members of the Pwintbyu NLD across the river to Yenanyaung in Magwe Division on 4 February 2008. Government officials in the area had previously attempted to coerce local boatmen into signing agreements guaranteeing that they would refuse to transport members of the NLD. Despite this attempt to deny access to transportation for members of the NLD, the detainees chose to ignore the requests. They were subsequently arrested and held at Salin police station. The report stated that the woman's boating license had been taken away from her in retribution for her actions in aiding NLD members.[262]

This case is indicative of the dangers faced by the civilian population should they become involved with NLD members in the course of everyday life. The fact that civilians face the threat of arrest as well as the possible loss of their means of livelihood means the danger for supporting the NLD is twofold. The threat of arrest is often connected to extortionate behaviour by the authorities. Often an arrest is simply a means by which authorities can extort money from detainees. According to Transparency International's annually released Corruption Perception Index (CPI), Burma was rated as the second most corrupt country in the world.[263] Not surprisingly then, poorly and irregularly paid civil servants (particularly the police) in Burma often seek ways in which to supplement their paltry incomes. Arrests of civilians offer a simple avenue through which officers can raise money through fines. (For more information regarding extortion, see Chapter 8 Deprivation of Livelihood)

Perhaps the greater of the two dangers however, is the loss of the means of livelihood. According to the US Campaign for Burma, 90 percent of Burma's people live on or below the poverty line.[264] With so much of the population struggling to survive from day to day, it is evident that any loss of income could be catastrophic. In the example discussed above, not only did the arrested woman lose her license and several days' worth of income. She also lost future means of gaining income and supporting family members. Furthermore, government officials prevented local NLD members from Pwintbyu, Yenanyaung and Seikpyu Townships from visiting the family. NLD members from the surrounding areas raised money to support the family that was punished for helping NLD, however police stationed guards at the house of the boatwoman in order to prevent any delivery of assistance funding for the impoverished family. According to Dr Aung Moe Nyo,

> *"We are standing by to help these people and we are waiting to go to their house to give them support whenever we can, … We are only trying to help this poor family, and the government should not […] prevent poor and starving people from receiving help."* [265]

Prison as a Deterrent to Political Opposition

The civil uprising of late 2007 revealed that the long tradition of political activism in Burma remained undaunted after more than 45 years of military oppression. The commitment of the civilian population in taking to the streets of cities across the country sent a clear message to the SPDC that civilian resentment with the military government was as strong as ever. In response to the uprising, the SPDC too sent a message to the general public in 2008. That message was clear and unequivocal; those colluding with political parties or taking part in political activity would incur a heavy toll. The treatment of political prisoners at the hands of the regime-controlled judiciary carried a clear warning that dissent would not be tolerated.

The manipulation of the judicial system was used as a method of illustrating to the general public that political dissent would result in long jail terms, regardless of guilt or evidence and proved to be an indirect method of curbing association with political groups. On 24 October 2008, for example, Daw Win Mya Mya and four other members of the National League for Democracy (NLD) in Mandalay, Upper Burma, were sentenced to terms ranging from two to 13 years for attending a party gathering and meeting with American embassy officials. According the Asian Human Rights Commission (AHRC) however, the evidence used against them was completely invalid and they had already been detained illegally for up to a year before their cases were brought to the courts. The police investigating the case fabricated evidence, lied to the court about their arrest dates, and submitted secondary evidence that the Evidence Act deemed inadmissible. Despite no clear evidence implicating them in any way relating to their presence at an NLD meeting and despite clear, contrary evidence that indicated the illegality of their detention, the judge handed down prison sentences for all five individuals.[266]

Manipulation of the legal system, as demonstrated in the case above against NLD members, during trials and the general lack transparency in judicial proceedings were widely reported throughout 2008, indicating that the judiciary in Burma has become yet another tool by which political association has been restricted and suppressed.

The quasi-illegal manner in which activists were detained and treated in the pre-trial phase was compounded by a lack of due process during actual trials of activists and opposition members. On 5 November 2008, 6 members of the NLD faced trial in Mandalay district court. NLD organising committee members Win Mya Mya and Kan Htun, divisional deputy chairman Than Lwin, Min Thu of Mogok, Tin Ko Ko of Meikhtila and Ko Win Shwe of Kyauk Padaung were arrested during the Saffron revolution, but were only brought to the court in early November 2008. The group's lawyer, Myint Thwin related that an appeal lodged by the group was dismissed out of hand by the presiding judge,

> *"The judge at the divisional court read our appeal forms and then immediately made the decision to reject the appeal, … [The judge] also intimated that we can lodge further appeals and pleas to higher level courts."* [267]

The six men had been appealing the imposition of jail terms ranging from 2 to 13 years that had been handed down to them in Mandalay jail at the end of the prior month of October 2008.[268]

For many Burmese activists the cost of political agitation is simply too high, and the examples of former politicians such as Zaw Myint Maung are enough to keep a barrier between the opposition and potential members. A former head physician of Ywar-thit-kyi District Hospital in Sagaing Division in 1982, Zaw Myint Maung became a member of the NLD and was subsequently elected as a member of Parliament from Mandalay's Amarapura Township in 1990. He was arrested shortly after and has remained in prison for the past 18 years.[269]

Restrictions on and Harassment of the NLD - Partial list of incidents for 2008

On 2 January 2008 six members of the NLD from Pwint Phyu Township, Magwe division were detained by police. The group was set to attend 60th anniversary of Burmese independence in Yenanyaung Township in Magwe division. The celebrations were to be hosted by U Khin Win , the township NLD chairman. The arrested group were comprised by;

1. Dr Aung Moe Nyo (CRPP representative);
2. Htay Myint from Nyaungbin Sat;
3. Sein Win;
4. Than Htun;
5. U Ko Oo; and
6. Nay Myo Kyaw from Saku Township

On 7 January 2008 it was reported that over ten political activists had been arrested in the previous six days. On 3 January 2008 two members of the 88 Generation Students Group (and former political prisoners), Ko Ko Maung and Ko Min Han, were arrested in Rangoon. On 4 January 2008 three NLD youth members, Htet Htet Aung, Ko Kyaw Kyaw and Kyaw Zin Win were also arrested in Rangoon.[270]

On 11 January 2008 San Chaung NLD chairman U Thet Wei, 50, was arrested by police at Kyauktada Township court. The former political prisoner was at court for the hearing of demonstrator U Ohn Than. Witnesses said that U Thet Wei was questioned by three officers including the Deputy Police Chief of San Chaung, before he was taken away. Relatives of U Thet Wei were unable to secure any information from the police regarding the arrest.[271]

On 13 January two members of the NLD in Taungdwingyi Township, Magwe Division, were arrested by officials. Township NLD communications committee member U Par Lay and Deputy Chairman U Maung Soe were both arrested at their respective houses. U Par Lay resides in Chaung Nat Village, six miles outside Taungdwingyi. He was arrested around 1pm. U Maung Soe was arrested at his house in Taung Pyin Ward around 4pm on the same day. NLD sources said that both men were arrested by unidentified government officials accompanied by police. They were handcuffed and blindfolded before being led away in vehicles bearing government license plates.[272]

On 16 January 2008, U Kyin Maung, NLD Chairman of Thada U Township in Mandalay Division in central Burma was warned by SPDC authorities to stop distributing rice to local people. U Kyin Maung had been donating rice to around one hundred families in his local area. The warning came despite the fact that U Kyin Maung was not donating the rice on behalf of the NLD, but as a regular citizen.[273]

It was reported on 17 January 2008 the two NLD members arrested four days earlier had been made to stand for two days blindfolded and handcuffed while they were interrogated by officials. The interrogation took place in Mandalay Town and included questions about leaflets, party activities and a visit to Taungdwingyi Town by a US Embassy official.[274]

22 January 2008, two youth members of the NLD, Kalar Shwe (aka Than Htay), and Zaw Naing, were arrested in Taunggup Township, Arakan State for holding a two-man demonstration.[275] The two youths rode through the town for approximately 15 minutes yelling pro-democracy slogans before being arrested by authorities. Their protest began around 1.30pm, beginning at the Phaungdaw Oo pagoda before proceeding onto U Uttama Street. The protest followed a 200 person demonstration 5 days earlier that had been foiled by security forces in the town.[276]

On 23 January 2008 five members of the Taunggup NLD in Arakan State were stopped from visiting the house of the Township NLD Vice-Chairman U Than Pe's house. The five NLD members had met earlier in a tea shop and were on their way to the house when 80 armed Burmese police led by Sub-Inspector Win Aung Ni stopped the group and ordered them to disperse.[277]

On 28 January 2008 pro-democracy activists conducted a poster campaign in Taunggup Town. Campaigners placed posters in the downtown area, including at hospitals, market and busy pedestrian areas. The posters called for the release of political prisoners, Aung San Suu Kyi and Buddhist monks previously detained by the regime. The posters also implored the SPDC to initiate dialogue with opposition political groups to move toward national unity, to cease arresting dissidents and to respect human rights. At the time of the report, regime authorities had begun removing the posters.[278]

On 29 January 2008 police arrested blogger Nay Phone Latt in an internet café in the former capital of Rangoon. Nay Phone Latt's residence, along with that of his aunt, was raided and searched. At the time of the report, it was unclear what the reasons for the man's arrest were.[279]

On 12 February 2008 Taungup NLD member U Chit Htwe was arrested while trying to visit the Phaung Taw Oo pagoda on NLD Union Day. Having already been turned away in the morning, U Chit Htwe returned for a candlelight vigil and was arrested while trying to force his way into the temple past security.[280]

On 13 February 2008, according to Taungtha Township NLD chairman, Mandalay Division, U Than Myint, local authorities had gone around monasteries to make sure that the monks were not taking offerings from members of the NLD.[281]

Four members of the NLD were sentenced to one year in prison for participating in a march to hand out leaflets urging people to oppose the proposed constitution. The four members were arrested in Taunggup, Western Arakan State in March.[282]

Security forces arrested five NLD members on 30 March 2008 following a peaceful demonstration three days earlier. The five were taken from their residences to undisclosed locations.[283]

On 31 March 2008 Hlaingthaya Township National League for Democracy chairman U Myint Hlaing was assaulted outside his home in Rangoon. The 72 year old was attacked by an unknown assailant around 7.30 in the evening, leaving him with a wound on the right side of the head that required three stitches. Despite calls for assistance to a local police officer patrolling the area, the attacker managed to flee. Myint Hlaing was taken to the Hlaingthaya Township hospital by close friend U Tin Yu, where he received medical treatment.

It was reported that on 1 April 2008 Tin Myint, a chairperson, and Tun Aung, a youth member of Thigankyun Township NLD branch, were arrested by authorities.[284]

On 6 April 2008 police arrested NLD member Ko Thein Lwin from Ward One in Ramree, located on Ramree Island in Arakan State. The NLD member was carrying statements made by senior party leaders urging citizens to vote against the upcoming referendum on the constitution. The NLD is a legal party and distribution of party statements is also legal under Burmese law.[285]

On 27 April 2008 in Sittwe, the capital of Arakan state, the VPDC Vice-Chairman U Aung Myint and around 200 day labourers destroyed a shop belonging to NLD member U Ba Sein. The burning of the store and subsequent looting occurred as a result of U Ba Sein's support for the NLD and the Saffron Revolution the year before, according to relatives of the victim.[286]

On 19 June 2008 four members of the NLD were arrested by authorities after taking part in birthday celebrations for Aung San Suu Kyi. Prior to the arrests NLD members were set upon by members of the Swan Arr Shin and beaten. The arrested NLD members were Tun Myint, Hla Aye, Maung Maung Thein and Win Naing.[287]

Khin Maung, 62, an executive member of the Shwepyitha Township branch of the NLD was arrested on 4 July 2008 following a bomb blast at a USDA office in Rangoon. NLD sources suggest that Khin Maung was being scapegoated for the blasts even though it had been claimed by the group known as The Vigorous Burmese Student Warriors.[288]

Four members of the NLD were arrested on 18 July in the lead up to Martyrs Day. The youths were detained for questioning by authorities, though no concrete reasons for the detentions were given. This followed the routine trend of political activists being questioned around the times of political commemorations ad celebrations.[289]

It was reported on 18 July that members of the NLD had been warned against planning any activities for the upcoming Martyr's day commemorations. The commemorations usually involve the laying of wreaths at Martyr's monument and giving food donations to monks in local monasteries. NLD members were warned that they would need permission from the authorities for any activities and approaches were made in an attempt to coerce NLD leaders to sign agreements that they would refrain from such activities.[290]

In early August 2008 NLD youth member Ni Ni May Myint was arrested and shackled in a city in Arakan state, whilst taking part in a prayer vigil to remember those who had been killed in the brutal crackdown on the protestors of 1988.[291]

On 12 August military authorities arrested the Secretary of the Arakan State National League for Democracy, U Nyi Pu. He was taken to an undisclosed location.[292]

Two members of the NLD were sentenced to two and a half years in prison each on 23 August 2008. The sentencing of the two men from Pakkoku, Magwe Division was punishment for sending a letter to authorities demanding action against rising prices.[293]

27 August 2008 saw the arrest of 5 township members of the NLD. The arrests came on the back of a spate of arrests of NLD members throughout August. The 5 detainees were to be put on trial alongside six other NLD members arrested earlier that month. The group were apprehended following a peaceful march demanding the release of Daw Aung San Suu Kyi. The 5 were charged under sections 143, 145, 152, 505 and 505(b) of the penal code for: illegal assembly, resisting officials on duty, and disturbing the public order.[294]

Authorities in Taunggup Township, Arakan state prevented the NLD from holding their monthly meeting on 30 August 2008. Local police and PDC also warned members of the Youth wing that they would all be arrested if they attended the meeting.[295]

Over the weekend of 6-7 September 2008, 10 members of the NLD were arrested in Magwe Division's Pwinbyu and Sinpyukyun townships. NLD sources listed to following names of the detainees:

1. Nyein Maung;
2. Thein Aung;
3. Htay Myint;
4. Win Maung;
5. Kyi Htay Aung;
6. Ko Ko Oo;
7. Than Htun; and
8. Three unidentified persons.[296]

On 7 September 2008 four members of the NLD from Magwe Division were sentenced for up to two and a half years each. Magwe Divisional secretary, Myint Oo, received two years for discrediting the government and half a year for taking part in public demonstrations. Tha Cho from Yenangyaung received two and a half years for taking part in a demonstration. Tun Tun Nyeinfrom Chauk received a sentence of the same length and Ko Htay Win, from Natmauk received a two year sentence on the same charge.[297]

NLD members Ko Tint Lwin, Ko Myint Lwin, Ko Aw Gyi (also known as Win Naing) and Ko Nan Win were held and questioned for roughly 24 hours on 8 September 2008. The four were asked a series of questions relating to possible involvement in earlier the bombing of the USDA office in Shwepyitha Township.[298]

On 8 September 2008, 8 dissidents were arrested in Yenanyaung Township in Magwe Division, central Burma. The group, listed below, included members of the NLD.

1. Myint Wa;
2. Win Myint Hlaing;
3. Khin Win;
4. Tint Lwin;
5. Aw Gyi (aka Win Hlaing);
6. Than Aung;
7. Nang Win; and
8. Maung Maung.[299]

On 9 September police arrested Ko Moe Htet Hlyan, the brother-in-law of prominent monk U Gambira, and five of his friends in Rangoon. The arrest took place at Ko Moe Htet Hylan's home in Rangoon at 7.30pm.[300] According to Ko Moe Htet Hylan's wife, Ma Khin Thu Htay, police became suspicious that Ko Moe Htet Hylan was planning to release a lantern on the anniversary of the Saffron revolution. Police seized a computer, a memory stick, a paper-cutter, a bag containing discs and an MP4 player from the house of the arrested man. At the time of the report Ma Khin Thu Htay was unaware of where her husband was being held.[301]

On 10 September 2008, prominent female activist Nilar Thein was arrested after spending a year in hiding. The activist was arrested whilst visiting fellow activist Ant Bwe Kyaw's mother in Rangoon's Yankin Township. At the time of the report she was being held in an unknown location. The arrest followed two previous stints in the prisons of Insein and Tharawaddy for involvement in political activities.[302]

On 10 September 2008, police in Meiktila, Mandalay Division, arrested eight local youths including Ko Aung Ko Ko Lwin, the younger brother of activist monk U Gambira.[303]

On 11 September 2008 the following NLD members were sentenced to two and a half years in jail for political activity;

1. U Myint Oo from Magwe;
2. U Thar Cho from Yenangyaung; and
3. U Tun Tun Nyein from Chauk;

Four residents of Pakokku were sentenced on 11 September 2008 for having contact with the foreign media, they were;

1. U Nayla;
2. U Tha Aung; and
3. U Sein Lin.

The three each received two year sentences and the fourth member, U Thant Shin received a nine year sentence.[304]

It was reported on 15 September 2008 that Kyauktada Township Court sentenced the following NLD members;

1. Kyaw Zin Win (16 years);
2. Kyaw Kyaw Lin (13 years);
3. Kyi Kyi Wah (11 years);
4. Nay Zar Myo Win (5 years); and
5. Aung Zaw Oo (5 years);

The following youth members of the Hlaingthaya Township NLD were also sentenced by a special court held inside Insein prison

1. Than Zaw Myint (nine and a half years);
2. San Win (nine and a half years);
3. Thant Zin Myo (nine and a half years);
4. Nge Ma (seven and a half years);
5. Kyaw Soe Win (seven and a half years); and
6. Thaik Min (seven and a half years);

Insein special court also sentenced the following NLD members from Mandalay Division;

1. Shwe Maung (four years);
2. Wunna Aung (four years); and
3. Zaw Win (four years). [305]

It was reported on 15 September 2008 that township authorities had told NLD MP Tin Shwe and the Deputy Chairman of the Thanatpin Township, Thein Lwin, that there were travel restrictions on them both for the month of September.[306]

On 16 September 2008 authorities released Tin Tin Win from custody. The 70 year old mother of 88 generation student Ant Bwe Kyaw, was arrested by the police on 11 September 2008 from her residence in Yankin Township, Rangoon. According to Daw Kyi Oo, the mother of detained popular comedian Zarganar, Tin Tin Win was interrogated by authorities. Sources add that although the reason for the arrest was unclear, it was possibly linked to a visit paid to Tin Tin Win by wanted activist Nilar Thein, who was arrested on the same day.[307]

NLD member U Win Thein, who was released from prison on the 23 September 2008, was rearrested on 24 September 2008. No reason was given for the arrest of the 67 year old former army Captain.[308]

NLD chairperson chair U Aung Shwe and members of the party's central executive committee were called to the interior ministry on 25 September 2008. Police Chief Khin Yi informed the group that they must retract a previously released statement demanding that the authorities form a constitutional review committee. The NLD members denied that this was possible.[309]

On 27 September 2008, nine members of the National League for Democracy were arrested, including Ma Htet Htet Oo Wai and Daw Shan Ma from Shwepyitha Township, and another seven unnamed individuals.[310] All nine were subsequently released after questioning.[311]

It was reported on 27 September 2008 that jailed activists who were arrested following the Saffron Revolution were transferred remote jails in northern Burma. Bogale NLD chairman U Aung Khin Bo and township NLD members U Maung Muang Chit, Daw Mi Mi San, Daw Khin Lay, U Thet Tun and U Thein Tun were sent to Insein prison, and then transferred on to Myingyan and Pakokku jails in upper Burma. At the time of the report, Ko Aung Moe Win, Ko Htay Win, Ko Kyi Win from Laputta, Ko Saw Win from Henzada and U Aye Win from Bassein were also due to be transferred, according to their family members.[312]

It was reported on 1 October that NLD Youth member Aung Moe Lwin had died in custody. Aung Moe Lwin had been detained following the Saffron revolution.[313]

On 1 October 2008, journalist and NLD member Ohn Kyaing was arrested by the Special Intelligence Police Unit. The reasons for his arrest were unknown. Ohn Kyaing, 64, has already spent more than fifteen years in prison.[314]

On 2 October 2008 NLD Youth member Mya Than Htike was sentenced to four years in prison for participating in the September uprising of 2007. He was charged under sections 505(b) and 405 of the penal code which relate to offences against the state or disturbing public tranquillity, and unlawful assembly respectively. Mya Than Htike was shot by troops during the demonstration and was later arrested from hospital and sent to Insein prison.[315]

On 24 October 2008 6 leading NLD members were charged under sections 505(b) and 153 of the Penal Code. Below the individuals are listed with their role in the NLD and their respective sentences;

1. Win Mya Mya (F), organizing committee member of NLD Mandalay Division, 12 years;
2. Kan Tun (M), secretary of the NLD Mandalay Division, 12 years;
3. Than Lwin (M), MP, vice-chair person of the NLD Mandalay Division, 8 years;
4. Min Thu (M), head of the Mogok Township NLD, Mandalay Division, 13 years;
5. Tin Ko Ko (M), organising committee member of Meiktila Township NLD of Mandalay division, 2 years; and
6. Win Shwe (M), member of Salin Township NLD of Magwe Division, 11 years. [316]

On 27 October 2008 it was reported that Win Mya Mya, who served as a committee member of the NLD in the central region of Mandalay, was given a 12-year jail sentence on 24 October 2008 for her role in the September 2007 anti-government protests.

On 27 Oct 2008 five members of the NLD from the central region of Mandalay were given sentences varying from 8-13 years for violating sections 505 (B) and 153 (A), prohibiting acts that disrupt public tranquillity or incite acts against the state or promotes discord among those of different classes.[317]

On 29 Oct 2008 that Nyi Nyi Htwe, a lawyer representing 11 NLD youth members was detained by police and held in Hlaingthaya police station, Rangoon.[318]

On 13 November 2008 11 members of the NLD were sentenced to seven and a half years in prison. They were;

1. U Tin Yuu;
2. Ko Than Naing;
3. Ko Soe Min Min;
4. Ma Hla Hla Maw;
5. Ko Thant Zin Myo;
6. Ko Kyaw Soe Win;
7. Ko Sann Win;
8. U Win Myint;
9. Ko Aung Min Naing;
10. Ko Myo Kyaw Zin; and
11. Ko Yan Naing Tun (Kemmendine).[319]

On 14 November 2008 more than a dozen NLD members were imprisoned for terms ranging from five to sixteen years. The following members received sentences between five and 16 years;

1. Ko Kyaw Zin Win (NLD youth leader);
2. Ko Kyaw Kyaw Lin (deputy);
3. Ma Kyi Kyi Wa;
4. Ko Nay Zar Myo Win; and
5. Ko Aung Zaw Oo;

The following Hlaing Township NLD members received sentences ranging from seven and a half years to nine and a half years;

6. Ko Than Zaw Myint;
7. Ko Hlaing Min; and
8. Daw Nge.

The following three NLD members had their existing sentences extended

9. Ko Thant Zin Myo (nine and a half years added);
10. Ko San Win (nine and a half years added); and
11. Ko Kyaw Soe Win (seven and a half years added).

Dagon Myothit Township NLD members U Tin Win and Ko Nyi Nyi Min received two year sentences, while Thaketa Township member U Tin Myint received two and a half years.

The following Mandalay NLD members each received four year sentences;

12. Ko Shwe Maung;
13. Ko Wunna Maung; and
14. Ko Zaw Min Lay [320]

On 17 November 2008 three youth division members of the NLD, Myo Thant, Kyi Phyu and Thein Swe were sentenced to six and a half years in prison.[321]

On 30 December 2008 it was reported that up to nine protestors had been arrested by regime authorities following an impromptu march outside of party head office in West Shwegondine Street in Bahan Township. The protestors carried banners demanding the release of Daw Aung San Suu Kyi. Those arrested were youth members of the NLD, including;

1. Htet Htet Oo Way;
2. Tun Tun Win;
3. Ye Ni;
4. Win Myint;
5. Thet Maung Tun;
6. Pyae Pyae;
7. Min Thein;
8. Aung Phyo Wai;
9. Kaung Htet; and
10. Kaung Htet Hlaing.[322]

It was reported on 11 December 2008 that Mya Win, an 88 Generation Students Group leader was sentenced to 65 years in prison and sent to Loikaw in Karenni state, eastern Burma.[323]

On 17 December 2008 NLD members in Yenangyaung Township reiterated their calls for their offices to be re-opened. The offices were shut down by authorities on 31 May 2003 despite the NLD holding legal status as a political party.[324]

It was reported on 30 December 2008 that authorities had stepped up restrictions against former political prisoner and NLD member Win Tin. According to taxi drivers based close to Win Tin's home, they were warned by authorities that if they were caught picking up Win Tin, they would be prosecuted.[325]

14.11 Restrictions on and Harassment of Human Rights Defenders and Activists

Over the course of the previous two decades much of the attention given to Burma in the international and exile media has focused on the role of the National League for Democracy. Given the victory of the NLD in the elections of 1990 and the critical role played by detained Nobel Laureate Daw Aung San Suu Kyi, this is not surprising. Whilst it is important to acknowledge the role of the NLD in the political landscape of Burma, it is also important to recognise the work of various other political activists and civil society groups within the country and the restrictions placed upon them. Although the NLD retains its central role as the main opposition force within Burma, the SPDC's campaign of attrition against the party has not been without deleterious effects. Many members of the party remain in exile, the leaders from the 1990 election era are ageing and the SPDC crackdown on the party's activities has hampered the relationship between urban and rural centres of power. The intense focus of the SPDC on curtailing the NLD has created an opportunity for various groups such as the Human Rights Defenders and Promoters and the 88 Generation Students Group to increase their legitimacy in the eyes of the general public through their activism. The resulting activism of these groups, typified by their involvement in the Saffron revolution and other community based campaigns, has exposed these organisations to greater scrutiny from the regime, with a commensurate increase in the harassment and arrest of their members. According to AAPPB, a total of 53 activists of the NLD, 88 Generation Students Group and various other organisations were given prison terms in the month of November 2008 alone.[326]

Throughout the year various human rights defenders and activists faced harassment and the threat of arrest at the hands of the SPDC authorities. The year saw the continuation of persecution aimed at those activists who were involved in the Saffron revolution, with continued arrests, sentencing and the transportation of prisoners to remote locations throughout the country in an attempt to isolate activists from their supporters and relatives.

Fearing possible protests, the SPDC preemptively set up barricades blocking the road leading up to the Shwedagon pagoda in Rangoon on the 20th anniversary of the August 1988 uprising. *[Photo: © Mizzima News]*

Activists were also subjected to obstructionist tactics and arrest from the SPDC during the Nargis relief effort in May and beyond. Many groups and individuals who attempted to step into the breach left by the SPDC's inaction in the crucial first weeks of the crisis found themselves unable to travel to the delta region to deliver aid. Many were arrested or had aid supplies commandeered by the SPDC authorities or the military. Several high profile activists remain incarcerated due to their activities during the relief effort.

Lawyers and human rights defenders came under increasing attack during 2008. Several prominent lawyers were threatened with arrest and prosecution in the exercise of their defences of prominent activists. The resulting pressure from the authorities made the defence of some activists untenable and several lawyers were obliged to flee the country in order to protect their own freedom. Some lawyers chose to stay however, resulting in several incarcerations.

Harassment of Human Rights Defenders

Human rights defenders in Burma endured a turbulent year in 2008. The fallout from the Saffron Revolution meant that civil society faced increasing restrictions from authorities; hence those that sought to protect the civil liberties of activists and opposition groups themselves faced difficulties. The situation in Burma in 2008 was demonstrative of the fact that in the current climate, it is not only political opponents that the regime seeks to suppress, but any elements of society that it deems threatening to the junta's manipulation and control over Burmese society. The Human Rights Defenders and Promoters group formed and led by lawyer U Myint Aye, faced particular persecution in 2008 with members of the organisation physically assaulted and the leader of the group eventually arrested late in the year.

On 27 March 2008, U Myint Aye was attacked by two unknown men as he was walking to his residence in Myaynigone, in the Sanchaung Township of Rangoon. The attackers used batons to assault the lawyer and activist. U Myint Aye was later admitted to the Rangoon General Hospital with head injuries.[327] The attack was reported by U Myint Aye to the Sanchaung Township court; however, it is unknown whether the authorities took any action against the perpetrators. Speculation suggested that the attack may have been SPDC organised and hence, action to find the culprits was not likely to be forthcoming from authorities.

Five months after the physical assault on U Myint Aye, police placed the human rights defender under arrest, following a raid on his father in law's home at No 28, 5th Floor, Ingabu Street, Sanchaung Township, at about 7 p.m. The local Peace and Development Council Chairman and almost a dozen police from Kemmendine Township police force, led by chief of Police Major Kyaw Zin conducted the raid. After authorities searched the house, U Myint Aye was subjected to two and a half hours of interrogation before being taken away. The raid and arrest, following on the heels of the previous attack served to illustrate that civil society groups are being targeted as well as opposition political groups as the SPDC widens the net against those seen as a threat to the regime. As Maung Maung Lay, a member of the HRDP commented at the time,

> *"We are only promoting and defending human rights in Burma not working for political power. I think the authorities want to weaken our human right awareness and education campaign. This way they can control the human right movement in Burma,"* [328]

Up until this incident, U Myint aye had been arrested seven times already. According to his wife Ma Leh Leh, authorities have always refused to answer any queries regarding his detention, saying,

> *"They never let us know where he's been taken, for what reason or how long will it be, even when we ask – I've got used to this and so I didn't bother to ask them this time,"* [329]

Harassment of Those Involved in the Saffron Revolution

Some activists who were arrested shortly after the Saffron Revolution of 2007 were denied the chance to defend themselves until well into 2008. Activists and students who were arrested for their part in the protests were held incommunicado for long periods before facing trial on specious charges. It was reported as late as 25 July 2008 that a group of student activists who were originally arrested on 20 October 2007 had finally been tried in the Kyauktada Township court in Rangoon Division.[330] After waiting nine months in jail, the group was finally sentenced to two years in prison with hard labour. The group was set to serve out their time in various hard labour camps, including Kyaikkasan labour camp (Rangoon Division), Pa'an New Life labour camp (Karen State), Taung Zun labour camp (Mon State), Zin Kyaik labour camp (Mon State), and Yinnyein labour camp (Mon State). The group of ten Muslim students faced a difficult two years in the labour camps where sources describe the conditions as arduous. According to AAPPB's Joint Secretary Tate Naing, a former inmate at labour camps in Burma, *"Labour camps are hard places even for strong people. There is no chance for young students and monks to survive in the camps."* [331] According to the AAPPB, daily life in Burma's labour camps is punctuated by torture delivered by prison guards, and by a deficit of adequate medical care. Conditions such as these have lead to the deaths of 19 monks in prisons since their arrests for leading the September 2007 protests.

Harassment of Individuals Involved in Private Cyclone Relief

The lack of an adequate regime response to the suffering of cyclone victims led to a large groundswell of private philanthropy from many quarters of Burmese society. Predictably, the spontaneous acts of charity were impeded and activists detained. This was the result of the SPDC's attempts to assert complete control over the relief effort. The initial period following the impact of the cyclone exposed the utter lack of readiness on the part of the regime to deal with the crisis despite repeated warnings, beginning from 26 April 2008, from the Indian Meteorological Department.[332] The lack of disaster preparation allowed many private donors, who recognised the urgency of the situation, to fill the void negligently left by the state authorities and begin delivering donated aid supplies into the delta region.

Of course, aid donated by private individuals did not paint the correct picture of a military capable of managing any crisis, and the private deliveries were soon impeded, loads confiscated and redistributed by the military and cars impounded. It was reported on 27 May 2008 that in Hlaingthaya Township's Pan Hlaing bridge, police seized 42 trucks returning from delivering aid to cyclone survivors in Dedaye and Pyapon Townships in Irrawaddy Division.[333] The drivers of the trucks loaded with private donations were stopped on the evening of 25 May 2008 by police as they arrived at the Pan Hlaing bridge, they were taken to Government Technology Institute compound in Insein township. No reason was given by the police as to why they were being taken there. One of the donors who was with the trucks when they were stopped gave the following account of dealing with the police officers who stopped the convoy, *"They only said they were acting on the orders of their superiors*

but they refused to tell us whether we were being arrested or not," [334] The drivers of the trucks were eventually released by the authorities later the same evening around midnight, however the drivers had their licenses confiscated by the authorities. The trucks were only released the following day at 2 pm. According to a private donor the route across the Pan Hlaing Bridge was closed down following this incident, thereby cutting off the most popular access route to get aid supplies into the Irrawaddy delta region.[335]

Multiple stories leaked out of the delta at the time of the cyclone chronicling the manner in which the junta was obstructing the best efforts of individuals to help their fellow citizens. The regime's attempts to catch up to the swift response of the average citizen were revealed in anecdotal evidence of those who had travelled to the delta soon after the cyclone. The conflicting goals of rapid aid delivery on the part of private donors and the need to control the entire process on the part of the SPDC led to great frustration for survivors as well as donors. One donor related how he and several friends, who had organised to take aid supplies into the delta, were prevented from distributing aid in Pegu District, Pegu Division.[336] Upon arrival at an unnamed village, the group were told by police that they would not be allowed to distribute their supplies, whereupon, they moved on to the next village. At the next village the village head told the group that they would not be able to distribute aid there either; however this drew the ire of the local villagers. At this juncture the headman explained the position that he had been placed in by authorities. The township council had informed the head of the village that if any aid was received by volunteers, it was to be listed and reported to the township council which would then report to the division council. At this stage the division council would make a decision regarding who would receive aid and how the aid would be distributed. The major sticking point though was that this process would only take place after 24 May 2008, which was the date of the postponed referendum. According to the donor named as Tun Tun, *"The villagers were very angry, very angry when they heard this. You know, they have been eating coconut, bamboo shoots and the inner stems of a banana for a week."* [337]

On 25 May 2008 private donors were detained by authorities following trips into the Irrawaddy division to deliver supplies to survivors of cyclone Nargis. The detainees were denied permission to return the following day in order to deliver more supplies. When questioned as to the reason for their detention they were given no answers by authorities. Eventually the detainees were released at midnight, though their driver's licenses were not returned.[338]

Well known sports writer and former political prisoner Zaw Thet Thwe was also arrested for his part in delivering aid supplies in the delta. Authorities picked him up as he was returning from visiting his mother in Minbu, Magwe Division on 13 June 2008.[339] Not content to arrest Zaw Thet Thwe for his charity work, the authorities also refused his family access to him in prison. Khaing Cho Zaw Win Tin, the wife of the detained journalist was finally granted visitation rights only after two months had elapsed following the arrest. On 28 July 2008, Zaw Thet Thwe was finally charged, along with comedian Zarganar, under Section 505(b) of the Burmese Penal Code (disturbing public tranquillity) among other charges. It was around the time of the charges being laid that the detained man's wife and daughter were allowed to meet with him briefly. Although there appears to be a clear manipulation of the defendants' rights in this case, the family of the detained man were actually quite fortunate relative to other families of detained activists and political prisoners. It is common for families to wait for months on end simply to hear news of the whereabouts of prisoners and detainees or indeed why they were arrested in the first place.

Harassment of Lawyers

In another move to hamper the free and fair access to the legal system for political prisoners, the authorities have also taken to harassing the legal counsel of political prisoners. The harassment of legal counsel of activists and opposition politicians appears to be a relatively recent phenomenon aimed at ramping up pressure against civil society. It is difficult to assess the root causes of the increase in the threats and harassment aimed at lawyers, however, it is possible to assert that this was somewhat predictable given the vast increase in the arrests of pro-democracy elements in Burma over the course of 2008. Statistically, those involved in protecting the rights of such elements of civil society were at a higher risk of becoming targets themselves, as the junta continues to subdue threats to its grip on power within the country.

Lawyers who have taken on the cases of political and human rights activists faced prosecution on several occasions over the course of 2008, prompting some to drop their cases and flee the country for fear of arrest. Some have indeed been arrested and now face hefty prison sentences. In a written statement released following his escape to safety in Thailand, Saw Kyaw Kyaw, former lawyer for NLD clients, accused the courts of allowing the following illegal practices;

1. Delaying approval for lawyers to represent prisoners;
2. Keeping security officers in the room when lawyers and clients meet;
3. Failing to inform lawyers of court dates;
4. Directing judges, prosecutors, and prosecution witnesses; and
5. Improperly redacting court records and transcripts.

Lawyers who seek to lodge complaints in regards to such practices may well find themselves facing contempt of court charges along with arrest. Saw Kyaw Kyaw chose to flee Burma rather than face arrest after he was charged with insulting a public servant (constituting contempt of court) under section 228 of the Penal Code.[340] He related to the DVB in early December 2008 how trials were delayed and how lawyers were hampered in the ways listed above, in their efforts to help clients receive fair hearings.[341] Along with Saw Kyaw Kyaw, Nyi Nyi Htwe and three of Nyi Nyi Htwe's clients were also charged with contempt of court for interrupting court proceedings. The charges incurred a prison sentence of six months for the lawyer and the three clients. Nyi Nyi Htwe and Saw Kyaw Kyaw Min had been in the process of defending 11 youth activists who were arrested previously after attending a prayer meeting to call for the release of detained opposition leader Daw Aung San Suu Kyi.[342] Although the defendants had been informed of the charges against them, it was only when they turned up in court that they found out that they had been sentenced already. None of the men charged were furnished an opportunity to defend themselves.

The perversion of justice was mirrored in an earlier case from 10 November 2008, which went someway toward validating Saw Kyaw Kyaw's assertion regarding the decaying transparency of the judiciary, when two lawyers representing political activists were arrested at their residences in Rangoon. Aung Thein and Khin Maung Shein were detained at Insein Prison and charged with contempt of court by the Rangoon Supreme Court, resulting in the two lawyers receiving a four month prison sentence each. The two lawyers were charged with contempt following the submission of a complaint letter that questioned the jurisdiction of the court that was trying their clients.[343] The arrest of the two lawyers followed the arrest earlier of two other lawyers representing NLD youth members.

The judiciary and its processes are increasingly being manipulated by the SPDC to suppress political and rights activists, much to the chagrin of Burmese legal commentators who lament the lack of independence of the legal system within Burma. In reference to the sentencing of

the lawyers mentioned above, Thein Oo from the Thailand based Burma Lawyers Council, made the following comment on the state of the justice system in Burma,

> *"Their arrest highlights that there is no free and fair trial in the judicial system in Burma and how the regime continues violating human rights,…What is happening now in Burma's judicial system is the judge stands on the ruler's side. They do what the rulers command. So, there is no chance for the people to get a fair trial in courts…….If these sorts of conditions continue to prevail, the military rulers will keep on oppressing the people. And the people will be forced to do what the regime asks them to do,"* [344]

The failure of the judicial system in Burma is also increasingly characterised by a near total lack of transparency in its approach to political cases. Regime authorities, acting through the courts, have restricted the families of detainees from attending their court cases and have increasingly moved trials to in-camera sessions, such as those held during 2008 in the Insein prison in Rangoon. On 7 October 2008 Khin Maung Shein, the lawyer who represented Min Ko Naing and other 88 Generation Students Group leaders, claimed that his clients had requested that their families be allowed to attend their court hearings. Relatives of the student leaders were told on the morning of 6 October that they would no longer be allowed to attend the hearings because authorities said their presence could delay the process.[345] Cases such as this one were frequently reported and appeared to comprise a concerted effort at maintaining a lack of transparency in court proceedings, which often involved specious charges against defendants, as well as keeping activists and political detainees separated from their support base.

Isolation of Political Prisoners

The regime consolidated its hold on power through calculated measures enacted in 2008. As a part of those measures, the regime began isolating political prisoners by sending them to remote prisons throughout the country. Many activists found themselves transferred to remote jails into which they were moved often before relatives and family had been informed. Ko Ko Gyi and fellow student leader Min Ko Naing, for example, were moved from Keng Tung prison in eastern Shan state after they had originally been sentenced in Maubin in the Irrawaddy Division. It was reported by Keng Tung locals that Ko Ko Gyi was moved again, to an even more remote location, Mae Sat prison, two days after his arrival in Keng Tung. The movement of prisoners in this fashion to remote locations affects the financial viability of having relatives come to offer support to activists. In this way the regime has sought to break down the support networks and morale of political activists.[346]

The movement of political prisoners and activists is becoming increasingly frequent in Burma as the junta seeks to cut the support provided by families to those in the pro-democracy movement. The AAPPB says that more than 100 of the 143 dissidents convicted between the Saffron Revolution and late November 2008 were sent to remote prisons.[347] The relocation of prisoners to remote locations, and the obfuscation by the authorities that goes along with those relocations, serves to confuse family members of the victims and inhibit their ability to locate loved ones and support them in prison. When Ko Ko Gyi's younger brother, Aung Thun, questioned authorities as to his brother's whereabouts, he was refused any information.

Transfers of political prisoners were especially prevalent toward the end of 2008, following a spate of arrests. In a typical example, 88 Generation Students Group leader Hla Myo Naung was transferred to Myitkyina prison in Kachin State on 22 November 2008 where he was placed in solitary confinement (a relatively common fate for high level political prisoners) and

has had no contact with others.[348] Aung Thu, another 88 Generation Students Group leader and two other activists, Bo Bo Win Hlaing and Myat San, were also transferred from Myitkyina prison to northern Kachin State's Putao prison.[349]

On the same day, six other activists, including All Burma Federation of Student Unions leader Si Thu Maung, were sent from Insein prison, to Sittwe in Arakan state. Si Thu Maung is to serve an 11 and a half year prison term for his political activities. One of the prisoner's fathers was not informed about the relocation until he went to Insein prison to pay a visit to him.[350]

On 18 November 2008 it was reported that Blogger Nay Phone Latt and 88 Generation Student Group member Nyan Linn were transferred to Pa'an prison in Karen State on 17 November 2008. The same report said that Aung Zaw Oo of the Human Rights Defenders and Promoters network was transferred to Pegu prison, while network member Win Maw was transferred to Taungoo prison in Pegu Division.[351]

On 17 November 2008 it was reported that the lawyers mentioned previously, Aung Thein and Khin Maung Shein, were transferred to Bassein Prison and Myaungmya Prison in Irrawaddy Division, according to the AAPPB. Both lawyers were sentenced on 7 October 2008 by the Hlaing Township court in Rangoon to four months imprisonment for contempt of court. On the same day, at least 11 other political prisoners whose names were not known were transferred from Insein Prison to remote prisons, according to sources.[352]

On 3 December 2008 Burmese hip-hop star and creator of the Generation Wave activist group, Theya Zaw, was transferred along with three colleagues, from Rangoon's Insein prison to the remote Kawthaung prison in the south of Tenasserim Division. Theya Zaw had previously been sentenced to 6 years in prison in November of 2008. Theya Zaw's three colleagues, who had formed a band with the star in 2000, were likewise transferred to remote locations. Aung Zay Phyo was transferred to Taungoo prison in Pegu Division, Thiha Win Tin was sent to Nyaung U prison in Mandalay Division, and Arkar Bo to Kyauk Pyu prison in Arakan State.[353]

Even if relatives and supporters of imprisoned political prisoners do manage to find out where those prisoners are being incarcerated, their problems do not stop there. There may well be financial hurdles to overcome in visiting those held in prison. There were reports on 12 December 2008 that local authorities in Myitkyina, Kachin State, had refused to issue permission for those relatives coming from other areas to stay in their friends' houses whilst they were paying visits to those detained. In this way the SPDC has made it even more problematic for families to provide support to political prisoners.[354]

Restrictions on and Harassment of the Human Rights Defenders and Activists - Partial list of incidents for 2008

On 4 June 2008, police arrested prominent Burmese comedian Zarganar following his involvement in efforts to provide relief to victims of cyclone Nargis. Prior to his arrest Zarganar had helped organise hundreds of volunteers to provide water, food and clothes to survivors in the Irrawaddy Delta.[355]

It was reported on 2 July 2008 that the junta increased surveillance of civilians and monks in Rangoon in response to the approaching 20th Anniversary of the 8888 student uprising. Sources reported visits to monasteries by members of the Union Solidarity and Development Association (USDA) requesting that monks report any arrivals of overnight guests.[356]

It was reported on 9 July 2008 that red and black items of clothing were being confiscated from political prisoners and returned to the prisoners' families. Red and black clothing, especially black Kachin and Yaw longyis, as well as collarless shirts have become synonymous with the student leaders and student politicians of the 88 uprising.[357]

Irrawaddy reported on 10 July 2008 that new charges had been laid against student activist Ko Ko Gyi. The well known member of the 88 Generation Students Group was already incarcerated under Act 33 A of the Electronic Act, following his participation in protests in august 2007. He was further charged with Act 17/1, the Illegal Organisation Act.[358]

On 7 August 2008 military intelligence officials arrested three members of the ABFSU, Aung Kyaw (Rangoon Western University), Htain Lin (University of Education, Rangoon) and Chit Tun Lwin (Maubin University) and two members of the 88 Generation Students Group: Mar Mar Oo and Myo Thant. Family of the detained activists were not informed of their whereabouts, the charges that they faced or the likely length of their incarceration.[359]

On 8 August 2008 authorities arrested 20 youths in Taunggup, Arakan state. The youths were engaged in a procession commemorating the 88' Student uprising.[360]

On 14 August 2008 U Saw Hla Maung was arrested in Sittwe, the capital of Arakan state. U Saw Hla Maung, a democracy activist, had been involved in pro-democracy rallies in Rangoon during the Saffron Revolution. He was taken to an undisclosed location for interrogation; his whereabouts were unknown at the time of publication.[361]

On August 2008 prominent activist Sithu Maung's parents U Peter and Nu Nu Swe were sentenced to prison terms of six years in prison for resisting officials who came to their house looking for their son.[362]

Thirty five members of the 88 Generation Student Group appeared in court on 2 September 2008 to face charges after taking part in the demonstrations of September 2007. The 35 had been held in Insein prison since the time of their arrest. One of the group's lawyers, Aung Thein, claimed he has not been able to meet with his clients.[363]

On 5 September 2008 six activists were arrested in Hlaingthaya Township.[364]

Six activists from Pakkoku were sentenced for charges of planning bombings and demonstrations 7 September 2008. The six men and related charges and sentences are listed below;

1. Thant Shin, seven years for threatening state security and two years for inciting public disturbances;
2. Tha Aung, Nay La and Sein Lin, two years each for inciting public disturbances; and
3. Ko Pho Ni and Ko Nyein Chan, seven years each for destroying public property.[365]

Well known activist and member of the 88 Generation Students Group Nilar Thein was arrested on 10 September 2008 in Yankin Township, Rangoon, following one year spent in hiding.[366]

70-year-old Tin Tin Win was arrested by officials on 11 September 2008. The cause of her arrest was not clear, though speculation arose that it was in connection to a visit she received the week before her arrest from prominent activist Nilar Thein. Tin Tin Win is also the mother of 88 Generation Student Group leader Aunt Phwe Kyaw.[367] (Tin Tin Win was subsequently released after four days of detention and questioning.[368])

On 16 Sepember 2008 labour rights activist Thet Way was sentenced to two years hard labour. Thet Way had been active in bringing complaints to the International Labour Organisation regarding child soldiers and forced labour.[369]

On 18 September authorities in Myitkyina, Kachin State seized and held leaflets that had been posted around the city by members of the All Kachin Student's Union (AKSU). The leaflets contained anti-regime sentiments condemning the military coup of 1988.[370]

On 20 September 2008, Burmese hip hop star Zeya Thaw was sentenced to six years in prison for taking part in the September demonstrations in 2007. The charges against Zeyar Thaw related to the criminal code's section 24/1, relating to dealings in foreign currency, and section 6/88, regarding membership of an illegal organization.[371]

Four members of the Generation Wave organisation were arrested between 9 and 10 October 2008, along with four other individuals. The Generation Wave members were;

1. Khine Ko Mon (also known as Nyein Chan);
2. Ye Thu (also known as Nyi Nyi);
3. Zin Min Aung; and
4. Aung Paing.[372]

On 11 November 2008 three activists, Ko Aung Kyaw Oo, Ko Sai Min Thein, and Ko Nay Aung, received prison sentences for demonstrating against rising commodity prices in Rangoon. Ko Aung Kyaw Oo and Ko Sai Min Thein each received four and a half years, whilst Ko Nay Aung received two years.[373]

On 11 November 2008 Saw Saw Min was sentenced to 65 years in prison by a court in Insein Prison. Saw Saw Min is a member of the 88 Generation Students Group.[374]

On 13 November 2008 ABSFU member Ma Hanny Oo was sentenced to nine and half years in prison by the Tamwe Township court for leading a demonstration in 2007 in front of the Yuzana Plaza.[375]

Honey Oo who was previously apprehended in October 2007, following the Saffron Revolution, was sentenced on 13 November 2008 to nine and a half months in prison.[376]

On 13 November 2008 three members of the 88 Generation Students Group who were arrested between December 2007 and January 2008, were sentenced to lengthy prison terms. All three were charged with 'inducing crime against public tranquillity'. The three members were:

1. Ko Myo Yannaung Thein;
2. Ko Min Min Soe; and
3. Ko Min Han.[377]

On 14 November 2008 a journalist was sentenced to two years in prison for writing an article about a protest outside the UN offices following cyclone Nargis. Ein Khaing Oo previously worked for the Rangoon-based weekly publication *Eco Vision*.[378]

On 17 November 2008 seven leading members of New Generation Students group were sentenced to six and a half years in prison by the Insein special court. The group, which included Sithu Maung, Ye Myat Hein and Zin Linn Aung, were charged with inciting public unrest and unlawful assembly. Another activist, Hin Kyaw, was also sentenced to the same length of time yesterday by Western Rangoon Province court.[379]

On 18 November 2008, the leader of the All Burmese Monks Association, U Gambira was sentenced to 27 years in prison for his role in leading protests in 2007. U Gambira was charged with inciting public unrest, religious defamation and offences under the Electronics Act. The trial of U Gambira was held in Insein prison.[380]

On 19 November 2008, three prominent activists were sentenced to hefty prison terms in Rangoon's Sanchaung Township court. ABSFU leading member Dee Nyein Lin was sentenced to six and a half years in prison whilst two other activists Kyaw Zwa and Kyaw San were each sentenced to four years. All were charged in relation to involvement in anti-regime demonstrations.[381]

On 24 November 2008 two members of the Generation Wave organisation were sentenced to eight years imprisonment. They were charged under the Emergency Immigration Act 13/1 and the Illegally Forming Associations Act 17/1, the sentence was handed down to Kyaw Oo and Saw Maung by the Kemmendine court.[382]

On 28 November 2008 monks U Sanda Thiri and U Kovida were transferred from Insein prison Rangoon, to Buthidaung prison, and Htar Htar Thet of the NLD was transferred to Pegu prison. It was reported on the same day that U Eindaka, abbot of Maggin monastery had been moved to Lashio prison and monk U Panna Wuntha of Shwedaung monastery in Pazundaung had been transferred to Sittwe prison.[383]

On 28 November comedian and activist Zarganar had his prison sentence lengthened by 14 years by Rangoon's western provincial court. The extra time came courtesy of further charges brought against Zarganar including defamation of the Sassana, and contravening the Unlawful Association Act and the Video Act. On the same day Zarganar's co-defendant Zaw Thet Thway received an extra four years to his standing 15 year sentence, and fellow activist Thant Zin Aung received a further three years to his term.[384]

On 28 November 2008 Myint Aye of the Human Rights Defendants and Protectors Network was imprisoned for 28 years in Rangoon. The Northern Rangoon Provincial court delivered the sentence on Myint Aye and two other activists. They were charged under the Explosives Act, Immigration Act and Unlawful Association Act. The first co-defendant, Zaw Zaw Aung, received an identical sentence to Myint Aye, whilst Yan Shwe received a total sentence of 33 years.

On 1 December 2008 De Nyein Linn had his original sentence of six and a half years extended by a further four years by the township court in Htantabin.[385]

On 1 December 2008 authorities extended the sentences of members of the 88 Generation Students Group who had previously been sentenced to five years jail. Their sentences were increased by a further six years, to 11 years total. Members included;

1. Thein Than Htun;
2. Zaw Htet Ko Ko;
3. Chit Ko Linn;
4. Lay Lay Mon;
5. Nwe Hnin Yee;
6. Tharaphi Theint Theint Htun; and
7. Aye Thida;

The following three had their three year sentences extended to nine years;

1. Thaw Zin Htun;
2. Kyi Than;
3. Saw Myo Min Hlaing;
4. Aung Thike Soe; and
5. San San Tin.[386]

It was reported on 9 December 2008 that hostels owners in Sittwe, the capital of Arakan state, were warned against admitting any students into their hostels if they were involved in political activity. The local police chief summoned the owners to warn them of the dangers of students from the Sittwe University. The owners were told to inform authorities if they saw students involved in political activity and that failure to do so would result in punishment.[387]

On 11 November 2008 fourteen members of the 88 Generation Students Group, including Min Ko Naing, were sentenced to 65 year prison sentences on five charges, including 60 years for four charges each under section 39 (a) of the Electronics Act, and five years for an offence under section 60 of the corrections department regulations. Those sentenced were;

1. Ko Min Zayya;
2. Ma Mie Mie;
3. Ma Nilar Thein;
4. Ko Jimmy (aka) Ko Kyaw Min Yu;
5. Ko Zaw Zaw Min;
6. Ko Than Tin (aka) Ko Kyi Than;
7. Ko Zayya (aka) Kalama;
8. Ko Ant Bwe Kyaw;
9. Ko Kyaw Kyaw Htwe (aka) Marky;
10. Ko Pannate Tun;
11. Ko Thet Zaw;
12. Ma Mar Mar Oo;
13. Ma Sandar Min (aka) Shwe; and
14. Ma Thet Thet Aung.

Verdicts on 16 remaining charges are still pending. The following activists were also sentenced on the same day

1. Su Su Nwe (12 years, 6 months);
2. Ko Bo Bo Win Hlaing (eight years);
3. Ko Pyi Pyo (24 years); and
4. Ko Nay Lin Aung (22 years).

Three other individuals were also sentenced. Ko Maung Kan and Ko Aung Kyaw Soe (aka) Japhee from the Wakema National League for Democracy members each received ten years. Ko Win Maw, a member of the pop band Shwe Thansin received seven years.[388]

14.12 Prohibition of Free and Independent Trade Unions

The International Covenant on Economic and Social and Cultural Rights, sets out clearly, the customary law stipulations governing the establishment and rights to existence of free trade unions. Article 8, Sections 1, 2 and 3 of the covenant goes into great detail regarding trade unions.[389] Unfortunately, international law means little to the regime of Burma and during 2008 this was evidenced by the maintenance of strict limitations on the formation and operations of free and independent trade unions. According to the US DoS, no free trade unions existed (i.e. those that did not seek permission from the SPDC) in Burma in 2008, despite there being provisions for their existence under domestic law in Burma.[390]

A paucity of information regarding the activities of unionists in Burma make detailed analysis of the situation difficult, however, a limited amount of news and reports regarding the Seafarers' Union of Burma (SUB), and the Federation of Trade Unions of Burma (FTUB) gave an indication of the status of trade unionism in the country in 2008. The Seafarers' Union of Burma, is *"an organization that seeks protection for and offers assistance to Burmese seafarers employed by foreign ships,"* and has been deemed an 'illegal association' by the SPDC.[391] The legal status of the SUB is a result of being affiliated with both domestic and international labour organisations, the International Transport Workers Federation (ITF) and the FTUB respectively. Both of these affiliations run counter to the domestic law of Burma.[392] The SUB's affiliation with the FTUB is the more troubling for the junta as the FTUB has previously been labelled as an illegal organisation according to the Unlawful Associations Act.[393] The FTUB has been operating clandestinely since 1991 and in 2005 the Ministry of Home Affairs released Notification No.3/2005, branding the organisation and its members and related groups as a threat to the nation and a *"terrorist organisation."*[394]

As a counter to the SUB, the SPDC created the Myanmar Overseas Seafarers Association (MOSA). Membership of the organisation is not a choice however, it is compulsory for any sailors who wish to become licensed to go on voyages to work. Those wishing to apply for a license must secure a letter of appointment from the Seamen Employment Control Division (SECD), a government organisation under the Department of Marine Administration (DMA). Securing the appointment letter is expensive at around US$1,500 and can take between 6-12 months. In addition to licensing process, the SECD forces all seamen to join MOSA, and the seamen are given clear warning that they are not to contact SUB or the ITF whilst at sea. Warnings such as these thereby contravene the freedom of association convention of the International Labour Organisation (ILO), of which Burma is a signatory. ILO Convention (87) concerning Freedom of Association and Protection of the Right to Organise has been in existence since 9 July 1948, the same year that Burma joined the ILO, and entered into force in 1950. The convention,

> *"asserts the rights of workers and employers to establish and join organisations and to be free to elect representatives and draw up rules and constitutions as they wish without the interference of public authorities. Such organisations have the right to join together as national and international federations and may not be dissolved by administrative authority."* [395]

In a further restriction on the rights of seamen, the International Seafarers Assistance Network (ISAN), a UK based group, reported that they had discovered contracts of seafarers stipulating as a contractual obligation that individuals would not approach international groups such as the ITF for assistance and that should they do so, they would be liable for repatriation expenses and other costs.[396]

General Labour Rights

According to the US DoS, the SPDC sets wages in the public sector, while market forces set those in the private sector. Regardless of who sets wages, workers were generally unable to make any significant protest as the SPDC did not allow workers to organise or bargain in a collective manner at any time in the past or throughout 2008.[397] Workers were forbidden by law from strike action, but despite the ban there were low level strikes throughout 2008 that were mostly resolved without recourse to government intervention.[398] The average worker in Burma is said to have a low-level awareness of workers rights and this condition is taken advantage of by employers. Overtime rates are rarely paid and leave is seldom granted, even though the law stipulates these rights for workers in the Workmen's Compensation Act of 1923 and the Leave and Holiday Act 1951.[399] Whilst the International Labour Organisation is working in Burma, its mandate is limited to dealing with issues of forced labour, child soldiers and the right to freedom of association. This means that industrial relations concerns fall outside of the issues it can deal with in the country. The ILO therefore cannot, in any tangible sense, come to the aid of workers who are being taken advantage of.[400]

Workers were also punished for attempting to assert their rights. The regime has developed a limited relationship with the International Labour Organisation over the issue of forced labour in recent years (Burma has ratified the convention on forced labour), however, workers still face difficulties in trying to access the ILO with complaints regarding working conditions. On 8 December 2008, 3 factory workers were jailed for reporting labour rights cases to the ILO after initially being arrested on 2 August 2007. Khin Maung Cho a worker at the A21 soap factory, NLD member Nyo Win and Kan Myint filed the report after a soap factory in Hlaingthaya stopped paying employee salaries. As of December 2008 the accused were facing jail terms of up to 19 years.[401] Khin Maung Cho's wife, Aye Mya Thida told media sources that her husband was facing a 19 year jail term on four separate charges including sedition. Kan Myint was to receive 10 years on three charges and Myo Win was facing five years on two charges. In addition to the sedition and other related charges, Khin Maung Cho was also awaiting sentencing for charges under the Illegal Immigration Act, for alleged illegal border crossing. There were no further details regarding this sentencing at the time of this report.[402]

Earlier in the year, on 16 September, another labour rights activist, U Thet Way, was sentenced to two years hard labour for providing the ILO with information regarding forced labour used by the military, including the use and recruitment of child soldiers.[403] The Burmese regime has been engaged with the ILO on the issue of forced labour and in 2008, the junta extended the Supplementary Understanding regarding forced labour. While the agreement to work towards eliminating forced labour appears promising, most analysts concur that the agreement is another attempt to placate the international community while achieving little in the way of concrete change in the labour conditions on the ground. It is clearly important as a starting point for change, however, as many commentators point out, the trouble with the agreement is the complaints process that accompanies it. If labour rights activists are not at liberty to lodge complaints and have those complaints dealt with fairly, then the process lacks viability. As proven by the few cases discussed above, complaints through 2008 were still being answered by arrests of the complainants, not investigations into workplace arrangements or workers rights. The pervasive environment of impunity necessarily discourages those who would stand up for workers rights, depriving the complaints process of viability and legitimacy. Only when cases reach the ILO and that organisation is able to involve itself in the cases do tangible results tend to emerge.[404] Unfortunately, such occasions are the exception and not the rule in Burma.

14.13 GONGOs and Restrictions on Independent Social Organizations

As a part of harsh restrictions on the freedom of association in Burma, there was little room for independent social organisations to operate in the country in 2008. The status quo remained with SPDC funded and supported social organisations filling the breach where independent social organisations should have been. Only those groups sanctioned by the SPDC were allowed any degree of freedom. Two of the most powerful of the SPDC's proxy organisations, the USDA and the *Swan Arr Shin* are discussed below. Other SPDC-backed social organisations and Government-Operated NGOs (GONGOs) include the Myanmar Women's Affairs Federation (MWAF), The Myanmar Medical Association (MMA), Myanmar Red Cross (MRC), Myanmar Anti-Narcotic Association (MANA), Myanmar Maternal and Child Welfare Association (MMCWA), Myanmar Women Entrepreneurs Association (MWEA), Auxiliary Fire Brigade, Parent Teacher Associations (PTA), and the Myanmar Nurses Association (MNA). These groups have all been involved previously in forced memberships, forced attendance at rallies and in the case of the Auxilliary Fire Brigade, of performing as proxy militias for the SPDC, intimidating members of the opposition and civil society organisations. At times the Auxilliary Fire Brigade has been involved in violent confrontations as well, at times providing backup to the USDA. Reports from 2008 have been limited as to the activities of these three groups. In the case of the AFB this may merely be due to the fact that AFB members are not uniformed and may not have been identified by victims of their abuse and intereference. It possible furthermore that with the higher profile of groups such as the USDA and the *Swan Arr Shin*, AFB members have been confused with members of those organisations.

The Union Solidarity and Development Association

After more than 16 years in existence, the nature and purpose of the Union Solidarity and Development Association (USDA) has become more than apparent to the civilian population in Burma.[405] Events over the course of 2008 served to emphasise the invidious nature of the USDA as a civilian proxy of the ruling junta; the year was marred by violence, harassment and political manipulation by the organisation. The year also saw the assassination of several members of the USDA in a manifestation of the general population's disapproval of the organisation. It is believed that the image of the organisation has fallen to such depths that it may not contest the nation-wide elections in 2010, as some had originally speculated.[406] The image of the group has been dogged by its reprehensible record of involvement in the so-called Depayin massacre of 2003 and the violent crack-down on protestors in September 2007, when members of the group took part in assaulting peaceful protestors. Membership of the group had reached 24 million members by 2007 according to officially released figures.[407] Other sources speculate that the figrure could be as high as 27 million members, or roughly half of the entire population.[408] The membership numbers given by the SPDC indicate that the organisation appears to be growing, despite the fact that the USDA and its militia offshoot the Swan Arr Shin (masters of force) continue to harass, monitor and assault groups, both civilian and political, that oppose the SPDC.[409] With its poor public image and even worse behaviour, this augmentation of membership numbers seems to strongly suggest that recruitment into the group is often not a matter of choice.

Recruitment

With the reputation of the USDA at new lows in the post-Saffron revolution era, the organisation has increasingly struggled to attract new members to its ranks voluntarily. In order to combat the fall in voluntary recruitment the USDA has turned to blackmail and extortion in order to bolster its numbers in recent times. On 8 February 2008 a report from Arakan State highlighted one of the methods by which the USDA holds civilians to ransom in return for membership. According to the report, the Minister for Transportation Thein Swe and the local military divisional commander raised a sum of 7.5 million kyat that was supposed to be put toward repairing a road in Ramree Township that leads to Gon Yan Taung pagoda. According to residents of Ramree however, about one month after the money was raised by the two officials, local township authorities announced that they would not be releasing the funds allocated to repair the road unless all youths in the township joined the USDA. Despite the appeal of the lucrative offer to fix the road, there was latent resentment among the residents of Ramree toward the USDA for its part in cracking down on monks and protestors during the Saffron revolution. That lack of support from the residents prompted one man from the local to community to remark, *"The USDA never done anything good for the country and nobody wants to join them."* [410]

Similarly on 9 February, a local resident of Hlaingthaya Township Ward 8, U Tin Yu, told media sources how the local residents had been summoned to a meeting held by Thant Sin, the ward's USDA official. According to Tin Yu,

> *"Hlaing Tharyar ward 8's USDA official Thant Sin called us into a meeting and said the association was going to build a concrete road in our ward. We were all happy until they told us we had to join the USDA in exchange for their efforts."* [411]

The referendum to accept or reject the military drafted constitution loomed as the largest event on the Burmese political calendar in 2008. In preparation for the voting process, the USDA again turned to bribery as a means of boosting numbers in order to secure a favourable outcome for the SPDC's unambiguously biased draft constitution. In Myitkyina, the capital of Kachin State, media sources reported the use of business concessions by the USDA in return for membership, in the lead up to the referendum on the new constitution. On 23 February 2008 a meeting was held between Christian clergy and priests from Dukataung Ward 3 and Kachin State USDA Chief and Minister of Post and Telegraph, Major General Thein Zaw, in the capital of Myitkyina. Details emerged from the meeting that the SPDC officials had promised the religious leaders that they would be given phone lines and business permits in return for people joining the USDA ahead of the referendum.[412] The importance of this sort of incentive driven recruitment became clear once the referendum was conducted, whenceforth it emerged that the USDA had voted for many of its members unilaterally and in some cases, in advance.

Other types of incentives to join the USDA prior to the referendum were reported to be *"business permits for construction, furniture stores and cottage industries."* [413] The same report also made mention of the fact that there were differences in the incentives from ward to ward and that even students had been targeted for recruitment. One student from Dukataung Ward suggested that he had been approached by the USDA to join the organisation in return for a guarantee of passing his examinations.[414]

The reports of forced registration before the referendum were not restricted to the rural conflict areas as mentioned earlier in this chapter. Residents of cities also faced the possibility of having their votes appropriated by being forced into registering as members of the USDA prior to polling in May. In No 3 Ward of Myitkyina, Kachin State, USDA officials gave out registration forms to households in the lead up to the voting which were headed by the following sentence, *"List of people supporting the constitution."* [415] The list which

contained spaces for 18 names was to be filled by each household and returned. In such a manner the USDA enabled a recruitment drive and deprived many people the right to express an opinion regarding the draft constitution. This process also constituted a violation of the right to free association. The practice of forcing people to join the USDA for the referendum may also mean that those people will still be enrolled as USDA members up to and including the time of the nation wide election in early 2010. If the results of the referendum are any guide to the future, and if the USDA runs as a political party in those elections, it is highly probable that the votes of many citizens will be hijacked by the USDA and used to vote unilaterally for pro-junta USDA members.

It was not only regular civilians who were at risk of losing their rights to vote during the referendum. A resident of Bhamo Township in Kachin State told media sources that following a visit by Minister of Post and Telegraph, Major General Thein Zaw, and the Commander of the Northern Command in the week prior to 23 February 2008 that authorities, *"forced all government staff to join USDA last week, irregardless(sic) of their having already joined or not."* [416]

The USDA as a Political Party

The role of the USDA as a legitimate organ for social development has never been fully convincing and the behaviour of the organisation in the lead up to the referendum did nothing to dispel the commonly held belief of Burma analysts that the USDA is anything other than a civilian arm of the junta. The USDA's participation in the suppression of the 2007 protests, its manipulation of the referendum results and finally its preparations for the 2010 election mean that it would be just as valid to look at the USDA as a political party, and not just as a civil society actor. Some doubt still remains as to whether the USDA will actually compete in the 2010 election as the USDA or not. It is entirely possible that the group will dissolve into individual members who will form separate organisations or that individual members will form their own separate parties. There are persuasive arguments that any of these outcomes could be likely, but predictions regarding USDA participation remain speculation thanks to the fact that the SPDC is yet to release any electoral laws governing the formation of political parties ahead of the election in early 2009.

What is clear, however, is that over the course of 2008, the USDA was engaged in overt political activity, including gross manipulation of the voting in the 2008 referendum. A closer look at the referendum reveals the nature of the USDA as a political force in Burma. It is necessary to understand the USDA in terms of its political power in order to appreciate the power and influence that its 24 million members wield and the consequences of that power for rights and freedoms in Burma, should it continue to be a political player through to the election in 2010.

Role in the Constitutional Referendum and Forthcoming Elections

It became apparent very early in 2008 that the USDA would be a focal player in the organisation of the referendum that eventually took place in May. Sources close to the organisation indicated that the USDA members at Township and District level had been tasked with setting up electoral commissions to monitor and oversee the referendum process, and that the allocation of these tasks would be repeated in the 2010 elections. In addition to the establishment of the commissions, the USDA began a recruitment push in early February. A resident of Hlaingthaya Township indicated that,

> *"They [members of the USDA] have been calling residents at night, telling them good things about the regime and asking them to join their organization……They also said that they will build new roads and clinics for the residents if they register as members."* [417]

The reputation of the USDA is such that incentives were not always strong enough for civilians to overcome their distrust and disdain for the organisation, hence in 2008 as in the past, the USDA also turned to intimidation and harassment of those individuals with the temerity to stand up to the organisation and its attempts to bribe would-be members. Although bribery and incentives were a cynical apparatus with which to recruit new members by exploiting the population's down-trodden economic status, those methods were far from violations of human rights. The USDA has no qualms about true rights violations however, and harsh methods were used against ordinary civilians over the course of 2008. Evidence to support this claim came from an ex-USDA member who spoke to Human Rights Watch in April.[418] A former member of the Rangoon Township USDA described how, under the orders of the SPDC, the USDA was able to intimidate, harass and beat people in order to secure a 'yes' vote in the referendum. Working in combination with local SPDC members and the military police, the former USDA member related identifying potential 'no' voters in the upcoming referendum. Anybody identified as a possible dissenter against the proposed constitution ran the risk of being visited at night and intimidated. The source recounted to HRW that,

> *"The people who say "No" we write down their name and address. If they still say "No" we go back late at night and beat them. We go with Ya Ya Ka and take them to the jail. We accuse them of being a thief, a drunk. We explain we can give them trouble, give them many problems. Most are scared. [One person] we talked to about the referendum… he said he was not interested, he was against it. We came back later to his house and took him to the Ya Ya Ka office and pushed and beat him and told him he faced many problems."* [419]

By early February 2008, sources close to the USDA intimated that on top of recruitment drives involving nefarious methods and apart from serving on the referendum and electoral commissions, USDA members would also be involved in the selection of pro-junta candidates for the general election. The source related at the time that, *"The association is now looking for well-educated, respected, wealthy people to be candidates in the election,"*[420] Political involvement by the USDA in the organising of the referendum and the likelihood of further involvement in the future election prompted the secretary general of the National Unity Party Khin Maung Gyi to suggest that the USDA would transform itself into a fully fledged political party by the time of the 2010 elections.[421] By July 2008 the USDA appeared to be laying the groundwork for participation in the 2010 election. In July 2008, Htay Aung, the author of a book on the USDA, said, *"Their latest move was to select two candidates to stand as MPs in each township who are well-educated, rich and respected in their communities."* [422]

The interference of the USDA in political affairs resulted in widespread and well documented fraud in the case of the referendum. Therefore, those with genuine fears for freedom of association in the country would have been dismayed at the news that surfaced mid-year that military officials had met with USDA leaders and praised their efforts in guaranteeing the 'yes' vote needed to ratify the new constitution. A township level leader of the USDA had the following to say regarding the meeting, *"The generals are very happy with the referendum result and advance voting. They think they can control people with advance voting rather than in a secret ballot on election day,"* [423] Not only were the USDA praised for their efforts, but media sources reported that the Generals actively encouraged the USDA to use the same techniques of 'advance voting' in the election slated for 2010. By 'advance voting' of course, the generals referred to voting yes for all registered USDA members in advance of the real ballot in order to guarantee a pro-junta outcome.[424]

One businessman from Rangoon was surprised to find out that he had already voted when he went to the polling station,

> *"When I went to polling station on May 24 to vote, sub-commissioners at the polling station told me that their records showed that I had already voted. I asked them who voted for me. They told me that they voted on my behalf because they thought I would not come to the polling station,"* [425]

The encouragement of the generals and the blatant manipulation of the voting process used in the referendum in 2008 suggest that USDA involvement in the election in 2010 would mean a high likelihood of continued rights abuses, especially where freedom of association is concerned, as well as further co-opting of rights to suffrage.

Despite the signs by mid-year that the USDA was indeed gearing up to involve itself heavily in the forthcoming election, murmurs from Napyidaw began to cast doubt on the likelihood of USDA participation by year's end. Reports surfaced in December 2008 following the USDA's final quarterly meeting, indicating that the organisation had lost the support of its patron and founder, Senior General Than Shwe.[426] According to sources close to the military the image of the USDA proved unsalvageable following its involvement in the crackdown on peaceful protests in 2007. Even though the name of the USDA had lost its political capital (if it ever had any) that did not preclude the chances of the leading members of the USDA from taking part in the elections. According to sources, the members of the organisation were encouraged by the generals to join other parties that would have no connection in name to the USDA.[427]

Regardless of the speculation surrounding the fate of the USDA vis-à-vis the election, it remained unclear at the end of 2008 as to just what use the SPDC would make of the USDA in the future political environment.

Military Intelligence operatives armed with cameras monitoring the activities at the NLD head office in Bahan Township, Rangoon during 2008. Intelligence agents are a common site at the office as they record the movements of NLD members and those who visit them. *[Photo: © Mizzima News]*

Lack of Popular Support

The overt relationship between the junta and the USDA, has taken a large toll on the impression of the USDA among the ordinary population of Burma. The USDA has become synonymous with corruption, bribery, violence and intimidation. The consequences of the USDA doing the SPDC's bidding flow through the spheres of Burmese public life, affecting politics, business, education and employment, among others. Needless to say, the general population have become highly disaffected with the organisation and its strong-arm tactics. For many Burmese, the involvement of the USDA in the suppression of the 2007 protests constituted the final straw. After years of forced recruitment, compulsory membership for civil servants, attacks such as the infamous Depayin incident, extortion and violence, the population's frustration with the USDA began to manifest itself in acts of retribution. Several recorded incidents took place in 2008 that attested to the frustration of the population with USDA interference in daily life. These attacks on USDA personnel, some of them fatal, reveal that frustration with the USDA has in some cases grown to be greater than the threat of retribution for attacking individuals who are clearly affiliated with the SPDC.

As mentioned earlier, the referendum in 2008 stood out as an important marker on the political landscape and constituted a further step in the so-called 'roadmap to democracy'. Just as importantly, the way in which the referendum was conducted indicated that the SPDC had no interest in allowing freedoms of association nor was it interested in any type of genuine democratic expression regarding the outcome of the voting on the referendum. The manipulation of the USDA membership, compulsory voting and pre-referendum intimidation from the USDA created a burgeoning sense of dissatisfaction and anger among the populace. There was a sense that a chance to vote down the highly criticised constitution was being denied them, and that the USDA was complicit in this deceit. It was reported on 9 April 2008 that the USDA secretary in Pan San Town in Muse Township, Shan State, was shot dead by three gunmen while campaigning for public support of the draft constitution.[428]

As the referendum drew closer and campaigning by the USDA increased, more violent attacks followed. Prior to the voting on the referendum on 10 May, the secretary of the USDA in Namhkam Township in Shan State was also gunned down by unknown assailants on 4 May 2008. Kyaw Myint died after being hit in the face and chest by gunfire, while Tin Aung from the geological survey department suffered severe injuries in the attack and was taken to Namhkam hospital's emergency ward for treatment along with another wounded party. The assassination, which reportedly was not the first in Shan State, came during campaigning by the USDA secretary and officials to win support for a 'yes' vote in the 10 May referendum.[429]

The capital city of Arakan State, Sittwe also saw a fatal attack on a USDA member in the lead up to the referendum. A 26 year old member of the USDA was killed in a knife attack in Sittwe at 8.30pm Tuesday 22 April 2008. According to a member of the NLD who wished to remain anonymous, the victim was stabbed several times, resulting in death. The victim, Tun Thein was attacked by Tun Lin, who had become angry over constant pressure from Tun Thein to get him to join the USDA so that he would cast a vote 'yes' in the referendum. According to the report, the USDA member had also taken to harassing the attacker's father in order to increase the pressure on him to comply with the USDA's wishes. The report also mentioned two unconfirmed incidents of two USDA members being killed in Rangoon, in the Townships of Kemmendine and Hlaingthaya, though no details were provided regarding these murders.[430]

Frustration stemming from the USDA's operations was not restricted to those incidences involving limits to the freedom of association. The USDA, due to their affiliation with the SPDC, was also able to benefit from business concessions in 2008 that facilitated graft, corruption and arbitrary taxation. The predatory behaviour of the USDA was enough to

foster a general resentment of the organisation. An incident from Arakan State from early in 2008 provided an excellent microcosm of the effects of the patronage bestowed on the USDA and its effects on the general population.

According to the report, the USDA General Secretary for Arakan State, U Kyaw Yin had appointed many other USDA members to positions in the transport sector. This was made possible after U Kyaw Yin had been granted several lucrative business opportunities, including control of the transportation of goods between the towns of Sittwe and Buthidaung. These appointed USDA members were well known for harassing travellers and collecting arbitrary taxation to enrich themselves, whilst enjoying the protection of their membership to the USDA. One such individual, identified as Ko Maung Maung, a 26 year old man from Singu Land War in Sittwe Town, Arakan State, was a *"supervisor of goods transportation on the waterway from Sittwe to Buthidaung."* [431] Ko Maung Maung had been appointed to his position by the U Kyaw Yin earlier. On 20 April 2008, Ko Kyaw Win, frustrated with harassment and extortion at the hands of Ko Maung Maung in relation to transporting goods from Sittwe to Buthidaung on the ferry, stabbed the man who later died in Sittwe hospital. The attacked allegedly took place on a ferry harboured in Sittwe's inland transportation jetty.[432]

The USDA as a Security Apparatus

The work of the USDA that is not focused specifically on the practice of politics, such as carrying out attacks, surveillance and harassment, of those groups who do not support the SPDC has been made easier by operating in tandem with the *Swan Arr Shin* (roughly translated as "masters of physical force"). Although the *Swan Arr Shin* (SAS) can be viewed as a separate entity, the existence of the organisation is intrinsically tied to the USDA and its members are often drawn from the USDA's ranks.[433] Often attacks on anti-junta groups, opposition politicians especially, are carried out by the USDA, operating alongside members of the SAS and military intelligence.

The *Swan Arr Shin*

Following the *Swan Arr Shin's* (SAS) involvement in helping to put down the protests in 2007, the group continued its anti-opposition work as a subsidiary of the USDA in 2008. The majority of reporting related to the SAS during 2008 revolved around instances of the group being responsible for attacks on opposition politicians as well as members of civil society organisations. Reports throughout the year were also suggestive of the fact that pro-junta militia groups were being trained in riot control techniques. Presumably this was an SPDC response to the threat of possible further protest action. The SAS was also active around the time of the referendum as an auxiliary to the USDA, helping that group to intimidate would-be 'no' voters.

The use of the SAS by the SPDC as a militia organisation over the course of 2008, just as in previous years, constituted a clear violation of the freedoms of both assembly and association. The ability for groups to form, mobilise and meet was impinged upon by attacks from the SAS, who very often operated in conjunction with other security forces (such as the police, military intelligence and fire brigade).

It was relatively common for the SAS to participate in general surveillance activities throughout cities which saw protests or other civil disturbances. In Sittwe for example, following protests staged by monks on 27 September 2008, the city was subject to greater security measures. Authorities posted security details around the city's areas of accommodation such as guesthouses and residential areas comprised of the SAS, military personnel, police and plain clothes agents.[434]

USDA and *Swan Arr Shin* Training

According to reports throughout 2008, the USDA, and the SAS in particular, received riot control training from local authorities. The covert training sessions were said to take place at night time, with the focus on weapons training and making arrests. Reports from very early in 2008 indicate that the trainings were a regime reaction to the possibility of further protests on the heels of the civil unrest that characterised the end of 2007. During the Saffron revolution, the SAS had been used regularly to help put down the protests; presumably the SPDC was seeking to ensure that it could call upon a well-trained and controlled militia force should such events repeat themselves in 2008. On 4 January 2008 it was reported that SAS members in New Dagon and Hlaingthaya townships, Rangoon Division were receiving riot control training from local authorities. A Dagon Township resident told DVB that members of the SAS from Ywar Thar Gyi, Lay Daunt Kan, Shan Tal Gyi, Yay Kyaw, Kyar Ni Kan, Kyi Su and Sit-pin villages were taking part in the training.[435]

Around the time of the anniversary of the Saffron revolution, further reports of trainings of SAS members (along with USDA and local police) surfaced as the junta sought to take precautions against the threat of protesting on the anniversary. On 8 September SAS members and local authorities were witnessed being trained in riot control techniques at the Myingyan Township police academy in Mandalay Division according to a source connected to the Myingyan Township Peace and Development Council (TPDC). The source also revealed the details of instructions given to the SAS members regarding the protocol for dealing with protestors who refuse to disperse. The source indicated that these instructions had come from authorities in Napyidaw and outlined a three step method which the source described as follows,

> *"For the first step, the local authorities should negotiate with the protesters to get them to stop their demonstration,……If they refuse to stop, the second stage is to shoot them in the legs,…….And if the protesters still don't back off after the second stage response, they will be shot dead according to the third stage set out in the instruction letter."* [436]

On 19 June 2008 roughly 700 NLD members and supporters had gathered at the NLD's Rangoon headquarters to celebrate the 63rd birthday of detained pro-democracy leader Daw Aung San Suu Kyi. Many NLD members were beaten by a contingent of SAS members who arrived at the celebration. Several NLD members were then arrested including Win Naing, a female NLD member who was also beaten. Ten trucks carrying around 300 security personnel in uniforms and plain clothes then blocked off the road leading to the NLD headquarters.[437]

On 18 September 2008 it was reported that members of the SAS and the USDA had set up roadblocks in Rangoon and were stopping and checking vehicles in the city in the lead up to the commemorations of the Saffron Revolution. Sources said that members of both organisations had also been stationed around the Shwedagon Pagoda and Rangoon city hall, two of the focal points of the 2007 demonstrations.[438]

On 1 December 2008 it was reported that members of the USDA, SAS and AFB were reported to be receiving riot control training. Police in Rangoon's Thanlyin and Thaketa townships were said to be conducting the training at Thiha Dipa stadium for around 300 members of the pro-junta organisations in preparation for future situations of civil unrest. A Thanlyin resident related that the trainees *"were told how to identify people when there is a riot and how to control them by beating them up with sticks."* [439] A Tharketa resident indicated that several members of the groups receiving trainings were involved in *"illegal gambling syndicates and alcohol shops",* the source indicated however that this was

overlooked by the police in return for providing services of crowd control should the need arise.[440] The resident also mentioned that several of the trainees were, *"loiterers, petty thieves and police informers."* [441]

On 22 December 2008 it was reported that USDA and SAS members from Pegu Division had been sent to Napyidaw to undergo training. An SAS member from Taungoo Township who attended the training said that each recruit was paid a monthly stipend of 100,000 kyat, whilst new recruits were paid 50,000 kyat. The trainee told DVB that two members of each village in Toungoo District were selected for the training in the new capital, making up a group of around 350 people. According to the report there were to be future trainings beyond riot control, focusing on administration and organising, which could possibly be viewed as preliminary preparations for the 2010 elections.[442]

Attacks by the USDA and *Swan Arr Shin* in 2008

Unfortunately, surveillance activities performed by the SAS on behalf of the regime authorities were among the more benign of their functions in 2008. The SAS was employed in a more sinister fashion to attack members of the opposition and civil society groups using threats, harassment, and outright violence in order to achieve the ends desired by the SPDC. These attacks were especially prevalent before the referendum, as pressure on the opposition was stepped up in response to the outspoken criticism of the draft constitution. In light of the way in which the process of the referendum voting was manipulated to guarantee the approval of the draft constitution, these attacks seem superfluous, and suggest a certain misplaced paranoia regarding the opposition.

In the two months leading up to the referendum, the authorities began stepping up attacks particularly against the NLD and members of the Human Rights Defenders and Promoters (HRDP). Although the affiliations of the attackers were never ascertained with concrete certainty, it was widely believed that the attacks were carried out by the either the SAS or by that group and USDA thugs combined. On 3 April 2008 NLD member Tin Yu from Hlaingthaya Township was attacked, resulting in his subsequent hospitalisation, where he received 20 stitches for facial wounds. The victim related that his attackers were carrying walkie-talkies and that they were on motorcycles (which are banned in Rangoon). Walkie-talkies are usually associated only with the SAS, the USDA and the Fire Services Department, strongly indicating that it was at least plausible that one of these groups were responsible for the attack.[443]

On 27 March 2008, two unidentified assailants assaulted U Myint Aye, the founder of the HRDP organisation, as he was walking home in Myaynigone, in the Sanchaung Township of Rangoon. The two attackers were armed with batons, leaving U Myint Aye with serious head injuries; he was later treated at Rangoon General Hospital, where he stayed for two days following the beating. U Myint Aye reported the assault to the township court in Sanchaung, but at the time of this report it is believed that no action had been taken to apprehend the perpetrators.[444]

On 1 April 2008 it was reported that Hlaingthaya Township NLD chairman, Myint Hlaing was attacked by unknown assailants near his home in Rangoon. The resident of Ward 11 was attacked while outside walking at around 7.30 pm. The resulting injury required three stitches. Although the assailant was unable to be identified the NLD chairman pointed out that the attack mirrored several other recent attacks on opposition members and members of the HRDP in Henzada and Madaya Townships.[445]

On 18 April two human rights activists, Ko Myint Naing and Ko Maung Maung Lay, were set upon by a government backed gang in Oak Pon village, in Irrawaddy's Henzada Township. The two activists were in the town to conduct a human rights awareness raising exercise. The two men were assaulted as they left the village by a large group of up to 50 men armed with batons and slingshots. Ko Myint Naing was able to identify the leader of the gang who was speaking on a walkie-talkie as the group approached them, as USDA leader Ko Nyunt Oo. Ko Myint Naing related to DVB what happened next,

> *"[H]e ordered his people to beat us up while he started to hit me with a stick. I got hit on right side of the back of my neck. Then he yelled, 'Kill them!' and a group of about 50 people armed with sticks and slingshots chased us,…….We tried to escape on our motorbike but the road was so bumpy that we couldn't drive fast. A member of the Village Peace and Development Council named Satku and a guy named Ko Thang Aung dragged me off the bike and started hitting me."* [446]

On 3 July 2008 reports emerged suggesting that Myo Yan Naung Thein a member of the 88 Generation Students Group was in ill health in Insein prison. The activist who had been arrested in December of 2007 was said to have been tortured by members of the SAS and Special Branch police officers following his arrest. The interrogation and resulting head injuries left Myo Yan Naung Thein paralysed down the left hand side of his body. According to relatives of the activist, he was refused medical treatment following his interrogation.[447]

A group of Karen IDPs from Tantabin Township in Toungoo District of Karen State as they were once again on the move in January 2008 in their ceaseless struggle to evade SPDC army soldiers who would otherwise forcibly relocate them, or simply shoot them on sight. *[Photo: © KHRG]*

Endnotes

[1] Source: The Universal Declaration of Human Rights, United Nations. Accessed online at http://www.un.org/en/documents/udhr/, on 27 July 2009.
[2] Source: "NLD determined to observe Martyrs' Day at any cost," *Mizzima*, 18 July 2008.
[3] Source: *The Future In The Dark: The Massive Increase in Burma's Political Prisoners, September 2008*, AAPPB. Accessed online at http://www.aappb.org/the_future_in_the_dark_AAPP_USCB.pdf, on 19 March 2009.
[4] Source: The International Covenant on Civil and Political Rights. Accessed online at http://www2.ohchr.org/english/law/ccpr.htm, on 23 March 2009.
[5] Source: *Ibid.*
[6] Source: "Rebels ransom 100 villagers in Ye Township; SPDC responds with interrogations, torture and travel restrictions," IMNA, 24 November, 2008.
[7] Source: *Ibid.*
[8] Source: *Another Cut: the SPDC Campaign to Erase Mon Culture*, HURFOM. Accessed online at http://rehmonnya.org/archives/68, on 26 March 2009.
[9] Source: "Rebels ransom 100 villagers in Ye Township; SPDC responds with interrogations, torture and travel restrictions," IMNA, 24 November, 2008.
[10] Source: "Protecting their rice pots: an economic profile of trade and corruption in Three Pagodas Pass," *The Mon Forum*, Issue No. 12/2008, 30 December 2008.
[11] Source: "Growing Number of Armed Checkpoints Doubles Cost Of Travel on Thanbyuzayart Motor Road," IMNA, 23 December 2008.
[12] Source: "Fear Of Bombing Leads to Reopening Of Checkpoints on Myitkyina-Hpakant Road," KNG, 17 November, 2008.
[13] Source: *Corruption Perceptions Index 2008*, Transparency International. Accessed online at http://www.transparency.org/news_room/in_focus/2008/cpi2008/cpi_2008_table, on 24 March 2009.
[14] Source: USAID Website. Accessed online at http://www.usaid.gov/locations/sub-saharan_africa/countries/somalia/index.html, on 24 March 2009.
[15] Source: "Living on a one-way ticket: self-reliance in the Mon resettlement sites," HURFOM. Accessed online at http://democracyforburma.wordpress.com/2009/02/26/living-on-a-one-way-ticket-self-reliance-in-the-mon-resettlement-sites-report-pdf/, on 28 July 2009.
[16] Source: "Without a choice: Increased economic migration from Mon State to Thailand," *The Mon Forum*, 24 September 2008.
[17] Source: *Rural development and displacement: SPDC abuses in Toungoo District*, KHRG, 13 January 2009.
[18] Source: *Militarisation, violence and exploitation in Toungoo District*, KHRG, 15 February 2008.
[19] Source: *Rural development and displacement: SPDC abuses in Toungoo District*, KHRG, 13 January 2009.
[20] Source: *SPDC spies and the campaign to control Toungoo District*, KHRG, 31 March 2008.
[21] Source: *Militarisation violence and exploitation in Toungoo District*, KHRG, 15 February 2008.
[22] Source: *Attacks, forced labour and restrictions in Toungoo District*, KHRG, 1 July 2008.
[23] Source: *Ibid.*
[24] Source: *Ibid.*
[25] Source: "*New Attacks Force More than 250 People To Flee Across Border, Troops Kill Three Villagers*," FBR, 28 October 2008.
[26] Source: "*Exploitative governance under SPDC and DKBA authorities in Dooplaya District,*" KHRG, 11 July 2008.
[27] Source: *Ibid.*
[28] Source: "I have no more left in my hands," *The Mon Forum*, Issue 11, HURFOM, November 2008.
[29] Source: "Increased abuses in southern Mon State and northern Tenasserim causing villagers to flee, say 12 IDPs interviewed on the Thai-Burma border," IMNA, 28 October 2008.
[30] Source: *Army Prohibits Villagers from Working Outside Village*, IMNA, 16 June 2008.
[31] Source: "Increased abuses in southern Mon State and northern Tenasserim causing villagers to flee, say 12 IDPs interviewed on the Thai-Burma border," IMNA, 28 October 2008.
[32] Source: *Ibid.*
[33] Source: "Oppressed twice over: SPDC and DKBA exploitation and violence against villagers in Thaton District," KHRG, 20 March 2008.
[34] Source: "Over 100 Migrants from Arakan Arrested," DVB, 11 December 2008.
[35] Source: Rhododendron News Volume XI, No. I, January – February 2008, CHRO, February 2008.
[36] Source: "Burmese Officials Overcharge Travellers Sans Citizen ID Cards," *Khonumthong News*, 15 August 2008.
[37] Source: "Lives Lost and Homes Destroyed: Villagers Suffer Under the Brutal Oppression of the Burma Army," FBR, 4 April 2008.
[38] Source: "As Thousands Suffer the Effects of Cyclone Nargis, Villagers Suffer Continued Brutality by the Burma Army in Karen State," FBR, 9 may 2008.

[39] Source: "Junta Imposes Night Curfew in Myitkyina," KNG, 22 September 2008.
[40] Source: *I have no more left in my hands: Human rights conditions in southern Ye Township and northern Tavoy District*, Hurfom, 20 November 2008.
[41] Source: "Security Tightened For Festival in Southern Shan State," *Mizzima News*, 5 November 2008.
[42] Source: *Ibid*.
[43] Source: International Covenant on Civil and Political Rights. Accessed online at http://www2.ohchr.org/english/law/ccpr.htm, on 23 March 2009.
[44] Source: Burma Citizenship Law. Accessed online at http://burmalibrary.org/docs/Citizenship%20Law.htm, on 10 February 2008.
[45] Source: "Rohingya groups condemn the SPDC's statement on Rohingya," *Kaladan Press*, 2 February 2009.
[46] Source: *Ibid*.
[47] Source: "*Briefing: Visit to the Bangladesh-Burma Border*," CSW, 26 August 2008.
[48] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labour, US Department of State, 11 March 2008.
[49] Source: *Ibid*.
[50] Source: "Rohingyas in Dire Straits: CSW," *Mizzima News*, 10 September 2008.
[51] Source: "Nasaka Photographs Villagers in Buthidaung," *Kaladan News*, 27 June 2008.
[52] Source: "Rohingyas in Dire Straits: CSW," *Mizzima News*, 10 September 2008.
[53] Source: "Student Flees Charged With Being into Politics," *Kaladan News*, 11 October 2008.
[54] Source: *Ibid*.
[55] Source: "Rohingya Youth Jailed For 5.5 Years for Crossing Burma-Bangladesh Border," *Mizzima News*, 24 June 2008.
[56] Source: "Rohingya Boy Missing After Boat Overturns In Naff River," *Kaladan News*, 21 June 2008.
[57] Source: "Burmese Refugee Missing In Naff River," *Kaladan News*, 9 August 2008.
[58] Source: "Four Rohingyas Sent Back To Burma by BDR," *Kaladan News*, 30 June 2008.
[59] Source: "Harassment by police, Nasaka and Sarapa in Northern Arakan," *Kaladan News*, 23 February 2008.
[60] Source: "Over 80 Rohingyas kept in area detention centre," *Kaladan News*, 6 February 2008.
[61] Source: "Harassment by police, Nasaka and Sarapa in Northern Arakan," *Kaladan News*, 23 February 2008.
[62] Source: "Arbitrary arrests and extortion continue in Maungdaw," *Kaladan News*, 28 March 2008.
[63] Source: "Woman Detained In Maungdaw Nasaka Camp Released," *Kaladan News*, 23 July 2008.
[64] Source: "Nasaka Arrests Seven Rohingyas in Maungdaw," *Kaladan News*, 11 September 2008.
[65] Source: "3.5 Million Kyat Iftar Items Seized By Nasaka In Maungdaw," *Kaladan News*, 4 September 2008.
[66] Source: "Two MMO Members Acquitted In Maungdaw," *Kaladan News*, 6 September 2008.
[67] Source: "Motorcycle Owners Face Travel and Fuel Restrictions," DVB, 7 July 2008.
[68] Source: *Ibid*.
[69] Source: "Motorcycle Licenses Introduced in Most of Burma," *Irrawaddy*, 3 July 2008.
[70] Source: "Motorcycle Registration Centres Closed," *Kaowao News*, 8 August 2008.
[71] Source: "Motorcyclists without Licenses on the Rise," IMNA, 15 July 2008.
[72] Source: "Bus Drivers' Licences Revoked By Dala Authorities," DVB, 1 October 2008.
[73] Source: "A silenced anniversary: one year after the Saffron Revolution," *The Mon Forum*, 22 October 2008.
[74] Source: "Burmese Junta Detains Cyclone-Affected 'Boat People'," *The Nation* (Thailand), 9 June 2008.
[75] Source: "Refugee Camps Guarded Like 'Prisons'," *Mizzima News*, 11 May 2008.
[76] Source: *Ibid*.
[77] Source: "Thai Embassy Raises the Bar for Burmese Seeking Visas," *Irrawaddy*, 15 July 2008.
[78] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labour, US Department of State, 11 March 2008.
[79] Source: Thailand Law Forum. Accessed online at http://www.thailawforum.com/articles/u-aung-htoo2.html, on 1 April 2009.
[80] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labour, US Department of State, 11 March 2008.
[81] Source: "For Greener Pastures," *Irrawaddy*, October 2008. - Volume 16 No 10. Accessed online at http://www.irrawaddy.org/print_article.php?art_id=14366, on 1 April 2008.
[82] Source: The Thailand Law Forum. Accessed online at http://www.thailawforum.com/articles/u-aung-htoo2.html, on 1 April 2009.
[83] Source: *Ibid*.
[84] Source: "Thai Embassy Raises the Bar for Burmese Seeking Visas," *Irrawaddy*, 15 July 2008.
[85] Source: *Ibid*.
[86] Source: "Just another case of coercion and forced labour? Karen villagers' statements on the 2008 referendum," KHRG, 24 April 2008.

[87] Source: *Ibid*.
[88] Source: *Ibid*.
[89] Source: "Household registration begun in Taundwingyi," *Mizzima News*, 15 February 2008.
[90] Source: "Household lists being updated in Mudon Township," IMNA, 11 November, 2008.
[91] Source: *Ibid*.
[92] Source: "Junta Lists Population and Property in Falam Township," *Khonumthung News*, 25 October, 2008.
[93] Source: "Rangoon Authorities Collect Family Data," DVB, 24 December 2008.
[94] Source: "Who are Burma's Monks?" *BBC News*, 26 September 2007.
[95] Source: "Burmese Monks in Revolt," *Irrawaddy*, 11 September 2007.
[96] Source: "Monks Forced Home From Rangoon," *Kaowao News*, 3 July 2008.
[97] Source: *Ibid*.
[98] Source: "Security Tightened In Bago Ahead Of Protest Anniversary," DVB, 2 September 2008.
[99] Source: "U Ottama-Mahatma of Burma". Accessed online at http://www.rakhapura.com/articles/u-ottama--mahatma-of-burma.asp, on 16 February 2009.
[100] Source: "Heightened Security in Southern Arakan," *Kaladan News*, 5 August 2008.
[101] Source: *Ibid*.
[102] Source: "Apprehensive Of Protests, Junta Tightens Security in Rangoon," *Mizzima News*, 8 August 2008.
[103] Source: "Monks Finding It Difficult To Travel in Burma," KNG, 3 October, 2008.
[104] Source: *Ibid*.
[105] Source: *Ibid*.
[106] Source: "Monk Activist Flees To Thai-Burma Border," DVB, 23 October 2008.
[107] Source: "A silenced anniversary: one year after the Saffron Revolution," *The Mon Forum*, 22 October 2008.
[108] Source: "Subdued but Unbowed," *Irrawaddy*, 1 February 2008.
[109] Source: *Ibid*.
[110] Source: "Monks under restriction a year after protests against junta," IMNA, 1 September 2008.
[111] Source: "Five Monks Put Away For Six And-A-Half Years," *Mizzima News*, 12 November 2008.
[112] Source: *Ibid*.
[113] Source: "Arrested Monks Held in Rangoon Detention Centre," *Irrawaddy*, 27 August 2008.
[114] Source: "Nine Monks Arrested In Rangoon," DVB, 30 July 2008.
[115] Source: "Monks given two-year prison term," DVB, 13 August 2008.
[116] Source: "Peaceful protest to mark 1st anniversary of saffron revolution in Arakan", *Kaladan News*, 29 September 2008.
[117] Source: *USCIRF Annual Report 2008 - Burma*, United States Commission on International Religious Freedom (USCIRF), 1 May 2008.
[118] Source: "Labor camp escapee tells of harrowing tale," *Mizzima News*, 27 October 2008.
[119] Source: "Labour camp escapee tells of harrowing tale," *Mizzima Monthly Journal*, Vol. 6, No. 11, November 2008.
[120] Source: "Legal Group Calls for an End to Forcible Disrobing Of Monks," DVB, 3 September 2008.
[121] Source: *Ibid*.
[122] Source: "Monks jailed, disrobed for challenging junta," IPS, 22 September 2008.
[123] Source: "Saffron Revolution Leader Moved To Remote Prison," *Mizzima News*, 1 December 2008.
[124] Source: "Pakokku monk vows to continue regime boycott," DVB, 7 September 2008.
[125] Source: "Bilin Monks Boycott Government Officials," DVB, 25 November 2008.
[126] Source: "Soldiers surround Rangoon's Kaba Aye Pagoda," *Mizzima News*, 17 March 2008.
[127] Source: "Monks forced home from Rangoon," *Kaowao News*, 3 July 2008.
[128] Source: "Nine monks arrested in Rangoon," DVB, 30 July 2008.
[129] Source: "Police Raid Two Monasteries in Sittwe," *Narinjara News*, 8 August 2008.
[130] Source: "Peaceful demonstrations in Arakan," *Kaladan News*, 11 August 2008.
[131] Source: "Monks given two-year prison term," DVB, 13 August 2008.
[132] Source: "Monks and nuns banned from receiving visitors," DVB 13 August 2008.
[133] Source: "Army and Police Deploy at Sittwe Monastery," *Narinjara News*, 18 August 2008.
[134] Source: "Arrested monks held in Rangoon detention centre," *Irrawaddy*, 27 August 2008.
[135] Source: "Monks under restriction a year after protests against junta," IMNA, 1 September 2008.
[136] Source: "Directive Orders Monks to Avoid Political Activity," DVB, 5 September 2008.
[137] Source: "Cyclone refugee charged after submitting petition," DVB, 9 September 2008.
[138] Source: "70-year-old woman arrested and missing," *Mizzima News*, 16 September 2008.
[139] Source: "Plainclothes Informers Planted In Sittwe," *Narinjara News*, 16 September 2008.
[140] Source: "Monks' Demonstration Plans Foiled," *Narinjara News*, 14 September 2008.
[141] Source: "Burma's Monks Jailed, Disrobed for Challenging Junta," *Irrawaddy*, 22 September 2008.

[142] Source: "Peaceful protest to mark 1st anniversary of saffron revolution in Arakan," Kaladan News, 29 September 2008.
[143] Source: "Sittwe Authorities Restrict Rice Donation Event," DVB, 13 October 2008.
[144] Source: "More Activists Jailed In Connection With 2007 Protests," DVB, 14 November 2008.
[145] Source: *Ibid*.
[146] Source: "Junta Continues Crackdown on Activists," DVB, 20 November 2008.
[147] Source: "New Generation Activists Jailed," DVB, 18 November 2008.
[148] Source: "U Gambira to serve total of 68 years in prison," *Mizzima News*, 21 November 2008.
[149] Source: *Ibid*.
[150] Source: "Trials and Prison Transfers Continue in Rangoon," *Irrawaddy*, 26 November 2008.
[151] Source: "Saffron Revolution Leader Moved To Remote Prison," *Mizzima News*, 1 December 2008.
[152] Source: "Burmese Junta Warns INGOs," *Irrawaddy*, 14 February 2008.
[153] Source: "Regime Restricts More NGO Activities," *Irrawaddy*, 26 March 2008.
[154] Source: "Burmese Junta Warns INGOs," *Irrawaddy*, 14 February 2008.
[155] Source: *Ibid*.
[156] Source: "Regime Restricts More NGO Activities," *Irrawaddy*, 26 March 2008.
[157] Source: *Ibid*.
[158] Source: "Disaster: 6 Days After Nargis, Burma's Junta Continues to Block International Aid," Altsean, 9 May 2008.
[159] Source: "Analysis: Junta's Information Black-Out," DVB, 4 July 2008.
[160] Source: "TSF Withdraws From Burma After Junta Restricts Movement," *Mizzima News*, 26 June 2008.
[161] Source: "Junta's obduracy makes ICRC helpless," *Mizzima News*, 18 January 2008.
[162] Source: *Ibid*.
[163] Source: "BURMA: Foreigners, Cameras Banned in Cyclone-Hit Areas," IPS, 13 May 208
[164] Source: "Junta further isolates cyclone-hit delta," *Mizzima News*, 13 May 2008.
[165] Source: OCHA Situation Report No 29. Accessed online at http://myanmar.humanitarianinfo.org/coordination/Situation%20Reports/OCHA%20Myanmar%20SitRep%20No.29.pdf, on 6 April 2009.
[166] Source: *Ibid*.
[167] Source: *Ibid*.
[168] Source: "UN Rights Envoy Meets Burmese Buddhist Monks," *Irrawaddy*, 4 August 2008.
[169] Source: "UN Human Rights Envoy Meets Political Prisoners," *Irrawaddy*, 6 August 2008.
[170] Source: "UN Human Rights Envoy Cancels Press Conference," *Irrawaddy*, 13 August 2008.
[171] Source: "Suu Kyi Refusal to Meet Envoy Sends a Strong Message, Say Observers," *Irrawaddy*, 25 August 2008.
[172] Source: "Gambari May Leave Without Seeing Suu Kyi, Than Shwe," *Irrawaddy*, 21 August 2008.
[173] Source: "NLD Criticizes Gambari," *Irrawaddy*, 29 August 2008.
[174] Source: *Ibid*.
[175] Source: "Burma to Address Children's Situation with UN," *Irrawaddy*, 29 June 2007
[176] Source: "U.N. Blocked on Burma Child Soldiers," *Radio Free Asia*, 4 October 2008.
[177] Source: "Danger: Getting the Truth Out of Burma," *Irrawaddy*, 13 May 2008.
[178] Source: "Burma Bans Top Western Journalist, Deports Another," *Irrawaddy*, 26 June 2008.
[179] Source: "Danger: Getting the Truth Out of Burma," *Irrawaddy*, 13 May 2008.
[180] Source: "Analysis: Junta's Information Black-Out," DVB, 4 July 2008.
[181] Source: *Ibid*.
[182] Source: "Foreign Envoys to View Cyclone Restoration Work in Myanmar," *Xinhua*, 29 July 2008.
[183] Source: "Burmese junta deports Korean journalist," *Mizzima News*, 23 June 2008.
[184] Source: "Analysis: Junta's Information Black-Out," DVB, 4 July 2008.
[185] Source: "Myanmar Says No Delay in Visa Grant," *Xinhua*, 4 August 2008.
[186] Source: *Ibid*.
[187] Source: "BBC Reporter Deported From Airport by Junta," *Mizzima News*, 6 May 2008.
[188] Source: "Burma Bans Top Western Journalist, Deports Another," *Inside News*, 26 May 2008.
[189] Source: "Burmese Junta Deports Korean Journalist," *Mizzima News*, 23 June 2008.
[190] Source: "Foreign Volunteer Told to Leave Burma," *Irrawaddy*, 3 July 2008.
[191] Source: International Covenant on Civil and Political Rights. Accessed online at http://www2.ohchr.org/english/law/ccpr.htm, on 23 March 2009.
[192] Source: "Individual Observation concerning Freedom of Association and Protection of the Right to Organise Convention, 1948 (No 87) Myanmar (ratification: 1955)," Committee of Experts on the Application of Conventions and Recommendations, March 2006.
[193] Source: "Myanmar Junta Raises Suppression, Says Opposition," AP, 8 October 2008.

[194] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labour, US Department of State, 11 March 2008.
[195] Source: "NLD Marks National Day," DVB, 24 November 2008.
[196] Source: "Opposition Holds National Day Celebration," *Mizzima News*, 24 November 2008.
[197] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labour, US Department of State, 11 March 2008.
[198] Source: "Rumours of Protests Spread In Sittwe," *Narinjara News*, 7 August 2008.
[199] Source: "Demonstration in Sittwe Foiled By Riot Police," *Narinjara News*, 8 August 2008.
[200] Source: *Ibid*.
[201] Source: "Apprehensive Of Protests, Junta Tightens Security in Rangoon," *Mizzima News*, 8 August 2008.
[202] Source: *Ibid*.
[203] Source: *Ibid*.
[204] Source: "A Silenced Anniversary: One Year After the Saffron Revolution," *The Mon Forum*, 22 October 2008.
[205] Source: "Peaceful demonstrations in Arakan," *Kaladan News*, 11 August 2008.
[206] Source: *Ibid*.
[207] Source: "Plainclothes informers planted in Sittwe," *Narinjara News*, 16 September 2008.
[208] Source: "Monks forced back to hometown," *Narinjara News*, 26 September 2008.
[209] Source: *Ibid*.
[210] Source: "Family Anxious Over Arrest of Ma Ni Ni May Myint," *Narinjara News*, 12 August 2008.
[211] Source: *Ibid*.
[212] Source: "Sittwe monks in hiding following raids," *Narinjara News*, 23 October 2008.
[213] Source: *Ibid*.
[214] Source: "Police deployed in key places in Taungup," *Narinjara News*, 18 January 2008.
[215] Source: *Ibid*.
[216] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labour, US Department of State, 11 March 2008.
[217] Source: "Authorities ban Dhamma talk in Magwe," DVB, 18 February 2008.
[218] Source: *Ibid*.
[219] Source: "Burmese Army Provides 'Security', Intimidates People at Large Buddhist Festival," KNG, 20 September 2008.
[220] Source: "Authorities Plan to Move Trials of Activist to Insein Jail," DVB, 5 November 2008.
[221] Source: Human Rights Watch interview with Lyan Myat, Rim Moei (Mae Sot District), 27 March 2008.
[222] Source: "Five, Last Year's Protesters, Arrested Again," *Mizzima News*, 29 August 2008.
[223] Source: "ILO Slams Myanmar For Keeping Six 'Labour Activists' In Jail," DPA, 11 July 2008.
[224] Source: "Five Taunggok Activists Jailed For 8 August March," DVB, 18 August 2008.
[225] Source: "Malayone Monastery Raided; Abbot Detained," AAPPB, 5 September 2008.
[226] Source: "Commemoration of Monk's Death Muted in Arakan State," *Irrawaddy*, 9 September 2008.
[227] Source: "Junta Tightens Security on 1st Anniversary of Saffron Revolution in Northern Burma," KNG, 10 September 2008.
[228] Source: International Covenant on Civil and Political Rights. Accessed online at http://www2.ohchr.org/english/law/ccpr.htm, on 23 March 2009.
[229] Source: "Burma Penal Code (2), Unlawful Associations Act (1908)," Burma Lawyers Council. Accessed online at http://www.blc-burma.org/html/Burma%20Code/lr_e_bc02_23.html, on 24 February 2009.
[230] Source: "Individual Observation concerning Freedom of Association and Protection of the Right to Organise Convention, 1948 (No 87) Myanmar (ratification: 1955)," Committee of Experts on the Application of Conventions and Recommendations, March 2006.
[231] Source: The Unlawful Associations Act, India Act XIV, 1908, December 11. Part II, section 16, cited in *Vote to Nowhere*, Human Rights Watch. Accessed online at http://www.hrw.org/en/node/62239/section/5 on 24 February 2009.
[232] Source: Penal Code (1861), Article 144, Prohibiting "disturbance of the public tranquility, or a riot, or an affray". Accessed online in the Burma Lawyers Council Archive at: http://www.blc-burma.org/html/Myanmar%20Penal%20Code/mpc.html.
[233] Source: *Ibid*.
[234] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labour, US Department of State, 11 March 2008.
[235] Source: *Ibid*.
[236] Source: *Ibid*.
[237] Source: "Living in Worry and Fear: Everyday for villagers in Karen State," Burma Issues. Accessed online at http://www.burmaissues.org/En/BINewscurrent.html, on 27 July 2009.

[238] Source: "ABFSU Leader Si Thu Maung Charged," DVB, 24 October 2008.
[239] Source: "Generation Wave Distributes Leaflets in Rangoon," DVB, 10 October 2008.
[240] Source: "5 Generation Wave Activists Sentenced," *Mizzima News*, 20 November 2008.
[241] Source: "Many in Rangoon Wear Black on 8.8.88 Anniversary," *Irrawaddy*, 8 August 2008.
[242] Source: "Increasing bomb blasts worry Rangoon residents," *Mizzima News*, 21 October 2008.
[243] Source: "Burma's draft constitution: 'Overwhelming support in cyclone hit regions'," Mizzima News, 26 May 2008.
[244] Source: "Election in 18 Months: USDA Source," *Irrawaddy*, 15 September 2008.
[245] Source: "More Than 39 Activists Arrested, And 21 Imprisoned During August 2008," AAPPB, August 2008.
[246] Source: "Myanmar Junta Raises Suppression, Says Opposition," AP, 8 October 2008.
[247] Source: "100 NLD Youth Members Resign," *Irrawaddy*, November 2008.
[248] Source: "Feature: Regional NLD Branches Laying Low," DVB, 9 October 2008.
[249] Source: *Ibid*.
[250] Source: "NLD Secretary U Lwin Suffers Stroke, Chairman Aung Shwe also Ill," *Irrawaddy*, 22 October 2008.
[251] Source: Human Rights Watch interview with Kaw Kwark, Mae Sot, March 19, 2008.
[252] Source: "Elected NLD MP Moved To Sittwe from His Native Town," *Narinjara News*, 3 June 2008.
[253] Source: *Ibid*.
[254] Source: Human Rights Watch interview with Aung Zay (not real name), March 20, 2008.
[255] Source: "Authorities Disrupt NLD Union Day Activities," DVB, 13 February 2008.
[256] Source: *Ibid*.
[257] Source: *Ibid*.
[258] Source: "Martyr's Day Marked By Burma's Opposition amidst Tight Security," *Mizzima News*, 19 July 2008.
[259] Source: "Arakan NLD Complains Of Harassment by Authorities," DVB, 15 October 2008.
[260] Source: *Ibid*.
[261] Source: *Ibid*.
[262] Source: "Boatwoman's Licence Revoked for Helping NLD Members," DVB, 21 February 2008.
[263] Source: "Burma slides further on the scales of corruption," *Mizzima News*, 24 September 2008.
[264] Source: US Campaign for Burma. Accessed online at http://uscampaignforburma.org/learn-about-burma/people-politics-poverty, on 11 March 2009.
[265] Source: "Boatwoman's Licence Revoked for Helping NLD Members," DVB, 21 February 2008.
[266] Source: "Police Lie About Date Of Arrest To Illegally Detain And Imprison Five People," AHRC, 1 November 2008.
[267] Source: "Mandalay NLD Members' Appeal Summarily Rejected By Court," DVB, 6 November 2008.
[268] Source: *Ibid*.
[269] Source: "Burmese Dissident Deserves Release," United Press International, 7 November 2008.
[270] Source: "Junta continues to arrest activists," DVB, 7 January 2008.
[271] Source: "NLD chairperson in San Chaung arrested," DVB, 11 January 2008.
[272] Source: "NLD members arrested in Magwe division," DVB, 15 January 2008.
[273] Source: "Central Burma officials halt rice donation by opposition member," *Mizzima News*, 16 January 2008.
[274] Source: "Opposition leaders released after traumatic interrogation," *Mizzima News*, 17 January 2008.
[275] Source: "Anti-regime Poster Campaign in Arakan State," *Irrawaddy*, 28 January 2008.
[276] Source: "Two NLD youths arrested for protesting in Taungkok," *Mizzima News*, 22 January 2008.
[277] Source: "80 Armed Policemen Disperse Five NLD Members," *Mizzima News*, 24 January 2008.
[278] Source: "Anti-regime poster campaign in Arakan State," *Irrawaddy*, 28 January 2008.
[279] Source: "Blogger arrested by police: Friends," *Mizzima News*, 2 February 2008.
[280] Source: "Authorities Disrupt NLD Union Day Activities," DVB, 13 February 2008.
[281] Source: *Ibid*.
[282] Source: "Court Sentences Myanmar Protesters to Jail," AP, 4 July 2008.
[283] Source: "Vote to Nowhere: The May 2008. Constitutional Referendum in Burma," HRW, May 2008.
[284] Source: *Ibid*.
[285] Source: "NLD Member Arrested for Statement," *Narinjara News*, 11 April 2008.
[286] Source: "NLD Member's Shop Destroyed and Looted in Sittwe," *Kaladan News*, 11 April 2008.
[287] Source: "NLD Members Arrested at Suu Kyi Birthday Celebration," *Irrawaddy*, 19 June 2008.
[288] Source: "NLD Member Arrested after Tuesday Blast," *Irrawaddy*, 4 July 2008.
[289] Source: "NLD Members Arrested Prior To Martyrs' Day," DVB, 18 July 2008.
[290] Source: "NLD Warned Not To Celebrate Martyrs' Day," DVB, 18 July 2008.
[291] Source: "No Mercy for Women Political Activists," IPS, 27 October 2008.
[292] Source: "Arrests Continue In Arakan," *Narinjara News*, 14 August 2008.
[293] Source: "Burmese Court Sentences 10," RFA, 12 September 2008.

[294] Source: "Five NLD Members Arrested For Peaceful Protest," DVB, 28 August 2008.
[295] Source: "Authorities Ban Taunggok NLD Meeting," DVB, 1 September 2008.
[296] Source: "More Dissidents in Central Burma Arrested," *Irrawaddy*, 9 September 2008.
[297] Source: "Burmese Court Sentences 10," RFA, 12 September 2008.
[298] Source: "NLD Members Questioned Over Bombing," DVB, 10 September 2008.
[299] Source: "More Dissidents in Central Burma Arrested," *Irrawaddy*, 9 September 2008.
[300] Source: "Fourteen Activists Arrested," *Irrawaddy*, 16 September 2008.
[301] Source: "Authorities arrest relatives of activists," DVB, 15 September 2008.
[302] Source: "88 generation activist Nilar Thein arrested," *Mizzima News*, 11 September 2008.
[303] Source: "Authorities arrest relatives of activists," DVB, 15 September 2008.
[304] Source: "Eight Sentenced For Political Activities and Media Contact," DVB, 12 September 2008.
[305] Source: "Relentless Punitive Sentences for Opposition Members Continue," *Mizzima News*, 15 November 2008.
[306] Source: "Travel Restriction on Pegu Opposition," *Mizzima News*, 15 September 2008.
[307] Source: "Junta releases 70 year old Tin Tin Win," *Mizzima News*, 16 September 2008.
[308] Source: "U Win Htein Re-Arrested After Release," DVB, 24 September 2008.
[309] Source: "NLD Ordered To Withdraw Statement," DVB, 25 September 2008.
[310] Source: "Nine Arrested At NLD Anniversary Celebration," DVB, 27 September 2008.
[311] Source: "NLD Confirms Further Prisoner Releases," DVB, 30 September 2008.
[312] Source: "Jailed Protestors Transferred To More Remote Prisons," DVB, 27 September 2008.
[313] Source: "NLD Youth Member Reported Dead In Custody," DVB, 1 October 2008.
[314] Source: "Veteran NLD MP Arrested," *Irrawaddy*, 2 October 2008.
[315] Source: "NLD Youth Member Given Four-Year Jail Term," DVB, 3 October 2008.
[316] Source: "Six Leaders were Given a Long Term," AAPPB, 24 October 2008.
[317] Source: "No Mercy for Women Political Activists," IPS, 27 October 2008.
[318] Source: "US Group Says Burma Detained Opposition Activists' Lawyer," VOA, 30 October 2008.
[319] Source: "Long Prison Terms For 15 More Activists," *Mizzima News*, 13 November 2008.
[320] Source: "Another 14 Burmese Activists Imprisoned," DVB, 14 November 2008.
[321] Source: "Nine More Activists Sentenced in Insein Prison," *Irrawaddy*, 17 November 2008.
[322] Source: "Nine Arrested In Rare Protest in Rangoon," *Mizzima News*, 30 December 2008.
[323] Source: "A Daughter's Undying Hope for Her Detained Father," *Mizzima News*, 11 December 2008.
[324] Source: "NLD Members Call For Offices to Reopen," DVB, 17 December 2008.
[325] Source: "Restrictions Stepped Up Against Win Tin," DVB, 30 December 2008.
[326] Source: "Long Prison Terms For 15 More Activists," *Mizzima News*, 13 November 2008.
[327] Source: "Burma: Attack against human rights defender U Myint Aye," Frontline Defenders. Accessed online at http://www.frontlinedefenders.org/node/1387, on 7 April 2009.
[328] Source: "Junta Continues To Detain Five Protesters for Marching On 8888 Anniversary," *Mizzima News*, 11 August 2008.
[329] Source: "Rights activist U Myint Aye arrested," DVB, 11 August 2008.
[330] Source: "Junta Sentences 10 Student Activists to Labour Camps," *Mizzima News*, 25 July 2008.
[331] Source: *Ibid*.
[332] Source: "Indian Forecasters Gave Burma Advance Warning of Cyclone Nargis," VOA, 7 May 2008.
[333] Source: "Private Aid Trucks Seized By Police," DVB, 27 May 2008.
[334] Source: *Ibid*.
[335] Source: *Ibid*.
[336] Source: "Burmese Dodge Junta to Supply Aid," *BBC News*, 21 May 2008.
[337] Source: *Ibid*.
[338] Source: "Donors Detained After Aid Distribution," DVB, 26 May 2008.
[339] Source: "Family cannot yet meet Zaw Thet Htwe," *Mizzima News*, 4 August 2008.
[340] Source: "Burma Lawyer Flees, Speak Out," RFA, 19 December 2008.
[341] Source: "Exiled Lawyer Slams Burmese Legal System," DVB, 16 December 2008.
[342] Source: "Lawyer and activists jailed for six months," DVB, 31 October 2008.
[343] Source: "Defence Counsels Behind Bars," *Mizzima News*, 10 November 2008.
[344] Source: *Ibid*.
[345] Source: "88 Generation Leaders' Families Barred From Hearings," DVB, 7 October 2008.
[346] Source: "Ko Ko Gyi Transferred To Mai Sat Prison," DVB, 21 November 2008.
[347] Source: "Trials and Prison Transfers Continue in Rangoon," *Irrawaddy*, 26 November 2008.
[348] Source: "Detained Activists Transferred After Sentencing," DVB, 28 November 2008.
[349] Source: *Ibid*.
[350] Source: *Ibid*.

[351] Source: "New Generation Activists Jailed," DVB, 18 November 2008.
[352] Source: "Nine More Activists Sentenced in Insein Prison," *Irrawaddy*, 17 November 2008.
[353] Source: "Burma's Jailed Hip Hop Singers Shifted to Remote Prisons," *Mizzima News*, 3 December 2008.
[354] Source: "Activists' Families Denied Overnight Passes in Myitkyina," DVB, 12 December 2008.
[355] Source: "Cyclone Relief No Laughing Matter," AHRC, 5 June 2008.
[356] Source: "Burma Steps up Surveillance as Protest Dates Loom," *Reuters*, 2 July 2008.
[357] Source: "Red and Black Items Confiscated From Inmates," DVB, 9 July 2008.
[358] Source: "Prominent Dissident Hit with New Charges," *Irrawaddy*, 1o July 2008.
[359] Source: "Arrest of Student Activists," ABFSU, 18 August 2008.
[360] Source: "Apprehensive Of Protests, Junta Tightens Security in Rangoon," *Mizzima News*, 8 August 2008.
[361] Source: "Arrests Continue In Arakan," *Narinjara News*, 14 August 2008.
[362] Source: "Nine More Activists Sentenced in Insein Prison," *Irrawaddy*, 17 November 2008.
[363] Source: "88 Generation Students Go On Trial," *Irrawaddy*, 3 September 2008.
[364] Source: "More Dissidents in Central Burma Arrested," *Irrawaddy*, 9 September 2008.
[365] Source: "Burmese Court Sentences 10," RFA, 12 September 2008.
[366] Source: "88 Generation Activist Nilar Thein Arrested," *Mizzima News*, 11 September 2008.
[367] Source: "70-Year-Old Woman Arrested and Missing," *Mizzima News*, 16 September 2008.
[368] Source: "Junta Releases 70 Year Old Tin Tin Win," *Mizzima News*, 16 September 2008.
[369] Source: "Myanmar Gives Labour Activist Hard Labour," *Reuters*, 19 September 2008.
[370] Source: "Burmese activists protest on the 20th Anniversary of Coup," *Mizzima Journal* Vol 6, No 10, October 2008.
[371] Source: "Hip-Hop Performer among Latest Victims of Court Crackdown," *Irrawaddy*, 20 November 2008.
[372] Source: "Generation Wave Members Arrested," DVB, 14 October 2008.
[373] Source: "More Activists Jailed In Connection With 2007 Protests," DVB, 14 November 2008.
[374] Source: "Three Activists Jailed as Crackdown Continues," *Irrawaddy*, 19 November 2008.
[375] Source: "Long Prison Terms For 15 More Activists," *Mizzima News*, 13 November 2008.
[376] Source: "Nine More Activists Sentenced in Insein Prison," *Irrawaddy*, 17 November 2008.
[377] Source: "Long Prison Terms For 15 More Activists," *Mizzima News*, 13 November 2008.
[378] Source: "Dissident Leaders Transferred to Remote Prisons," *Irrawaddy*, 16 November 2008.
[379] Source: "New Generation Activists Jailed," DVB, 18 November 2008.
[380] Source: "Junta Continues Crackdown on Activists," DVB, 20 November 2008.
[381] Source: "Three Activists Jailed as Crackdown Continues," *Irrawaddy*, 19 November 2008.
[382] Source: "Trials and Prison Transfers Continue in Rangoon," *Irrawaddy*, 26 November 2008.
[383] Source: "Detained Activists Transferred After Sentencing," DVB, 28 November 2008.
[384] Source: "Zarganar's Jail Term Extended to 59 Years," DVB, 28 November 2008.
[385] Source: "Rights Activists Given Life Sentences," DVB, 1 December 2008.
[386] Source: *Ibid*.
[387] Source: "Hostel Owners Warned Of Students' Politics," *Narinjara News*, 12 September 2008.
[388] Source: "88 Generation Student Activists Given Lengthy Jail Terms," DVB, 12 November 2008.
[389] Source: International Covenant on Economic, Social and Cultural Rights. Accessed at http://www.unhchr.ch/html/menu3/b/a_cescr.html, on 9 April 2009.
[390] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[391] Source: UNHCR Refworld. Accessed online at http://www.unhcr.org/refworld/docid/49b92b32a.html, on 9 April 2009.
[392] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[393] Source: UNHCR Refworld. Accessed online at http://www.unhcr.org/refworld/docid/49b92b32a.html, on 9 April 2009.
[394] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[395] Source: Human Rights Education Associates. Accessed online at http://www.hrea.org/index.php?base_id=146, on 9 April 2009.
[396] Source: About Seafarerhelp, International Seafarers' Assistance Network (ISAN), available at http://www.seafarerhelp.org/index.php?option=com_content&task=view&id=14&Itemid=15, accessed on 9 April 2009.
[397] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[398] Source: *Ibid*.
[399] Source: "Burmese labour issues destined to invite problems," *Mizzima News*, 22 December 2008.

[400] Source: *Ibid*.
[401] Source: "Factory Worker Jailed For 19 Years after ILO Report," DVB, 9 December 2008.
[402] Source: *Ibid*.
[403] Source: "Burma: Two Years Hard labour sentence for Burmese labour activist," International Trade Union Confederation. Accessed online at http://www.ituc-csi.org/spip.php?article2397, on 10 April 2009.
[404] Source: "Labour agreement fails to eliminate forced labour," IMNA, 27 February 2009.
[405] Source: "Commentary: Is Burma ready for a new election?" DVB, 18 July 2008.
[406] Source: "Junta election," *Mizzima News*, 18 December 2008.
[407] Source: *Ibid*.
[408] Source: "Commentary: Is Burma ready for a new election?" DVB, 18 July 2008.
[409] Source: Human Rights Watch interview with former YaYaKa official, Mae Sot, April 1, 2008,
[410] Source: "Township Youth Blackmailed Into Joining USDA," DVB, 8 February 2008.
[411] Source: "Locals coerced into joining USDA," DVB, 19 February 2008.
[412] Source: "USDA Rumored to be Using Bribery for Enrollment," *Mizzima News*, 26 February 2008.
[413] Source: *Ibid*.
[414] Source: *Ibid*.
[415] Source: *Ibid*.
[416] Source: *Ibid*.
[417] Source: "USDA Starts Recruitment Drive Ahead of Referendum," *Irrawaddy*, 21 February 2008.
[418] Source: *Vote to Nowhere*, HRW. Accessed online at http://www.hrw.org/en/node/62239/section/5, on 22 April 2009.
[419] Source: *Ibid*.
[420] Source: "USDA to Organize Referendum, Election," *Irrawaddy*, 11 February 2008.
[421] Source: *Ibid*.
[422] Source: "Commentary: Is Burma ready for a new election?" DVB, 18 July 2008.
[423] Source: "Parties to Register for Election: Junta," *Irrawaddy*, 2 July 2008.
[424] Source: *Ibid*.
[425] Source: *Ibid*.
[426] Source: "Junta-backed USDA unlikely to contest 2010 election," *Mizzima News*, 18 December 2008.
[427] Source: *Ibid*.
[428] Source: "Secretary of Junta Backed USDA Assassinated," *Mizzima News*, 4 May 2008.
[429] Source: *Ibid*.
[430] Source: "USDA Member Killed over Aggressive Campaign Tactics," *Irrawaddy*, 25 April 2008.
[431] Source: "USDA Member Stabbed To Death," *Narinjara News*, 1 May 2008.
[432] Source: *Ibid*.
[433] Source: "USDA to Organize Referendum, Election," *Irrawaddy*, 11 February 2008.
[434] Source: "Security Tight In Sittwe after Demonstration," DVB, 29 September 2008.
[435] Source: "Swan Arr Shin members given riot control training," DVB, 4 January 2008.
[436] Source: "Riot control directive issued to local authorities," DVB, 8 September 2008.
[437] Source: "NLD Members Arrested at Suu Kyi Birthday Celebration," *Irrawaddy*, 19 June 2008.
[438] Source: "Red Alert in Rangoon," *Irrawaddy*, 18 September 2008.
[439] Source: "Riot Control Training Held in Rangoon," DVB, 1 December 2008.
[440] Source: *Ibid*.
[441] Source: *Ibid*.
[442] Source: "USDA Members Receive Training in Naypyidaw," DVB, 22 December 2008.
[443] Source: "Attack on NLD Leader Raises Questions," *Irrawaddy*, 21 April 2008.
[444] Source: "Burma: Attack against human rights defender U Myint Aye," Frontline Defenders. Accessed online at http://www.frontlinedefenders.org/node/1387, on 24 April 2009.
[445] Source: "Burmese opposition leader attacked," Mizzima News, 1 April 2008.
[446] Source: "Bashed activists speaks out against USDA," DVB, 25 April 2008.
[447] Source: "88 Generation Student's health deteriorates," DVB, 3 July 2008.

CHAPTER 15
Right to Education

BURMA

HUMAN RIGHTS YEARBOOK 2008

15.1 Introduction

A strong education system has long been seen as the standard pre-requisite of overall national progress for both developed and developing nations. A country populated with educated citizens generally results in economic growth, innovation, public health and often a political system that voices the concerns and needs of its people.

To all outward appearances, the SPDC has made legitimate attempts to position itself as a patron of education for all. In reality, this position amounts to little more than an elaborate show performed for an international audience. The disparity between government propaganda and the actual goals of the Burmese education system is striking. The vision of the Ministry of Education is stated to be, *"To create an education system that can generate a learning society capable of facing the challenges of the Knowledge Age."* [1] In October 2008, the state-run *New Light of Myanmar* ran an editorial emphasizing the importance of teachers providing an all-around developmental experience, stating that teachers should *"train and inculcate the students with knowledge, education and skill as well as with the habit of helping and understanding others and observing ethics and morality."* [2] Despite these lofty pronouncements, the SPDC treats the education system as something to be feared, watching closely as primary school students—when given an opportunity—grow into university students, who have proven to be some of the government's most vocal protesters and opponents. In light of this culture of paranoia and suspicion, the SPDC has erected multiple barriers to accessing education.

In addition to these obstacles, and despite legislation ensuring free and compulsory primary education, attending school is often an extravagance families struggle to afford. According to the United Nations Children's Fund, while enrolment is high at 80%, less than 55% of enrolled students complete the primary cycle.[3]

With this high drop-out rate, the number of children left without significant skills increases, leaving them highly vulnerable to various exploitive trades, such as forced labour, forced conscription into the army or the sex trade.

An almost complete lack of free speech and expression results in an environment in which rote learning is standard, and critical thinking is highly discouraged. If a student manages to successfully reach the university level, he or she incurs a new level of restrictions from the junta. University students and their teachers are feared most of all; as a group, they represent the future of democracy and freedom to their families and the world.

Despite these significant hurdles, the Burmese culture highly values education and parents place great importance on sending their children to school. The struggle for these families is in overcoming the junta's roadblocks in order to achieve their educational goals.

15.2 Primary Education

In 1993, two years after ratifying the Convention on the Rights of the Child (CRC), Burma implemented the Child Law. While the CRC states that *"State Parties recognize the right to education*", and shall "*Make primary education compulsory and available free to all*," [4] Burma's own Child Law builds upon this credo even further by stating that every child shall,

> *"have opportunities of acquiring education; have the right to acquire free basic education (primary level) at schools opened by the State;" and that "The Ministry of Education shall have an objective of implementing the system of free and compulsory primary education."* [5]

Burma has committed to both the CRC and its own Child Law. In fact, when the Minister for Social Welfare, Relief and Resettlement presented to the 27th Special Session of the General Assembly on Children in 2002, he stated,

> *"Since our accession to the Convention on the Rights of the Child, we have laid down and implemented programmes at the national level for the well-being and interests of children. On 14 July 1993, two years after the accession, we promulgated the Child Law. In September 1993, we formed a National Committee on the Rights of the Child to effectively and successfully implement the provisions of the Convention on the Rights of the Child and the Child Law."* [6]

Far from abiding by these words, the junta has reneged on its promises in countless ways. Seventeen years have passed since the ratification of the CRC, and it has been fifteen years since the writing of the Child Law. Yet, according to parents of primary school students (grades 1 to 5), only in 2008 did the SPDC first begin registration for 'Free Primary Education' in Rangoon (Yangon).[7]

In other parts of the country, especially Mon State and Karen State, schools still require fees in spite of this 'Free Primary Education' program. According to parents, primary schools have a wide range of unofficial fees, ranging from minimal to exorbitant, but none are completely without cost, as parents are required to help pay for textbooks and materials. Though the teachers and administrators of these schools use the word 'free', they still ask for money.[8]

15.3 Secondary Education

Not only are admission fees often wildly incongruent in comparison to local wages, but students at the middle and high school level are cheated out of even more money by arbitrary costs. These additional fees come in many forms, such as payment for optional extra class sessions. These classes are used as a form of tutoring, but in actuality, they are a way for teachers to earn an additional wage. Those who do not attend these extra sessions are considered to be less favoured than students who can afford to pay. Teachers often hold back during regular classes, contributing the most valuable information during these extra sessions. This makes the allegedly optional tuition almost a necessity within a culture that places a large emphasis on the acquisition of an education.[9]

For their part, teachers often feel the pressure to hold these extra classes as they too experience the hardships created by the poor domestic economic situation and require the additional income to support their own families.[10]

In some cases, monasteries have provided poorer students with free extra tutoring by relying on the donated services of tutors. In 2008, however, the SPDC interfered with this service as well. The Ngway Kyar Yan monastery in South Okkalapa Township, Rangoon, has provided these free classes for fourteen years in order to help those unable to afford extra tuition stay competitive with their more wealthy classmates. Though no clear reason has been given by the regime for suspending these classes, most believe it is retribution against the monks for participating in 2007's Saffron Revolution. One monk involved in organising the service said, *"These services are helping our nation by building the capacity of our students, and this is something the country should be happy about."* [11]

In areas such as Karenni State, most villages lack a high school or middle school. A survey conducted in 2006 and 2007 showed that of 81 communities surveyed, 76 had primary schools. None of the villages had a middle or high school.[12]

In fact, most state-run middle and high schools will not accept students who have attended community schools or church schools for their primary education. However, the government most often fails to provide the funding or resources for primary schools in these rural areas. With little to no support from the SPDC, families in Burma are frequently required to use their own meagre funds to finance the building of middle and high schools; oftentimes they must construct the school themselves as well. These types of schools are considered community schools, and are fully supported by townspeople who have raised funds for construction, teacher salaries and school supplies.[13] Therefore while children have the opportunity to receive a primary education, the rewards of those years are negated by the junta's system that bars them from continuing into secondary level education and possibly beyond.

15.4 Tertiary Education

It is at the university level that the junta's hold over education becomes the most restrictive. In keeping with the culture of paranoia and suspicion pervasive throughout the society, the junta treats university and high school education as breeding grounds for dissent. In addition to the myriad restrictions that hamper students' access to a higher education, even a hint of political activity is often enough to bring about arrest, interrogation and detention. In this climate, the movement of tertiary students is closely monitored.

Following 2007's Saffron Revolution, in which monks, student activists and civilians joined together to peaceably protest sharp rises in fuel prices, the junta staged a decisive crackdown in which over 3,000 people were arrested.[14]

The first anniversary of the Saffron Revolution sparked a concerted effort on the junta's part to avoid a repeat of the demonstrations and subsequent clampdown that had fuelled such domestic and international outrage. In the days leading up to the anniversary, universities and other student groups and establishments were closely scrutinized.

On the night of 7 August 2008, intelligence officials from the Burmese regime forcibly entered homes in Rangoon, where members of the All Burma Federation of Student Unions (ABFSU) were known to be staying. These searches resulted in the arrests of three members of the ABFSU: Aung Kyaw (Rangoon Western University), Htain Lin (University of Education, Rangoon), and Chit Tun Lwin (Maubin University). It also resulted in the detention of two members of the 88 Generation Students Group and three visitors.[15] More than a week after their arrests, the activists families still had not been informed where they were being detained or why, or even if they were alive.[16]

Also in August 2008, the junta demanded short biographies of students and teachers at the Kachin Theological College, located north of Myitkyina Town, the capital of Kachin State. The college is a member of the Kachin Baptist Convention (KBC), an evangelical organization with associations and colleges throughout the country.[17] This demand for individual biographies, a first in the college's history, marks further proof of the junta's paranoid behaviour regarding educational institutions.

During the same period, university officials and professors at Moulmein University in Mon State were ordered by the Union Solidarity Development Association to watch their students and examine their activity. They were asked to pay special attention to any non-student presence on campus. To this end, checkpoints were set up to monitor exactly who was on a campus at all times, and their presence was recorded.[18]

Given the history of the junta's repression of student activity, even in the absence of evidence or cause, students on the campus found it increasingly difficult to concentrate in this atmosphere of suspicion.[19] One student stated,

> *"Sometimes the police have looked at us suspiciously, and even searched us without asking permission. We feel like prisoners – we have done nothing wrong but the authorities assume we are causing trouble. It's making some students frustrated and upset."* [20]

The first week of September 2008 brought about new methods of tracking; students were ordered to attach stickers to their bikes identifying the department in which they were studying. According to one tutor at the university,

"Students feel very restricted. Police and soldiers and USDA keep watch as if there is a rebellion, and if they are suspicious they can detain students immediately. We're not happy about that, and we don't want to watch the students for the authorities, but we are ordered to." [21]

In November 2008, sentences were handed down to many of those arrested and detained throughout the year. On 11and 12 November, 2008, over 20 dissidents – chiefly monks and students – were given prison sentences of 65 years each. Additionally, 35 students were given one-year prison sentences for charges such as, 'illegal association', 'unlawful assembly', and 'sedition'.[22]

A makeshift school set up within the Irrawaddy Delta to provide education to local children in the wake of Tropical Cyclone Nargis. *[Photo: © Kaowao]*

Schoolchildren from Ma Wun village in Irrawaddy Division continuing their lessons in their teacher's home after their school was damaged by Cyclone Nargis which struck the Burmese coastline on 2 May 2008. *[Photo: © Reuters]*

15.5 Corruption and Extortion in the Education System

Corruption plagues the Burmese education system, stretching from the highest echelons of the regime all the way down to village teacher levels. In fact, while Burmese citizens and interested international parties have long come to expect the SPDC's interference, intimidation and corruption, the amount of extortion and corruption sanctioned by teachers and other school officials is startling. Instances of threats and extortion have eroded the trust between teachers and students and their families.

In Tachilek Town, Shan state, parents of students at the government high school reported that three teachers demanded money from their students for each subject if they wanted to pass their end-of-year exams. According to one parent, the headmaster required that payments be made before the start of exams, *"They said they can't guarantee our children will pass their exams if we don't go and pay them the money,"* [23]

In Htayaw Sakhangyi village, Maubin Township, Irrawaddy Division, local officials and the school headmaster demanded that students pay 15,000 kyat to build new classrooms for the 2006-2007 school year. In this school alone, 70 percent of 9th and 10th grade students were estimated to have dropped out due to these demands. In the 2007-2008 school year, officials again collected 15,000 kyat from each student, also in order to build new classrooms. More students were forced to drop out of school, approximately fifty of whom came from poor farming families. Students also reported that they were ordered not to tell government officials about the payments, and were threatened with expulsion if they disobeyed.[24]

In Mon State, seven families in Daye Phyu village reported having to remove their children from government schools after school authorities made multiple demands for payment, citing necessary repairs and teachers' overtime salaries as the justifications. The parents instead enrolled their children in a free Mon National School, run by the New Mon State Party (NMSP), although enrolling children in non-SPDC run schools, especially those provided by ethnic associations is most often likely to bring more pressure and harassment from government school authorities.[25]

At the highest level, the junta's own deceptions paint a picture of another type of corruption altogether. In order to perpetuate the appearance of supporting the education system, regime authorities often claim credit for the construction of schools, teacher salaries, and school supplies – even when the funds and resources are provided by students' families and townspeople. In Letpanchaung village in Kale Township, Sagaing Division, regime authorities sanctioned 6,000,000 kyat for the construction of a middle school, but forced local residents to provide the actual funds. Households in the township were also made to provide 5,000 kyat and a tin of rice for construction workers' wages.[26]

15.6 Impediments to Education

Poverty is one of the greatest obstacles to acquiring an education in Burma. The worsening economic crisis, inflation, as well as consistent human rights violations, combine to create a situation in which education is far from a standard and closer to a rare luxury.

Children are consistently taken out of school in order to help their families financially or because their family cannot afford the fees required (often for a theoretically-free primary education). These actions, though often necessary under conditions exacerbated by the regime's dictates, contribute to a drop out rate of almost 50 percent. In Sittwe, Arakan State, one high school headmaster spoke on the condition of anonymity, reporting a 40 percent drop in student enrolment for the 2008-2009 school year.[27]

Forced out of school, children are put to work in jobs such as farming, factory work, construction, and trash collecting. For some, a worse fate awaits in exploitive trades far from their families. Many of these children leave their villages for cities or migrate to neighbouring countries in search of work; in those places, they become highly vulnerable to abuse and trafficking.[28] (For more information see Chapter 16 Rights of the Child)

Families are often vulnerable to the slightest twist of fate; in Chin State, students had to drop out of school due to a food shortage caused by a rat infestation. One school in Sabawngpi village in Matupi Township had 30 students attending class in 2007 – as of 28 May, 2008, not one was attending, as the children were obliged to join their families in scouring the jungle for food.[29]

A further impediment is the significant threat of unjustified arrest or detainment -- a concern to students at every level of the education system. Detaining children is a tactic sometimes used by authorities for the purposes of extortion, political reasons or for other purposes. On May 28, 2009, authorities in Thanbyuzayat Township in Mon State arrested a 13-year-old girl while she was in class at her Mon National School. She was arrested on the grounds that her father had been found guilty of manslaughter in early February; soon after the incident, both her mother and father fled, leaving their daughter behind. Although the girl had committed no crime and was about to sit for her final examinations, authorities held her in custody for a week. Only after her teacher pleaded on her behalf, citing her age and her approaching exams, was she released.[30]

A child rights activist spoke out against the arrest to the Woman and Child Rights Project (WCRP), stating an arrest of a child for a crime committed by someone else was inherently wrong.

> *"This case is a clear example of the State disregarding the Convention on the Rights of the Child (CRC), and directly affecting a young girl's chance at education. In this case the girl's future in the community has also been jeopardized, as she has now been ostracized as a criminal."* [31]

In a letter dated 16 January 2008, the families of two Rangoon Western University students being held in Insein prison pleaded for the students to be allowed an opportunity to retake their exams while in detention. The two students were arrested for taking part in the September 2007 demonstrations; specific charges included disrupting the stability of the state and causing public alarm. One student's father said, *"They just peacefully followed the monks during the protests, they didn't do anything wrong, so I want them to be released, I don't want their futures to be ruined."* [32] (For more information, see Chapter 13: Freedom of Expression).

15.7 Educational Opportunities for Ethnic Minorities

Ethnic minorities have the added burden of discriminatory laws and restrictions created as a tool to marginalize those not considered part of the Burman majority. These attempts at control infringe on the rights of minority groups to acquire an education, using techniques of suppression ranging from restricting movement to banning the study of ethnic languages. The Karen, Karenni, Mon, Rohingya, Kachin, Shan, and other ethnic groups all suffer from this culture of inequality.

The Mon people and culture have long struggled against the junta's attempts to hide an ethnic Burma. Despite their undeniably important role in the formation of Burma, the Mon are given little attention or time in schools. In fact, in the current version of SPDC textbooks, the word 'Mon' has been removed completely.[33]

Mon nationalist leaders claim there are approximately four million Mon people in Burma, while the SPDC claims it is closer to two million. Even with this discrepancy in numbers, it is estimated that only a third of this ancient population can speak their own language.[34] The most probable reason for so few people speaking their ethnic language is the SPDC's tactic of harassment, though the regime in turn claims that the slow fading of the language has been brought about naturally by growing disinterest within the Mon community.[35]

Roughly 150 Mon National Schools exist in areas controlled by the New Mon State Party (NMSP). These schools, along with 49 after-school Mon classes held at government schools, teach all subjects in Mon, except for Burmese and English language classes. However, these schools report frequent persecution by the regime and the army. In Southern Ye Township, Mon State, parents complained of the army's continued pressure to pull their children out of Mon National Schools and enrol them in government schools. One teacher, also from Southern Ye Township, was threatened by army troops in the area. The troops demanded she stop teaching Mon language and leave her teaching position at her NMSP school. The teacher also found many of her students were too fearful of repercussions to attend classes. These students must not only contend with the distance between their homes and schools, but also the risk of breaking curfew; a serious offence as ramifications can include being shot or tortured.[36]

The remaining portions of Mon State not under NMSP control rely on government schools for education. Despite this, the Mon people have found ways to incorporate their language and history into students' education. The Mon Literature and Culture Commission (MLCC) offered Mon language classes to students for years during their holidays in the dry season. The SPDC often interfered in these attempts as well, barring the MLCC from using the government school facilities (though these schools were in actuality built and paid for by villagers), and sending regime officials to the classes and ordering them halted. In July 2006, after years of harassment and pressure, the regime shut down the MLCC and rejected their application for the renewal of their required registration. In 2008, this de facto ban on the MLCC was removed. However, this was hardly cause for celebration, as MLCC officials were replaced with members of the regime-supported Union Solidarity and Development Association.[37]

The plight of the Rohingya, a Muslim ethnic group primarily concentrated in northern Arakan state, western Burma, is particularly bleak. For more than 50 years, the Rohingya have suffered persecution in Burma; deprived of their religious freedom, property, and movement. In 1991 approximately one-third of this ethnic minority fled to Bangladesh and Malaysia. Life as a marginalized, stateless people without access to education means that hope for integration into the wider society in the generations ahead is unlikely.

Unlike other ethnic minorities who are recognized as citizens of Burma, the Rohingya are considered temporary citizens only.[38] Within Burma, restrictions preventing them from travelling outside their villages without permission make it highly unlikely that a Rohingya student has a chance for attaining a tertiary education. Even if students overcome the obstacles of access and proximity, exclusion from these institutions solely on the basis of their ethnicity is their next insurmountable hurdle.[39]

Out of the estimated 200,000 Rohingya who have fled into Bangladesh, only 27,000 are recognized by the office of the United Nations High Commissioner for Refugees (UNHCR) and have settled into two camps, Kutupalong and Nayapara, both within kilometres of Burma.[40] Thousands of other Rohingya live in unofficial camps in desperate conditions, again on the fringes of society. In either of the camps mentioned above, education is barely more accessible than it is in Burma – official camps lack formal schooling after the age of twelve and the unofficial camps have no access to education, health care or food rations. An 18 year old who became a teacher in one of the camps said, *"I am compelled to teach, but I would prefer to learn first. If I stay like this, with no further education, my future life will be ruined."* [41] (For more information, see Chapter 14: Freedom of Movement).

Though the SPDC ordered the construction of this school in Dooplaya District, Karen State, they did not provide any materials to aid the children's education. All educational materials such as books, stationary and other supplies have instead been purchased and provided by the students' own families. *[Photo: © KHRG]*

15.8 Effects of Cyclone Nargis on the Education System

Further compounding a chronically substandard education system was the tremendous impact Cyclone Nargis had upon students and schools in 2008. More than 4,000 schools, approximately half of all schools in the Irrawaddy Delta, were damaged or destroyed in the disaster. In the aftermath of the cyclone, experts agreed that returning children into school as quickly as possible was vital to the long-term recovery of the affected areas.[42] According to the relief agency Save the Children, getting children affected by the cyclone back to school as soon as possible best helped stabilize their daily lives, returned their sense of security, and overall helped bring them to terms with the traumatizing experience they lived through.[43]

Despite efforts to re-open schools, families in the hardest-struck areas of the delta had difficulties providing their children with basic school supplies and school fees when the SPDC ordered schools to re-open on schedule for the new school year. Six months after the disaster, approximately 2,500 schools had been re-opened. For the most part however, these schools were temporary; lacking latrines or the most basic supplies. In many areas, classes were held in makeshift tents, or in the homes of teachers and volunteer teachers.[44]

In the rush to return children to school and normalcy, many aid groups were additionally concerned with *too* hasty a return to routine, anxious at the possibility of more harm done than good. Gary Walker, a spokesman for the U.K.-based charity organisation Plan said,

> *"What is normally a safe space can become an unsafe space. Sending (children) to what can be unsafe buildings with ill-trained and ill-equipped teachers can actually set them back rather than leading them on a road to speedy recovery."* [45]

The situation proved complex and appeared to have no correct answer. Reopening schools as rapidly as possible guaranteed the simple assurance that children would return to school; in a country with a drop out rate close to 50 percent, this result could not be undervalued.[46]

However, rushing children back into schools also had negative consequences. Many of the temporary schools erected after the cyclone were structurally dangerous due to haphazard construction and lack of quality resources and supplies. Moreover, both children and teachers found themselves struggling with the traumatic after-effects of the cyclone and the loss of their friends and colleagues. The psychological effects of orphaned children thrust into unfamiliar situations with strangers could not be accurately calculated.[47]

A fourth-grade teacher in the village of Hmaw bi, near Pyapon, Irrawaddy Division, confessed to mistakenly calling out the names of her students who were killed in the cyclone, while third-grader Nay Lin Tun expressed his grief at their loss, *"I'm not happy in the school like before because I miss my friends,"* [48]

Many teachers reported a constant state of nervousness and inability to concentrate, amongst their students and for themselves. According to one high school teacher in Tawkyaung, Kungyangone Township, *"Physically, they [students] are sitting in the class, but spiritually they are not here. Their minds are far away."* [49]

Teachers also found it hard to focus on teaching lessons when they had one ear tuned to the elements outside. Than Win, a teacher who lost his wife and three-year-old daughter in the storm, said, *"I'm uncomfortable while it's raining when I see water building up around the school during my lecture,"* [50]

Endnotes

[1] Source: Ministry of Education Myanmar Website, accessed at http://www.myanmar-education.edu.mm/moe_main/, 20 February 2009.
[2] Source: "Myanmar Media Stress Important Role of Teachers," *Xinhua*, 7 October 2008.
[3] Source: "At a glance: Myanmar," UNICEF, accessed online at http://www.unicef.org/infobycountry/myanmar_2062.html, 21 February 2009.
[4] Source: United Nations Office for the High Commissioner for Human Rights, accessed online at http://www.unhchr.ch/html/menu3/b/k2crc.htm, 15 February 2009.
[5] Source: The Child Law, Burma Lawyers Council, accessed online at http://www.blc-burma.org/html/myanmar%20law/lr_e_ml93_09.html, 15 February 2009.
[6] Source: United Nations, accessed online, http://www.un.org/ga/children/myanmarE.html, 15 February 2009.
[7] Source: "Junta's Free Primary Education Scheme Yet to Take Off," IMNA, 3 June 2008.
[8] Source: *Ibid.*
[9] Source: "Parents Troubled Over Extra School Fees," *Khonumthung News*, 25 November, 2008.
[10] Source: *Ibid.*
[11] Source: "Monastery Stops Free Education Service," DVB, 5 February 2008.
[12] Source: "Living Ghosts: The spiraling repression of the Karenni population by the Burmese military junta," Chapter 5: Education, Burma Issues, 15 February 2009.
[13] Source: *Ibid.*
[14] Source: *Saffron Revolution*, Altsean, accessed online at http://www.altsean.org/Research/Saffron%20Revolution/SRHome.php, 20 February 2009.
[15] Source: All Burma Federation of Student Unions, accessed online at http://abfsu.net/, 18 August 2008.
[16] Source: *Ibid.*
[17] Source: "Junta Wants Biography of Students and Teachers of Theological College," KNG, 6 August 2008.
[18] Source: "A silenced anniversary: one year after the Saffron Revolution," HURFOM, 22 October 2008.
[19] Source: *Ibid.*
[20] Source: *Ibid.*
[21] Source: *Ibid.*
[22] Source: "Musican sentenced to six years in prison," *Freemuse*, 14 November 2008.
[23] Source: "Tachilek students asked to pay to pass exams," DVB, 27 February 2008.
[24] Source: "Students Forced to Donate Money to School," DVB, 30 January 2008.
[25] Source: "Parents Forced To Take Out Children from School," IMNA, 26 June 2008.
[26] Source: "Construction of School with Money from Residents," *Khonumthung News*, 12 September 2008.
[27] Source: "Reduction Of 40 Percent Students in Schools in 2008-09 in Arakan," *Kaladan News*, 20 August 2008.
[28] Source: "The Plight of Migrant Workers: Suffering Across Borders," HURFOM, 30 August 2008.
[29] Source: "Food Crisis in Chin State Results In School Drop Outs," *Khonumthung News*, 25 September 2008.
[30] Source: "Child Arrested for Father's Crimes," HURFOM, 28 May 2008.
[31] Source: *Ibid.*
[32] Source: "Detained Students Asked to Sit Exams in Jail," DVB, 28 January 2008.
[33] Source: "Another Cut: The SPDC Campaign to Erase Mon Culture," HURFOM, 29 February 2008.
[34] Source: *Ibid.*
[35] Source: *Ibid.*
[36] Source: *Ibid.*
[37] Source: *Ibid.*
[38] Source: "Burma's Muslim Rohingya Minority Dwell at the 'Brink of Extermination'," *The Cutting Edge*, 6 October 2008.
[39] Source: "Rohingya, Burma's Forgotten Minority," ALIRAN, 12 February 2009.
[40] Source: "Burma's Muslim Rohingya Minority Dwell at the 'Brink of Extermination'," *The Cutting Edge*, 6 October 2008.
[41] Source: *Ibid.*
[42] Source: "Teachers and Pupils Struggle in Temporary Schools," IRIN, 6 November 2008.
[43] Source: "Children Not in School Six Months after Cyclone," *Irrawaddy*, 4 November 2008.
[44] Source: "Teachers and Pupils Struggle in Temporary Schools," IRIN, 6 November 2008.
[45] Source: "Junta Defends Cyclone Response as 'Prompt' with Schools Set to Reopen," *Irrawaddy*, 2 June 2008.
[46] Source: "Burma Reopens Schools Hit by Cyclone Nargis," *The Guardian* (UK), 3 June 2008.
[47] *Ibid.*
[48] Source: "Teachers and Pupils Struggle in Temporary Schools," IRIN, 6 November 2008.
[49] Source: "School Children and Teachers Still Finding Hard to Concentrate," *Irrawaddy*, 4 July 2008.
[50] Source: *Ibid.*

CHAPTER 16
Rights of the Child

BURMA

HUMAN RIGHTS YEARBOOK 2008

16.1 Introduction

Children comprise a highly vulnerable segment of any society and this is especially the case in a country marred by conflict, such as Burma. In the case of Burma especially, children form a large percentage of the total population, with UNICEF estimating the under-18 population of Burma to be 15,772,000 out of a total population of 48,379,000 in 2006. Thus, children comprise around 33 percent of the people of Burma.[1] Despite Burma having ratified the Convention on the Rights of the Child (CRC) in 1991 under the then ruling State Law and Order Restoration Council (SLORC), the rights of children in Burma today remain as tenuous as ever. Over the course of 2008, various civil society actors such as exile media and International Non-Governmental Organisations (INGOs) provided accounts of the rights of children being violated both in urban and rural environments. The CRC states clearly that children require *"special safeguards and care, including appropriate legal protection."* [2] This proved to be a luxury that was not afforded to Burma's children over the course of 2008. The Burmese regime was furthermore in breach of the Universal Declaration of Human Rights (UDHR) in its treatment of the rights of children throughout the year, in another example of the State Peace and Development Council showing scant concern for either the rights of its citizenry or for the stipulations of international law.

Patterns of abuse in Burma are strongly connected to patterns of military control, thus the nature of abuse which children face in Burma largely depends on the extent to which they live under State Peace and Development Council (SPDC) military control. For those living under consolidated SPDC control, the intensive militarisation of Burmese society, which relies on abusive mechanisms of civilian control and exploitation of their resources, undermines almost every aspect of children's rights. Militarisation requires extensive national budgetary spending on the military. Such expenditures come at the expense of other areas, such as health and education. According to figures released by the International Institute for Strategic Studies in 2007, the SPDC was spending around 40 percent of the national budget on the military, opposed to 0.4 percent and 0.5 percent on health and education respectively.[3]

Burmese society is also characterised by extremely hierarchical and non-transparent power structures which tend to foster widespread corruption and an ingrained culture of impunity. While individual SPDC leaders have become increasingly wealthy through their involvement in the sale of the country's natural resources (primarily offshore gas) they have also funnelled a great deal of profits into military spending, however, this has not proved sufficient to actually sustain the large army that the SPDC has built up. Individual units have thus been ordered to 'live off the land', which essentially means, living off civilian exploitation. This policy adopted by the SPDC has directly impoverished many villagers throughout Burma, leading to poor rural villagers being forced to extract children from school and send them to work or beg for a living. According to Save the Children, *"Although 80 percent of children enroll in primary school, more than half fail to complete their schooling."* [4] The 'live off the land' policy has placed great financial pressure on rural populations, resulting in a decline in health as families struggle to afford medicine and medical treatment whilst coping with military demands. The health of children has also suffered from demands of forced labour and the need for families to use their children in pursuit of livelihoods as a way to ensure survival. However, according to Save the Children, *"Many (children) don't have enough food to eat and can't get treatment when they are ill. One child in ten dies before reaching their fifth birthday."* [5]

A widespread culture of impunity among SPDC officials allows individuals to commit abuses against children without fear of retribution and widespread corruption further impoverishes families, thereby undermining children's rights. Furthermore, high rates of desertion and a lack of willing volunteers has led to large numbers of children being forced to enlist in the SPDC

army against their will. Despite accusations from human rights groups and the international community that the SPDC army may include the highest number of child soldiers in the world, there has been very little in the way of tangible restitution for children who have had their rights violated in Burma. As an example, in the area of forced labour, pressure from the International Labour Organisation (ILO) – which is able to work inside the country, although with a limited mandate - has only resulted in a handful of token cases of child labour being addressed. In addition to this, the vast majority of child soldiers remain in the army, subject to abuse by their superiors and in grave danger of injury, trauma, ill-health and death.

For those children living under the control of armed groups which have ceasefire agreements with the SPDC, the pattern of abuse depends on the character of the ceasefire group. Some are better than others in terms of their willingness to respect the rights of the civilian population. In Mon State, in areas under New Mon State Party (NMSP) control for example, villagers are subject to fewer demands and arbitrary taxes than in neighbouring states and thus have more available cash for their children's education and health. In Karen State, in areas under the control of the Democratic Karen Buddhist Organisation (DKBO), however, villagers face just as bad a situation as under the SPDC, and some say worse, causing further abuse and impoverishment of civilians. As well as the ceasefire group's own demands, SPDC policies and demands are also imposed on civilians through ceasefire groups, which act as proxies for the SPDC, such that civilians in these areas often find themselves exploited simultaneously by different factions. Additionally, expenditure on education and healthcare in ceasefire group areas can be just as bad as in areas directly controlled by the SPDC.

Large areas of Burma remain outside consolidated SPDC control, but children and their families in many of these areas face an aggressive campaign to submit to SPDC control. They are pressured to move to military-monitored relocation sites (dubbed 'peace' villages or 'model' villages by the SPDC) or otherwise be considered legitimate military targets and subject to attack.[6] Relocation sites are notoriously unsustainable and their inhabitants suffer a large number of abuses; consequently many villagers prefer to take their chances in the forest and flee in to hiding in the jungle. Displaced villagers face attack from SPDC troops and their proxies which results in the destruction of their homes, schools, food stores and farms. Civilians also face injury and death from landmines and other weapons and sickness and death from preventable and treatable diseases while in hiding. They may be assisted by groups fighting the SPDC, but these groups may also impose their own demands on civilians.

While many civilians confront abuse in Burma, the relative lack of power of children and their greater physical and emotional vulnerability increases the impact of these abuses on Burmese children. The special developmental needs of children mean that abuses in the health and education sector disproportionately affect children more than adults. Furthermore, abuses around the appropriation of civilian labour directly put children in harm's way, for example, by requiring them to perform labour that they are physically and emotionally not ready for. Soldiering is one example of this, but children are also required to porter military supplies, walk in front of troops as human landmine sweepers, build and repair military camps, relocation sites and roads and work without pay on business enterprises run by military officers.[7]

Additionally, children's dependency on family members renders them vulnerable to the impacts of abuses upon adults. Some children have been orphaned or have been raised in single parent families as a result of abuses against their parents. Phyu Nay Kyi, for example, who will be aged 2 around May 2008, faces a very long wait to see her parents, Nilar Thein and Kyaw Min Yu (aka Jimmy), as they have both been imprisoned for 65 years each for leading Rangoon protests against sharp increases in the price of fuel and other commodities in August 2007 (For more information, see Chapter 13: Freedom of Opinion, Expression and the Press).[8]

Children are traditionally cherished in Burmese society and their families make every effort to protect them from abuse. They are usually the first to be fed in times of food scarcity; their families make great sacrifices to find the money for their education and medical treatment and the extended community, as well as the extended family, all watch out for children. There are numerous examples of teachers, monks and villagers intervening to assist children in need and communities in hiding regularly prioritise the needs of children.

Children themselves are often quite adept at negotiating their way among the variety of abuses and violations which affect them. They learn when they must remain silent for their safety, how to avoid certain types of abuse and how to subtly claim their rights and shape their lives as much as they can, given the situation. Some teenagers become involved in overt resistance to military rule and become politically active, despite their young age. They help their families to remain outside SPDC control, join banned organisations, participate in political action such as protests and poster campaigns and volunteer for armed resistance duties. They should therefore be viewed not as passive victims of adult abuse in an oppressive environment over which they have no control, but as active agents who are directly engaged in a struggle, albeit an imbalanced one, to claim their rights. Such a conception lays the foundations for more sensitive engagement on the issue of children's rights in Burma and may prevent further marginalisation of children by external actors seeking to remedy the dire situation they face.[9]

Internally displaced children on the move in Papun District, Karen State in February 2008. SPDC army soldiers had recently established two new camps near to where these villagers were hiding in the forest and had used these camps as a base from which to mount patrols through the area and shell nearby IDP hiding sites with mortars. *[Photo: © FBR]*

16.2 Children and Armed Conflict

Among all of the abuses against children, the six most egregious violations of their rights were recognised by UN Secretary-General Ban Ki-Moon as:

1. Killing or maiming of children;
2. Recruitment or use of children as soldiers;
3. Rape and other grave sexual abuse of children;
4. Abduction of children;
5. Attacks against schools or hospitals; and
6. Denial of humanitarian access for children [10]

These categories formed a framework for investigation by a task force on Burma, established by the UN Security Council in 2005. In November 2008 the Human Rights Education Institute of Burma issued a report entitled *Forgotten Future: Children affected by armed conflict in Burma*, showing that all six of these categories of abuse have been inflicted upon children in conflict areas of Burma over the previous five years, mostly by SPDC forces.

The protracted armed conflict in Burma has seen the SPDC utilise a range of brutal counterinsurgency techniques, many of which are directed at civilians in an effort to cut the links between non-state armed groups and civilian populations. Overlapping this is a desire to extend SPDC control nationwide so that wealth and resources can be exploited for the benefit of the SPDC hierarchy. In border areas which the SPDC does not already fully control, SPDC army continued to conduct military operations targeting undefended civilian villages throughout 2008. During such attacks, men, women and children have been shot on-sight, entire villages razed to the ground, and crops and other food sources systematically destroyed by SPDC and DKBA soldiers. In the predominantly ethnic rural areas where these offensives occur, other rights violations included the use of forced labour, extortion, illegal taxation and land confiscation. To date the policy of targeting ethnic rural populations in order to control territory has forced an estimated 500,000 from their homes along the eastern border with Thailand alone. The victims of SPDC persecution live as internally displaced persons (IDPs) in the jungle, in temporary camps or in relocation sites tightly controlled by SPDC and allied ceasefire forces such as the DKBA. (For more information, see Chapter 19: Internal Displacement and Forced Relocation).

The *Report of the Secretary-General on Children and Armed Conflict in Myanmar* presented to the UNSC in June 2009 once again illustrated the manner in which children in conflict areas have been killed and maimed during attacks on civilian villages by SPDC army units or due to the indiscriminate effects of landmine contamination. These findings supported those that had been made previously in the Secretary General's report of 2007. (For more information, see Chapter 4: Landmines and other Explosive Devices). The 2009 report described one incident in which a child was severely injured by mines. It was unclear from the case which group was responsible for the laying of the mine, however, the area in question suggested that the mine had been laid by a non-state armed group;

> *"Villagers and internally displaced persons, including children, in locations along the eastern border areas of Myanmar continue to suffer serious threats to their lives from the effects of the use of anti-personnel mines. In one case verified by the country task force, on 25 January 2008, a 10-year-old boy from Kayin State stepped on a mine and suffered serious wounds to his right leg, which was later amputated at the hospital. The mine had been buried at the perimeter of an army camp, indicating that it was meant to protect the army base and was thus unlikely to have been laid by an insurgent group."* [11]

It should be noted that while not all of Burma experiences armed conflict, the mandate of the Office of the Special Representative to the Secretary General for Children and Armed Conflict (CAAC) can be argued to still apply across Burma, owing to the heavy militarisation throughout the country and the manner in which SPDC army units and their allied ceasefire armies continue to oppress and directly target civilians in areas in which there is no overt armed resistance. In many of Burma's ethnic areas, children grow up surrounded either by overt armed conflict or in an environment where undefended civilian villages are deemed legitimate military targets by SPDC army soldiers and are attacked and/or repressed accordingly. It should be noted that the nature of the armed conflict in Burma is not primarily a fight between opposing armed groups any longer, though this was traditionally a part of the conflict. In the current climate, the struggle is characterised by the conflict between the SPDC (and its proxies) and the civilians it seeks to bring under its control. In Burma, civilians are the primary targets of military attacks especially in the eastern border regions – not the armed resistance groups. In many cases, SPDC army units have been shown to actively avoid opposition forces, and instead to focus their energies against the non-combatant civilian population. (For more information, see Chapter 18: Ethnic Minority Rights).

Burma's current ruling military junta, the State Peace and Development Council (SPDC), has claimed to provide a protective environment to children, and in order to achieve this, a number of measures have been taken such as its accession to the UN Convention on the Rights of the Child, the creation of a child legal system and a number of mechanisms aimed at safeguarding children's rights, including, but not limited to the adoption of The Child Law in 1993. However, evidence has continued to mount that the SPDC's system of rule is pushing children into increasingly vulnerable situations due to factors such as militarisation of livelihoods, political instability, economic mismanagement and instability and armed attacks on civilians in border areas.

IDP children fleeing from SPDC army attacks in eastern Tavoy Township in Tenasserim Division in January 2008. During such attacks, SPDC army soldiers typically fire upon all villagers indiscriminately, irrespective of age. By living beyond direct military control as IDPs, these children are considered to be enemies of the State and as such, legitimate targets for the use of lethal force. *[Photo: © FBR]*

Children and Displacement

Armed attacks on civilian communities and the regime's repressive policies in ethnic areas have led millions of people to flee their homes to destinations both inside and outside the country. A few children flee far across Asia with their families in an effort to find a peaceful and prosperous place to live. On 30 September 2008 *Punjab Newsline* (India) reported that 35 people including 20 children had been arrested at the India-Pakistan border. They had fled all the way from Burma, crossing Bangladesh and India before arriving at the border with Pakistan where they were arrested and imprisoned by Indian authorities.[12] Few of those who have crossed an international border have been recognised as official refugees. Within the country it estimated that as many as one million IDPs are living across the country. Studies have shown that along the eastern border with Thailand alone, there were approximately 503,000 IDPs living in relocation sites, in hiding in the forests and in ceasefire areas during 2007.[13] (For more information, see Chapter 16: Internal Displacement and Forced Relocation).

In ethnic areas, the SPDC divides the civilian population between those living directly under military control (whether direct SPDC control or under one of the ceasefire groups) and those who do not. The second category includes those people who flee areas of military control not wishing to move into SPDC relocation sites. Those villagers opting not to live under military control often hide in the forests and attempt to avoid all contact with the military. Those living in areas under SPDC control, usually in relocation sites, are subject to regular demands of forced labour and illegal taxation, and are constrained by stringent trade and movement restrictions, the breaking of which has lead on prior occasions to civilians being shot on-sight by military personnel.

Violence against Children

Almost all incidents of violence in Burma impact upon children's lives in some way, but an examination of the secondary effects of violence upon children is beyond the scope of this chapter. (For more information, see Chapter 2: Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, Chapter 3: Extra-Judicial, Summary, or Arbitrary Executions and Chapter 4: Arms Proliferation and Landmines).

On 12 February 2008 at around 2:00pm an orphan resident at a private orphanage in Letpadan Township, Tharawaddy district, Pegu division, died in suspicious circumstances. Than Zaw Moe, aged 16, died after returning to the orphanage from his school marching band's performance. A local resident told DVB that suspicious villagers uncovered his body after they noticed it was very quietly brought to a cemetery in another village. He said:

> *"There were bruises on his neck and his tongue was sticking out, and there was a wound on the back of his neck that looked like he had been hit with something hard…It looked as though he had been choked and then slammed against a wall, so he had clearly not died of natural causes."* [14]

The resident told DVB that it is generally known in the village that the orphanage owner abuses the 15 orphans in his charge, but when some of the concerned villagers went to file a complaint at the police station they were pressured in to dropping the case and the police refused to investigate further. Residents complained that *"Whenever a crime takes place, we don't know where to turn for help, because the authorities such as the police, the township chairman and the township Peace and Development Council never take it seriously."* [15]

Karen State

In northern Karen State, military operations against villagers hiding from SPDC control continued in 2008. The Karen Human Rights Group reported in late November that approaching troops fired mortar shells on villages before torching homes, schools, churches, farm fields, food supplies and food storage containers. Anyone spotted during these attacks was shot on sight.[16] Children have not been spared in these attacks, as the following cases show.

On 15 March 2008 16-year old Naw D--- from Htee Baw Kee village, Saw Muh Plaw village tract, Papun District, stepped on a landmine deployed by SPDC troops. Naw D---, along with all of the other villagers, had fled from her village when it was attacked by the SPDC army and went in to hiding in the jungle. After the soldiers retreated, Naw D--- went back to the abandoned village to recover her family's hidden stores of rice but she stepped on a landmine placed by the retreating soldiers, which blew off the lower part of her right leg. Luckily, a medical team reached her in time and amputated her leg.[17]

In May 2008 Naw S---, a 14-year old girl from Ht--- village in Papun Township, described to a KHRG field researcher an attack by SPDC soldiers on her village in which she was injured by mortar fire:

> *"I feel sad. We are children, we should study in school peacefully and smoothly but now we have to run and stay in the forest and study in the forest instead… They came and attacked the village, arrested villagers and killed the villagers and burnt down the village. They shelled Hta La Koh [village] with six mortar [shells] and five of the mortar [shells] exploded. Villagers and animals were injured and killed. Six villagers were injured, including two students and myself [also a student]. At that time, I was walking and the mortar [shell] hit my waist, my upper bladder and my thigh."* [18]

Arakan State

On 30 October 2008 a group of Bangladeshi cattle raiders killed 16-year old Mohammed Nasim in Maungdaw Township, according to *Kaladan News*. The boy and his friend, who escaped the attack, were fishing on the Naff River close to the robbers' boat when the thieves fled to the border after their cattle raid was disrupted. Thinking the boys would report them to the authorities, the robbers struck Mohammed Nasim over the head with a stick, killing him on the spot.[19]

This IDP baby, jaundiced and ill, was unable to obtain necessary medical treatment due to the strict military-imposed movement restrictions. *[Photo: © KHRG]*

Pegu Division

On 23 May 2008 SPDC soldiers from Light Infantry Battalion (LIB) #47 active in the Htee Wah Day area of Tantabin Township attacked Yer Loh village at around 4:00pm. Troops shot and injured 16-year-old Naw Gka Tee, crippling both of her legs.[20]

Democratic Voice of Burma reported that on 12 October 2008 a drunk military officer named Aung Aung Oo knocked down 13-year old Maung Kyaw Zin Tun on his motorbike in Pegu town, near the old bus station. When the officer stopped to check on the boy a policeman confiscated his motorbike key, but the officer, thinking that a youth standing nearby had stolen his key, beat the youth unconscious. The youth, 23-year old Maung Thaw Aung, who suffered broken teeth and injuries to his face and head, was paid 160,000 kyat to drop the charges after reporting the incident to police station #3 the following morning. Not only was the victim persuaded to drop the charges against a military person, but the amount paid to him was much less than if the perpetrator had been a civilian, reflecting the double standards that exist in Burma between military personnel and the civilian population.[21]

Tenasserim Division

On 16 December 2008 SPDC soldiers from Infantry Battallion (IB) #101 killed four cattle traders in Kasawphoe, beside the Tenasserim River in eastern Tavoy Township, one of whom was a child. The victims, who all came from Se-ku village, were identified as:

1. Saw Hut Phloe, male, age 16;
2. Saw Dah Htoo Phoe, male, age 18;
3. Saw Hser Thel, male, age 35; and
4. Saw Deedi, male, age 40. [22]

After murdering the villagers, the soldiers stole two oxen and two buffalo. (For more information see Chapter 3: Extra-judicial, Summary or Arbitrary Executions).

Kachin schoolgirl, Nhkum Hkawn Din's naked and mutilated body was found in bushes 200 metres from an SPDC army post near Nam Sai village in Momauk Township, Kachin State. She had been gang raped, tortured and murdered by SPDC army soldiers on 27 July 2008. She was only 15-years-old. For more information, see the following section on "Sexual Violence against Children" in which her case is discussed in depth. *[Photo: © BSS]*.

16.3 Sexual Violence against Children

As a State Party to the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Burma has obligations under international law to protect women and girls against all forms of sexual violence and is responsible for the investigation of all allegations of sexual abuse. Despite the weight of these obligations, the year 2008 continued to see sexual violence being perpetrated against Burmese women and girls, including by SPDC officials. Increased militarisation around the country has seen an attendant increase in human rights abuses committed by soldiers. Abuses of children have gone unpunished in Burma due to levels of corruption, a lack of transparency and furthermore, the lack of political will required to allow the mechanisms of justice to perform their proper function. The enforcement of political will on the judicial system is clearly not in the interests of the SPDC when incidents of rape appear to serve the military by cultivating fear and intimidation among the wider community that the SPDC seeks to control. Fear enables the military to more easily control society and challenges Burmese citizens' will to resist demands.

Sexual violence is a devastating crime against any individual, but possibly, it is even worse for children due to their physical and emotional immaturity. Their undeveloped bodies are more susceptible to long-term and serious damage and long-term trauma may result from an inability to understand and emotionally deal with incidents of sexual violence perpetrated against them.[23] Sexual violence is committed against boys and girls in Burma, though the majority of incidents involve girls, and the recorded victims have been as young as seven years old. Most incidents go unreported due to fear of punishment by SPDC officials and stigmatisation by the community.[24]

Cases of sexual abuse commonly occur in or around army bases or outposts, providing further justification for villagers to flee from SPDC soldiers and military control. The risk of sexual violence increases where victims are isolated in the home, on their farms, walking along paths or doing forced labour. It is especially high when soldiers have been drinking alcohol. Burmese villagers are well aware of these risks and these form one of the many factors that they take into account when they make decisions regarding whether or not to follow orders to move to a relocation site under SPDC control or flee into the forests for a life in hiding as IDPs.[25]

> *"They [the SPDC officers] told us to come and stay [at Thee Muh Hta] because they love our civilians and take pity on the civilians, but we already see through them… We already see their intestines [know what they are really like]… If the SPDC come to our village, we can't sleep during the night. We worry that they will fuck [sic] our daughter or fuck our wife and if they fuck our daughters and wives to whom will we put the crime. Then if we go and stay among them, it's [our life's] finished!"* [26]

Sexual Violence against Children – Partial list of incidents for 2008

With the deteriorating economic situation throughout the country, child participation in the sex industry is on the rise as impoverished girls turn to selling their bodies for income. In Rangoon Division, for example, there are reports that nightclubs and brothels selling sex with girls as young as 17 are proliferating. Many of them are run by SPDC officers or people with close relationships to the SPDC.[27] Their clients profit from socio-cultural power disparities between men and women and the economic crisis in the country which is leaving young women with little choice but to offer their bodies for abuse.

Soldiers throughout the country also exploit socio-cultural power disparities between the military and villagers, as well as adults and children. It is very difficult for a woman to protect herself against an armed soldier intent on raping her, but it is even more difficult for a child to do so.

Chin State

On 8 June 2008 at around 4:00pm two Chin girls were raped by Major Soe Thaik Aung of LIB #268 and lawyer U Myint Phone. The girls were 13-year old Ngun Chin and 14-year old Par Ku, both from Thangtlang Town. They were raped and subsequently locked in the lawyer's house but the father of one of the girls heard about the situation and immediately filed a report at the police station where he worked as a policeman. The police rescued the girls and it was confirmed after a medical examination that they had been raped. One of the girls was hospitalised in Hakha town with serious injuries. Both of the perpetrators were arrested.[28]

Kachin State

On 27 July 2008 a 15-year old Kachin schoolgirl named Nhkum Hkawn Din, daughter of Nhkum Yawng Shawng and Maran Nu Bren, was raped, brutally tortured and murdered by SPDC army soldiers one and a half kilometres from her home in block one of Nam Sai village in Momauk Township. The girl was an eighth grade student at Momauk High School and was walking past an SPDC army post at around 9:00am to take lunch to her brother who was working in the family's paddy field when the incident took place. The army post contained between eight and fifteen soldiers and was headed by Sergeant Thet Htun of LIB #437. The battalion commander was identified as Major Aung Myint Htun, stationed in Momauk Town. Eyewitnesses recalled seeing three soldiers following the girl. The soldiers were:

1. Corporal Aye Thein;
2. Private Soe Tu Win; and
3. Trainee Tu Ra.[29]

Other eyewitnesses saw two of the soldiers before and after the incident took place. The girl's family became concerned after she failed to return home, reported her disappearance to the police and started searching for her with the help of other villagers. Her naked and mutilated body was found three days later on 30 July 2008 buried in bushes just 200 metres from the army post. The girl's skull was crushed beyond recognition, her eyes had been gouged out and her throat was cut. She also suffered a stab wounds on her right rib cage and stomach and her vagina had been violated with knives.[30]

Nhkum Hkawn Din's body was sent for an autopsy where it was concluded that two or three people had raped and killed her but the local police told the girl's family there was insufficient evidence to prosecute the perpetrators and took no action to further investigate the incident.[31] Local villagers were outraged and the story was quickly reported to Kachin media groups. Kachin Independence Organisation (KIO) officials in Momauk, whose armed wing (KIA) signed a ceasefire with the SPDC in 1994, also demanded that the SPDC punish the perpetrators. Two weeks later on 14 August 2008, one of the perpetrators, Private Soe Tu Win, was arrested and the next day sent to Momauk police station, while all of the other soldiers based at the army post were transferred to Bhamo by the MOC #21 commander on 15 August 2008.[32] The eyewitnesses identified Private Soe Tu Win in a line up in Momauk police station. On 17 August 2008 a group of officials came to visit the family and offered them a small settlement to close the matter. The officials were:

1. Colonel Khin Maung Maw, a commander of Military Strategic Command based in Momeik in Northwest Shan State under Northern Command (MaPaKha) based in Myitkyina, Kachin State;
2. Major Min Tu, back-line commander of LIB #437;
3. U Myint Soe, Chairman of Momauk Township Peace and Development Council;
4. Tin Htun, head of Momauk police station; and
5. Lieutenant Lamau Yaw Htung, temporary KIO development officer in Nam Sai village.[33]

The compensation offered was:

1. One sack of milled-rice (equivalent to three tins);
2. Two *viss* (3.2 Kg) of sugar;
3. Four *viss* (6.4 Kg) of cooking oil;
4. Five cans of condensed milk; and
5. 500,000 kyat (At the time equivalent to US$424).[34]

Major Min Tu also promised the girl's family that his army battalion would provide the cost of schooling for all the remaining children in the family. The officials told the family that Private Soe Tu Win would be sentenced to up to 20 years in prison; however there was no mention of any action against the other perpetrators. The girl's family told the Kachin News Group that they wanted the court to punish the guilty soldiers rather than the case being concluded in keeping with 'customary law' by a small amount of cash compensation offered by the SPDC Army.[35] International attention and protests outside Burmese embassies in Asia and Europe followed at the end of August 2008.[36] The Thailand-based Kachin Women's Association released a press statement after the incident saying *"The junta uses rape as a tool against ethnic minority women with impunity and this is an act of crime against humanity and lack of rule of law in Burma."* [37]

Karen State

On 9 September 2008 a 14-year old Mon girl from Ye Township, Mon State, was raped in Umpiem Mai refugee camp at around 9:00pm. She had stepped out of her home to use the outside toilet when she was raped by a man from the camp. The man was ordered to pay a 20,000 baht fine to the girl's family and was imprisoned until he paid.[38]

Pegu Division

On 27 December 2008 (Karen New Year Day) a seven year old Karen girl named Ma Ni Kabyar was raped and shot dead at about 6:00pm in her home by an SPDC solider. The incident took place in Maubin village, Kyaukkyi Township, while the girl's parents were out. The perpetrator was from LIB #350, deployed at Saw Behldoe outpost near the village, under the command of Lieutenant Thet Khaing.[39]

16.4 Child Soldiers

The SPDC is the world's most persistent 'government' offender of child soldier recruitment, according to Coalition to Stop the Use of Child Soldiers' 2008 Child Soldiers Global Report. The SPDC uses extreme militarisation throughout the country to bend the population to its will and secure the country's resources for the military hierarchy. In order to maintain the structures of militarisation, however, a large army is required. Although it is difficult to arrive at a precise estimate, it is assumed that the SPDC army has roughly 350,000 men and boys at arms, but the majority of these are poorly paid, abused and exploited by senior officers.[40] As a result, the army suffers from high rates of desertion and recruitment problems. To offset these problems, local commanders frequently target children for recruitment because they are more easily intimidated and more susceptible to coercion.

For more than a decade, numerous organisations have denounced not only the existence but also the extent of child soldiering in Burma. In 2002, Burma was labelled as the world's foremost user of child soldiers; out of an estimated 300,000 child soldiers serving in armies around the globe, approximately one quarter of this number were enlisted in armed groups in Burma. At that time it was asserted that approximately 70,000 children under the age of 18 were enlisted with the SPDC army and an estimated further 7,000 children were thought to be serving with various Non-State Armed Groups (NSAGs) around the country, both allied with and fighting in opposition to the military regime.[41] Many human rights groups and Burma analysts have since cast serious doubt over the figure of 70,000 child soldiers. Even if the true number were half this many however, it would still be enormous. The Coalition to Stop the Use of Child Soldiers has estimated that children under the age of 18 account for between 35~45 percent of all new SPDC army recruits, some of whom have been reported to be as young as 11 years of age.[42]

Though extensive documentation and accumulating evidence clearly demonstrates the ongoing systematic and widespread use of child soldiers in Burma, both the SPDC and several Non-State Armed Groups (NSAGs) have denied such charges and have labelled these allegations as politically-motivated falsifications. According to *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, an authoritative report published by Human Rights Watch (HRW) in October 2007, the SPDC has endeavoured to modernise and expand its armed forces, both in terms of its number of active soldiers, but also in its geographic range. To this end, the SPDC army has grown from 168 battalions in 1988 to 504 battalions in 2006.[43] Such dramatic growth has required expansion in the number of soldiers enlisted in the armed forces. However, on the ground, the SPDC has struggled to attract new recruits into its ranks. This is most likely due to the dangerous nature of the job, mistreatment by superior officers, low pay, and poor living conditions experienced by rank and file soldiers. The poor conditions faced by soldiers such as those mentioned above have led to increasing levels of desertion. Some soldiers also choose to leave the army, whereupon they are required to find two new recruits who can take their place. One way in which the regime has attempted to boost its number of soldiers is through forcible recruitment, and children as the most impressionable and vulnerable members of any community have been targeted especially for this purpose.[44] It is also much easier to abduct children from markets and train stations, as has been the case in urban centres.[45] In rural ethnic areas the situation is slightly different in that children are often coerced into joining the military. This is sometimes achieved with promises of education and easing the financial burden on parents, only for the children to find themselves tricked into military service and being posted far away from their families, such that they must rely on the military for support.[46]

Once again in 2008, neither domestic nor international law provided any protection for Burma's children. Burma should be bound by, among others, the Geneva Conventions which provide for the protection of children from military recruitment and/or service. Article 4, paragraph 3(c) of the 1977 Additional Protocol II to the Geneva Conventions unequivocally states that *"children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities."* [47] This article has long been considered part of international customary law and as such should be respected regardless of whether the protocol has been acceded to by the SPDC or not.

Additional protections should be afforded by the Rome Statute of the International Criminal Court (ICC). The Rome Statute clearly asserts in Article 8, 2 b) xxvi, that the act of *"conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities"* constitutes a war crime.[48] This law, like many aspects of Additional Protocol II, is considered a part of international customary law. Moreover, as a State Party to the Convention on the Rights of the Child (CRC), the SPDC is obliged to abide by the stipulations established in Articles 38/39, which specifically lay out state obligations in relation to children and armed conflict as follows;

Article 38 states that:

> *"1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.*
> *2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.*
> *3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.*
> *4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict."*

While Article 39 stipulates that:

> *"States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child."* [49]

In 2000, the United Nations General Assembly (UNGA) adopted the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (henceforth referred to as the Optional Protocol). The adoption of the Optional Protocol raised the minimum age at which people could individuals could become eligible for military recruitment to 18 years. Similarly, the International Labour Organization (ILO) Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (henceforth ILO Convention 182) was ratified by Burma in 1999. ILO Convention 182 obliges state parties to prohibit and eliminate the worst forms of child labour, among which it lists in Article 3 the *"forced or compulsory recruitment of children for use in armed conflict"*, and for which the term 'child' applies to all persons under the age of 18.[50]

As with many other aspects of international law, the SPDC has neither signed nor acceded to either the Optional Protocol or ILO Convention 182. Despite the regime's reluctance to accede to the conventions, the SPDC is still bound by the prohibitions on the recruitment and use of child soldiers as both the Additional Protocol II to the Geneva Conventions and the Rome Statute of the ICC include similar protections for children's rights that comprise customary international law. Similarly, Burma has a number of domestic laws aimed at protecting children from situations of armed conflict. These include the Conscription Act of 1959, which states that *"enlistment for a period of six months to two years is permissible for men whose age is between 18 and 35 and for women from 18 to 27, but not for those under the age of 18 years."* [51] Likewise, the Defence Services Act, also promulgated in 1959, established 18 years as the minimum age for military recruitment.

In spite of the protection that should be afforded by these international and domestic laws and regulations, children continued to serve as soldiers in Burma during 2008 in the SPDC army, the allied ceasefire armies and in the non-state armed groups. Regardless of all evidence to the contrary, the SPDC continued to deny all allegations regarding the recruitment and use of child soldiers. In February 2007, Burma was included in a UN blacklist of 12 countries guilty of the continued and extensive use of child soldiers.[52] Thus far the SPDC approach to the problem of child soldier recruitment has been to totally refuse to acknowledge the presence of under age recruits in its armed forces. In March 2007, the SPDC representative to the UN Human Rights Council denied all charges related to the recruitment or use of child soldiers in Burma, stating that;

> *"No forced recruitment is carried out and all soldiers [have] joined the armed force[s] of their own accord. No one under the age of 18 [is] allowed to join the military service even out of their own willingness. Moreover, they have to pass the prescribed medical examination and must be clear of criminal records."* [53]

Very little has changed in the SPDC approach to dealing with the problem, though it very clearly still exists within the country. In the space of the past two years, at least four major reports from human rights organisations including: Watchlist on Children and Armed Conflict, Human Rights Education Institute of Burma, Human Rights Watch and the Karen Human Rights Group have been published with credible evidence to suggest that the practice of recruiting child soldiers continues.

The ILO office in Rangoon has also reported receiving numerous credible reports of under-age and forced recruitment of children in to the SPDC army, stating in March 2008:

> *"Prior to September [2007], the majority of [forced labour] complaints received [by the ILO] concerned public works under local administration with only a few military-related complaints and cases of underage recruitment. Since September that pattern has been reversed with the majority of complaints now being military-related and underage recruitment [child soldier] cases."* [54]

The crucial event of 2007 was the Saffron Revolution (For more information see the Human Rights Yearbook 2007 Chapter 11: The Saffron Revolution – The 2007 Pro-Democracy Movement). In *Sold to be Soldiers*, HRW warned that the events occurring between August and October 2007, in which SPDC army soldiers brutally suppressed peaceful demonstrations with violence, may have increased the anti-military sentiment among civilians in Burma, which in turn may have resulted in the increased vulnerability of children to SPDC army recruiting officers and brokers. In November 2007, it was reported that Jo Becker, the director of HRW's Child Rights Division further denounced the junta's complete lack of will to end child recruitment and restated HRW's concern that the bloody crackdown on the Saffron Revolution protests may have actually increased the dangers children face in Burma in terms of child soldiering.

> *"The [SPDC's] senior generals tolerate the blatant recruitment of children and fail to punish perpetrators. In this environment, army recruiters traffic children at will… After deploying its soldiers against Buddhist monks and other peaceful demonstrators, the government may find it even harder to find willing volunteers."*[55]

The ILO's statement regarding the changing pattern of forced labour complaints to its office in Rangoon appears to confirm that these concerns have become a reality.

In 2005 a United Nations Security Council special working group was created to specifically address abuses against children in armed conflict, including recruitment of child soldiers, but the Rangoon team has failed to make any progress on the issue of child soldiers in Burma because of SPDC obstructions. Jo Becker, Children's Rights Advocacy Director for Human Rights Watch and co-author of *"Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma,"* reports *"The United Nations team in Burma is severely restricted in what it can do, where it can go, and what kind of information it can collect."* [56] She goes on to argue that the SPDC have been protected from any punitive measures the UN may recommend, such as sanctions or arms embargoes, by the Chinese government and, in essence, been given a free pass to abuse Burmese children with impunity. In an article published in the International Herald Tribune on 12 September 2008, she comments,

> *"A stalwart ally of Burma's military regime, China tried to prevent the Security Council from discussing Burma's record of violations against children. According to diplomats, China's representatives (often backed by Russia and Indonesia) have consistently rejected all efforts to pressure Burma to address its use of child soldiers - including proposals for a more detailed action plan on the issue from Burma's government, access by UN personnel to Burma's territory to verify Burma's claims that it has no child soldiers, or even a follow-up report on progress."* [57]

Recruitment and Training

As touched on earlier, there are pressures on those who seek to leave the military to find replacements for themselves, and there are several options available for people to do this, including: abduction, coercion and threatening children that if they do not join the military they may face jail time. There is also a financial motive for those who are already in the military to supplement meagre incomes by selling children to military recruitment centres. These centres have often falsified documents in order to keep children in the ranks at training facilities.[58] Recruiters have rounded up boys in markets, train and bus stations, pagodas and other public places and coerced or threatened them into joining the military. According to an SPDC deserter, the SPDC army has a rule that *"battalion commanders must recruit 5 or 6 soldiers every month. If they can't recruit [the quota], the officers must pay a fine."* [59] Occasionally large recruitment drives are ordered.

On 8 March 2008 in Arakan State, the SPDC's Western Command Brigadier Maung Shien ordered four townships to send 100 youths each for military training by the end of the month. Youths already serving in the fire service, the people's militia or members of USDA were exempted.[60] While the order reportedly stipulated that recruits should be over the age of 18, pressure to comply with orders such as these is likely to result in youths under the age of 18 being conscripted and their age falsified on military records. In some cases, villages can pay a large bribe to avoid sending their youths for enlistment in the SPDC army. On 31 January 2008 *Khitpyaing News* reported that LID #66 had instructed township and village level SPDC officials to collect one recruit from every village in Paungde Township, Pyay District, Pegu Division. Villages were able to pay a 100,000 kyat bribe to avoid the request, which village level SPDC officials would then use to buy recruits from brokers.[61]

Following their recruitment, most child soldiers undergo 18 weeks of basic military training. This training typically includes the same physical and combat instruction that is provided to adult recruits. According to credible reports, trainees are lectured on military subjects but most of the training focuses on drills, parading, and discipline. Child soldiers undertake basic weapons training; learn how to mount frontal assaults and how to engage in hand-to-hand combat. The physical nature of training is particularly hard for the youngest recruits who in many cases suffer from exhaustion.

New recruits frequently face physical abuse and torture during military training. According to the aforementioned SPDC deserter interviewed by KHRG, *"during the military training period face-slapping was the least [of the abuses]. They beat the students a lot. People were afraid of them. They frightened the soldiers into following their policies."* [62]

Children are not only recruited in to the army, however, they are also recruited in to the police force, paramilitary forces such as the Auxiliary Fire Brigade, the USDA, the '*pyitthu sit*' (People's Militia) and the Myanmar Red Cross. On 9 February 2008 *Khonumthung* reported that underage youths in Paletwa Township in Chin State and Kyauk Taw Township in Arakan State had been coerced in to joining the police force and had been sent to police training camps in lower Burma.[63]

If a case of child conscription becomes public, the brokers and army officers involved may continue to make money by playing on the fears of parents. They can avoid media attention by releasing the child, but still make money by forcing the parents to pay a bribe for the release. For example, on 23 January 2008, four children were detained by market security guards at the Central Model Fish Market in Kyi Mying Taing Township, according to DVB. They were then sold to Sergeant Soe Myint, who took them to Danyingon military recruitment centre. At around 2:00am the next morning the children were brought back in a military vehicle after the story was made public by several news agencies. Subsequently, Soe Myint demanded 30,000 kyat for the release of each child for 'transportation fees'. As the parents did not have enough money, the market vendors helped them and the children were released. Sergeant Soe Myint is reportedly well known for making money from the temporary detention of children in this way and both he and the market security guards are able to act with impunity.[64]

For street children and orphans, there is no one to fight for their release if they are abducted and forced to join the army, thus these children remain very vulnerable to forced recruitment in Burma.[65]

Service and Active Duty

Many children recruited into the military are often sent to regions of conflict that are notorious for the perpetration of human rights abuses against civilians. At times children have been made to participate in the terrible forms of abuse and have reported witnessing scenes of rape, beatings and killings of ethnic rural villagers.

Active duty in the SPDC army can be highly dangerous, especially for lower ranking soldiers, as this SPDC deserter describes:

> *"If we didn't do what they ordered, it would have been death for us. If they ordered [us] to shoot, we had to shoot. Even when we knew that a [given] place was full of landmines and that if we went on we could die, if the officer ordered [the soldiers] to go ahead, we had to go. We couldn't go backwards. If we moved backwards, we would have died under their bullet fire."* [66]

Duties for ordinary soldiers also include labouring for their superior officers, working on military-run commercial money making ventures such as baking bricks, planting physic nut shrubs, as well as being assigned to menial duties such as cleaning toilets, gathering water and firewood, and cooking.

Child Soldiers in the SPDC Army – Partial list of incidents for 2008

Residents of Sittwe Township in Arakan State reported that forcible recruitment of minors had become increasingly common in the area. In March 2008 14-year old Maung Maung (aka Kyaw Than Htay) was taken from Minkan Ward 3 to an army recruitment camp and not released until a bribe of 30,000 kyat was paid. On 21 September 2008 13-year old Maung Tun Khaing Win, was taken from his home at knifepoint while his mother was out. Three days later his mother found him at an SPDC military recruitment base in Utyinthaya Ward along with other child soldiers, but an army officer prevented her from taking her son home. She returned later with her son's school teacher and head teacher from No 1 State High School in Sittwe, capital of Arakan State, but by this time the boy had been moved to another base, thought to be in Mrauk U Township.[67]

On 30 May 2008 a 16-year old boy was arrested by a group of SPDC soldiers when he went to the Immigration Office in Dimawhso Town, Karennni State, to apply for his identity card (which is only issued to people aged 16 and above). He was forcibly sent to the Taunggyi military training camp and beaten up on his arrival. After a month he managed to escape and return to his family. This was not the first time he had been forcibly recruited into the SPDC army and beaten. In September 2007 he had been arrested on his way to school and forced to attend basic military training for six months at the same camp, following which he became a '*Yeh Nyunt*' (junior soldier) and then managed to escape. While the boy managed to escape both times and return to his family, he lives in fear of possible re-arrest, recruitment and torture.[68]

In June 2008, a 15-year old boy who was studying in the ninth standard at Phado village high school in Kyauktagar Township, Pegu Division, was recruited into the SPDC army. He had run away from home following a fight with his mother and ended up in Battalion #111 at Wuntho Township, Sagaing Division – 400 miles north of his hometown. His family traced him there, met with the boy and pleaded with the officers to release him, but they refused. His family then enlisted the help of a local labour rights activist in Pegu town, who agreed to submit a complaint to the ILO liaison officer in Rangoon. The ILO appointed an officer in early 2007 to liaise between Burmese civilians and the SPDC on forced labour cases in Burma. This is not the first time that the activist had to report cases of underage recruitment into the SPDC army. The activist related that *"In the past, through the help of the ILO liaison officer, we were able to withdraw about 15 boys from military camps."* [69] The rights activist, named Aye Myint, met with the ILO's deputy liaison officer, Piyammal Pichaiwongse, and reported, *"I met the deputy officer. She accepted the complaint and said the office will meet those of the concerned ministry to recall the child."* [70] Submitting a complaint to the ILO can be a dangerous endeavour, however. On 17 September 2008 *Mizzima News* reported that an NLD leader named Thet Wei had recently been sentenced to two years in prison with hard labour for trying to lodge a complaint to the ILO on the SPDC's use of child soldiers.[71]

On 14 August 2008, Mg Pauk Chate, a 14-year old orphan from Ngat Pyaw Daw village in Bhamo Township, Kachin State, was abducted by a group of soldiers and taken to the LIB #437 barracks in Makhoy. The following day, his brother and some local village leaders went to the barracks to appeal for his release but they were denied a meeting with either the authorities or the boy.[72]

On 10 September 2008 SPDC troops from LIB #420, based in Thazi Township in Mandalay Division, abducted nineteen persons from a train, some of whom were reported to be minors according to DVB. The recruitment official took away their ID cards and accused them of being the culprits behind bombings in Rangoon before giving the prisoners the choice of joining the army or being jailed for the bombings. The prisoners were reportedly tortured if they refused to enlist. After two weeks of imprisonment at the barracks five of the prisoners managed to escape.[73]

On 16 September 2008 a former child soldier, who was allowed to leave the army when his mother intervened because he was underage, was taken from his home in South Dagon Township, Rangoon, on his eighteenth birthday. Maung Win Sithu was arrested by SPDC officials on the pretext of a criminal investigation, but his mother suspects that the SPDC army wanted to re-recruit him.[74]

On 12 November 2008, Ye Lin Htet, a 15-year old boy who was recruited along with three other children from Rangoon general train station in July by Corporal Khin Maung Sint, was released after his mother lodged a complaint with the ILO. Despite SPDC authorities pressuring her to keep quiet, the boy's mother traced her son to a basic military training camp in Thaton and the ILO was able to assist her to secure her son's release from the army.[75] This case was unusual as most cases of child recruitment into the SPDC army do not result in the child being released.

On 13 November 2008 a soldier from LIB #540 lured 14-year old Maung Tha Tun with money to join the SPDC army in Mrauk U Township, Arakan State, according to *Narinjara News*. The soldier himself wished to retire from the army but was obliged to provide two new recruits to fill his place first. The boy's parents were unable to secure his release from the battalion.[76]

Child Soldiers in Various Non-State Armed Groups – Partial list of incidents for 2008

The use of child soldiers by NSAG's has been well documented and should not be discounted, however there is a vast difference in the numbers of child soldiers utilised by the NSAG's in comparison with the SPDC.

The following are a number of NSAGs, both those allied with and those opposing the regime, who have been accused in past years of using and recruiting child soldiers in Burma (For more information on the groups listed here, see Chapter 18: Ethnic Minority Rights). In 2008 there were no specific reports about child soldier recruitment, but this should not be taken as an indication that the practice has stopped necessarily; rather it may reflect that reporting of cases has diminished.

Democratic Karen Buddhist Army (DKBA)

In August and September 2008, DKBA battalion #999 under the command of Maung Chit Thoo forcibly recruited villagers into the army using a lottery system. Every village tract in the T'nay Hsah area of Pa-an Township, Karen State, was ordered to provide 15 new recruits (larger village tracts had to provide 25 recruits) for 18 months, reportedly so that the battalion could attack the KNLA's sixth brigade. Children were also included in the forced conscription, including 13-year old Saw Y--- from Noh Gkay village tract.[77]

Kachin Independence Army (KIA)

The KIA is the armed faction of the Kachin Independence Organization (KIO) and is based in Kachin State and in North eastern Shan State. According to Democracy for Burma there are currently *"four brigades and five army divisions in Kachin State and one brigade in Northeast Shan State with over 20,000 men and women in both KIO and KIA."* [78] The KIO entered a ceasefire deal with the regime in 1993. According to *Kachin News*, the KIA does not have a specific policy on the use of child soldiers and a senior officer from the KIA was quoted in 2008 as saying that

> *"We have child soldiers but not intentionally. We do not purposely mobilize children. In many cases child soldiers come and ask to join the KIA because they are from poor families. There is no minimum age in the KIA,"* [79]

Kachin Defense Army (KDA)

The KDA is a splinter faction which had initially broken away from the Kachin Independence Army (KIA) and formed a ceasefire pact with the junta in 1991. Reliable information has been difficult to obtain regarding the policies and practices of the KDA regarding recruitment and use of child soldiers. Despite the difficulties, as recently as late 2007 Human Rights Watch reported that there was some evidence to suggest that the KDA was still recruiting girls and boys to serve in the military. Estimates made by local sources suggested that the possible numbers of child recruits may comprise around 6-7 percent of the troop numbers of the KDA.[80]

Karen National Liberation Army (KNLA)

The KNLA is the armed wing of the Karen National Union (KNU) and has been a noted user of child soldiers in the past. Recent trends show that the numbers of child soldiers within the ranks of the KNU have been in decline. The leadership of the KNU has attempted to address the issue to some extent and has engaged with UN agencies as part of this attempt, signing deeds of commitment to end the practice.[81]

Karen National Union / Karen National Liberation Army Peace Council (KNU/KNLA PC)

The KNU/KNLA PC formed as a splinter faction from the KNU in January 2007 which, soon after its formation, brokered a ceasefire deal with the SPDC. The newly-formed KNU/KNLA PC has been reported to have recruited child soldiers from the Mae La Refugee camp and other areas of Thailand and Burma.[82]

Karenni Army (KA)

The KA is the armed wing of the opposition Karenni Nationalities People's Party (KNPP) and has previously been listed by the UNSG as recruiter of child soldiers. However, HRW has recommended that they be removed from the list as no evidence of new child recruitment into the KA has been found and that child soldiers within the ranks of the KA have been demobilised. In early 2008 General Bi Thu of the Karenni Army called for the removal of the KA from the UN list of child soldier recruiters. On 12 February 2008 a KNPP spokesperson said, *"there is no justification for the inclusion of the Karenni Army in the list of non-state armed groups."* [83] General Bi Thu admitted that there had been children recruited into the army in the past but that they had not been sent to combat zones. The general invited UN agencies to visit KA areas to verify the end of the use of child soldiers by the KA.[84]

Karenni Nationalities People's Liberation Front (KNPLF)

The KNPLF is an SPDC-allied ceasefire group known to hold a significant number of underage soldiers. The UNSG report for 2008 has reported the group to be continuing in its use of under age soldiers.[85] The Child Soldiers Global Report also reported the KNPLF as a user of child soldiers in 2008.[86]

Mon National Liberation Army (MNLA)

The MNLA is the armed wing of the New Mon State Party (NMSP), which signed a ceasefire agreement with the regime in 1995. Although the MNLA is believed to possess a number of children within its ranks, there has been little recent evidence to back up the allegations and the group fails to feature in either the Child Soldier Global Report for 2008 or the UNSG's report on child soldier use for 2008.

Myanmar National Democratic Alliance Army (MNDAA)

The SPDC-aligned Myanmar National Democratic Alliance Army (Kokang) operates in northern Shan State and is an offshoot of the Communist Party of Burma. Previously the group had reportedly permitted young children to join its ranks and continues to be mentioned as a recruiter of child soldiers in the UNSG's annual report on the issue.[87]

Shan State Army-South (SSA-S)

The SSA-S has previously been accused of using child soldiers within its ranks and has frequently made the UNSG's annual list. On 7 February 2008, Shan State National Day, the chairman of the Restoration Council of Shan State, Colonel Yawd Serk denied the SSA-S recruited underage soldiers, saying:

> *"The United Nations should not listen to outside. We, the SSA invite the UN to come here and see the truth. Our mandatory policy is to recruit people as soldiers from 18 to 45 years old…Although they are over 18 they look like 14 -15 years old because of malnutrition."* [88]

United Wa State Army (UWSA),

The Wa people number only around half a million in Burma, with about another 400,000 living in Yunnan Province, China, however the Wa army is vastly disproportionate to its population with approximately 20,000 men, women, girls and boys enlisted.[89] Despite a 20-year ceasefire with the SPDC, the UWSA distrusts the SPDC and maintains a large army in preparation for any future conflict with the SPDC. A policy has long been in place that each Wa family must give one child to the army with no minimum age stipulation, thus, enlistment of minors from the age of ten upwards is common. The SPDC-allied UWSA has previously been listed on the UNSG's list of child recruiters. The UNSG has stated in his report on children and armed conflict that eyewitnesses have testified that children as young as nine attend UWSA military training schools.[90]

16.5 Arrest and Detention of Children

As a state party to the Convention on the Rights of the Child, the SPDC is legally obliged to protect children from abduction and arbitrary arrest. Article 37 of the CRC unequivocally states that state parties must ensure that:

> *"No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time…Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances."* [91]

Despite the ratification of the CRC and the superficial efforts of the SPDC to ensure the upholding of the articles stipulated by the convention, there were again numerous accounts of children being mistreated at the hands of regime authorities. It was common for these abuses to go unpunished, in keeping with the culture of impunity that characterises Burma.

A young boy in Bogale Township, Irrawaddy Division trying to escape the attention of police as he runs through the rain with a sack of food that he had just received from a donor in the wake of Cyclone Nargis. An estimated 140,000 people had died during the storm and as a result of the lack of aid and spread of disease. *[Photo: © Min Khet Maung]*

Many accounts of children being arrested or held were made in connection to the treatment of children by the military. In January 2008 for example, the aunt of a former SPDC child soldier lodged requests with various SPDC authorities for the release of her nephew whom she had recently learnt had been sentenced to 10 years in jail for absconding from the SPDC army. The boy, named Paing Hpyo Aung from northeast Rangoon, was only 13 when he was recruited in to the army. He was sent to a front line area at Taunggut, close to Thandwe, and subsequently fled from his unit. Following his capture, in December 2005 a military tribunal tried him and sentenced him to 10 years in prison when he was, at that time, only 15 years old.[92] This act was in violation of the 1993 Child Law of Burma. After signing a letter requesting his release from prison, the boy's aunt, Daw Ohn Yee, was harassed and

kept under watch by Ward 5 Peace and Development Council officers and Kyaukdwinkone Township Police in Pegu Divison. Meanwhile, two other persons who helped her to write the letter, Ma Choe and Ko San Tint, were reportedly forced into hiding while members of the USDA, police and SPDC officials were reported to have gone to their house to search for them and intimidated other members of their family.[93]

On 22 February 2008 DVB reported that fifteen children from Tharawaddy Township in Pegu Division were abducted by soldiers from SPDC LIB #35 approximately ten days previously. While collecting bamboo in the local forest, the children were abducted by officers from the military recruitment division led by Lieutenant Saw Win and taken to the battalion's barracks. At the barracks they were reportedly given the 'choice' of joining the army or going to prison (which is a common tactic used to coerce vulnerable children into enlisting). However, all of the children chose to go to prison. They were subsequently taken to the local police station because the battalion commander was due to come back to the barracks and they feared being reprimanded for having children there, however the police refused to detain the children or press charges against them, so they were taken back to the barracks.[94]

On 22 October 2008 *Khonumthung News* reported that about ten children, including two girls, had been imprisoned in the Inntainglay prison camp in Kale Township, Sagaing Division, by SPDC officials. A former Chin inmate, who was himself only 17 when he was detained in the camp, said that most had been imprisoned for stealing. Once imprisoned, he reported that the prison authorities tried to persuade the children to join the SPDC army and regularly confiscated half of the food and money that relatives brought to the inmates. The article also reported that because of poor medical facilities in Inntainglay prison camp, at least one prisoner was dying there every month.[95]

16.6 Child Trafficking

As a party to the CRC, Burma is legally obliged to protect children from trafficking. Article 35 of the convention prescribes that *"States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form,"* [96] Despite the existence of these protocols, Burmese children were still being trafficked out of the country in 2008. The exact numbers of trafficked children were very difficult to ascertain with any degree of accuracy, however, according to reports emanating from Thailand's immigration detention centres, Burmese children *"make up the largest proportion of foreign child labour"* in Thailand.[97]

In addition to the CRC, Burma is also a party to the Convention on Transnational Organized Crimes (CTOC) and the two Palermo Protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (TIP) and the Protocol to Combat the Smuggling of Migrants by Land, Sea and Air (SOM). In October 2004, the SPDC also agreed to enter the six-member Greater Mekong Sub-region Memorandum of Understanding against trafficking in persons, joining Cambodia, China, People's Democratic Republic of Laos, Thailand and Vietnam in their efforts to curb the practice.[98]

Intent on showing its commitment to combating the trafficking of persons, in 2005, the SPDC passed the Anti-Trafficking in Persons Law, which criminalised the practice of sex and labour trafficking. According to this law, the trafficking of women, children and youth is punishable by a prison sentence of ten years to life; the trafficking of men is punishable by five to ten years imprisonment; the trafficking of persons for the purposes of pornography is punishable by five to ten years imprisonment; the trafficking of persons with an organised criminal group is punishable by ten years to life; and the penalty for *"serious crimes involving trafficking"* is ten years to life imprisonment, or death.[99] Despite the existence of the law, however, Kachin Women's Association Thailand (KWAT) reports that it is not being enforced and is having little impact in reducing trafficking in Kachin State. Worse yet, some women are being falsely charged as traffickers under the law.[100]

When children are trafficked, not only do they lose their chance to obtain an education and a safe childhood in which to develop, they are frequently forced to work long hours in dirty or dangerous jobs for little or no pay. Burmese children have long been trafficked to Bangkok, through the border town of Mae Sot, where they are forced to sell flowers, beg or work in domestic service, agriculture, construction, fishing or the sex industry. They are also trafficked to China, Bangladesh, Malaysia, South Korea and Macau for sexual exploitation, domestic servitude and forced labour, according to a US State Department report on trafficking which identifies Burma as a source country.[101]

Teenagers may contact brokers directly to arrange their transport and job placement but they can easily lose control of the process once in transit and find themselves at the mercy of the brokers, employers and corrupt officials along the way. Young children are targeted by brokers who approach their parents and offer a lump sum or monthly payments in return for the child's labour. With extreme poverty biting at the heels of many families in Burma, some agree to send their child to work through the broker. IRIN reported on 11 December 2008 that some parents only see the first few payments before contact is broken off and they never see their child again. Aye Aye Mar, who set up the Social Action for Women organisation in Mae Sot told IRIN *"The children who are trafficked are very young…they often can't remember where they come from, and don't know how to contact their family or village if they manage to run away from the brokers."* [102]

The Kachin Women's Association Thailand (KWAT) reported an increase in child trafficking across the Sino-Burmese border in 2008 and documented 18 cases of child trafficking throughout the year. The group estimates that around 25 percent of those trafficked to China are under the age of 18 and most of these children, some as young as 14, are forced to be brides to Chinese men. The group also reports that trafficking in Kachin babies continues across the Chinese border with some women being forced to sell their young babies to brokers.[103]

In April 2007, the Office of the UN Humanitarian Coordinator in Burma remarked that, contrary to the claims of the SPDC, child trafficking was actually increasing with an estimated 10,000 girls being trafficked to brothels in Thailand alone each year.

> *"Internal migration of children as well as adults towards other centers of economic activity is increasing. These areas of vibrant economic activity are for the most part unregulated and involve in many cases illegal mining and logging and human trafficking, especially of women and children, both inside the country and across borders. Even though the numbers remain uncertain an estimated 10,000 girls are trafficked from Myanmar to Thai brothels alone every year."* [104]

Child Trafficking – Partial list of incidents for 2008

After cyclone Nargis hit the Irrawaddy Delta area, thousands of children were orphaned or separated from their surviving family, not knowing who in their family was still alive. Trafficking of these vulnerable children remained a very real fear throughout the relief and reconstruction phase, though no overall increase in child trafficking was noted by UNICEF in December 2008.[105] Evidence of Nargis-related trafficking of children remains anecdotal, such as IRIN's report that one NGO working in Burma had intervened in seven trafficking cases in June 2008, some involving children.[106] According to AFP on 15 July 2008, SPDC police reported to local media that 80 women and children from Nargis-affected areas had been rescued at border checkpoints where they were being lured overseas by the promise of aid and better jobs.[107]

Young Kachin girls like those shown in this photograph are vulnerable to trafficking to China and other Asian countries where they can be forced into sexual servitude and forced marriages. *[Photo: © KNG]*

The SPDC officially banned the adoption of children orphaned by the cyclone, seemingly in an effort to prevent them being trafficked. Instead, those that has no other relatives to take care of them were to be brought up in state-run orphanages, in which minimal care and funding is provided. Since the SPDC is notorious for trafficking orphaned and street children into the army and using youth training camps to facilitate their indoctrination into military life, there are reasons to be concerned that the state's obligation to protect children may actually lead to some children being abused. While there were no reports of Nargis-affected children being inducted into the SPDC army, on 22 May 2008 *Mizzima News* reported that around 300 children from the Labutta area of the Irrawaddy delta had been taken away by the local army unit, with promises of food and shelter.[108]

Aside from Nargis related cases, brokers often make use of financial incentives to parents to send young children to work in Thailand selling flowers, for example. Children from single parent families are particularly vulnerable to this type of trafficking due to the intense impoverishment such families often face. A young Karen woman explained her neighbour's situation to a KHRG field researcher in March 2008. The events led to two of the neighbours' children being trafficked to Bangkok:

> *"I have seen some of my neighbour's children. They only have a mother and the mother doesn't look after her children very well. She has six children and she sent two of her children to Bangkok. It's like she sold her own children. The four children can't get rice everyday. The kids can't stay as their friends live. She receives monthly wages from [the employer of] her two kids, but if the kids didn't want to stay in Bangkok, they [the children's employers] would send them back. But I heard that some children [working in Bangkok] were tortured and oppressed. Some of the children who experienced this came back and spoke about it. Mostly [the children who go to work in Bangkok are] six or seven and they accept up until ten years old. If they are girls, they only accept the pretty girls. If they are boys, they only call on those boys who have good looks and can speak well. They don't call ugly kids to come. When they [the children] arrive in Bangkok, they have to sell flowers in the market. Some kids said that they were threatened by the boss. Some kids ran away back [to their home in Burma]. It [the neighbour's children going to work in Bangkok] happened because their mother couldn't support them. They also have many siblings and the mother can't make sure all of the kids have food everyday. And the mother died. This is what I've witnessed. Her husband died when she was pregnant with their last daughter. Her family has to live poorly."* [109]

16.7 Child Labour

Child labour is widespread throughout Burma despite the existence on paper of the 1993 National Child Labour Law and the 2001 Rules Related to Child Labour Laws. An elected representative of the National League for Democracy (NLD), quoted in *Irrawaddy* in September 2008 said *"Nowadays, we can see child workers everywhere, from maid services to big construction sites, and it is rare to see work sites in Burma with no children. That shows our country's future is in trouble."* [110] As a direct consequence of the disastrous economic situation in the country and impoverishment due to militarisation of livelihoods, Burma's children are obliged to assist their parents on their farms, care for younger siblings, work as domestic servants, scavenge, beg and work in markets, teashops, restaurants, small industry, and on construction sites.

Children regularly work in teashops in Burma, but unlike their adult counterparts who are protected by legislation to working an 8 hour day; these children are forced by the employers into working back-breaking shifts for minimal wages. In interviews with *Irrawaddy* in 2008, Rangoon teashop worker Maung Thaw Kaung recounted the following labour conditions at the teashop where he was employed,

> *"We get up at 3:30 in the morning. The shop opens at 5:30. About 6:30, the customers start coming in and we start serving them. The shop owner feeds us at 8, …..We have to serve the customers all day until the shop closes at 10:30 at night….. We have to clean and get the things in order after the shop closes, and then we go to bed about midnight. I have worked here for more than three years now, and I earn 8,000 kyat ($7) a month. Phoe Lone and Wae Htoo [two child co-workers] have just started their work here. Each of them earns 4,500 kyat ($3.70) a month. The shop feeds us two meals a day. We put these stools together with a blanket, and they are our beds."* [111]

It is concerning that with all the protections afforded by Burmese domestic law, that such overt breaches of child's rights continue to be perpetrated. The owner of the teashop reflected the attitude of those hiring underage workers in the following statement,

> *"When I started running this shop, I hired five adult waiters and two children for menial jobs,…Later, I learned the adults were not good at the work. Children don't complain as much, and they do whatever I ask them to do, so I gave all the work to children."* [112]

In June 1999, the ILO adopted the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, also known as ILO Convention 182, in which ratifying States are obliged to *"take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency."* [113] Article 3a of the Convention defines worst forms of labour as;

> *"all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict."* [114]

Burma has long been accused of employing forced labour, most notably by the International Labour Organisation (ILO). Following years of sustained pressure by the ILO, in 1999, the SPDC issued Order #1/99 banning the use of forced labour, which was soon followed by a number of supplementary orders enshrining the prohibition of forced labour into domestic legislation. Furthermore, in 1993, the SPDC passed the Child Law, which, among other

things, declared that the minimum age of employment was set at 13 years of age. In spite of the existence of such laws, forced and child labour have continued, and Burma remains reluctant to sign the ILO Convention 182, joining other recalcitrant nations known for human rights violations such as Afghanistan, Cuba, Eritrea, Haiti, Sierra Leone and Somalia, among others. (For more information, see Chapter 7: Forced Labour and Forced Conscription).

Although domestic laws have established the punishment for those who impose forced labour on others; in practice both state and military use of forced labour have remained a source of concern. Evidence continues to accumulate, with reports emanating from various locations across the country of citizens and children being forced to work in numerous military, civil, and private venture projects both in urban and rural areas. In urban areas, child labour has increased notably, primarily because children can be hired at considerably lower cost than adults for the same jobs, in addition to the general economic pressures which have forced them into work to help support their families. This trend can be observed in the growing number of child street vendors and those working as waiters and waitresses in restaurants and teashops. In Rangoon, it has been estimated that as many as 100,000 children work in teashops.[115]

In rural and conflict areas, consistent and credible reports have emerged of the military forcing civilian men, women and children to work on SPDC army projects, including the construction and maintenance of SPDC army camps, military access roads, bridges, Buddhist pagodas, and in various other money making ventures. According to the US Department of State Report for 2008, Burma does not in effect *"prohibit compulsory labor by children, and children were subjected to forced labor. Authorities reportedly rounded up teenage children in Rangoon and Mandalay and forced them into porterage or military service."* [116] Such labour is almost never remunerated, and villagers are required to provide their own food and tools to complete the work. Those who wish to avoid being sent for forced labour must pay a tax in lieu of providing labour, further burdening subsistence level farmers and other poor villagers.[117] Civilians have also been called on to serve military units as messengers, guides, sentries, and porters.

This photograph, taken during 2008, shows a woman being assisted by two young children to pack cheroots in Pegu Division. Though it is difficult to tell from the photograph, neither child looks to be any more than 15 years old. *[Photo: © AFP]*

In areas adjacent to international borders, numerous organisations have continued to gather evidence of children crossing those borders on a daily basis in search of work only to return each evening to take the profits back to their families in Burma. While some children return to their homes at night, others remain as unregistered workers, exposing them to exploitation, arrest and deportation. In spite of the considerable risks that children face doing this as a response to the daily struggle that most families must face, many parents have forced their children to work and some children have even been sold by their parents. Some parents have also been deceived by the promises of human traffickers who offer jobs in Thailand for example, with much better wages than are possible in Burma. Children given over to these traffickers can often end up as beggars and sex workers according to sources along the Thai border. According to Rajabhat University researcher Penpisut Jaisanit, who conducted a study around northern Thailand's border with Burma's Shan State, the majority of child labourers in Thailand were ethnic children from Burma. Mr Jaisanit told *Irrawaddy* that,

> *"We found that the ethnic children were forced to beg by their parents, especially in Mae Sai. If they cannot collect enough money they are punished. Some girls under the age of 15 work in 'entertainment centres' and are sexually harassed at an age when they should be in school,"* [118]

Some children migrate within Burma to seek employment and others migrate outside the country, leaving the protection of their family out of necessity. Some end up being exploited in the sex trade and others, particularly street children, are forced into the SPDC army.[119]

A young boy, not yet in his teens, seen working selling brooms in Rangoon during 2008. *[Photo: © Aung Thet Wine]*

Migrant children are particularly vulnerable to exploitation and abuse because of their lack of knowledge about their rights, timidity in the face of adult power and isolation. Young girls, for example, are frequently employed in Burma's neighbouring countries as domestic servants and are largely hidden from public view. On 3 June 2008 *Khonumthung News* reported that an Indian national had been arrested in India's Mizoram State for attempting to rape a 16-year old Burmese girl from Chin State who was working as a domestic servant in his house.[120] Also in June 2008 in New Delhi, a 17-year old Chin girl was kidnapped by her bookshop employer and three other Indian men, in full view of bystanders who did nothing to assist her, and was held until late that night. When her parents and Chin refugee affairs officials reported the case to the police they were forced to drop the case and no action was taken against the kidnappers.[121]

Child Labour – Partial list of incidents for 2008

Children orphaned or left destitute after Cyclone Nargis hit Burma often had no choice but to leave school and go to work in order to find much needed money and food for themselves and their care-givers. Eight-year old Aung Myint Kyaw (pictured below) for example, scavenges for bottles which he can sell for recycling. Since losing both parents to the cyclone, Aung Myint Kyaw lives with his cousin and his younger brother in Kinetawashae village, Bogale Township, Irrawaddy Division.[122] A monk interviewed by *Irrawaddy* reported that children, some as young as ten, who had lost their parents in the cyclone had migrated to cities to find work in tea shops, small business and households.[123]

UNICEF identified more than 220 orphans, 914 separated children, 302 unaccompanied children, and 454 extremely vulnerable children in the area hit by cyclone Nargis, but also recognised that there were some vulnerable children who were not encompassed by protection measures. A Save the Children official told IRIN in October 2008 that *"Some orphans are extremely vulnerable in the hands of those who give them food and shelter but make them work hard jobs, which calls for our urgent intervention,"* [124] The Post-Nargis Joint Assessment, prepared by United Nations officials and released in July 2008, noted on page 156 that there was a fear that some children would become particularly vulnerable to exploitative or dangerous forms of labour including as live-in domestic servants, working in the fishing industry, or in some cases being trafficked for labour and sexual exploitation.[125]

There were also reports that children living in cyclone-affected areas were forced to labour alongside adults by SPDC troops from LID #66, under the command of Brigadier-General Maung Maung Aye, and Ward Peace and Development Council officials. The *Irrawaddy* reported on 17 July 2008 that villagers were expected to serve as porters, cut bamboo and trees, clean roads and villages and work on construction sites.[126]

Forced Labour

Forced labour is a widespread practice throughout Burma. It is a practice in which SPDC officials order civilians to do a wide range of tasks without compensation. This could be anything from working on plantations; building roads, schools, bridges and clinics and forced cropping to carrying military supplies (portering); doing menial tasks in military camps; guiding troops to the next village and walking in front of troops to prevent attacks from insurgent soldiers (human shielding) or to set off any landmines on the way (atrocity de-mining). In some cases villagers are allowed to opt out of the work, but only if they pay a fine.

Children end up doing forced labour, not usually because they are specifically ordered to, though this sometimes happens, but because the demands are so frequent and intrusive upon villagers' lives that their labour is needed to meet the continuous demands. Usually a demand for forced labour is issued to a village through the village head, who may try to negotiate a reduction. The demand may be for a set number of people, for example 20 people for one day, or for the completion of a specific task, for example the construction of a section of road. If a number of people are required then it is not uncommon for households to send their least productive members to enable their most productive to work on the family's farm for their own livelihoods. In this case young teenagers may form a large part of the work group. If a specific task must be completed then usually the entire village will take part in the task to get the job done as quickly as possible. In this case young children as well as teenagers will participate in the work, accompanying their parents.

Naw Ht---, a 15-year old Karen girl explained the forced labour she had to carry out for SPDC army units to a KHRG field researcher in February 2008:

> *"[We] had to porter rice during the time when we were going to school … [and] the Burmese soldiers didn't allow us to study it [Karen language]. They said that they didn't want the Karen people to be able to read or write their language."* [127]

In parts of Papun Township, Karen State, the DKBA was active in 2008 and regularly demanded forced labour from villagers. A villager reported to KHRG in February 2008 that children were involved in the fulfilment of DKBA demands:

> *"We have to send all the thatch shingles to their [DKBA] camp. That's a lot of thatch shingles and it costs the whole village to go [to prepare and deliver the shingles]. All villagers who can carry thatch have to go and their ages have been over 50 and the youngest have been 10 years old."* [128]

In Toungoo District of Karen State, KHRG reported that SPDC MOC #10 were heavily active in the first half of 2008 constructing military camps in an effort to dominate the area, resulting in frequent demands for forced labour from villagers:

> *"Yes, we've already portered their rations two times. The first time we had to carry the rations to Gklay Wah. They ordered us to provide 40 people. And the second time was to Maw Gkoh Der. And this time [the second time] we had to provide 60 people to carry the rations. The eldest people were 45 [years old] and the youngest were 14 [years old]."* [129]

Throughout Burma, physic nut planting has regularly been ordered by SPDC authorities. School compounds are one of the areas in which the saplings are planted and school children are forced to plant and tend the saplings. A school age child interviewed in a study on the programme by the Ethnic Community Development Forum said: *"All of us from Grade 5 to Grade 9 had to sow the seeds in the school compound and the football ground. Our teacher told us it was an order from the headmistress."* [130] In Kachin State, a member of a parent-teacher association told the researchers for the report that children under the age of 11 were forced to plant physic nuts during class time.

Eight-year-old Aung Myint Kyaw lost both parents to Cyclone Nargis in May 2008 and has since had to work as a garbage picker, collecting bottles to sell for recycling. He was reportedly able to earn around 2,000 kyat (US$1.66) per day. *[Photo: Lynn Maung/IRIN]*.

16.8 Right to Education

According to Burmese domestic law the state is required to provide free education for all citizens regardless of gender, ethnicity or religion. The reality however is that many of Burma's youth are being denied access to quality education. The government spends very little of the nation's resources on the education sector, leaving the SPDC unable to provide free primary education; a goal previously set out in the nation's domestic legislature. All of Burma's citizens suffer from the SPDC's neglect of the schooling system; however, ethnic groups face further discrimination in a variety of ways, including those due to religious or cultural prejudices. Some schools in Mon State, as an example, have been prohibited from teaching their curriculum in Mon language. Other schools have suffered from religious persecution from the authorities and yet others groups, such as the ethnic Rohingya in Arakan State, have faced prejudicial behaviour from officials on account of not having their citizenship recognised by the state. (For more information, see Chapter 12: Right to Education).

Three laws set out the minimum standards for education in the country: The Myanmar Basic Education Law of 1973, Article 152 of the Constitution (1974) and the Myanmar Child Law which was enacted in July 1993.

The Myanmar Basic Education Law states incorporates a long list of stipulations that must be enacted such that members of the population become valuable members of society and are prepared for higher education. It states, among other goals, that primary education should,

> *"enable every citizen of the Union of Myanmar to become a physical and mental worker well equipped with a basic education, good health and good moral character."* [131]

According to Article 152 of the Constitution of Myanmar,

> *"(a) Every citizen shall have the right to education.*
> *(b) Burmese is the common language Languages of the other national races may also be taught.*
> *(c) Every citizen shall be given bask education which the State prescribes by law as compulsory."* [132]

Finally the Myanmar Child Law lays out the rights of Burma's children to education as well as the Ministry of Education's responsibilities in Article 20, which states that every child shall;

> *(i) have opportunities of acquiring education;*
> *(ii) have the right to acquire free basic education (primary level) at schools opened by the State;*
>
> *(b) The Ministry of Education shall –*
>
> *(i) have an objective of implementing the system of free and compulsory primary education;*
> *(ii) lay down and carry out measures as may be necessary for regular attendance at schools and the reduction of untimely drop-out rates;*
> *(iii) make arrangements for literacy of children who are unable for various reasons to attend schools opened by the States."* [133]

The tiny proportion of public funds allocated to the education sector has resulted in a substandard education system incapable of providing an adequate education to Burma's youth. Teachers are drastically underpaid, and are sometimes not paid at all. As a result, many must work two or three jobs just to make ends meet; meaning that time spent in the classroom or preparing for lessons diminishes proportionately. Many schools and individual teachers also demand admissions and tuition fees from the students to make up for the shortfall in public spending, despite the fact that education is supposed to be provided free of charge. In addition to this, students must also pay for their own uniforms, books and stationary. Rather than enjoying the right to free education that the SPDC purports to provide, the Burmese population faces additional costs that they can ill afford. Commentators have estimated that, *"annual fees, uniform and school materials at a typical government primary school add up to at least 60,000 kyat (US$50)*, *a financial burden that strains the household budgets of many Burmese parents."* [134]

Despite the SPDC's past claims that schooling is free of charge to all children in Burma, only in 2008 did some schools start offering free schooling from grades one to five. Some parents were surprised by this and others remained confused by the term since they were still being asked to pay school registration fees and purchase books. The reason for the promotion of free primary education appears to be that it was included in the SPDC's Constitution and formed part of the Constitution campaigning in some areas. In Moulmein, the capital of Mon State, for example, teachers involved in the Commission for Referendum held public campaigns declaring that schools would initiate the free primary education scheme, but parents report that registration still cost 400 kyat in Moulmein Township and 200 kyat in Mudon Township.[135]

The SPDC has in fact long claimed that schooling is free for children, but this is rarely the case in practice because not enough funding is given to schools to enable them to operate at even a basic level without demanding additional support from parents. Dr Thein Lwin, who works on education issues with Burmese migrant workers and their children in Thailand, told DVB in September 2008 that the levels of illiteracy were 'frighteningly high'. This is because *"although the schools are free, in reality, parents still have to pay for school maintenance, donations and registration fees…Parents can't afford it because they also have to pay for books."* [136]

In practice, a two-tier education system operates in Burma: one tier for the children of SPDC officials and the upper class and one tier for everyone else. Neither tier is free in terms of provision of schooling and in terms of freedom to gain knowledge. Both systems rely on collecting school fees and 'donations' from parents, but in the wealthier schools more attention is given to the students and teachers are paid more than the meagre wages provided by the Ministry of Education. Daw Nyein Khet Khet, a former lecturer from Rangoon University's Burmese Department, who was interviewed by DVB in July 2008, explained some of the reasons behind the decline in standards of basic education in Burma;

> *"In Burma, particularly in schools at ward level in Rangoon, people have to at least make a donation to be able to send their children to schools. I would say such practice is a bad practice…If we had freedom of education in our country, we wouldn't need to worry about the crisis we are currently facing in Burma's basic education system. Teachers' salaries and school expenses for our children would also no longer be a concern. Despite changes in the basic education curriculum to bring it up to international standards, the military regime still doesn't consider the rights of those who work in education and those of the students. It shows that there is no freedom of education in our country."* [137]

Some teachers are forced to impose levies on students in order to supplement their incomes, or merely to get by. On 25 February 2008, SHAN reported that teachers from the No 1 High School in Tachilek, Shan State, were attempting to extort money from the 2,000 students in return for enrolling them in the end of year exams in March. The fees, ranging between 300 and 500 Thai baht per subject per student, were reported to have been demanded by teachers Daw Kyi Kyi Soe, Daw Moe Thandar Hla, Daw Mizzu Aye and the Headmaster U Too Maung. Those who failed to pay the fees were reportedly told they would fail their exams.[138]

Students attending schools catering for Burma's elite are also tapped for extortion by school officials. Basic Education High School (1) Dagon in Rangoon, led by Headmaster U Aung Ko Ko, was reported by DVB to be charging students 6,000 kyat each on top of the 1 to 2 million kyat school entrance fee. The parents were told it was to cover various maintenance costs but one parent complained that *"The headmaster said the money was collected for the school's expenses but no receipt was given and only he can know where the money has really gone."* [139]

School children in SPDC schools frequently complain about extortion from their teachers, who rely on earnings from extra tuition classes to supplement their meagre income. Students complain that their teachers purposely do not teach well in the school so that students are forced to attend their extra tuition classes to learn the material necessary to pass the exams. Extra tuition is very common throughout Burma, due to low standards in teaching throughout the country. Failing the end of year exams results in the student being forced to repeat the year, or drop out. In Rih High School, which is in Falam Township, Chin State, students are obliged to take extra tuition classes provided by the school teachers. The cost is 2,000 kyat per student per month, according to *Khonumthung News*, putting additional stress on family finances.[140]

According to an estimate from SPDC education officials, about one month after Cyclone Nargis hit in May 2008, more than 4,000 schools serving an estimated 1.1 million children were partially or completely destroyed by the cyclone.[141] Many schools then struggled to find sufficient funding to return to normal operations. For example, the Sasana Rakhita monastery school for orphans in Rangoon's South Okkalapa Township was struggling to provide even basic shelter for its 150 resident orphans in July 2008 after the cyclone pulled the zinc roofing sheets off the school. After the cyclone hit, the school had accepted ten new students but had to turn away another twenty from the Irrawaddy Delta area because it was unable to shelter them. The monastery's abbot, Sayadaw U Zawtika, told DVB *"If we can get the building repaired we will be able to accept more students, but for now, we just have no room for them."* [142]

Some schools damaged by the cyclone struggled to find the funds to repair school buildings and re-open. *Mizzima News* reported on 2 June 2008 that schools in Rangoon were charging students 20,000 kyat each for the repair of the school buildings. This fee was on top of the school admission fee and students paid 500 kyat simply for the school admission form itself. Some schools reportedly charged more, even though parents doubted that the renovations cost that much, as one high school student's parent reported to *Mizzima News*:

> *"The school demanded that the students pay Kyat 20,000 each for repairing the school roof. However, the damage to the school roofing is not much. The admission of my 9th grader son cost me Kyat 45,000. Last year it did not cost me much despite buying text books and paying school fees"* [143]

Charges were inconsistent throughout cyclone-affected areas, however. Schools in Myaungmya Township, Irrawaddy Division, were reported to be collecting school admission fees and not fees for renovations, while some schools were only collecting the fees for the

admission forms and not registration fees. The SPDC's Ministry of Education announced that renovation fees should not be collected from students and that complaints could be lodged to the ministry if 'donations' were taken, but not all local officers followed the decree and took the opportunity to make more money from the cyclone victims.[144]

Conversely, those unaffected by the cyclone were reporting additional extortion by SPDC authorities, purportedly for cyclone relief. In addition to forced donations from households, a civil servant in the SPDC's Education Department in Karen State told *Kaowao News* that State authorities had ordered teachers to collect donations from every middle and high school student. A parent from Hton Eie village was quoted in *Kaowao News* on 9 July 2008 as saying:

> *"We paid 1000 Kyat per household two weeks ago, and now we have to pay another 'donation', collect from us by our own children. I have three children at the village school so I have to pay another 1800 Kyat. That's not fair for poor parents like us."* [145]

Six months after the cyclone hit, *Irrawaddy* reported that around 300,000 students were still unable to attend school, with many forced to labour for their remaining family members' immediate survival.[146] Those who managed to get back to school struggled to cope with trauma in its immediate aftermath and faced problems concentrating in school.[147] As teacher Hlaing Thein reported to AFP in June 2008, the children in her village of Mawin, in a remote and inaccessible corner of the Irrawaddy Delta, were disinterested in studying amid the rubble of the village and couldn't keep their minds off Cyclone Nargis: *"But how can they not remember? We are studying in a house without a roof and walls and every time the rain comes, they get wet…Our books and notepads are still damp."* [148]

Further limiting children's access to education was the general impoverishment of the Burmese population. Runaway inflation and widespread extortion, among a number of other factors, has led to falling family incomes, which has ultimately resulted in the inability of families to afford to send their children to school. As a result, many children are sent to work to help support the family instead. (For more information, see Chapter 6: Deprivation of Livelihood).

The Rauk Ron village school in Arakan State was burned to the ground by local residents in protest after the SPDC had forcibly evicted cyclone survivors who had been taking shelter there so that they could use the building as a polling centre for the May 2008 constitutional referendum. *[Photo: © Narinjara News]*.

In August 2008, IRIN reported on the life of May Thet, a teenage girl living in Moulmeingyunn Township in Irrawaddy Division, who has become the chief breadwinner for her remaining family members since the cyclone hit

> *"My job is to collect the empty plastic water bottles that people dump on the ground and sell them to a bottle-buyer in our town… Sometimes, I make about 3,500 kyat [US$3] per day. Now I can afford to send my little sister to school, and at the same time provide enough income so my mother has no serious financial worries… My mother has re-opened her road-side noodles shop, but earns just US$1 per day. We can't think of rebuilding our house yet, because money for food and for school is a first priority. My mother always told me she wanted me to go to school, but couldn't afford the school fees for both my sister and me. I feel like crying when I see my friends going to school, but, I have to console myself. It's my destiny. There are a lot of us who can't go to school because we have to help our parents."* [149]

In the ethnic states, education in non-Burmese languages is routinely restricted or prohibited as the SPDC attempts to assimilate all non-Burmans into the dominant language and culture. The right to educate children in their mother tongue is also used as a bargaining tool, and its prohibition as a punishment, by political elites. Thus, millions of children are denied the chance to become literate in their mother tongue. In Mon State, 157 schools were allowed to teach in Mon language while a further 114 schools offered a mixed curriculum of Burmese and Mon-language lessons, following the 1995 ceasefire between the NMSP and SPDC. However, the NMSP fell out of favour when it criticised the SPDC's National Convention and opposed the referendum. Since then, Mon language classes have been cut in Thaton Town and Mon cultural activities banned or deliberately assimilated, according to a report from *Irrawaddy* in November 2008. Thousands of Mon children were thus prevented from becoming literate in one of the oldest and most influential languages in the region.[150]

Monasteries have traditionally provided a source of education for many students up to the end of primary level. Indeed, a monastic education system, derived from Theravada Buddhism has been in place in Burma since the 11th century.[151] In 2008 however, the curtailment of monks' activities by the SPDC affected extra tuition classes offered by monasteries. A large lecturing monastery, named Ngway Kyar Yan in South Okkalapa Township of Rangoon, had offered free extra tuition classes to thousands of poor children in the area for the fourteen years prior to 2008 to help them keep up with their class mates, but has reportedly been forced to curtail its activities. Students speculated that the crackdown on the monastery's activities came about as a result of the involvement of its more than 1,000 monks in the 2007 Saffron Revolution. The monastery was able to secure the teaching services of popular teachers free of charge and provide all the teaching materials, textbooks and notebooks for 2-3,000 children per year. As of February 2008 there were only 40 monks remaining at the monastery.[152]

Perversely, fulfilling the rights of children to receive education can result in additional abuses against villagers in SPDC-controlled areas. This is because schools are frequently built with forced labour or with money extorted from villagers in the area. Additionally, school teachers' salaries may come from money extorted from villagers and the students themselves form a convenient pool of labour for forced demonstrations in support of visiting SPDC officials and further extortion from teachers or local officials wishing to supplement their meagre salaries.

On 12 September 2008 *Khonumthung News* reported that despite the approval of a 6 million kyat grant from SPDC officials in Naypyidaw to construct a middle school in Letpanchaung village, Kale Township, Sagaing Division, local SPDC officials had extorted the funds for the school construction from the villagers. Prior to the start of the construction in April 2008, low income households in Letpanchaung village were forced to pay 2,000 kyat each while higher

income households paid 2,500 kyat. Each of the 250 households also had to pay 5,000 kyat and one tin of rice (equal to 43kg) for the construction workers' wages.[153]

School children provide a very convenient pool of resources for the SPDC to draw on whenever it wants a show of support or free labour. Previously, children have reported being forced to attend pro-junta rallies and celebrations for visiting military officials, and having to do forced labour for so-called 'development' projects. Moreover, this abuse has been institutionalised by the national curriculum in SPDC-controlled military and high schools, through the Comprehensive Personal Record assessment. According to this assessment, every student must score 40 percent (in addition to 40 percent in their academic assessments) to proceed to the next grade. Forced labour (euphemistically referred to by the regime as 'voluntary labour') on 'development' projects which are poorly executed and of no benefit to the local community, and forced participation in parastatal organisations which are set up to augment military control are clearly stipulated. Students need to show that they are:

1. *"Participating in the development tasks of the local community and the State*
2. *Offering voluntary service for community work*
3. *Participating in the activities of teams, clubs and associations of the school and social activities such as the Red Cross, etc."* [154]

On 29 September 2008, General Tint Swe, the Arakan State Peace and Development Officer announced that he would give all towns in Arakan State 50,000 kyat to purchase betel nut and coconut plant seedlings for planting in school compounds for future cyclone protection. However, the township officers sold the seedlings to the school children who were told that each of them must provide a plant for the school, according to *Kaladan News* on 9 October 2008. Teachers were ordered to tell primary school students that they must each bring betel nut seedlings to school or pay 500 kyat per seedling if they failed to comply. Middle school students were ordered to bring a coconut palm seedling or 1,500 kyat. Many parents were struggling to keep their children in school and did not even have enough money for food, so this demand placed a further burden on them. A father in Maungdaw Township explained how this demand formed only the latest in a long line of abuses which had impoverished his family:

> *"I have no work as my land was confiscated and I can't go to another village or place to work as the authorities have restricted our movement. I have three children in school and my family sometimes faces starvation. How can I pay them money for seedlings?"* [155]

Physic nut planting has also comprised one of the areas of forced labour for school children. (For more information see this chapter, section 16.7 Child Labour – Partial list of incidents for 2008).

Education in Rural and Conflict Areas

> *"I want to say that I really hate the Burmese [SPDC] soldiers because I have never had a chance to attend a full school year. They always disturb us so I don't have a chance to study all of the lessons in my textbook. I'm afraid that I won't be able to keep up with the other students when I move to a new school."*[156]

The ongoing conflict, centred mainly in ethnic rural areas, has had a disastrous effect on the education of young children in these regions. In addition to endemic poverty, many families are forced to relocate in order to avoid persecution at the hands of the Burmese military and its proxy forces. These forced movements constantly disrupt the schooling of children. Many villages simply have no school and parents do not have enough income to send children to other areas to study.[157]

> *"If the Burmese [SPDC soldiers] come, we flee and we can't go to school. We have to study under the trees and bamboo. We continue our school like this. Another problem is that we have to look for rice and have to go to far away and collect their rice and bring it back. On such days we can't attend school."* [158]

In SPDC-controlled areas, communities are often prevented from developing schools past primary level in rural areas so that students who wish to continue their education are forced to either drop out or find the means to attend school in a town or city. Alternatively, they may migrate internally or across a border in order to access education in non-SPDC controlled areas. In Shan State, a student interviewed by SHAN, who had migrated to an international donor-supported school in Loi Tai Leng, opposite Mae Hong Son, said:

> *"When I lived in my hometown, I had no opportunity to study because we had to flee from the Burmese military all the time. In some countryside, the government doesn't allow us to build schools. They build schools in the cities or towns but we have no money to go to study there. On the other hand, I also had to help my parents in farming."* [159]

The food crisis in Chin State which following a plague of rats, devastated the region and forced many children out of school in search of food. As one village headman, quoted in the *Guardian* (UK) on 10 September 2008 says: *"Every single week we have to walk to India to buy rice there. The round trip takes four days. My children have had to stop going to school because they have to spend all their time carrying rice."* [160]

In Rauk Ron village in Rauk Ron Township, Arakan State, the village primary school was burnt to the ground by unknown local residents after it was used as a polling centre by the SPDC for its referendum. On 1 June 2008 *Narinjara News* reported that the SPDC had not repaired the building so the students, who number more than 100, were unable to attend school.[161]

In Mon State, school dropout rates increased dramatically in 2008 according to IMNA. One middle school in Mudon Township saw the number of students in one standard fall from 120 to 70 pupils. A high school principal reported to IMNA that there had been a 20 percent drop in student numbers in 2008 compared to previous years, with most leaving school due to family pressure to work to supplement the household income.[162] Other Mon children reportedly left SPDC-run schools after their parents could no longer cope with the incessant demands for donations and fees by the school authorities. Instead, according to IMNA, they enrolled in Mon National schools run by the New Mon State Party (NMSP), which are free. The parents subsequently came under intense pressure to send their children back to the SPDC schools and asked the NMSP to protect them.[163]

A young Karen IDP living in the forests of Tenasserim Division studying at night by the light of a small fire while hiding from the SPDC in January 2008. Even when faced with the considerable difficulties that life as an IDP entails, villagers are still able to retain their dignity and sense of community. *[Photo: © FBR]*.

In the conflict areas of eastern Burma, military attacks on communities living outside SPDC control and civilian displacement inevitably mean a disruption of local education. School materials have to be left behind when villagers flee SPDC attacks and students must then try to continue their studies in the jungle. The destruction of schools in SPDC attacks prevents communities from retrieving school supplies for use at displaced hiding sites but even when retrieval is possible, the students sometimes find that the soldiers have stolen their belongings. Naw S---, a 14-year old female Karen student from Nyaunglebin Township, Pegu Division, told a KHRG researcher in February 2008: *"The Burmese soldiers took some of our text books. Our teacher had to write words down on the surface of a rock and we just repeated them when [the teacher] read out the sounds of the words."* [164] As Rebecca Dun, the program director of KHRG, told *The Irrawaddy* in May 2008: *"It is very difficult for children to study in the jungle. They practice writing on the ground or on the cliff faces. There are no educational aids."* [165]

> *"I studied in the village for two years and then I had to flee into the forest. I couldn't continue my studies in my village school. I had to join with another school in the forest. Then we fled further and further until we reached B---. I stayed one or two years in B--- and then the SPDC came again and we had to flee to Gk---. When I lived in B--- we had a school and I could go to school but we could only study for one month [at a time] and [then] we fled. We stayed about a month in Gk---… but we had no books and we had to write on wild banana leaves."* [166]

Displacement also adds additional strains to an already burdensome existence. With regular demands for forced labour and extortion, and food supplies deliberately targeted for destruction, education is often forced to adopt a position of secondary importance behind food security. (For more information, see Chapter 16: Internal Displacement and Forced Relocation). However, in the face of these myriad problems, many displaced communities have still attempted the continuation of their children's education as a means of preserving a sense of community balance and dignity while in hiding, many times only with the minimal support they get from external sources.

16.9 Right to Health

The SPDC is directly responsible for the dire state of the nation's health care services and the high rate of preventable deaths, due to the regime's ongoing failure to adequately support the health sector; a negligent policy that continued throughout 2008. Despite earning US$2.7 billion from natural gas exports to Thailand in 2007, the regime allocated only US$0.70 per person for health care for the whole of 2008, a mere 0.3 percent of Burma's Gross Domestic Product (GDP). Given the extensive corruption within SPDC administrative structures, only a small part of this meagre amount is likely to have reached those in need.[167] In its annual 'Top Ten humanitarian crises' report, *Medecins Sans Frontieres* described the health care system in Burma as being cripplingly under-funded, leaving the vast majority of the people without access to health care (For more information, see Chapter 11: Right to Health).[168]

In 2006, UNICEF, who typically use official statistics provided to them by the SPDC (and which are most likely doctored to present the country in a positive light) estimated the under-five child mortality rate in Burma to be 104 per 1,000 children, mostly from curable diseases such as respiratory infections, pneumonia and diarrhoea.[169] This means that the very best case that the SPDC can present is that 10 percent of Burmese children die before their fifth birthday, a record second only to Afghanistan in Asia. The SPDC provides no childhood vaccines, relying on UNICEF to provide most of them, and prevents the organisation from accessing many conflict areas or areas in which it commits the most visible human rights abuses. In these areas, large numbers of people are internally displaced, fleeing severe abuse and oppression. Forced flight into hiding sites and IDP camps deep inside the jungle, has resulted in an even worse health record in these areas than that in the rest of Burma. One quarter of IDP children do not live to see their fifth birthday, almost all dying as a result of malnutrition and infectious diseases. This mortality rate is comparable to that in Angola or the Democratic Republic of Congo.[170]

Dr. Cynthia Maung, who is a Director of Mae Tao clinic on the Thai-Burmese border, told KHRG on 1 April 2008:

> *"Many children, particularly under the age of five, are dying every day from diseases that are preventable with simple interventions such as vaccines, good water and sanitation facilities, and mosquito nets. Children comprise more than 17 percent of the patient cases we see here at Mae Tao Clinic. When given the chance for stability in their environment, communities in Burma are capable of organizing themselves to reach the highest attainable standard of physical and mental health – that is, to realize their human right to health."* [171]

In 2008 there was a large outbreak of measles among some of the IDP population in Karen State, threatening 16,500 people. By the time it was controlled in September, 512 people had contracted the highly contagious virus and four had died.[172]

Malnutrition

According to the 2008 State of the World's Children report, approximately one third of Burmese children are malnourished and about one fifth of newborn babies are underweight.[173] Child malnutrition rates in rural areas and areas experiencing armed conflict are considerably higher than the national average discussed above. In these areas, civilian crops and food supplies are frequently targeted for destruction by SPDC army units in order to depopulate the areas. The strategy acts as a method of starving the villagers out, and ensures the villagers cannot provide food to resistance forces which operate in these areas.

Independent studies have shown that children in these areas, whose family's food supply has been destroyed, are 4.4 times more likely to suffer from malnutrition than children in those households whose food supply has not been compromised.[174] (For more information, see Chapter 6: Deprivation of Livelihood).

In Mon State, ongoing human rights abuses continue to force minors to leave their homes and migrate abroad in search of a better life. For 31 young boys from Ye Township who migrated to Klang, near Kuala Lumpur, Malaysia, however, their fear of arrest hampers their efforts to survive and they are eating only a very small amount of rice donated by their neighbours and edible leaves foraged nearby.[175]

A young Karen IDP child with measles. Many IDP communities in Karen State are unable to gain access to medicines that would allow them to adequately treat even the simplest of ailments. In such areas, the possession of medications is often considered a crime as the SPDC fears that villagers will give them to armed opposition groups. Ultimately, many IDPs die from easily preventable and readily treatable illnesses. Sadly, children, many of whom are malnourished, often fare the worst under such circumstances. *[Photo: Irrawaddy]*

Famine

Chin State was hit by a severe famine in 2008. (For details see Chapter 18: Ethnic Minority Rights). The famine hit about 20 percent of the State's population, or around 100,000 people.[176] Although the Burmese junta claims to have distributed 1,000 sacks of rice in Chin State, many villagers said they had not received any aid at all. Moreover, *Irrawaddy,* reported on 18 September 2008 that the SPDC had banned ethnic Chin people from receiving food supplies donated by overseas Burmese.[177] The result was that malnutrition constituted a serious threat to children's lives in the state, with *Mizzima News* reporting on 21 August 2008 that 44 children had died from starvation. The children were from Surngen, Tisen (A, B), Sentun, Ngalang, Lawngzuite, Lawngtlang villages in Thangtlang Township and had been trying to survive on yams foraged from the jungle as their main source of nutrition.[178] Other villagers were forced to reduce their food intake from three meals a day to one meal of gruel made with boiled corn; however this tactic was causing widespread diarrhoea and skin diseases among the villagers. A public health worker in Longkywethe village, Thangtlang Township said *"Diarrhoea and skin diseases are rampant in our village. Most children and adults are suffering from diarrhoea."* [179] In some areas, relief supplies from the Christian church community and charity groups in exile were able to get through to those in need; however the deliveries were not sufficient to meet demands.

In September 2008 a medical team visited Paletwa Township in Chin State to treat the Chin, Mru, Khami, Sak and Chakma hill people who were suffering from malnutrition. Their food sources had run out on 15 August 2008 and since then they had been surviving on foraged fruit, tubers and bulbs. The area contained 300 villages at the time, and was under the control of SPDC LIB #289 (Western Command) which provided no health or education facilities. Due to neglect by those controlling the area, the villagers were suffering from a variety of diseases. The medical team treated 103 people, including 62 children, sent 23 patients to hospital for emergency treatment and saw ten people die, including eight children.[180] Earlier in the year, five children died from malnutrition-related illnesses as a result of the famine in Mala village, Paletwa Township. The children were identified as:

1. Lali, aged two, died of diarrhoea in February 2008;
2. Emanuel, aged nine months, died of diarrhoea in February 2008;
3. Zathli, aged seven, died of an unidentified illness in April 2008;
4. Bukau, aged two, died of diarrhoea in May 2008; and
5. Lily, aged one and a half, died of diarrhoea in May 2008.[181]

In nearby Para Village, Paletwa Township, Chin State, pregnant women were suffering miscarriages as a result of the famine. Dr. Dawt Mang from the Chin Backpack medical team told *Khonumthung News*, *"Pregnant women in the village suffered from malaria and malnutrition. As a consequence, some women delivered prematurely. Some had miscarriages."* [182]

In Maungdaw Township, Arakan State, many children were reported to have been admitted to hospital in the first two weeks of October 2008 with diseases such as diarrhoea and dysentery as a result of malnutrition. Arakan State was also affected by the bamboo-flowering famine. Local health workers told *Kaladan News* that more than 15 children had died from the diseases.[183] Despite some assistance from the World Food Programme reaching the area, villagers continued to die from malnutrition. A child died in Maung Nama village, Maungdaw north, on 15 September 2008 from diarrhoea.[184]

A household survey conducted for UN agencies in June 2008 found that the worsening economic situation in Arakan State along the border with Bangladesh had forced families to cut back from three to two meals per day. Only 60 percent of boys and less than half of girls displayed a 'normal' body mass index and the rest were severely malnourished.[185]

Malaria

According to the 3D Fund established to tackle Malaria, HIV/AIDS and Tuberculosis within the country,

> *"malaria is the main cause of morbidity and mortality. The disease is endemic in 284 of 324 townships, mainly in rural areas and in some peri-urban locations. Of the estimated total population of 54.28 million (2004), 38.54 million (71 percent) live in malaria risk areas. Persistent high burdens of malaria and TB are due to several factors: inadequate financial resources, high prevalence of drug resistance, limited access to services in remote areas, and require for strengthening capacity to deal with the problem of counterfeit or sub-standard drugs."* [186]

The 3D proposal goes on to recommend ways in which the challenges posed by Malaria (and the other two diseases) can be met, however the proposal clearly notes that,

> *"Despite the existence of five-year government plans for combating the main public health challenges, which reflect a high level of central level technical expertise, the scope and depth of implementation is constrained by the budgetary limitations for social sector spending."* [187]

HIV/AIDS

In Burma, MSF estimates that around 240,000 people have HIV/AIDS and 25,000 people were expected to die in 2008 from the illness. The junta allocated only US$200,000 for treatment of HIV/AIDS patients in 2008, an amount which barely touches the needs of the 76,000 people who urgently need antiretroviral treatment. Treatment for one patient costs US$29 per month.[188] Almost two thirds of people with HIV/AIDS in Burma are under the age of 24 and newborns are at risk of infection from the 100,000 women who have the disease; however a lack of state funding means that only 170 of the 325 administrative regions in the country can implement a 100 percent condom-use public health campaign for youths.[189]

Children affected by HIV/AIDS are very poorly served by health and social facilities in Burma. Many go to seek assistance from Mae Tao clinic just across the border from Myawaddy, Karen State, in Thailand. In Thailand, community-based groups such as Social Action for Women (SAW) are relatively free to serve the needs of HIV/AIDS affected children (compared to the tight restrictions on such groups in Burma). In Mae Sot, SAW educates the local migrant worker population about HIV prevention and treatment and runs a safe house for Burmese children orphaned by AIDS.[190] Such work is largely banned in Burma and AIDS activists and volunteers harassed by SPDC authorities, despite around 240,000 people reportedly living with the disease.

According to a UNAIDS report released in July 2008 *"Only 18 percent of estimated HIV positive pregnant women are receiving assistance to prevent transmission of the virus to their babies. Too little is known about children affected by HIV."* [191]

Dengue

Dengue fever is a mosquito-born disease which results in severe fever, headaches, rashes, muscle and joint pain and is especially dangerous for children. There is no vaccine for dengue, or its more severe form, dengue haemorrhagic fever, and no treatment other than paracetamol and fluids to prevent dehydration. The mosquito favours urban and semi-urban areas, thus over 35 percent of dengue cases in Burma occur in Rangoon Division.[192]

In July 2008 there was an outbreak of dengue haemorrhagic fever among children in Monywa Township, Sagaing Division. Hospitals reportedly ran out of beds as the local health system became overwhelmed by the number of cases and several children died. One local told DVB that SPDC authorities had been spraying insecticide in areas where the outbreak started to suppress mosquitoes, but another local resident said *"The authorities are not doing a very good job preventing local residents from catching the disease."* [193]

Also in July 2008 there was an outbreak of dengue fever in Ngaputaw and Pyinkayine Townships, Irrawaddy Division. In one village 20 children were reported to be suffering from the disease. A local man from the village told *Yoma 3*, *"SPDC authorities are so far not taking any responsibility for health care and medical treatment and only private donors groups are offering medical treatment."* [194]

Other Specific Health Issues Affecting Children

Diarrhoea can be a serious threat to children as it can rapidly dehydrate them and put their internal organs at risk of collapse. On 11 November 2008 a three-month old Burmese refugee girl died from diarrhoea in Dum Dum Meah (unofficial) refugee camp in Bangladesh.[195]

Cyclone Nargis

After Cyclone Nargis battered the Irrawaddy Delta, diarrhoea became a very real threat to life, with UNICEF estimating that one in five children who survived subsequently suffered from diarrhoea.[196] Relief group Church World Service reported finding child survivors of the cyclone dying from dysentery in some areas because they had no choice but to drink contaminated water.[197] In Pyinmagon village, an isolated village in the Irrawaddy delta where 801 people survived the cyclone, two children died from diarrhoea and food poisoning before a medical team could reach their village.[198] The villagers were trying to survive on their remaining rice, vegetable scraps and rats. Although there was a small increase in numbers of diarrhoea cases, UNICEF reported that fortunately there had been no major outbreak two months after the cyclone hit.[199]

Many of the cyclone-affected children were reported to be suffering from trauma in 2008.[200] Those separated or orphaned from their parents were particularly vulnerable to trauma, some having seen their relatives drown in front of them and all having been caught up in the desperate fight to survive the immediate aftermath, in which finding food and drinking water became the most urgent task in children's lives.[201] More than 10 international aid organisations joined together to provide essential services for children in cyclone-affected areas, but many children were unable to access this assistance after the regime forced the closure of displaced persons camps and ordered all of the survivors back to their villages prematurely. These actions by the regime were likely to have placed additional stress on children since, in most cases, there was no village left to go back to. Many schools were destroyed, their surviving family struggled to find materials to build new houses, water sources were polluted, land and livestock destroyed and outside assistance depended in large part on the village being accessible.

This photograph taken, in June 2008, shows they decaying body of a dead infant from Shwe Kyon Tha village in Labutta Township, Irrawaddy Division left in a tree due to SPDC edicts forbidding people from burying or cremating the dead immediately after Cyclone Nargis. *[Photo: © KHRG]*

Some children resorted to begging on the streets for handouts of food since official aid either passed them by or proved insufficient. However, there were reports of SPDC police beating those children that were caught as a punishment for begging because it portrayed the country in a negative light. A young boy called Maung Maung who was found begging for food beside the motorway near Kawt Hmu Township in Rangoon Division told *Irrawaddy, "We have to be careful not to be noticed by the police while begging for food … If they catch us they beat us."* [202]

Cyclone Nargis created a number of orphans whom Senior-General Than Shwe unilaterally decided to house in large orphanages in the towns of Myaung Mya, Labutta and Pyapon in the Irrawaddy Division after he toured the region. UNICEF expressed concern about these plans because large institutions do not have the capacity to deal with the social needs and trauma that the children were set to face in the aftermath of the cyclone. Instead, UNICEF advocated family placements for children and flew in its Asia head, Anupama Rao Singh, to speak to the SPDC's Welfare minister Major-General Maung Maung Swe in an effort to counter this disastrous policy decision.[203] Despite advocacy efforts, the plans to go ahead with the orphanages were approved.[204]

Chinese Milk Products

Throughout Burma, Chinese milk products are cheap and widely available, but Burmese children were put at risk of illness and death after the SPDC failed to launch any kind of public health campaign about tainted milk after the melamine scandal unfolded in China in 2008. Although the SPDC banned the importation of Chinese milk products, in many areas tainted milk from the two companies which export to Burma, Yashili and Suncare, continued to be sold as traders and businessmen refused to forfeit their profits. Although a few articles were published in Burmese media and some milk cartons were seized by local SPDC officials, regime reaction to the problem was inconsistent. A Rangoon resident with two children told *Irrawaddy*;

> *"We haven't heard anything about this tainted milk from China. The government should inform us about what brands of infant milk powder are not safe. Burmese people mostly rely on Chinese companies for baby milk powder because the price is cheap."* [205]

Sixteen-year-old "*Naw D---*", a young Karen IDP lost the lower half of her left leg to an SPDC-deployed landmine. The use of antipersonnel landmines has been widely condemned around the world for the indiscriminate nature of such weapons. However, in Burma, patterns discerned from the SPDC's mine laying activities suggest that civilian villagers are their primary intended targets; not armed combatants as the SPDC claims. For more information, see Chapter 4: Landmines and Other Explosive Devices *[Photo: © KHRG]*

Child Health in Rural and Conflict Areas

An independent report on the state of health in rural and conflict areas of Burma from 2007 found that *"These abuses (at the hands of the Burma and Army and NSAGs) have left civilians, particularly young children, vulnerable to death and illness from malnutrition, malaria, TB, night blindness (vitamin A deficiency), and diarrhoeal diseases."* [206] At the close of 2008, little had changed for civilians living in the areas concerned. Cross-border teams working in the areas of healthcare reported that access for all IDPs to adequate healthcare, including children, was well below what was required. Studies by the Johns Hopkins University and the Burmese Medical Association identified wide ranging health problems for those living in Eastern Burma that was directly linked to the situation of conflict in the region.[207] To give some perspective as to the differences in healthcare in eastern Burma compared to the rest of the country and its neighbours, international relief organisations estimate the infant mortality rates at (on next page):

> *"91 deaths for every 1000 births in eastern Burma, compared to a national average of 76, and just 18 in neighbouring Thailand. Twenty percent of children in Karen State die before their fifth birthday, while a staggering one in twelve women die during childbirth."* [208]

It should be highlighted that the severity of the health crisis in non-SPDC controlled areas is neglected in 'official' data presented by UN organisations or the SPDC because this data is always derived from areas which they have access to, usually in the central regions of the country. It cannot be assumed to apply to the rest of the country and data from these areas should not be extrapolated to represent the entire country. It should also be made clear that the greater severity of ill health in conflict areas is tied to the types and scale of abuses perpetrated the junta's military personnel and NSAGs.[209]

In Wa State, the majority of the population are exceptionally poor. The United Wa State Party's efforts to eradicate poppy cultivation among Wa farmers has resulted in extreme poverty, as little else grows well in the Wa hills, and very little outside assistance has been forthcoming. The health of children in Wa villages is reportedly dire. Of the 146 people living in Maw Hai village, west of Panghsang, most are malnourished children. Ai Nap, the village leader, reported in an interview with a foreign journalist that, *"Last year many children died, but this year has been a bit better."* [210]

In Arakan State, the Rohingya people face constant persecution by SPDC authorities leading many to flee across the border to Bangladesh. In Kutupalong unofficial refugee camp, 10,000 Burmese Rohingyas have been living without any international or governmental assistance since January 2008. They were reported to be living close to starvation in terrible conditions under the open sky, with the children suffering from typhoid, dysentery, malaria, pneumonia, oedema, diarrhoea and rickets without access adequate medical treatment. The scale of human suffering is so severe that in just two days, on 7 and 8 June 2008, 18 children died in the camp from tropical diseases.[211] On 1 July 2008 another two children died of diarrhoea. They were eight-year old Fatema Khatun, and 12-year old Shaffi Ullah.[212] (For more information regarding health issues, see Chapter 11: The Right to Health)

Endnotes

[1] Source: UNICEF statistics. Accessed at http://www.unicef.org/infobycountry/myanmar_statistics.html on 6 February 2008.
[2] Source: Convention on the Rights of the Child, Preamble, adopted 20 November 1989.
[3] Source: "Editorial: Disproportionate military expenditure in Burma," *Burma Digest*, 6 July 2007.
[4] Source: "What we do in Myanmar (Burma)", Save the Children UK, 2008/9. Accessed online at http://www.savethechildren.org.uk/en/docs/Myanmar_CB_2008.pdf, on 17 July 2009.
[5] Source: *Ibid*.
[6] Source: "Burma Army troops kill villagers and IDPs as they mass troops with over 90 battalions now in northern Karen State, Burma," FBR, 10 January 2008.
[7] Source: *Growing up under militarization: Abuse and agency of children in Karen State*, KHRG, April 2008: 4.
[8] Source: "Through a Baby's Eyes," *Irrawaddy*, 15 September 2008.
[9] Source: *Growing up under militarization: Abuse and agency of children in Karen State*, KHRG, April 2008: 3.
[10] Source: Report of the Special Representative of the Secretary General for Children and Armed Conflict to the UN General Assembly, A/61/275, UN General Assembly 61st Session, 17 August 2006.
[11] Source: "Report of the Secretary-General on children and armed conflict in Myanmar," 1 June 2009, available at http://daccessdds.un.org/doc/UNDOC/GEN/N09/350/00/PDF/N0935000.pdf?OpenElement. Accessed on 21 July 2009.
[12] Source: "35 Burma Nationals Arrested On Indo-Pak Border in Punjab," *Punjab Newsline* (India), 30 September 2008.
[13] Source: *Internal Displacement in Eastern Burma: 2007*, TBBC, October 2007.
[14] Source: "Suspicions Surround Death of Labadan Orphan," DVB, 29 February 2008.
[15] Source: *Ibid*.
[16] Source: *Village Agency: Rural rights and resistance in a militarized Karen State*, KHRG, November 2008: 121.
[17] Source: *Ibid*.
[18] Source: *Mortar attacks, landmines and the destruction of schools in Papun District*, KHRG, 22 August 2008.
[19] Source: "Robbers Kill Youth in Maungdaw," *Kaladan News*, 1 November 2008.
[20] Source: "SPDC continues execution in 2nd Brigade," *Kwekalu*, 27 May 2008, cited in "Attacks, forced labour and restrictions in Toungoo District," KHRG Report from the field, 1 July 2008.
[21] Source: "Military Officer Injures Two Youths in Bago," DVB, 17 October 2008.
[22] Source: "Insulting Karens on Karen New Year Day: SPDC Junta's Lawlessness," NCGUB press release, accessed online at http://www.naytthit.com/Karen%20insult.pdf.
[23] Source: *Forgotten Futures: Children affected by armed conflict in Burma*, HREIB, September 2008: 65.
[24] Source: *Ibid*: 67.
[25] Source: *Growing Up Under Militarisation: Abuse and agency of children in Karen State*, KHRG, April 2008.
[26] Source: *Ibid*.
[27] Source: "More underage girls involved in sex business," *Yoma 3*, 17 June 2008.
[28] Source: "Two Chin Teenaged Girls Raped In Burma: Rapists Arrested," *Khonumthung News*, 17 June 2008.
[29] Source: "Police Inaction on Rape and Murder of Schoolgirl," AHRC, 9 October 2008.
[30] Source: "15 Year-old Schoolgirl Gang-raped and Mutilated by Burmese Soldiers," Burma Campaign UK, 15 August 2008.
[31] Source: "Teenaged Kachin Schoolgirl Gang Raped and Killed By Sadistic Burmese Soldiers," KNG, 9 August 2008.
[32] Source: "Army Officer Takes Rapist Soldiers From Nam Sai Post to Bhamo," KNG, 16 August 2008.
[33] Source: "Burmese Army Expresses Regret for Rape and Murder of Schoolgirl after Arresting Soldier," KNG, 18 August 2008.
[34] Source: *Ibid*.
[35] Source: *Ibid*.
[36] Source: "Protestors Denounce Rape and Murder of Kachin Girl by Troops," DVB, 28 August 2008.
[37] Source: "Kachins Protest Schoolgirl Gang Rape and Murder (Special)," KNG, 27 August 2008.
[38] Source: "14 Year Old Girl Raped At Refugee Camp," *Kaowao News*, 12 September 2008.
[39] Source: "Insulting Karens on Karen New Year Day: SPDC Junta's Lawlessness," NCGUB press release, accessed online at http://www.naytthit.com/Karen%20insult.pdf.
[40] Source: *Sold to Be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, HRW, 30 October 2007.
[41] Source: *My Gun was as Tall as Me*, HRW, October 2002.
[42] Sources: *Burma Issues & Concerns: Vol 4; The Security Dimensions*, Altsean Burma, April 2007; *The Gathering Storm: Infectious Diseases And Human Rights In Burma*, Human Rights Center, University of California, Berkeley, Center For Public Health And Human Rights, Johns Hopkins Bloomberg School Of Public Health, July 2007.
[43] Source: *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, HRW, October 2007.

[44] Source: *Ibid*.
[45] Source: *Forgotten Futures: Children affected by armed conflict in Burma*, HREIB, September 2008: 53.
[46] Source: *Ibid*, 55.
[47] Source: Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977. Accessed online at http://www.icrc.org./ihl.nsf/FULL/475?OpenDocument, on 21 July 2009.
[48] Source: Rome Statute of the International Criminal Court, 17 July 1998. Accessed online at http://www.icrc.org/ihl.nsf/WebART/585-08?OpenDocument, on 21 July 2009.
[49] Source: Convention on the Rights of the Child. Accessed online at http://www2.ohchr.org/english/law/crc.htm on 17 August 2009.
[50] Source: ILO Convention 182, Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. Accessed online at http://www.un.org/children/conflict/keydocuments/english/iloconvention1828.html, on 21 July 2009.
[51] Source: *Sold to Be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, HRW.
[52] Source: *Burma Bulletin: Issue 2*, Altsean Burma, February 2007.
[53] Source: Statement by Deputy Permanent Representative U Nyunt Swe, the Union of Myanmar and Leader of the Myanmar Observer Delegation at the Fourth Session of the Human Rights Council, Geneva, 23 March 2007.
[54] Source: 'Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29),' [GB 301/6/2], March 2008: 6.
[55] Source: "HRW Condemns Use of Child Soldiers," DVB, 1 November 2007.
[56] Source: "U.N. Blocked on Burma Child Soldiers," *Radio Free Asia*, 6 October 2008.
[57] Source: "Child soldiers and the China factor," *International Herald Tribune*, 12 September 2008.
[58] Source: *Forgotten Futures: Children affected by armed conflict in Burma*, HREIB, September 2008: 51.
[59] Source: *Interview with an SPDC Deserter*, KHRG, 28 July 2008.
[60] Source: "Western Command Orders Sending Youths for Army Training," *Kaladan News*, 10 March 2008.
[61] Source: "Give Money for New Recruit," *Khitpyaing News*, 31 January 2008.
[62] Source: *Interview with an SPDC Deserter*, KHRG, 28 July 2008.
[63] Source: "Burmese Police Recruit Under Age Youth in Western Burma," *Khonumthung News*, 9 February 2008.
[64] Source: "Child Recruits Returned To Families," DVB, 7 February 2008.
[65] Source: "Give Money for New Recruit," *Khitpyaing News*, 31 January 2008.
[66] Source: *Interview with an SPDC Deserter*, KHRG, 28 July 2008.
[67] Source: "Boy of 13 Forced To Join Army," DVB, 26 September 2008.
[68] Source: "A Boy Afraid of His Future," *Kantarawaddy Times*, 6 August 2008.
[69] Source: "Caught In the Clutches: The Fight to Save Child Soldier," *Mizzima News*, 29 October 2008.
[70] Source: "ILO to Mediate With Junta to Release Child Soldier," *Mizzima News*, 5 November 2008.
[71] Source: "NLD Leader Sentenced For Trying To Complain To ILO on Use of Child Soldiers," *Mizzima News*, 17 September 2008.
[72] Source: "Burma Army Continues Violating Child Rights," SHAN, 12 September 2008.
[73] Source: "Troops Abduct 19 for Military Recruitment," DVB, 6 October 2008.
[74] Source: "Former Child Soldier Arrested In South Dagon," DVB, 19 September 2008.
[75] Source: "Burmese child soldier returns home," RFA, 20 November 2008.
[76] Source: "Army Conscripts Teenager," *Narinjara News*, 25 November 2008.
[77] Source: *Forced recruitment by DKBA forces in Pa'an District*, KHRG, 24 September 2008.
[78] Source: "KIO Wants KIA To Be 'State Security Force'," Democracy for Burma. Accessed online at http://democracyforburma.wordpress.com/2009/06/25/the-kachin-independence-organization-kio-one-of-strongest-ethnic-ceasefire-groups-in-military-ruled-burma-would-rather-transform-its-armed-wing-to-a-state-security-force-rather-than-a-border/, on 22 July 2009.
[79] Source: "Burma's children still forced into army," *Kachin News Group*, 30 July 2008.
[80] Source: *Sold To Be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, HRW, 30 October 2007.
[81] Source: *Child Soldiers Global Report 2008*, Coalition to Stop the Use of Child Soldiers. Accessed online at http://www.childsoldiersglobalreport.org/content/myanmar, on 22 July 2009.
[82] Source: *Ibid*.
[83] Source: "SSA-S denies recruiting child soldiers," SHAN, 15 February, 2008.
[84] Source: "No More Child Soldiers In Camp: Karenni Army," *Mizzima News*, 12 February 2008.
[85] Source: "Child Soldiers Still Common in Burma: UN Report," *Irrawaddy*, 23 April 2009.
[86] Source: *Child Soldiers Global Report 2008*, Coalition to Stop the Use of Child Soldiers. Accessed online at http://www.childsoldiersglobalreport.org/content/myanmar, on 22 July 2009.
[87] Source: "Child Soldiers Still Common in Burma: UN Report," *Irrawaddy*, 23 April 2009.
[88] Source: "SSA-S denies recruiting child soldiers," SHAN, 15 February, 2008.

[89] Source: "Haven or Hell," *Irrawaddy*, 11 July 2008.
[90] Source: Report of the Secretary-General on children and armed conflict in Myanmar, UNSC, 16 November 2007. Accessed online at http://www.un.org/children/conflict/english/securitycouncilwgroupdoc.html.
[91] Source: Convention on the Rights of the Child, Article 37. Accessed online at http://www.unhchr.ch/html/menu3/b/k2crc.htm, on 22 July 2009.
[92] Source: "Child Soldier Kept In Jail since 2005," AHRC, 30 January 2008.
[93] Source: "Family and Human Rights Defenders Threatened Over Complaint," AHRC, 12 February 2008.
[94] Source: "Military Abducts 15 Children in Tharawaddy," DVB, 22 February 2008.
[95] Source: "Child Prisoners in Burmese Concentration Camp," *Khonumthung News*, 22 October, 2008.
[96] Source: Convention on the Rights of the Child, Article 35. Accessed online at http://www.unhchr.ch/html/menu3/b/k2crc.htm, on 22 July 2009.
[97] Source: "Child trafficking continues between Burma and Thailand," IRIN, 12 December 2008.
[98] Source: "Myanmar Plans To Set Up More Border Liaison Offices to Curb Human Trafficking," *Xinhua*, 10 August 2007.
[99] Source: *Burma Country Report on Human Rights Practices-2006*, Bureau of Human Rights, Democracy and Labor, U.S. Department of State, 6 March 2007.
[100] Source: *Eastward Bound: An update on migration and trafficking of Kachin women on the China-Burma border*, Kachin Women's Association Thailand 2008: 14.
[101] Source: "Increase In Child Trafficking This Year, KWAT," KNG, 12 December, 2008.
[102] Source: "Child Trafficking Continues, But Not Fuelled By Cyclone," IRIN News, 11 December 2008.
[103] Source: *Eastward Bound: An update on migration and trafficking of Kachin women on the China-Burma border*, KWAT, 2008: 6.
[104] Source: *Humanitarian Situation update, April 2007*, Office of the UN Humanitarian Coordinator for Myanmar, 2007.
[105] Source: "Child Trafficking Continues, But Not Fuelled By Cyclone," IRIN News, 11 December 2008.
[106] Source: *Ibid*.
[107] Source: "China Top Destination for Myanmar Trafficking Victims," AFP, 15 July 2008.
[108] Source: "Cyclone Orphans Could Be Trafficked: Human Right Group," *Mizzima News*, 22 May 2008.
[109] Source: *Growing Up Under Militarisation: Abuse and agency of children in Karen State*, KHRG, April 2008: 69.
[110] Source: "Spare the Child," *Irrawaddy*, September 2008.
[111] Source: *Ibid*.
[112] Source: *Ibid*.
[113] Source: "Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour," ILO Convention 182, adopted 17 June 1999. Accessed online at: http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182.
[114] Source: *Ibid*.
[115] Source: HRDU interview with *Yoma 3* News Service, 7 May 2008.
[116] Source: 2008 Human Rights Report, Burma, Bureau of Democracy, Human Rights, and Labor, US Department of State.
[117] Source: "Burma's Forced Labour," *New Statesman*, 9 June 2008.
[118] Source: "Economic Crisis Fueling Child Labor, Trafficking," *Irrawaddy*, 18 December 2007.
[119] Source: "Spare the Child," *Irrawaddy*, September 2008.
[120] Source: "Landlord Arrested For Attempting To Rape Minor Burmese Girl," *Khonumthung News*, 3 June 2008.
[121] Source: "Chin Girl Kidnapped In New Delhi," DVB, 25 June 2008.
[122] Source: "Cyclone Orphans Forced To Work," IRIN, 31 October 2008.
[123] Source: "Cyclone Orphans Take Low-Paid Work to Survive," *Irrawaddy*, 8 July 2008.
[124] Source: "Cyclone Orphans Forced To Work," IRIN, 31 October 2008.
[125] Source: "Post-Nargis Joint Assessment," Tripartite Core Group, July 2008.
[126] Source: "Charges of Forced Labor Emerge in Cyclone-hit Areas," *Irrawaddy*, 17 July 2008.
[127] Source: *Growing Up Under Militarisation: Abuse and agency of children in Karen State*, KHRG, April 2008: 61.
[128] Source: *Village Agency: Rural rights and resistance in a militarized Karen State*, KHRG, November 2008: 55.
[129] Source: "Attacks, forced labour and restrictions in Toungoo District," KHRG Report from the field, 1 July 2008.
[130] Source: *Biofuel by Decree: Unmasking Burma's bio-energy fiasco*, Ethnic Community Development Forum, 2008: 28.
[131] Source: "Country Profile Myanmar," Asia Pacific Development Centre on Disability, accessed online at http://www.apcdproject.org/countryprofile/myanmar/myanmar_intro.html, on 28 July 2009.

[132] Source: Constitution of Myanmar. Accessed online at http://www.thailawforum.com/database1/constmyanmar4.html, on 28 July 2009.
[133] Source: The Myanmar Child Law 1993, Burma Lawyers Council Archives. Accessed online at http://www.blc-burma.org/html/myanmarpercent20law/lr_e_ml93_09.html, on 28 July 2009.
[134] Source: "Save Our Schools," *Irrawaddy*, June 2007.
[135] Source: "Junta's Free Primary Education Scheme Yet To Take Off," IMNA, 3 June 2008.
[136] Source: "Educationalists Concerned By Burmese Literacy Rate," DVB, 10 September 2008.
[137] Source: "Interview: Burma's Declining Basic Education," DVB, 10 July 2008.
[138] Source: "Teachers Demand Money for Students to Enter Exam," SHAN, 25 February 2008.
[139] Source: "Rangoon School Charges Additional Fees," DVB, 8 July 2008.
[140] Source: "Parents Troubled Over Extra School Fees," *Khonumthung News*, 25 November, 2008.
[141] Source: "Race to Re-Open Cyclone-Hit Schools," IRIN, 6 June 2008.
[142] Source: "Damaged Monastery Forced To Turn Down Students," DVB, 2 July 2008.
[143] Source: "Kun Chan Kone Township Students Yet To Attend Schools," *Mizzima News*, 2 June 2008.
[144] Source: *Ibid*.
[145] Source: "Nargis 'Donations' Collected From Schools," *Kaowao News*, 9 July 2008.
[146] Source: "Children Not in School Six Months after Cyclone," *Irrawaddy*, 4 November 2008.
[147] Source: "Children and Teachers Finding It Hard To Concentrate," IRIN, 3 July 2008.
[148] Source: "In Cyclone-Hit Myanmar, Rain Drenches Children in Roofless School," AFP, 16 June 2008.
[149] Source: "May Thet, Myanmar, "I feel like crying when I see my friends going to school"," IRIN, August 2008.
[150] Source: "Mon Language Axed from State Schools in Thaton," *Irrawaddy*, 10 November 2008.
[151] Source: "Monastic schools play important role," *The Myanmar Times*, 3 March 2008.
[152] Source: "Monastery Stops Free Education Service," DVB, 5 February 2008.
[153] Source: "Construction of School with Money from Residents," *Khonumthung News*, 12 September 2008.
[154] Source: 'Development of Education in Myanmar,' Myanmar Ministry of Education, September 2004: 31.
[155] Source: "Junta's New Protection Plan from Cyclone in Arakan," *Kaladan News*, 9 October 2008.
[156] Source: *Growing Up Under Militarisation: Abuse and agency of children in Karen State*, KHRG, April 2008: 41.
[157] Source: *Forgotten Futures: Children Affected by Armed Conflict in Burma*, HREIB, September 2008: 29.
[158] Source: *Growing Up Under Militarisation: Abuse and agency of children in Karen State*, KHRG, April 2008: 42.
[159] Source: "Small School, Big Heart," SHAN, 16 February 2008.
[160] Source: "Cyclone, Starvation Now Plague of Rats Devastates Burmese Villages," *Guardian* (UK), 10 September 2008.
[161] Source: "No School for Arakanese Students," *Narinjara News*, 1 June 2008.
[162] Source: "Number of School Dropouts Increase in Mon State," IMNA, 28 May 2008.
[163] Source: "Parents Forced To Take Out Children from School," IMNA, 26 June 2008.
[164] Source: *Village Agency: Rural rights and resistance in a militarized Karen State*, KHRG, November 2008: 121.
[165] Source: "Military Offensive Affecting Karen Children: KHRG," *Irrawaddy*, 2 May 2008.
[166] Source: *Growing Up Under Militarisation: Abuse and agency of children in Karen State*, KHRG, April 2008: 42.
[167] Source: "Unpreventable Death under Military Boots," *Asia Tribune*, 1 December 2008.
[168] Source: "Burma's Health Care Cripplingly Under Funded: MSF," *Mizzima News*, 22 December 2008.
[169] Source: "Junta Combats UNICEF Data with Dated Government Statistics," *Mizzima News*, 8 February 2008.
[170] Source: "Measles Outbreaks Highlight Regime's Irresponsibility," *Irrawaddy*, 6 November 2008.
[171] Source: *Growing Up Under Militarisation: Abuse and agency of children in Karen State*, KHRG, April 2008, 85.
[172] Source: "Measles Outbreaks Highlight Regime's Irresponsibility," *Irrawaddy*, 6 November 2008.
[173] Source: "Health of Cyclone-Affected Children Improves," IRIN, 17 September 2008.
[174] Source: *The Gathering Storm: Infectious Diseases And Human Rights In Burma*, Human Rights Center, University of California, Berkeley, Centre For Public Health And Human Rights, Johns Hopkins Bloomberg School Of Public Health, July 2007.
[175] Source: "Mon Refugees Face Food Shortage," *Kaowao News*, 16 July 2008.
[176] Source: "Children Die in Chin State Famine," *Irrawaddy*, 20 August 2008.
[177] Source: "Food Shortage Forces 2,000 Chin into India," *Irrawaddy*, 18 September 2008.
[178] Source: "44 Children Die Of Starvation; 2,000 Flee To India," *Khonumthong News*, 21 August 2008.
[179] Source: "Acute Scarcity of Food Leads to Diseases in Chin State," *Mizzima News*, 19 September 2008.
[180] Source: "Medical Team Visits Rural Areas of Paletwa Township," *Kaladan News*, 6 October 2008.
[181] Source: "Six Villagers Die Of Starvation in Southern Chin State," *Khonumthung News*, 22 September 2008.
[182] Source: *Ibid*.

[183] Source: "Maungdaw Health Officer Requests Medical Help," *Kaladan News*, 16 October 2008.
[184] Source: "Waterborne Diseases Rising In Maungdaw," *Kaladan News*, 16 September 2008.
[185] Source: "With Aid Money Going to the Delta, an Imbalance Forms in Myanmar," *International Herald Tribune*, 20 October 2008.
[186] Source: "Description of Action: Malaria," 3D Fund. Accessed online at http://3dfund.org/files/descriptionAction/Descriptionpercent20ofpercent20action.pdf, on 4 August 2009.
[187] Source: *Ibid*.
[188] Source: "Unpreventable Death under Military Boots," *Asia Tribune*, 1 December 2008.
[189] Source: "Youths in Myanmar at Risk," AFP, 1 December 2008.
[190] Source: "Red Ribbon Award Honours Burmese Migrant Organisation," DVB, 1 December 2008.
[191] Source: *Myanmar: Country Situation*, UNAIDS, July 2008.
[192] Source: "Dengue Fever Still a Risk in Cyclone-Hit South," IRIN, 24 August 2008.
[193] Source: "Dengue Fever Outbreak in Monywa," DVB, 29 July 2008.
[194] Source: "Children in trouble and Farmer in Deep water," *Yoma 3*, 4 July 2008.
[195] Source: "Refugee Child Dies on Way to Cox's Bazar Hospital," *Kaladan News*, 12 November 2008.
[196] Source: "Cyclone Survivors Now Racked by Disease," *Irrawaddy*, 9 May 2008.
[197] Source: "Conditions Ripe for Disease in Irrawaddy Delta," AP, 27 May 2008.
[198] Source: "Help Is Scant In Myanmar Village Deep Inside Delta," AP, 31 May 2008.
[199] Source: "Healthcare for delta women and children a priority for UNICEF," *Myanmar Times*, 11 July 2008.
[200] Source: "Many Child Survivors Traumatized," *Mizzima News*, 11 June 2008.
[201] Source: "Many Cyclone Survivors Traumatized," *Irrawaddy*, 13 May 2008.
[202] Source: "Cyclone Kids Lead the Police a Merry Chase," *Irrawaddy*, 4 June 2008.
[203] Source: "UN Urges Myanmar Not to Alienate Orphans," Reuters, 26 May 2008.
[204] Source: "Burma Cyclone Aid Agencies Make Plea for Orphans," *Guardian* (UK), 30 May 2008.
[205] Source: "Burmese Public Unaware of Dangerous Chinese Milk Formula," *Irrawaddy*, 18 September 2008.
[206] Source: *The Gathering Storm: Infectious Diseases And Human Rights In Burma*, Human Rights Center, University of California, Berkeley, Center For Public Health And Human Rights, Johns Hopkins Bloomberg School Of Public Health, July 2007.
[207] Source: "Maternal Health Care 'Extremely Limited' in Eastern Burma," *Irrawaddy*, 23 December 2008.
[208] Source: *Ibid*.
[209] Source: *Growing Up Under Militarisation: Abuse and agency of children in Karen State*, KHRG, April 2008: 101.
[210] Source: "Haven or Hell," *Irrawaddy*, 11 July 2008.
[211] Source: "18 Burmese Refugee Children Die for Tropical Diseases," *Kaladan News*, 9 June 2008.
[212] Source: "Elephant and Diarrhoea Kill Four Refugee Children," *Kaladan News*, 3 July 2008.

CHAPTER 17
Rights of Women

BURMA

HUMAN RIGHTS YEARBOOK 2008

17.1 Introduction

> *"We, women of Burma … reiterate that there can be no advancement of the lives of women and girls in Burma, and no protection and promotion of their rights while the military and its proxy organizations remain in power. There is an urgent need for genuine political change to put an end to the militarized culture in Burma."*[1]
>
> - Oral Statement by the Women of Burma to the CEDAW Committee

Women in Burma continued to suffer discrimination and violence throughout 2008, despite representatives of the ruling junta, the State Peace and Development Council (SPDC) arguing otherwise. The SPDC states that women in Burma enjoy full rights from the moment they are born and often point to the relatively autonomous role they claim women in Burma have traditionally enjoyed in any discussions on the rights of women. However, traditional patriarchal notions about women's proper role in society have helped foster a climate that effectively obstructs any advancement towards women's rights and gender equality. Women's abilities are seen as limited, and their activities therefore curtailed.[2] In addition, recent history has all but destroyed the collective capacity of Burmese women to attain real equality.

Being a signatory of the CEDAW convention since 1997 (even though Burma has not signed the Optional Protocol), Burma has –at least officially- accepted that women are discriminated against and has agreed to address both direct and indirect discrimination. Both the 1947 and 1974 constitutions (albeit now obsolete) reiterate the principle of gender equality, and some recent legislative and policy measures have attempted to meet specific concerns such as maternity leave entitlements, anti-trafficking laws, and increased healthcare services for pregnant women.

In reality however, these legislative promises ring hollow. Maternity leave for example, is rarely granted or enforced in practice. This is the case even though mothers are legally entitled to 26 weeks of maternity benefits. In addition, the public healthcare system is underfunded due to the SPDS's unwillingness to spend more than 1.3 percent of the GDP on the country's health services (this can be compared with the more than 40 percent it spends on the military).[3] This means that those few patients that can afford it attend private healthcare providers, leaving poor women no option but to rely on traditional healthcare. In many cases women are being left completely without access to adequate healthcare. Moreover, due to severe economic mismanagement, which has left Burma one of the poorest countries in the world with over 30 percent of it's population living under the poverty line, many girls and women are forced to leave the country to pursue work abroad, in the process falling prey to trafficking gangs or ending up working in the so-called 3-D (dangerous, dirty and degrading) jobs.[4] Women rarely receive equal pay for equal work and are severely underrepresented in the civil service and in other decision-making positions.[5] Significantly, since the military coup in 1962 women have been barred from any positions with real political power as these jobs are reserved for the military, which women are all but banned from.

Domestic laws regarding specific crimes often committed against women, such as domestic violence and sexual violence, are sorely lacking: there is no law to address domestic violence and only some sections of the Penal Code dating from 1860 and not changed since, deal with sexual and gender based violence.[6] Recent anti-trafficking laws have been widely criticised for restricting women's freedom of movement, as women under 25 have been prohibited from travelling to neighbouring countries, leaving many vulnerable to relying on traffickers to cross the borders.[7]

In May 2008 Cyclone Nargis hit Burma, devastating huge areas of Irrawaddy Delta and Rangoon Division. According to UN estimates, 2.4 million people were affected by the cyclone, with nearly 140,000 people dead or missing. The SPDC reacted by blocking emergency relief offered by international organisations and withholding the visas of foreign disaster experts, thus effectively obstructing any real relief efforts. In addition, eye-witnesses reported that the regime used the aid once it reached Burma for their own benefit. Soldiers were seen selling food packets destined for the victims of the cyclone at local markets, pocketing the profits, and villagers described how they had been blackmailed into voting 'yes' in the upcoming referendum in return for aid packages. Women-specific needs were not taken into account once aid-efforts were underway: an estimated 35,000 pregnant cyclone survivors were left lacking safe-delivery options and there was concern that orphaned girls and young women would fall prey to traffickers.[8] Some women and girls, separated from their families, were reportedly offered sex in return for money.[9] In addition, the destruction of homes and farms, as well as the loss of family members, meant that for many surviving women, the future seemed uncertain. The number of female-headed households increased in the aftermath of the cyclone as thousands of women were widowed, but the lack of public assistance meant that many families were left struggling on a daily basis just to survive.[10]

As noted above, the junta went ahead with the planned referendum on the draft constitution in May 2008, despite Cyclone Nargis. According to the SPDC, the people of Burma overwhelmingly voted 'yes' in the referendum for the new constitution, which had been written by a handpicked convention. However, there were numerous accusations of election fraud, including vote buying and the coercion of villagers to vote in favour of the constitution.[11] Opposition groups were also critical of how the new constitution not only fails to address the rights and interests of women but in fact promotes gender inequality. Women will be barred from one-quarter of the legislative seats: 25 per cent of seats in both houses will be reserved for the military, which women, as noted above, is all but banned from. In addition, both the President and the Vice-President must have military backgrounds and experience, thus excluding women from these positions. As people with foreign spouses are forbidden from running for election, Aung San Suu Kyi will be prevented from participating in any future elections.[12]

The majority of people in Burma continue to be left without access to adequate healthcare, as the regime spends less on healthcare than almost any other country in the world. Women and children are worst affected by the lack of health services and as a result, the country has one of the highest rates of maternal and infant morality in the region. Due to official lack of funding, those who cannot afford private healthcare have to rely on community-based organisations. However, over the last few years especially, both domestic and international organisations and NGOs have had increasingly more restrictions placed on their work. Any organisation not affiliated with the regime risks having its staff members arrested under the Unlawful Associations Act (1975).[13] This has made it even more difficult for people to access health services. In the aftermath of Cyclone Nargis more people than ever were left without access to healthcare, as many local clinics were destroyed in the storm and staff were killed. The lack of trained midwives and care centres means that pregnant women living in hard-to-reach cyclone hit areas were the most vulnerable of cyclone-survivors.[14]

A most troubling aspect of women's rights In Burma has been the continuing reports of widespread gender-specific sexual violence and abuse committed by military forces in the border areas. A significant number of rape cases have been documented since 2002. Their systemic nature has led to concerns of specific targeting of some ethnic and religious groups. However, the junta denies this, and the practices continue with the ostensible sanction of those higher up the command chain.[15]

It is the confluence of all these features of disadvantage and discrimination in the case of ethnic minority women in the border regions, which leaves them the most vulnerable of all. Recognising this, in January 2007 a draft resolution on Burma presented to the United Nations (UN) Security Council urged *inter alia* as follows;

> *"Calls on the Government of Myanmar to cease military attacks against civilians in ethnic minority regions and in particular to put an end to the associated human rights and humanitarian law violations against persons belonging to ethnic nationalities, including widespread rape and other forms of sexual violence carried out by members of the armed forces."*[16]

The resolution was opposed by the SPDC representative and vetoed by China and Russia.[17]

The junta has previously failed to adopt measures aimed at protecting women in the border areas as part of the 'Platform for Action' developed at the Fourth World Conference in Beijing, China by the UN Commission on the Status of Women in 1995.[18] More recently, at the 2008 CEDAW meeting, the Burmese delegation refused to recognise any kinds of gender-based discrimination in Burma, even going so far as claiming that it is unnecessary for the regime to define what 'discrimination' is since Burmese women already enjoy an equal status to that of men.[19]

The SPDC stance is telling. It cannot merely be accused of failing to do enough. It has not undertaken basic steps to promote gender equality in the public sphere. But further, it fails to act to protect its citizens, including women, when made aware of human rights abuses, thereby further entrenching gender disadvantage and discrimination.

An elderly cyclone survivor from Labutta Township in Irrawaddy Division takes refuge in a relief centre after her home was destroyed by Tropical Cyclone Nargis on 2 May 2008, in which an estimated 140,000 people lost their lives. *[Photo: © Reuters]*

17.2 Women in Politics

> *"Under the military regime, practicing democracy and participating in political activities have been classified as "crimes." Political activists have been severely punished. Yet despite these harsh consequences, I am proud to say that women activists still dare to speak out against injustice. The women of Burma still have the courage to resist unjust laws and repressive rules."* [20]
>
> -Thin Thin Aung, Women's League of Burma

Women in Burma have been active in politics since the 1920s, with many women partaking in the independence movement and women running for office in Burma's first election as an independent country.[21] However, the military regime, in power since 1962, has barred women from gaining any powerful political positions by making the military all-male, thus preventing women from having any real influence at the highest decision making levels.

This has not stopped women from participating in the opposition democratic movement. Thousands of women joined the student movement in 1988 and hundreds were killed after taking to the streets in the protests of that year. A large number of women became active in the National League for Democracy (NLD), the largest opposition party, with 16 women elected to Parliament in 1990, including Nobel Laureate Daw Aung San Suu Kyi. Many female activists were subsequently jailed, suffering torture and sexual abuse or forced to flee the country.[22]

As has been widely publicised, Aung San Suu Kyi is still under house arrest where she has been held on and off since 1989. One other female member of parliament (MP), Dr May Win Myint, is one of two MPs remaining in custody. Dr Myint finished serving a seven and a half year prison term in 2004, but each year since, the military has continued to detain her without charge or trial under Section 10(a) of the State Protection Act.[23]

During the Saffron Revolution in 2007, women again joined in the public protests. Many women activists played leading roles in the uprising and were later forced to go into hiding in order to evade arrest. The Assistance Association for Political Prisoners Burma (AAPPB) reported at the end of 2007 that during the military crackdowns on the public protests, at least 19 women disappeared and 131 women protestors, including six nuns, were arrested. Women's groups based in exile have described how female protestors were attacked by the so-called special riot police authorised to commit gender-based violence. Women were punched, beaten up, verbally abused and had their sarongs and clothes pulled off by these military-sanctioned forces.[24] At the end of 2008, an estimated 179 women remained imprisoned, including nuns and political activists.[25] In a number of cases, female family members' including wives, mothers, sisters, daughters, or other relatives of activists who participated in the protests were detained, to induce the activists' surrender.[26] For example, in September 2008, Daw Tin Tin Win (75) mother of 88 Generation Student Group leader Ko Ant Bwe Kyaw, was arrested in spite of her old age and deteriorating health situation. During the same raid, a sister of well-known monk leader U Gambira narrowly escaped arrest due to her being seven months pregnant.[27]

Burma's prisons are notoriously poor and women face particular difficulties when imprisoned, including gender-based violence, reproductive health problems, disease, and dire sanitation.[28] At the end of 2008, Burmese jails held 178 women prisoners of conscience. This represents a three-fold increase from the around fifty imprisoned women activists held two years ago.[29] Women prisoners included ten nuns, who were arrested and defrocked during the protests in 2007. Seven of the arrested nuns appeared in court in 2008, charged with 'defamation of religion' and sentenced to four years imprisonment.[30] Several of the nuns were elderly and sick, but have received no medical treatment and have

been barred from seeing family or friends.[31] The International Committee of the Red Cross has been denied access to Burma's prisons since 2005, which has led the organisation to publicly denounce the Burmese regime for its treatment of detainees.[32]

Women's Organizations

In 2008, there were no independent women's rights organizations permitted inside Burma. Instead, there were SPDC-sponsored proxy organisations formed in the late 1990s, such as the Myanmar National Committee for Women's Affairs (MNCWA), and the Myanmar Maternal and Child Welfare Association (MMCWA). In 2003 the Myanmar Women's Affairs Federation (MWAF) was founded as a successor to the MNCWA.[33] The MMCWA can be considered the main governmental organisation advocating and addressing the interests of women, with branches in all of Burma's states and divisions.[34]

However, these groups are all closely allied with the junta: Daw Kyaing Kyaing, wife of the leader of the SPDC, Senior General Than Shwe, is one of the MWAF's patrons and Daw Khin Khin Win, wife of Prime Minister General Thein Sein, is its president.[35] Because of this close military connection they cannot be considered independent NGOs.[36] They have been frequently criticised for merely repeating the junta's line on women's issues and furthering the objectives of the military regime.[37]

There have been reports of abuse of power at the hands of the state-sponsored women's organisations. For example, individual members of the MMCWA, in running micro-credit programmes for women, have reportedly been pocketing high interests charged on loans. The MWAF has forced its members to pay and attend trainings courses that they have arranged.[38] Moreover, both of these organisations have coerced villagers to becoming members, forcing them to pay high membership fees and undertake unpaid work.[39]

Detained opposition leader Daw Aung San Suu Kyi meets with UN Special Envoy Ibrahim Gambari in her Rangoon home in March 2008 where she has been held under house arrest for 14 of the last 20 years. *[Photo: © UNIC Rangoon]*

Villages in Rural Areas

The impact of the military's presence in rural ethnic areas has had an unforeseen consequence in terms of political advancement of women. Due to the physical risks to village heads from military officers who deal directly with them to obtain labour, goods or money from their village, an increasing number of older women are being appointed to this role, as there is less of a risk that military officers will commit physical assaults upon them. The benefit is limited, however, as this has been employed as a strategy for reducing risk rather than a viable, constructive alternative for female involvement in political life. Furthermore, though the risk of violence and harassment is lessened, it is not eliminated.[40]

On 24 June 2008, for example, three village chairwomen from Kyakawa village, Kawkareik Township, Karen State, were arrested by DKBA Battalion #999 led by Commander Maung Chit Thu and fined 200,000 kyat. The reason for the arrest and the fine remain unknown, but villagers had previously been threatened by the DKBA battalion for allegedly supporting the KNU.[41]

Women in Politics - Partial list of incidents for 2008

Arakan State

On 7 August 2008, Mar Mar Oo a leading member of the 88 Generation Student Group, from Taungup Township, was arrested together with other activists.[42]

On 8 August 2008, Ni Ni May Myint, a student and NLD member, from Taungup Township in Arakan State, was arrested for her participation in a peaceful march to commemorate the anniversary of the 1988 uprising. Ni Ni May Myint was sentenced to two and half-years in prison, accused of *"inducing to commit crime against public tranquility and unlawful assembly."* [43]

On 15 August 2008, anti-government protester Myint Thein Chea and his wife Ma Htay Htay were arrested in Arakan State.[44]

Mandalay Division

On 24 October 2008, NLD organising committee member Win Mya Mya was sentenced to 12 years imprisonment for her participation in the 2007 September protests.[45]

Irrawaddy Division

On 28 August 2008, NLD Bogale Township Joint-Secretary Mi Mi Sein was sentenced to 30 months in prison for her participation in the Saffron Revolution. She was charged with unlawful assembly and disturbing the public order.[46] Mi Mi Sein was arrested in September 2007, together with nine other NLD members after staging a protest against the increase in fuel prices.[47]

Magwe Division

On 5 February 2008, three boatwomen from Ywar Tan Shae village, Salin Township, were detained for one night and questioned by the authorities after assisting NLD members. The boatwomen had helped the NLD members reach their chosen destination of Yaynanchaung.[48]

Rangoon Division

On 23 August 2008, NLD member Sandar from Twante Township was arrested by the Burmese authorities and later sentenced to 13 months imprisonment for obstructing a public servant and obscenity. Sandar's husband claimed the charges were politically motivated, as Sandar had exposed the corruption of public officials in the past.[49]

Rangoon

On 29 January 2008, Thin July Kyaw was arrested together with her male colleague Nay Phone Latt, a well-known blogger, during a round-up of activists with links to the 2007 September protests. Thin July Kyaw was sentenced to two and a half years imprisonment in Insein Prison.[50]

On 20 August 2008, the SPDC sentenced Nu Nu Swe, mother of student leader Sithu Maung, to six years hard labour in Insein Prison. Nu Nu Swe and her husband were detained in November last year, one month after the arrest of their son, and charged with obstructing police investigations after delaying answering the door to the police who came looking for their son. Nu Nu Swe and her husband were both charged under Sections 353, 225 and 505 of the Penal Code.[51]

On 28 August 2008, NLD member Hla Hla Maw from Hlaingthaya Township was arrested and charged under sections 505 (B), 143 and 147 of the Penal Code. She was sentenced to seven years and six months in prison by the court in Insein prison.[52]

On 4 September 2008, Ma Ei from Mingala Taung Nyunt Township, was sentenced to five years hard labour for her participation in the public protests against the increase in fuel prices in 2007.[53]

On 10 September 2008, well-known female activist Nilar Thein, aged 35, was arrested after a year in hiding. The Burmese authorities wanted her for her activities during the Saffron Revolution. Nilar Thein has previously served two prison sentences for her political convictions and is known as one of the 88 Generation Student Group leaders. Her husband, Ko Jimmy, was arrested in 2007 and Nilar Thein was forced to leave their month-old baby behind with relatives when she fled.[54] Amnesty International has been calling for Nilar Thein's immediate release, claiming that she is at risk of torture and ill-treatment.[55]

On 27 September 2008, nine members of NLD were arrested when they participated in a ceremony to mark the party's anniversary and to commemorate the 2007 Saffron Revolution. Three of the arrested were women, Ma Htet Htet Oo Wai and Daw Shan Ma, both from Shwepyitha Township, as well as an unnamed middle-aged woman.[56]

On 27 September 2008, NLD member Daw Hla Hla May from Hlaingthaya Township, Rangoon, was arrested for her participation in a peaceful protest in which she brandished a banner calling for the release of Aung San Suu Kyi. She was taken to Insein prison, charged under sections 143, 145, 152, 505 and 505(b) of the penal code for illegal assembly, resisting officials on duty, and disturbing the public order.[57]

On 11 November 2008, seven women from the 88 Student Generation Group were sentenced to 65 years imprisonment each. A total of 28 male members of the same group were given the same sentence. Most of the women were arrested in August 2007 after organising protests against the increase in fuel prices. The women imprisoned were:

1. Sandar Min (aka) Shwee;
2. Thin Thin Aye (aka) Mie Mie;
3. Thet Thet Aung;
4. Hnin May Ag (aka) Nobel Aye;
5. Thara Phee Theint Theint Tun;
6. Aye Thida;
7. Ma Nweah Hnin Ye (aka) Noe Noe.[58]

On 11 November 2008, the court in Insein Prison sentenced well-known labour rights activist and NLD member Su Su Nway to twelve years and six months in prison.[59] She was arrested in November 2007 after being caught hanging banners bearing anti-government slogans on public buildings and charged with joining an assembly intended to cause public unrest.[60]

On 13 November 2008, ABFSU member Honey Oo (22) from Tamwe Township was sentenced to nine and a half years in prison for her involvement in the September 2007 protests.[61]

HIV/AIDS activist and NLD member Daw Phyu Phyu Thin. On 5 March 2008, Daw Phyu Phyu Thin, Daw Su Su Nway and Daw Nilar Thein were jointly awarded the Czech Homo Homini award for their *"significant contribution in the field of human rights"*. None of the women were able to attend the awards ceremony; Su Su Nway remained imprisoned, while Phyu Phyu Thin and Nilar Thein had both gone into hiding after the SPDC had tried to arrest them for their leading roles in organizing the September 2007 Saffron Revolution protests. *[Photo: © AFP]*

17.3 Health of Women in Burma

> *"States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning."* [62]
>
> - Article 12, Paragraph 1, CEDAW

> "*Notwithstanding the provisions of paragraph 1 of this article, State Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation."* [63]
>
> - Article 12, Paragraph 2, CEDAW

Burma has one of the lowest levels of government spending on health care in the world, with the junta directing the majority of the country's GDP towards the military complex. The SPDC only allocated 0.3 percent of GDP in the fiscal year 2007-8 to the Ministry of Health.[64] In other words, this amounts to about US$0.70 per person.[65] As a result, the majority of people in Burma have been left without adequate healthcare, contrary to Burma's obligations under the CEDAW. Women and children are the worst affected by the lack of a functioning healthcare system: infant and maternal mortality death rates are among the highest in the region.[66]

A World Health Organisation (WHO) study in 2000 ranked Burma 190 out of 191 countries in terms of the gap between its potential health services and its actual performance and Médecins Sans Frontières (MSF) included the country on its list of the top ten humanitarian crises in 2008.[67]

Lack of funding means that increasingly, health has become privatised, with almost 90 percent of services paid for the patients themselves.[68] People needing urgent medical care have been forced to borrow money at extortionate rates in order to afford the treatment, indebting themselves in the process.[69] This means that most healthcare is out of reach for the poor, particularly those living in rural areas. According to MSF, some of the largest gaps in health services are in Arakan state, in which a large number of the Muslim population is living with malaria and HIV/AIDS. Since this group of people is denied citizenship, they are living under particularly difficult circumstances.[70] In addition, increased SPDC military offensives in border areas have had a direct impact upon the healthcare situation: human rights abuses and forced relocations have resulted in more internally displaced persons (IDPs), who are susceptible to preventable diseases such as malnutrition, malaria, tuberculosis (TB) and other tropical diseases.[71] According to a recent MSF report, Burma has among the highest rates of TB worldwide and the number of deaths due to malaria equals more than half of those in the whole of South-East Asia.[72] (For more information, see Chapter 11: Right to Health).

Pregnancy and Childbirth

Women frequently face health problems during pregnancy and childbirth, with those living in rural areas and conflict zones disproportionately affected. Those who live far from clinics, or IDPs in hiding from the military, are often forced to give birth in unsuitable, unhygienic conditions without the assistance of trained medical staff. There is little wonder then, that Burma has one of the highest levels of infant and maternal mortality rates in the region.[73] There is little access to family-planning programmes and traditions determine that the issues surrounding reproductive health, and in particular fertility control, is a strictly private matter between a husband and wife. The number of unwanted pregnancies is therefore high and since abortion is illegal in Burma, women are forced to rely on unsafe methods to end their pregnancies. According to UN estimates, unsafe abortions account for half of maternal deaths.[74]

The cost of contraceptives is high, and thus very difficult to obtain in Burma, especially outside urban areas. There have even been reports of smuggling of contraceptives from Bangladesh.[75] Also the costs of childbirth are unsustainable. In 2004, a hospital birth cost 200,000 kyat. As a result, women in villages generally have to rely on the assistance of midwives. Others must save money during their entire pregnancy.[76] In northern Arakan State, the increased pressure by SPDC imposing limits on children and marriage of the Rohingya ethnic minority has led to more unsafe abortions. In addition, there is a scarcity of midwives.[77] In conflict zones of eastern Burma, a recent survey showed that almost 90 percent of pregnant women give birth at home, in most cases without the assistance of skilled staff, leading to an increased infant morality rate: 91 deaths for every 1000 live births. This can be compared with a national average of 76 across other areas of Burma and just 18 in Thailand. The maternal mortality rate is not much better: almost one in twelve women die during childbirth in Burma.[78]

The after-effects of Cyclone Nargis were particularly hard on pregnant women. The junta restricted the delivery of international aid which could have helped cyclone survivors; it was an approach which exacerbated the risks faced by women in the affected delta region.[79] The United Nations Children's Fund (UNICEF) expressed concerns at the time of the cyclone about the health of pregnant cyclone victims who did not have access to nutritious food. Mental trauma can be very hard on expecting mothers and children but professional psychological support is still lacking in Burma.[80] The United Nations Population Fund reported in June 2008 that around 100 women a day were going into labour in the cyclone-affected areas, where the loss of health centres and skilled midwives meant that women were forced to give birth in unsanitary and potentially hazardous conditions.[81]

Several instances were reported of women dying or falling ill during childbirth, as a result of lack of treatment. For example, on 11 August 2008 a woman carrying twins died after failing to deliver the second child. The woman, Sawlayma Khatun aged 22, had been living in a Rohingya refugee camp and did not have access to proper healthcare facilities. She was referred to a clinic but was denied treatment due to insufficient funds.[82]

HIV/AIDS

The SPDC's slow response to Burma's HIV/AIDS crises has increased the spread of the disease. Burma is reported to have one of the most serious HIV epidemics in Asia, with many new infections occurring amongst high-risk groups such as sex workers and intravenous drug users. According to a report released by MSF in November 2008, around 240,000 people are living with HIV/AIDS. However, due to the lack of reliable healthcare statistics, it is difficult to ascertain exact numbers.[83] Overall though, there seems to be consensus that the HIV/AIDS prevalence level has decreased from a peak of 0.9 percent in 2000 to 0.7 percent in 2007.[84] Despite the overall decrease, the proportion of women living with HIV/AIDS actually increased from 15 percent in 1990 to 38 percent in 2005, even though, on the whole, fewer women than men carry the virus. In addition, HIV/AIDS' impacts low-risk groups, i.e. female partners and children of men who have engaged in unprotected sex and drug use, and is steadily increasing. This is partly due to the fact that condoms are stigmatised and associated with sex-work. Even if more people had access to condoms, it would be difficult for women to negotiate condom use, as that would be tantamount to accusations of infidelity.

Despite the high numbers of infections, the junta spent only $200,000 in 2008 on fighting the disease, which roughly corresponds to one tenth of the money they earn each day from the sale of natural gas. International organisations and local community groups provide the majority of medical treatment, but their work is limited and constrained by the Burmese authorities. According to UNAIDS, only 15 percent of those needing antiretroviral treatment (ART) are receiving it and the majority of HIV-positive pregnant mothers are not receiving any assistance at all to prevent transmission of the virus to their unborn children.[85] In sum, medical treatment is only provided to a fraction of those who need it, and estimates show that around 25,000 people will die in Burma from AIDS in the next year unless they are given sufficient care.[86] For the vast majority of people who do not have access to free ART treatment, they are forced to live without recourse to expensive pharmaceutical treatment, the costs of which is out of reach for most people living in Burma today. Many families become indebted while trying to pay for the treatment and often cannot keep up with the costs.[87]

The rural areas, which hold 70 percent of the population, have been the worst hit by the HIV/AIDS epidemic. The rates are highest in the Shan and Kachin states of Northern Burma.[88] Expanded mining projects in these areas see increased numbers of men in mining camps, where drugs are readily available, reportedly given to mining employees in order to encourage longer working hours. The authorities seem to turn a blind eye to the drugs trade as they levy taxes on their businesses, even though the high levels of intravenous drug use means that HIV/AIDS is spreading fast and far. Limited job opportunities and low wages mean that many women in the mining areas turn to sex work as a means of supporting themselves.[89] Lack of health information and lack of condoms lead to unsafe-sex practices, thus exacerbating the HIV/AIDS epidemic. Men working in the mines, upon return to their villages and families, spread the virus.[90] Also, the secondary viruses which most frequently lead to HIV death, tuberculosis and malaria, are highly prevalent in the northern and border regions. These are preventable diseases, but due to the lack of health information and treatments, as well as increased hindrances by the junta for NGO access to these areas, they contribute to increased numbers of deaths.[91]

The threats and arrests of HIV/AIDS activists in Burma aggravate the crisis. In 2007, well-known AIDS-activist Phyu Phuy Thin was arrested and later forced to go into hiding. In early 2008, she was awarded the Czech Homo Homini award, together with two other Burmese female activists.[92] Phyu Phyu Thin is still in hiding, wanted by the Burmese authorities because of her involvement in the Saffron Revolution.[93]

Widespread human rights abuses by the junta fuel the spread of HIV/AIDS: sexual violence, forced displacement, and entrenched discrimination against those who have or are believed to be at risk of infection, remain important features of any discussion of HIV/AIDS in Burma.[94]

17.4 Women and Forced Labour

Burma is a signatory to the 1930 ILO Convention No 29 on Forced Labour, which explicitly prohibits the employment of women in forced labour. Burma is also a signatory to CEDAW, which requires state parties to eradicate government policies that hinder the development and advancement of women. In spite of these obligations under international law, one of the most widespread violations of human rights in Burma is the sustained practice of the military government to utilise forced labour in meeting its infrastructure and military goals. In rural ethnic regions this frequently leads to internal and external displacement; with the regular demands for unpaid labour jeopardising family and village livelihoods and exacerbating the humanitarian crisis.[95]

The types of forced labour reported include: portering; land-clearing, road and military camp construction; participating in profit-making ventures for SPDC personnel such as: tending rubber, sugar, coconut plantations; sentry duty around military camps or the village; as well as obligatory recruitment into SPDC controlled organisations such as the USDA, MMCWA or MWAF. Portering is especially risky for women, as it often involves carrying heavy loads without adequate food, water, and sanitation for menstruating or pregnant women. In addition, women often have to cook for the troops at night, and sleep without shelter, and remain at increased risk of sexual assault.[96]

The junta continues to deny its use of force labour, however the systematic nature of the demands: quotas required from villages and households, the requirement for troops to 'live off the land', the number of public projects upon which forced labour is used; and the extent of the measures employed by villages in response to cope with these demands, belies these denials.[97] Village heads report that labour requirements are almost constant and one village may need to service a number of SPDC commands in the area simultaneously.[98] Much international criticism has been voiced, particularly given the country's accession to the 1930 ILO Convention No 29 on Forced Labour.[100] However, no prosecutions of military personnel have occurred in Burma, and there have only been a limited amount of cases brought against civilian officials.[99] Whilst more prevalent in SPDC controlled-areas, villagers in ceasefire areas controlled by SPDC-allied military groups such as the Democratic Karen Buddhist Army (DKBA) and the Karen Peace Force (KPF) report similar demands. (For more information, see Chapter 7: Forced Labour and Forced Conscription).

The military's practices have led to increasing demands upon women. First, as discussed above, there are more women village heads appointed to the difficult position of meeting military demands for labour or taxes.[100] This has exposed women to greater risks of abuse by military officers demanding forced labour from their villages.

Second, either in order for male householders to continue earning the necessary income for the family, or because males have already been killed, or to meet competing demands from different troops, females and sometimes children are sent to meet the forced labour quota required, regardless of age or whether the woman is pregnant or a new mother.[101] This has led to the more physically demanding tasks traditionally imposed upon males – clearing brush, portering, message running, road-building – falling upon women. Sometimes children are brought with them, but otherwise are left to fend for themselves at home. Furthermore, even if only men are forced to meet the labour requirements, women are required to carry the greater burdens of usual rural life, such as tending fields in addition to keeping house and looking after children.

Lastly, women face increased risk of sexual violence, especially when isolated from their communities during forced labour. A report released by the Karen Women's Organisation (KWO) in February 2007 contained details of human rights abuses committed by the military against Karen women, including rape and torture, in addition to other forced labour requirements, and little has changed for the women in these areas over the course of 2008.[102] The report echoes the findings of an earlier report, released in 2005, that documented 37 incidents of sexual violence against 50 women and girls living in Mon State. The victims were raped at night and forced to work for SPDC troops during the day.[103]

Reports show that forced labour was widespread throughout Burma and remained a problem, especially for women and girls, throughout 2008. For example, in southern Mon State the use of forced labour by local authorities and members of the armed forces increased in the first half of the past year. The use of forced labour was related to the construction of two pipelines and the types of labour enforced on the villagers included building bridges, carpentering, brick making, and forced recruitment into the military forces. Women and children were commonly coerced into stockpiling material for the constructions that were underway, as well as participating in guard-duty.[104] The ILO reported continuous use of forced labour throughout Burma and expressed concerns about the threats and arrests of labour rights activists.[105]

On 11 July 2008, SPDC Infantry Battalion (IB) #427 forced 23 villagers, of which three were female, from Ri-Dah village, Tavoy-Ye Township and Daw Mu Leh village, Shadaw Township, to serve as porters. The villagers had to carry food to the military camp based near Htay-yu Mountain, an eight-hour walk by foot, and were ordered to walk in front of the soldiers in order to clear mines and protect the troops from attacks by insurgent-groups.[106]

On 11 November 2008, well-known labour rights activists Su Su Nway was sentenced to twelve years and six months in prison. Su Su Nway was the first Burmese citizen to have filed a successful complaint against the use of forced labour in Burma. Due to her political activism, she has been arrested and attacked by SPDC-affiliated groups on several occasions. She is currently in solitary confinement in Insein Prison and has been denied both family visits and medical treatment for her heart condition.[107] Amnesty International expressed grave concerns over the state of her health and urged the SPDC to immediately release her from prison.[108]

On 11 December 2008, villagers, including 30 women, from the Sha-si-boh village tract in Tantabin Township, Rangoon Division, were forced by troops from LIB #149 to carry heavy loads to the Htee-nya-pei-lo military camp. The military camp is located several hours walk by foot from the villager's homes.[109]

17.5 Trafficking and Prostitution

Trafficking

Under its legal obligations to the CEDAW, the SPDC is required to *"take all appropriate measures … to suppress all forms of traffic in women."* [110] Nevertheless, trafficking of persons in Burma continues to be a serious problem. Persons are trafficked out of Burma for purposes of forced labour, domestic servitude, and/or sexual exploitation. In addition, internal trafficking within Burma, principally for forced labour, remains rife. In 2008, the US Department of State placed Burma on Tier 3 – the worst category for human trafficking – due to the country not complying with minimum standards and efforts to counteract the practice.[111]

In 2008 women and children continued to be trafficked from Burma for the commercial sex industry into surrounding countries such as: Thailand, China, Bangladesh, India, Malaysia, South Korea, and Macau.[112] Some victims of trafficking were economic migrants lured by false promises of good jobs and better opportunities. Other cases involved the forcible movement of persons across borders. As a result of poverty resulting from years of economic mismanagement by the military junta, friends and family members of the victims can often be tempted by the 'agent's fees' offered by the traffickers.

In Burma, it is primarily Shan, Kachin and other ethnic minority women who are trafficked across the northern border, Karen and Mon women being trafficked across the south, and those from Arakan State who are being trafficked to Malaysia for labour by boat. The trip by boat is a dangerous one and families frequently experience not hearing from their loved ones ever again.[113]

There have been reports of Burmese women being trafficked from refugee camps in neighbouring countries. For example, on 3 July 2008, eleven 'long-neck' Padaung women, men and children went missing from their villagers in Mae Hong Son Province, Thailand, allegedly trafficked by business men to tourist-spots in the south of Thailand. The Padaung's freedom of movement has been severely restricted by the Thai authorities who deny the women wearing brass-rings a chance to resettle in third countries. Several Padaung women have expressed their discomfort at being held as low-paying tourist attractions, and for being prevented from leaving their villages.[114]

Trafficking of Women to China

In 2005, the Kachin Women's Association of Thailand (KWAT) documented trafficking of Kachin women to China, ostensibly for work but instead being forced into prostitution. Half of the trafficked women were forced to marry Chinese men. In 2008, a new report was released by KWAT entitled *"Eastward Bound"* in which an update on the issues covered in the 2005 report, is offered. According to KWAT, more women than ever were forced to leave Burma due to spiralling living-costs and an increase in the extraction of natural resources which pushed people off their lands. The failure of the regime to issue ID cards to members of ethnic groups makes women and girls vulnerable to traffickers whose help they need to cross the borders. Again, almost half of the women trafficked were forced to marry Chinese men and a fifth of women who left their homes have simply disappeared. Many were under the age of eighteen, some as young as fourteen. Two cases documented by KWAT involved the trafficking of pregnant women, with the purpose of buying the women's babies.[115]

Anti-Trafficking Measures

The SPDC has taken some steps to counter external trafficking of persons, albeit largely inefficient ones. In 2005, an Anti-Trafficking in Persons Law was enacted by the regime and there have been a number of prosecutions under it since. In August 2007, it was reported that the junta was setting up more border liaison officers to curb human trafficking in Tachilek, Myawaddy, Kawthaung and Muse. The junta also announced a national 5-year plan to eliminate trafficking. However, the regime's anti-trafficking measures have been criticised for simply restricting the migration of young women and girls, thus making them more vulnerable to traffickers and in addition, forcing them to leave the country illegally.

Under the new laws, the price of passports for young women have increased, thus making it even more difficult to obtain legal means by which to travel across the borders. This means that upon returning to Burma they are at risk from arrest by the Burmese authorities. There have also been several documented cases of false arrest under trafficking charges, and the extortion of money by public officials.[116] For example, young women living in Eastern Shan State need a recommendation letter from the MWAF in order to migrate to the border. Ostensibly this is done to safeguard women from traffickers but as the cost of this letter is beyond the range of most people, it appears that the MWAF is merely extorting money rather than offering any kind adequate protection or support. Similarly, the local authorities in many areas of Burma have reportedly been taking money from households from which people have left without receiving official approval.[117] In July 2008, many overseas employment agencies based in Rangoon were banned from helping women finding legal work abroad, thus leaving women even more at risk from trafficking.[118] For women returning home after being trafficked, there is always the risk of being ostracized from the community. Lack of information means that women are often blamed for what has happened to them, and the patriarchal belief that a woman must be 'pure' in order to marry, further stigmatises women. This leads to many women choosing to not report cases of trafficking.[119] The continuing high incidence of trafficking seems to indicate the laws are failing to effectively deal with the problem.

Prostitution

Although prostitution is prohibited by law and punishable by three years in prison, its prevalence has grown in the restaurants, bars and massage parlours on the edges of the larger cities of Burma, in border towns and in the townships that have become established near mining, large infrastructure and forestry industry locations. There are also a number of bonded prostitution rackets operating in Burma. It is reported that many brothels operate with the consent of police or military officials, who receive large payments of so-called protection money from the brothel owners or are run by military personnel themselves.[120] Women working on the streets are forced to bribe police officers in order to escape arrest. In relative terms, prostitution is financially lucrative, but the profession comes with grave physical safety and health risks. HIV/AIDS is prevalent among prostitutes who find it difficult to insist on condom-use when they cannot afford to lose any customers, and rape and sexual assaults are common.

In 2008 the sex industry saw particular expansion in the aftermath of Cyclone Nargis.[121] Women from the affected delta-regions, many of them underage, left their homes for Rangoon in 2008 to work in the city's many massage parlours or karaoke bars.[122] Outside the cyclone affected regions, increasing numbers of young women were driven into prostitution due to the deteriorating economic situation inside Burma.[123] Many were also forced to go abroad to make their living as prostitutes in one of Burma's neighbouring countries. The border towns of Thailand and China have recently seen a sharp increase in the number of brothels and massage parlours.[124]

17.6 Violence against Women

United Nations Security Council resolutions 1325 (2000) and 1829 (2008) assert a duty on all states to prevent sexual and other violence against women in situations of armed conflict.

UNSC Resolution 1325 calls on;

> *"all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict,"* and, *"Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions."* [125]

Through Resolution 1820 the Security Council, noting;

> *"that women and girls are particularly targeted by the use of sexual violence… Recalling its condemnation in the strongest terms of all sexual and other forms of violence committed against civilians in armed conflict, in particular women and children."* [126]

Throughout 2008 women from Burma remained highly vulnerable to violence at the hands of the state authorities. The perpetuation of male dominated military rule has fostered a climate of impunity whereby acts of violence against women are allowed to go unchecked. As such rape, torture and killing of women by SPDC military officers has continued unabated.[127]

Not even in refugee camps into which women and girls have fled for safety can women's security be assured. On 17 April 2008, an 18-year old woman was raped whilst fetching water. The girl, living in Dum Dum Meah refugee camp, was with a group of other refugees when forcibly abducted by a pair of local men, one of who raped her. The rapist was immediately caught as people nearby came to the girl's rescue, but upon demanding that action be taken against him, the refugees were detained for two hours. A couple of weeks before this assault, an 11-year old girl was attacked by local youths when she was fetching water. She luckily escaped due to the intervention of refugees nearby.[128]

On 7 May 2008, a 22-year old woman from Nayapara village in Maungdaw Township was travelling to Dum Dum Meah refugee camp to visit her brother when she was raped by two local youths. The rapists, identified as Amir Hussain and Sayed Alam from Zadi Moura village, dragged the woman into the jungle and raped her. After the assault, local villagers helped the woman to the camp where she reported the rape to the elders, but no further action was taken.[129]

On 3 June 2008, a 25-year old woman living in Dum Dum Meah refugee camp, Cox's Bazaar district, was raped by a local youth. The woman had been on her way to fetch water when she was attacked and raped. People nearby rushed to her aid upon hearing her screams for help. The rapist was identified as Sayedullah (22) from Dum Dum Meah village. He has been accused of committing another five rapes and was in custody at the time of writing.[130]

On 9 September 2008, a fourteen-year-old girl living in quarter-11, Zone-B of Umpiem Mai Refugee Camp on the Thai-Burma border was raped. The girl had left the house she shared with her parents to go to the bathroom but was raped by a 20-year old man, who later agreed to pay 20,000 baht to the girl's parents in order to evade imprisonment.[131]

On 16 September 2008 a 25-year-old woman was brutally gang-raped in front of her child in Lada Refugee Camp in Bangladesh. She became unconscious during the ordeal and was robbed of her money and earrings. The woman was later admitted to a local hospital in a critical condition.[132]

Violence against Women in Ethnic Minority Areas

> *"…under the military regime, which is holding absolute power with no rule of law, no women or girls – young or old, laypersons or nuns - are safe, whether in war zones, ceasefire or non-conflict areas, in isolated mountainous areas or in plain regions. Nearly all military rapists - whatever their rank - go unpunished, fostering the climate of impunity and escalating violence."* [133]
>
> - Oral Statement by the Women of Burma to the CEDAW Committee

The Burmese military regime sanctions systematic sexual violence against women and girls from ethnic minority groups as a way to subdue and destroy ethnic communities and strengthen military rule. The perpetrators often go unpunished, partly because many victims are too scared to report the crime. Some victims of sexual violence have been killed after the assault in order to eradicate any evidence of the crime.[134] Surviving victims of sexual violence are sometimes divorced by their husbands and ostracized from their communities, as they are seen as 'shamed' women.[135]

A large number of complaints of sexual violence perpetrated against women and girls of ethnic minority groups by members of the armed forces have been regularly documented since 2002. In that year, the Shan Human Rights Foundation (SHRF) and the Shan Woman's Action Network (SWAN) released a report entitled *License to Rape*, which documented 175 rape cases in Shan State. The report documented that some were tortured over a period of months; 61 percent were gang raped, and one in four of the rapes ended in murder. Since then, several other reports followed, documenting the violence against women in other ethnic areas. In March 2003, Refugees International published *No Safe Place*, a report confirming and supporting the evidence presented in *Licence to Rape*. The report detailed incidents of rape and sexual violence in other non-Shan ethnic areas including Karen, Karenni, Tavoy, and Mon areas. The report indicated that rape occurs in conjunction with increased militarisation and other human rights abuses. In April 2004, the Karen Women's Organization (KWO) released *Shattering Silences*, documenting 125 cases of rape perpetrated by soldiers of the Burma Army over a period of 16 years from 1988 to 2004 in Karen areas. High-ranking officers committed half of the rape cases documented, 40 percent were gang rapes and in 28 percent of the cases the women were killed after being raped. In September 2004, the Women's League of Burma (WLB) released *System of Impunity* documenting 26 cases of rape, which transpired over a two-year period from 2002 to 2004 in all seven ethnic states.

In March 2007, the Women's League of Chinland (WLC) released the report, *Unsafe State,* documenting 38 cases of rape at the hands of the Burmese military and close to army bases over a five-year period finishing in 2006.[136] Cheery Zahau, from the WLC spoke at the UN about the report, describing the circumstances of many rapes as being extremely brutal, sometimes leading to death; half being gang-rapes and one third being carried out in the military camps.[137] The report also included allegations of the rape of young female children, and the consequences of these actions being transmission of STDs, pregnancy and social stigmatisation. No prosecutions were undertaken, and at times the officers involved were of senior rank. The report described a culture of impunity amongst SPDC troops.[138]

In February 2007, the Karen Women's Organisation (KWO) published its report, *State of Terror,* documenting human rights abuses perpetrated by SPDC troops upon Karen women between 1981 and 2006 (most cases occurring since 2002). It included reports of more than 4,000 cases of forcible relocation, forced portering of those who were heavily pregnant (causing miscarriages) or breastfeeding, murders, rape and torture in over 190 villages by troops from over 40 battalions.[139]

Reported incidents of gang-rape and sexual assault by SPDC soldiers in 2008 reveal the patterns of gender-based violence previously reported were still continuing across the country in all of the ethnic states in disturbingly similar circumstances. These crimes were usually committed in tandem with other human rights abuses in militarised areas, such as forced labour; including portering or domestic duties, torture, beatings, extortion and denial of food, water and shelter.[140]

The correlation between sexual assault upon women and military incursions have led some, such as the CEDAW Committee, to accuse the Burmese regime of using sexual violence as a weapon of war against ethnic minority women. The regime has also been staunchly criticised for the culture of impunity that has legitimised violence against women.[141] A significant number of acts of sexual violence, torture and rape against women have occurred against women who are themselves or whose family members are said to be active in armed opposition groups. This feature of the violence has long been identified by representatives of the various Burmese opposition women's groups, who have urged the UN to charge the junta before the International Criminal Court.[142]

Evidence suggests a strong link between a military presence, for example, as part of government infrastructure works such as pipelines and dam projects, and increases in sexual and physical violence along with other human rights abuses such as dislocation, land confiscation, forced labour, extortion, torture, rape and killings.

Violence against Women throughout the Country

The CEDAW Committee reports that there is a high prevalence of violence against women and girls in Burma, including widespread domestic violence. There are no laws specific to domestic violence or spousal abuse and the government maintains no statistics of these crimes. Rape is illegal but spousal rape is not, unless the wife is under 14 years of age. The prevalence of gender-based violence and the lack of reported incidents seem to suggest that the violence is socially legitimised. The few cases that are reported are often settled outside of court, with the offenders not having to serve any time in prison.[143]

Prostitutes have to face the threat of rape and violence from both customers and authorities, and have nowhere to turn if they have been attacked. Credible reports from NGOs and statements from prostitutes suggest that prostitutes taken into police custody are sometimes raped or robbed by police officers.[144]

A 2007 survey revealed that women in areas of eastern Burma considered domestic violence, physical assault, threats from the authorities and forced or early marriage as the most common types of violence. In Karenni State, domestic violence was most significant; whilst in Shan State forced marriage and physical assault of women was more prevalent. Threats of violence were greatest however in relocation sites and mixed administration areas where SPDC troops were stationed close by.[145]

Physical Violence against Women - Partial list of incidents for 2008

Arakan State

On 10 March 2008, Fatema Khatun (16) and Somuda Begum (14) were abducted by local Bangladeshi villagers after they crossed the Bangladesh-Burma border with their families in search of work. The families of the abducted girls went to the nearest village and reported the incident, but no action was taken and they were not able to ascertain the whereabouts of their daughters.[146]

Chin State

On 9 June 2008, school teacher Ma Aung Pa (26) and student Ma Rari (18) from Pao Moe village were kidnapped by five armed men in Paletwa Township. The men, who only spoke Burmese, entered the village and initially demanded 7 million kyat from village elders. When the leaders were only able to raise 2 million kyat, the armed group took the two women with them as hostages. The villagers lodged a complaint with the local police station in Sinowa village, but no action was taken. At the time of the report villagers were still trying to raise the ransom money in order to free the women.[147]

One of the more horrific cases of sexual violence from 2008. The mutilated body of 15-year-old Kachin schoolgirl, Nhkum Hkawn Din who was gang raped, tortured, killed and mutilated by SPDC army soldiers in Bhamo Township of Kachin State on 27 July 2008. The girl's head was cleaved in with a blunt object, her throat had been slashed, her eyes gouged out, and she had been stabbed seven times in her abdomen and vagina. It is not known if she had sustained these injuries while still alive or post mortem. *[Photo: © BSS]*

Kachin State

In late October 2008, a Shan woman working as a prostitute died from severe internal injuries after spending the night with a customer. The young woman met her client at a Russian mineral exploration camp in Tarmakhan, but after returning from her work she had to be admitted to the hospital in Hpakant, where she died. Examination of her body showed that the woman had sustained injuries to her vagina, cervix and uterus. No action was taken against the Russian client.[148]

Shan State

On 20 December 2008, Naang Khawng (12) and her brother Zin-Ta (28) from Wan Hurng village in Ho Paang village tract were robbed and assaulted by 15 SPDC soldiers from IB #246, led by Sergeant Thein Aung. Naan Khawng and her brother were driving an ox-cart on their way to a mill, but were stopped by the soldiers who began interrogating the siblings about the activities of Shan soldiers. The siblings were tied up to their cart and their cow was stolen by the soldiers. The sibling's father later filed a complaint at the military base, but the commander at the base denied any wrong-doing.[149]

Sexual Violence against Women - Partial list of incidents for 2008

Arakan State

On 3 May 2008, two policemen went to Aung Seik Pyan village tract in Nasaka area No 4, and raped a widow living there. The authorities were informed of the crime and the pair was arrested the same day, but later fled. They were re-arrested. Local villagers suspect the perpetrators were set free on purpose.[150]

On 23 November 2008, Daw Aung Tha May (45) was raped and murdered whilst she was guarding saplings of teak at her nursery. Daw Aung Tha May's throat had been cut. The authorities suspect local villagers of the crime, but no one had been arrested at the time of the report.[151]

Chin State

On 8 June 2008, Ngun Chin (13) and Par Ku (14) from Thangtlang were raped in the house of a lawyer, by the lawyer himself and a SPDC Army Major. Major Soe Thaik Aung of the Light Infantry Battalion #268 and lawyer U Myint Phone detained the girls in the lawyer's house and raped them. After police had rescued the two teenage girls, one of them had to be hospitalized in order to receive treatment for the severe injuries she suffered from the assault. A complaint was filed with the local police who arrested the two men.[152]

On 10 August 2008, Captain Khant Kyaw from LIB #304 stationed in Lailenpi village attempted to rape two women on their way to the village. Daw Si Si (66) and her daughter (27) came across the Captain who was on patrol duty. Upon seeing the women, Captain Khant Kyaw told his soldiers to leave and, at gunpoint, forced the women to undress and tried to rape them. The women resisted and the Captain fired his gun in the air, after which his soldiers returned to the scene. Captain Khant Kyaw then abandoned his attempt and the women proceeded to Lailenpi village where they reported the incident to a local women's group. The women's group informed the camp commander about the rape attempt, after which the Captain decided to compensate the women monetarily with 200,000 kyat extorted from guests staying in the village.[153]

Kachin State

On 7 July 2008, 15-year-ld schoolgirl Nhkum Hkawn Din from Bhamo Township was raped, tortured and murdered by Corporal Aye Thein and two of his colleagues from LIB #437 based in Momauk Township. Witnesses testified that they had seen Burmese soldiers following the girl, who was on her way to bring rice to her brother when the assault took place. Nhkum Hkawn Din was found three days later near an army checkpoint, her body naked and mutilated: her eyes had been gouged out, her skull crushed beyond recognition, her throat had been slit and there were multiple stab wounds to her body. In addition, after the rape, it was clear that she had been further violated by knives. The preceding photograph shows Nhkum Hkawn Din's horrifically mutilated body as it was found.[154]

On 30 December 2007, Hpaumyang Kai (32), a mother-of-three, was raped and murdered in Nawngmi village by a Burmese soldier under the command of Sergeant Tun Tun, based in Myitkyina Township. Hpaumyang Kai's body was found on the outskirts of the village eight days after the rape. The soldier accused of the crime was interrogated but later released and no further action was taken against him.[155]

Magwe Division

On 3 August 2008, a woman was sexually assaulted whilst visiting two travelling fortune tellers. The male fortune-tellers were in their twenties and from Mandalay. They were charged with luring a woman into illicit intercourse and sentenced immediately to seven years prison under section 366 of the penal code, without being given access to lawyers. The pair was to serve out the sentence in Nyaung U prison.[156]

Mon State

In December 2008, a ten-year old girl from Han Gan village was raped by a former Burmese soldier. The girl was staying at the perpetrator's house along with other students attending evening classes with the ex-soldier's wife. After one of the classes, as the girl was sleeping in bed, the perpetrator carried her to another room and raped her. His wife was away at the time. The girl didn't dare to say anything about the assault but after while her grandmother sensed something was wrong and found out about the rape. A hospital check-up confirmed that the girl had been assaulted and the ex-soldier was arrested.[157]

Tenasserim Division

On 13 August 2008, a 50-year old woman was abducted and held for five days. During this time, she was continuously raped by 25 soldiers from Light Infantry Battalion #282, as a punishment for being reportedly affiliated with an armed rebel group.[158]

On 13 November 2008, a 17-year old Mon girl was gang raped in Yebyu Township, by seven Burmese soldiers (including the unit's captain) from LIB #107. The girl had been working at her family's betel nut plantation when the assault took place. After the rape, the family left the village due to their fear of the soldiers.[159]

Shan State

On 13 January 2008, an 18-year-old girl from Nawng Zum village, Mong Ping Township, was raped by a patrol of SPDC troops from LIB #528. The girl was on her way back home from selling goods at nearby markets when the solders stopped her and asked for cigarettes and cheroots. Upon hearing that she had sold all her goods, the soldiers got upset and Sergeant Tin Aye raped her whilst his troops stood guard. After the assault, the Sergeant robbed the girl of all the money she had earned during the day, around 40,000 kyat in total. The assault was reported to the village leaders, but they were too afraid of the SPDC troops to take any further action.[160]

On 24 May 2008, a 21-year-old woman from Nam Mawn village in Nawng Saang village tract of Kunhung Township was gang raped by SPDC troops from IB #246. The woman was returning to her village for dinner but ran into a patrol of around thirteen soldiers from IB #246. The soldiers stopped the woman for questioning and then proceeded to rape her one by one. The woman returned to her parents' farm after the gang-rape. She told them about the assault but they were too afraid to report it to authorities.[161]

On 21 June 2008, Nang Nu (24) was raped by a group of 6 soldiers led by Lieutenant Tat Kyaw from Kunhing-based Infantry Battalion #246, Company 3. Nang Nu was on her way home from the market when the assault took place. The rape was not reported to the authorities as the victim and her family were too afraid of the soldiers. The soldiers who raped Nang Nu were on duty to provide security for military trucks.[162]

On 8 October 2007, three girls aged 17, 18 and 20, from Khur Nim village were raped by soldiers from LIB #516 based in Nam Hsan Township. The girls were out gathering firewood and edible nuts when three soldiers stopped them. The soldiers accused the girls of being wives of Shan soldiers and raped them at gunpoint. The parents of the girls and the village elders did not report this crime to the authorities as they were too afraid of suffering reprisals.[163]

Pegu Division

On 27 December 2008, a seven-year old girl was raped and murdered by a Burmese soldier from LIB #350. The girl, from Maubin village in Nyaunglebin Township, was playing outside her house around 5 pm when the soldier entered the village. A short while later, villagers heard the girl scream and her uncle ran to her. He found the girl dead, with three gunshot wounds to her chest. It was also obvious the girl had been raped. The battalion commander refused to investigate the assault.[164]

Irrawaddy Division

On 5 September 2008, Captain Kyaw San Win of the logistics corps stationed in Labutta, attempted to rape a female doctor (40). The doctor was working on a touring medical ship, carrying 30 medical staff, which was stationed in the harbour at Labutta for the night. The Captain boarded the ship and entered the cabin of the female doctor on the pretext of checking her registration. The doctor shouted for help and people nearby came to her rescue and managed to eject the army captain from the ship. The soldier later returned with his soldiers, shouting abuse and threatening to sink the ship. The local township authorities took the Captain to an army camp where he was detained.[165]

17.7 Discrimination against Women

Rural Areas

According to the Women of Burma, the traditional cultures of Burma's ethnic groups are patriarchal. Women are seen as secondary to men, and their roles as child-bearers and wives are emphasised in customs and behaviours as well as in the new constitution. There are no laws that address discrimination, and the new constitution does not encompass any legislative measures to deal with direct or indirect discrimination in the public and private sphere.[166] The CEDAW Committee expressed concerns that Burma's new constitution is, because of this, incompatible with the CEDAW Convention. The Committee also noted with concern that customary laws in Burma that discriminate against women are still in force, especially with regards to women from ethnic groups.[167]

Forced displacement usually affects the most vulnerable of populations; women, children and minorities.[168] The CEDAW Committee reports that women living in rural Burma are facing multiple discrimination and disadvantages. The rates of poverty and illiteracy are higher for rural women, and there is great difficulty for women to access health services and educational opportunities.[169] Traditional women's work, such as weaving, is often location-specific. Moreover, compensation for land confiscation and movement is usually paid to men rather than women. Additional pressures from military activities and abuses give rural women limited capacity to advance past survival: the need to obtain food, find fuel, wood and water and other tasks become priorities. These variables combine with negative stereotypes that often prevent women from participating in community-level decision-making processes. Also, negative outcomes of impoverished and transient lifestyles, such as prostitution and trafficking, abound.[170] This in turn contributes to further discrimination against women.

Women and children are seldom spared from performing heavily manual labour for the military. This photograph clearly shows a woman and a number of girls performing forced labour for the regime in Arakan State. *[Photo: © Narinjara News]*

Education and Employment

There are no laws against sexual harassment in Burma and, as noted above, traditional concepts of the woman's role continue to be prominent.[171] Women remain underrepresented in most traditionally male occupations, including the civil service, and are effectively disqualified on the basis of their gender from some professions, including the military. As noted above, the new constitution does not ensure an equal representation of women within the legislative, executive and judicial branches, and many women's groups have voiced concerns that Article 352, allowing the government to appoint men to positions that are *"suitable for men only"*, could be used to prevent the appointment of women from any professions that are seen as too hazardous.[172]

Less girls than boys attend school in Burma, as most families prefer to pay for a son's education, than a daughter's. When girls do enrol in school, they rarely finish their education as many daughters are forced to drop-out in order to supplement their families' income by working. In addition, parents living in rural areas are reluctant to send their daughters to school as the lack of village schools mean that the girls have to travel a long way by themselves. Due to the limited budget spent on education, there is on average only one school for every 25 villages. Many parents fear that their daughters will be vulnerable on their walk to and back from school to attacks by Burmese soldiers.[173]

Marriage

The CEDAW Committee reports that Rohingya women face multiple forms of severe discrimination, including the restriction on marriages and pregnancies, which violates Rohingya women's human rights. All members of the Rohingya ethnic minority require permits to get married; however permission is costly and usually delayed by years. There is also restriction on how many children a Rohingya woman can have. If a Rohingya is found to have gotten married and/or have had children before permission is granted, they are arrested.[174]

For example, in September 2008, Rohingya woman Momtaz Begum (20) was arrested by the Burmese border security forces for allegedly having a love-affair, without having obtained permission to do so from the authorities. Montaz Begum denied the allegations, but was nevertheless detained in Nasaka camp and severely beaten by Commander Major Win of Nasaka Area No 6, in Maungdaw Township. She was released after her parents paid the Commander 1.3 million kyat.[175]

On 20 July 2008, Shomjeda Begum (24) was arrested and detained in a Nasaka camp in Maungdaw Township. Shomjeda Begum had gone to stay with her parents after her husband abandoned her, but had not informed the authorities about her movements. After two days in custody, Shomjeda was released after paying the authorities 300,000 kyat, with a promise to pay another 200,000 at a later date.[176]

Endnotes

[1] Source: "Oral Statement by the Women of Burma to the CEDAW Committee," WLB, 42nd CEDAW Session, 27 October 2008.
[2] Source: *In the Shadow of the Junta: CEDAW Shadow Report*, WLB, 2008: 1.
[3] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008: 26.
[4] Sources: *Caught Between Two Hells*, BWU. Accessed online at http://www.burmesewomenunion.org/publications/books-section/1, on 16 September 2009; CIA World Factbook. Accessed online at https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html, on 15 September 2009.
[5] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[6] Source: *In the Shadow of the Junta: CEDAW Shadow Report*, WLB, 2008: 13.
[7] Source: *Ibid*.
[8] Source: *In the Shadow of the Junta: CEDAW Shadow Report*, WLB, 2008.
[9] Source: Oral Statement by the Women of Burma to the CEDAW Committee," WLB, accessed online at http://www.womenofburma.org/, on 16 September 2009.
[10] Source: "Cyclone Widows Struggle To Survive," IRIN, 28 November 2008.
[11] Source: "Phanida Villagers Complain to Commission over Forcible Voting," *Mizzima News*, 8 May 2008.
[12] Source: "Daw Aung San Suu Kyi and the 2010 Elections," *Burma Digest*. Accessed online at http://burmadigest.info/2008/02/27/daw-aung-san-suu-kyi-and-the-2010-elections/, on 16 September 2009.
[13] Source: *In the Shadow of the Junta: CEDAW Shadow Report*, WLB, 2008.
[14] Source: "Every Village Should Have One Midwife - UNFPA Official," IRIN, 16 October 2008.
[15] Source: "Rights Activist Says State-Sanctioned Rape Widespread in Burma," AHRC, 27 June 2008.
[16] Source: United Nations Security Council Resolution No 1325. Accessed online at http://www.peacewomen.org/un/sc/1325.html, on 16 September 2009.
[17] Source: "China and Russia veto UNSC Resolution on Burma," *Burma Bulletin*, Altsean Burma, January 2007.
[18] Source: *Beijing Declaration and Platform for Action*, UN Committee on the Status of Women, 1995.
[19] Source: "Burma and the farce of women's rights," *Mizzima News*, 6 November 2008.
[20] Source: "Remarks of Thin Thin Aung, Women's League of Burma," NDI Democracy Luncheon, 16 December 2008.
[21] Source: "Women Political Prisoners in Burma," BWU & AAPPB, 2004: 9.
[22] Source: *Ibid*.
[23] Source: "Myanmar: Health Professional Action: Doctors in poor health remain imprisoned without charge or trial," AI. Accessed online at http://www.amnesty.org/en/library/asset/ASA16/017/2008/en/3a2a9db5-7f52-11dd-8e5e-43ea85d15a69/asa160172008en.html, on 15 September 2009.
[24] Source: Oral Statement by the Women of Burma to the CEDAW Committee, WLB, accessed online at http://www.womenofburma.org/, on 16 September 2009.
[25] Source: List of Female Prisoners, AAPPB, online at www.aappb.org/female.html, accessed on 2 January 2009.
[26] Sources: "Courage to Resist: Women Human Rights Defenders of Burma," WLB, November 2007.
[27] Source: "Authorities Arrest Relatives of Activists," DVB, 15 September 2008.
[28] Source: "13 Years Is Too Long: Free Daw Suu Now," Altsean Burma, 24 October 2008.
[29] Source: "No Mercy For Women Political Activists," IPS, 26 October 2008.
[30] Source: "Data- Female Political Prisoners," AAPPB, 31 December 2008.
[31] Source: "13 Years Is Too Long: Free Daw Suu Now," Altsean Burma, 22 October 2008.
[32] Source: "ICRC requests access in Burma," DVB, 2 November 2007.
[33] Source: *In the Shadow of the Junta: CEDAW Shadow Report*, WLB, 2008: 15.
[34] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[35] Source: *Ibid*.
[36] Source: "Women Political Prisoners in Burma," BWU & AAPPB, 2004: 33.
[37] Source: "Women in Burma," *Irrawaddy*, online at www.irrawaddy.org/article.php?art_id=5956, 4 July 2006.
[38] Source: *Ibid*.
[39] Source: "The Plight Of Members Of Junta-Sponsored Women's Groups in Kaeng-Tung," SHRF, February 2008.
[40] Source: *Dignity in the Shadow of Oppression*, KHRG, November 2006.
[41] Source: "Three Village Chairwomen Fined for Two Hundred Thousands," *Kwekalu News*, 25 June 2008. Translation by HRDU.
[42] Source: "Activists Decry Arrests as UN Envoy Returns to Burma," *Irrawaddy*, 18 August 2008.
[43] Source: "Arakanese Organisations Call for Release of Protesters," *Mizzima News*, 18 August 2008.

[44] Source: *Ibid*.
[45] Source: "Six Leaders were Given a Long Term," AAPPB, 24 October 2008.
[46] Source: "Ten jailed for September 2007 protests," DVB, 29 August 2008.
[47] Source: "NLD leader arrested after Bogalay protest," DVB, 5 September 2008.
[48] Source: "Boatwomen were Detained One Night for supporting NLDs," DVB, 7 February 2008.
[49] Source: "NLD member sentenced after exposing corruption," DVB, 28 August 2008.
[50] Source: "20 years for blogger Nay Phone Latt," DVB, 11 November 2008.
[51] Source: "ABFSU member's parents jailed for 6 years," DVB, 22 August 2008.
[52] Source: "The Future in the Dark," AAPPB & USCB, September 2008: 38.
[53] Source: *Ibid*.
[54] Source: "Burmese Activist Arrested," RFA, 16 September 2008.
[55] Source: "Amnesty Says Myanmar Detainee at Risk of Torture," *International Herald Tribune*, 15 September 2008.
[56] Source: "Nine Arrested At NLD Anniversary Celebration," DVB, 27 September 2008.
[57] Source: "Five NLD Members Arrested for Peaceful Protest," DVB, 28 August 2008.
[58] Source: "The Future in the Dark", AAPPB & USCB, September 2008: 19.
[59] Source: "40 Burmese Dissidents Given Prison Terms of up to 65 Years," *Irrawaddy*, 11 November 2008.
[60] Source: "Detained activist injures herself in prison," DVB, 27 June 2008.
[61] Source: "More activists jailed in connection with 2007 protests," DVB, 14 November 2008.
[62] Source: Convention on the Elimination of Discrimination of all forms Against Women, available online at http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm, accessed on 15 September 2009
[63] Source: *Ibid*.
[64] Source: Bureau of Democracy, Human Rights and Labour, US Department of State, Burma Page. Accessed online at http://www.state.gov/g/drl/rls/hrrpt/2007/100515.htm, on 15 September 2009
[65] Source: "Burma's Healthcare Cripplingly Underfunded: MSF," *Mizzima News* 22 December 2008.
[66] Source: *In the Shadow of the Junta: CEDAW Shadow Report*, WLB, 2008: 43, and CIA World Factbook. Accessed online at https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html, on 15 September 2009.
[67] Sources: *Burma Economic Review 2005-2006*, The Burma Fund, June 2007; *The Gathering Storm: Infectious Diseases and Human Rights in Burma*, Human Rights Center, UCA; Center for Public Health and Human Rights, John Hopkins Bloomberg School of Public Health, July 2007: 53, and MSF, "Top Ten Humanitarian Crises of 2008". Accessed online at http://doctorswithoutborders.org/publications/topten/story.cfm?id=3233, on 15 September 2009
[68] Source: *In the Shadow of the Junta: CEDAW Shadow Report*, WLB, 2008: 39.
[69] Source: "Life is totally bleak," IRIN, 29 July 2008.
[70] Source: "Top Ten Most Underreported Humanitarian Stories of 2007," MSF, December 2007.
[71] Source: "Health care crisis facing displaced Mon," *The Mon Forum*, HURFOM, 28 February 2007.
[72] Source: "Top Ten Humanitarian Crises of 2008," MSF, December 2008.
[73] Source: CIA World Factbook Burma. Accessed online at https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html, on 15 September 2009
[74] Source: *In the Shadow of the Junta: CEDAW Shadow Report*, WLB, 2008
[75] Source: "6.6 Million taka worth of Birth Control Seized at Burma-Bangladesh Border," *Narinjara News*, 9 July 2007.
[76] Source: "Poor health care in Rural Areas," *The Mon Forum*, HURFOM, 31 May 2007.
[77] Source: "Pregnant Woman Dies on the way to Bangladesh," *Kaladan News*, 29 October 2007.
[78] Source: "Maternal Health Care 'Extremely Limited' in Eastern Burma," *Irrawaddy*, 23 December 2008.
[79] Source: "Burma Red Tape Delays Cyclone Aid, Agencies Say," AP, 12 June 2008.
[80] Source: "Healthcare for delta women and children a priority for UNICEF," *Myanmar Times*, 11 July 2008.
[81] Source: "35,000 Pregnant Women Need Care in Myanmar," AP, 12 June 2008.
[82] Source: "Lack of Medical Facility Claims Two Refugee Lives," *Kaladan News*, 11 August 2008.
[83] Source: "A preventable fate: The failure of ART scale-up in Myanmar," MSF, 25 November 2008.
[84] Source: "Myanmar: Country Situation," UNAIDS, July 2008. Accessed online at http://data.unaids.org/pub/ExternalDocument/2008/sa08_mmr_en.pdf, on 15 September 2009
[85] Source: *Ibid*.
[86] Source: "Abandoning Burma's HIV/AIDS afflicted community," *Mizzima News*, 26 November 2008.
[87] Source: "A Preventable Fate: The Failure of ART scale-up in Myanmar," MSF, November 2008: 4-5.
[88] Source: "Burma Issues and Concerns Vol 4, The Security Dimensions," Altsean Burma, April 2007: 19.
[89] Source: *Blood Jade*, AKSYU August 2008: 10.
[90] Sources: *The Gathering Storm: Infectious Diseases and Human Rights in Burma*, Human Rights Center,

UCA; Center for Public Health and Human Rights, John Hopkins Bloomberg School of Public Health, July 2007: 59; *Valley of Darkness: Goldmining and Militarization in Burma's Hugawng Valley*, KDNG, 2007.
[91] Sources: WHO 2006 figures cited in Burma Economic Review 2005-2006, The Burma Fund, June 2007; "Civil War and ramifications for Health Care," *The Mon Forum*, HURFOM, 28 February 2007; "Livelihoods in the Border Camps: Affects on Healthcare," *The Mon Forum*, HURFOM, 28 February 2007.
[92] Source: "Burmese Women Activists Receive the International Award HOMO HOMINI from Vaclav Havel in Prague," 6 March 2008.
[93] Source: "Patients Die Out of Concern," *Irrawaddy*, January 15 2008.
[94] Source: *Surviving in Shadow: Widespread militarisation and the systemic use of forced labour in the campaign for control of Thaton District*, KHRG, January 2006; *Shouldering the Burden of Militarisation*, KHRG, 2 August 2007; *The Gathering Storm: Infectious Diseases and Human Rights in Burma*, Human Rights Center, UCA; Center for Public Health and Human Rights, John Hopkins Bloomberg School of Public Health, July 2007: 15.
[95] Source: "Burmese Darfur: The Silent Genocide of Myanmar," J Kremb, 7 September 2007.
[96] Sources: *State of Terror*, KWO, 12 February 2007: 7; *Shouldering the Burden of Militarisation*, KHRG, 2 August 2007; "Deaf Villager Shot and Killed at Point Blank, Woman Murdered, Thousands Flee and Thousands More Forced to Do Labor," FBR, 21 May 2007.
[97] Source: *Shouldering the Burden of Militarisation*, KHRG, 2 August 2007.
[98] Source: *Ibid*.
[99] Source: *Ibid*.
[100] Source: *Ibid*.
[101] Sources: *State of Terror*, KWO, 12 February 2007: 7; *Shouldering the Burden of Militarisation*, KHRG, 2 August 2007; *Dignity in the Shadow of Oppression: The Abuse and Agency of Karen Women under Militarisation*, KHRG, 22 November 2006; "Burmese Military rapes, Tortures Women: Report," DVB, 12 February 2007.
[102] Source: *State of Terror*, KWO, February 2007.
[103] Source: *Catwalks to the Barracks*, WCRP, June 2005.
[104] Source: "Forced Labour Use by Burmese Army in Mon State from Mid-2007 to May 2008," HURFOM, 5 August 2008.
[105] Source: "ILO still receives reports of rights abuses in Burma," DVB, 14 November 2008.
[106] Source: "Burma Army Force Women to Serve As Porter," *Kwekalu News*, 14 July 2008. Translation by HRDU.
[107] Source: "13 Years Is Too Long: Free Daw Suu Now," Altsean Burma, 24 October 2008.
[108] Source: "Myanmar: Fear of torture or ill-treatment/health concern," AI, 16 November 2008.
[109] Source: "SPDC Forced Villagers Including Thirty Women to Serve as the Labour," *Kwekalu News*, 12 December 2008. Translation by HRDU.
[110] Source: CEDAW, accessed online at http://www.un.org/womenwatch/daw/cedaw/cedaw.htm.
[111] Source: *Trafficking in Persons Report 2008 – Burma*, US Department of State, 2008.
[112] Source: *Ibid*.
[113] Source: "Over 230 Boat-People on way to Malaysia," *Kaladan News*, 5 December 2007.
[114] Sources: "Padaung Women are Discarding their Neck Rings," *Irrawaddy*, 2 October 2008; "Missing 'Long-Necks' Could be Headed for Thai Tourist Spot," *Irrawaddy*, 10 July 2008.
[115] Source: *Eastward Bound*, KWAT, 2008.
[116] Sources: *Eastward Bound*, KWAT, 2008; *In the Shadow of the Junta: CEDAW Shadow report*, WLB, 2008.
[117] Source: *In the Shadow of the Junta: CEDAW Shadow report* , WLB, 2008: 23-24.
[118] Source: "Black Labor Market Bypasses Ban on Burmese Women Working Abroad," *Irrawaddy*, 11 September 2008.
[119] Source: *In the Shadow of the Junta: CEDAW Shadow report* , WLB, 2008: 27.
[120] Source: "SPDC Major prospers Money from Massage Parlor," Yoma3, 5 February 2008. Translation by HRDU.
[121] Sources: "Sex and the (Burmese) City," *Irrawaddy*, July 2008; "Prostitution Thrives as Young Girls Struggle in Mon State," *Kaowao News*, 27 May 2007; "Selling Safer Sex in Conservative Burma" *Irrawaddy*, September 2007; *Valley of Darkness: Goldmining and Militarization in Burma's Hugawng Valley*, KDNG, 2007; "Chinese Contractor expedites work in Chipwe Hydro Power Project," KNG, 14 December 2007; *Displacement and Dispossession: Forced Migration and Land Rights*, COHRE, November 2007: 76, 120-121.
[122] Sources: "Refugee Accommodation Booming in Rangoon," *Irrawaddy*, 15 July 2008; "More underage girls involved in sex business," Yoma3, 17 June 2008. Translation by HRDU.
[123] Source: "Rise In Prostitution in Kachin State," KNG, 10 October, 2008.
[124] Source: "TPP Economy on Decline but Sex Industry Thriving," *Kaowao News*, 23 April 2008.

[125] Source: UN Security Council Resolution 1325, accessed online at http://www.peacewomen.org/un/sc/1325.html, on 15 September 2009.
[126] Source: UN Security Council Resolution 1820, accessed online at http://www.state.gov/documents/organization/106577.pdf, on 15 September 2009.
[127] Sources: "Women's Groups Want Junta Arraigned before the ICC," *Irrawaddy*, 26 June 2008; "*Country Report on Human Rights Practices 2007 – Burma*," Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008; "Rights Activist Says State-Sanctioned Rape Widespread in Burma," AHRC, 27 June 2008; "Activists Welcome UN Pledge to End Rape in Conflict," DVB, 23 June 2008.
[128] Source: "Water Crisis and Rape," *Kaladan News*, 20 April 2008.
[129] Source: "Rohingya Girl Raped By Bengali Youths," *Kaladan News*, 9 May 2008.
[130] Source: "Burmese Refugee Woman Raped By Local Youth," *Kaladan News*, 5 June 2008.
[131] Source: "14 Year Old Girl Raped At Refugee Camp," *Kaowao News*, 12 September 2008.
[132] Source: "Burmese Refugee Woman Gang Raped," *Kaladan News*, 18 September.
[133] Source: "Oral Statement by the Women of Burma to the CEDAW Committee," WLB, 42nd CEDAW Session, 27 October 2008.
[134] Sources: "Women's Groups Want Junta Arraigned before ICC," *Irrawaddy*, 26 June 2008; "Rights Activist Says State-Sanctioned Rape Widespread in Burma," AHRC, 27 June 2008; "Activists Welcome UN Pledge to End Rape in Conflict," DVB, 23 June 2008.
[135] Source: "Rape Wrecking Communities in Darfur, Myanmar," AFP, 13 August 2008.
[136] Source: *The Gathering Storm: Infectious Diseases and Human Rights in Burma*, Human Rights Center, UCA, Center for Public Health and Human Rights, John Hopkins Bloomberg School of Public Health, July 2007.
[137] Source: "A Chin girl speaks at UN about gender violence in Burma," *Chinland Guardian*, 27 February 2007.
[138] Source: *Unsafe State*, WLC, March 2007.
[139] Source: *State of Terror*, KWO, 12 February 2007.
[140] Sources: "Women's Groups Want Junta Arraigned before ICC," *Irrawaddy*, 26 June 2008; "Rights Activist Says State-Sanctioned Rape Widespread in Burma," AHRC, 27 June 2008; "Activists Welcome UN Pledge to End Rape in Conflict," DVB, 23 June 2008; "Sexual Violence Continues In Shan State," SHAN, 27 June 2008.
[141] Source: "Human Rights Activists Laud United Nations' Recognition of Burmese Junta's Systematic Use of Sexual Violence against Ethnic Women, Impunity," US Campaign for Burma, 18 November 2008.
[142] Sources: "Security Council calls for greater protection of civilians in Burma," *Mizzima News*, 26 June 2007; "US wants UN to investigate reports of Rape by Burmese Army," *Irrawaddy*, 17 October 2007; "Women's Groups Want Junta Arraigned before ICC," *Irrawaddy*, 26 June 2008.
[143] Source: "Army Captain Compensates Two Women with Extortion Money," *Khonumthung News*, 29 September, 2008.
[144] Sources: "Sex and the (Burmese) City," *Irrawaddy*, July 2008; "*Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[145] Source: *Internal Displacement in Eastern Burma*, TBBC, October 2007: 50.
[146] Source: "Two Burmese Girls Abducted from Bangladesh-Burma Border," *Kaladan News*, 12 March 2008.
[147] Source: "Dacoits Abduct School Teacher, Student for Ransom," *Mizzima News*, 17 June 2008.
[148] Source: "Prostitute Dies After Sexual Escapade with Russian in Jade Land," KNG, 6 November, 2008.
[149] Source: *SHRF Monthly Report - September 2008*, SHRF, September 2008.
[150] Source: "Two Policemen Rape Widow," *Kaladan News*, 6 May 2008.
[151] Source: "A Rakhine Woman Murdered In Maungdaw," *Kaladan News*, 29 November 2008.
[152] Source: "Two Chin Teenage Girls Raped in Burma: Rapists Arrested," *Burma News Network*, 18 June 2008.
[153] Sources: "Army Captain Compensates Two Women with Extortion Money," *Khonumthung News*, 29 September, 2008; "Concluding Observation of the Committee on the Elimination of Discrimination against Women", CEDAW, 7 November 2008.
[154] Sources: "15 Year-old Schoolgirl Gang-raped and Mutilated by Burmese Soldiers," Burma Campaign UK, 15 August 2008; "Army Officer Takes Rapist Soldiers From Nam Sai Post to Bhamo," KNG, 16 August 2008.
[155] Source: "A Mother of Three Raped and Killed by Burmese Soldier," *KNG*, 13 February 2008.
[156] Source: "Fortune-Tellers Jailed For Sexual Assault," DVB, 9 September 2008.
[157] Source: "10-year-old girl raped by ex-soldier in Ye Township," WCRP, 15 January 2009.
[158] Source: "Mon woman gang raped by a group of Burmese Army Soldiers," WCRP, 15 January 2009.
[159] Source: "Karen Girl, 7, Raped and Killed: KWO," *Irrawaddy*, 7 January 2009.
[160] Source: *SHRF Monthly Report - July 2008*, SHRF, July 2008.
[161] Source: *SHRF Monthly Report - September 2008*, SHRF, September 2008.
[162] Source: *Ibid*.
[163] Source: "Forest Gatherers Raped In Lai-Kha," SHRF, February 2008.

[164] Source: "Karen Girl, 7, Raped and Killed: KWO," *Irrawaddy*, 7 January 2009.
[165] Source: "Army Officer Accused of Attempted Rape of Doctor," DVB, 12 September 2008.
[166] Source: *In the Shadow of the Junta: CEDAW Shadow Report*, WLB, 2008:18-19.
[167] Source: "Concluding Observation of the Committee on the Elimination of Discrimination against Women," CEDAW, 7 November 2008.
[168] Source: *Displacement and Dispossession: Forced Migration and Land Rights*, COHRE, November 2007: 83.
[169] Source: "Concluding Observation of the Committee on the Elimination of Discrimination against Women," CEDAW, 7 November 2008.
[170] Sources: "Human Development Report 2007/2008 Fighting climate change: Human solidarity in a divided world," UNDP, 2007; "Damming the Irrawaddy," KDNG, undated: 1, 45-46, and "General Livelihood of Women in Southern Burma," WCRP, March 2007.
[171] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[172] Source: "Burma and the Farce of Women's Rights," *Mizzima News*, 6 November 2008.
[173] Source: *In the Shadow of the Junta: CEDAW Shadow Report*, WLB, 2008.
[174] Sources: "*Minorities in Burma*," MRGI, October 2007; "UN Human Rights Experts Urge Burma to Address Discrimination against Rohingya," *Kaladan News*, 3 April 2007; "Concluding Observation of the Committee on the Elimination of Discrimination against Women," CEDAW, 7 November 2008.
[175] Source: "Woman Arrested For Love Affair with Youth," *Kaladan News*, 10 October 2008.
[176] Source: "Woman Detained In Maungdaw Nasaka Camp Released," *Kaladan News*, 23 July 2008.

CHAPTER 18
Ethnic Minority Rights

BURMA

HUMAN RIGHTS YEARBOOK 2008

18.1 Introduction

Before the British occupation and annexation of the Burmese territories, the area known as Burma today was a series of autonomous indigenous nations. Many ethnic groups were separated by geographical boundaries such as steep mountains and wide rivers, creating a vast number of languages and cultures in a small territory. Burma officially has over 134 different ethnic groups, speaking more than 100 distinct languages and dialects. (For more information, see Section 18.5: Official List of Ethnic Minority Groups in Burma below). Approximately 68 percent of the population of Burma belongs to the predominantly Buddhist Burman ethnic group, while over 20 million people, 32 percent of the total population, belong to an ethnic minority group. These ethnic minority groups occupy approximately 55 percent of the land in Burma, mainly in the border regions. The geographical marginalisation of the ethnic minorities of Burma is also paralleled in the country's politics and history.

Under British Colonial rule, Burma was divided into two zones: the centrally located 'Ministerial Burma', which mostly consisted of the Buddhist Burman ethnic group, and the 'Frontier Areas', located in the mountainous regions situated along what are recognized today as Burma's international borders. These Frontier Regions were where most of the ethnic minorities resided. While the British essentially destroyed the local government systems in Ministerial Burma and employed their own systems of administration and government, the area also received some development and investment. On the other hand, while the Frontier Areas retained their systems of governance and some autonomy, their natural resources were exploited by the British and they received little in regard to health, education, economic development, or political representation at the national level.[1] Even though Burma has long been free of British rule, this system of exploitation and neglect continues to this day.

Burma had some indication that independence would be forthcoming from Britain and a number of Burman leaders and leaders from various key ethnic groups made preparations for the new nation in advance. Perhaps the most important document to lay the foundations for the new nation was the Panglong Agreement; signed by the prominent Burman leader General Aung San, as well as by Chin, Kachin and Shan leaders. For General Aung San,

> *"The essential prerequisite is the building of one unified nation. In concrete terms it means we must now bridge all gulfs now existing through British machinations between the major Burmese race and the hill peoples, the Arakanese, the Shans and unite all these peoples into one nation with equal treatment unlike the present system which divides our people into 'backward' and 'administered' sections."* [2]

The Panglong Agreement was the key document in the attempt to build a federal, unified Burma. Unfortunately the constitution which emerged after Britain granted independence on 4 January 1948 did not deliver what many had expected. The Karen, Karenni, Shan and Kachin regions were recognised as separate states, with each state represented at the national level. The Shan and Karenni were also given the option to secede after 10 years, leading to a sense that other groups were being marginalised. Any chance to resolve these issues was snatched away when, in 1962, a military regime took power. The regime instated a new constitution in 1974, effectively denying all ethnic groups any sense of autonomy. (For more information, see the Historical and Political Background).

At present, the State Peace and Development Council (SPDC) has come under increasing international pressure, particularly due to its to its dictatorial governance, the continued detention of Aung San Suu Kyi, economic mismanagement, connection to the trafficking of illegal drugs and its negative effect on the region as a whole. On top of these defects, the issue of ethnic minority rights (or lack thereof) has had the international community in an uproar.

In an apparent attempt to foster a sense of legitimacy, the SPDC announced in 2005 that it was resuming the National Convention and the constitution drafting process. The National Convention (NC) was begun in 1993 but was often suspended until it finally adjourned in 1996, having accomplished very little and certainly nothing concretely democratic.[3] Only ethnic minorities who had signed ceasefire agreements with the SPDC were invited to the referendum and, echoing the days of British colonial rule, their concerns were not allowed onto the agenda. Delegates were only permitted to discuss a pre-drafted agenda set by the SPDC. Discussion of topics not listed on the agenda was not tolerated and laws were enacted against criticism of the NC, whereby those breaking the law risked a 20 year jail term. The National Convention concluded in July 2007 having (according to the SPDC at least) finally drafted the guidelines for the new constitution. At the final session of the NC, the Kachin Independence Organisation (KIO) presented a 19-point statement calling for greater autonomy for ethnic groups. In response, the SPDC threatened them with harsh retaliation and further neglect. (For more information on the National Convention, see Chapter 13: Freedom of Opinion, Expression and the Press).

In response to the resumption of the National Convention, an Ethnic Nationalities Conference was held in 2005 to commence work of drafting an alternative constitution. This constitution would give a voice to the ethnic minorities of Burma and protect their rights. This was the first serious example of groups attempting to draft an alternative constitution and it would not be the last.

In 2006, the Federal Constitution Drafting and Coordinating Committee (FCDCC) put out a draft of a Federal Constitution. The FCDCC is made up of MPs, and other members of the Burmese democracy movement in exile, including representatives of women and youth groups. The seminar for the draft constitution was held in territory controlled by the Karen National Union (KNU) in Karen State. The draft of the Federal Constitution contained 14 chapters and 197 articles and was designed to build democracy in Burma through a genuine federal system. In addition, the National Reconciliation Program (NRP) helped ethnic groups draft their own state constitutions in the event that federalism was realised in Burma. It was reported in early 2006 that Arakan, Chin, Kachin, Karen, Karenni, Mon and Shan groups had commenced work on the drafting process.[4]

On 10 May 2008, the regime organised a referendum to vote for a new constitution which would further pave the road for elections in 2010. The referendum was a major issue in 2008, especially among ethnic minority groups, both ceasefire and non-ceasefire. There was no small amount of coercion on the junta's part to vote 'Yes'. One example of this coercion was in the form of National ID Cards which gave the bearer the right to vote and to some ethnic groups or ceasefire group members, the right to movement. In 2008, the junta began distributing ID cards to Rohingya and Arakanese over the age of 18 if they promised to vote 'Yes' in the upcoming referendum. The Rohingya received white ID cards which gave them no privileges other than the right to vote.[5] The Kachin Independence Organisation (KIO) also received ID cards, though many non-military Kachin only received white ID cards similar to the Rohingya people. As the campaign entered ethnic areas, government oppression grew exponentially.[6] Finally, with the passing of the referendum and constitution, many ceasefire groups were faced with the choice of running in the election. Some, like the New Mon State Party (NMSP) had no immediate response.[7] Other groups rejected outright any idea of running in this election, while still others accepted it. Some feared that the new constitution would signal the end of armed resistance in Burma, as it would put all armed groups in the country under the SPDC's control.

18.2 Ethnic Politics, Armed Resistance, and Ceasefires

The foundations for armed ethnic resistance in Burma were initially laid by the British during World War II. The British used various ethnic minority groups in their campaign against Japan, thus providing many of these groups with their first formal military training. Karen, Kachin and the Chin people were heavily recruited into the British army and some of them never completely disarmed following independence.

Following Independence in 1948, many ethnic minorities were left severely disappointed at being denied the right to secession, especially after fighting so loyally for the British during the War. In 1949, the Karen took up arms in what would later become the longest running civil war on the planet. Over time, numerous other ethnic groups followed the example of the Karen and took up arms in opposition to the central Burman-dominated administration, although many of these groups did not take up arms until the military coup of 1962.

Over Burma's decades of civil war, the junta has implemented numerous methods of rooting out ethnic resistance. One of the most devastating strategies was employed in the early 1970's and is still used today. This strategy, dubbed the 'Four Cuts Policy' (*Pya Lay Pya* in Burmese), attempts to cut off all food, funds, recruits, and information given to armed resistance groups by their purported civilian support base, without which, they would be unable to continue fighting.[8] The intentional targeting of the civilian population as a legitimate military threat is a direct result of this policy and is in flagrant contravention of numerous international laws, not least of which are the Geneva Conventions.

The Four Cuts Policy continued to be employed as one of the central tenets of the SPDC's counter-insurgency campaign throughout 2008. In recent times the Four Cuts Policy has been adapted to control and exploit the civilian populations of conflict areas as well as act as a counter-insurgency device.

The Burmese military regime under its various guises has long employed a strategy of divide and rule among the ethnic minorities to great effect. The SPDC has been no exception to this trend and has persuaded some groups join them and even to assist them attack other groups still opposing the regime. Since 1989 and up until his arrest in October 2004, the former Prime Minister and former head of Burma's Military Intelligence apparatus, General Khin Nyunt, approached many armed ethnic groups with ceasefire pacts which would permit them peace and a degree of autonomy, along with economic concessions, and the right to retain their arms. Although up to 17 ceasefire pacts were signed with the junta, none of these agreements have ever resulted in any sort of tangible solution to the existing political problems. Moreover, all such ceasefire agreements have been designed to prevent combatants from shooting at one another, but have failed to address the human rights violations and attacks committed against the civilian population and have in some cases increased the number of these violations. Many of the newly-formed ceasefire groups have adopted many of the same practices and policies as the SPDC and also commit similar, though less widespread human rights violations against the very people whom they claim to represent, acting as a sort of ethnic arm of the SPDC.

Listed over the following pages are the brief summaries of a number of the ethnic ceasefire and ethnic resistance armies which were operating in Burma during 2008. Please note that this does not represent an exhaustive list of all such groups, but rather is limited to only some of the stronger and more influential groups or those that were active and reported on during 2008.

Arakan State

The Arakan Liberation Party (ALP) and its armed wing the Arakan Liberation Army (ALA) have been fighting the regime since 1968.

On 19 February 2008, The Bangladesh army detained an ALP member after a firefight broke out near Bangladesh's Chittagong Hill Tract. The Bangladesh army also recovered some ammunition. Over 100 acres of poppy cultivation were also destroyed.[9]

On the morning of 21 July 2008, a battle between the ALA and the SPDC Light Infantry Battalion (LIB) #538 left two SPDC soldiers dead. The ALA ambush took place on a river between the SPDC frontline camp near Myeik Wa and Taung Pyo. Along with the two dead, the ALA sunk the SPDC's boat and seized ammunition.[10] ALA launched another successful attack on 18 November 2008 at LIB #550's outpost at Dochaungwa in Paletwa Township, Chin State. The SPDC received two casualties while the ALA claimed none.[11]

The Arakan League for Democracy rejected the constitution drawn up by the regime stating that it *"is not based on democracy. It will not recognise the rights of the ethnic nationalities of Burma at all"* and that *"the SPDC alone cannot ensure the future stability and economic development of the country."* [12]

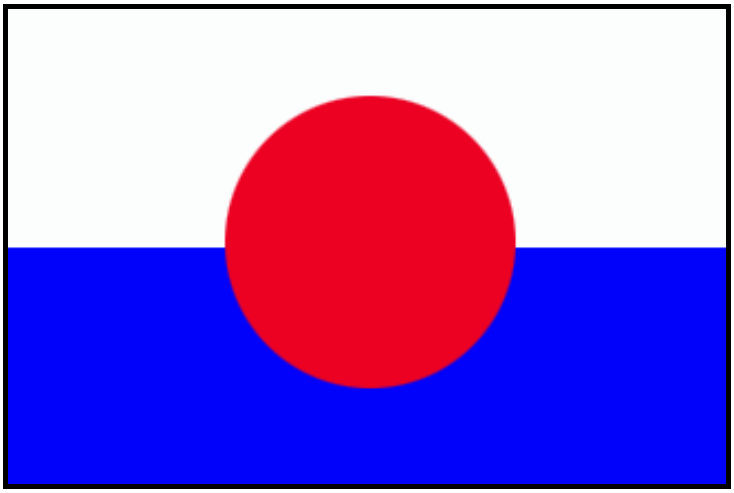
Chin State

Chin National Front (CNF)

The Chin National Front (CNF) was founded in May 1988. Since then the CNF and its armed wing the Chin National Army (CNA) have been fighting to establish a federal union based on self-determination and equality for ethnic people.

On 20 February 2008 the CNF, speaking from a Chin National Day Celebration in Thailand claimed:

> *"We have already opposed their National Convention from the very beginning. But they don't care and continued with their NC. Now they will hold the referendum in a similar manner despite our opposition. But we have to fight against it with the help of people and the international community."* [13]



The Chin national flag. *[Photo: © Jaume Ollé]*

On 15 July 2008 the CNF announced that they had started a new development operation in Chin State. The project, called People Power 20 or PP20 is an attempt to promote development in the regional education and health fields. It also prohibits fishing with explosives and hunting in Chin State's forests. The CNF is taxing each household 10 kyat to fund this program, down from 3,000 kyat. They added that if the regime attempts to interfere with the development, they have trained people as snipers to conduct assassinations.[14]

CNA troops ambushed SPDC soldiers from LIB #550 early on the morning of 16 September 2008. The fight, which took place near Shwe Late Wa Village in Paletwa Township was short, lasting about five minutes, but heavy fire was exchanged and one SPDC soldier was seriously wounded. Soon after the event, villagers fled as the SPDC increased its presence in the area.[15]

On 13 December 2008 the CNF officially rejected the junta's 2010 election, stating that they did not support the junta's roadmap and would only join if the dialogue was inclusive of ethnic and pro-democracy voices as well as the junta's. CNF General Secretary Paul Sitha also urged Chin people to follow their own beliefs and to compete in the election if they wish to, as individuals and as political parties.[16]

Kachin State

Kachin Independence Organisation (KIO)

The Kachin Independence Organisation (KIO) and their armed wing, the Kachin Independence Army (KIA), was originally founded in 1961 with the stated goal of the creation of a *"Free Republic of Kachinland"* and was once considered to be one of the stronger ethnic opposition groups in Burma – that is until they signed a ceasefire pact with the regime in 1994.[17] As part of their ceasefire agreement, the KIO was permitted to control significant areas of Kachin State including their home base of Laiza on the Chinese border, and was also granted considerable economic concessions, including certain mining and logging operations. The KIO was also authorized to lease large tracts of Burmese soil to Chinese businessmen for profit.

Despite the concessions the KIO have given and received, some commentators have argued that the Kachin people have benefited little since the KIO signed their ceasefire with the SPDC:

> *"In the more than 12 years since the truce between the KIA and the junta was signed, little has occurred to advance security or prosperity for the Kachin people. The ceasefire agreement has delivered its benefits only to the Kachin leaders and their friends. Many of them have become wealthy by selling off the valuable resources of Kachin State—timber, gold and jade—to Chinese entrepreneurs. … The Kachin people benefit little or nothing from this trade."* [18]

The 47th Kachin Revolution Day celebration was held from 2 February to 5 February 2008 and despite the celebrations the KIO took the time to send a not very subtle warning to the largest Kachin umbrella organisation, the Kachin National Consultative Assembly (KNCA). The warning which read, *"We know how to play politics with Burma's ruling junta. Don't do and say anything not concerning you"*, was in response to the KNCA's request for the KIO to choose a side and decide whether they support the junta's road map or follow a tripartite plan and demand a genuine federal union in Burma.[19]

On 5 February 2008 KIO Vice-President N'ban La Awng stated that:

> *"We will not secede from the Union. We'd like the Union (Union of Burma) to be sustainable and united. The Union must be sustainable"* and *"In the Union, we have to respect each other and have equal rights. Now is the time when the government (Burma's ruling junta) is drafting the country's constitution. If the new constitution is good, we will support it."* [20]

On 6 February 2008, the KIO seized all of its special Kachin Revolution Day newspapers for containing an independent comment in the Public Opinion section regarding the junta's national convention in Laiza. The comment was written anonymously and it criticized KIO vice-chairman #2, Dr Manam Tu Ja's support for the upcoming National Convention. It read as follows:

> *"When I as an analyst see this Manau festival overall, it is good that ethnic Shan, ethnic Palaung and ethnic Gurkha had been invited to the festival. But, I am so sad about Dr. Tu Ja's talk which only supported the post-NC process. It was cruel for all participants and it is also irrelevant at the Revolution Day dinner party."* [21]

It was later revealed that the comment was written by a Kachin youth in Myitkyina named Kyang Ying, who promptly explained himself to the KIO.[22] Since 6 February he had been kept on the KIO's Alen Bum military base in Laiza. He was not allowed to leave Laiza because, according to the KIO, he was in danger from the SPDC. This was contradicted by his family saying *"No police and security agents of the ruling junta in the township had visited and asked them anything so far."* [23]

From March 2008 the KIO's Buga Company used the hydro-electric project on the Mali stream to produce 24 hour electricity in Kachin State's capital Myitkyina. The Buga Company sold electricity to residents for 160 Kyat per unit plus a government service fee of 50 Kyat per unit and while distribution was good, some rural areas were lacking service.[24]

On 28 March 2008, KIO leaders and Burmese military officials met at the Laiza Hotel in Laiza. Those involved were:

1. Major-General Ye Myint, Chief of Military Affairs Security;
2. Northern Military Command Commander Major-General Ohn Myint;
3. KIO Chairman Lanyaw Zaw Hra;
4. Vice-chairman N'ban La Awng;
5. Vice-president Dr. Manam Tu Ja;
6. Military Chief of Staff, Gunhtang Gam Shawng.

The meeting was in preparation for a later meeting between Burmese and Chinese military officials set to occur on 31 March, regarding border security.[25]

Soon after the 31 March 2008 meeting, the KIO arrested two key Tibetan activists hiding in Laiza. The two activists, both male, had crossed into KIO territory from China's Yunnan province in an attempt to evade capture. Using information supplied by the Chinese government, the KIO arrested and handed them over to the Chinese government that day. As expected, this occurrence did not sit well with democracy activists in the international community.[26]

SPDC troops from the Military Affairs Security Unit in Myitkina arrested three KIO soldiers in charge of security at the KIO-owned Namtee sugar factory on 15 October 2008. The KIO members were wearing civilian clothing and were official sugar factory staff but they were arrested for recruiting for the KIA.[27]

It was reported on 27 November 2008 that the Burmese Army warned the KIO that if their 'War Funds' collectors were sighted around Indawgyi Lake, Mohnyin Township, they would be shot dead. The War Funds collectors operate primarily in Kachin and Red Shan villages such as:

1. Nyaung Pyi;
2. Lung Tung;
3. Mai Puk;
4. Nat Myi Long;
5. Mai Nang;
6. Na Mawn;
7. Ja Ra Yang.

Following the warning, the collectors went into hiding, KIA Battalion #26 however, continued to recruit in the area.[28]

The flag of the Kachin Independence Organization (KIO). *[Photo: © Jaume Ollé]*

New Democratic Army-Kachin (NDA-K)

The New Democratic Army-Kachin (NDA-K) was formed when Za Khun Ting Ring broke away from the Burmese Communist Party in 1989. In December of that year he formed the NDA-K and signed a cease-fire with the military regime. In 2004 the NDA-K participated in the national convention and supported the SPDC's proposal for the seven-step road map for democracy.[29]

In early June 2008, the NDA-K directly donated 60 million kyat to the Burmese military junta to help the victims of Cyclone Nargis.[30]

In early July 2008, the NDA-K stated that it was competing in the 2010 elections. Chairman Za Khun Ting Ring stated:

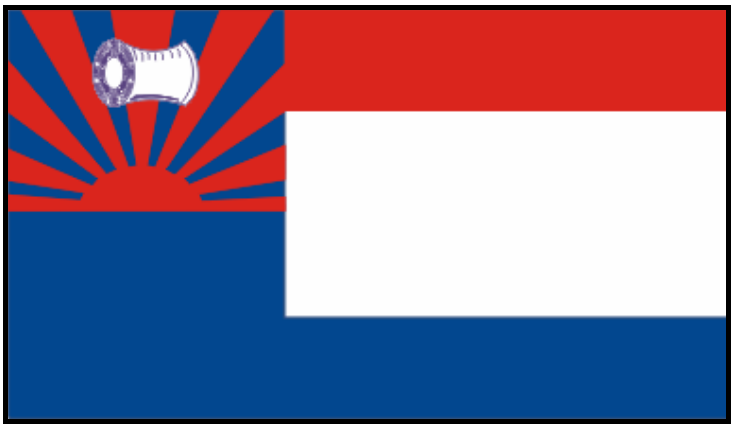
> *"After the elections, we will be able to have a dialogue with government to come to an agreement – it will suit us better to transform. It is likely that we will be disarmed in the future as part of the government's seven-step roadmap for the future. There will be no outcome if we don't comply with the steps."* [31]

Karen State

Karen State is home to the world's longest continual ethnic conflict. The Karen resistance began in 1949 soon after Burma was granted independence from Britain and has continued for almost 60 years. The main Karen opposition group is the Karen National Union (KNU), whose armed wing is known as the Karen National Liberation Army (KNLA). The KNU is widely regarded as one of the stronger resistance groups opposing the military regime, although over the years, the group has suffered a number of damaging splits within its ranks, the most damaging being the formation of the Democratic Karen Buddhist Army (DKBA). This split, which is said to have occurred due to religious differences, came in December 1994 when a large group of rank and file soldiers broke away.

Almost immediately, the DKBA formed an alliance with the State Law and Order Restoration Council (SLORC; as the regime was known prior to November 1997) and betrayed the KNU by showing SLORC soldiers all of the weaknesses of key defensive positions and guiding them through the extensive minefields protecting the KNU headquarters at Manerplaw. As a result of this treachery, Manerplaw fell to the junta forces. Soon after, many more KNU strongholds along the Burma - Thailand border fell to the junta.

The KNU has since lost most of its territory and has resorted to waging guerrilla war in the dense jungles of Karen State. The DKBA was rewarded by the regime not only with numerous economic concessions, but also with control over a number of lucrative border checkpoints where they could make considerable revenue taxing the traders who passed through. Over the past 15 years, the DKBA sphere of influence has increased and DKBA units have a presence in six of the seven Karen districts. However, the DKBA has also embraced many of the same policies used by the junta and are guilty of committing widespread human rights abuses against the same people that they claim to represent. (For more information, see Section 8.4: Abuse of Ethnic Minorities by Ceasefire Groups below).



The Karen national flag. *[Photo: © Jaume Ollé]*

The Karen Human Rights Group (KHRG) quoted a 40 year old female villager from Kawkareik Township in Dooplaya District in May 2008. This quote sums up the stress, poverty and uncertainty that the Karen people face in their daily lives in DKBA areas. The quote reads as follows:

> *"My occupation is hill field farming, but at the moment we're not able to work on our hill fields because landmines have been planted along the path and around our village. Now in my village villagers are facing so many difficulties that I don't know how to describe it. Villagers haven't been allowed to go outside of the village since last month. Last year the livestock which the villagers sold in my village was very cheap, because if they didn't do like this [keep the price low] when the DKBA came, they [the DKBA soldiers] shot the villagers' livestock dead and ate them without paying any compensation. So villagers thought that something was better than nothing so they did like that [reduced the price]. At the moment, the cows and buffaloes also step on the landmines every day. Now the villagers have to live in the village and can't do anything. [They] just sit around and look at each other in the face. We can start our hill field cultivation after they [the DKBA soldiers] leave and take out all of the landmines that they have planted, but we don't know when they will depart. Now the roads are covered with weeds and bushes. On a previous day, one of the DKBA soldiers stepped on a landmine and lost one of his legs while he was trying to find the location of some KNU [KNLA] soldiers. When DKBA soldiers see anyone outside of the village they accuse them of being a spy for the KNU and of having contact with the KNU. They force the villagers to be porters and they forced 50 villagers from villages such as Noh Poe, Htee Moo Hta and Meh Ker Neh [to serve as porters], because if they go without porters the KNU [KNLA] soldiers can attack them. But if they go with the villagers the KNU [KNLA] soldiers can't attack them. If KNU soldiers attack them the villagers will face problems and most of the victims will be villagers. Villagers also have to do loh ah pay [forced labour] every five days. If they don't go, then they have to pay 20,000 kyat [US $16.80] for three days [to avoid forced labour duty for three days]. For the loh ah pay [forced labour] the villagersmust cook for the DKBA soldiers, travel with them and follow them wherever they go. The DKBA soldiers also demand rice from the villagers. Each house has to give three big tins [48 kg / 105.6 lb] of rice to them. There are more than 200 houses in my village."* [32]

The vice-chairman of the KNU, David Takapaw, told *The Irrawady* that political conflicts in Burma should be resolved politically but added however, that the KNU would continue to hold onto its arms in self-defense. Takapaw added that the KNU would still welcome negotiations with the Burmese government and would consider a ceasefire agreement but only if certain conditions were met. These conditions included Burmese troop withdrawal from Karen State and the release of all political prisoners, including Aung San Suu Kyi. There have been attempts at such agreements in the past. The last one that had any result took place in 2004 when KNU Chairman General Bo Mya visited Rangoon for peace talks with Burma's former Prime Minister Khin Nyunt. Any gains made by these talks were lost when Burmese troops launched major military offensives against Karen civilians in northern Karen State and forced around 30,000 Karen villagers to flee. In February 2007, the KNU broke off all contact with the Burmese regime when Major-General Htain Maung and some 300 KNU soldiers defected to the Burmese army.[33]

On 14 February 2008, the KNU was dealt its most devastating blow in recent history when Padoh Mahn Shar, the KNU's general secretary, was assassinated in front of his home in the Thai border town of Mae Sot at around 4:30 pm. According to the only eyewitness, "*Two men climbed the stairs of his home and said 'good evening' (in Karen language) to Mahn Sha. Then they shot him twice in the left side of his chest. He died immediately."* [34] The

assassins were unknown but many speculate that they belonged to one of the other Karen splinter groups operating in the area.[35] Mahn Shar, who was 64 at the time of his death and was respected by both ethnic and pro-democracy groups, joined the KNU after finishing his degree in history at Rangoon University in 1966. Hundreds attended his funeral including General Mu Tu, commander-in-chief of the KNLA and United States congressmen Joe Pitts and Trent Franks. Franks, who is co-chair of the Congressional Human Rights Caucus Task Force on International Religious Freedom said *"Mahn Sha gave his life to protect the Karen from the incomprehensible genocide committed against them by the military regime."* [36]

Mahn Shar was eventually succeeded by Zipporah Sein, the KNU's first female leader.[37] Mahn Shar's death was followed by the death KNU chairperson Pado Saw Ba Thin Sein on 22 May. Unlike Mahn Shar, Pado Saw Ba Thin Sein died of natural causes.[38]

Karen National Union (KNU)

On 16 February 2008, *The Irrawaddy* stated that a KNU senior officer had told the magazine that two more senior KNU military leaders were listed for assassination. The officer said that General Mu Tu, of the KNLA and Brigadier-General Johnny, commander of KNLA Brigade #7, were marked for assassination by both the DKBA and the KNU/KNLA Peace Council ceasefire group. The threats came soon after the killing of Mahn Shar in Mae Sot, Thailand.[39]

On 20 February 2008, *Irrawaddy* reported that members of the DKBA were confirmed to be involved in the assassination of KNU leader Mahn Shar. A source close to DKBA leaders said the killer was most likely San Pyote (a.k.a. Soe Myint), acting with several other members of DKBA Battalion #999. Another DKBA source said San Pyote was not acting under the orders of the DKBA when he carried out the killing. The KNU reportedly intercepted a radio broadcast from San Pyote to Colonel Myat Tun Oo of the SPDC at 4:37 pm. The conversation said that the '*mission*' had been '*accomplished*' and that two of his members were back in Myawaddy. KNU officials also stated that Major-General Htain Maung may have been connected to the killing as well. Maung was a former commander of the KNLA until he broke away with 300 troops to form the KNU/KNLA Peace Council and promptly signed a ceasefire agreement with the junta.[40]

Mizzima News reported on 15 July 2008 that almost 60 British Parliamentarians signed the so-called 'Early Day Motion', which urged the UK government to investigate Mahn Shar's assassination. *"We welcome this move by the British parliamentarians because it is not only a moral support but is a fight against injustice,"* said Zoya Phan, daughter of Mahn Shar who currently resides in the UK.[41] This was particularly good news because, despite the Thai police's pledge to find and arrest the killers, KNU leaders did not expect the perpetrators to be apprehended. As a KNU spokesman said: *"As neither the victim nor the gunmen were Thai citizens, I don't think the Thai authorities will take this case seriously."* [42]

On 29 February, it was reported that Sergeant San Htun Hla, Sergeant Soe Thiha, private Kyaw Min Htun and signaler Thein Min Htike, from the coastal region LIB #401's Regiment 1 surrendered to KNLA Brigade 6 Battalion #17. Upon surrendering they gave the KNLA:

1. two MA-1 assault rifles (standard issue rifle to the SPDC army);
2. two MA-3 assault rifles (carbine version of the MA-1);
3. One MA-4 assault rifle (MA-1 assault rifle with underbarrel 40 mm grenade launcher);
4. 400 rounds of ammunition; and
5. M-79 40 mm grenade-launchers.

The Burmese soldiers reportedly deserted the army because of the constant abuse they faced at the hands of their superior officers. The KNU secretary of Do Pala Rah District, Saw Lipton was quoted as saying,

> *"They understood the wrongdoing of their army leaders and decided to switch sides to join with the oppressed people. We always have to welcome them. We will now see what they want to do next and do our best to give them assistance in whatever they come up with."* [43]

A two day long battle between KNLA soldiers and SPDC supported DKBA troops ended with one DKBA soldier and two SPDC soldiers dead (according to the KNLA), as well as one KNLA soldier dead and two wounded (according to the *Bangkok Post*). The battle, which occurred on 1 and 2 July 2008 when the joint forces stormed territory controlled by KNLA Brigade #6's Special Battalion #201, Wal Lay Khee specifically. Thai authorities stopped and detained some of the DKBA forces when they retreated through Thai territory.[44] Some of the shells launched by the regime's troops landed on Thai soil, causing around 200 Thai villagers to flee their homes. The attack was thought to be retaliation for regime troops killed by the KNLA during clashes in June.[45]

The KNU formally denied any involvement in the bomb blasts that took place on 11 September 2008 in Kyaukkyi Township, Pegu Division. The Naypyidaw regime accused the KNU as well as the All Burma Student Democratic Front (ABSDF) and the Vigorous Burmese Student Warriors (VBSW) of jointly carrying out the act which killed two people and wounded nine others.[46]

On 30 September 2008, KNLA soldiers fought with DKBA battalion #999 near Htee Bper village of T'Moh village tract in Pa'an District, resulting in the deaths of two DKBA soldiers.[47] Captain Bu Paw, a KNLA spokesman reported that the DKBA had seized a base of the KNLA's Battalion #201 in Kawkareik Township after two days of heavy fighting during the first weekend of November 2008. He also said the attack on the Battalion #201 base was part of the regime's plan to seize all the KNLA bases along the Burmese-Thai border before the 2010 elections.[48]

On 5 November 2008, KNLA soldiers stormed a DKBA base near Pa-an, reportedly taking control of it after a 45 minute battle. The KNLA also reported seizing:

1. One 60 mm mortar;
2. Three M-16 assault rifles;
3. Two AK-47 assault rifles;
4. One M1 carbine;
5. Two RPG-7 rocket launchers;
6. Two walkie-talkies;
7. A typewriter;
8. Five hand grenades; and
9. 12 DKBA uniforms.[49]

On 10 December 2008, eight soldiers from KNLA Battalion ambushed over 100 SPDC soldiers near Thi Pout Ka Low village in Kya In Seik Kyi Township. The KNLA reported four Burmese soldiers killed and claimed that if the Burmese continued their assaults, the KNLA would continue to attack them. After the attack the village headman and two others were held by the Burmese army but did not face abuse or fines and were soon released.[50]

Democratic Karen Buddhist Army (DKBA)

On 5 June 2008, the Independent Mon News Agency (IMNA) reported that sources from the DKBA said that they were under pressure to assimilate into the army as a militia force and operate under the control of the SPDC. This coincided with the recently approved constitution which stated that all armed groups were under government control.[51]

In October 2008 the DKBA, with support from the SPDC, undertook preparations to launch a massive offensive against the KNLA held areas of Kawkareik Township. Over 200 DKBA soldiers from battalions #907, #906, #333 and #999 entered the area during the first week of October and began recruiting and threatening villagers. The DKBA were anxious to take control of the area bordering Thailand's Tak province due to its richness of natural resources.[52]

On 4 October 2008 DKBA soldiers from Battalion #907 entered the Thai village of Mae Klong Khee in Tak Province in Umphang District. They attacked and hurt at least one villager, detained 15 villagers who were believed to be supporters of the KNU and caused hundreds to flee their homes. The village chief's home was also damaged.[53]

The DKBA struck again on 18 October 2008, when three members of a Thai security patrol were wounded when the DKBA re-entered Mae Klong Khee. They opened fire with rocket propelled grenades (RPGs) and small arms near the home of village chief Boonlert Duanmaeklong, whose home was damaged in the previous fighting. The wounded Thai nationals were taken to a nearby hospital.[54]

The Karenni national flag *[Photo: © Jaume Ollé]*

Karenni State

Karenni National Progressive Party (KNPP)

The Karenni National Progressive Party (KNPP) was founded in 1955 and along with its armed wing, the Karenni Army (KA), is now based along Burma's Thai border. In 1995 the KNPP signed a ceasefire with the junta but due to SPDC violations of the ceasefire agreement, hostilities began again. Peace talks in Tachilek in 2007 produced no results.

On 12 February 2008, the KNPP appealed to UN Secretary General Ban-Ki Moon to remove their name from the list of non-state armed groups who recruit child soldiers. A KNPP official said:

> *"The Karenni Army (KA) has stopped forcible recruitment of youth into its army and has already released two statements last year speaking about its commitment to international conventions against the use of child soldiers."* [55]

Rimond Htoo, secretary of the KNPP was quoted as saying *"We don't recruit children into our army and we don't have a policy of forcible recruitment of soldiers. Even adults join voluntarily."* [56]

On 2 October 2008, the KNPP announced that it was not in fact negotiating an agreement with the SPDC to lay down its arms. The rumors were denied by KNPP secretary Khu Oo Reh who said:

> *"We have no plan to 'exchange arms for peace', as there has been no discussion or consideration. I want to say that it is pure propaganda by the SPDC – they are systematically spreading false news to cause misunderstandings among ceasefire groups and the public about the KNPP."* [57]

Mon State

New Mon State Party (NMSP)

Resistance in Mon State has been organised since a very early stage by an administrative political group, the New Mon State Party (NMSP). Founded in July 1958 by Nai Shwe Kyin after the Mon People's Front (MPF) signed a peace agreement with U Nu, the NMSP fought for autonomy in Mon State with active resistance being carried out by its armed wing, the Mon National Liberation Army (MNLA).[58]

The NMSP signed a ceasefire pact with the regime in 1995 in return for the right to retain arms in Mon State, some economic assistance and logging and fishing concessions. Despite the end of open warfare, regime authorities have confiscated over 10,000 acres of land since the cease-fire and have used forced labour as well as torture; summary execution and sexual violence also continue to occur in the ceasefire areas of Mon State.[59]

According to reports by *Kaowao News*, the NMSP previously received monthly payments from the SPDC of 4.1 million kyat.[60] All payments ceased in July 2005 howevver, after the group spoke up in favour of federalism at the National Convention proceedings.[61] The payments were partially resumed in September 2005, although economic concessions to the group were withdrawn and movement restrictions on NMSP members were strictly enforced.[62] Despite some of the setbacks the NMSP has faced since 1995, some argue they have achieved success in the realm of education. According to the Mon National Education Department, there are 157 schools teaching in the Mon language in Mon State and 114 schools offering a curriculum in Burmese and Mon.

29 June 2008 was the 13th anniversary of the NMSP/SPDC ceasefire and though in the past a large party heavily attended by leaders of both sides was held, 2008 proceedings consisted of a sparsely attended celebration, held at the NMSP office in Moulmein. While many high level SPDC officials were invited, only one officer attended and NMSP Senior Chairman Nai Rot Sa was absent. The situation regarding SPDC troop increases in Ye Township was discussed after the SPDC officer departed. Many analysts felt that the failure of the SPDC to attend the celebration was a sign of growing animosity between the two groups.[63]

In December 2008, a source close to the NMSP leadership said the party would refuse to participate in the 2010 election. However, an official stance has yet to be taken.[64]

On the evening of December 14 2008, the NMSP nearly captured a Thai national who was smuggling drugs into Thailand at the Gu Bowl checkpoint, near Three Pagodas Pass. The smuggler, who was riding on a motorbike taxi, jumped off and fled, leaving behind his jacket. The jacket contained 1,500 amphetamine pills divided into six small plastic bags, two Thai identity cards and a mobile phone. Some sources say the identity cards prove the smuggler, Nai-sar-yan Phin-sari, aged 37, was a police officer but the NMSP did not comment in relation to whether or not he was a member of the Royal Thai Police.[65]

The Mon national flag. *[Photo: © Eugene Ipavec]*

Monland Restoration Party (MRP)

The Monland Restoration Party, known up to 2003 as the Hongswatoi Restoration Party, continues to wage low level guerilla operations against the SPDC in between the areas of Southern Ye and Northern Tavoy. (See Chatpter 10: Freedom of Movement, Assembly and Association, Restrictions on Ethnic Villagers - Mon State).

On 10 June 2008, MRP troops attacked Burmese troops from IB #31, near Kabya village. Firing from a hill on the troops traveling in trucks and on motorbikes, the MRP claimed to have killed a major, a captain and four soldiers as well as taking one injury themselves.[66]

Mon National Democratic Front (MNDF)

The Mon National Democratic Front (MNDF) was founded in 1988 and won five seats in the 1990 elections. It was outlawed by the SLORC in 1992. In 2008, MNDF vice chairman Nai Ngwe Thein stated that the organisation would not participate in the 2010 elections and urged the rest of the Mon community to do the same.[67] In regards to the referendum, the MNDF head was quoted as saying:

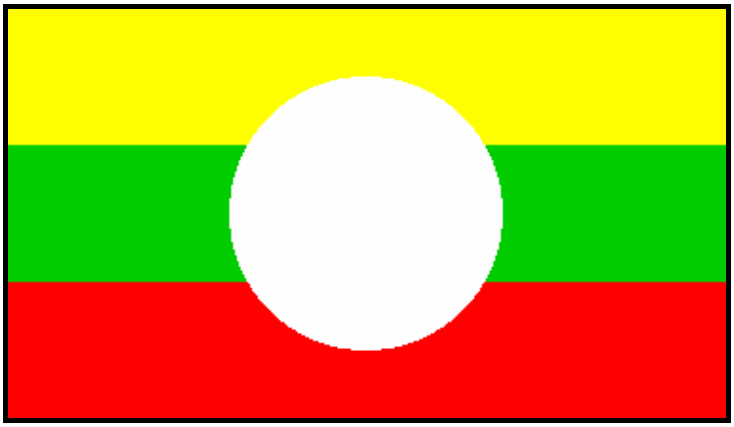
> *"We should not waste our time with what the government plans which will not benefit the people. We should concentrate on our movements which will bring us democracy and ethnic rights."* [68]

The MNDF also called for the principles of the Panglong Agreement to be implemented, if only in spirit.[69]

The Independent Mon News Agency (IMNA) reported on 10 April 2008 that, at the 16th closing ceremony of the Summer Mon Literature and Culture school, Dr Min Kyi Winn, joint-secretary of the MNDF and chairman of the Mon Literature and Culture Committee in Mudon Township, assertetd that because there are no rights to teach ethnic languages in Burma, it is the responsibility of the ethnic people to continue to teach their language and culture.[70]

Shan State

Shan State is geographically the largest ethnic minority state in Burma, and is also one of the most ethnically diverse. Due to this high ethnic concentration, many groups operate in the area. The SPDC is acutely aware of the threat they pose to its control over the region and have responded by maintaining a heavy military presence. The majority of armed ethnic groups operating in Shan State have allied themselves with the regime and signed ceasefire deals though some groups, such as the Shan State Army – South (SSA-S), continued to oppose the regime throughout 2008.



The Shan national flag. *[Photo: © Ivan Sache]*

Pa'O National Liberation Organisation (PNLO)

The PNLO was formed in 2007 after splitting from the cease-fire Shan State Nationalities People's Liberation Organisation (SNPLO) due to disagreements over the junta's policy of forcing all ethnic armies to lay down their arms following the national convention. Led by Secretary General Khun Thurein, the group recently demanded that the government free Daw Aung San Suu Kyi and all political prisoners, form an interim government representing ethnic groups, and cancel the planned constitutional referendum and general election. On 17 February 2008, the group attacked a military Security Affairs office and LIB #423's outpost in See Sai Township, in Shan State. They claimed to have killed SPDC soldiers and said none of their own were lost, though three SNPLO officials were later arrested and taken for questioning at the SPDC's Eastern Division Military Command in the Shan State capital of Taunggyi.[71]

United Wa State Army (UWSA)

The United Wa State Army (UWSA) is an armed ethnic group that signed a ceasefire agreement with the Burmese military in the early 1990's. The group's commander Wei Hsueh Kang (or Wei Xuegang as he is also known), is wanted by the US government for playing a major role in the region's drug trade.[72]

On 13 November 2008, the United States Treasury Department froze assets from 17 companies and 26 individuals linked to the group or Wei Hsueh Kang.[73]

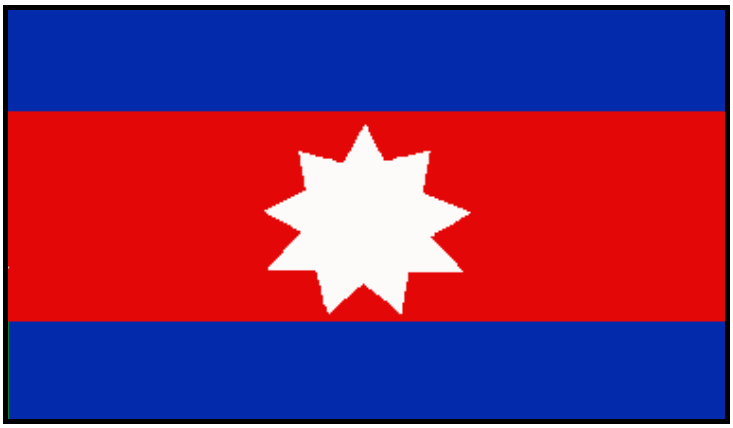
The UWSA's relationship with the junta hit a new low when, at the beginning of December 2008, about 1,000 UWSA troops took part in military exercises in Mongyawn, Mong Hsat Township, on the border of Thailand. The exercises took place following a meeting between the Burmese army commander Kyaw Phyoe and UWSA's 468th Brigade Commander Sai Hsarm. The meeting focused on two issues, the UWSA's refusal to leave the Thai border and their refusal to lay down their arms. When asked about the issues Sai Hsarm was quoted as responding: *"For more than ten years, we have been ordered to pull out from the south but we never did. And we are never going to give it up"* and:

> *"Sir, I don't understand what you're saying. Does it mean the Wa region is not at peace because we are holding arms? On the contrary, it is at peace because we are holding arms. We are therefore never going to give them up as long as we're alive."* [74]

Following this pronouncement, the meeting reportedly ended abruptly.[75] Some analysts believe the exercises were in preparation for a clash with the Burmese military.[76]

The *Irrawaddy* reported on 16 December 2008, that the UWSA reportedly had around 20,000 troops stationed along the borders of Thailand and China and had recently begun manufacturing AK-47's for use in their own battalions and for sale to other armed ethnic groups for money, to supplement the loss of funds from a ban on opium cultivation.[77]

Finally, in December 2008, the *Irrawaddy* issued a report accusing the UWSA of purchasing 10 tons of pseudoephedrine, the main component of methamphetamine from a supplier in Thailand.[78]



The flag of the United Wa State Army (UWSA). *[Photo: © Jaume Ollé]*

National Democratic Alliance Army-Eastern Shan State (NDAA-ESS)

The Democratic Alliance Army-Eastern Shan State (NDAA-ESS) is a ceasefire group led by Sai Leun. It was a part of the Communist Party of Burma and signed a ceasefire with the junta in 1989. In July it was reported that the junta had been pressuring the NDAA-ESS to transfer the administration of villages surrounding Hsaleu, where its 369th Brigade is headquartered, and Nampan, where its 911th Brigade is headquartered, to the SPDC. Leun stated that it was a *"ploy to cut us off from our own men and people. It is also aimed to cut us off from our allies."* [79]

Shan State Army-South (SSA-S)

The Shan State Army-South (SSA-S) was formed in 1996 by Mong Thai Army (MTA) soldiers who were dissatisfied with the MTA's ceasefire agreement with the junta. While the MTA was known more for its involvement in the drug industry than for representing the people, the SSA-S quickly became known as a legitimate representative of the Shan ethnic minority. Since the SPDC will only accept a complete surrender of arms from the SSA-S, no ceasefire negotiations have ever taken place between the two groups.[80] As far as recruitment goes, SSA-S Colonel Yawd Serk has been quoted saying:

> *"As citizens of Shan State, every able-bodied man, 18 upwards, are required to serve in the army for 5 years. Some of the Pa-O young men are fleeing from the area in order to avoid being conscripted. Maybe we still need a lot of publicity to make the people understand their duties to the country."* [81]

On 20 January 2008, a 30 person SSA-S platoon battled with a 50 person strong SPDC patrol led by Major Thurein Tun at Five Banyan Trees, near Pang Hpone village, Mong Yai tract, Kae See Township. The fight lasted for an hour with SPDC soldiers claiming seven deaths and eight injuries and the SSA-S sustaining injuries to 2 soldiers.[82]

On 14 February 2008, a four man SSA-S unit attacked a 50 soldier SPDC patrol while they were eating dinner near Loi Mak Hin Mountain, north of Wan Lao village, Khun Hing Township in Southern Shan State. Two Burmese soldiers were injured while the SSA-S claimed no casualties.[83]

On 15 February 2008, the SSA-S responded to a United Nations report stating that it uses child soldiers. Colonel Yawd Serk's response was as follows: *"The United Nations should not listen to outside. We, the SSA invite the UN to come here and see the truth. Our mandatory policy is to recruit people as soldiers from 18 to 45 years old."* [84] He also added that, *"Although they are over 18 they look like 14 -15 years old because of malnutrition."* [85]

In June 2008, Colonel Yawd Serk continued to defend the name of the SSA-S when he issued a statement denying the SSA-South's participation in the murder of eight civilians in Mawkmai Township, Langkher District on 28 May 2008. He was quoted as saying:

> *"The SSA isn't active in the said area. There are only two armed groups there: The Burma Army (SPDC) and the (ceasefire) Shan State Nationalities People's Liberation Organisation (SNPLO). This kind of policy is only adopted and carried out by the Burma Army. Their favorite ploy is to kill people, sometimes even by wearing SSA insignias, and then putting the blame on us."* [86]

Multilateral Resistance Organisations

Despite the frequent splits and factionalism in the various armed ethnic resistance groups, political affiliations between different ethnic groups have allowed for the creation of several multilateral resistance organisations which have attempted to coordinate between the various ethnic minority groups in order to achieve a degree of unity between them and advocate for their collective concerns.

The National Democratic Front (NDF) was the first such group to form in 1976. Created in the interests of a number of ethnic organisations, the NDF was originally comprised of members of the Karen National Union (KNU), New Mon State Party (NMSP), Kachin Independence Organisation (KIO), Karenni Nationalities Progressive Party (KNPP), Chin National Front (CNF), Arakan Liberation Party (ALP), Lahu Democratic Front (LDF), Palaung Liberation Front (PLF), Pa'O Liberation Organisation (PLO) and the Wa National Organisation (WNO). As with the majority of the multilateral resistance organisations, the efforts of the NDF were purely political and focused on the advocacy of a Federal Union of Burma, and on the equal rights and representation of ethnic minorities.[87] In 1989, the Democratic Alliance of Burma (DAB) joined the NDF in their advocacy efforts with a membership that also included members of a broader pro-democracy movement in Burma.[88]

Later, in August 2001, the United Nationalities League for Democracy – Liberated Area (UNLD-LA) and the NDF together founded the Ethnic Nationalities Solidarity and Cooperation Committee (ENSCC), which in 2004 was renamed the ENC. The stated goal of the ENSCC (and subsequently the ENC) was to facilitate tripartite dialogue between the SPDC, the Burman pro-democracy groups and the ethnic minority groups. In 2005, the ENC commenced work on drafting a constitution for a democratic Burma. Unlike the constitution being forced upon the delegates at the National Convention, the constitution that emerged from the Ethnic Nationalities Council was founded on principals of federalism and protected the rights and interests of Burma's ethnic minorities.[89]

On 10 May 2008, a group of 12 ethnic political parties announced that they were working to dissuade the people of Burma from voting on the referendum and voting against it themselves. The groups involved were the Shan Nationalities League for Democracy, Mon National Democratic Front, Zomi National Congress, Arakan League for Democracy, Chin National League for Democracy, Karen National Congress for Democracy, Kachin State National Congress for Democracy, Kayah State Nationalities League for Democracy, Democratic Organisation for Kayan National Unity, Mara Peoples' Party, Shan State Kokang Democratic Party and Arakan Peoples' Democratic Allies.[90]

Soon after the junta's announcement of the 10 May 2008 referendum, the SSA-S issued a statement saying: *"We can achieve our desired ethnic rights only when we emerge as a unified force under one command and one voice. It's time to be united and so our Chairman has called for unity and solidarity."* [91] In response, Khun Thurien, chairman of PNLO stated that: *"Our armed resistance is scattered and not in harmony. Sporadic and scattered movements make our revolution ineffective and don't achieve success. We welcome a proposed united front under one command and one voice, with unity and solidarity."* [92] According to military sources, there have also recently been attempts at cooperation between the SSA-S and their long-time rivals the UWSA.

18.3 SPDC Campaign of Abuses against Ethnic Minority Villagers

Throughout Burma, many ceasefire agreements entered into between the SPDC and ethnic armed resistance groups have failed to offer civilians protection against violence and abuse. In many cases, the abuses have actually increased following the brokering of a ceasefire pact. Even when direct attacks and arbitrary killings are not occurring, the SPDC and their proxy ceasefire armies exploit ethnic villagers as forced labour, and also through the use of forced relocation, arbitrary arrest, extortion, land confiscation, destruction of property, targeting of food supplies, rapes, beatings and torture. Control and manipulation of ethnic identity by the military regime can be loosely grouped into three main strategies: direct violence, economic deprivation and cultural assimilation. Of these three, direct violence is arguably the most obvious. SPDC army soldiers as well as ceasefire groups were guilty of performing extrajudicial executions, arbitrarily detaining villagers, and beating and torturing civilians in ethnic minority areas across the country throughout 2008. In Karen State, shooting on sight is common practice for the SPDC. (For more information, see Chapter 3: Extra-Judicial, Summary or Arbitrary Executions).

Beginning in November 2005, the SPDC launched an intensive military offensive against civilian villages in northern Karen State which continued into 2008. Unlike most previous campaigns, which have typically been conducted only in the dry season when soldiers can more easily move up and down the steep hillsides, the attacks on unarmed civilian villages continued into the rainy season when travel becomes difficult and the roads impassable to vehicles. Rather than withdraw back to their bases at the onset of the monsoon, the SPDC army columns remained in the steep and densely forested hills, mounting military assaults on undefended villages and hunting the internally displaced people who attempted to elude them. SPDC army units fired upon displaced Karen villagers on sight, forcibly relocated those they could catch and deployed thousands of landmines targeted against those that they could not. They also burned whole villages and destroyed villagers' food supplies. These attacks continued, largely unabated into 2008. The sustained nature of the attacks quickly resulted in the single largest offensive conducted in the area in a decade. No offensives of this magnitude or intensity had been waged in Burma since the massive Karen offensives of 1997, in which hundreds of villages were razed and tens of thousands displaced. The Free Burma Rangers (FBR) estimated that by December 2006, approximately 25,000 villagers had fled their homes to hide in the forest where they hoped to avoid detection by SPDC army patrols. During 2007 this number had swelled to over 30,000. However, these numbers must be considered to exist on top of the approximately 120,000 internally displaced persons (IDPs) already living in hiding in Karen State.

In its efforts to wipe out armed resistance and control ethnic minority groups, the SPDC typically targets ethnic minority villages, in direct contravention of not only the Geneva Conventions, but various other international conventions as well, many of which have come to be regarded as customary international law and which the SPDC is thus obliged to obey.

Economic deprivation was also employed widely by the SPDC and by its allied ceasefire armies throughout Burma during 2008. SPDC army soldiers and ceasefire armies alike deliberately and routinely razed villagers' crops and food supplies. Roads were blockaded and food deliveries were not permitted to reach their destinations, creating food shortages for those who had come to depend on them for their survival. Perhaps the most pervasive strategy however, was the use of extortion and forced labour. Throughout 2008, villagers were regularly called upon to provide uncompensated labour to assist the military in building new roads and army camps, portering supplies, serving as guides and running errands. Villagers were taken away from their farms and forced to work with little to no regard for the agricultural seasons or the importance of

timeliness in farming. As a result, many villagers were unable to harvest enough food to feed their families because so much of their time was spent performing forced labour for the military. (For more information, see Chapter 5: Forced Labour and Forced Conscription). Similarly, whenever soldiers burned villager's fields and plantations, mounted patrols in civilian farming areas or set up camps near villages or their fields and plantations, it has had a direct impact on the financial life of the villagers.

Furthermore, an elaborate (and at times ludicrous) system of unofficial taxation, tantamount to little more than blatant extortion, has been exacted upon the civilian population by the SPDC and its proxies. Such *'taxes'* or *'fees'* may range from levies paid in Arakan State before a marriage permit will be granted, through to fines payable in numerous areas of eastern Burma for the destruction of state property after a villager steps on an SPDC deployed landmine, many of which are deployed in areas known to be frequented by noncombatants. (For more information, see Chapter 6: Deprivation of Livelihood).

The third strategy used in the campaign against Burma's ethnic minorities by the SPDC has been their cultural assimilation into the Buddhist Burman majority. Commonly referred to as *"Burmanisation"*, one such tool used by the regime is the destruction of culturally important sites or buildings and the construction of more Burman-oriented structures in their stead. In Chin State for instance, Christian Chins are regularly prevented from building churches or holding religious events. Many Christian sites in Chin State have been demolished and Buddhist pagodas and temples built on the site. Similarly, the Muslim Rohingya from Arakan State find it extremely difficult to secure official permission to repair existing mosques, let alone construct new ones. (For more information, see Chapter 8: Freedom of Belief and Religion).

The regime has also enacted certain draconian laws which prevent the expression of culture among many of Burma's ethnic minorities, including among other things a prohibition on the wearing of traditional ethnic dress, performance of traditional cultural ceremonies, or even learning native ethnic languages. The Rohingya, for example, are prevented from adhering to their marriage traditions and from wearing traditional dress while performing wedding ceremonies. Many Rohingya are prevented from marrying at all and must first apply for marriage permits from the regime, the cost of which is prohibitively high, and which are often arbitrarily denied anyway. Moreover, the Rohingya have been targeted for what some researchers have referred to as *'cultural genocide'* in that they have frequently been forcibly relocated off their land and into SPDC-designated sites. These relocations make way for Buddhist Burman settlers from central Burma so as to dilute the ethnic composition of the region through the establishment of incongruously-named *'model villages'*.

As shall be seen on the pages which follow, various strategies of direct violence, economic deprivation and cultural assimilation were employed by the SPDC and its allied ethnic ceasefire armies in the ethnic minority areas of Burma throughout 2008. By far the most extensively documented of these were those abuses which were committed in Karen State. This was due not only to the large-scale military offensive which continues there, but also due to the extensive documentation network in place among the Karen areas. That said, the greater amount of evidence recorded for Karen State does not necessarily mean that the situation there is any worse than in other areas of rural conflict, though this is highly likely. In other words, this should not be taken to mean that fewer documented incidences from other parts of the country equate to fewer human rights violations being committed in those areas.

Please note that the list of incidents shown below is far from complete and should not be assumed to represent an exhaustive catalogue of the campaign of abuses perpetrated against ethnic minority villagers in Burma. Such a catalogue would be a substantial tome in itself and is beyond the scope of the present chapter. Incidents included below have been selected to illustrate the deliberate and discriminatory nature of abuses. Please refer to other relevant chapters of this report for further information on specific types of abuse.

Arakan State

There are approximately two million inhabitants of Arakan (Rakhine) State. The two predominant ethnic groups are the Buddhist Arakanese (Rakhine) and the Bengali-speaking Muslim Rohingya.

The Rohingya, for the most part, inhabit the northern region of Arakan State, near the border with Bangladesh. The Arakan Project, an independent, Non-Govermental Organisation (NGO) which documents abuses against the Rohingya, has characterised the area as one of acute poverty which is facing a *"chronic emergency"*, and the Rohingya as facing some of the highest levels of discrimination in Burma. A September 2008 report quoted a Rohingya as saying: *"The regime is trying to take away our identity. We will not be there in the very near future. Our prime concern is that we must not be eliminated …We are a people on the brink of extinction."* [93]

Burmese military campaigns against the Rohingya prompted large refugee flows into Bangladesh in 1978 and again in 1991-92. Approximately 20,000 Rohingya refugees remain in camps in Bangladesh.[94] It is estimated that between 2006 and 2007, 2,500 Rohingya were arrested after arriving in Thailand. In some cases the men were sent back to Burma.[95] (For more information, see Chapter 17: Situation of Refugees).

The passing of a 1982 Citizenship Law based on the 1823 list of 135 'national groups' in Burma and Bangaladesh's unwillingness to accept them have left the Rohingya a stateless people.[96] As non-citizens, they are not allowed to travel out of Northern Arakan State and must request permission from regional administration (DaKaSa) any time that they wish to leave their villages. Similarly, Rohingya fishermen in the state capital city of Sittwe have to pay 500 kyat each to the immigration, military intelligence (SaRaPa) and DaKaSa if they want to go out to sea.[97]

Even at those times when Rohingya have purchased and are in possession of valid travel permits, they are not immune to extortion and arrest from SPDC army soldiers. Many Rohingya procure travel documents to leave the economically depressed Buthidaung Township to look for work in Maungdaw Township. However, they are vulnerable to exploitation as they return home carrying the money they have earned. Troops at any number of checkpoints along the road often detain people and destroy their travel documents, thereafter demanding a fine from the person and stealing their money.[98] A former member of the NaSaKa stated in an interview: *"Throughout my life in the NaSaKa, I was used to this system of arresting Muslims, asking for money, torturing them, every day. We only arrested Muslims, not Rakhines."* [99]

According to author Benedict Rogers:

> *"It is almost impossible to obtain permission to renovate, repair, rebuild or extend mosques or other religious buildings. In the past three years, 12 mosques in northern Arakan have been demolished, and a large number were closed in 2006. Since 1962, I was told, not a single new mosque has been built. Religious leaders have been jailed for illegally renovating mosques."* [100]

Restrictions on movement also apply to those seeking medical care for cases where treatment is not locally available due to the extremely low quality of healthcare services in the region. (For more information, see Chapter 7: Right to Health). Rohingya's are further restricted from working in most areas of public service. This includes working as nurses, civil servants and teachers. The issue of teachers is particularly pressing due to the fact that most teaching jobs go to the Buddhist Rahkines or Burmans who have a reputation for quitting in the middle of the school year, severely impeding the Rohingya children's education.[101]

As stated above, for the past several years, the Ministry for the Development of Border Areas and National Races has forcibly relocated the Rohingya off the land to make way for settlers brought in from other areas, usually from around Rangoon and sometimes even foreigners from Bangladesh. SPDC army soldiers are frequently used to enforce such evictions and to pressure Rohingya farm owners to sign over their land. On occasion the soldiers utilise torture and imprisonment to secure the signatures on those evicted for 'legal' documents, which is ironic in that land ownership documents do not exist in Burma and that the state retains ownership of all agricultural land.[102] (For more information, see Chapter 6: Deprivation of Livelihood). Land confiscated from Rohingyas has typically been used to establish 'model villages', also known as NaTaLa villages, designed to dilute the ethnic composition of the areas by relocating Buddhist Burman settlers into areas traditionally inhabited by the Rohingya. According to a source in the regime, over 40 model villages with a total of over 20,000 settlers have been set up in the townships of Maungdaw, Buthidaung, and Rathedaung, in northern Arakan State.[103] It must be noted that while the Rohingya bear the overwhelming brunt of human rights abuses in Arakan State, the Arakanese are also subjected to extortion and forced labour.

A Rohingya villager and his son after they had fled to a refugee camp in Bangladesh. The Rohingya are arguably the most oppressed ethnic minority in Burma. *[Photo: © David Swanson/IRIN]*

In early January, there were reports of villagers being used as forced labour throughout Northern Arakan State. Duties included carrying wood and bamboo for the military forces active near Buthidaung Township and building 100 houses for the NaSaKa in Nurulapara.[104]

On 17 January 2008, Ko Than Htay and Ko Zaw Naing staged an anti-regime demonstration from their bicycles on the streets of Taungup. They were arrested and severely tortured by Police Chief Win Aung Ni and Special Investigator Maung Than. A relative of one of the boys stated that the boys were unable to eat or drink properly following the torture and were unable sleep in their beds due to pain from the injuries sustained.[105]

50 Burmese soldiers from Buthidaung stole several tons of rice from traders on 18 January 2008 while the traders rode on the ferry from Sittwe to Buthidaung. The traders were accused of smuggling and their rice was thrown overboard while some soldiers looted the rice to sell on their own.[106]

Another NaTaLa village appeared in Maungdaw Township on 31 January 2008 when 250 NaTaLa villagers coming from 60 households arrived to live in houses built by Rohingya forced labour on land that was forcibly taken from them.[107]

On 12 February 2008, Mostafa Kamal, age 22, of Maungdaw Township was arrested by Bawli Bazaar police after they suspected that he had visited Bangladesh. He showed them a guest list of where he stayed in Maungdaw proving he had not in fact gone to Bangladesh. This did not satisfy police officer San Min who demanded 50,000 kyat for his release.

In further examples of the above mentioned '*cultural genocide*,' on 12 February 2008, a police man entered the central mosque in Maungdaw and proceeded to urinate into the water source from which worshippers receive ablution. The mosque committee did not take action as the authorities have repeatedly turned a deaf ear toward them in the past.[108]

On 23 February 2008, *Kaladan News* reported two cases of the authorities of Maungdaw township forcing people to pay tolls in order to retrieve the corpses of their relatives. Mohammed Amin, age 3, drowned while playing near a shrimp dam on 21 February 2008. The child's family had to pay 50,000 kyat and 11 bags of cement to the Bawli Bazaar police to get the body back in order to provide a proper burial. The total cost was 182,000 kyat. The second case occurred after Mohammed Noor, age 50, was killed by an elephant while cutting bushes in a forest on 20 February 2008. The family had to pay 50,000 kyat to the police and 20,000 kyat to the hospital doctor for not performing an autopsy (While technically not forbidden in Islam, autopsies are commonly frowned upon in many Muslim societies).[109]

On 24 February 2008, twelve Rohingya villagers from Thinn Baw Gwe (Kol Loon) village in Maungdaw Township were sentenced to seven years in Buthidaung jail for renovating a mosque and Hafez Khana. They acquired the necessary documents from the NaSaKa commander of area 8 but this commander was transferred and the incoming commander refused to acknowledge them. The names of the jailed were:

1. Hashim Ullah, age 40;
2. Rahamat Ullah, age 30;
3. Noor Mohamed, age 50;
4. Sayed Yllag, age 40;
5. Md. Rofique, age 40;
6. Nur Islam, age 50 and six others.[110]

Nasaka officials deceived Mohammed Yusuf, age 32, and six other Rohingya businessmen near the Naff River by Maungdaw Township on 8 March 2008. After the businessmen secured permission to cross the border to Bangladesh, the Nasaka seized their goods and boat, valued together at 40,000 kyat and then arrested them. The men were then imprisoned at Kunnapara Nasaka camp and released on 10 March after paying 800,000 kyat to the camp's commander. A village elder said, *"It is a ploy to destroy the business of the Rohingya community."* [111]

On 21 March 2008, a scuffle between young Buddhist devotees and military authorities broke out at Lawkanaanda pagoda in Sittwe, causing violence and disorder to spread over the entire town and eventually leading to a 6 p.m. curfew. The curfew was also inexplicably imposed on the Rohingya sections of town. Authorities took advantage of the curfew and demanded food and money from homebound Rohingya families.[112]

On 8 June 2008, a cow was stolen from the hut of Jalil (not his real name), near Bawli Bazaar in Maungdaw township. Two days later the cow was seen at the local police station. When Jalil questioned the police about his cow they told him they had taken it from the robbers and he had to pay 150,000 kyat to get it back. Jalil chose not to pay as the police demanded more money than the cow was worth.[113]

A clear example of the effects of the SPDC's discrimination took place on 27 June 2008, when Burma's border security force in Maungdaw Township's area No.4 arrested Noor Khobir, age 22, and Mohammed Yousha, age 23, both Rohingya, and two NaTaLa girls

while attempting to flee to Bangladesh. They were released after paying 150,000 kyat to the NaSaKa and continued to Bangladesh. At the time of the report the Rohingya males had disappeared and the NaTaLa girls were stranded in Bangladesh. The couples decided to flee because their parents would not allow them to marry and the Rohingya men would likely be jailed for getting romantically involved with NaTaLa girls.[114]

On the night of 1 July 2008, in Nantha Daung village, Maungdaw Township, NaSaKa members armed with automatic weapons entered the home of Ahmed Rezaul Nuri, age 53 and confined his family in a room. They proceeded to rob the family of gold ornaments valued at 2 million kyat. When Nuri and his son Mohamed Siddique, age 15 attempted to resist they were severely beaten and knifed. Their injuries, while serious, were not fatal.[115]

On 7 July 2008, *Kaladan News* reported that in May, police and Ward Peace and Development Council (WPDC) authorities in Maungdaw Town extorted 600,000 from a Rohingya man on account of not registering with the local authorities. Ziaul Haque, age 20, went to visit his mother-in-law in Ward No.5 in Maungdaw Town. When he went to register with the WPC authorities at 8 pm he was told it was not necessary and that there was no problem. About an hour later however, he was arrested while eating at his mother-in-law's house. After suffering torture he was released on 600,000 kyat bail. A village elder claimed that it was illegal to check guest lists at 9 pm and that it was usually done after 11 pm.[116]

Kaladan News reported on 10 July 2008 that around 500 people were used as forced labour on the rain-damaged Buthidaung-Maungdaw Highway. Among the labourers were criminals from Buthidaung Prison, some of them awaiting charges and civilians from surrounding villages. Villagers who could not work received a fine of 2,000 kyat.[117] While construction on the road continued, the NaSaKa charged people 10,000 kyat each to take their motorcycles on the road, as cars could not pass.[118]

According to a *Kaladan News* report also from 10 July 2008, the District Peace and Development Council (DPDC) along with Town and Village Development Council members seized the graveyards in NaSaKa areas 6 and 7 of Maungdaw Township, Arakan State. They planned to build NaSaKa camps, pagodas and other structures on the graveyards.[119]

Asharaf Meah, of Aley Than Kyaw village in Maungdaw Township was arrested on 10 July 2008 and severely tortured by police forces. He was arrested because of his connection to an unnamed business man who stole from Noor Hussain, a Bangladeshi shrimp business owner. Hussain thought that if Meah was arrested he would get his money back so he approached the Officer-in-Charge (OC) of Maungdaw and got Meah arrested. Nyi Nyi Lwin Soe, the OC, is infamous for his treatment of Rohingyas and expecting a large bribe, allowed Meah to die. Meah's family claimed he had no connection to the stolen money and they had not received his body back from authorities at the time of the report.[120]

Starting on 15 July, the Burmese Navy began arresting fishermen at sea and forcing them to repair rain damage on Dayawaddi naval base in Kyaukpru Town, Arakan State. Many of the fishermen had been at sea for three days and because of the forced labour, much of the fish they caught rotted in the sun.[121]

Narinjara News reported on 3 September 2008 that authorities in Sittwe were forcing citizens to act as sentries at night. While curbing crime is the official reason given for these requirements, many believed the increased security was due to the one year anniversary of the Saffron Revolution. U Maung Than Kyaw from *Rupa* (south) Ward was one of the ward councils who had been serving fines on those who could not provide sentry duty. Sometimes the duty lasted only three hours while at other times it lasted the whole night.[122]

Over 100 villagers from every village in the north part of Maungdaw Township were forced to work on road construction on 18 September 2008. The work began immediately after Western Command Commander Major General Thaung Aye visited to oversee the situation. Some of the labour consisted of hauling stones from the forest in order help pave the road.[123]

Narinjara News reported on 20 September 2008, that 105 Muslims from Sittwe, Arakan State were sentenced to six months in prison for attempting to travel to Rangoon without authorisation. The people, who were going to Rangoon to work, adorned their bus with Buddhist flags to make it look like they were on a pilgrimage. When they were arrested the authorities also took a reported 80.5 million kyat from them.[124]

It was reported on 10 October 2008 that the military junta in Burma agreed to lease 50,000 acres of farmland to Bangladesh. Most of the land came from Myauk Oo and Man Aung Island which the military owns, despite claims from villagers that it was forcibly procured. The leasing of this land will likely have dire food production related consequences for Arakan State's already deprived population.[125]

On the night of 30 October 2008 a religious ceremony in Maung Hna Ma village was raided by the NaSaKa. The owner of the house, Abu Subayan was arrested for holding illegal functions and was set to be brought to trial if his wife could not pay the NaSaKa 12 million kyat in bail money.[126]

In late October 2008 the director of the NaSaKa released a statement ordering all Rohingya Maulavi bridegrooms to be clean shaven before they would be given permission to marry. This was a change from the previous, though still discriminatory rule declaring that only those bridegrooms who were not religious leaders had to be clean shaven before being given permission to marry. On top of being clean shaven, Rohingyas attempting to marry had to pay a fee of at least 30,000 kyat to the authorities.[127]

On 4 November 2008, 13 members of the Myanmar Muslim Organisation (MMO) were given sentences varying between 3 months and 13 years. Those sentenced were:

1. Nir Ahmed;
2. Abdu Razak;
3. Maulana Obaid;
4. Mohammed Yakub;
5. Maunla Salay, from Zee Bin Khali Village;
6. Master Shamshu, a senior assistant teacher of Maungdaw High School;
7. Salim alias Than Tun, the Chairman of the Myanmar Muslim Council;
8. Dr Kamal alias Dr Hla Myint;
9. Dr Zahir alias Dr Zaw Nyint;
10. Akbal from Ward #2;
11. Dil Mohamed, the secretary of MMO from Bomo Para;
12. Noor Kodir; and
13. Ba Maung of Ward #5 of Maungdaw Town.

The men were arrested in Maungdaw Township under accusations of being involved in planning insurgent activities and sentenced for having an illegal office and holding meetings without permission. It should be noted that the MMO is a legal organisation.[128]

On 11 November 2008, some army officers from the LIB #379 began harassing women in Minbya. A fight broke out when local men took offense to this affront, resulting in more army officers arriving, brandishing bricks and bamboo sticks. An eyewitness stated:

> *"They brought sticks with them. There were about 40 people in the car holding sticks and they carried out attacks throughout the town. They pointed their guns and ordered them not to do anything and to sit down and they beat them up."* [129]

Four youths were hospitalized before a crowd of nearly 100 citizens caused the soldiers to flee. One of the youths, Tun Aye Naing, was in critical condition. Because of the weight of the situation, the regional commander in chief was said to be handling the matter at the time and most of the soldiers were detained.[130]

The Military Operations Command (MOC) in charge of Kyauktaw, Minbya, Rathedaung, Ponnagyun and Mrauk U Townships ordered each Township Peace and Development Council (TPDC) to issue slips allowing for the slaughter of cattle at the Eid Festival, spanning 9 to 11 December 2008. The TPDCs issued these slips on the condition that there would be 100 adults for each slaughtered cattle. Villagers also had to provide cattle purchasing slips and 50,000 kyat. The punishment for slaughtering cattle without a permission slip was three years in prison. The TPDCs were also required to compile lists of Rohingyas to be sent to the MOC.[131]

On 18 December 2008, nearly 200 acres of farm land in Kyauk Pru Township were seized by the Burmese Army leaving over 50 farmers landless. A villager speaking under condition of anonymity said,

> *"We have not received any compensation from the Burmese Army for our lands. We are being oppressed by the army. We were forced to work at many road construction sites near the army headquarters as well as work in the construction sites of army buildings."* [132]

The charred remains of what was Hsaw Wah Der village in Toungoo District of northern Karen State after SPDC army soldiers razed it to the ground. Toungoo District is home to large numbers of IDPs who refuse to live under military control and instead shoose a flight of uncertainty and flight in the forests where they are regarded as enemies of the State. *[Photos: KHRG]*

Chin State

Chin State is situated in the western hills of Burma, bordering the northeastern states of India and is home to a population of approximately 500,000 people, with a further 50,000 Chin refugees are estimated to be living in Mizoram State, India. Approximately 90 percent of the Chin population is Christian, which has resulted in Chin being targeted for harsh discrimination along religious lines by the predominantly-Buddhist regime. (For more information, see Chapter 8: Freedom of Belief and Religion).

Chin state is one of the most isolated places in Burma and the villagers living there, mostly subsistence farmers, face massive foot shortages on a regular basis. In 2008 these shortages were compounded by an invasion of rats. The invasion, known locally as '*maudam'*, occurs about every 50 years and even though the junta has had ample time to prepare for it, little has been done to ease the plight of the villagers where the plague occurred. The plague of rats is caused by the flowering of bamboo plants and the subsequent production of a fruit on which the rats feed. The rats reproduce rapidly and when the fruit is completely devoured they move on to the villager's rice and crops. The head of one village reported that the village had no food left and *"people in my village are going into the jungle to find wild vegetables, like leaves and roots to mix with a little rice. Our situation is desperate."* [133] The situation was truly desperate at the time of the report, as the Chin Human Rights Organisation recently reported that 20 percent of Chin State's population was in need of immediate food aid. As a result of the conditions, many Chin villages were emptying as villagers headed to India in an attempt to find food and safety.[134] According to Chin leaders, the SPDC had not delivered any aid and had severely impeded aid entering the region.[135] The Country Agency for Rural Development (CAD), a Roman-Catholic NGO in Rangoon reported that they were blocked from delivering food aid to nearly 1,000 villagers in one of the remotest parts of the already remote state.[136] Eventually in November the SPDC did deliver some supplies to fifteen villages near Cikha Township. The supplies for 3,000 people were carried by seven soldiers from LIB #50 and two horses. One villager reported that *"They provided one match box for each house, a bar of soap for three households, one packet of tobacco to each village, one tickle of dry fish for one village and one vest for each village."* [137]

The food crisis in Chin State has had effects beyond starvation. Skin diseases, cholera and diarrhea have become endemic in some areas and caused death; including the deaths of four villagers in Ngaphaipi village, Thangtlang Township.[138] Children stopped attending school because they had to forage in the jungle for edible roots and plants. The Joint-High School in Sabawngpi village in Matupi Township was forced to close indefinitely because students were not showing up.[139] Some elder villagers said they would rather commit suicide than see their children dying of starvation.[140]

On 9 February 2008, a retired police officer reported that police in Chin and Arakan state actively recruited underage youth for police service. If the constables did not reach a certain number of recruits their wages would be cut, so they turned to talking youths into joining. Regarding the situation, a local person said *"There are around 30 minors from my native town who have been forced to join the police force."* [141]

The regime placed a ban on celebrating Chin National Day, 20 February and required its name be changed to Chin Culture Day.[142] Despite the regime's restrictions nearly 10,000 people gathered at Lion City Hall in Rangoon to attend a supposed celebration for new university students. Unbeknownst to the regime, the colourful festival was a celebration of Chin nationality and included music, speeches and food.[143]

In May 2008 it was reported that villagers from the Matupi area had been terrorised by soldiers from Colonel Zaw Myint Oo's LIB #304 who were slaughtering their livestock en masse. According to one resident, the soldiers killed at least 8 mithuns (a bovine creature,

similar to a cow, indigenous to Southeast Asia), 15 pigs and a countless number of chickens. When villagers asked for compensation Oo responded by saying they could get paid for the animals when they could pay the army for the bullets used to kill them. In July, LIB #304 struck again with the slaughter of at least 15 pigs in the villages of Sabawngpi, Sabawngte, Lumang and Darling.[144]

On 3 May 2008, it was reported that the regime had decided to include some parts of Chin State into Sagaing Division. The boundary was to be demarcated by U Aung Myo Nyunt between 27 March and 4 April 2008. The villages to be added to Sagaing Division were said to be:

1. Khai Kam;
2. Mai Nuai;
3. Tan Zang;
4. Zo Zang;
5. Zo Nuam Zang;
6. Kim Lai; and
7. Dim Zang.

Most importantly, around 8,000 acres of farmland, teak forests and nickel and chromium mining areas would be added to Sagaing division through the new demarcation.[145]

In mid-July 2008, three villages in Paletwa Township were heavily fined for failing to provide labourers to the SPDC. Captain Khin Zaw of LIB #538 demanded workers from:

1. Pathiantlang;
2. Sin Oo Wa;
3. Shweletwa;
4. Ma Oo;
5. Sha Oo;
6. Para;
7. Ma Oo;
8. Paungmu; and
9. Kupi.

The forced labourers were to build an army base in Shinletwa village. The villages of Para, Pathiantlang and Sha Oo did not provide workers for the construction period of 13 to 19 July and were subsequently fined 80,000 kyat each.[146]

On 24 July 2008, three Chin hillside farmers were tortured after being accused of having connections to the Arakan Liberation Party (ALP). The victims, U Tha Aung, age 47, U Kyaw Zan, age 48, and U Ba Tun, age 50, all reside in Phone Yang Wa village of Kin Thalin village tract, Paletwa Township. After being tortured, the soldiers, members of Battalion #289 based in Paletwa, took them from their huts and proceeded to burn the huts to the ground.[147]

During the last week of July 2008, a widow from Satu village in Matupi Township had 30,000 kyat extorted from her by 17 soldiers from LIB #304. The woman owned two cows and the SPDC had recently implemented a new law requiring villagers to pay 30,000 kyat if they owned or sold cows.[148]

On 3 August 2008, Leiutenant Toe Ya and LIB #304 entered the village of Sabawngpi and demanded five porters and chickens. The village's headman U Maung Kyi fulfilled the requests the following day. The five porters carried military supplies 50 miles to Razua town.[149]

On 10 August 2008, Captain Khant Kyaw of LIB #304 came upon two women, Daw Si Si, age 66, and her 27 year old daughter in the jungle near the village of Lailenpi in Matupi Township. The captain ordered his soldiers on and, after they left demanded the women undress at gunpoint and attempted to rape them. When the women refused his advances he fired twice in the air, causing his troops to come back at which point the attempted rape ended. Upon hearing about the encounter, a local women's group questioned Kyaw. He denied it but when the women threatened to bring the case to court in Chin State's capital of Hakha he compensated them with 200,000 kyat.[150]

On 26 August 2008, it was reported that discriminatory practices were denying people from Thangtlang Township aid from the United Nations Development Program (UNDP). Clerks from the Township Peace and Development Council reportedly removed otherwise eligible people from the receiver lists and only included people who had provided the SPDC with free labour and those who had paid 'Physical Activities Fees' to their children's schools. Some of those removed from the list were orphans, widows and religious leaders. The UNDP initially wanted to provide 10,000 kyat in aid food aid to each home in Thangtlang but the distribution was delayed due to the above mentioned situation.[151]

Internally displaced Karen villagers wading across a river in Papun District, Karen State as they attempt to flee from an advancing SPDC army patrol in April 2008. Villagers who live beyond State control as IDPs must be prepared to flee at a moments notice from SPDC army soldiers who hunt them. *[Photo: © KHRG]*

On 23 September 2008, the corpse of Corporal Thant Lwin from LIB #87 was found near Hmawngkawn village. His rifle and ammunition were missing. The SPDC soon began a search of the area, hunting the missing gun and the killer. The search ran from September 25 to September 27 and 40 people from Doih Khen village, 60 people from Hmawngkawn A & B villages, and another 47 people from Leilet village were forced to participate. At the time of the report the gun had yet to be found and the SPDC's search campaign forced some local people to flee to Mizoram in India.[152]

During the month of October 2008, the Town Peace and Development Council (TPDC) in Matupi forced civilians into hard labour on 70 acres of state-owned tea plantations. The civilians were forced to work in rotation every 3 days and those who could not were fined 3,000 kyat.[153]

In November 2008, the Forest Department of the SPDC began forcing each of Chin State's households to pay a tax in order to cut and collect wood and farm. The Forest department was taking advantage of Chin State's state of famine and the beginning of the farming season. 500 kyat was taken as land and revenue tax while an additional 500 kyat was taken as a wood cutting tax, accounting for 1,000 kyat in taxes.[154]

On 18 November 2008, Kam Lat Khoat, the son of Chin Sian Thang, a prominent Chin activist, and Thang's nephew Kai Kham Kwal were sentenced to 33 years and eight years in prison, respectively. A monk and an Arakan activist were also sentenced. The sentencing followed on the heels of a crackdown on activists. Five experts from the United Nations issued a statement condemning the junta's harassment of people exercising their human rights and called for the release of all detainees and their defense counsels and open, fair trials. Thang himself responded by saying *"The judicial system in Myanmar has collapsed and the courts are passing down sentences in contravention of the law. These secret trials are blatant violations of human rights."* [155]

On 11 December 2008, LIB #550 Captain Chaw Wa declared that citizens from the nine territories of Sinletwa, Paletwa Township, as well as their 30 villages, would be required to partake in a football tournament running from 14 December to 18 December. He also said that those who refused to participate would be fined 80,000 kyat. Villagers struggling to survive the famine were not sure as to why the soldiers were holding the match. The nine territories were:

1. Para;
2. San U;
3. Pathian Tlang;
4. Ma Oo;
5. Sin Oo wa;
6. Kung Pin;
7. Wa Yung;
8. Sinletwa; and
9. Shwe Letwa [156]

Kachin State

Kachin State, located in the far north of the country is believed to be home to approximately 1.2 million people. The majority of the Kachin population is Christian and thus the majority of the SPDC's persecution of the ethnic Kachin has mainly focused on their religion and on their conversion to Buddhism. (For more information, see Chapter 12: Freedom of Belief and Religion).

An article published on 10 March 2008 by the Kachin News Group (KNG) reported that the USDA forced teachers in Myitkyina to support the approval of the constitution at the referendum. A teacher was quoted as saying;

> *"We have no choice as we have received the paper in our school. We have to write our names in the list for the ensuing referendum and all school teachers have to fill in their names pledging support for the referendum."* [157]

On 8 July 2008 the Karen News Group (KNG) reported that, before being transferred in June 2008, Major General Ohn Myint destroyed all of the documents pertaining to his time as Kachin State Commander. The documents, many of which related to finance matters, were destroyed by the Kachin State Peace and Development Council staff as Myint's men watched. Myint ruled Kachin State from mid-2005 to June 2008. He was best known for

pressuring the KIO into a moderate stance and into support for the referendum regarding the country's new constitution. He was promoted to the position of Commander of No.1 Bureau of Special Operations.[158]

The KNG reported on 10 July 2008 that the junta confiscated land from Christians in the Sadung area. U Kyaw Tu of the Sadung Township Peace and Development Council ordered the land be taken from Christian leaders even though the area already had a Christian boarding house that housed 50 students a year and had been in operation for almost ten years. It should be noted that the area was also administered by the KIO and NDA-K.[159] The KNG also reported on 12 July 2008 that IB #137 seized 50 acres of land without compensation in Machyang Bow, a small city on the Mali River in Putao district. The seized land included the popular Stone Dragon or *'Chyauk Naga'*.[160]

On 27 July 2008, Nhkum Hkawn Din, a 15 year old school girl from Nam Sai Village, Bamaw District, was gang-raped and murdered on her way to deliver rice to her brother at work. When they realized she was missing, her family began their search and at 9 pm reported her missing. The subsequent search lasted for three days until her naked and mutilated body was found near a Burmese military checkpoint. The Burma Campaign UK described the state of her corpse as having a skull crushed beyond recognition, multiple stab wounds, facial features completely destroyed, throat cut, and showing signs of violation with knives.[161]

After an autopsy, it became clear that there were between two and three attackers but the authorities claimed the evidence was insufficient to track them down. Local people reported seeing two soldiers LIB #437 following her as well as two soldiers returning from the crime scene. After intense local pressure one of the three accused was taken into police custody and on 17 August, military, police and town officials gave the family rice, sugar, cooking oil, condensed milk and a half million kyat. Since then no further action has been taken.[162] Protests were held in front of Burmese embassies in Japan, India, Thailand, Malaysia, the United Kingdom and Denmark.[163] The Women's League of Burma have called for the junta's leaders to be tried at the International Criminal Court for crimes against humanity as the United Nations Security Council passed Resolution 1820 on 19 June 2008. The resolution stated that rape and sexual violence can be considered crimes against humanity.[164]

It was reported on 2 September 2008, that #1 Police Station in Myitkyina began searching hotels for unregistered overnight guests. The police generally targeted hotels that catered to prostitution but as a source close to the police told the KNG:

> *"From the hotels the police are arresting guests whether they are prostitutes or not and are taking them away to the police station. They are being charged and detained for a night in the police station. If they are not prostitutes, they are release later."* [165]

On 12 September 2008 the KNG reported that the authorities in Myitkyina were demanding increased taxes while failing to provide services. Shop owners in the municipal areas complained that though the authorities collected taxes for garbage collection, the authorities had failed to collect in their areas. Shop owners in Tatkone quarter said that the Municipal Office never arranged for the regular garbage collection in their quarter as well as other downtown quarters while the military base and the areas around the Township Clock Tower got regular collection. Stores are taxed between 20,000 and 90,000 kyat a year while tea shops are taxed 20,000 kyat a month.[166]

The Naypyidaw regime placed a curfew on Myitkyina following a rash of students pasting anti-regime posters around the city. The curfew, which began on 18 September 2008 and came into effect at 10 PM, led to panic among the city's population, as some people were fined or arrested even before the curfew came into effect. The fines averaged about 10,000 kyat while the police were offering a 100,000 kyat reward for information about the identity of the student activists.[167]

A village chairman from Narlone village, Momauk Township was beaten by SPDC soldiers on 14 October 2008. Brang Aung, age 40, was searching for Phadut Naw, an expelled KIO soldier when he came to LIB #105's checkpoint near Laiza. They questioned him and accused him of being a KIO recruiter and beat him. A relative said:

> *"Two of his upper teeth and two lower teeth were loosened. His lips were swollen. He can't hear anymore. His chest was stamped on. His neck was jammed and they shoved a gun in his mouth. He is at home now, but he hasn't been able to eat for two days. Last night, he was taken away again."* [168]

On 2 December 2008, *Mizzima* reported that the Burmese military regime had begun work on a small hydro-electric dam on the Chiphwi river, northeast of Myitkyina. The project was lead by China Power Investment Corporation (CPIC) and was expected to produce around 980 kilowatts of electricity to be used to power the construction of dams on the Nmai Hka (May Kha) and Mali Hka Rivers. Groups like the Kachin Development Network Group (KDNG) protested against these dams as they were not likely to benefit the nearby communities. KDNG reported that the projects would destroy over 47 villages and threaten over 10,000 lives as 766 square kilometers of farmland would be flooded.[169]

Karen State

In late-November 2005, the SPDC launched its largest military offensive against the Karen since the massive offensive in 1997. These attacks have remained somewhat sustained since they began and continued into 2008.

Despite claims made by the SPDC to the effect that the offensive is aimed at wiping out the armed resistance of the KNU, the vast majority of the violence has been directed at civilian villages. Most of the villages bearing the brunt of these attacks are concentrated in the three northern Karen districts of Toungoo, Nyaunglebin, and Papun.

SPDC army soldiers have directly and deliberately attacked unarmed and undefended villages, firing upon civilians, shooting at farmers in their fields and shelling whole villages without warning. Most villagers flee their villages whenever SPDC army soldiers draw near and return only after the soldiers have moved on. After the troops leave, the villagers return to harvest their crops and reoccupy their homes if they have not been destroyed. When soldiers burn the village they leave no home for villagers to return to. Similarly, when soldiers burn the fields, they leave no crops to harvest. In addition, they often leave numerous landmines in the village in a deliberate attempt to target those who would return to their homes and fields.

Patterns of mine use by the SPDC have indicated that the mines are being deployed to deliberately target the civilian population and not the armed combatants of the KNLA. Mines have been laid in villages, along paths to and from the villagers' fields, in their fields and in other areas such as along the banks of rivers where villagers are likely to frequent. The presence of landmines in Karen State is a very real threat and fear of those mines dramatically restricts the movement of villagers, which can be particularly detrimental when

farmers are afraid to travel to their fields or to local markets. The Thai-Burma border is also reportedly extensively mined to prevent or deter the flight of refugees. (For more information, see Chapter 4: Landmines and Other Explosive Devices).

The SPDC has attempted to use this offensive to consolidate its control across northern Karen State where its grip has always been tenuous. The military strategy appears to be that all those living in areas beyond SPDC army control are to be forcibly relocated into areas where the military can maintain a presence. Meanwhile, all of those who refuse to comply are shot. During 2007, SPDC army units constructed several new army camps throughout the offensive area, many of which were built with the forced labour of local communities. Once these camps were established, the soldiers launched patrols from them and fired indiscriminately, effectively turning these areas into free fire zones.

Since early 2006, many villages located in areas newly controlled by the SPDC have been forcibly relocated. Often troops arrive in a given village and give the residents a few days to pack their belongings and move to a designated site. At other times, no advance warning is given at all, and villages must relocate immediately, carrying only what they can carry on their backs. If they are seen in the area after the deadline to move, they are told they will be shot. Once they have been herded into camps, villagers are constantly watched by SPDC army troops and all aspects of their lives are strictly controlled. Relocation sites are often fenced and villagers are not allowed to leave the area. Moreover, the sites are typically grossly overcrowded and very little (if any) arable land is left available to the new arrivals. (For more information, see Chapter 16: Internal Displacement and Forced Relocation). Villagers are also often used as forced labour and are regularly the targets of extortion from soldiers.

Those who refuse to live under the SPDC and instead choose to live beyond State control in the forests of Karen State face considerable hardship as they attempt to remain hidden. Life in the jungle is especially difficult without permanent shelter during the monsoon season. Movement for the internally displaced, living in the forest, is often restricted by the movement of SPDC troops in the area, the location of SPDC camps, roadways, and landmines. However, most IDPs can manage to remain hidden from the SPDC army patrols that hunt them, either by moving regularly or by moving deeper into the forest, further away from areas where the SPDC can maintain a presence. However these areas continued to decrease throughout 2008 as the SPDC expanded its sphere of control in the region.

Examples of SPDC ordinance employed against unarmed civilian villagers in Karen State. This photograph shows a defective Burmese-made 60 mm mortar that was fired at an IDP hiding site during 2008. Similarly, these captured Burmese-made copies of the M-14 antipersonnel blast mines have been deployed throughout Karen State and other parts of the country in their thousands. *[Photo: © KHRG]*

Perhaps the most pervasive effect of the offensive in northern Karen State has been the decreasing availability of food. This can be said to be true both for those living in SPDC controlled villages and relocation sites as well as for those living in hiding in the forests. Several elements of the military campaign contribute to the problem of food scarcity in Karen State and all of these elements combine to force people from their homes in hunger. Firstly, and perhaps most obviously, SPDC army units have burned large numbers of agricultural fields, plantations and farmlands, with the purpose of deliberately ruining that season's crop. The proliferation of new army camps, in addition to the deployment of landmines and the regular SPDC army patrols have prevented farmers from preparing, sowing or harvesting their fields. Secondly, SPDC soldiers have also looted and burned many villages and homes, along with all possessions and food that they had contained. (For more information, see Chapter 6: Deprivation of Livelihood).

According to a recent report by the Free Burma Rangers (FBR), a humanitarian aid organisation working in the conflict zones of eastern Burma, *"much of the population of northern Karen State is now displaced. For those remaining, continual attacks, patrols, and the close proximity of new Burma Army camps has made returning to villages and fields impossible."* [170] FBR also said in the same report that Karen civilians are asking the international community for help, saying: *"If the Burma Army is not stopped, or we do not get help, when you come to Karen State in the future, there will no longer be Karen people. Please tell the rest of the world to help us."*[171]

On 1 January 2008, soldiers from LIB #704 shot and killed Saw Bo La Gyi, age 53, and wounded Saw Bo Wa, age 32, in Yaw Kee village in Nyaunglebin District. Yaw Kee has been under regular attack from the SPDC, the most devastating of which occurred in October 2007 when it was mortared and leveled. As with the aforementioned situation on 1 January, the military's 'shoot on sight' policy led to troops from IB #231 killing Maung Ga Shwey, the headman of Na Shwe Mo village, in Dooplaya District, central Karen State on 24 January.[172]

On 11 January 2008 at a meeting organized by SPDC LIB #339 commander Naing Win in Thay Maw Gkoo village, villagers were informed that the ten SPDC teachers in Thay Maw Gkoo and Wa Mee Gkla village tracts in Dta Greh Township would receive their salaries not from the SPDC, but from the students. 14 primary schools were required to pay the salaries. They were as follows:

1. Thay Maw Gkoo;
2. Gkeh Dteh;
3. Gk'Noh Hta;
4. Gon M'Nee;
5. Gkyaw Gkay Hta;
6. Waw Gkyaw;
7. Wa Mee Gkla;
8. Htee Gk'Haw;
9. Sih Po Kee;
10. Meh La Ah;
11. Meh La Ah Hta;
12. Bpwoh Bpwah Lay;
13. Gklay Po Gklo; and
14. Gklay Moh Kee.

At these schools, each student was forced to pay 20 Thai baht to cover the teacher's salaries on top of any travel costs the teachers might have incurred. These fees were in addition to the usual school fees. Because of the high cost of SPDC schools and the ban on teaching the Karen language, many parents send their children to Thailand or IDP camps to finish their education.[173]

On 28 January 2008 troops from MOC #21 shot and killed 23 year old Saw Day Kreh Mu of Thay Nwey Kee. The murder took place as the man and his friend were walking through the jungle near P'na Mo Keh in the Muthey area of Nyaunglebin District. His friend escaped unscathed.[174]

Beginning on 29 January 2008, Commander Yay Moo of IB #96 and Maung Doo of the Special People's Militia (*Ahtoo Pyithusit*) ordered villagers to escort SPDC soldiers along the road from Dt'Gkwee Bpoo to Bpaw Baw Htah villages. In one incident on 1 February, twenty villagers each from the following villages were forced to serve as escorts:

1. Bpaw Paw Bpoo;
2. Htee Nuh Bpoo;
3. Noh Lah Kee;
4. Theh Kaw Htah;
5. Bpoh Gklaw Law;
6. Bpee Dtee Kee;
7. Bpaw Baw Htah; and
8. Wah May Koh villages.[175]

On 13 February 2008, SPDC MOC #19, LIB #587 battalion deputy commander Myint Win entered Kyo Weh village and opened fire on villagers attempting to flee. He then searched people's homes, looting 29,000 kyat, one knife, two sarongs, a pair of trousers and one shirt from the house of Naw Moo Ner.[176]

On 10 May 2008, SPDC troops launched an assault on Mu Li Khi village, Karen State, destroying 11 houses and stealing food and supplies and forcing villagers to flee to safety.[177]

On 20 May 2008, soldiers from the Gkaw Thay Der based LIB #370 arrested Saw Gkaw Gkoh, age 40, from Ya Thay Gkoh village, Toungoo District. Gkoh was traveling to his plantation when the soldiers stopped him and sent him to a nearby camp. There SPDC officers Tu Win and Min Zaw ordered him to be executed.[178]

42-year-old Saw Koh Koh of Gklay Kee village, Toungoo District was arrested by soldiers from MOC #21 on 22 May 2008. Soon after the arrest and for no apparent reason they executed him.[179]

On 27 May 2008, more than 500 villagers from Karen State's Mon Township fled to the jungle after being attacked by SPDC forces. The FBR reported that the SPDC demanded 2,150,000 kyat (US $1,900) from the villages of Lay Tain Daw, Tee Dto Lo, Aung Chan Tha, Paw Bpi Der and Myaung Oo. The money was supposedly meant to be aid for Cyclone Nargis victims.[180]

On 4 June 2008, the FBR reported that more than 1,000 people from Papun District fled to the jungle after IB #240 entered Te Mu Der village and destroyed homes, barns, farms and damaged a church. Similarly LIB #429 and LIB #531 entered Bwa Doh village, also in Papun District and began to beat and attack villagers. One man was seriously wounded and three rice barns were torched after SPDC troops launched mortars into the town.[181]

On 11 October 2008, Captain Tin Myint from LIB #3 demanded villagers and ox carts for building a bridge. The demands were for 15 people and 3 ox carts from each of the listed Thaton Township villages:

1. Mi Chaung Ai;
2. Htee Nya Pau;
3. Ma Yan Gone; and
4. Ka Law Ker.

On 16 October 2008, Tin Myint forced 30 villagers from each of the villages listed below into unpaid labour:

1. Mi Chaung Ai;
2. Htee Nya Pau;
3. Ma Yan Gone;
4. Shwe Yaung Pya; and
5. Ka Law Ker. [182]

Karenni State

Karenni State, located in the east of the country, is home to a number of armed ethnic groups, both those allied with and those opposing the military regime, and has also been the site of some of the country's most intensive military offensives and human rights abuses. Unfortunately, little information regarding the human rights situation in Karenni State is made public, yet this by no means should be taken to indicate that Karenni State is free of such abuses. The lack of information, rather reflects both that relatively few organisations are actively working to document these abuses and also that the media has tended to shy away from this little known area in favour of neighbouring Karen State where literally dozens of groups are working to document human rights abuses. There are currently about 13,600 Karenni refugees living in Karenni Camp No.1 in Thailand's Mae Hong Son region. On 15 September 2008, 6,383 students, 497 staff members and 166 medical staff members and examiners were interviewed by the UNHCR to resettle in third countries. More than 20,000 Karenni have fled Burma in the past 20 years.[183]

On 14 February 2008 in Dawkalawlae village, ten soldiers, two of them officers, a company commander and a platoon from LIB #336 argued with Bu Reh, age 30. When Bu Reh became scared and attempted to run away the company commander gunned him down, killing him on the spot. The killer's name was unknown at the time of writing.[184]

On the evening of 10 May 2008, TPDC chairmen contacted and threatened village heads from Phruso, Shadaw, and Loikaw townships because people in their villages had cast 'No' votes in the referendum conducted earlier that day. Troops from LIB #428 visited the villages of Kaylyar and Htaybyarnyi to personally investigate why 'No' votes were cast.[185]

The *Kantarawaddy Times* reported on 20 August 2008 that soldiers from LIB #427 forced villagers in Dawkalawdu Township to guard electricity transmission towers run by the Lawpita Hydroelectrical power company. The forced labourers came from the following villages:

1. Tanelarlare village;
2. Dawtere village;
3. Dawpawdu village;
4. Dawtangue village;
5. Dawwaremowt village;
6. Dawtami village; and
7. Nanhuhtwy village;

The villagers were forced to guard two towers per village with two guards per tower over 24 hours. They were threatened with fines and arrest if they failed to show up for guard duty. Khu Gai of the Karenni Social Welfare and Development Center (KSWDC) said that the guard duty was called for due to security concerns. Formerly, the SPDC had buried mines under the towers but as the mines may have outlived their use-by dates, the authorities were scared insurgent groups would take advantage of the situation and destroy the electricity towers, effectively damaging electricity flow to Rangoon and Mandalay. The guard duty began on 14 August 2008, following a joint KNU-KNPP staged blast on 30 July 2008, which damaged a tower near Lateto village.[186]

The *Kantarawaddy Times* issued a report by Karenni Ever Green (KEG), an environmental organization, on 2 November 2008. The report stated that the SPDC's four cuts policy was creating more IDPs as well as specifically targeting them. KEG's team leader, Khu Ngey Reh, said *"Burmese troops set the places especially where IDPs are living as Free Fire Zones. If they see IDPs they can shoot and kill them because it is Free Fire Zone. And they are commanded to shoot."* [187]

Mon State

The New Mon State Party (NMSP), the strongest Mon opposition group, signed a ceasefire deal with the regime in 1995, after which the Mon people had expected peace and development from the military regime. However, the progress that many had anticipated never came. Instead, human rights violations have continued over the years since, including the widespread confiscation of civilian lands. As a result, many Mon farmers became so impoverished that they fled the country rather than face starvation. The mass exodus of the Mon allowed for the broad resettlement of the area by ethnic Burmans, drawn to the area by economic opportunities and the availability of land, which over time has diluted the ethnic composition of the area so that the Mon are no longer the demographic majority in Mon State. The regime's strategy in the area actively discriminates against the Mon, impoverishing them and causing them to flee the country, only to be replaced with more ethnic Burmans who the SPDC entices to the area with generous financial incentives. The population transfer has taken place quite rapidly and has many local community groups worried about the preservation of the traditional way of life for the Mon in the face of the increased Burmanisation of their traditional homeland.[188]

In an apparent attempt to further weaken the Mon culture, the SPDC has decreed that the teaching of the native Mon language is forbidden in Mon State. During 2006, a senior SPDC official from Kyaik Mayaw Township said that *"Teaching the Mon language is a barrier to national development and solidarity. The SPDC will not achieve its objective of rural development in the area because of the Mon language teaching."* [189]

More blows were dealt to the Mon culture in 2008, when Mon language classes were cut from state schools in Thaton District. The elimination of the classes was set to affect some 3,000 pupils in 30 schools in Thaton District. The cuts were due to lack of attendance, caused by the implementation of extracurricular tuition, leaving the students too busy to study. Other teachers in Mon State were fearful their districts would face similar cuts.[190] This followed an announcement in February declaring that members of the ethnic Mon Literature and Culture Association (MLC) were to be replaced by members of the SPDC backed Union and Solidarity Development Association (USDA). Members of the MLC feared that USDA members would teach the Mon summer classes, using them as tools of cultural assimilation.[191] February proved to be a particularly dark month for Mon culture as the "Mon Cultural Museum" in Moulmein was forced to change its name to "Literature and Cultural Museum of the Burmese Cultural Ministry." This was followed by many of the most important Mon documents being taken from display and the statues in front of the building being painted so as not to appear in traditional Mon clothes.[192] Finally, authorities in Mon state prohibited students from participating in Mon National Day by scheduling final academic exams on 22 February, Mon National Day itself.[193]

SPDC abuses of the Mon people in 2008 were not limited to assaults on culture. In February 2008 the Independent Mon News Association (IMNA) reported that the Burmese junta began taking land from Mon villagers in Mudon Township. While this practice is common in neighboring Ye Township it is not in Mudon Township. Aung-Min, a farmer from Doe-mar village, Mudon Township reported that the army put up signs on his property claiming they owned it. Over a hundred other farmers also found these signs on their land, which they subsequently lost.[194]

On 4 April 2008, Nai Apain and Nai Balai were forced from their homes in the village of Jueplut near Three Pagodas Pass. The homes were accused of being too close to Jueplut Primary School and their inhabitants too loud. The value of the homes was believed to be around 30,000 and 100,000 Thai baht. Neither man had been compensated at the time of the report nor did it not seem likely that they would be in the future.[195]

On 20 May 2008, the SPDC beat a retired NMSP medic to death. The victim, 35 year old Nai Show, was arrested by IB #31 after being accused of planting bombs near a polling station in Khawzar Sub-Township and distributing fliers urging people to vote against the constitution. Under torture, Nai Show admitted to distributing the fliers but denied being involved in the bombing. It was later revealed by Khawzar police that the bombs were planted by local army officers in an attempt to frame Mon activists.[196]

IMNA reported on 16 June 2008 that IB #299 based in Ko-mile village, Ye Township issued an order prohibiting villagers from Ko-mile and Marn Ong from working on their farms. According to some villagers, the soldiers were using this opportunity to make a profit by demanding money from the villagers for travel permits.[197]

On 15 August 2008, IMNA reported that an SPDC Battalion commander sold a rubber plantation in Ah-Bit village, southern Mudon Township without the consent of the plantation's owner. The plantation was sold for 7 million kyat to a man who didn't live near the village. According to a local source, the battalion commander said he was ready to sell more plantations if people were willing to buy them.[198]

On 7 November 2008, Artillery Battalion (AB) #318 seized 120 acres of land from at least seven plantation owners in the villages of Ah-bit, Set-thawe, Doe-Mar and Yaung Doung villages in Mudon Township. The owners of the plantations, listed below, also lost their travel permission permits and the right to visit their land.

1. Nai A Shwe;
2. Nai A Mon;
3. Nai Halae;
4. Nai Thant;
5. Nai Balie;
6. Nai Zaw Lat; and
7. Nai Pan Shein.[199]

SPDC army soldiers from LIB #299 reported killed three rebels and one civilian in a clash near Man-aung village in southern Ye Township on 17 November 2008. A villager from nearby Koe Mine village confirmed the civilian was Nai a Saing who had been taken as a porter by the rebels.[200]

At midnight on the evening of 21 November 2008, LIB #3, acting under the leadership of Lieutenant Han Win Kyaw entered the village of Yin Ye and arrested six villagers. The men were interrogated and tortured over information regarding payment to rebel groups in the area. The soldiers reportedly held a flaming torch under the arms and legs of one man until he relinquished the information. When all of the information proved consistent they were released. The following day SPDC troops returned to the village and arrested seven more villagers, three of them women. One of the men was reportedly beaten when he stuttered while being questioned.[201]

Shan State

On 4 January 2008 about 15 SPDC troops from IB #287 entered Murng Lerm Village, Murng Nawng tract in Kae See Township. They arrested 3 Lahu men over the age of 40 and took them out of the village where they interrogated them about the location of SSA-S soldiers in the area. The men denied seeing the troops and were brutally beaten. The interrogation culminated when the soldiers shot and killed one of the men and released the other two. Although the village reported the situation to military authorities in the area, as of February nothing had been done.[202]

While returning home from selling her goods on 13 January 2008, Naang Kam Wa (not her real name), encountered a patrol of 12 SPDC soldiers from LIB #528. After telling the troops she had nothing to sell them they became angry and Sergeant Tin Aye told her he was going to question her. After ordering his troops away he proceeded to rape her. After he finished sexually assaulting the woman, he accused her of selling her products to opium farmers and demanded that she pay a fine.[203]

On 14 February 2008, IB #30 soldiers under the command of deputy commander Thant Aung Zin forced residents of the following villages in Than Daung Township, Toungoo District, to expand a section of road;

1. Sauk Tha Kauk, 10 villagers;
2. Kler Muh Kee, 15 villagers;
3. Lah Meh Poh Lee, 25 villagers;
4. Tha Bah Rah, 20 villagers; and
5. Haw Thaw Bplo, 25 villagers.[204]

From early March 2008 onwards, the SPDC forced villagers from around the town of Nam-Zarng to provide labour for the construction of fences on IB #66's airfield. The villagers were forced to work in rotations and had to either cut bamboo or haul the cut bamboo with tractors. According to villagers from Wan Hai, every person from each family had to work four times per month as well as provide 2,500 kyat each time to cover the cost of tractor fuel. Those who did not work were fined an additional 2,000 kyat. As of July 2008 the construction had yet to be completed.[205]

Early in the morning on 7 April 2008, a group of 20 SPDC troops entered Nawng Wawn village in Hopong Township and at random, seized 20 villagers to be used as unpaid porters. The troops forced the porters to carry their ammunition, rice and other food stuffs. The portering lasted for a week and it was particularly difficult for 40 year old Mu-Lin. Mu-Lin was suffering from a terrible fever when he was taken and though he pleaded with the troops; his pleas fell on deaf ears. By the time he returned home he was completely exhausted. Unfortunately a Pa-O group had begun taking porters in the area so Mu-Lin and his family decided to flee for the Thai border. The journey proved too much for him and he succumbed to exhaustion and died in Naa Kawng Mu village in Mong-Ton Township, near the Thai border.[206]

These displays of forced portering were not limited to men. On 2 June 2008, as farmers in Mong Pan township were returning to their farms to work, they were warned by their wives that the SPDC was nearby and looking for porters. The men went into hiding, thinking that the SPDC would not take women as porters. Upon finding no men, LIB #223 demanded the women, Naang Zaw and Naang Nguay, both aged 38, and three others to come with them. For three days the women carried the soldier's pots, pans and food through the jungle, searching for Shan soldiers. They were not given proper rest nor were they allowed to wash themselves. After it became clear that the search was fruitless, the women were released at a nearby farm.[207]

On the evening of 11 May 2008 a sergeant and 2 soldiers from LIB #385 were shot at while they were stealing vegetables from a garden in Hophai. The sergeant was hit in the chest and died; the other two were unscathed. The farm owner Sai Ni, age 45, his wife Nang Poi, age 30 and their son Sai Kham, age 18, were all arrested and severely beaten by the authorities. The members of the group claimed that they did not know who had shot at the soldiers. On 14 May 2008, Nang Poi and Sai Kham were released and two days later all of the farmers in the area were arrested and sent to LIB #520's command post. The detained villagers included Long Keng village headman Zarm Hsa, Sai Nu, Sai Kham, Ai Di, Ai Kya and Zingna. They were all tortured daily and later released to LIB #332. Sai Ni, Sai Kham and Ai Di aged 46, were not seen when their families brought them food on 7 June 2008. The guards told the family that the men had already eaten which, according to a relative *"…means they [authorities] have already killed them if they can't show us."* [208]

An SPDC propaganda brochure discussing peace that was left behind by SPDC army soldiers in Mae Li Ki village of Karen State after they had burned the village to the ground. "Peace" as far as the SPDC is concerned has less to do with dignity and freedom, than it does about submission to the will of the military. *[Photo: © FBR]*

On 24 May 2008, 21 year old Naang Mawn (not her real name) was returning from working in the field to eat lunch at her home in Nam Mawn village, in Nawng Saang village tract, Kun-Hing Township when she came across a patrol of about 13 troops from SPDC IB #246. They stopped her and asked her where she was going. After telling them, they took her to a remote place not far from her village where nearly all of them gang raped her.[209]

On 3 July 2008, a 22 man patrol from Kholam based LIB #66, led by Lieutenant Aung Chan Tha, captured villagers from Nayang, Wan Phai village tract, and questioned them about the Shan State Army-South (SSA-S) and whether it was operating in the area. When the villagers denied seeing members of the SSA-S, villagers Long Hsu, aged 60, Sai Lern Hsai, aged 18, and Sai Doo, aged 18, were beaten personally by Lieutenant Aung Chan Tha.[210]

In an article published in December 2008, Ailong Khammwe, chairman of the the Lahu Democratic Front (LDF), an ethnic army operating in Shan State accused the SPDC of forcing villagers to harvest poppy and then collecting taxes from them in Mong Hsat and Mong Ton in eastern Shan State.[211]

18.4 Abuse of Ethnic Minorities by Armed Ethnic Groups

Many ceasefire groups in Burma are also guilty of committing human rights abuses against, not only members of other ethnic minorities who live within their territories, but also against their own people; the same people that they claim to represent and protect. In signing a ceasefire pact with the regime, many groups have come to function as proxy armies of the SPDC. In return for "peace" and local autonomy, certain business concessions and material support, some ceasefire groups have aided the SPDC in their efforts to control the local population. Some of these groups have even fought alongside the SPDC during military offensives against resistance groups or local populations. By supporting the SPDC through militarization and oppression, ceasefire groups are able to expand their own zones of political and military control, and ultimately, villagers must fear not only the SPDC but the ceasefire groups as well.

Arakan Liberation Party (ALP)

On the night of 17 November 2008, members of the ALP murdered three tribesmen, two of which were village headmen in the Bandarban district of Chittagong Hill Tracts, Bangladesh. The victims Pan Tun Aung, aged 46, of Singapa Mouza, Rwe Nong Mro, aged 35, of Mra Wa Village and Chong Doi Mro, aged 50, of the same village, were presumed to have been killed as revenge for helping government forces after the kidnapping of an NGO official. ALP leader Ran Naing Aung was seen at the murder of Pan Tun Aung.[212]

Democratic Karen Buddhist Army (DKBA)

On the night of 15 July 2008, DKBA deputy battalion commander Thaw M'Nah reportedly ordered his soldiers to wear KNLA uniforms and travel to an unnamed village in Thaton District where they demanded 500,000 kyat from the local village head. The village head resisted until the intimidation proved to be too much and he relented and gave 300,000 kyat to the soldiers.[213]

On 30 July 2008, a man identified only as Saw B--- aged 60, of B--- village, Thaton District, went to purchase an ox. He was stopped by DKBA soldiers at Htee Gkyoo Gkyo and interrogated by a DKBA soldier named Saw So leh. During the interrogation Saw Soh Leh discovered Saw B---'s ox money and accused him of bringing the money to the KNU. Saw B--- attempted to explain himself but was beaten with rifles, kicked and then robbed of the 125,000 kyat with which he was going to by the ox.[214]

In August 2008, DKBA Brigade #999 Special Battalion officers Poe Gkay and Boh Gk'Doh instituted a lottery system for villagers in T'Nay Hsah Township, Pa'an District to be conscripted to the DKBA. In the lottery, villagers picked pieces of paper from a box and those who picked a piece with a checkmark were automatically forced into the DKBA for a year and a half. Most village tracts were required to provide 15 recruits, though larger tracts like Htee Wa Blaw had to send 25 villagers. Children were also conscripted including a boy identified merely as Saw Y---, age 13, from Noh Gkay village tract.[215]

Also in August 2008, Maung Chit Too's DKBA Battlion #999 began implementing a new law in T'Nay Hsah Township, Pa'an District, effectively banning the consumption of alcohol at a time of year when post-harvest alcohol consumption among friends and family is most common.

On 11 August 2008, Saw H--- and Saw P---, both from T--- village, drank two bottles of liquor in Kawkareik town before returning to their village. Upon hearing of the previous nights activities DKBA officer Saw Lah Thay ordered the arrest of the two men. They were sent to work at the new DKBA camp at Taw Thoo Loe and forced to perform construction for 15 days. According to Saw H---:

> *"When I went to work at the new DKBA camp, I saw 15 other villagers who had also been forced to work there. These villagers are from T---, Y--- and Th--- villages. After I worked for 15 days, DKBA officer Saw Lah Thay told me that if I drink alcohol again or if my mouth smells of alcohol again, I will have to work [forced labour] for three months. And, if I drink again [for a third time], I will have to join the DKBA army."* [216]

Following a 28 September 2008 battle with the KNLA near Htee Bper village of T'Moh village tract, Pa'an District, SPDC LIB #565 and DKBA Brigade #555 increased activity in the area and forced villagers to act as porters and as human mine sweepers.[217]

On 29 September 2008, Saw G--- and Saw H---, both aged 28 from C--- village, crossed the border into Thailand to buy food in Wah S'Kay village. On the way to Wah S'Kay the men passed through a DKBA #999 Special Battalion camp and registered. Once in Thailand the men bought groceries and drank alcohol. Upon crossing back into Burma a DKBA soldier named Saw Pah Bper accused them of smelling of alcohol. Saw Pah Bper repeatedly hit Saw H--- with the butt of his gun and beat him until his face was swollen. For the rest of the day the two villagers were beaten and tortured by the DKBA and then detained for the night.[218]

On 5 October 2008, Saw Ngah Gkyar, age 62 of Pah Khay Gkwee village was forced to walk in front of a DKBA battalion near Htee Bper Kee village. He stepped on a landmine and despite his injuries was not given any medical assistance. That same day another man, Saw Pah Doo, was forced to walk in front of a group of DKBA soldiers as they patrolled T'Moh village tract. Like Saw Ngah Gkyar, he stepped on a landmine and was not given any medical attention. The two men subsequently died.[219]

Monland Restoration Party (MRP)

On 15 April, seven men lead by Nai Ein Dae fired into a passenger bus loaded with civilians returning from a pagoda in southern Ye Township. Three villagers, one a woman, were severely injured. A senior monk said:

> *"(The) three villagers are Mons. They are worshippers from the pagoda and returned to their villages. One villager is from Sin-gu village and the woman is from Hangan village. Another one is the car driver. The remaining passengers had to send them suddenly to Ye Hospital. The car driver was in a serious situation, he was sent to Moulmein Hospital."* [220]

When the IMNA contacted Nai Chan Dein he said:

> *"According to our men, when they are waiting for enemy, a ferry car appeared and founded Burmese soldiers are mixing with passengers. The Burmese soldiers shot us first and then we shot back. I know that some villagers will get injury. But I am not sure whether Burmese soldiers get injuries"* [221]

The MRP struck again when on 21 November 2008 they arrested 102 villagers travelling to their rubber and betel nut plantations. The arrested included 62 plantation owners and 40 workers from the villages of;

1. Sin Koo;
2. Toe Thet Ywar Thit;
3. Yin Ye;
4. Yin Dein; and
5. Kabyar.

All of the listed villages are in southern Ye Township. They were later released to go and retrieve ransoms, which were valued at 300,000 kyat for plantation owners and 30,000 kyat for workers. Some had to pay in gold or jewelry because they did not have enough cash.[222] On 22 November 2008, the headman of Yin Ye informed his villagers that they could not visit their plantations due to the MRP's activities. This was dire news for the villagers because, according to a source in the village: *"Most of the farm owners are facing a crisis because at the moment they have picked their betel nuts… But they left their nuts in piles and have not brought them back to the village yet. If we leave the nuts very long they will become spoiled."* [223]

Shan State Army- North (SSA-N)

Chairman of the ceasefire Shan State Army (North) Peace and Development Council and Commander of North-East Region Command Major-General Aung Than Htut demanded that local militias from Mong Yaw, Wan Pang, and Mong Ha begin providing recruits. On 27 August 2008, villagers from every village tract in Hsenwi were called to be ready for military training. A villager who wished to remain anonymous was quoted as saying *"On 29 August, some people were still sending the name lists to the officials, while some people were asking for exemption. Each from every household, village and village tract must go for the services."* Those who refused to sign up were ordered to go to the local command post to explain why they wouldn't join.[224]

Soldiers of the SPDC-allied United Wa State Army (UWSA). The USDA is widely considered to be the most powerful Non-State Armed Group (NSAG) in Burma with an estimated 20,000 soldiers. The UWSA has long been accused of being involved in the drug and arms trade. In December 2008, it was reported thqat the UWSA had recently developed the capcity to manufacture its own small arms and ammunition, becoming the first NSAG in Burma to do so. *[Photo: © Irrawaddy]*

18.5 Official List of Ethnic Minority Groups in Burma

The following list is the SPDC list of the 134 'officially' recognised ethnic minorities from the eight main ethnic families in Burma. Please note that while this is the official list, some ethnic minorities, such as the Rohingya and the Kuki, for instance, have been deliberately omitted from this list as they are not recognised by the junta as being native to Burma as they are not provided with citizenship.

Burman
1. Bamar
2. Dawei
3. Beik
4. Yaw
5. Yabein
6. Kadu
7. Ganan
8. Salon
9. Hpon

Chin
10. Chin
11. Meithei (Kathe)
12. Saline
13. Ka Lin Kaw (Lushay)
14. Khami
15. Awa Khami
16. Khawno
17. Kaungso
18. Kaung Saing Chin
19. Kwelshin
20. Kwangli (Sim)
21. Gunte (Lyente)
22. Gwete
23. Ngorn
24. Zizan
25. Sentang
26. Saing Zan
27. Za How
28. Zotung
29. Zo Pe
30. Zo
31. Zahnyet (Zanniet)
32. Tapong
33. Tiddim (Hai Dim)
34. Tay Zan
35. Taishon
36. Thado
37. Torr
38. Dim
39. Dai (Yindu)
40. Naga 41. Tanghkul
42. Malin
43. Panun
44. Magun
45. Matu
46. Miram (Mara)
47. Mi-er
48. Mgan
49. Lushei (Lushay)
50. Laymyo
51. Lyente
52. Lawhtu
53. Lai
54. Laizao
55. Wakim (Mro)
56. Haulngo
57. Anu
58. Anun
59. Oo Pu
60. Lhinbu
61. Asho (Plain)
62. Rongtu

Kachin
63. Kachin
64. Trone
65. Dalaung
66. Jinghpaw
67. Guari
68. Hkahku
69. Duleng
70. Maru (Lawgore)
71. Rawang
72. Lashi (La Chit)
73. Atsi
74. Lisu

Karen (Kayin)
75. Kayin
76. Kayinpyu
77. Pa Le Chi
78. Mon Kayin (Sarpyu)
79. Sgaw
80. Ta Lay Pwa
81. Paku
82. Bwe
83. Monnepwa
84. Monpwa
85. Shu (Pwo)

Karenni (Kayah)
86. Kayah
87. Zayein
88. Kayan (Padaung)
89. Gheko
90. Kebar
91. Bre (Ka Yaw)
92. Manu Manaw
93. Yin Talai
94. Yin Baw

Mon
95. Mon

Arakanese (Rakhine)
96. Rakhine
97. Kamein
98. Kwe Myi
99. Daingnet
100. Maramagyi
101. Mro
102. Thet

Shan
103. Yun (Lao)
104. Kwi
105. Pyin
106. Yao
107. Danaw
108. Pale
109. En
110. Son
111. Khamu
112. Kaw (Akha E Kaw)
113. Kokang
114. Khamti Shan
115. Hkun
116. Taungyo
117. Danu
118. Palaung
119. Man Zi
120. Yin Kya
121. Yin Net
122. Shan Gale
123. Shan Gyi
124. Lahu
125. Intha
126. Eik Swair
127. Pa'O
128. Tai Loi
129. Tai Lem
130. Tai Lon
131. Tai Lay
132. Maingtha
133. Maw Shan
134. Wa

18.6 Ceasefire Status of Various Armed Ethnic Groups [225]

Group	Ceasefire Status
Arakan Liberation Party (ALP)	---
Chin National Front (CNF)	---
Communist Party of Burma (CPB-Arakan State)	1997
Democratic Karen Buddhist Army (DKBA)	21 December 1994
Kachin Defence Army (KDA)	13 January 1991
Kachin Independence Organization (KIO)	1 October 1993
Karen National Union (KNU)	---
Karen National Union / Karen National Liberation Army Peace Council (KNU/KNLAPC)	11 February 2007
Karen Peace Force (KPF)	24 February 1997
Karenni National Defence Army (KNDA)	1996
Karenni National People's Liberation Front (KNPLF)	1994
Karenni National Progressive Party (KNPP)	1995
Karenni Solidarity Organization (KnSO)	October 2002
Karenni State Nationalities Peoples' Liberation Front (KNPLF)	9 May 1994
Kayan National Guard (KNG)	27 February 1992
Kayan New Land Party (KNLP)	26 July 1994
Lahu Democratic Front (LDF)	---
Lahu National Organization (LNO)	---
Myeik-Dawei United Front (MDUF)	---
Mon Armed Group (MAG)	---
Mon Army, Mergui District (MAMD)	1997
Mong Tai Army (MTA)	2 January 1996
Myanmar National Democracy Alliance Army (MNDAA; 'Kokang')	21 March 1989
National Democratic Alliance Army – Eastern Shan State (NDAA-ESS; aka 'Mongla Group')	30 June 1989
National Socialist Council of Nagaland (NSCN)	---
National United Party of Arakan (NUPA)	---
New Democratic Army - Kachin (NDA-K)	15 December 1989
New Mon State Party (NMSP)	29 June 1995
Nyein Chan Yay A'Pweh ('Peace Group')	8 November 1997
Palaung State Liberation Party (PSLP)	21 April 1991
Pa'O National Liberation Organisation (PNLO)	---
Pa'O National Organization (PNO)	11 April 1991
Pa'O People's Liberation Organization (PPLO)	---
Rakhine State All National Races Solidarity Party	6 April 1997
Rohingya National Alliance (RNA)	---
Shan State Army - South (SSA-South)	---
Shan State National Army (SSNA; aka SSA-Central)	1995
Shan State Nationalities People's Liberation Organization (SSNPLO)	9 October 1994
Shan State Progress Party (SSPP; aka SSA-North)	2 September 1989
United Wa State Army (UWSA)	9 May 1989
Vigorous Burmese Student Warriors (VBSW)	---
Wa National Organization (WNO)	---

Endnotes

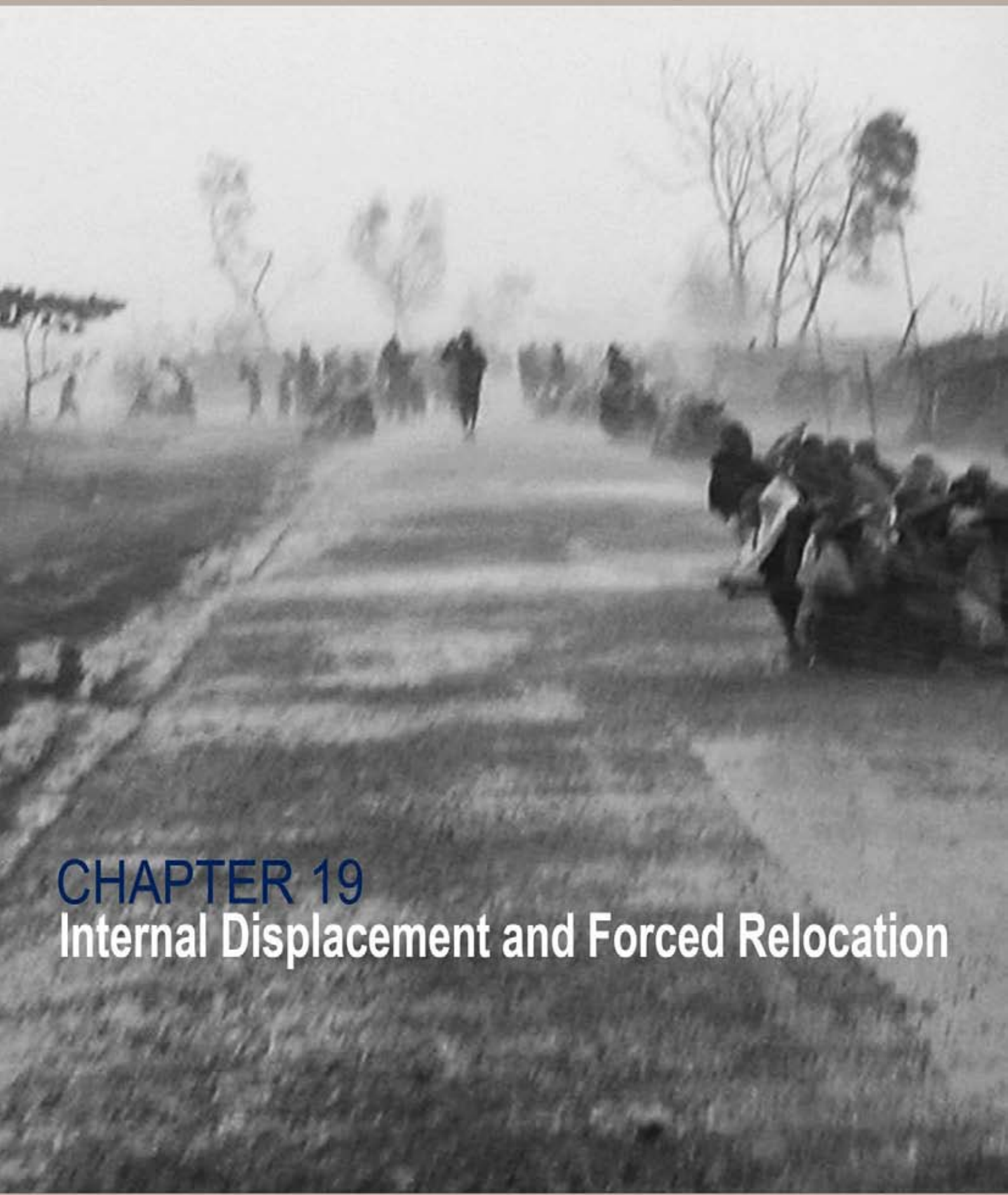
[1] Source: *Burma (Myanmar): The Time for Change*, Martin Smith, Minority Rights Group International, May 2002.
[2] Source: *Burma - Insurgency and the Politics of Ethnicity*, Martin Smith, London: Zed Books, 1991.
[3] Sources: "National Convention Proceedings, April 1993," *Working People's Daily*/*New Light of Myanmar* via Burma Press Summary, April 1993; "Press Release on NLD Withdrawal," The National Convention Convening Commission, 28 November 1995.
[4] Source: "Federal Constitution Seminar Held in Kawthoolei," *Kaowao News*, 10 April 2006.
[5] Source: "ID Cards for Referendum Issued In Arakan State," *Kaladan News*, 21 April 2008.
[6] Source: "Junta Collects Voter's List in KIO Headquarters," KNG, 3 March 2008.
[7] Source: "Ceasefire Groups Discuss Election Participation," DVB, 19 December 2008.
[8] Source: *Burma - Insurgency and the Politics of Ethnicity*, Martin Smith, London: Zed Books, 1991.
[9] Source: "ALP Man Injured in Gunfight with Bangladesh Soldiers," *Narinjara News*, 19 February 2008.
[10] Source: "Two Killed As ALA Clashes with Regime Troops," DVB, 22 July 2008.
[11] Source: "Offensive by Separatist Rebels Kills Two Soldiers," *Mizzima News*, 26 November 2008.
[12] Source: "Arakan Party Pledges Not To Contest 2010 Election," DVB, 16 October 2008.
[13] Source: "Chin People Will Oppose Referendum with All Its Might," *Mizzima News*, 20 February 2008.
[14] Source: "CNF Threatens Assassinations If Development Obstructed," DVB, 15 July 2008.
[15] Source: "CNA Ambushes SPDC Troops," *Narinjara News*, 18 September 2008.
[16] Source: "Ethnic Chin Group Rejects Junta's 2010 Election Plans," *Mizzima News*, 15 December 2008.
[17] Source: "Betrayal and Greed in Kachin State," *Irrawaddy*, 1 January 2007.
[18] Source: "Betrayal and Greed in Kachin State," *Irrawaddy*, 1 January 2007.
[19] Source: "KIO Warns Biggest Kachin Organization," KNG, 27 February 2008.
[20] Source: "We Will Not Secede from Union' - KIO/A," KNG, 5 February 2008.
[21] Source: "KIO Seizes Its Newspaper for an Independent Comment on NC," KNG, 8 February 2008.
[22] Source: *Ibid*.
[23] Source: "Kachin Student Activist Confined in KIO Headquarters," KNG, 16 February 2008.
[24] Source: "The KIO Supplies 24-Hour Electricity in Kachin State," KNG, 17 July 2008 and "Myitkyina Residents Pine For Electricity," KNG, 11 July 2008.
[25] Source: "KIO and Burmese Army Officials Meet at Laiza Hotel," KNG, 29 March 2008.
[26] Source: "KIO Arrests Key Tibetan Activists at China's Insistence," KNG, 31 March 2008.
[27] Source: "Three KIO Soldiers Arrested," DVB, 23 October 2008.
[28] Source: "Shoot At Sight Orders for KIO's 'War Fund' Collectors by Burmese Army," KNG, 27 November 2008.
[29] Source: "NDA-K Makes Preparations for 2010 Elections," DVB, 14 July 2008.
[30] Source: "KIO Donates For Burma's Cyclone and Sichuan Earthquake Victims," KNG, 2 June 2008.
[31] Source: "NDA-K Makes Preparations for 2010 Elections," DVB, 14 July 2008.
[32] Source: *Exploitative governance under SPDC and DKBA authorities in Dooplaya District*, KHRG, 11 July 2008.
[33] Source: "The New KNU?—Let's Wait and See," *Irrawaddy*, 28 October 2008.
[34] Source: "Karen Rebel Leader Assassinated," *Irrawaddy*, 14 February 2008.
[35] Source: *Ibid*.
[36] Source: "Hundreds Attend Mahn Shah Funeral," *Irrawaddy*, 18 February 2008.
[37] Source: "KNU Appoints First Female Leader," *Irrawaddy*, November 2008.
[38] Source: "KNU Leader Passes Away," DVB, 22 May 2008.
[39] Source: "KNU: More Leaders Targeted for Assassination," *Irrawaddy*, 16 February 2008.
[40] Source: "DKBA Members Kill Mahn Sha: Karen Sources," *Irrawaddy*, 20 February 2008.
[41] Source: "British MPs Call on Govt to Investigation Mahn Sha's Assassination," *Mizzima News*, 15 July 2008.
[42] Source: "Will Mahn Sha's Killers Ever Be Brought to Justice?" *Irrawaddy*, 23 February 2008.
[43] Source: "Army Deserters Surrender to Karen Rebels," DVB, 29 February 2008.
[44] Source: "Three Killed In Recent KNLA Clashes with Regime Troops," DVB, 3 July 2008 and "Thais Evacuated as KNU Attacked by Burmese Army," *Bangkok Post*, 1 July 2008.
[45] Source: "Regime Troops Withdraw From KNLA Stronghold," DVB, 2 July 2008.
[46] Source: "KNU Denies Responsibility for Bombing in Kyaukkyi," DVB, 17 September 2008.
[47] Source: *Human minesweeping and forced relocation as SPDC and DKBA step up joint operations in Pa'an District*, KHRG 20 October 2008.
[48] Source: "Hundreds Flee as Regime Troops and their Allies Seize KNLA Base," *Irrawaddy*, 4 November 2008.
[49] Source: "Karen Troops Storm Rival Group's Camp near Thailand," DVB, 13 November 2008.
[50] Source: "Three Villagers Arrested After KNU Ambush Kills At Least One Junta Soldier," IMNA, 18 December 2008.
[51] Source: "Rumours Galore Regarding Junta Seizing Arms from Karen Cease-Fire Groups," IMNA, 5 June 2008.

[52] Source: "DKBA Plans Major Offensive against KNLA," *Irrawaddy*, 9 October 2008.
[53] Source: "Border Security Tight after DKBA Attack Thai Village," *Irrawaddy*, 6 October 2008.
[54] Source: "Three Thai Security Wounded in DKBA Attack on Thai Border Village," *Thai News Agency*, 20 October 2008.
[55] Source: "KNPP Calls for Its Removal from List of Those Using Child Soldiers," KNG, 12 February 2008.
[56] Source: *Ibid*.
[57] Source: "KNPP Denies Reports of Ceasefire," DVB, 8 October 2008.
[58] Source: "NMSP Celebrates 50th Anniversary," *Irrawaddy*, 24 December 2008.
[59] Source: "NMSP Vows To Continue Struggle As Thousands of Party Members Celebrate 50th Anniversary," IMNA, 24 December 2008.
[60] Source: "NMSP Debate Matters of Political Division," *Kaowao News*, 23 September 2006.
[61] Source: "Burmese Junta Cuts Support for NMSP," *Irrawaddy*, 9 September 2005.
[62] Source: "Burma Junta Resumes Support for Mon Ceasefire Group," DVB, 12 September 2005.
[63] Source: "Monks Forced Home From Rangoon," *Kaowao News*, 3 July 2008.
[64] Source: "NMSP Celebrates 50th Anniversary," *Irrawaddy*, 24 December 2008.
[65] Source: "Thai National Smuggling Drugs Narrowly Escapes Capture by NMSP," IMNA, 17 December 2008.
[66] Source: "Burma Army Captain, Four Soldiers Killed in Mon Rebels Ambush," IMNA, 11 June 2008.
[67] Source: "MNDF will not contest 2010 election," IMNA, 10 July 2008.
[68] Source: "MNDF Requests Its Nationals to Ignore Referendum and Elections," IMNA, 13 February 2008.
[69] Source: "Panglong Agreement Should Be Implemented in Spirit: MNDF Leader," IMNA, 12 February 2008.
[70] Source: "Difficult For Ethnics to Teach Their Languages," IMNA, 10 April 2008.
[71] Source: "PNLO Strikes On Military Targets," DVB, 20 February 2008.
[72] Source: "Is UWSA Preparing for Clash with Junta?" *Irrawaddy*, 11 December 2008.
[73] Source: "UWSA Buys 10 Tons of Amphetamine Component," *Irrawaddy*, December 2008.
[74] Source: "Wa Engage In War Games on the Border," SHAN, 9 December 2008.
[75] Source: *Ibid*.
[76] Source: "Is UWSA Preparing for Clash with Junta?" *Irrawaddy*, 11 December 2008.
[77] Source: "AK-47s—Made in Wa State," *Irrawaddy*, 16 December 2008.
[78] Source: "UWSA Buys 10 Tons of Amphetamine Component," *Irrawaddy*, 20 November 2008.
[79] Source: "Mongla Sticks To Its Guns," SHAN, 8 July 2008.
[80] Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003.
[81] Source: "SSA Denies Killing Civilians," SHAN, 3 June 2008.
[82] Source: "Burmese Soldiers Harassing Villagers," SHAN, 21 February 2008.
[83] Source: "SSA Busts Up Junta Dinner Party," SHAN, 22 February 2008.
[84] Source: "SSA-S Denies Recruiting Child Soldiers," SHAN, 15 February 2008.
[85] Source: *Ibid*.
[86] Source: "SSA Denies Killing Civilians," SHAN, 3 June 2008.
[87] Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003.
[88] Source: *Ibid*.
[89] Sources: "A Struggle for Self-Determination in Burma: Ethnic Nationalities Perspective," Dr. Lian H Sakhond, 9 September 2004; "Opposition Releases Alternate Draft Constitution," NMG, 13 December 2005.
[90] Source: "Ethnic Parties Urge Voters to Reject Constitution," DVB, 2 May 2008.
[91] Source: "Shan Faction Urges All Ethnic Armies to Integrate," *Mizzima News*, 12 Ferbruary 2008.
[92] Source: *Ibid*.
[93] Source: "Rohingyas in Dire Straits: CSW," *Mizzima News*, 10 September 2008.
[94] Source: *Northern Arakan/Rakhine State: A Chronic Emergency*, Chris Lewa, 29 March 2006.
[95] Source: *World Report 2008*, HRW, 2008, accessed at: http://hrw.org/wr2k8/pdfs/wr2k8_web.pdf.
[96] Source: *Arbitrary Confiscation of Farmers' Land by the State Peace and Development Council (SPDC) Military Regime in Burma*, The Burma Fund 2008.
[97] Source: "Villager Sentenced to Jail for Not Having Village out Pass," *Kaladan News*, 23 September 2006.
[98] Source: "Army Harasses Rohingyas on Maungdaw-Buthidaung Road," *Kaladan News*, 20 April 2006.
[99] Source: *Ibid*.
[100] Source: *Ibid*.
[101] Source: "Burma's Muslim Rohingya Minority Dwell at the 'Brink of Extermination'," *Kaladan News*, 6 October 2008.
[102] Source: "Army Confiscates Farms for Natala Villagers in Arakan," *Kaladan News*, 16 April 2006.
[103] Source: "132 Model Village Families Arrive in Maungdaw," *Narinjara News*, 12 April 2008.
[104] Source: "Rohingyas Are Arrested Fled From Force Labor," *Yoma 3*, 23 January 2008, Translation by HRDU.
[105] Source: "Protesters Tortured During Interrogation," *Narinjara News*, 4 February 2008.

[106] Source: "Burmese Army Loots Rice from Traders," *Narinjara News*, 1 February 2008.
[107] Source: "Second Resettlement in 2008 in Northern Arakan," *Kaladan News*, 1 February 2008.
[108] Source: "Policeman Urinates in Central Mosque in Maungdaw," *Kaladan News*, 16 February 2008.
[109] Source: "Toll Collected By Police for Bodies In Maungdaw," *Kaladan News*, 23 February 2008.
[110] Source: "Twelve Sentenced To Seven Years in Jail for Renovation of Mosque," *Kaladan News*, 28 February 2008.
[111] Source: "Burma's Security Force Betrays Business Men," *Kaladan News*, 11 March 2008.
[112] Source: "Curfew Imposed in Akyab after Thapound Full Moon Day," *Kaladan News*, 25 March 2008.
[113] Source: "Burma's Security Force Commits Robbery in Maungdaw," *Kaladan News*, 3 July 2008.
[114] Source: "Two Rohingya Youths Flee With Two Natala Girls," *Kaladan News*, 5 July 2008.
[115] Source: *Ibid.*
[116] Source: "Police and WPDC Extort Kyat 600,000 from Bridegroom," *Kaladan News*, 7 July 2008.
[117] Source: "Forced Labour on Road Reconstruction," DVB, 18 July 2008.
[118] Source: "Burma's Security Force's Lucrative Business on Maungdaw-Buthidaunmg Road," *Kaladan News*, 10 July 2008.
[119] Source: "DPDC Seizes Muslim Graveyard in Maungdaw Township," *Kaladan News*, 10 July 2008.
[120] Source: "Police Inspector Kills Rohingya Businessman in Maungdaw," *Mizzima News*, 23 July 2008.
[121] Source: "Forced Labor in Naval Base in Kyaukpru," *Kaladan News*, 20 July 2008.
[122] Source: "Sittwe Residents Forced To Stand Sentry," *Narinjara News*, 3 September 2008.
[123] Source: "Forced Labour for Road Repairs in Maungdaw," *Kaladan News*, 19 September 2008.
[124] Source: "105 Sittwe Muslims Imprisoned For Traveling," *Narinjara News*, 20 September 2008.
[125] Source: "Junta Leases 50,000 Acres of Farmland to Bangladesh," DVB, 10 October 2008.
[126] Source: "Authorities Attack Religious Ceremony in Maungdaw," *Kaladan News*, 1 November 2008.
[127] Source: "Nasaka Director Orders Maulavi Bridegrooms to Be Clean-Shaven," *Kaladan News*, 4 November 2008.
[128] Source: "Varying Prison Terms for 13 MMO Members," *Kaladan News*, 5 November 2008.
[129] Source: "Soldiers Clash with Local Residents in Minbya," DVB, 18 November 2008.
[130] Source: *Ibid.*
[131] Source: "Restriction on Slaughter on Eid Festival in Arakan State," *Kaladan News*, 8 December 2008.
[132] Source: "Burmese Army Confiscates Land from Arakanese Farmers," *Narinjara News*, 18 December, 2008.
[133] Source: "Cyclone, Starvation Now Plague of Rats Devastates Burmese Villages," *Guardian* (UK), 10 September 2008.
[134] Source: *Ibid.*
[135] Source: "Food Crisis Deepens in Chin State," *Irrawaddy*, 8 October 2008.
[136] Source: "Authorities Deny Chin Villagers Food Aid," *Irrawaddy*, 15 October 2008.
[137] Source: "Some Succor for Famine Affected Chin People," *Khonumthung News*, 5 November 2008.
[138] Source: "Acute Scarcity of Food Leads to Diseases in Chin State," *Mizzima News*, 19 September 2008.
[139] Source: "Food Crisis in Chin State Results In School Drop Outs," *Khonumthung News*, 25 September 2008.
[140] Source: "Food Crisis Puts Mothers and Children at High Risk," *Rhododendron News*, Volume XI, No V September – October 2008 CHRO.
[141] Source: "Burmese police recruit underage youth in Western Burma" *Rhododendron News*, Volume XI, No I, January – February 2008, CHRO, February 2008.
[142] Source: "Burmese Regime Bans Chin Historical Day," *Khonumthung*, 20 February 2008.
[143] Source: "Authorities Restrict Chin National Day Celebrations," DVB, 21 February 2008.
[144] Source: "Soldiers on a Killing Spree of Livestock for Meat," *Rhododendron News*, Volume XI, No V, September – October 2008 CHRO.
[145] Source: "Nay Pyi Daw to Include Parts of Chin State into Sagaing Division," *Khonumthung*, 3 May 2008.
[146] Source: "Villagers Punished for Failing to Comply with Forced Labour Order," *Rhododendron News*, Volume XI, No V, September – October 2008 CHRO.
[147] Source: "Three Chin Hill-Side Cultivators Tortured, Huts Torched By Army," *Kaladan News*, 29 July 2008.
[148] Source: "Chin Widow Extorted 30,000 Kyats for Owning Two Cows," *Rhododendron News*, Volume XI, No V, September – October 2008 CHRO.
[149] Source: "Villagers forced to supply porters and chickens," *Rhododendron News*, Volume XI, No V, September – October 2008.
[150] Source: "Army Captain Compensates Two Women with Extortion Money," *Khonumthung News*, 29 September 2008.
[151] Source: "Discriminatory Practice in Aid Distribution," *Rhododendron News*, Volume XI, No V, September – October 2008.
[152] Source: "Villagers Flee to India as Burma Army Rages," *Rhododendron News*, Volume XI, No V, September – October 2008.
[153] Source: "Authorities Force Locals into Hard Labour in Chin State," *Khonumthung News*, 8 November, 2008.

[154] Source: "Chins Forced To Pay Taxes for Farming," *Khonumthung News*, 10 November 2008.
[155] Source: "Myanmar Courts Imprison Ethnic Minority Activists," AP, 18 November 2008.
[156] Source: "Army to Penalize Villages Not Participating In Soccer Tournament," *Khonumthung News*, 11 December 2008.
[157] Source: "Junta Force School Teachers to Support Referendum," KNG, 10 March 2008.
[158] Source: "Former Kachin State Commander Destroys Documents of His Tenure," KNG, 8 July 2008.
[159] Source: "Junta Confiscates Christian Owned Land in Sadung, Kachin State," KNG, 10 July 2008.
[160] Source: "Burmese Army Confiscates Land and Popular 'Stone Dragon'," KNG, 12 July 2008.
[161] Source: "15 Year-old Schoolgirl Gang-raped and Mutilated by Burmese Soldiers," Burma Campaign UK, 15 August 2008.
[162] Source: "Police Inaction on Rape and Murder of Schoolgirl," AHRC, 9 October 2008.
[163] Source: "Protestors Denounce Rape and Murder of Kachin Girl by Troops," DVB, 28 August 2008.
[164] Source: "15 Year-old Schoolgirl Gang-raped and Mutilated by Burmese Soldiers," Burma Campaign UK, 15 August 2008.
[165] Source: "Police Search Hotels in Myitkyina," KNG, 2 September 2008.
[166] Source: "Junta Collects Municipal Taxes But Provides No Service for Civilians in Myitkyina," KNG 12 September 2008.
[167] Source: "Junta Imposes Night Curfew in Myitkyina," KNG, 22 September 2008.
[168] Source: "Kachin Village Chair Beaten By Troops," DVB, 17 October 2008.
[169] Source: "Junta Begins Dam Construction amid Protests in Kachin State," *Mizzima News*, 2 December 2008.
[170] Source: "Karen State Civilians Appeals to International Community to Save Them from Burmese Army before Being Decimated," *Asian Tribune*, 6 February 2008.
[171] Source: *Ibid*.
[172] Source: *Ibid*.
[173] Source: "Daily demands and exploitation: Life under the control of SPDC and DKBA forces in Pa'an District," KHRG, 19 September 2008.
[174] Source: "Villager Shot and Killed as Burma Army Completes Rotation of Troops," FBR, 9 February 2008.
[175] Source: *Oppressed twice over: SPDC and DKBA exploitation and violence against villagers in Thaton District*, KHRG, 20 March 2008.
[176] Source: *Ibid*.
[177] Source: "Attacks on Burma's Ethnic Karen Continue despite Cyclone," Burma Campaign UK, 29 May 2008.
[178] Source: *Attacks, killings and the food crisis in Toungoo District*, KHRG, 1 August 2008.
[179] Source: *Attacks, forced labour and restrictions in Toungoo District*, KHRG, 1 July 2008.
[180] Source: "1,000 Karen Villagers Flee Attacks," *Irrawaddy*, 9 June 2008.
[181] Source: "1,000 Karen Villagers Flee Attacks," *Irrawaddy*, 9 June 2008.
[182] Source: *Inside News*, Volume 3, Issue 3, CIDKP, September 2008.
[183] Source: "13,600 Karenni Refugees Apply to Resettle in USA," *Kantarawaddy Times*, 25 August 2008.
[184] Source: "Innocent Villager Gunned Down by Captain," *Kantarawaddy Times*, 14 February 2008.
[185] Source: "Village Headmen Threatened for Villagers Casting 'No' Votes," *Kantarawaddy Times*, 16 May 2008.
[186] Source: "Villagers Forced to Guard Electricity Transmission Towers," *Kantarawaddy Times*, 20 August 2008.
[187] Source: "SPDC Four Cuts Offensive Increase IDP," *Kantarawaddy Times*, 14 November 2008.
[188] Sources: "Religious Leaders Urged to Protect Mon Culture," *Kaowao News*, 29 November 2006; "Population Transfer Threatens Mon Community," *Kaowao Newsletter No. 112*, 16 June - 3 July 2006.
[189] Source: "SPDC Harassment of Mon Ethnic Rights Continues," *The Mon Forum*, HURFOM, 30 April 2006.
[190] Source: "Mon Language Axed from State Schools in Thaton," *Irrawaddy*, 10 November 2008.
[191] Source: "Mon Culture Group Replaced by Junta Thugs," *Irrawaddy*, 4 February 2008.
[192] Source: "Regime Continues Its Assault on the Mon Cultural Museum in Moulmein," IMNA, 28 February 2008.
[193] Source: "Mon State Authorities Prohibit Students from Celebrating National Day," IMNA, 19 February 2008.
[194] Source: "Farmers in Southern Burma in Catch-22 Situation (Online Feature)," IMNA, 26 February 2008.
[195] Source: "TPP Authorities Force Families to Relocate Without Compensation," IMNA, 8 April 2008.
[196] Source: "Retired NMSP Member Killed in Torture, Many Flee," IMNA, 26 May 2008.
[197] Source: "Army Prohibits Villagers from Working Outside Village," IMNA, 16 June 2008.
[198] Source: "Battalion Commander Sells Resident's Plantation," IMNA, 15 August 2008.
[199] Source: "More Land Seized In Northern Mon State," IMNA, 13 November, 2008.
[200] Source: "Three Insurgents and One Villager Killed By Burmese Army during Clash in Ye Township," IMNA, 20 November 2008.
[201] Source: "Rebels ransom 100 villagers in Ye Township; SPDC responds with interrogations, torture and travel restrictions," IMNA, 24 November 2008.
[202] Source: "Lahu Vilagers Beaten Up, Shot Dead, in Kae-See," *SHRF Monthly Report*, SHRF, April 2008.

[203] Source: "A Petty Peddler Raped, Robbed of her Money in Murng-Paeng," *SHRF Monthly Report*, SHRF, April 2008.
[204] Source: "SPDC spies and the campaign to control Toungoo District," KNHG, 31 March 2008.
[205] Source: "Mass Forced Labour and Extortion in Building Fences for Military Airfield, in Nam- Zarrng," *SHRF Monthly Report*, SHRF, November 2009.
[206] Source: "Forced Porterage, Causing Death Later, In Ho-Pong," *SHRF Monthly Report*, November 2008.
[207] Source: "Women Forcred to Serve as Unpaid Porters in Murng-Pan," *SHRF Monthly Report*, November 2008.
[208] Source: "Villages Deserted As Residents Flee To Border to Escape Military Persecution," SHAN, 8 July 2008.
[209] Source: "Gang-Rape in Kun-Hing," *SHRF Monthly Report*, SHRF, September 2008.
[210] Source: "Villagers Tortured For 'Not Seeing' the Rebels," SHAN, 5 July 2008.
[211] Source: "Ethnic Militia Accuses Junta of Forcing Opium Cultivation," *Mizzima News*, 23 December 2008.
[212] Source: "Arakan Rebellion Group Kills Three Tribal Men in Bangladesh," *Kaladan News*, 22 November 2008.
[213] Source: *Villagers' responses to forced labour, torture and other demands in Thaton District*, KHRG 2 October 2008.
[214] Source: *Ibid*.
[215] Source: *Forced recruitment by DKBA forces in Pa'an District*, KHRG, 24 September 2008.
[216] Source: *DKBA bans alcohol consumption to justify human rights abuses in Pa'an District*, KHRG, 3 October 2008.
[217] Source: *Human minesweeping and forced relocation as SPDC and DKBA step up joint operations in Pa'an District*, KHRG, 20 October 2008.
[218] Source: *DKBA bans alcohol consumption to justify human rights abuses in Pa'an District*, KHRG, 3 October 2008.
[219] Source: *Human minesweeping and forced relocation as SPDC and DKBA step up joint operations in Pa'an District*, KHRG, 20 October 2008.
[220] Source: "Mon Splinter Group Shot a Passenger Ferry, Three Civilians Injured," IMNA, 16 April 2008.
[221] Source: *Ibid*.
[222] Source: "Rebels ransom 100 villagers in Ye Township; SPDC responds with interrogations, torture and travel restrictions," IMNA, 24 November 2008.
[223] Source: *Ibid*.
[224] Source: "People In Shan State Forced To Join Local Militias," SHAN, 2 September 2008.
[225] Sources: "List of Cease-fire Agreements with the Junta," *Irrawaddy*, accessed online at www.irrawaddy.org/res/ceasefire.html; *Burma Briefing: Issues and Concerns Volume 1*, Altsean Burma, November 2004.



CHAPTER 19
Internal Displacement and Forced Relocation

BURMA

HUMAN RIGHTS YEARBOOK 2008

19.1 Introduction

Despite intense international focus on the human rights situation in Burma in 2008, forced displacement, as a result of conflict and human rights violations, was ongoing in the country. Throughout 2008, the State Peace and Development Council (SPDC) military regime remained the main perpetrator in the majority of violations against civilians, particularly those against ethnic minority groups.[1] Further, the SPDC remained unwilling to fulfil their obligations in relation to internally displaced persons (IDPs), flatly rejecting the assertion of the presence of a large number of IDPs in Burma. As a result, during 2008, the junta's restrictions on humanitarian access continued to obstruct aid workers in Burma, particularly in conflict-affected areas.[2]

There are great discrepancies in the nationwide figures of Burma's internally displaced person (IDP) population. This is partly due to the difficulty in accurately cataloguing and recording IDP numbers and is further exacerbated by the nature of displacement throughout Burma, which tends to be cyclical; IDPs are continually being displaced, relocated, or forced to flee, until they settle in a relocation site, ceasefire area, or in hiding, only to be forced again to move due to conflict, land confiscation, or most often, by human rights abuses. Hence, the concept of an IDP 'population' is a changing one, as it continually increases and decreases dependant upon a number of factors. It is widely believed that there are at least one million IDPs inside Burma. However, some estimates of IDP populations alone have also reached as high as three million people.[3]

The most reliable estimates for 2008 have suggested a 10 percent reduction in the IDP population in eastern Burma as compared to 2007, which has been attributed to a decrease of over 70,000 IDPs living in ceasefire areas. However estimates for IDPs in hiding sites and relocation sites increased during 2008, reflecting the junta's expanded influence in eastern Burma and the pressure on ceasefire groups to surrender theirs arms and territory. The total number of displaced persons in eastern Burma in 2008 was estimated to be over 500,000, with at least 451,000 people recorded as being displaced in rural areas alone. Approximately 224,000 of these people lived in temporary settlements of *"ceasefire areas"* administrated by ethnic nationality ceasefire groups, while 101,000 civilians are estimated to be hiding from the junta in areas most affected by military conflict and approximately 127,000 villagers have followed junta eviction orders and moved into designated relocation sites.[4]

States and Divisions	IDPs in Hiding	Relocation Sites	Ceasefire Areas	Total IDPs
Karen State	49,500	10,900	44,500	**104,900**
Karenni State	9,300	5,000	39,000	**53,300**
Mon State	800	4,800	42,100	**47,700**
Eastern Pegu Division	21,000	23,500	0	**44,500**
Southern Shan State	16,500	26,100	92,400	**135,000**
Tenasserim Division	3,900	55,700	6,000	**65,600**
Total	**101,000**	**127,000**	**224,000**	**451,000**

TBBC estimates of internally displaced persons living in eastern Burma during 2008.[5]

Reliable figures on IDP populations in certain parts of the country are increasingly difficult to obtain. As may be seen elsewhere throughout this report, human rights abuses in some states and divisions are more widely documented than they are in others. This situation is further reflected in this current chapter, where limited information on IDPs has been made available, particularly in Burma's central divisions and in urban areas. Please note,

however, that the disparity in the availability of information does not necessarily indicate that there are fewer IDPs or lower levels of displacement in those areas which have furnished less information.

During 2008, an estimated 66,000 people in Burma were forced to flee from their homes as a result of, or in order to avoid, the effects of armed conflict and human rights abuses. The Thailand Burma Border Consortium (TBBC) which was responsible for providing this figure, has maintained that this represents a slight decrease in the rate of displacement over the last few years and also a reduction in military attacks on civilian villages. The highest frequency of displacement during 2008 was reported to be among villagers already living in hiding from military patrols in Papun District of northern Karen State. Meanwhile, communities in neighbouring Pegu Division who had previously been living in hiding were increasingly being consolidated into SPDC-garrisoned forced relocation sites, as were villagers in Laikha, Nansang and Kunhing Townships of Shan State.[6]

According to analysis provided by the Internal Displacement Monitoring Centre (iDMC), the situation is at its worst in Karen State where more than 40,000 civilians have been forced from their homes since late 2005 by the military's ongoing offensive against unarmed civilian villages and insurgent groups. The offensive has been characterised by military attacks on undefended rural civilian villages, the forcible relocation of their inhabitants to SPDC-controlled relocation sites, and the extension of heavy-handed military authority over civilian populations.[7] Forced displacement was also reported to have occurred in areas where ceasefire agreements had been negotiated between the junta and ethnic Non-State Armed Groups (NSAGs). Meanwhile, communities across the country continued to have their land confiscated by the junta.[8] Amnesty International's (AI) Annual Report on Burma for 2008 claimed that forced displacement enacted by the military continued in all seven of Burma's ethnic states, despite the existence of ceasefire agreements with the armies of all but three of the major ethnic groups.[9]

Ethnic Karen children living in hiding in the forest in northern Karen State during 2008. These children are among the estimated 104,900 IDPs living in Karen State alone. *[Photo: © FBR]*

19.2 International Norms and Conventions

The United Nations Guiding Principles on International Displacement (henceforth referred to as "the Guiding Principles"), which represent the international framework for the protection of and assistance to IDPs, defines an internally displaced person (IDP) under Article 2 as:

> *"[P]ersons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border"*.[10]

According to the *Handbook for Applying the Guiding Principles on Internal Displacement*, the distinctive feature on internal displacement is *"coerced or involuntary movement that takes place within national borders,"* with precursors to flight including *"armed conflict, situations of generalized violence, violations of human rights, and natural or human-made disasters"*.[11]

The rights of IDPs have been most explicitly stated in the Guiding Principles, and though not a legally binding document, the Guiding Principles have elucidated the rights of IDPs from existing international humanitarian and human rights law. According to Principle 5, States' authorities *"shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances so as to prevent and avoid conditions that might lead to displacement of persons."* Furthermore, when displacement does occur, Principle 3 dictates that States *"have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction."* In short, it is the responsibility of the State to ensure that all efforts are made to prevent the forced displacement of persons and to provide adequate provisions for their protection when such displacement does occur.

The Guiding Principles are founded on the concept of sovereignty as entailing responsibility. They not only affirm that national authorities have the primary duty and responsibility to provide assistance and protection to IDPs within their jurisdiction, but also grant IDPs the right to request and receive protection and assistance from national authorities. These Principles also underline the right of international humanitarian organizations to provide support for IDPs and emphasise that a government should not arbitrarily withhold consent to such aid, especially in a situation where it is unable or unwilling to provide the assistance needed.[12]

The Universal Declaration of Human Rights (UDHR) was the first instrument to establish international norms concerning the prohibition of forced relocation and the protections afforded to internally displaced persons. Article 12 of the UDHR protects against arbitrary interference or attacks on the home. Article 25(1) also protects the right to housing. These protections were restated in the 1966 International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Article 12(1) of the ICCPR states that, *"Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence."* Meanwhile, Article 17(1) asserts *"No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation."* Similarly, Article 11(1) of the ICESCR recognizes *"the right of everyone to adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions"*.

At the time of publication, and despite the large number of international instruments in place to protect individuals from displacement and to provide for protection should displacement occur, Burma has only signed two such international conventions, specifically, the Convention on the Elimination of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). These two conventions require Burma to take appropriate measures to ensure that women and children have unhindered access to adequate housing under Articles 14(2)(h) and 27(3) respectively.

Furthermore, Article 17 of the Additional Protocol II to the Geneva Conventions (1977) Relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II), clearly states that:

> *"The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition"*.[13]

Though Burma has neither ratified or acceded to the Additional Protocol II, the principles contained therein are now considered *jus cogens* and as such are regarded as customary international law, thus making the laws outlined therein binding on all States regardless of whether they have ratified the document or not.[14]

Even with the weight of international conventions, laws and norms favouring a prohibition against forced relocations and the imperatives to provide for the safety and security of IDPs, internal displacement and forced relocation continued to be widespread throughout Burma during 2008.

Though many cyclone victims were not provided with any aid whatsoever, many others took refuge in monasteries and aid camps. Some survivors, such as those shown in this photograph in Labutta Township, Irrawaddy Division in May 2008, were provided with privately donated tents after their homes had been destroyed by the storm. *[Photo: © Moe Aung Tin/Irrawaddy]*

19.3 Causes of Displacement in Burma

The definition of an IDP in the Guiding Principles suggests three district categories of displacement: displacement caused by armed conflict, displacement induced by State and private development, and displacement due to human rights abuses. These distinctions were explored in depth in a Refugee Studies Centre Working Paper, produced in February 2007, entitled *Burma: the Changing Nature of Displacement Crises*. The author of that report also describes three similar categories: armed-conflict-induced displacement, State/society induced displacement, and livelihood/vulnerability-induced displacement.[15] Displacement often results not only from overt violence and abuse that has already taken place but also due to the avoidance of threats yet to occur.[16]

Conflict-Induced Displacement

Armed conflict has been a consistent theme of the Burmese landscape since independence in 1948. Though approximately two dozen ceasefires were struck between the regime and insurgency groups from 1989 to 1995, a number significant ethnic organizations still remained in conflict with the junta during 2008. In areas where such groups were still operational, SPDC army units continued to mount military assaults on civilian villages, all in the name of counter-insurgency. Thus, in the ethnic states of eastern Burma, armed conflict continued to be a considerable contributor to the displacement crises throughout 2008.

The term conflict-induced displacement can therefore be misleading, in that one automatically forms a mental image of conflict in a traditional sense and assumes that civilians with no active role in the fighting are being displaced when the conflict waged between two opposing parties flows over into their homes. However, this is generally not the case in Burma where the conflict is a low intensity war of attrition primarily targeting civilians, where displacement of civilian villagers is the intended outcome of the conflict rather than a side effect of it. The vast majority of skirmishes between the junta and armed resistance groups occur when the latter attempts to protect civilian villagers from attacks by SPDC army units to give the villagers the chance to flee, although the frequency of such instances pales in comparison to deliberate attacks on unarmed civilian villages. In these cases, the villagers are not fleeing fighting between the SPDC and the resistance group, but rather it is that fighting which is slowing the advance of the SPDC army unit and giving the villagers the opportunity to get away.[17]

In most cases, the result of armed attacks on civilian villages is that villagers are forced to relocate, either to take refuge in the surrounding forest or other villages, move to an SPDC-controlled relocation site, or flee to neighbouring countries as refugees. They often continue to be endangered by armed conflict even after they flee.

During 2008, conflict-induced displacement was most concentrated in the areas of northern Karen State, where 491 separate armed clashes were reported to have taken place between SPDC army units and soldiers of the opposition Karen National Liberation Army (KNLA) in the first six months of the year alone. The widespread militarization of the area reportedly led to the displacement of an estimated 27,000 villagers from the four affected townships during 2008 alone, primarily related to the destruction of crops and food supplies, the forced relocation of entire villages and attempts to evade SPDC army patrols which hunt them.[18]

Development-Induced Displacement

Also leading to the forcible displacement of communities in Burma during 2008 were numerous State-sponsored and private development projects including, but not limited to, the construction of mining concessions and hydroelectric dams. There have been repeated reports of the military using severely heavy-handed tactics to secure control over the area where such sites are located, including the forced relocation of entire villages.[19] Small-scale infrastructure and amenity development, such as the establishment of military bases and the construction of roads were linked to forced labour, extortion, and land confiscation. Meanwhile, larger projects such as dam construction, mining and the establishment of hydroelectric power plants also lead to land confiscation, forced labour, and environmental degradation as well as posing the possibility of further destruction and flooding of thousands of homes. Moreover, all such sites are typically flooded with large numbers of SPDC army soldiers to forcibly relocate civilian populations away from the project and to protect it from possible sabotage by opposition groups. The sharp increase in militarization of the area invariably brings with it a commensurate increase in human rights violations (for more information, see the following section on "Human Rights-Induced Displacement").

According to some sources, Burma has the fastest growing oil and gas industry in Southeast Asia. During 2008, the Yadana natural gas project in eastern Burma, the junta's largest source of revenue, continued to destabilise the population through the imposition of forced labour, land confiscation, extortion and overt violence. Similar abuses along the adjacent Kanbauk-Myaing Kalay gas pipeline in Mon State also reportedly contributed to displacement during 2008.[20]

On 18 June 2008, the Kayan Women's Union (KWU) released a report entitled *Drowning the Green Ghosts of Kayanland*, in which they asserted that one of the hydroelectric dams being constructed by the junta in the Pyinmana mountain range will flood 12 civilian Kayan villages and over 5,000 acres of fertile farmland in southern Shan State, and displace an estimated 3,500 people. According to the report, the Upper Paunglaung Dam is being constructed to generate more electricity for Naypyidaw. Construction, which commenced in 2004 and is reportedly funded by a number of Chinese companies, is expected to be completed in December 2009.[21] By early 2008, a number of the villages located in the valley had already begun moving out of their homes and relocating to other areas of Shan and Karenni States. None of those affected were consulted prior to the commencement of the project and nor have they been offered any form of compensation for the loss of their homes and their livelihoods.[22]

According to reports by the Shan Human Rights Foundation (SHRF), land confiscation is one of the leading causes of displacement in Shan State. Land has been confiscated from local villagers without any compensation or rehabilitation since the military took control of the country in the 1960s, however, the SHRF has reported that the practice has increased over the past decade. In an apparent attempt to militarize all rural areas of Shan State, the junta has increased the number of battalions stationed throughout the state and have confiscated large tracts of land without compensation to accommodate these new battalions. Originally, land was confiscated upon which to build military bases, however, according to the SHRF, more recently the junta has confiscated land to make way for their own money-making ventures, including agriculture, brick baking, and charcoal making, among other schemes. Often such ventures involve the forced labour of the local population, including those who the land was originally confiscated from. Land has also been confiscated for the building of State infrastructure such as roads and dams.[23]

It was also reported that large quantities of land had been confiscated from local communities in southern Shan State in 2008 for a new coal mining project. Other similar mining projects in Karenni State have reportedly been *"protected"* by the SPDC by the comprehensive deployment of antipersonnel landmines, which has also lead to the displacement of nearby villages and the abandonment of their homes, fields and livelihoods for fear of stepping on one of the mines.[24]

Human Rights-Induced Displacement

In addition to the more traditional conflict-induced and development-induced displacement discussed above, internal displacement in Burma is also caused by a combination of coercive and economic factors which lead to the impoverishment and forced migration of local populations. Such practices and policies employed by the SPDC and its allied ceasefire armies include land confiscation, the use of forced labour, arbitrary taxation and extortion, theft and looting, enforced agricultural quotas and procurement policies and restrictions on the freedom of movement.[25] As such, the systematic and widespread violation of human rights is one of the leading causes of displacement in Burma today. While many reports published throughout 2008 continued to refer to *"civilians fleeing fighting"*, the reality remains that conflict in Burma is typically of a low intensity and what civilians flee from more often than not are the human rights abuses that invariably accompany militarization and not overt fighting as is often implied. This is especially prevalent in areas of ethnic armed conflict. In such contexts, it is misleading to use the term *"fighting"*, as this implies that the villagers are fleeing from counter-insurgency measures used by SPDC army units against armed resistance groups and that the conflict has spilled over unintentionally into civilian villages where the villagers are easily labelled as *"collateral damage"*.[26] Such assumptions could not be any further from the truth. For the most part, the only real *"fighting"* that ever takes place is when SPDC army columns attack undefended civilian villages and opposition forces attempt to intervene to give the villagers a chance to escape. In all such attacks, the villagers cannot be considered *"collateral damage"*, but rather the intended targets of them. Actual cases of SPDC army forces seeking out and engaging the resistance are rare.[27]

IDPs hiding in the forest and attempting to evade all contact with the military are not necessarily ordered or physically compelled to move or relocate. However, due to arbitrary arrest, forced relocation, extortion, forced labour, torture, to rape and extrajudicial execution, villagers are effectively left with little choice but to leave as the conditions forced upon them make it exceedingly difficult to survive. This type of movement has been referred to by some commentators as *"distress migration"* or *"migration for survival"*.[28]

Once interned in an SPDC-controlled relocation site, IDPs are kept on the brink of impoverishment and starvation through an extensive system of extortion and demands for food, labour and other goods. Also, the villagers' freedoms of movement are strictly curtailed, and in some cases stripped totally. This is done apparently to impoverish the villagers to such a point that they cannot provide material support to resistance forces even if they should want to (which is not always the case). Ultimately, when the demands become too great and food too scarce, many villagers flee from relocation sites to live as IDPs deep in the forest where they hope to evade roving SPDC army patrols.[29]

Those who have fled from forced relocation sites or simply refused to move to one in the first place and live beyond SPDC-control as IDPs do not have to perform forced labour or pay arbitrary taxes and extortion. However, life in the forest brings with it a while new series of challenges and dangers, and IDPs living in hiding must be ever vigilant and prepared to flee ahead of any advancing SPDC army units. If seen by SPDC army patrols, IDPs are often fired upon without warning or provocation. By refusing to comply with SPDC demands and living beyond their control, IDPs in conflict areas are thus considered as enemies of the State, who must be either rounded up and relocated to state-controlled relocation sites, or simply shot on sight. SPDC army patrols also systematically destroy any hidden settlements in the forests where IDPs have been living as well as any food supplies or crops that they discover in an attempt to starve them out of the hills.[30]

19.4 Destinations of the Displaced and Forcibly Relocated

Forced Relocation Sites

For the past six decades, the central military regime has been confronted by armed opposition along Burma's eastern border with Thailand. SPDC forces continue to target unarmed civilian villagers using a scorched earth campaign known as the Four Cuts Policy. This policy is said to sever all links between resistance groups and their supposed civilian support base by blocking their access to food, funds, recruits and intelligence. Central to this Policy is the SPDC's forced relocation campaign. In areas experiencing armed conflict, territory is typically divided into three coloured zones to describe the area's status: 'black' areas that are controlled by resistance forces; contested 'brown' areas; and 'white' areas where all traces of armed resistance have been eliminated. The SPDC's desire is to transform all 'black' rebel-held areas into 'brown' contested areas through the process of military expansionism, and then to transfer these areas into 'white' SPDC-controlled areas, devoid of all forms of resistance or dissent. Under the Four Cuts Policy, the military forces villagers living in 'black' or 'brown' zones to move to SPDC-garrisoned forced relocation sites in areas where the military is able to exert a larger degree of control, often with little or no warning. In order to escape the soldiers, many villagers refuse these relocation orders and go into hiding by fleeing deeper into the forest.[31] These relocation sites are often positioned along road corridors, adjacent to existing SPDC army camps so that the soldiers can more easily regiment the freedoms of the villagers interned there, monitor their movements and exploit them as forced labour to porter military supplies along those same roadways. Villages are usually only given a week, though in many cases considerably less time, to dismantle their homes, gather all of their belongings and move all that they can to the relocation site. Villagers who remain behind after the appointed time has elapsed can be shot on sight. Meanwhile, many other villagers are ordered to leave all of their possessions behind and are ensured that they will be permitted to return to collect them later. However, such promises almost invariably prove to be worth less than the paper that they are written on, and once interned at the relocation site with little more than they could carry on their backs, the villagers are refused permission to return to collect the rest of their belongings. Although, even if they were granted such permission they would soon discover that the soldiers had already plundered the village, stolen everything of value, eaten their fill of the food, and destroyed whatever they were unable to cart off. Examples of this happening are far from rare in Burma.

Upon arriving at the relocation site, villagers are characteristically not provided with any supplies by the SPDC. They are usually only given a small plot of land on which they must construct their home. Villagers must also provide their own building materials and carry out all of the labour themselves. To ensure that the villagers do not attempt to return to their homes in secret, the soldiers often plant landmines in the villages that have had their residents relocated, or simply burn the whole site to the ground.

The majority of SPDC-designated and controlled forced relocation sites are overcrowded, have no existing sanitation facilities, are typically located *"on barren land"* that is not suitable for agriculture, and often have inadequate access to fresh drinking water.[32] Furthermore, new arrivals to the site have a particularly difficult time in acquiring enough food to feed their families, as they are not only denied the right to return to their village or fields, but as a result of the gross overcrowding, almost all of the available arable land is already under cultivation. As such, SPDC-controlled relocation sites fail miserably to meet the minimum requirements for villagers to establish and sustain a livelihood.

Forcibly relocated villagers are rarely granted permission to leave to tend to crops, travel to markets in neighbouring villages or visit friends and relatives once interned in a forced relocation site. Furthermore, in many relocation sites, the residents are forced to erect tall bamboo containment fences around the entire site, leaving only one or two entrances allowing access or departure. These gates are guarded by SPDC army soldiers who record the names of everyone entering or exiting the site. The construction of these fences only serves to further curtail the movement of those interned within the relocation site. At most relocation sites, the only way that a villager is allowed to travel outside the fences is when he/she is in possession of an SPDC-issued travel permit; obtained only after payment of a fee. While some travel passes authorize travel of up to one week, many only allow villagers to be away from the relocation site during the hours of daylight, typically between 6:00 am and 6:00 pm. However, possession of a valid travel permit does not necessarily mean safe passage. For example, Rohingya villagers in Buthidaung Township of Arakan State are regularly captured by SPDC authorities who then destroy their travel passes and accuse them of travelling without proper documentation purely to harass and extort money from them.[33] Meanwhile, in areas of armed conflict, villagers found travelling outside the relocation site are often accused of having been in contact with resistance forces and are frequently fired upon on sight without checking to see if they have proper documentation or not. In such areas, the SPDC and its agents typically employ a policy of "shoot first, ask questions later".[34]

The increased proximity of villagers to SPDC army soldiers greatly increases the likelihood that they will be the subject of a variety of human rights abuses. Villagers interned in SPDC-controlled relocation sites are often called upon to provide forced labour for the military, constructing and maintaining roads and military camps (of both the SPDC and its allied ceasefire armies), portering supplies along those roads to outlying camps, serving as guides and human minesweepers in military operations, and as servants, messengers and errand runners for the soldiers. (For more information, see Chapter 7: Forced Labour and Forced Conscription). Relocated villagers also face numerous other demands for money, food, building materials and other goods. (For more information, see Chapter 8: Deprivation of Livelihood). In addition, villagers are also beaten and tortured by the soldiers when the endless stream of demands is not met. (For more information, see Chapter 2: Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment).[35]

While the total known population of relocation sites in eastern Burma decreased by approximately 9,000 people between 2006 and 2007, these figures rose again by 17,000 to 126,000 during 2008.[36] Unfortunately, very little information exists on the population of relocation sites in other parts of the country.

States and Divisions	IDPs in Forced Relocation Sites	
	2007	2008
Karen State	9,700	10,900
Karenni State	4,800	5,000
Mon State	7,200	4,800
Eastern Pegu Division	12,200	23,500
Southern Shan State	24,100	26,100
Tenasserim Division	51,000	55,700
Total	**109,000**	**126,000**

TBBC estimates of internally displaced persons living in forced relocation sites in eastern Burma during 2007 and 2008.[37]

As can be seen in the table above, in those areas for which reliable figures exist (in eastern Burma), by far the greatest concentration of IDPs living in forced relocation sites is in Tenasserim Division where over 55,000 people, or approximately 45 percent of the total, are estimated to be residing.[38] During 2008, and for the second year in a row, population estimates for relocation sites in Eastern Pegu Division (also known as Nyaunglebin District under the Karen system of demarcation; for more information, see "Karen State Disputed Areas of Demarcation" in the Appendices) have doubled.[39] The ongoing military offensive waged against civilian villages in northern Karen State is almost certainly the cause of this.

Karen villagers from T'Aye Kee and Mwee Loh villages in Toungoo District of northern Karen State can be seen here as they flee from advancing SPDC army troops, carrying their children and whatever possessions they can on their backs. *[Photo: © KHRG]*

IDP Hiding Sites

Many villagers in ethnic minority areas choose to live in hiding from the junta and its allied ceasefire armies in order to avoid the abuse they have suffered at the hands of these groups. Many villagers constantly flee in the face of SPDC army patrols, knowing only too well how they will be treated if caught. According to the TBBC, an estimated 101,000 persons were living in hiding in the remote mountains and forests throughout eastern Burma during 2008. As with the estimates for internally displaced persons living in relocation sites (discussed above), the estimates for people in hiding sites had also increased over the past year, however only slightly. (See the table reproduced below).[40] According to the TBBC figures, just under half of all IDPs living in hiding in eastern Burma were in Karen State. This number then leaps to approximately 70 percent, or more than 70,000 people, when you include those IDPs hiding in Eastern Pegu Division, which under the Karen system of demarcation represents Nyaunglebin District of Karen State.[41]

A significant number of IDPs typically build their hiding sites only a short distance away from their former villages and fields so that they only need travel a short distance to harvest their crops and salvage what they can from what remains of their former homes. The flip side of this is that it increases the risk of being detected by roving SPDC army patrols. Meanwhile, others will abandon their fields for small plantations and cash crops hidden in the forest where it is easier to remain hidden. There have been countless cases of SPDC army soldiers firing upon IDPs as they attempted to harvest their fields; where they are more vulnerable and easier to pick off out in the open fields. IDPs hiding in the forest must always be alert of the movements of SPDC army soldiers who hunt them and be prepared to flee whenever a patrol draws near to

where they are hiding. Whenever an IDP hiding site is discovered, it is typically bombarded with mortar fire before it is stormed by the soldiers, then anything of value is either eaten, stolen or destroyed, all of the shelters are razed to the ground, and the entire site and the paths which approach it are sewn with antipersonnel landmines. (For more information, see Chapter 4: Landmines and Other Explosive Devices).[42]

During 2008, there were numerous reports of targeted military assaults on unarmed civilian settlements, however, it was reported that the frequency of such attacks had decreased from previous years. In many areas, the junta has consolidated its reach by building a network of new roads and establishing a series of permanent military bases in the area from which its soldiers could mount regular patrols through the surrounding hills to depopulate the area by either forcibly relocating local communities or enacting a shoot-on-sight policy against those who refused to comply.[43]

While information for the number of IDPs living in hiding for eastern Burma is readily available, there unfortunately is very limited information available for many other parts of the country.

States and Divisions	IDPs in Hiding Sites	
	2007	2008
Karen State	51,600	49,500
Karenni State	10,000	9,300
Mon State	600	800
Eastern Pegu Division	18,700	21,000
Southern Shan State	13,700	16,500
Tenasserim Division	4,400	3,900
Total	**99,000**	**101,000**

TBBC estimates of internally displaced persons living in hiding sites in the forests in eastern Burma during 2007 and 2008.[44]

Karen IDPs on the run in late 2008. Flight is a common part of life for displaced communities living in hiding in the forests of eastern Burma. Fear is clearly visible on their faces as they await the all clear from the KNLA unit escorting them across a motor road in northern Karen State. *[Photo: © FBR]*

Ceasefire Areas

According to TBBC figures, the majority of IDPs in eastern Burma have moved into ethnic administered *"ceasefire areas"*. The ceasefire groups include former allies of the Communist Party of Burma, militias who split form the main political party representing their ethnic group, and former members of the armed opposition's National Democratic Front (NDF). Among the ceasefire groups, the United Wa State Army (UWSA), the Democratic Karen Buddhist Army (DKBA) and the Karenni Nationalities People's Liberation Front (KNPLF) have all been complicit in forced relocations and the suppression of human rights. (For more information, see "Section 18.6: Ceasefire Status of Various Armed Ethnic Groups" in Chapter 18: Ethnic Minority Rights).[45]

While the estimates concerning the number of IDPs living in relocation sites during 2008 increased, the numbers of people in areas controlled by ethnic ceasefire armies decreased during 2008. Of the 451,000 estimated persons displaced in eastern Burma in 2008, just under half, i.e. about 224,000 were reported to be located in ceasefire areas. This represents a decrease in approximately 69,000 for the same area over the previous year.[46] According to the TBBC, these findings reflect the junta's expanded influence throughout eastern Burma and the pressure that it has been placing on ceasefire groups to surrender their arms and territory. In effect, the TBBC says that there has been a *"leakage"* of IDPs out of ceasefire areas and into contested *"mixed administration areas"* which they claim are beyond the reach of their survey.[47]

While in many cases, ceasefire areas may provide a temporary respite from human rights violations inflicted by the SPDC, the majority of ethnic ceasefire groups are unable to adequately provide for IDPs who have taken refuge in areas under their administration, while others are just as guilty as the SPDC for the perpetration of human rights violations against local communities. For example, over 40,000 IDPs are estimated to be residing in the Mon ceasefire areas administered primarily by the New Mon State Party (NMSP), where there is limited access to agricultural land, draconian SPDC restrictions on travel and the inability of ethnic nationality authorises to support resettlement or compensate for lost livelihood assets.[48]

States and Divisions	IDPs in Ceasefire Areas	
	2007	2008
Karen State	55,600	44,500
Karenni State	66,200	39,000
Mon State	41,600	42,100
Eastern Pegu Division	0	0
Southern Shan State	126,000	92,400
Tenasserim Division	5,600	6,000
Total	**295,000**	**224,000**

TBBC estimates of internally displaced persons living in "ceasefire areas" in eastern Burma during 2007 and 2008.[49]

19.5 Humanitarian Assistance

As discussed above, the UN Guiding Principles on Internal Displacement expressly state that the SPDC is under an obligation to protect and provide aid to those who have been internally displaced. Principle 3(1) states that *"National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction."* The adequacy of humanitarian assistance can be measured by its effectiveness to address the immediate difficulties faced by IDPs while supporting the longer recovery processes of those effected and promoting positive change in the attitudes and structures that neglect human rights and contribute to such harm. Such principles, however, are inconsistent with the policies employed by the SPDC towards IDPs. The SPDC fails to provide any form of humanitarian assistance to IDPs, primarily because their displacement is the desired result of the conflict, not a consequence of it, coupled with their standard denial of the existence of the problem.

In 2008, it was reported that the SPDC moved to further restrict the activities of most humanitarian agencies in the country.[50] Such actions would suggest that the regime does not want the international community to bear witness to the atrocities they are responsible for. As a result of such restrictions, those communities which are in the greatest need of assistance are also those which are off limits to international aid organizations. The only way that aid is able to reach these communities is by circumventing official channels and sending aid into the country cross border from neighbouring countries. The SPDC argues that this violates their sovereignty and labels all such groups illegal. A number of community based organizations (CBOs) operate in Burma's conflict zones, particularly in eastern Burma, to bring aid to internally displaced communities at great risk to themselves. There have been a number of cases in the past in which some of these relief teams have come under fire from SPDC army soldiers. As in previous years, limited amounts of cross border aid were sent into Burma from Bangladesh, India and Thailand and a very limited amount from China. Many cross border aid networks are closely associated with armed resistance groups, on which they rely for security and logistical arrangements.[51] While some organizations are affiliated with resistance groups, many of them remain independent.

Despite restrictions on aid delivery and the barriers to it formed by SPDC policy, some international humanitarian agencies have been able to provide some protection for IDPs. For example, it has been reported that in parts of Arakan State where there are international aid agencies functioning, there has been a reduction in human rights violations committed against IDPs.[52]

A Free Burma Rangers (FBR) relief team carrying supplies, medicines, tarpaulins and blankets into Karen State in 2008 for distribution among internally displaced communities. *[Photo: © FBR]*

19.6 Situation in Arakan State

Unfortunately, very little information has been made available concerning the overall numbers of IDPs in Arakan State. The Internal Displacement Monitoring Centre (iDMC) has estimated that there are as many as 80,000 IDPs living in hiding or in temporary settlements in the forests and mountainous areas of Arakan State.[53] Meanwhile, there are several hundred thousand ethnic Rohingya who had previously been repatriated from refugee camps in Bangladesh and who now live as internally displaced persons.

The SPDC continued to employ a range of policies in Arakan State during 2008 which results in the persecution of the largely Muslim Rohingya population. The SPDC maintains that the Rohingya, which number approximately 800,000 people, are not native to Burma, deny them Burmese citizenship, and thus render them stateless.[54] Of the 134 officially-recognised ethnic nationalities of Burma, the Rohingya is conspicuous by its absence from the list. (For more information, see "Section 18.5: Official List of Ethnic Minority Groups in Burma" in Chapter 18: Ethnic Minority Rights).

A major cause of displacement during 2008, as in previous years, was the continued resettlement of Burman villagers from central Burma into Arakan State onto land which had been confiscated from Rohingya farmers. These 'Model Villages', locally referred to as *NaTaLa* villages (named after the Burmese acronym for the Ministry of Border Affairs) seek to appropriate land and destroy the livelihoods of the local Rohingya population and replace it with that of Buddhist Burman villagers to dilute the ethnic and religious composition of the region in what some commentators have referred to as *"demographic engineering"*.[55] For example, on 23 June 2008, it was reported that over 1,000 acres of farmland was being confiscated from Rohingya farmers in Maungdaw Township to make way for the establishment of new *NaTaLa* villages.[56]

Meanwhile, large tracts of land have been confiscated from local farmers by the SPDC throughout Rathedaung Township, especially along the road linking Angu Maw and Ko Dan Kauk village, for use by the China National Offshore Oil Corporation (CNOOC) after natural gas deposits were discovered nearby. Though the CNOOC reportedly rented the land for exploration at the cost of 8 million kyat per 40 square feet, it was not believed that local villagers saw very much, if any, of this money as compensation. In addition to this, local villagers living on four small islands, namely: Nantha, Wet Thet Cha, Krat Thwan and New Maw, also reportedly had their land confiscated by the local authorities after the discovery of gas on the islands.[57]

19.7 Situation in Chin State

During 2008, Chin communities continued to be affected by the rising costs of living, arbitrary and excessive taxation, forced labour and other repressive policies employed by the SPDC, and as a result, hunger and famine quickly became a reality in many parts of Chin State.[58] In western Chin State, SPDC activities directly influenced the migration of 40,000 to 50,000 people, often across the border into India. Meanwhile, there were a small number of IDPs reportedly living in Paletwa Township in southern Chin State.[59]

Environmental factors have also had a significant role to play in food shortages and the displacement of entire communities as villagers left their homes to search of food throughout 2008. Bamboo is the dominant form of vegetation throughout the region, and during 2007 and 2008 it came into flower, as it does only once every 50 years. When the bamboo blossoms, large numbers of bamboo seeds are produced, which attract rats. This leads to an explosion in the population of rats and other similar rodents, which turn on villagers' crops once the bamboo seeds have been depleted. Entire fields are quickly decimated by the hoards of rats. For many communities, less than ten percent of their entire harvests remained after the rats had attacked their crops. (For more information, see Chapter 18: Ethnic Minority Rights). In spite of the scale of the crisis, the SPDC did nothing to help the people or to provide aid to local communities. Instead, the authorities are reported to have seized food aid donated by private persons and church groups and to have resold them at overpriced rates to the people supposed to receive the aid in the beginning.[60] Hundreds of families have left the area in search of food after they had depleted what little they had left.

A family from Chin State sharing a bowl of roots and vegetables that they were able to forage from the forest. The flowering of the bamboo, technically known as "mautam" (from the Mizo language meaning 'bamboo death') severely threatened the food security of communities throughout the region, but perhaps affected the already-impoverished displaced communities the most. *[Photo: © CFERC]*

In July 2008, the Chin Human Rights Organization (CHRO) reported that over 400 people from 93 separate families from 2 different villages in Paletwa Township had crossed the border into Mizoram State, India in search of food. According to the CHRO, the exodus from this area had begun in October 2007 and there were indications that many more people would flee across the border into Mizoram in the future. The CHRO had estimated that at the time, at least 50,000 people, or approximately 10 percent of the entire population of Chin State was in desperate need of food.[61]

Later, on 19 August 2008, it was reported that approximately 2,000 ethnic Khami (a sub-group of the Chin) villagers from Paletwa Township were forced to migrate to Saiha and Lawngtlai Provinces in Mizoram State, India due to the severe food shortages.[62]

In parts of Falam and Matupi Townships, civilian farmers were reportedly prohibited from clearing new forests for the 2008 cultivation season, despite the severe food shortages facing local communities.[63] This edict was allegedly issued by Tactical Operations Commander Colonel Zaw Myint Oo, commanding officer of Tactical Operations Command (TOC) #3, in November 2007.[64] In February 2008, it was reported that the SPDC had also enacted a new series of taxes demanding that each household provide 2,000 kyat and 12 tins (126 kg / 276 lbs) of paddy upon harvest, placing further hardship on already-poor and struggling communities. The original report, however, failed to elaborate on the nature of these taxes.[65]

In March 2008, as a direct result of the food insecurity caused by the flowering bamboo, the resultant and marked increase in food prices and the complete lack of aid provided by the SPDC, a mass migration was reported to have taken place in Tonzang Township. During 2008, rice prices had risen to 19,000 kyat per sack, up from 16,000 kyat in 2006. Meanwhile, even in the face of such hardship and widespread hunger, it was reported that the Tonzang Township Peace and Development Council (TPDC) chairperson had demanded 1,500 kyat from every household in the township for the SPDC's physic nut cultivation program.[66]

On 19 June 2008, it was reported that an ethnic Meitei insurgent unit affiliated with the United National Liberation Front (UNLF) from Manipur State in Northeast India planned to establish a new camp in Phaisat village of Tonzang Township, displacing approximately 100 villagers in the process. According to local villagers, the group had offered them 300,000 kyat if they would leave their homes voluntarily by the first week of June 2008. It is not known if coercion or force was used to relocate the villagers, but it was reported that many families had already moved to nearby Kale and Tamu Townships in neighbouring Sagaing Division.[67]

This photograph, taken on 15 May 2008, two weeks after the Cyclone Nargis had struck, depicts a group of children still waiting to receive aid while taking shelter at the Hlay Htat Chaung Monastery in Labutta Township, Irrawaddy Division after their home had been destroyed. *[Photo: © Moe Aung Tin/Irrawaddy]*

19.8 Situation in Irrawaddy Division

Much of the displacement in Irrawaddy Division during 2008 occurred as a result of Tropical Cyclone Nargis, a category three cyclone which hit the Burmese coastline on 2-3 May 2008. According to official figures released by the SPDC, the cyclone killed more than 84,000 people and left 54,000 unaccounted for.[68] However, aid groups and UN statistics estimate the death toll to be in the vicinity of 128,000 to 180,000 people.[69] The cyclone affected those living in three separate divisions, namely, Irrawaddy, Rangoon and Pegu Divisions as well as Mon and Karen States. The total number of people living in these areas who were adversely affected by the cyclone has been estimated to be a staggering 2.4 million people.[70] As many as 45 temporary resettlement sites of varying sizes housed an estimated 40,000 cyclone victims.[71]

According to the United Nations, 95 percent of Bogale Township, which is comprised of about 400 villages, was destroyed by the cyclone.[72] Meanwhile, in neighbouring Labutta Township, one of the worst hit areas, it was estimated that a little over half of the 374,000 residents were severely affected by the cyclone and half of its 500 villages were destroyed.[73]

Despite having received advanced warning of the approaching storm from the Indian Meteorological Department (IMD) on 26 April 2008, the regime failed to adequately inform the people living in the areas affected by the cyclone. The IMD had reportedly issued 41 separate general warnings to the SPDC, yet the state-controlled media waited until 2 May 2008, the day the cyclone struck, to issue a cyclone alert in the *New Light of Myanmar's* "Storm News" section, predicting *"widespread rain or thundershowers"* with winds reaching 110 km per hour. State television meanwhile delivered absolutely no warnings nor issued any advice prior to the impact of the cyclone.[74]

The United Nations and Association for Southeast Asian Nations (ASEAN) have separately estimated that it will cost one billion US dollars to rebuild Burma after the cyclone left an estimated 140,000 people dead or missing and over two million survivors in need of aid.[75] The UN further estimated that just under half of the 2.4 million people who had been affected by the cyclone would need assistance for six months, and according to the World Food Programme (WFP), some 724,000 people in Irrawaddy Division alone would require food aid for at least six months.[76] Meanwhile, it was estimated by the United Nations Children's Fund (UNICEF) that 700,000 children were in need of long-term aid due to the effects of the cyclone.[77]

It was not until June 2008 that Senior General Than Shwe appointed Brigadier-General Maung Maung Aye, commanding officer of Light Infantry Division (LID) #66, to coordinate the military's response to the crisis. It has been argued that Maung Maung Aye had earlier earned the leader's trust and respect after having played a key role in the suppression of the 'Saffron Revolution' protests in September 2007, during which he had allegedly been responsible for giving orders to carry out raids on monasteries and fire on protesting monks and other demonstrators.[78] (For more information, see "Chapter 11: The Saffron Revolution – The 2007 Pro-Democracy Movement" in the *Burma Human Rights Yearbook 2007* and the HRDU report: *Bullets in the Alms Bowl: An analysis of the brutal suppression of the September 2007 Saffron Revolution*).

According to an article published in the *Irrawaddy*, the SPDC's action plan, however, was to simply return cyclone victims in the approximate location of their flattened villages, with no food or water, forcing them into a situation in which they were confronted with hunger, disease and considerable hardship.[79] Meanwhile, international aid organizations were actively prevented from accessing the worst affected areas or denied the visas that would allow their staff into the country in the first place. The junta's *"rehabilitation and rebuilding"*

plan culminated with the forcible eviction of tens of thousands of IDPs from the very shelters set up to house and care for them. A full month after the cyclone had struck, the UN had estimated that less than half of the 2.4 million people affected by the cyclone had received any form of help from either the junta or aid organizations.[80]

Within days of the cyclone, the UN had announced that ten of thousands had died and as many as one million people had become displaced. It was further estimated that approximately 20,000 square miles of land had been submerged.[81] Unfortunately, this is not a problem which will go away quickly as many of the coastal areas which were among the worst hit were inundated with salt water which not only destroyed that year's harvest, but will also leave a lasting impact due to the increased salination of the soil.

According to an article published in the *Washington Post*, the junta had formally requested US$11.7 million in reconstruction aid at a donor conference in Rangoon jointly-organised by the UN and ASEAN. Considering that Burma has a GDP of only US$15 billion and that the military officers making this request had failed to elaborate how they reached their damage assessment when as many as three quarters of the 2.4 million victims had not yet received assistance, this request understandably raised a few concerns that Cyclone Nargis could serve the regime as a diplomatic and financial windfall.[82]

By 20 May 2008, the number of official and makeshift shelters providing refuge to the estimated 150,000 IDPs scattered across Labutta and Bogale Townships alone had risen to 120 separate sites.[83]

According to the *Washington Post*, in mid-May 2008, less than two weeks after the cyclone, and with millions of people who had still not received any form of aid, the junta had announced a list of 43 companies, many with close ties to the military, which had been awarded lucrative reconstruction contracts.[84] It was reported that the SPDC had assigned 18 of these private companies to construct between 4,000 and 6,000 permanent houses for cyclone victims in 23 villages within six of the Irrawaddy Division's townships as well as in Kungyangon Township, Rangoon Division. Among those companies on this list were a number of well known and high profile companies with very close ties to the military, including but not limited to:

1. Htoo Trading Company Ltd;
2. CB Bank;
3. Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI);
4. Burma-Asia World (BAW) Company;
5. Yuzana Company Ltd;
6. Zay Kabar Company,
7. First Myanmar Investment (FMI) Company Ltd;
8. Max Myanmar Group of Companies;
9. Shwe Than Lwin Company Ltd; and
10. Tet Lan Construction Group.[85]

Quick on the heels of the announcement of the reconstruction plan, a number of reports emerged throughout June 2008 of land being reclaimed in cyclone-affected areas throughout Bogale, Pyapon, Dedaye and Labutta Townships.[86] Towards the end of July 2008, there were fresh reports of villagers being evicted from their land by the SPDC to make way for the reconstruction project. For instance, one report told the tale of Thein Hlaing, who had built a small makeshift hut from salvaged pieces of tin and wood in the vicinity of his former village on a piece of land that was above the floodwater. Soon after they had completed the new shelter though, an SPDC army officer arrived and ordered him and his family to dismantle the hut and vacate the area as all of the higher ground had been earmarked for a building development and that no one was permitted to live there.[87]

Approximately 2,000 cyclone survivors took refuge in the Thakya Mara Zein Pagoda in Labutta Township in Irrawaddy Division in the wake of Cyclone Nargis. The monastery's resources and facilities were quickly overloaded by the sheer number of people needing help, despite the best efforts of the monks and Pagoda trustees. *[Photo: © Moe Aung Tin/Irrawaddy]*

On 4 June 2008, hundreds of IDPs who had been taking shelter in State High Schools No. 1 and No. 2 and State Middle Schools No. 1 and No. 2 in Bogale Township after their villages had been destroyed by the cyclone were evicted as the *"schools had to reopen"*. The villagers were reportedly given 20,000 kyat and five bowls (7.8 kg / 17 lbs) of rice and then sent on their way. One elderly woman who had taken refuge in State High School No. 1 had told the *Mizzima News* that, *"They are forcibly sending us back to our villages. I dare not go back home. Almost all villagers died in the cyclone and I lost my home too"*. Such details, however, seemed lost on the SPDC and the eviction went ahead as planned.[88]

Displaced villagers in Labutta Township in mid-May 2008 pool their few resources to cook a communal meal of what little food they were able to find for the day. *[Photo: © Moe Aung Tin/Irrawaddy]*

A little over a week after the cyclone, a number of reports emerged of cyclone victims who had taken refuge in monasteries in Bogale Township being forced to relocate to SPDC-administered relief centres.[89] Similarly, survivors who had taken refuge in Suu Taung Pyi monastery in Labutta Township were forced to move to a camp set up on a football ground, which could accommodate about 1,000 people in about 60 tents.[90] On 16 May 2008, it was reported that as many as 80,000 survivors who had taken shelter in various schools and monasteries had been loaded onto trucks and into boats to be relocated to State-run camps, where it remained unclear if sufficient food or water was being provided.[91]

Meanwhile, an estimated 50,000 people who had been seeking refuge in Bogale Township were forcibly relocated to Maubin Township with threats of being beaten if they refused.[92] Other similar reports maintained that those who returned willingly were given 20,000 kyat in cash and five bowls (7.8 kg / 17 lbs) of rice upon arrival back in their home villages.[93]

On 11 May 2008, the *Mizzima News* had reported that the SPDC had established six shelters for cyclone survivors in Myaungmya Township, all converted from local high schools and each housing an estimated 600 survivors. According to the original report, no one was allowed to enter the schools and no survivor was allowed to leave, not even to search for missing family members.[94] However, on 16 May 2008, it was reported that displaced persons who had been taking refuge in Myaungmya Township were forced back to their decimated villages in Labutta Township to vote in the postponed referendum on 24 May 2008.[95] Later, on 24 May 2008, the SPDC-run newspaper, the *New Light of Myanmar* proudly reported that 9,200 cyclone survivors from 84 villages in Moulmeingyunn Township who had taken shelter in relief camps in Wakema Township had been returned to their home villages as part of the SPDC's resettlement plan.[96] What the report failed to mention, however, was that these people had been forced to return to

villages which had all but been wiped off the map without any further provision of food, safe drinking water, medications or shelter. However, in spite of this, it was not until 30 May 2008, that the UN had reported that the SPDC had prematurely closed a number of the relief camps and had been *"dumping"* the villagers near their devastated villages with little or no aid supplies.[97] At the end of May 2008, eight of the camps which had been set up by the junta in Bogale Township were reported to be *"totally empty"* by a UNICEF official.[98]

According to an article published in the *Irrawaddy*, beginning on 20 May 2008, SPDC authorities forced somewhere between 30,000 and 40,000 displaced persons out of the shelters in Labutta Township that had been established to accommodate them and back to whatever remained of their homes, thus denying them of desperately-needed relief supplies and medical services.[99]

On 5 June 2008, Amnesty International (AI) reported that the SPDC had forced cyclone survivors to perform forced labour in exchange for food; food which in all likelihood was given as aid from the international community.[100]

On 26 June 2008, the *Irrawaddy* reported that thousands of internally displaced villagers from more than 30 villages in Bogale and Labutta Townships were issued with forced relocation orders by officials from the Department of Forestry on 17 June 2008 accusing them of illegally encroaching on national park land.[101]

As a result of the frequent evictions, by mid-July 2008, the number of IDPs living in temporary camps in Labutta Township had dropped from 40,000 to 9,000 and from 45 camps to 3 camps.[102] Later, on 6 August 2008, it was reported that the two remaining refugee camps for cyclone victims in Labutta Township, the 5-Mile and 3-Mile Camps, were to close on 10 August 2008. The 1,015 families remaining in the two camps were told to return to their home villages. One SPDC army officer had maintained that no one was being forced to return against their will, but rather that they would assist them to return if they wished. However, one Labutta resident reported that local authorities were *"pushing"* IDPs to return to their villages.[103]

Six months after the cyclone, more than a million people living in the Irrawaddy Delta region were still living in need, receiving only intermittent food assistance and living in makeshift shelters. The WFP estimated that it would need to continue to provide food aid to nearly a million people well into 2009.[104]

The blue tents of the UN-administered "3-Mile" relief camp in Labutta Township offering shelter to cyclone survivors. *[Photo: © Aung Thet Wine/Irrawaddy]*

19.9 Situation in Kachin State

In the early 1990s, a number of ceasefire agreements were brokered between the junta and local insurgent groups operating in Kachin State. This brought an end to large-scale armed conflict in Kachin State. Following the signing of their ceasefire agreement with the regime in 1994, the Kachin Independence Organization (KIO) orchestrated the resettlement of more than 60,000 displaced persons throughout Kachin State.[105] Since then, the KIO has implemented a number of resettlement and development programs, and according to the Refugee Studies Centre at Oxford University, the living conditions of the people of Kachin State have drastically improved under the ceasefire. However, forced displacement is still a common occurrence across the state, largely due to land confiscation, natural resource extraction, and large-scale development projects, undertaken by the SPDC and local civil authorities.[106]

During 2008, the movement of peoples out of Kachin State continued. Egregious SPDC policies drove people further into poverty and forced them to migrate to find work in order to support themselves and their families. According to the Kachin Women's Association of Thailand (KWAT), the leading causes of displacement in Kachin State during 2008 included, but were not limited to, large-scale development projects such as the construction of dams and hydroelectricity power plants, and widespread land confiscation of civilian farm and plantations..[107]

In northern Kachin Sate particularly, communities also continued to lose land due to increased militarization and military expansionism, despite the existence of a 15-year-old ceasefire agreement between the KIO and the SPDC.[108]

In July 2008, the *Kachin News Group* (KNG) reported that earlier, in January of the same year, thousands of villagers in Kachin State had been issued with forced relocation notices from the Burma-Asia World Company (BAW), a Burmese conglomerate with ties to Lo Hsing Han, a known drug trafficker. In early 2007, work had commenced on the Chibwe Hydroelectricity Project named after the river on which it was situated as a joint venture between BAW and the China Power Investment Corporation (CPI), a Beijing-based hydroelectricity power company which is responsible for the construction of a series of hydroelectricity dams along the Irrawaddy River and a number of its tributaries. Since its inception, the project has led to forced seizures of land, widespread displacement and the destruction of the local environment. (For more information, see Chapter 9: Environmental Degradation).[109]

19.10 Situation in Karen State

Karen State has long been a source of large numbers of internally displaced persons. Northern Karen State is one of the most heavily militarized areas in eastern Burma.[110] For the past two-and-a-half years, the SPDC has waged an ongoing military offensive against ethnic Karen villagers in northern Karen State. Some sources have maintained that an estimated 147,000 people had been and remain internally displaced in Karen State and in eastern Pegu Division (which corresponds to Nyaunglebin District under the Karen system of demarcation; for more information, see "Karen State Disputed Areas of Demarcation" in the Appendices).[111]

The ongoing military offensive in northern Karen State and the frequent perpetration of human rights abuses which invariably accompany increased militarization have displaced an estimated 40,000 civilians since early 2006. According to Human Rights Watch (HRW), since the offensive began, an estimated 150 civilians have been killed by military attacks and landmines, with 43 new military bases being built in the area, using forced labour and materials provided by villagers.[112]

According to the Thailand Burma Border Consortium (TBBC), there were an estimated 70,000 IDPs living in hiding in Karen State and eastern Pegu Division during 2008. The TBBC also maintained that the egregious policies and practices employed by the SPDC in Karen State lead to the displacement of 142 villages and IDP hiding sites across the frontier areas in 2008 alone.[113]

Displaced villagers from Papun District, Karen State return to their hiding site in April 2008 after retrieving food supplies from their abandoned village. The villagers had earlier fled their homes following the SPDC's establishment of a new camp close to their village. *[Photo: © KHRG]*

Over 60,000 villagers are currently in hiding from the military in northern Karen State and eastern Pegu Division. Direct military attacks on civilian settlements have continued throughout 2008, although the prevalence has decreased as compared to recent years. In many parts of the state, the junta has further consolidated its zone of control by expanding its network of roads and establishing a series of new and permanent military bases along those roads.[114]

Throughout 2008, the SPDC army continued to expand its control over Nyaunglebin District. According to the Karen Human Rights Group (KHRG), villagers continued to flee ahead of approaching SPDC army columns into the surrounding forest lest they be caught and either forcibly interned in SPDC-controlled forced relocation sites or simply shot on sight.. These relocation sites, typically located close to military controlled vehicle roads and army camps, served as containment centres from which army personnel appropriated labour, money, food and supplies to support the military's ongoing expansion in the area. The SPDC had deployed several battalions operating under both Military Operations Command (MOC) #21 and Light Infantry Division (LID) #101 to Nyaunglebin District during 2008. In April 2008, SPDC army soldiers from Light Infantry Battalion (LIB) #276 moved into Kheh Der village tract and established a new camp at T'Gkaw Der village, which they then used as a base from which to mount patrols into the surrounding forest in search of IDPs. Similarly, LIB's #253, #257 and #335 of Tactical Operations Command (TOC) #2, operating under LID #101, also moved into the area in April 2008 to establish new military camps. Several communities fled deeper into the forest ahead of the arrival of the soldiers, however, the continued presence of the troops and the ongoing attacks that they continued to mount against civilian villagers in the region resulted in IDP communities being prevented from gaining access to their fields and crops, thus causing considerable problems with villagers' food security.[115] Though the number of overt attacks on undefended villages had decreased in 2008, SPDC troop levels steadily increased in northern Karen state, particularly in Lu Thaw Township of Papun District.[116]

The charred remains of Day Muh Der village in Papun District, Karen State which was razed to the ground by SPDC army soldiers from IB #240 on 4 June 2008. *[Photo: © KHRG]*

As a part of its strategy to dominate and control the civilian population of northern Karen State, SPDC army units regularly attacked villages and IDP communities throughout the year. In those areas which lie beyond direct military control, the SPDC employs a shoot on sight policy, where by soldiers indiscriminately open fire upon civilian villagers if they are caught in areas that the military is unable to adequately control, irrespective of gender, age, and even in cases where it is clear that their targets are unarmed civilian villagers. For example, on 28 January 2008, 23-year-old Saw Day Kreh Mu from Thay Nwey Kee village, was shot and killed by SPDC army soldiers from Military Operations Command (MOC) #21 as he was walking along a forest path near his home in Nyaunglebin District.[117]

All of the armed groups operating throughout Karen State continued to plant landmines during 2008, severely curtailing the movement of IDPs, and which resulted in a number of deaths. (For more information, see Chapter 4: Landmines and Other Explosive Devices)[118]

On 4 March 2008, two combined SPDC army columns made up of soldiers from LIB #323 and LIB #552 built a new army camp at Htee Moo Kee village in Lu Thaw Township, Papun District. The area is also known to be home to a large number of IDPs who make every attempt to evade the SPDC army patrols which hunt them. As a result of the new camp, an estimated 1,600 IDPs from seven different displaced villages were forced to flee deeper into the forest, and in doing so were forced to abandon 127 hill fields and 94 flat paddy fields. The increased troop movement meant that they were unable to return to their fields or to their former villages to collect their rice stores. Those villages, their populations, and gender distribution are shown in the following table.[119]

#	Village Tract	Village	No. of Households	Male	Female	Total
1	Plah Koh	Swa Gker Der	25	95	100	195
2		Plah Koh Der	10	83	113	196
3	Saw Muh Bplaw	Haw Lah Htah	22	78	80	158
4		Htoh Htee Kee	31	111	119	230
5		Htee Baw Kee	51	174	163	337
6		Kyaw Gaw Loo	37	132	141	273
7		Dteh Neh	34	107	104	211

Also on 4 March 2008, SPDC army soldiers operating under MOC #4 burned down several homes in nearby Ger Yu Der village. The soldiers burned down nine houses belonging to the following villagers:

1. Saw Nay Htoo;
2. Saw Nyah Hay Muh;
3. Naw Bpree;
4. Naw Shwe Htoo;
5. Pa Way Bpaw;
6. Saw Bluh Doh;
7. Pa Mer Khuh;
8. Saw Oh Htoo; and
9. Saw Nay Htoo.[120]

SPDC army units continued their operations throughout the Htee Baw Kee area of Lu Thaw Township during March 2008. According to the Committee for Internally Displaced Karen Persons (CIDKP), an estimated 2,000 people from eight villages, comprised of more than 250 families were forced to flee from the following villages:

1. Ger Yu Der village;
2. Saw Ker Der village;
3. Pla Kho Doh village;
4. Haw Lar Hta village;
5. Htaw Htee Kee village;
6. Htee Baw Kee village;
7. Kyaw Gaw Lu village; and
8. Tae Nae village.[121]

On 5 March 2008, SPDC army soldiers operating under MOC #4 burned down three hillside fields in Lu Thaw Township which had belonged to Naw Bpoh Gay, Naw Beh Htoo and Naw Gkweh Khay. SPDC army units have long employed a strategy of targeting civilian food supplies in their relentless campaign to depopulate the hills of Karen State, in direct contravention of customary international law. Though at the time, the fields would not yet have been sown with paddy, the soldiers deliberately burned the scrub and brush left in the fields by the villagers before it would have had a chance to sufficiently dry out, resulting in an uneven burn, which in turn results in part, if not all of the field being unsuitable to sow with a rice crop.[122]

Civilian villagers from Bpo Gkweh village in Karen State rebuilding their homes in the forest after SPDC army soldiers had attacked them and driven them from their homes at the end of 2007. Villagers in northern Karen state are often displaced as a result of military activity and have become quite skilled in quickly establishing new hiding sites and constructing new shelters out of locally available materials such as bamboo and palm thatch as can be seen in these photographs. Despite their circumstances, these villagers are able to maintain a semblance of ordinary village life and live with dignity. *[Photos: © KHRG]*

On 6 March 2008, an unidentified SPDC army unit based in Paw Day Kho village in Papun District fired eight *"heavy weapon shells"*, presumably mortars, into Htee Moo Kee village where over 1,500 people, from over 200 families, had lived in hiding. Since the attack, many of the villagers were too afraid to return to their fields to prepare the ground for paddy cultivation or return to their former homes to salvage whatever they were unable to take with them when they fled.[123]

On 15 March 2008, a 16-year-old girl from Htee Baw Kee village, Papun District, stepped on an SPDC-deployed landmine when she had returned to her abandoned village to collect her family's hidden stores of rice. The landmine blew off the lower section of her right leg. It was believed that the mines had been deployed by SPDC army units as they swept through Saw Muh Bplaw village tract on 4 March 2008 in search of IDPs. (For more information, see Chapter 4: Landmines and Other Explosive Devices).[124]

On 5 April 2008, SPDC army soldiers from LIB #276 built a new military camp in the vicinity of Ta Kaw Der village in Nyaunglebin District. A total of 132 people from 19 families from nearby Ya Kaw Der village and a further 80 people from 15 families from Thaw Nge Der village were forced to flee, leaving behind seven plots of land already prepared for paddy cultivation in the Ta Kaw Der area and two paddy barns already stocked with 100 baskets (2,100 kg / 4,600 lbs) of paddy in Thaw Nge Der village.[125]

On 19 April 2008, Columns #1 and #2 of LIB #706 entered Buh Kee village in Toungoo District, sending the villagers fleeing into the forest ahead of the arrival of the soldiers. The villagers were forced to leave behind many of their belongings and most of their food and anything of value was stolen by the soldiers. According to the TBBC, SPDC army soldiers had previously attached Buh Kee village on 5 December 2007 when they razed the site to the ground.[126]

On 10 May 2008, SPDC army soldiers from MOC #21 attacked Meh Lay Kee village in Nyaunglebin District, burning down 11 homes in the process. Afterwards, the soldiers remained in the area and continued to mount patrols and attack other villages. The ongoing presence of the soldiers hindered the movement of displaced communities living in hiding and prevented them from accessing their fields and thus their livelihoods. The villagers from Meh Lay Kee village, like others whose homes had also been destroyed, faced a particularly difficult time as they rushed to build new shelters before the annual monsoon began in June while also attempting to evade the roving SPDC army patrols which still hunted them.[127]

Displaced Karen villagers from Htee Bla Kee village in Nyaunglebin District preparing a meal in the forest after fleeing their village following it being attacked without any form of provocation by SPDC army soldiers. *[Photo: © KHRG]*

From 14 to 18 May 2008, SPDC army soldiers from LIB #507 patrolled throughout Saw Muh Plaw village tract in Papun District and attacked civilian IDP hiding sites in the vicinity of Theh Hsa Kee and Theh Kee villages. On 16 May 2008, SPDC army soldiers shot and killed Saw Gkaw Ghay, a 27-year-old villager from Saw Muh Plaw village. During the same period in May 2008, another SPDC army unit based at Wah Gklay Dtoo fired five mortar rounds into at the Theh Kee IDP hiding site. Luckily, most of the villagers were away from the site sewing paddy seeds in a local hill field and no one was hurt.[128]

In the evening of 4 June 2008, SPDC army soldiers from Infantry Battalion (IB) #240 attacked Tay Muh Der village in Papun District, causing approximately 1,000 people from Tay Muh Der and the surrounding villages, including Tha Kaw To Baw and Tha Da Der, to flee. At approximately 7:00 pm, the soldiers fired a volley of mortars into the village, one of which struck the church. Soon after, the soldiers entered the village looting homes, burning paddy barns and destroying property. The soldiers burned down three rice barns containing over 300 tins (3,150 kg / 6,900 lbs) of paddy which had belonged to:

1. Saw Kyaw Soe, age 45;
2. Swa Kwe Lay Moo, age 43; and
3. Saw Gwey Hu, age 55.[129]

On 26 August 2008, DKBA soldiers operating under Bo Gk'Do, an officer serving with Colonel Maung Chit Thoo of DKBA #999 Brigade Special Battalion, burned down Ler Bpoo village in eastern Pa'an District. The village was reportedly home to approximately 100 villagers and was comprised of 50 households. According to the KHRG, a relocation order was issued to the village on 18 August 2008 so that they could build a new DKBA base on the site of the village. All of the villagers had already fled and had sought shelter elsewhere by the time the soldiers had returned and destroyed the village.[130]

IDP children from Ta Kaw Der village in Nyaunglebin District of Karen State resting in their temporary shelter in the forest soon after their village was destroyed by SPDC army soldiers in April 2008. *[Photo: © FBR]*

According to the KHRG, SPDC and DKBA soldiers had been preparing for renewed attacks on displaced civilian villages in contested areas of Pa'an District where Karen opposition forces were still able to operate since 28 September 2008. Similar preparations were also noted to have taken place in Dooplaya District, further south of Pa'an District, presumably so that the joint offensive was ready to resume as soon as the rains ceased in October.[131]

On 7 October 2008, DKBA #999 Brigade officer Saw Mu Naw Dweh and 20 soldiers under his command burned all eight homes which comprised Gk'Law Lu village to the ground and forced the inhabitants to relocate to nearby Htee Bper village, Pa'an District. Following this, the soldiers continued on to adjacent Htee Bper Kee village where they burned down all four houses there and ordered the villagers to move to Htee Bper village as well. Once interned in the Htee Bper relocation site, the villagers of Gk'Law Lu and Htee Bper Kee were not permitted to return to their crops and were not able to plant new fields nearby. According to the KHRG, the DKBA then forced an average of 100 villagers to perform forced labour each day to build a new military camp. Slowly starving to death, on 15 October 2008, 29 people fled Htee Bper village for a KNU-controlled IDP camp in eastern Pa'an District. Two days later, on 17 October 2008, 43 more followed suit.[132]

On 2 October 2008, DKBA soldiers burned down 20 corn storage barns belonging to residents of Meh Klaw Khee village, Pa'an District. The following villagers lost their barns and all of the grain that they had contained:

1. Saw Tu Nu;
2. Saw Pa Thu Be;
3. Saw Me Nyat;
4. Saw Baw Ler;
5. Saw Pu Lu Soe;
6. Saw Po Doh Kwa (2 barns);
7. Saw Ma Leh Pa;
8. Saw Thaw Thee Pa;
9. Saw E'Si;
10. Naw La Hay Moe;
11. Saw Tay Ei;
12. Saw Thoo Dah (2 barns);
13. Saw Thoo Du;
14. Saw Kyi Pa;
15. Saw Tu Yin Moo;
16. Saw Htoo Kha;
17. Saw Ter Per Ler; and
18. Saw Hser Gay Ler.[133]

At approximately 5:30 pm on 3 October 2008, Saw Daw Naw Poe from Meh Klaw Khee was killed by DKBA soldiers who also later burned down the home of civilian villager Saw Pa Da Ray.[134]

On 6 October 2008, DKBA soldiers burned down five homes in Gah Law Klu village, Pa'an District.[135]

On 7 October 2008, unidentified SPDC army soldiers razed eight homes and one primary school to the ground in Da Kaw Ka village, Pa'an District.[136]

On 28 October 2008, the Free Burma Rangers (FBR) reported that DKBA soldiers had burned civilian homes and laid landmines in Ker Law Lu and Htee Per Kee villages in Pa'an District. Four villagers were reportedly wounded by these mines as they returned to the village to retrieve what remained of their possessions. More than 14 homes, 26 corn storage barns and four primary schools were also destroyed in nearby Khaw Poe Kee, Paw Bu Lah Hta, Oo K'ray Kee and Kaw La Mee villages.[137]

On 4 November 2008, the *Irrawaddy* reported that hundreds of Karen villagers had fled their homes in Dooplaya District to escape a recent spate of fighting between KNLA soldiers and the DKBA. DKBA soldiers had captured the KNLA battalion #201 headquarters in Kawkareik Township, Dooplaya District near the Thai-Burma border.[138]

According to the FBR, DKBA battalions #906 and #907, as well as soldiers from DKBA #333 Brigade had begun attacking civilian villages in Dooplaya District since the beginning of October 2008 in an attempt to control the population and gain access to the coal and zinc mines, and rubber and teak trees which are common in the area. More than 200 villagers were displaced as a result and had fled across the border to seek refuge in Thailand.[139]

On 6 November 2008, the *Irrawaddy* reported that 512 IDP children from Karen State had fallen ill and four had died as a result of a measles outbreak.[140]

On 6 November 2008, it was reported that at least 500 Karen villagers had been displaced in October 2008 as a result of the increased military activities of the DKBA and SPDC against civilian villages and KNLA bases in Pa'an and Dooplaya Districts adjacent to the Burma-Thai border.[141]

On 4 November 2008, one displaced villager was killed and over 1,971 people were displaced following attacks on civilian villages in Mone Township of Nyaunglebin District. According to the FBR, at least 12 villages in the area were looted and destroyed by SPDC army soldiers in this latest series of attacks.[142]

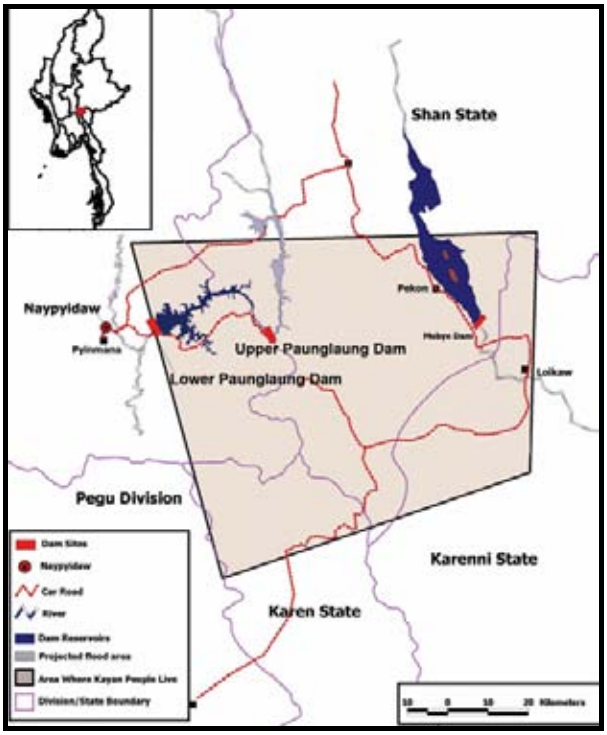
Karen IDPs from Day Muh Der and Htee Hsih Kee villages in Papun District, Karen State in June 2008 amidst the monsoon rains as they had returned their villages to salvage food and any other supplies left behind that were not destroyed or stolen by the SPDC army soldiers who had burned their village to the ground earlier that month. *[Photos: © KHRG]*

19.11 Situation in Karenni State

The Karenni National Progressive Party (KNPP) signed a ceasefire agreement with the junta in 1995, but the pact broke down after only three months when the State Law and Order Restoration Council (SLORC; the Burmese military regime as it was known from 8 September 1988 until 15 November 1997) had used the freedoms of the ceasefire to deploy large numbers of soldiers throughout Karenni State and KNPP territory. There have been several failed attempts since then to resume talks, most recently in 2004; however the junta suspended all contact with the group following the ouster of former Prime Minister General Khin Nyunt who had masterminded the majority of ceasefire pacts with resistance groups, including a number of splinter factions which had earlier broken away from the KNPP.

Military operations conducted in Karenni State throughout 2007 were said to have forced about 6,000 Karenni villagers to become displaced. A number of Karenni IDPs had fled their villages to adopt a life flight hiding in the forest after being accused by the SPDC and the ceasefire Karenni Nationalities People's Liberation Front (KNPLF) of supporting the Karenni Army (armed wing of the KNPP). Such allegations are common and are often levelled without any supporting evidence.[143] For example, following a brief skirmish between SPDC army and KA troops in Phruso Township in July 2008, an unidentified SPDC army unit fired a volley of motor shells into adjacent Kapru village, blaming the residents for supporting KA soldiers and allowing them into their village. Approximately 200 villagers fled their homes as the mortars rained down on them, leaving the entire village abandoned.[144]

On 8 July 2008, Chairman of Karenni Refugee Camp Committee (KnRCC), Khu Pho Pya, maintained that since January 2008, 165 Karenni villagers from Shadaw and Phruso Townships had abandoned their homes to flee to refugee camps in Thailand after having been accused by the SPDC of having contact with opposition forces.[145]



The sites of the Upper and Lower Paunglaung Dams in Karenni State. The shaded area represents the area that is home to the ethnic Kayan who will be adversely affected by the dam's construction. *[Photo: © KWU]*

As of October 2007, there were an estimated 81,000 IDPs living in Karenni State. The majority of this number were living in conditions of abject poverty in ceasefire areas administered by the various Karenni ceasefire groups, while an estimated 10,000 were living in hiding from the SPDC and those same ceasefire groups.[146] According to the Thailand-Burma Border Consortium (TBBC), the total number of IDPs in Karenni State had shrunk considerably to 53,330 by October 2008. Of this number, 5,000 were reported to be living in forced relocation sites, 9,300 were said to be living in hiding in the forests, and 39,000 were believed to be living in ceasefire zones under the administration of the KNPLF, and to a lesser extent the Karenni Solidarity Organization (KnSO) and the Kayan New Land Party (KNLP).[147] This last figure representing those IDPs living in ceasefire areas is down considerably from 66,200 in 2007. In an attempt to explain this significant reduction, the TBBC has argued *"the SPDC's expansion into ceasefire areas and harassment of villagers has effectively reduced the displaced population under the administration of [the] KNPLF"*.[148]

SPDC army troop deployments in Karenni State decreased in 2008 over previous years, however, military patrols concentrated around strategic locations continued to pose a threat to livelihoods. Approximately 1,000 civilian villagers were believed to have been newly displaced during 2008. The widespread use of forced labour, forced relocation for junta-sponsored development projects and sporadic clashes between the SPDC and the KA were reported to be the leading causes of displacement in 2008. At least 90 acres of agricultural land had been confiscated from local villagers in Loikaw, Phruso, and Bawlake Townships during 2008.[149]

Over the past year, the SPDC had offered the KNPLF concessions to a variety of lead and tin mining projects south of Mawchi. According to the TBBC, work on the project commenced in April 2008, and in the six months since then, three villages had been displaced, over 50 acres of villagers' paddy fields had been confiscated and many new landmines had been deployed around the perimeter of the site to protect it from sabotage by KA forces.[150]

On 9 July 2008, the Karenni Social Welfare and Development Centre (KSWDC) estimated that approximately 4,000 IDPs were hiding in the forest in Pasawng Township, after having fled their villages due to a fear of attacks by SPDC army soldiers. According to unnamed local sources, SPDC army soldiers from LIB #427, LIB #428 and LIB #337 had been patrolling throughout Pasawng Township and had clashed with KA soldiers on six separate occasions since January 2008.[151]

The site of the Upper Paunglaung Dam in Karenni State. Rights groups have estimated that the construction of the dam will inundate at least 12 civilian villages and displace an estimated 3,500 people. *[Photo: © YMEC]*

19.12 Situation in Mon State

A ceasefire agreement between the SPDC and the New Mon State Party (NMSP) signed in 1995 resulted in the forced migration of over 10,000 civilians within Mon State, many of who crossed the border into Thailand seeking refuge. Since then, ongoing military occupation and confiscation of farmland and widespread SPDC development initiatives have resulted in the continued flow of displaced persons through and from Mon State.[152] Approximately 50,000 civilians were estimated to be internally displaced in Mon State in 2007, the vast majority of whom were living under the administration of the NMSP.[153] By October 2008, the internally displaced population of Mon State had decreased slightly to an estimated 47,700 persons.[154]

The TBBC has estimated that of the 47,700 IDPs living in Mon State during 2008, approximately 90 percent, or 42,100 individuals, lived in ceasefire areas administered by the SPDC-allied NMSP. A further 4,800 IDPs were said to live in forced relocation sites, almost exclusively in Ye Township, while an additional 800 IDPs were believed to be living in hiding in the forests beyond the control of the SPDC or the NMSP.[155]

Though the NMSP had brokered a ceasefire agreement with the junta in 1995, the Monland Restoration Party (MRP), a small Mon armed opposition group, continued its armed struggle against the central military regime in the southern parts of Mon State and the northern part of Tenasserim Division throughout 2008. According to the TBBC, civilian villagers in southern Ye Township are often caught between demands for support from the MRP and retaliation from the military for allegedly being rebel sympathisers. For example, following a brief skirmish between the SPDC and the MRP in June 2008, the former launched a concerted three month campaign against the latter. According to the TBBC, *"one of [their] first acts was to torture three village committee members during interrogation and not release them until a suitable bribe had been paid by the families"*. Fearing similar treatment, hundreds of villagers from the region fled their homes to neighbouring villages or into areas administered by the NMSP.[156]

Parts of Mon State were also affected by Tropical Cyclone Nargis which struck the Burmese coastline on 2-3 May 2008, albeit to a far lesser degree than the coastal areas of western Burma such as parts of Arakan State, and Irrawaddy and Rangoon Divisions. A number of Mon State's coastal townships including Thaton, Chaungzon, Mudon, Thanbyuzayat and Ye Townships were all adversely affected. Some commentators have maintained that the coastal fishing communities Ye Township were among the worst affected with more than 150 homes which were destroyed in four separate villages.[157]

19.13 Situation in Pegu Division

Please note that much of the information related to forced relocation and internal displacement in Pegu (Bago) Division has been included under "Section 19.10: Situation in Karen State" above. The demarcation of eastern Pegu Division is disputed. While the area is officially a part of Pegu Division, the KNU, and the Karen civilians who live in the area, refer to it as Nyaunglebin District of Karen State. (For more information, see "Karen State Disputed Areas of Demarcation" in the Appendices). For the purposes of this report, the HRDU has retained the names and systems of demarcation used by the villagers themselves. Reliable information for the rest of the state lying to the west of the Sittaung River is, like other parts of central Burma, unfortunately, largely unavailable.

According to the TBBC, there were an estimated 44,500 IDPs living in eastern Pegu Division during 2008. This represented an increase of 13,600 over the previous year. While the area was once host to a number of DKBA battalions, there have not been any ceasefire groups operating in the region for several years. As such, the TBBC did not report any IDPs living in ceasefire areas in eastern Pegu Division. The IDP population in the region was fairly evenly distributed between those living in forced relocation sites with 23,500, and those living in hiding in the forests with 21,000.[158] The ongoing offensive that the SPDC has waged against Karen civilians since late 2005 is likely the leading cause of the increase in IDP numbers over the past year. Continuing attacks on undefended civilian villages has resulted in greater numbers of IDPs taking to life in the forests as they attempt to evade SPDC army patrols. Similarly, the increased military presence in the area has resulted in more villages being forcibly relocated into SPDC-garrisoned forced relocation sites. (For more information, see "Section 19.10 Situation in Karen State" above).

Karen IDPs fleeing from an SPDC army attack on their village in Nyaunglebin District, Karen State. The villagers were forced to flee with whatever they were able to carry on their backs, and those who were unable to walk under their own power were carried. This photograph depicts two Karen villagers carrying an injured villager to safety in a makeshift palanquin. *[Photo: © KHRG]*

19.14 Situation in Rangoon Division

Like many of Burma's extensively militarized central divisions, precious little reliable information is made available about internal displacement in Rangoon Division. However, the available information has suggested that the forced relocation of civilian communities continued throughout 2008, most notably in relation to Tropical Cyclone Nargis.

On 6 May 2008, just three days after the cyclone had struck, more than 1,000 of the 3,000 cyclone victims from Block #20 in Hlaingthaya Township, Rangoon Division were ordered to leave a temporary shelter in a primary school east of Rangoon. The junta had said that only the elderly and those unable to work were permitted to stay and that all others were expected to return and rebuild their homes.[159]

Meanwhile, on 11 May 2008, the Democratic Voice of Burma (DVB) reported that cyclone survivors in Hlaingthaya Township, of which there were more than 10,000, had not yet received any assistance from the junta and that many had been forced out of schools and other public buildings where they had been taking shelter by SPDC and Union Solidarity and Development Association (USDA) authorities.[160]

Similarly, on 14 May 2008, the DVB reported that 620 cyclone victims who had taken shelter in Dawbon Township were ordered to leave by ward chairman Nay Lun Aung, despite having nowhere to go and no food with which to feed their families. *"We were told to move out and that if we refused, we would be forcibly removed by the army"*, said one of the IDPs. He continued:

> *"They threatened to prosecute house owners who accept refugees and they only feed us with sour boiled beans. … All the chairmen are grabbing all the donations. … No matter how many people you have in your family, they only give you two tins of condensed milk, rice and three potatoes. … We get no international aid, we only hear about it. We have nowhere to stay and are living on the streets, and the children are suffering from dysentery"*.[161]

On 21 May 2008, an unidentified private donor reported that an estimated 1,000 cyclone survivors who had been taking refuge in various monasteries, churches and IDP camps in Kawhmu Township had been pressured by the SPDC to return to their homes. According to the original report, the donor had visited one of the camps to donate rice to the IDPs but found that the camps were being dismantled: *"I was told that local police had people in the refugee camps to remove the camp signposts and Red Cross flag poles, and told the refugees to go home. … I found out that the same thing happened in four places"*.[162]

On 22 May 2008, it was reported that approximately 90 cyclone victims housed in a community hall in Dagon Myothit South Township were forced to move by the SPDC so that the hall could be used as a polling station for the postponed constitutional referendum which was held on 24 May 2008.[163]

On 30 May 2008, it was reported that more than 400 cyclone survivors from Irrawaddy Division who had been taking shelter in a Christian missionary compound in Alon Township were ordered back to their villages, and given less than 24 hours notice before the eviction was to be enforced. According to reports, the majority of the IDPs were Christian ethnic Karen villagers from Labutta Township who had earlier been brought to the compound by the Yangon Karen Baptist Home Missions. All of the 400-plus IDPs were reportedly loaded onto 11 military trucks and driven away from the compound the day after the order had been given. A church official, who spoke on condition of anonymity, stated that *"It was a scene of sadness, despair and pain. … Those villagers lost their homes, their family members and*

the whole village was washed away. They have no home to go back to". The official added that they were told that the IDPs would be first taken to an SPDC-administered relief site in Myaungmya Township before being returned to their own villages in Irrawaddy Division. Anupama Rao Singh, Regional Director of UNICEF was quoted as having said that:

> *"Premature resettlements to the villages, even if it's voluntary, will cause serious risks to the refugees. … Many of the villages remain inundated with water, making it difficult to rebuild. There is also a real risk that once they are resettled, they will be invisible to aid workers. Without support and continued service to those affected, there is a risk of a second wave of disease and devastation"*.[164]

Forced evictions and the premature closure of relief camps continued throughout May and well into June and July, despite warnings such as the one above.

Cyclone Nargis victims prepare to leave a relief camp in Kawhmu Township, Rangoon Division on 2 June 2008 after the camp was ordered closed prematurely by the junta. Many relief camps were closed throughout late-May and early-June 2008 in spite of the dire need faced by their populations. Thousands of IDPs were ordered to return to their homes, irrespective of the fact that most of their homes had been destroyed and their land remained inundated with salt water. *[Photo: © Reuters]*

On 2 June 2008, the *Mizzima News* reported that the SPDC had closed and emptied several aid camps in Rangoon Division, including a number in Kungyangon Township. An aid worker who had just returned from the devastated region stated that, *"I saw refugees from two schools and a monastery in Kun Chan Kone [Kungyangon] leaving for their villages. Those who did not want to leave were being forcibly removed to an open field"*.[165]

On 3 June 2008, it was reported that hundreds of cyclone victims who had been taking shelter in the Yaukphaw San Nyein prayer hall in Ward No. 26 of Dagon Myothit South Township had been order by Township Peace and Development Council (TPDC) officials to return to their destroyed villages. Despite having only received aid from independent NGOs and UNICEF, the IDPs were reportedly informed that, *"The government has given you enough assistance and relief material so you must go back home by June 4 which is the cut off date. Or else local authorities will come and evict all of you from here"*.[166]

On 6 June 2008, the DVB reported that authorities in the Shwe Paukkan area of North Okkalapa Township had ordered cyclone victims living in relief camps to return to their villages, threatening those who refused with relocation to northern Arakan State:

> *"We've been at this camp since the day after the cyclone hit our homes. So far we have received no assistance from the government and now the local authorities are forcing us to go back to our homes. … They said those who refused to leave the camp would be relocated to [Buthidaung or Maungdaw] township[s] in Arakan State with an allowance of 100,000 kyat. … We don't want to go and live there but we have no homes left to go to"*.[167]

Considering that these IDPs, and hundreds of thousands more just like them, had received no aid whatsoever from the SPDC, any and all claims made by the regime to the effect of providing an allowance to returnees are highly questionable. Despite the absurdity of such claims, it remains unclear, why these IDPs were threatened with relocation to northern Arakan State. While no concrete evidence has thus far been made available, it is possible that the SPDC was attempting to coerce these villagers into relocating in the hope of receiving their allowance so that they could requisition their land for intended development projects.[168]

On 25 July 2008, it was reported that more than 600 families living in Twante Township, were issued with relocation orders so that their homes could be demolished and the land used for the construction of 500 new homes for cyclone victims. Though the original report failed to elaborate, even if the land was used for its stated purpose, it is highly unlikely that any homes built on the site would be offered to cyclone survivors free of charge.[169]

A woman hangs donated clothes at a relief camp in Labutta Township in Irrawaddy Division. An estimated 2.4 million civilians from Irrawaddy, Rangoon, and Pegu Divisions as well as Arakan, Karen and Mon States were adversely affected and an estimated 140,000 people killed by the cyclone. *[Photo: © AFP]*

19.15 Situation in Shan State

According to the TBBC, Shan State is home to more IDPs than any other region in eastern Burma. During 2008 there were an estimated 135,000 IDPs living in Shan State, down from 163,800 in 2007. Though this represents a decrease of 28,800 IDPs over the past 12 months, the TBBC maintained that approximately 24,100 IDPs had been newly displaced over the past year, although how the mathematics of this worked was not explained.[170] According to the estimates provided by the TBBC, approximately 30 percent of all IDPs living in eastern Burma during 2008 are in southern Shan State. It must be noted, however, that this estimate is likely to be extremely conservative, as the TBBC survey is only able to provide data from 12 of the 55 townships which comprise Shan State. All 12 of these townships lie in southern Shan State in areas where the Shan Relief and Development Committee (SRDC) field researchers were able to gain access. Unfortunately, reliable information for the rest of the state has not been made available.

Almost 70 percent, or 92,400, IDPs in Shan State during 2008 were reported as living in areas administered by various SPDC-allied ceasefire groups. A further 26,100 IDPs were living in forced relocation sites, while an estimated 16,500 were reported to be living in hiding.[171]

As in previous years, human rights abuses related to SPDC infrastructure development and private enterprise projects were the leading cause of displacement in Shan State during 2008. The SPDC's attempts to quell ongoing armed resistance in the state and its illegal policies of deliberately targeting unarmed civilian villagers to this end also continued to be a leading cause of displacement throughout the year.[172]

During 2008, SPDC army units confiscated an estimated 152 acres of agricultural land from civilian villagers in Kae See Township without any form of compensation. It was reported that the land had been confiscated to make way for an SPDC coal mining project. Villagers reported that the site would house not only the mining excavation, but also water pumping facilities, offices to administer the project and an SPDC army base to defend it. Villagers also maintained that the soldiers intended to confiscate additional land so as to create an eight kilometre (five miles) perimeter around the site.[173]

According to the TBBC, at least 24 villages in Laikha, Nansang and Mong Kung Townships were forcibly relocated during 2008 by soldiers from the SPDC-allied "Moengzuen Group". The ceasefire group, comprised of soldiers from the former opposition Shan State Army – South (SSA-S) battalion #758, continued to operate in collaboration with SPDC army units and continued to be responsible for the perpetration of human rights violations against unarmed civilian villagers.[174]

An estimated 13,000 civilians were displaced from their homes in the vicinity of Laikha during 2008 as a result of an increase in armed clashes between SPDC army soldiers and armed opposition groups operating in southern Shan State. Similarly, an additional 3,000 villagers living on the Shan-Karenni State border were displaced following the surrender of the Shan Nationalities' People's Liberation Organisation (SNPLO) in August 2008 as armed opposition groups and the SPDC competed for resources in what was previously a Pa'O ceasefire area.[175]

On 26 June 2008, the Shan Herald Agency for News (SHAN) reported that further north, in Kunhing Township, an unspecified number of villagers had fled their villages for Tachilek on the Burma-Thai border to evade arrest and abuses at the hands of the military following a clash between the SPDC and the opposition SSA-S. On 17 June 2008, a column of SPDC army soldiers from LIB #524 (Lieutenant Aung Win commanding) were ambushed by

soldiers from SSA-S battalion #759 led by Captain Sai Ywe. The following day, a number of village headmen from nearby villages were arrested and tortured by the SPDC for failing to inform them that the SSA-S were in the area. At the time of the original report, 16 villagers had already arrived at the border, while an unstated number were also said to be on their way.[176]

On 8 July 2008, the SHAN reported that Long Keng village in Mong Pan Township had recently become deserted after all of its inhabitants had fled fearing arrest and torture by the military. On 11 May 2008, an unnamed SPDC army sergeant from LIB #385 was shot and killed as he was stealing vegetables from a Long Keng villager's field. Earlier, in April 2008, 12 acres of farmland had been confiscated from the villagers so that the soldiers could use the land to cultivate a summer paddy crop, and soldiers from LIBs #332, #385, and #520 were assigned to stand guard over the field. The day after the shooting, the owner of the vegetable field, 45-year-old Sai Ni, was arrested, along with his 30-year-old wife, Nang Poi, and 18-year-old son, Sai Kham. The family was blamed for the death of the sergeant, accused of being spies for the SSA-S, interrogated and tortured, despite repeatedly denying responsibility or having any knowledge of the identity of the sniper. Nang Poi and Sai Kham were later released on 14 May 2008, although Sai Kham was rearrested, along with seven other villagers, all of whom had their land confiscated back in April. Though one of the villagers was able to escape, the fate of the remaining eight villagers remains unknown and local villagers believed that they had been killed. Since the shooting, the villagers came under regular intimidation and harassment by the soldiers. As a result, the remaining villagers all fled, leaving all 45 houses which comprised the village empty. While the original report failed to mention exactly how many villagers had fled, it did state that a number of them had crossed the border into Thailand, although of 22 villagers who had fled to Fang District in Thailand, 19 were soon arrested in a raid. The report did not elaborate, but it is likely that all 19 villagers were repatriated to Burma for having entered the country without proper documentation.[177]

IDPs on the move in Toungoo District, Karen State in January 2008. This region has long been host to large numbers of IDPs who hide in the forest attempting to evade the SPDC army patrols which hunt them. *[Photo: © KHRG]*

19.16 Situation in Tenasserim Division

Approximately 65,500 people were estimated to be internally displaced in Tenasserim (Tanintharyi) Division during 2008. This figure had increased slightly since 2007 when there were an estimated 61,000 IDPs in the region. Approximately 55,700 or around 85 percent of all IDPs living in Tenasserim Division during 2008 were living in SPDC-controlled forced relocation sites. A further 6,000 lived in ceasefire areas, while the final 3,900 lived in hiding in the forests.[178]

The active displacement of ethnic minority communities continued throughout 2008 in Tenasserim Division as the SPDC attempted to further consolidate its control over the region. SPDC army units continued to mount military assaults on unarmed and undefended civilian villages in much the same way as has been described above in the section focusing on Karen State.

The SPDC's grip on power throughout the region is quite extensive and the area is heavily militarized. According to the FBR, 46 SPDC army battalions were identified as operating in the region during 2008.[179]

In January 2008, two SPDC army columns from LIB #557 attacked unarmed civilian IDPs in the Htee Law Kee and Htee Po Lay areas of Tavoy Township. Troops burned down 11 homes, destroyed over 150 baskets (3,150 kg / 6,900 lbs) of paddy along with other belongings, and displaced over 430 villagers. Luckily, the villages had received prior warning of the attacks from opposition groups and were able to flee before the attack.[180]

According to the TBBC, throughout the year at least six separate IDP hiding sites were discovered and razed to the ground by roving SPDC army patrols. As a result of these attacks, hundreds of civilians fled to Thailand or have assimilated into forced relocation sites where they are regularly exploited as forced labour.[181]

For the past several years, large tracts of land in Tenasserim Division have also been confiscated from local communities by the military and leased to foreign companies for joint agricultural ventures such as rubber and palm oil plantations.[182]

In January 2008, SPDC army soldiers from LIB #557 attacked and burned a number of IDP hiding sites in the forest in the Htee Law Kee and Htee Po Lay areas of Tavoy Township, Tenasserim Division. Luckily, the villagers were given advance warning of the imminent attack and were able to flee without any fatalities. However, anything that they were not able to carry on their backs into the forest was either stolen or destroyed by the soldiers. *[Photo: © FBR]*

Endnotes

[1] Source: "No end in sight for internal displacement crisis: A profile of the internal displacement situation," iDMC, 14 February 2008.
[2] Source: *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008.
[3] Source: *Ibid*:8.
[4] Source: *Ibid*:20.
[5] Source: *Ibid*:54.
[6] Source: *Ibid*:20.
[7] Source: "No end in sight for internal displacement crisis: A profile of the internal displacement situation," iDMC, 14 February 2008.
[8] Source: *Ibid*.
[9] Source: *Caught In the Crossfire*, SHAN, 26 July 2008.
[10] Source: *Guiding Principles on Internal Displacement*, E/CN.4/1998/53/Add.2. Accessed online at http://www.unhchr.ch/html/menu2/7/b/principles.htm.
[11] Source: *Handbook for Applying the Guiding Principles on Internal Displacement*, UNOCHA, 1999:5.
[12] Source: "Forced Displacement of Burmese People," *Forced Migration Review*, Refugee Studies Centre, University of Oxford, Issue 30, April 2008.
[13] Source: Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977. Accessed online at: http://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/d67c3971bcff1c10c125641e0052b545 on 4 August 2009.
[14] Source: *Customary International Humanitarian Law, Volume 1: Rules*, Henckaerts, J.M, & Doswald-Beck, L, March 2005.
[15] Source: *Burma: The Changing Nature of Displacement Crises*, Refugee Studies Centre Working Paper No. 39, Ashley South, February 2007.
[16] Source: *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:8.
[17] Source: "Internal Displacement and Forced Relocation," in: *Burma Human Rights Yearbook 2007*, HRDU, 9 September 2008.
[18] Source: *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:8.
[19] Source: "No end in sight for internal displacement crisis: A profile of the internal displacement situation," iDMC, 14 February 2008.
[20] Source: *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:16.
[21] Sources: "Long-Neck Kayan Villages Will Be Inundated Because Of Paunglaung Dam," *Kantarawaddy Times*, 18 June 2008; "New Hydropower Dam to Displace Thousands," *Irrawaddy*, 18 June 2008; "Villagers to Be Displaced By Dam Project," DVB, 23 June 2008.
[22] Source: *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:47.
[23] Source: "Commentary: Land Confiscation," *SHRF Monthly Report*, SHRF, April 2008.
[24] Source: *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:47.
[25] Source: *Ibid*:9.
[26] Source: *Without Respite: Renewed Attacks on Villages and Internal Displacement in Toungoo District*, KHRG, 12 June 2006
[27] Source: "Internal Displacement and Forced Relocation," in: *Burma Human Rights Yearbook 2007*, HRDU, 9 September 2008.
[28] Source: *Burma: The Changing Nature of Displacement Crises*, Refugee Studies Centre Working Paper No. 39, Ashley South, February 2007.
[29] Source: "Internal Displacement and Forced Relocation," in: *Burma Human Rights Yearbook 2007*, HRDU, 9 September 2008.
[30] Source: *Ibid*.
[31] Sources: "No end in sight for internal displacement crisis: A profile of the internal displacement situation," iDMC, 14 February 2008.; *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008: 8.
[32] Source: *International Displacement in Eastern Burma*: *2007 Survey*, TBBC, October 2007: 5.
[33] Source: "Army Loots Goods Worth Kyat Five Million in Arakan," *Kaladan News*, 8 February 2007.
[34] Source: *One Year On: Continuing abuses in Toungoo District*, KHRG, 17 November 2006.
[35] Source: *Shoot on Sight: The ongoing SPDC offensive against villagers in northern Karen State*, Burma Issues, December 2006; *Forced Relocation, Restrictions and Abuses in Nyaunglebin District*, KHRG, 10 July 2006.
[36] Source: *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008.
[37] Source: *Ibid*.
[38] Source: *Ibid*:22.
[39] Source: *Ibid*.

[40] Source: *Ibid*.
[41] Source: *Ibid*:20.
[42] Sources: "Internal Displacement and Forced Relocation," in: *Burma Human Rights Yearbook 2007*, HRDU, 9 September 2008; *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:20.
[43] Source: *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:20.
[44] Source: *Ibid*:54.
[45] Source: *Ibid*:22.
[46] Source: *Ibid*.
[47] Source: *Ibid*:20.
[48] Source: *Ibid*:23.
[49] Source: *Ibid*.
[50] Source: "Humanitarian Aid to IDPs in Burma: activities and debates," *Forced Migration Review*, Refugee Studies Centre, University of Oxford, Issue 30, April 2008.
[51] Source: *Ibid*.
[52] Source: *Ibid*.
[53] Source: "No end in sight for internal displacement crisis: A profile of the internal displacement situation," iDMC, 14 February 2008.
[54] Source: "Internal Displacement and Forced Relocation," in: *Burma Human Rights Yearbook 2007*, HRDU, 9 September 2008.
[55] Source: "Visit to the Bangladesh-Burma Border," Briefing, CSW, 26-31 August 2008.
[56] Source: "Over 1,000 Acres to Be Seized For Natala Villagers in Maungdaw," *Kaladan News*, 23 June 2008.
[57] Source: "Village Threatened With Relocation after Gas Discovery," *Narinjara News*, 10 June 2008.
[58] Source: "Cross-Border Aid Needed to Address Worsening Humanitarian Crisis in Chinland," *Rhododendron News*, Vol. XI, No. I, January – February 2008, CHRO, February 2008.
[59] Source: "No end in sight for internal displacement crisis: A profile of the internal displacement situation," iDMC, 14 February 2008.
[60] Source: "Rhododendron News: Volume XI, No II, March-April 2008, CHRO, April 2008.
[61] Source: "Critical Point: Food Scarcity and Hunger In Burma's Chin State," CHRO, July 2008.
[62] Source: "2000 Khami Chin Flee To India Due To Food Crisis," DVB, 19 August 2008.
[63] Source: "Unfair Tax and Restriction Imposed on Chin Farmers," *Rhododendron News*, Vol. XI, No. I, January – February 2008, CHRO, February 2008.
[64] Source: *Ibid*.
[65] Source: *Ibid*.
[66] Source: "More Communities Flee Famine Affected Area," *Rhododendron News*, Vol. XI, No II, March-April 2008, CHRO, April 2008.
[67] Source: "Rebel Outfits Drive Villagers Out from Chin State in Burma," *Khonumthung News*, 19 June 2008.
[68] Source: "Cyclone Nargis Leaves At Least 400 Orphans in Myanmar," DPA, 7 July 2008.
[69] Sources: "Disaster: 6 Days After Nargis, Burma's Junta Continues to Block International Aid," Altsean-Burma, 9 May 2008; "Burma's Cyclone Survivors Are Left to Struggle with Their Fate," *The Telegraph* (UK), 28 July 2008.
[70] Sources: "2008 French Navy Ship Hovers near Burma," AP, 17 May 2008; "Disaster: 6 Days After Nargis, Burma's Junta Continues to Block International Aid," Altsean-Burma, 9 May 2008.
[71] Source: "Thousands Unable to Return Home," IRIN, 9 July 2008.
[72] Source: "Cyclone Survivors Forcibly Evicted," *Irrawaddy*, 24 May 2008.
[73] Source: "Thousands of Cyclone Survivors Unable to Return Home," *Irrawaddy*, 10 July 2008.
[74] Source: "Disaster: 6 Days After Nargis, Burma's Junta Continues to Block International Aid," Altsean-Burma, 9 May 2008.
[75] Source: "700,000 Myanmar Children Need Long-term Aid," AFP, 25 July 2008.
[76] Source: "Thousands of Cyclone Survivors Unable to Return Home," *Irrawaddy*, 10 July 2008.
[77] Source: "700,000 Myanmar Children Need Long-term Aid," AFP, 25 July 2008.
[78] Source: "The Troops Have Arrived at Last, but Where's the Aid?," *Irrawaddy*, 12 June 2008.
[79] Source: "The Misery Will Continue If the World Just Watches," *Irrawaddy*, 31 May 2008.
[80] Source: *Ibid*.
[81] Source: "Burma's Blockade," *Washington Post*, 10 May 2008.
[82] Source: "Burmese aid request stirs concerns," *Washington Post*, 23 May 2008.
[83] Source: "Time for UN Security Council to Act," HRW, 20 May 2008.
[84] Source: "Burmese aid request stirs concerns," *Washington Post*, 23 May 2008.
[85] Sources: "Myanmar Plans Permanent Houses for Storm Victims," Xinhua, 1 July 2008; "Myanmar's Private Companies to Build Over 6,000 Low-Cost Houses for Cyclone Victims," Xinhua, 14 July 2008.

[86] Source: "Myanmar Plans Permanent Houses for Storm Victims," Xinhua, 1 July 2008.
[87] Source: "Burma's Cyclone Survivors Are Left to Struggle with Their Fate," *The Telegraph* (UK), 28 July 2008.
[88] Source: "Authorities Continue Eviction from Cyclone Shelters," *Mizzima News*, 3 June 2008.
[89] Source: "Refugees Forcibly Removed From Monasteries in Bogalay," DVB, 12 May 2008.
[90] Source: "Cyclone Survivors Told to Return to Shattered Homes," *Irrawaddy*, 15 May 2008.
[91] Source: "Burma: Monks vs. Junta," *Christian Science Monitor*, 16 May 2008.
[92] Source: "Cyclone Refugees in Bogalay Forced To Relocate," DVB, 13 May 2008.
[93] Source: "Cyclone Victims Sent Back Home," *Mizzima News*, 26 May 2008.
[94] Source: "Refugee Camps Guarded Like 'Prisons'," *Mizzima News*, 11 May 2008.
[95] Source: "Cyclone Victims Forced Out Of Shelters to Vote," DVB, 16 May 2008.
[96] Source: "Cyclone Survivors Forcibly Evicted," *Irrawaddy*, 24 May 2008.
[97] Sources: "UN Confirms Cyclone Refugees Forced Back to Devastated Villages," *Irrawaddy*, 30 May 2008; "UN Condemns Burma 'Camp Closures'" BBC News, 30 May 2008.
[98] Source: "UN Confirms Cyclone Refugees Forced Back to Devastated Villages," *Irrawaddy*, 30 May 2008.
[99] Source: "One Month after Cyclone Nargis," *Irrawaddy*, 4 June 2008.
[100] Source: "Myanmar Exchanging Food for Labor," AP, 5 June 2008.
[101] Sources: "Thousands in Delta Told to Relocate," *Irrawaddy*, 26 June 2008; "7,000 Laputta Refugees Told to Return Home," *Irrawaddy*, 2 July 2008.
[102] Source: "Thousands of Cyclone Survivors Unable to Return Home," *Irrawaddy*, 10 July 2008.
[103] Source: "Laputta's Last Two Refugee Camps to Close," *Irrawaddy*, 6 August 2008.
[104] Source: "Myanmar in Misery Six Months On," *The National* (UAE), 4 November 2008.
[105] Source: *Burma: The Changing Nature of Displacement Crises*, Refugee Studies Centre Working Paper No. 39, Ashley South, February 2007: 19.
[106] Source: *Ibid*: 20.
[107] Source: *Eastward Bound: An update on migration and trafficking of Kachin women on the China-Burma border*, KWAT, 5 August 2008.
[108] Source: "No end in sight for internal displacement crisis: A profile of the internal displacement situation," iDMC, 14 February 2008.
[109] Sources: "Christian Leaders Questioned Over Anti-Dam Campaign," DVB, 29 July 2008; "Singapore's Blood Money," *The Nation (US)*, 20 October 1997.
[110] Source: *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:30.
[111] Sources: *Crimes against humanity in eastern Myanmar*, Amnesty International, 5 June 2008; *Village Agency; Rural rights and resistance in the militarized Karen State*, KHRG, November 2008.
[112] Source: *World Report 2008*, HRW, 2008. Accessed online at: http://hrw.org/wr2k8/pdfs/wr2k8_web.pdf.
[113] Source: "Life on the edge in eastern Burma," United Press International, 10 November 2008.
[114] Source: *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:22.
[115] Source: *Military expansion and exploitation in Nyaunglebin District*, KHRG, 5 August 2008.
[116] Source: *Mortar attacks, landmines and the destruction of school in Papun District*, KHRG, 22 August 2008.
[117] Source: "Villager Shot and Killed as Burma Army Completes Rotation of Troops," FBR, 9 February 2008.
[118] Source: *Mortar attacks, landmines and the destruction of school in Papun District*, KHRG, 22 August 2008.
[119] Source: *Burma Army attacks and civilian displacement in northern Papun District*, KHRG, 12 June 2008.
[120] Source: *Ibid*.
[121] Sources: "Human Rights Violation in Karen State," CIDKP, 10 March 2008; *Burma Army attacks and civilian displacement in northern Papun District*, KHRG, 12 June 2008.
[122] Source: *Burma Army attacks and civilian displacement in northern Papun District*, KHRG, 12 June 2008.
[123] Source: "Human Rights Violation in Karen State," CIDKP, 10 March 2008.
[124] Source: *Burma Army attacks and civilian displacement in northern Papun District*, KHRG, 12 June 2008.
[125] Source: "Human Rights Violation in Karen State," CIDKP, May 2008.
[126] Source: *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:47.
[127] Sources: *Military expansion and exploitation in Nyaunglebin District*, KHRG, 5 August 2008; *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:47.
[128] Source: *Mortar attacks, landmines and the destruction of school in Papun District*, KHRG, 22 August 2008.
[129] Sources: "Burma Army Attacking and Displacing over 1,000 Karen People," FBR, 5 June 2008; *Mortar attacks, landmines and the destruction of school in Papun District*, KHRG, 22 August 2008.
[130] Source: *DKBA soldiers burn down Ler Bpoo village, Pa'an District*, KHRG, 29 August 2008.
[131] Source: *Human minesweeping and forced relocation as SPDC and DKBA step up joint operations in Pa'an District*, KHRG, 20 October 2008.

[132] Sources: *Human minesweeping and forced relocation as SPDC and DKBA step up joint operations in Pa'an District*, KHRG, 20 October 2008.; "Villager Killed and More than 200 Displaced by New Attacks in Central Karen State," FBR, 14 October 2008.
[133] Source: "Villager Killed and More than 200 Displaced by New Attacks in Central Karen State," FBR, 14 October 2008.
[134] Source: *Ibid*.
[135] Source: *Ibid*.
[136] Source: *Ibid*.
[137] Source: "New Attacks Force More then 250 People To Flee across Border, Troops Kill Three Villagers," FBR, 28 October 2008.
[138] Source: "Hundreds Flee as Regime Troops and their Allies Seize KNLA Base," *Irrawaddy*, 4 November 2008.
[139] Sources: "Hundred Flee Karen State after Burma Army Killings," *Christian Today*, 5 November 2008; "Villager Killed and More than 200 Displaced by New Attacks in Central Karen State," FBR, 14 October 2008.
[140] Source: "Measles Outbreaks Highlight Regime's Irresponsibility," *Irrawaddy*, 6 November 2008.
[141] Sources: "Internally Displaced Persons Increase along Thai-Burma Border," *Mizzima News*, 6 November 2008; "Hundreds Flee as Regime Troops and their Allies Seize KNLA Base," *Irrawaddy*, 4 November 2008.
[142] Source: "CSW Urges UN Secretary-General to Prioritise Burma Human Rights As Dissidents Are Jailed and Thousands of Karen Displaced," CSW, 17 November 2008.
[143] Source: "Thousands of Karenni IDPs Hide in Jungle," *Irrawaddy*, 9 July 2008.
[144] Source: *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:28.
[145] Source: "Karenni Refugees Flee To Thai-Burma Border," *Mizzima News*, 8 July 2008.
[146] Sources: "No end in sight for internal displacement crisis: A profile of the internal displacement situation," iDMC, 14 February 2008; *Internal Displacement in Eastern Burma: 2007 Survey*, TBBC, October 2007.
[147] Source: "SPDC Four Cuts Offensive Increased IDP," *Kantarawaddy Times News*, 14 November 2008.
[148] Source: "Internal Displacement and International Law in Eastern Burma," Thailand Burma Border Consortium, October 2008:23.
[149] Source: *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:28.
[150] Source: *Ibid*.
[151] Source: "Thousands of Karenni IDPs Hide in Jungle," *Irrawaddy*, 9 July 2008.
[152] Source: *Burma: The Changing Nature of Displacement Crises*, Refugee Studies Centre Working Paper No. 39, Ashley South, February 2007.
[153] Sources: "No end in sight for internal displacement crisis: A profile of the internal displacement situation," iDMC, 14 February 2008; *Internal Displacement in Eastern Burma: 2007 Survey*, TBBC, October 2007.
[154] Source: *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:54.
[155] Source: *Ibid*:34.
[156] Source: *Ibid*.
[157] Source: *Ibid*.
[158] Source: *Ibid*.
[159] Source: "Able-Bodied Survivors Told To Leave Shelters," *Mizzima News*, 8 May 2008.
[160] Source: "Cyclone Victim Says Aid Given Only To Junta Supporters," DVB, 11 May 2008.
[161] Source: "Refugees Driven Out Of Dawpon Township," DVB, 14 May 2008.
[162] Source: "Kaw Hmoo Cyclone Victims Forced Out Of Camps," DVB, 21 May 2008.
[163] Source: "Refugees Moved Out To Make Way for Polling Station," DVB, 22 May 2008.
[164] Sources: "Karen Cyclone Refugees Sent Back To Villages," DVB, 30 June 2008; "Burma Must Stop Evicting Cyclone Survivors, Rights Groups Say," *Irrawaddy*, 31 May 2008.
[165] Source: "Junta Forcibly Evicts Cyclone Victims from Shelters," *Mizzima News*, 2 June 2008.
[166] Source: "Authorities Continue Eviction from Cyclone Shelters," *Mizzima News*, 3 June 2008.
[167] Source: "Cyclone Refugees Threatened With Relocation," DVB, 6 June 2008.
[168] Source: "Cyclone Refugees Threatened With Relocation," DVB, 6 June 2008.
[169] Source: "Families Forced Out Of Homes in Ton Tay," DVB, 25 July 2008.
[170] Source: *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:26.
[171] Source: *Ibid*.
[172] Source: *Ibid*.
[173] Source: *Ibid*.
[174] Source: *Ibid*.
[175] Source: *Ibid*:14.
[176] Source: "Villagers Flee To Border to Escape Abuses by Burma Army," SHAN, 26 June 2008.
[177] Source: "Villages Deserted As Residents Flee To Border to Escape Military Persecution," SHAN, 8 July 2008.

[178] Sources: *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008: 36; "No end in sight for internal displacement crisis: A profile of the internal displacement situation," iDMC, 14 February 2008.
[179] Source: "Relief Efforts Continue for People in Hiding. Update from Mergui-Tavoy District," FBR, 20 August 2008.
[180] Sources: "Relief Efforts Continue for People in Hiding. Update from Mergui-Tavoy District," FBR, 20 August 2008; *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:46.
[181] Sources: "Relief Efforts Continue for People in Hiding. Update from Mergui-Tavoy District," FBR, 20 August 2008; *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:46.
[182] Source: *Internal Displacement and International Law in Eastern Burma*, TBBC, October 2008:36.

CHAPTER 20
The Situation of Refugees

BURMA

HUMAN RIGHTS YEARBOOK 2008

20.1 Introduction

> *"Not the loss of specific rights, then, but the loss of a community willing and able to guarantee any rights whatsoever, has been the calamity that has befallen ever-increasing numbers of people. Man, it turns out, can lose all so-called Rights of Man without losing his essential quality as man, his human dignity. Only the loss of a polity itself expels him from humanity."* [1]
>
> - Hannah Arendt

Those who lose the protection of their state are denied not only specific rights but the protection *"of a community willing and able to guarantee any rights whatsoever."* In a world where all such rights are tied to citizenship, no other state accepts responsibility for refugees. In this world, refugees are outcasts. They are, in Hannah Arendt's famous words, 'the scum of the earth'. They represent to this day 'the most symptomatic group in contemporary politics' as they embody the contradiction between the rights that all human life has in theory, and those that real people can actually claim. [2]

Burma is one of the largest sources of refugees in the world. Most people leaving Burma have been displaced through the cumulative impact of various policies such as forced labour; extortion, land confiscation, and forced agricultural practices. Family incomes and food resources have been driven down until household economies have collapsed completely and people are left with no options for survival.[3] Simultaneously, there have been many pull factors that have attracted migration. The governments of the four major host countries this chapter will discuss later have often used this notion when arguing for minimal support for refugees, for restrictions on employment and movement, when defending their decision to close the registration of new asylum seekers, or when arguing against the opening of a resettlement programme.

Who is a Refugee?

The 1951 UN Geneva Convention defines a Refugee as a person who has left their home country owing to *"a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion."* [4] This definition aims to differentiate between refugees and those who, on the other hand, leave their countries for economic reasons. Such definitions however, are bound to encounter difficulties, as the factors that push people to leave their country almost always stem from interlinked political and economic causes, making it extremely difficult to distinguish economic migrants from refugees. Although the determining reason may be a form of extreme poverty, the root causes of the displacement in the case of Burma particularly, are political and military.[5] Furthermore, it is very common in the case of Burmese refugees for families to split up to diversify their livelihoods. Some members live inside and others outside refugee camps, further making a strict refugee/migrant categorisation untenable.[6]

For many Burmese, 2008 was a year dominated by natural catastrophe-induced displacement. This was the case of the countless victims of tropical cyclone Nargis, and of those affected by the *Mautam*, the bamboo flowering induced food crisis in Chin State. Of course, even an ideal state would be unable to save its citizens from a natural disaster. The legitimacy of the state does not rest on its ability to control natural forces, but exclusively on its control of all those human actions that can shape what happens after such an event.[7] The junta turned many survivors of Nargis into refugees the moment it decided not to allow any aid to reach them in the immediate aftermath of the cyclone and for several weeks following its impact. Sadly, registration of new asylum seekers by the UNHCR has been closed to most applicants in Thailand, the area closest to Nargis struck zones, and UNHCR

is to this day not allowed to operate in the border regions of India, where most Chins fleeing food scarcity have found refuge. Even though in theory groups fleeing to these areas would mostly qualify for refugee status, in practice this has not been the case.

Another group of refugees which has been highly debated during the year of 2008 is the stateless Rohingya. Partly because of the belief that they were brought to Burma by the British and therefore do not originate from Burma, and partly for other reasons (for more information see Chapter 18: Ethnic Minority Rights), the Rohingya do not enjoy most of the same rights that other groups (however much persecuted) still enjoy in Burma. They are a stateless people, which, according to some, is under the threat of extinction. [8]

The government has denied citizenship to the Rohingya, a predominantly Muslim ethnic group, who number approximately 800,000 in Burma. Without citizenship, Rohingya Muslims face restrictions on their freedom of movement; refugees report that some are prevented from owning property, residing in certain areas, or attending state-run schools beyond the primary level. Since 1988, the government has permitted only three marriages per year per village in the predominantly Muslim parts of Rakhine state.[9] Under the 1982 Citizenship Act, the Rohingyas are excluded from the 135 recognised 'national races', and are therefore stateless by law.[10]

For all these reasons the numbers of Rohingya fleeing the country are extremely high. Most look for a home in Bangladesh, because of geographical proximity and because of the affinities shared with the population there, but many also try to reach Malaysia because of a common religion and the availability of jobs. Many others remain in Thailand. The internal political situation of the South East Asian host nations has contributed to the labelling of most Rohingyas as 'economic migrants'. In most cases, this is clearly a misconception, and does not fully take into account the reasons that pushed these people into migratory practices.

Customary International Law and the Legal Dimensions of Protection

Out of the four countries that are dealt with in this chapter, Thailand, India, Bangladesh and Malaysia, none have ratified the 1951 Geneva Convention or its Protocols. This means that they are not legally bound by the definition of what constitutes a 'refugee' according to international law and by most of the provisions included therein. This is true only to a certain extent however, as there are several other treaties which the aforementioned countries have signed, and which can be used in addressing what those countries are legally required to concede to refugees or asylum seekers in their countries.

All four countries have signed the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of Discrimination against Women (CEDAW). Bangladesh, India and Thailand have also signed the Convention Against Torture (CAT) as well as the International Covenant on Civil and Political Rights (ICCPR). To this day, Malaysia has still not signed these two treaties. All four treaties just mentioned are relevant to the protection of refugees in different ways. The CRC and the CEDAW cover specifically the rights of all women and all children. Most importantly however, all of them entail the illegality of *refoulement*.

The principle of *non-refoulement* is a cornerstone of international law and is set out in the 1951 Refugee Convention; article 33 (1) of which states that;

> *"No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion."* [11]

Whereas the Geneva Convention itself is not relevant in the case of the countries under scrutiny in this chapter, as they have not signed it, the UN Human Rights Committee (UNHRC) and the European Court of Human Rights (ECHR) have interpreted the ban on refoulement as being inherent in all those articles that prohibit torture and inhuman and degrading treatment and punishment.[12]

Most importantly however, the principle of non-refoulement is widely considered to be customary international law, which means that all states, no matter if they are or are not party to the relevant conventions or treaties, are obliged not to return any person to a country where their life would be seriously endangered.[13]

Sovereignty and the UNHCR Legal Mandate

Refoulment is one issue that has continued to be of grave concern to Burmese refugees living in South East Asian host nations. This is, for example, the reason why many have decided to travel to Malaysia rather than settle in Thailand, which is closer geographically. If deported from Malaysia, Thailand would act as a sort of buffer zone that would prevent them from being sent back into Burma. Deportations occurred more or less constantly throughout 2008, and even though they clearly constituted breaches of international customary law, this did not mean that the international community could stop them from happening on a case by case scenario. Traditional notions of sovereignty meant that the UNHCR and other organisations operated on the soil of said countries only by concession of the host governments. Conflicts between such notions of sovereignty and the mandates under which international non-governmental organisations (INGOs) and international institutions such as the UN operated, meant that often it was only national pressure groups and civil society which had the legal authority to demand changes in the policy of host governments. A good example of this is the Malaysian governmental commission on human rights, SUHAKAM, with the strong potential for reform that it embodies.

Differences in government policy, coupled with the economic conditions that host nations found themselves in, meant that there was much disparity in the treatment of refugees in the four different countries examined in this chapter. Some countries, like India, limited geographically the areas where the UNCHR could operate. Other countries, such as Malaysia, did not allow the opening of any refugee camp facilities. The amount of authority and discretion that UNCHR could employ depended on what the countries' governments allowed, and therefore indirectly on the UN mission's political ability in securing such concessions.

Burmese refugees faced different problems according to the different countries they were seeking asylum in, and according to what ethnic group they belonged to. Some groups found cultural and religious affinities with the host country's population, even though none of the countries offered much chance of a legal local integration. None offered total security from deportation, even though some performed better than others. All four countries offered some opportunity for resettlement, but those opportunities were widely disparate. The four countries will now be dealt with individually.

20.2 Burmese Refugees in Thailand

Demographics of Burmese Refugees and Asylum Seekers in Thailand

Thailand continued to be home to the largest population of Burmese refugees in the world in 2008. After witnessing the first large influx of Karen refugees in 1984 following an SPDC offensive in Karen State, Thailand again became a refuge for many following the 1988 uprising. New arrivals entered Thailand on a daily basis in 2008, in search of refuge, marking the 25th year that Thailand has offered sanctuary to Burmese refugees.

According to data from the US Committee for Refugees and Immigrants (USCRI), in 2008 nearly 145,700 refugees from Burma lived in camps on the Thai-Burma border, mostly ethnic Karen and Karenni, and about 50,000 other Burmese lived outside the camps. Thailand also continues to host around 200,000 ethnic Shan who have fled forced relocation and ethnic persecution, but the Royal Thai Government (RTG) continued with its refusal to recognise them as refugees. The ethnic Mon were faced by a similar situation, deemed by the Thai government not to be refugees, especially since the signing of the 1995 ceasefire agreement between the New Mon State Party (NMSP) and the ruling State Peace and Development Council (SPDC). Around 3,300 ethnic Rohingyas arrived in 2008 but the RTG deported many of them, and many others continued their journey to Malaysia.[14]

It must be noted however, that there is an important disparity between the numbers of refugees as assessed by UNHCR when compared to the figures of those who have been fed by the Thai-Burma Border Consortium (TBBC). TBBC claims 135,282 people reside in the camps, whereas the UNCHR has registered only about 116,635. Further, the figures referring to Tak province exclude significant numbers of yet unverified names recently recorded in camp lists.[15]

In direct violation of customary international law, in July 2008, soldiers of the Royal Thai Army (RTA) forcibly repatriated a group of over 50 Karen refugees from Mae La Oon refugee camp near Mae Hong Son back to Burma; returning them back into the very conditions that they had fled from. This photograph shows a number of RTA soldiers escorting the refugees back across the Salween River to an undisclosed location in Karen State. *[Photo: © KWO]*

At times, such great numbers of refugees inevitably sparked fears among the local population that it might be losing resources or jobs to the newcomers. However, it is a matter of fact that NGOs provided jobs for local staff, and that they also spent important sums of money in the country on various projects, food and office supplies, visas, transport, property rentals, and much more. To give an idea, the TBBC, which is the largest NGO on the Thai-Burma border in terms of operations, paid around 831 million Thai Baht (around US$27.7 million) to Thai suppliers in one year.[16]

Following Cyclone Nargis, the number of refugees fleeing to Thailand increased, though the influx was nowhere near as high as many had anticipated. This was because often the regime in Burma physically prevented them leaving. According to Burmese organisations helping victims of the disaster, the junta stepped up their restrictions on survivors trying to flee to Thailand. A member of the Back Pack Health Worker Teams explained that if anybody was found with documents identifying them as residents of the cyclone-devastated area they were sent back to their home towns by the authorities. Troops and police were stationed at the border to check travellers' documents. A Myawaddy resident explained that the town's monasteries had also been instructed to refuse shelter to anybody from the cyclone region.[17]

Those who were able to reach Thailand were helped by several groups, among these the Emergency Assistance Team-Burma (EATB), which comprised the National Health and Education Committee (NHEC), Mae Tao clinic of Dr. Cynthia Maung, Human Rights Education Institute of Burma (HREIB), Burma Medical Association (BMA), the Karen Youth Organisation, the Burmese Women's Union, and other volunteers and charity organisations. The groups tried to provide all the Nargis arrivals with 1,000 baht and a month's ration of rice.[18] Of those who arrived in Mae Sot, some came to collect donations to take back to their villages, whereas others came looking for jobs and a new home. As a 28-year-old Burmese cyclone survivor explained: *"The aid sits at the compounds of the local township authorities,"* she said. *"We, the survivors, have received just a drop."* [19]

In June two Thailand-based human rights groups, the Mekong Migration Network and Action Network for Migrants, issued a letter to the National Human Rights Commission of Thailand and the three ministries of the interior, labour and social development and human security, as a response to the influx in the post-Nargis period. In the letter, the organisations urged the Thai authorities to stop arresting and deporting Burmese workers for immigration offences for a period of 12 months, and they appealed to the Thai government to provide shelter, essential services and livelihoods to cyclone refugees crossing from Burma.[20]

There are no exact figures, but in the seven months after Nargis struck, about 600 survivors had arrived in Mae Sot, according to local NGOs, although some eventually returned to Burma. About 60 percent of cyclone-affected people assisted by EAT were granted legal working status by the Thai authorities, according to the Emergency Assistance Team coordinator. Evidence showed however, that the early fears of a dramatic upsurge in migration in the wake of Nargis proved unfounded. [21]

Thai Government Policy towards Refugees and Asylum Seekers

Thailand has historically accepted refugees within its borders, although it is not a signatory to the 1951 Convention relating to the Status of Refugees and is therefore not legally bound by it to comply with international law on the protection of refugees. Thailand continued to use the terms 'persons fleeing from fighting', 'persons of concern (POC)' and 'temporarily displaced people', to classify Burmese nationals who crossed the border seeking asylum. In a way, then, refugees and asylum seekers had no legal status distinct from other foreigners and, under the 1979 Immigration Act, the presence of the majority was illegal. The Act also gave the Minister of the Interior (MOI) authority, with Cabinet approval, to grant foreigners exemptions to stay in special cases. The RTG deemed that "persons fleeing fighting" could remain in Thailand as long as they stayed in the camps.

At the national level, competing paradigms of national security and economic development make the Thai policy on refugees and migrant workers variable, reflecting the quickly changing political environment itself. A major thread running through Thailand's refugee policy is its concern for national security, which is an important factor in explaining why it is not a signatory to the Geneva Convention of 1951 concerning the Status of Refugees.

A report issued by the USCRI in June ranked Thailand as one of the 10 worst places for refugees.[22]

The UNHCR and the Refugee Status Determination Process

The Provincial Admission Boards (PABs) and Registration

Refugees were registered through Provincial Admissions Boards (PABs) in 2008, which determined refugees' camp eligibility. This was done as a joint effort between the RTG and the UNHCR. Refugees received temporary 'fleeing fighting' status if they fled at the time of fighting or 'displaced person' status if they were fleeing persecution. Provincial Admission Boards (PABs) were originally set up by the Royal Thai Government in 1999 to handle the admission process of refugees from Burma seeking entry into the refugee camps. The PABs were in the subsequent years closed down and then resurrected according to Thai immigration policies. For many years the role of the UNHCR was limited to observer status, until 2004/5 when the PABs were used in a joint MOI/UNHCR re-registration drive. Throughout 2006, the UNHCR continued to accept statements, but was unable to register asylum seekers to be processed by the PABs. In 2007 the PABs, having processed the vast majority of 2004/2005 re-registration applicants, essentially ceased to function altogether.

The PAB had previously regularised the status of around 2,700 refugees but such screenings had slowed down in Mae Hong Son and Kanchanaburi provinces and they had completely ceased in Tak and Ratchaburi. In September 2008, the RTG allowed UNHCR to resume such registration, and to issue receipt slips to new arrivals even outside the camps, which was a process it had shut down in 2005. The MOI issued some 88,200 official identity cards to camp-based refugees over age 12, with UNHCR support. UNHCR issued documents with photographs to all asylum seekers and refugees who applied at its offices.[23]

Refugees in Camps

The RTG allowed UNHCR to monitor conditions in nine camps along the border but not to maintain a permanent presence in them. Thailand limited NGO access to camps to those the MOI approved, and journalists not registered with the MOI could not visit camps. Of the 9 official camps in Thailand, 3 did not meet UNHCR standards for minimum space per person and two were listed as 'borderline.' [24]

Over the course of 2008, the TBBC funding crisis which had already started in 2007 did not get any better. As anticipated, the consortium was forced to make important cutbacks in all areas of its programme, starting within the organisation itself. This was largely due to the weakening of foreign currencies against the Thai baht. As this situation did not get any better during the year, the TBBC was forced to make a reduction in rations.[25] The annual budget for the delivery of food in camps along the border was cut to US$6.8 million because of the decrease in the value of the US dollar, and the hike in world food prices. The TBBC funding crisis sparked new fears and uncertainty among the refugees.[26] Shan, Karen and Karenni groups appealed to the international community to urgently grant much-needed funding for food provision. [27]

In a public statement, the TBBC underlined the wider effects that such cuts in rations can have on the camp population;

> *"We could expect to see significant increases in malnutrition rates amongst the vulnerable population and increasing health problems relating to nutrition. The protective community structures afforded by the camps would be undermined and refugees forced to supplement their food by leaving the camps at considerable risk of abuse and exploitation,"* [28]

Inside the camps traditional justice systems operated independently of Thai law. The penalties included forced labour, fines, expropriation, detention, and expulsion. Some refugees complained that these did not protect weaker, less politically influential residents including women, the poor and ethnic minorities. Some of the more violent crimes were referred by camp leaders to representatives of ethnic opposition groups that acted as ad hoc appeal fora.[29]

In February, Karen refugee camps on the border were placed on high alert amid rumours of a possible attack by SPDC troops and a Karen National Union breakaway group. A coordinator from the Karen Refugee Committee (KRC) explained that security had been tightened in response to rumours that SPDC troops might have been planning an attack along with the KNU Peace Council, a group led by former KNU Brigade 7 Commander Saw Htay Maung.[30]

In March, authorities denied UNHCR and NGOs access to Ban Mae Surin refugee camp in Mae Hong Son Province explaining that they could not assure their safety. This followed fighting in Burma that spilled over the border resulting in the death of a Thai soldier. In April, the SPDC and its allied ceasefire groups nearby placed heavy machine guns on the hills just across the border facing Mae La camp in Tak Province. Five mortar shells landed in Thailand. In response, the Thai authorities moved hundreds of border patrol members to the area. Refugees were ordered to turn out all lights, generators, and candles at night, sparking fears of a cross-border incursion. During the same month authorities tightened security at the Ban Mae Lama Luang and Ban Mae La-Oon camps, in Mae Hong Son Province in anticipation of possible cross-border attacks. In December, authorities threatened to charge refugees for destroying property in response to the killing of a refugee in Ban Nai Soi Camp, Mae Hong Son province, but brought no charges against the Or Sor

(Volunteer Defence Corps - a Thai paramilitary organisation) who admitted to shooting the refugee. The Or Sor were removed from the camp and replaced with soldiers and border patrol agents.[31]

In July, the Thai army sent soldiers from its Mae Sot-based 4th Infantry division to secure its border, while fighting between the KNLA and its breakaway group, the DKBA continued near Pob Phra District in Thailand's Tak Province. As a result of the fighting, about 200 Karen villagers fled to the Thai side of the border and took refuge at a local school.[32] In the 1990s, the DKBA had already killed hundreds of civilians in cross-border clashes. Also in July, 165 refugees from Shardaw and Phrusoe Townships in Karenni State fled to camps situated in Mae Hong Song District after being intimidated by the army. They were accused by the troops of having contact with insurgents, forced to relocate and forced into labour.[33]

In August, Mrs Laura Bush, then first lady, took advantage of President Bush's visit to Thailand and his meetings with Burmese activists to see firsthand the Burmese displaced by decades of repression and economic mismanagement. Mrs Bush made a trip to the Thai-Burma border, where she visited the Mae Tao Clinic in Mae Sot and then continued to Mae La refugee camp. As the chairperson of the Education Committee for Burmese Migrant Children said at the time of the visit, many hoped that Laura Bush's visit to Mae Sot would bring improvements in health and educational assistance for Burmese children living in the border area.[34] Unfortunately, in the short term, the visit of the US first lady only brought about an imposition of tighter security by Thai authorities, which led to more checkpoints, arrests and deportation of Burmese illegal migrants. According to a *Thai News* report, about 200 Burmese were arrested for immigration offences in the border province ahead of the US presidential visit to Thailand.[35]

Health

Primary medical services to refugees continued to be provided by NGOs throughout 2008, though occasionally NGOs referred refugees to government services. Those who were able to register for the migrant labour programs were then eligible for certain public health services. Refugees were excluded however from anti-retroviral treatments with the exception of pregnant women. Doctors Without Borders (MSF) treated some HIV cases but the Thai government blocked foreign language broadcasting for information on HIV prevention labelling it a national security threat. In the summer, authorities mobilised 1,000 health workers and volunteers to deal with the entry in the four districts surrounding Mae Sot of migrants and refugees with cholera, and also to deal with around 500 cases of severe diarrhoea among migrants in Tak. The Mae Tao clinic in Mae Sot provided treatment to nearly 100,000 Burmese over the course of the year 2008 with international and local support.[36]

Refugees outside Camps

As has already been said, it is simplistic to imagine two separate refugee groups, one inside and one outside the camps. In 2008 it continued to be common for Burmese refugee families on the Thai border to split up to diversify their livelihoods. One or more members of a family resided for certain periods of time outside the camps to work, and returned to camp to see family or during the occasional UNHCR headcounts. It was often the male family members who left the camp in search of work. In some families both parents worked outside the camp, leaving the children with grandparents. This family-splitting technique was the most efficient risk diversification strategy for displaced people, as it allowed the most vulnerable ones to remain inside the camps in order to minimise risks and to profit from food

and non-food rations. Given the fact that refugees were treated as 'illegal migrants' once they were outside camp, they were highly vulnerable to exploitation and were in no position to demand the minimum wage.[37]

Even though officially refugees and asylum seekers could not work legally, as many as 40 percent of those registered in the camps sought employment outside. Of those in Mae Hong Son camps, the vast majority worked in agricultural pursuits nearby for between 41 and 60 baht ($1.30 and $1.90) per day. It has been widely reported that employers went directly to the camp guards to ask for workers, even though all refugees seeking employment outside the camp risked being arrested, usually while being transported to work, and police often demanded bribes for their release.[38] Freedom of movement continued to be restricted for refugees and asylum seekers in Thailand, and these individuals needed written prior approval to enter or to leave the camps. Thai police frequently arrested refugees caught outside camps for illegal entry and deported them. Authorities restricted aid to camp residents and many participants in the migrant labour program were refugees and enjoyed limited mobility. No refugees were eligible for international travel documents except for those resettling.[39]

The Mae La Oon refugee camp in Mae Hong Son Province, Thailand. This camp, established in 2004 was home to approximately 16,000 refugees during 2008. *[Photo: © Peter Salnikowski]*

Detained, Arrested and Deported Refugees

In 2002 the Thai government agreed with the SPDC on a plan that resulted in the deportation of more than 19,000 Burmese over a four month period. A worrying number were sent by the RTG directly to the SPDC reception centre in Myawaddy, opposite Mae Sot on the Burma side of the border.[40] Even though Thailand has taken some important steps forward since that time, deportation and *refoulement* continued to be a major problem for the Burmese living in Thailand, and this represented a grave breach of customary international law on behalf of the Thai government.

In 2008, nearly 25,400 Burmese - including about 100 camp-based refugees - were deported. Often they were dropped off at unofficial crossing points, where it was frequent that they would be handed over to members of the Democratic Karen Buddhist Army (DKBA) who then extorted bribes in order to release them. Thailand also deported thousands per year in more formal proceedings and gave the Burmese authorities lists of the deportees' names in advance, as had been stipulated in the Memorandum of Understanding (MOU)

with the SPDC. The UNHCR reviewed the lists and in some cases was able to prevent the *refoulement* of those at risk of persecution. There was little UNHCR could do for those camp-based refugees whom the authorities caught outside the camps and repatriated informally.[41]

In March 2008, the RTG deported 133 Rohingyas to DKBA-controlled territory. After March, the Thai government carried out deportations directly from Ranong and other towns in southern Thailand but in July and August it also deported 150 Rohingya from Tak Province. In August, however, another group of 20 were deported to safer, ethnic Mon-inhabited areas of Burma in the south. This signalled a change in policy, as previously, authorities had briefly detained those arrested along the southern coast and then deported them informally to cease-fire zones near Mae Sot. There, it was common practice that brokers would take them to Malaysia for about US$700.[42]

In June, 250 Karen refugees attempted to cross the Salween River in two boats, but were prevented by Thai authorities from landing on the Thai side. The group included many sick women and children. They said they were fleeing attacks on their villages by Burmese soldiers, but Thai authorities reportedly did not believe the attack was still going on because they could not hear gunfire. In Mae Hong Son, authorities also refused entry to about 400 Karenni refugees in July, reasoning that they were fleeing forced relocation, and not fighting.

Thai paramilitary troops also forced more than 50 Karen refugees to leave two camps in Mae Hong Son Province, Mae La Oon and Mae Ra Ma Luang, and return to Burma, where they had fled military offensives in early 2008. As Brad Adams, the Asia director at Human Rights Watch (HRW) said in a statement *"the Thai government has ignored its obligations to protect refugees fleeing violence in Burma."* [43] According to *The Nation* newspaper, the RTG did not disclose the exact location as to where the displaced Karen were being taken for fear that the Burmese soldiers would retaliate.[44] What appeared to be a 'nice gesture' on official records, in reality equated to an outright admission by the Thai authorities that they were consciously violating customary international law. Those involved in this deportation publicly admitted that they were refouling *bona fide* refugees and asylum seekers, individuals worthy of international protection, likely to have fallen under the protection mandate of UNHCR if given the choice; people who would be at risk of persecution and violence if sent back to Burma. Remarkably, this event occurred on the first day of a major Buddhist holiday, the Asarnha Bucha Day.[45]

During the same month, ten members of the DKBA crossed the border in Tak Province and abducted a former Karen rebel, a naturalised Thai by marriage, and accused him of spying for the KNU. On the 14 February, Padoh Mahn Sha, the Karen National Union General Secretary, was murdered by unknown gunmen in his house in Mae Sot, and a fellow guerrilla suffered the same fate near the Mae La refugee camp. The same month authorities arrested more than 100 unregistered refugees in Mae La refugee camp in a raid carried out before dawn. They released some women and children but deported 20. Authorities in Ranong arrested and detained roughly 120 Rohingya refugees en route to Malaysia for illegal entry or trafficking in January and February. In March, police raided several homes in Mae Sot and arrested without charges nearly 600 Burmese, in order to prevent a demonstration against the SPDC.[46]

Changes in the Thai Government

Thaksin Shinawatra, the Prime Minister of Thailand from 2001 to 2006, was deposed by a military coup on charges of corruption and engaging in divisive politics on 19 September 2006. While Thaksin held power, the RTG approved the third-country resettlement of refugees in camps and began to implement policies allowing limited training, education and employment opportunities for migrant workers. In October 2006 interim Prime Minister General Surayud Chulanont promised an improvement of standards in the nine official refugee camps run by the Royal Thai Government. Surayud's administration announced that it was planning to issue refugees with identity cards, allowing them to move freely outside the camps and to work legally among the Thai labour force.[47] However, many of these policies were never implemented.

In 2008, political instability in Thailand resulted in the occupation of Bangkok's international airport by opponents of the elected government. Following massive economic losses for the tourism industry and actual threats of yet another military coup, a new government was put in place, led by Abhisit Vejjajiva. The election came after Thailand's constitutional court in early December forced former Prime Minister Somchai Wongsawat to resign. The former Prime Minister and his Peoples Power Party, along with two other parties, were charged with electoral fraud related to the previous year's polls.[48] After years of continuous changes in Thai policies towards Burma and towards its refugees living in Thailand, it seemed that what many had labelled as Thaksin's 'business-based diplomacy' might be over. Burmese pro-democracy activists based in Thailand stated the new government would be more likely to take a pro-active role regarding Burma's politics.[49] Prime Minister Abhisit publicly declared that seeing change inside Burma is an interest that Thailand shares with Western nations, signalling perhaps a renewed interest in the fate of the country's diaspora.

Third Country Resettlement

Whilst none of the large organisations or countries involved in resettlement has suggested that resettlement should be a primary option, many activists and human rights practitioners working on the Thai-Burma border have pointed to a perceived bias in the provision of information about resettlement. Many have claimed that the difficulties encountered by newly resettled refugees are not given adequate weight in the initial phases of information distribution, and that for this reason certain families have decided to resettle with unrealistic expectations, which, for a small number, has even resulted in regretting their decision to leave Thailand. Others have simply pointed to the fact that the information available is not enough, and is not always accessible to everyone.

As one 72 year old Karen woman explained:

> *"I am going to the USA because I have a son there and I want to see him, but I don't know what will happen to me there. It was difficult for me to get information about resettlement. I don't work, and I cannot read, so I cannot read the newsletters that the organisations give out in the camps. Normally I don't go anywhere because I am old so I always stay in the house. I know there are photo boards around the camp but I don't go there so I cannot get any information. I am going to the USA but I do not know the American way of life."* [50]

The situation is very different for people working in NGOs or community based organisations (CBOs). As a 26 year old Burman man working for an NGO explained:

> *"I am not scared about going to America. I know it is difficult there but I want to go. I have a lot of information about the USA because my colleague is American and I could ask him many questions. Also, I already knew about America from my friends who had already resettled."* [51]

This difference in attitude points to a debate that has arisen out of the fact that the resettling population is not representative of the refugee population actually living in Thailand. In particular the Committee for the Coordination of Services to Displaced People in Thailand (CCSDPT) report on the Impact of Resettlement on the Remaining Camp Population has shown how the most educated refugees are those most interested in applying. As a consequence of this – more so than because of the third countries selection criteria – the more highly educated tend to depart in higher numbers on average. Averaged across 9 camps, only 2.4 percent of those with no formal education have departed for resettlement; while of those with a post-10 education over, 11.5 percent have departed.[52] In certain political circles, resettlement has been seen as undermining the potential for change inside Burma. By removing people from the border areas, the resettlement program has, in the view of such groups, led to an exodus of the young and future leadership of the pro-democracy movement which has thereby stolen away the dream of return.[53]

The unintended consequences that resettlement has had on the remaining camp population have not made things easier. The fact that a higher proportion of educated, skilled and experienced refugees tend to resettle first, meant that many of those who remained have experienced a loss of morale as their friends and family departed. Further, it has become increasingly difficult to find replacements within the existing population, and this fact has placed a strain on the population in the camps. Some have pointed to a 'brain drain' out of the camps. As the CCSDPT report explained *"Refugees who will never resettle deserve the attention of practitioners and policymakers because their protection needs in the short and long term are even greater than those who resettle."* [54] These facts, coupled with the delays and the organisational difficulties that the major organisations involved in the resettlement process have often encountered, mean that an anti-resettlement feeling has arisen among some groups on the Thai-Burma border. Many have also grown concerned regarding the actual 'durability' of the resettlement program. As many organisations have relocated to new offices in the Mae Hong Son area, and the resettlement screening process in camps in the Mae Sot area has slowed down, people have begun wondering for how long resettlement will be an option for Burmese refugees in Thailand, and in what numbers.[55]

In 2008 a total of 17,172 individuals left for resettlement to the following countries: USA (14,280); Australia (1,562); Canada (637); Finland (283); Netherlands (144); Sweden (134); Norway (77); U.K (29); New Zealand (24); Denmark (1).[56] In June, Burmese refugees were leaving Thailand for resettlement at an average rate of more than 300 a week, according to the UNHCR.[57] Since January 2005 overall more than 30,000 Burmese refugees have left Thailand to begin new lives in third countries.

In January 2008, UNHCR accused the government of blocking the resettlement of 20 Padaung refugees for the past two years as tourists paid to see them confined in a 'human zoo'. Mae Hong Son camp commander Wachira's stated rationale was that they could not be refugees because regulations specified that refugees live in camps.[58] The governor of Mae Hong Son Province, Thongchai Wongrianthong, claimed on the other hand that the Padaung people lived *"like other refugees, under the protection of Thai laws,"* according to the *Bangkok Post*.[59] Just like other Burmese refugees, the Padaung fled the civil war in their country. Unfortunately powerful businessmen - who according to many have the support of local authorities - have taken Karennis from the refugee camps on the border and placed

their community in three separate villages in Mae Hong Son province, in northern Thailand. In 2008 about 300 foreign tourists visited each village daily. This has resulted in big profits for local Thai businessmen in the last 20 years, yet the economic condition of the Padaung community remained poor. Increasingly, women started to remove the rings from their necks in order to be able to attend schools or find jobs outside their villages, to avoid standing out to the Thai authorities who limited their freedom of movement. According to local sources, some Padaung girls have been forced to put the rings back on by local Thai businessmen.[60] In July, 11 Padaung people disappeared from villages in northern Thailand, reportedly lured by a Korean businessman to work in a new tourist attraction in the south of Thailand. The deputy governor of Thailand's Mae Hong Son province promised that if the investigation showed that the seven adults and four children had been taken away from their villages, human trafficking charges would be brought.[61]

Recent reports from the Thai-Burma border claimed that brokers can be hired who then coach an applicant on how to establish a credible background story to feed to the UNHCR and how to answer questions on the required application forms. It was claimed that in some cases such brokers paid off people involved in the resettlement approval process, including camp based staff and UNHCR staff. Sources claimed that some pseudo-refugee families could get resettlement approval to the US or other countries without living one single day in a refugee camp. The prices charged by brokers varied from 50,000 baht ($1,500) to 100,000 baht ($3,000), according to refugee sources. According to a report published in a Burmese language newspaper based in Thailand, *The New Era*, one refugee who used a broker managed to resettle in the US after moving from Rangoon to the Nu Po camp in Umphang Province in Thailand. According to the paper, the whole process cost about 300,000 baht (US $9,000).[62]

A poster on display in on the Burmese refugee camps in Thailand showing the different types of food eaten in some of the host countries that Burmese refugees might relocate to under the third country resettlement program. *[Photo: © Mizzima News]*

Situation of Women in Refugee Camps

In 2008 domestic violence, sexual exploitation and harassment, attempted rape and rape, together with other forms of violence continued to be central problems for the well-being of women living in camps on the Thai-Burma border. This trend impaired women's capacity to be active members of their communities. Most positions in camp committees continued to be occupied by men, although the ratio has developed towards equality in recent years.

The Karen Women's Organisation (KWO) is one of the main community-based organisations that deals with sexual and gender based violence (SGBV) in the camps. KWO established and continue to operate safe houses in the seven Karen refugee camps along the border since 2001, where food and non-food items and other services including counselling and medical referrals were provided. Sustainable funding is essential for the on-going care of safe house occupants who have yet to find permanent solutions to their situation, but until now KWO has not received any long-term funding for the maintenance and operation of its safe houses.[63]

NGO programs sometimes conflicted with the needs of refugee communities as reported by some CBOs. In 2007 the Karen Women's Organisation and the Karenni Women's Organisation had criticized the IRC for instituting a program to combat sexual abuse by NGO staff against women living in camps. The women's groups called for NGOs to consult with CBOs before implementing programs. In response, the IRC pointed out that abuse by NGO staff is a global problem, and noted that victims may not understand the nature of exploitation.[64]

In October 2007, a group of female activists in Burma had sent a letter to the UN Security Council calling on them to protect the safety of all women living in fear and hiding. On the same day, the Security Council had urged all member nations, and its own offices, to include more women in decision-making processes, and to take specific steps to protect women from gender-based violence.[65] The year 2008 has not seen a decrease of such violence. In September a 14 year old refugee girl was raped by a man at Umpiem Mai refugee camp. A source told *Kaowao News* that the man was later arrested by a camp security guard. Reportedly the convicted rapist paid THB 20,000 and did not serve a jail sentence.[66]

Situation of Children in Refugee Camps

UNHCR and COERR have recorded since 2005 a total of 8,839 unaccompanied and separated children (UASC) in all nine refugee camps. As of 30 September 2007, there were 4,102 girls and 4,737 boys. As of the end of 2008, more than 3,000 unaccompanied and separated children had not been officially registered as refugees, having no refugee registration numbers, but their presence in the camps was generally tolerated by the Thai camp authorities who allowed their education in refugee schools. Children reported a lack of adequate care, and sexual abuse of camp children has also been a problem in some camps. 70 percent of victims of rape and attempted rape in camps on the Thai-Burma border are children.[67]

Situation of Specific Ethnic Groups of the Refugee Population

Situation of Burmese Muslim Refugees

As mentioned earlier, Hannah Arendt famously described refugees as the 'scum of the earth', explaining that those who are expelled by their country are as a consequence automatically expelled from the whole of humanity. This definition continues to be very fitting for the Burmese Rohingyas.

In response to the continuous inflow of Rohingyas into Thailand, on 28 March 2008 the former Thai Prime Thai Prime Minister Samak Sundaravej said that Thailand would place Rohingyas on a deserted island. The Thai premier made the statement after emerging from a two-hour meeting of the National Security Council, stating that the navy was looking for a suitable island upon which to hold the Rohingya refugees living in Thailand.[68] Then in December, in an incident that was widely reported in the international media, the Thai Navy was accused of causing the death of at least 550 Rohingya refugees. After photographs were released showing groups of Rohingya held on Koh Sai Daeng, an island near Phuket in Thailand, news started to emerge that an estimated 992 Rohingya who had made it to Thailand after rough sailing through the Andaman Sea had been arrested, brought to Koh Sai Daeng, an island near Phuket, and then forcibly expatriated. Abandoned in international waters, 550 of the refugees were thought at the time to have drowned, with the survivors found adrift near the Andaman Islands in India and off the coast of Aceh in Indonesia.[69] Those who survived have claimed that they were pushed back to sea with insufficient supplies of water and fuel, and that many had their hands and feet tied up. The scandal that followed Thailand's treatment of the Rohingya at least brought their plight some rare publicity. It also reminded Thailand and Burma's other neighbours that the unending repression inside Burma affects them far more than anyone else, and that the situation of the Rohingya has become a regional problem which requires a concerted regional response.[70] (Note that subsequent reports contested the initial numbers of 550 and suggested that in fact there may have been significantly fewer victims involved than was initially reported.)

It is a matter of fact that the estimated 20,000 Rohingya in Ranong, Phuket and other southern locations in Thailand find unskilled and low-status work in the agricultural, construction and tourism sectors to repay the smugglers and to support themselves and their further travel to Malaysia.[71] However, as it was rightly pointed out in the *Irrawaddy* online magazine, repatriation to Burma is not an option at this point, so conditions have to be set up to protect the Rohingya and respect their human dignity and rights, no matter how their status is defined.[72]

In the past, many made their way to Saudi Arabia, in search of work, as many Bangladeshis also had before them. It was relatively easy to obtain Bangladeshi passports, but heightened security concerns in Bangladesh and Saudi Arabia over Islamic extremism have made it more difficult for the stateless Rohingya to travel. Instead they have been making their way to Malaysia by boat. Inevitably some have landed in Thailand instead.[73]

Situation of Mon Refugees

Like the Shan, the ethnic Mon are faced by a similar legal situation, deemed by the Thai government not to be refugees, especially since the signing of the 1995 ceasefire agreement between the The New Mon State Party (NMSP) and the SPDC. Some have been able, throughout the years, to secure Thai ID cards but overall, they remain under-represented in refugee statistics and therefore under-serviced.

Situation of Karen Refugees

Thousands of Burma's ethnic Karen have been forced over the Thai border as a result of *Tatmadaw* (Burmese Army) offensives which have intensified in recent times. Although the Karen National Union (KNU) signed a ceasefire agreement with the SPDC in 2003, repeated violations by the regime, including a major offensive campaign beginning in 2006 that targeted civilian populations, have effectively nullified the agreement. Throughout 2008 the military regime continued its attempt to consolidate control over parts of Karen State. Human Rights Watch condemned the violence and called for an end to the attacks by the *Tatmadaw* and junta-aligned armed ethnic militias, both within Burma and across the Thai-Burma border into the predominantly Karen refugee camps.[74]

Situation of Karenni Refugees

The 2007 rainy season was particularly severe, with storms destroying some twenty houses and seriously injuring several people in two Karenni camps in Mae Hong Son province. However, the Thai government continued its policy of forbidding the use of permanent building materials in refugee camps, as it deemed the refugee population to be only temporarily displaced. This effectively limited any efforts to improve the quality of infrastructure and housing in the camps. In 2008 however, most problems in the Karenni Camps occurred in relations with the Thai administration. In December, members of the *Or Sor* militia operating under the authority of the Ministry of Interior shot and killed a 17-year-old ethnic Karenni refugee during a clash in Baan Nai Soi camp in Mae Hong Son Province. The night before, a student at a Sports Day dance had reportedly thrown a beer bottle at one of the *Or Sor*. The *Or Sor* then reportedly beat another refugee student who required 10 stitches. In retaliation refugees destroyed the *Or Sor*'s station, two trucks, and some motorcycles. Furthermore, groups of Karenni Padaung refugees were barred from resettlement by the Thai authorities.

Situation of Shan Refugees

Thailand continued to host around 200,000 ethnic Shan in 2008, but the RTG continued not to recognise them as refugees and has consequently not allowed them to set up refugee camps along the Thai-Burma border. The Shan have been therefore forced to enter Thailand's unskilled labour market as migrant workers. Many lack legal status in Thailand, and were thus extremely vulnerable to exploitation and abuse. Despite this, Shan people continued to flee to Thailand to escape the regime's systematic human rights abuses and repressive policies towards the people in Shan State. It is estimated that hundreds of thousands of Shan refugees continue to work as migrant workers throughout Thailand, particularly in the north.[75]

In 2008 Shan people continued to flee forced relocation accompanied by widespread abuses of civilians by the Burmese army, including rape, confiscation of land and property, torture, and extrajudicial executions. Rape and sexual violence by SPDC soldiers against ethnic women and girls has been used as a weapon of warfare to intimidate civilians. More recently, large infrastructure projects such as dams on the Salween River and joint projects between Thailand and the Burmese junta have resulted in increased Burmese militarisation of vast areas of Shan and Karen States, accompanied by widespread abuses of civilians which have displaced thousands more people.[76]

For people living in unofficial refugee camps inside Shan State, health services are almost non-existent, and health indicators such as maternal, infant, and child mortality rates in IDP communities more closely resemble those of Angola and Sierra Leone, rather than those of

other South East nations. Most deaths were from infectious diseases, particularly malaria.[77] Those who crossed the border into Thailand faced other challenges, like the limited access to humanitarian aid and the exploitation typically faced by migrant workers. The TBBC continued to supply food and shelter items to over 600 refugees in one small camp in Wieng Heng district of Chiang Mai province, most of whom fled fighting in May 2002, but this was limited to a small part of the Shan population. Most Shan in Thailand were classified as economic migrants and were forced to work, usually in agriculture, construction, domestic work, and the Thai sex industry.[78]

A typical scene within one of the small marketplaces within Mae La refugee camp. Mae La was first established in 1984 when approximately 1,100 Karen refugees flooded across the Thai border following military attacks. According to the TBBC, which is responsible for administering the refugees' food and shelter requirements, approximately 97 percent of the camp's population is ethnic Karen. *[Photo: © Dan Caspersz]*

During the first half of 2008, the number of Shan refugees recorded as arriving in Fang district of Thailand averaged about 350 per month. Most of these refugees continued to be from areas of central and southern Shan State where the Shan State Army - South (SSA-S) remains active. During the May referendum in particular, refugees reported an increase in forced portering, which consisted of carrying supplies for SPDC military units deployed on a large scale to organise the voting at rural polling centres. There were also widespread reports of SPDC authorities demanding rice and cash donations from villagers, to buy tractors and oxen for Nargis victims and SPDC military authorities demanded cash 'donations' from all vehicles at military checkpoints along roads.[79]

Well over 200,000 Shan refugees were believed to have arrived in Thailand from the areas of forced relocation since 1996. They mostly lived in farms, orchards and construction sites throughout northern Thailand. There were also five Shan camps for Internally Displaced Persons (IDPs) along the northern Thai border, housing about 5,900 IDPs, all sheltering near SSA-S resistance bases. These IDP camps mostly housed refugees who were either pushed back from Thailand, or who were too afraid to venture into Thailand in case of arrest. The security of these IDPs remained precarious, as there was a constant threat of attack by SPDC troops against the nearby SSA-S bases. Although there were no military offensives along the Shan-Thai border during the early part of 2008, the SPDC has continued improving road infrastructure along the border, which would facilitate troop deployment in the event of an attack.[80]

20.3 Burmese Refugees in Bangladesh

Demographics of Burmese Refugees and Asylum Seekers in Bangladesh

Out of the 178,000 refugees that Bangladesh hosted in 2008, almost all were Muslim Rohingyas. In the campaign launched against the Rohingya in July 1991, approximately one-third of this minority fled from Burma, resulting in the establishment of 21 refugee camps in Bangladesh.[81] Estimates of the unregistered refugee population ranged from 100,000 to 200,000; they lived outside the camps and without legal status in the Cox's Bazaar district and the Bandarban sub-district of Chittagong. The Government allowed UNHCR to give temporary asylum on a case-by-case basis to those recognised in urban areas and to those 26,300 Rohingyas that it confined to two camps in the southern Cox's Bazaar area. These were Nayapara, with about 16,000 refugees; and Kutupalong, with about 10,000.[82]

Policy of the Bangladeshi Government

Bangladesh was not previously a signatory to the 1951 Convention relating to the Status of Refugees and had not enacted any national legislation on asylum and refugee matters. In 1991 some 250,000 Muslim Rohingyas were recognised as refugees on a *prima facie* basis by the government of Bangladesh. The vast majority however, were repatriated by the government of Bangladesh to Burma in the following years, leaving only two of the 20 refugee camps in existence. For the last 16 years, a residual number of approximately 27,000 Rohingyas have been living in two refugee camps in the southernmost tip of the country where they continue receive assistance from the Bangladeshi government and the UNHCR. [83]

In 1992, the government of Bangladesh issued the camp refugees with one Family Book per household. This contained the names and other data of the family members and served as identity documents. UNHCR issued individual photo identity cards to all UNHCR-recognised non-camp refugees above the age of 12; children under 12 were included on their parents' refugee identity cards. Police respected these cards throughout the country. UNHCR also granted letters equivalent to an Asylum Seeker Certificate to all those who applied with the agency and these letters were also recognised by the government.[84] Since then, Bangladesh has acceded to several international rights conventions, and has adopted provisions within its Constitution that uphold the rights and duties within the UN Charter. The country has recognised a body of international law which can provide a framework for protecting refugees. These are significant developments, but the problems remain with regard to ensuring compliance in the standards of protection, especially when there is no domestic law regulating refugee status itself.[85]

In 2006, the government agreed to allow UNHCR to construct new shelters for refugees in both camps and they are expected to have new accommodation facilities by end of 2009.[86] In March 2008, Bangladesh applied to UNHCR for status as a donor nation pledging a minimal amount, around US$2,000, to participate in formulating policies pertaining to the encamped Rohingyas.[87] Bangladesh also requested to join the UNHCR ExComm.; entry into which is reserved for those countries that have showed an interest in the solution of refugee problems.

Refugees and asylum seekers did not have the legal rights to work, to engage in business, or to own any property. The authorities however did not punish any for engaging in such activities during the year. In April, however, the authorities used loudspeakers in Teknaf to encourage citizens to evict any refugees from housing they may be renting and not to lease any rickshaws to them. Furthermore, refugees continued to have no legal employment

rights, leaving them vulnerable to abuse and economic exploitation in the informal job sector. Authorities generally tolerated refugees' informal, low-skilled labour in agriculture or fishing industries, but when refugees were entering or leaving the camps, the *Mahjees* and the village leaders imposed fees and arbitrary taxes on their wages. In May, however, the Office of the Refugee and Repatriation Commissioner (RRRC) formally agreed with UNHCR to abolish the practice. There have also been widespread claims that local officials were using Rohingyas as labour in illegal logging operations.[88]

Among the larger, self-settled population, half lived in extreme poverty, three-quarters of children under the age of 5 were underweight, and literacy was between 17 and 22 percent. Since the government stopped registering new refugees in 1992, some 5,000 more entered or were born and they were not eligible for World Food Program rations. The government offered no aid and restricted humanitarian access to refugees. In April, it was reported that Teknaf Hospital refused assistance to at least one six-year-old refugee boy hit by a vehicle, who subsequently died from his injuries. As an indication of the dire health situation experienced by refugees in the camps, it is sufficient to say that the daily number of medical examinations per doctor was four times the maximum of international standards. In June, 18 Burmese refugee children died of tropical diseases in Kutupalong refugee camp.[89] Reportedly, hospitals run by the Ministry of Health and Family Welfare denied medications to refugees from the camps and the government restricted their access to hospitals run by Medecins Sans Frontieres (MSF) Holland, resulting in several refugee deaths.[90]

Formal education was not allowed by the Bangladeshi government, whether in camps or otherwise. Some informal education was provided by refugee volunteers based on the Burmese curriculum in eight schools in each camp. Instruction was in Burmese and English. Independent *madrassas*, however, did offer some instruction in Bangla. Secondary education was altogether prohibited by the Bangladeshi government. According to USCRI, the UNHCR gave subsistence allowances, basic medical services, and education only to a few of those refugees it recognised in Dhaka. In July, UNHCR increased the allowances to 120 Taka (about $1.75) per day from 90 Taka (about $1.32) to compensate for increases in the prices of commodities and other services.[91]

An unofficial Burmese refugee camp in Bangladesh. This camp, like other unofficial camps in Bangladesh is grossly inadequate and lacks even the most basic of facilities. *[Photo: © Narinjara News]*

Unofficial Rohingya Refugees

Many Rohingyas are labelled as economic migrants, but this has nothing to do with their actual reasons for leaving Burma, and certainly has nothing to do with their eligibility for inclusion in the UNHCR's protection mandate. Even though many took up work in foreign countries, therefore becoming migrant workers, defining the Rohingya as economic migrants is a misconception which does not take into account the reasons that pushed these people to migrate. The media coverage of their migration has added to the misperception that they are, in fact, economic migrants. As Surin Pitsuwan, the Thai general-secretary of the Association of Southeast Asian Nations, told reporters from *Aljazeera*: *"This is not an issue for a particular country. It is a regional issue. It is also an issue for the international community."* [92] As one refugee stated, *"As long as human rights abuses continue in Burma, we cannot go back. We are caught between a crocodile and a snake. Where can we go?"* Another added, *"The Bangladesh authorities say we are from Burma. The Burmese regime says we are Bengali. Where should we go?"* [93]

Refugees caught outside of camps continued to be subject to arrest, detention, beatings, withholding of rations and extortion by Bangladeshi security forces. Unrecognised Rohingyas residing outside of camps continued to be denied the right to citizenship, documentation, employment, and marriage by the Bangladeshi government. In addition, the authorities limited the UNHCR and other aid groups' access to refugee populations. In the words of Brad Adams, Asia Director of Human Rights Watch,

> *"the Rohingya have been caught between a hammer and an anvil for over a decade in desperate circumstance, with Bangladesh making it difficult for them to seek refuge and Burma continuing to abuse the rights of the Muslim minority in Arakan state."* [94]

In July, at least five Burmese refugees belonging to the unofficial Leda camp died of starvation. Due to incessant heavy rain over two weeks, refugees faced severe food shortages because they were unable to go out and work to support their families. In 2008 Leda camp hosted 1,972 families, and plans were made to extend the camp to host 2,000 more families in the future.[95] Following these events, relief material from Muslim Aid of UK and Islamic Relief Organisation (IRO) was distributed in the camp.[96] In a positive development during the month of July, the 7,500 refugees who had been living at the makeshift camp outside of Teknaf for years without legal status were finally allowed to move to a new refugee camp located in Nila Township between Cox's Bazaar and Teknaf Highway. Reportedly the majority of camp residents were given recognition as refugees by the UNHCR as they arrived.[97] Also in the month of July, a non-governmental organisation from Turkey started an aid campaign for Burmese Muslim refugees in the Teknaf area of Bangladesh. The iHH says nearly 12,000 refugees from Burma's Arakan region risk starving to death as their food supply is close to being depleted. The refugees have also been badly hit by the global rise in food prices.[98]

Rohingya Refugees in Nayapara and Kutupalong Refugee Camps

In 2008 there were 13,316 people were officially registered as living in Nayapara camp, and 8,905 were living in Kutupalong camp. Officially registered refugees received food rations. In addition, there were unregistered refugees surrounding these camps, known as Project Profile Registration (PPR) refugees. In Nayapara there were 3,293 PPR refugees, and in Kutupalong there were 1,744 PPR refugees. These refugees received no rations at all. There were a further 15,000 refugees living in a makeshift camp outside Kutupalong camp. They previously lived among Bangladeshis in local villages, but left the villages during the voting registration in early 2008 for fear of eviction.[99] The UNHCR issued identity cards to all Nayapara camp residents over five years of age.[100]

In April, clashes broke out in Nayapara camp when MSF terminated its operations in the refugee camp. Scores of refugees obstructed MSF officials from leaving the camp, and when the police intervened, clashes occurred. Police filed cases against 50 to 60 Rohingyas in connection with the violence.[101] In the same months, five diplomats from the United Kingdom, European Union, Netherlands, Switzerland and Italy accompanied by country representatives of UNHCR, Dhaka and field-level staff of the UNHCR visited the Nayapara Burmese refugee camp.[102] Even more important was the visit in May of the United Nations High Commissioner for Refugees António Guterres, who visited Kutupalong camp accompanied by 10 other representatives. This was his first visit to Bangladesh as High Commissioner. Guterres discussed with the government the long-standing plight of the Rohingya refugees as part of his initiative to place a spotlight on the issue and to resolve one of the world's most protracted refugee situations. The same day Guterres also visited Cox's Bazaar.[103] *"Our intention is to re-establish the trilateral mechanism among Bangladesh, UNHCR and Burma, to create a condition for voluntary repatriation of the Rohingya refugees to Burma,"* Antonio Guterres told reporters after a meeting with Bangladesh Foreign Adviser Dr. Iftekhar Ahmed Chowdhury.[104] In another positive development, in May the government of Australia donated US$ 1.4 million for constructing new sheds for refugees of the Kutupalong camp.[105]

Bangladesh does not allow refugees to leave the camps without permission, which is only granted for medical referrals, court appointments and some family visits between different camps. Leaving the camps illegally was still possible however, due to the lack of fencing. The government restricted all humanitarian aid from the World Food Programme (WFP) to refugees registered in the two official camps. The non-camp refugees UNHCR recognised under its mandate were not eligible for any public relief. According to the UNHCR, recognised non-camp refugees could travel quite freely throughout the country and reside wherever they chose. Due to the fact that Bangladesh has no law, regulation, or formal policy regulating the confinement of refugees and asylum seekers, authorities continued to restrict movement in an arbitrary fashion in 2008.[106]

Already in 2007, Bangladeshi authorities had responded to pressures from international organisations and had relaxed some restrictions on refugees inside the camps. The government agreed to allow limited vocational training facilities to be set up by NGOs, the construction of a new official camp, and the continued facilitation of resettlement, albeit in very limited numbers. In December however, Bangladeshi police destroyed an unofficial refugee camp surrounding the Kutupalong refugee camp on the allegation that the refugees had set up tents in forest department land. Authorities destroyed more than 80 huts as well as some of the refugees' belongings like plates and kitchenware. According to UNHCR, camp authorities stopped using corporal punishment, fines, and the systematic withholding of food as punishment. In January, however, it was reported that camp police tortured to death a young Rohingya refugee after another refugee involved in a personal dispute with him claimed he was a terrorist.[107]

Rohingya Refugees in Dum Dum Meah

In 2008, diarrhoea continued to afflict hundreds of people. In the months of June, over 150 refugees in the makeshift camp in Dum Dum Meah were affected, and reportedly two children died. On the whole in 2008 there was a steady increase in cases of severe diarrhoea and 88 refugees were admitted at the clinic of the IRO. Skin diseases, pneumonia, and common cold also spread among refugees.[108] In March, the Kuwait Joint Relief Community (KDRC) distributed food items in the camp. It distributed the items to 2,800 families in the camp but 200-families were left out because of shortage of relief material.[109]

As of 6 July, many unofficial Rohingya refugees from the makeshift camp were transferred to a new camp in Leda. At the same time, it was reported that around 250 refugee families were expelled from it. Authorities explained that these families had been excluded as they had entered the makeshift camps earlier.[110] Local sources subsequently reported that in July and on 29 August, unregistered Rohingya refugees died in the Leda camp due to a lack of proper treatment. In the words of a local refugee *"We used to get enough medical treatment from MSF when we were in Dum Dum Meah camp. But we do not get proper treatment in Leda camp. So, deaths by diseases have increased in the camp."* [111] Poverty in these areas was severe. One event in September was particularly significant in underlining the poverty that afflicted most people living in these areas, refugees and locals alike. A truck on the way to Leda refugee camp was attacked by local villagers while it was trying to deliver rice to Leda refugee camp residents. A clash ensued in which twelve refugees sustained injuries after being attacked with weapons by local village residents.[112]

Arakanese Refugees in Bangladesh

The Rakhine (Arakanese) people face less overt targeted discrimination than the Rohingya, and are treated as full citizens of Burma, but nevertheless suffer human rights violations regularly. These include forced labour, rape, forced marriage, and the forcible recruitment of child soldiers. Forced conscription into the Burma Army and NaSaKa, the SPDC's border security force, is widespread. Interviews recently carried out by Christian Solidarity Worldwide (CSW) with three NaSaKa soldiers who defected and fled to Bangladesh in August 2008 confirmed that extortion is widely used by this force, and is specifically targeted at Rohingyas. The defectors importantly gave accounts of forced conscription, forced labour, arbitrary arrest and torture.[113] The three men are now sheltering in Bangladesh and are preparing to apply as refugees with the UNHCR office there. According to their testimony, *"the monthly salary is only 21,000 kyat for a Nasaka man, but in Maungdaw, the price of ordinary rice is 25,000 kyat a [50-kilogram] sack. All private NaSaKa men are facing hunger due to their salary being inadequate for their daily survival."* [114]

Former Arakan Army members have highlighted that nearly a dozen Arakanese revolutionaries continued to languish in Bangladeshi prisons because they were unable to return to Burma. A former Arakan Army member who was recently released from prison in Bangladesh said,

> *"Three Arakanese revolutionaries who have served their terms are still in Cox's Bazaar prison, while others are in Chittagong and Bandarban prisons. They could have been released from prison in the last five years but had not chance to because they have no homeland to return to."* [115]

The Situation of Women in Camps

According to UNHCR, restrictions on movement and livelihoods contributed to *"illegal activity, corruption, abuse and domestic violence," work exploitation, and survival sex."* [116] In 2008 Bangladeshi citizens reportedly raped at least four camp-based Rohingya women in separate incidents: two of the cases were gang rapes and in one of those cases, the survivor was 15 years old. In May, Rohingya religious leaders issued a fatwa subjecting a refugee woman to 100 lashes for an alleged illicit relationship with another refugee.

Sexual violence was difficult to punish in the camps, as the perpetrators were very often security personnel, camp leaders and other camp personnel, as well as the police. The UNHCR, the RRRC, camp personnel, and the *Mahjees* governed arbitration mechanisms in the camps. According to UNHCR, corruption among camp officials and refugee leaders was 'pervasive'. Moreover, the lack of adequate health facilities continued to represent an important obstacle for women's health and well-being. This was particularly the case with pregnancies, which continued to be carried out at high risk for women. On 11 August, a Rohingya refugee woman and her baby died during delivery because of a lack of proper health care facilities in the Leda undocumented Rohingya refugee camp.[117]

UNHCR Disengagement and Forced Repatriation

Before the May Referendum, the Burmese Army was deployed on the Burma-Bangladesh border, as information had been received about joint Rakhine and Rohingya armed groups aiming to penetrate Arakan State to disrupt the forthcoming national constitutional referendum. According to sources close to the Bangladesh Rifles (BDR), the Bangladeshi Army was also deployed on the same border to counter the Burmese deployment.[118]

According to the USCRI, there were no reports of *refoulement* of UNHCR-registered refugees or asylum seekers. In late December, however, authorities forced some 14 Rohingyas back over the border, and at least several hundred left for other countries, such as Malaysia. In January, the BDR sealed the border to prevent entry of about 1,000 Rohingyas across the Naf River fleeing communal violence in Arakan State.[119]

On 16 February, 19 Burmese nationals were pushed back into Burma. They had entered Bangladesh illegally two days earlier for medical treatment and to visit their relatives.[120] On 26 February, the BDR pushed back seven Burmese nationals to Burma from an entry point in Shapuri Dip by Teknaf, a border town in Bangladesh.[121] On the 3 April 2008, 53 Burmese nationals were pushed back to Burma by BDR, as they were entering Bangladesh territory on board boats via the Naff River to seek refuge. The Second Commander of Teknaf Rifles 42nd Battalion told the reporters that they planned to push back all illegal migrants from Burma as they had a duty to protect the land of Bangladesh for security.[122] On 30 June, it was reported that the BDR sent back four Rohingyas through the transit point of Shapuri Dip of Teknaf Union.[123] The same week, 21 more Rohingyas were sent back to Burma through the same transit points.[124]

Burmese Refugees in Bangladeshi Prisons

The 1946 Foreigner's Act empowered the Government to arrest, detain, and confine foreigners (including refugees) for security reasons. Detention was limited to no longer than six months. During the year, authorities arrested at least 200 Burmese for illegal entry. Most were ethnic Rohingya, although more than twenty were Buddhist monks fleeing the September crackdown. Many among them were seeking to travel onwards to Malaysia for fear of persecution. From June onwards, police ceased charging refugees that they arrested outside camps under the Foreigner's Act. According to UNHCR, however, authorities falsely accused many camp-based refugees of crimes and jailed many refugees for over a year for charges with maximum sentences of three months. An amendment to the Criminal Procedure Code adopted in November separated judges from the executive. As a consequence, courts acquitted 42 refugees. Throughout the year, 94 refugees were released on bail, some following UNHCR's referrals to lawyers from BLAST, the Bangladesh Legal Assistance Services Trust, while others arranged bail on their own. At the end of the year, 84 UNHCR-registered refugees, all men, remained in jail on various criminal and immigration charges. With prior notice, authorities allowed UNHCR to visit detained refugees and asylum seekers. The government permitted detainees' access to counsel and legal representation in court and, in some cases, UNHCR provided lawyers.[125]

One positive development was that in 2008 the UNHCR began training the BDR on the difference between asylum seekers and migrants. Usually asylum seekers are treated as illegal entrants and often detained, and are generally released by the BDR upon payment of bribes. According to UNHCR, camp officials used arbitrary arrest and detention to force compliance in regard to disputes, as well as to remove fathers and husbands from homes in order to more easily sexually abuse their female family members, including through forced marriages. [126]

In January, police arrested and detained one unregistered refugee on trafficking charges, but released him upon payment of a 20,000 Taka (about US$300) bribe. Also in January, authorities arrested 13 refugees from Nayapara camp for carrying firewood, beat them, and extorted 500 Taka (about $7.30) each from them. Later that month police arrested 4 refugees at a Teknaf jetty as they were travelling and 25 others attempting to enter the country. In February, five Burmese people were arrested and many fled in a police raid in Cox's Bazaar on boatmen who were preparing to travel illegally to Malaysia, according to a Burmese Muslim refugee in Cox's Bazaar.[127] In March, authorities arrested two refugees in Nayapara camp after finding a gun in one's residence. In late May, authorities arrested a refugee leader for allegedly issuing a fatwa but other refugees claimed that the charges were false and that the authorities wanted to punish him for leading a strike and a demonstration against forcible repatriation from Kutupalong camp in 2004. A UNHCR recognised Burmese refugee died at the Chittagong prison hospital on the 17 June after spending over three years in detention at the prison without any trial.[128]

In March, the BDR in Shapuri Dip in Teknaf union seized a boat and arrested 15 people from the coast of the Bay of Bengal. 30 boat-people were preparing to leave in a boat from the Bay of Bengal from near Shapuri Dip to go to Malaysia. A trader from Maungdaw Township said that *"Burmese authorities are happy to see Rohingya people fleeing because it shores up their policy of ethnic cleansing."* [129]

In July, in Kutupalong camp, authorities arrested another leader of anti-forced-repatriation demonstrations of 1992, on arms charges dating from that same year. Eleven Burmese nationals were still languishing in prison after finishing their jail term in Ragamati jail, because the Burmese junta did accept their return. This continues to be a very common phenomenon, and sources claim that there are around 300 released prisoners waiting in

other jails in Bangladesh for their return home, if the Burmese junta decides to take them back.[130] Overall the Bangladeshi government kept more than 400 Burmese in jail beyond their sentences—on charges ranging from drug smuggling to illegal entry—citing their countries' refusal to accept their repatriation. According to UNHCR *"violence and mistreatment of refugees in detention is widespread."* The Dhaka Central Jail, with a capacity for 2,700 prisoners, held about 9,000 and the Cox's Bazaar jail had an 800-detainee capacity, but held 3,600.[131]

In a positive development on June 28, the UNHCR managed to take about 150 refugees from Nayapara and Kutupalong camps to Cox's Bazaar jail to their detained relatives who have been languishing in prison for a long time.[132]

A photograph of the front gate of Dhaka Central Prison. Bangladeshi authorities arrested over 200 Burmese for illegal entry during 2008, most of whom were Rohingya fleeing persecution in their native Arakan State, although, this number also reportedly included more than 20 Burmese monks who were fleeing persecution for their involvement in the September 2007 Saffron Revolution protests. *[Photo: © Narinjara News]*

Third Country Resettlement

Both the government of Bangladesh and UNHCR consider repatriation the most durable solution; it is also the long-term goal of most refugees. A resettlement programme to Canada was established in 2005, but remained an option for only a very limited few.[133] In 2008, the country offered resettlement to around 80 Rohingyas.[134] In April, during the visit of a delegation of European envoys, about 40 Burmese refugees in Cox's Bazaar gathered in front of the entrance gate to the UNHCR office to appeal for the resettlement of urban refugees.[135]

On 30 June the first batch of 23 Burmese refugees from five families, including men, women and children reached New Zealand.[136] About 34 refugees from Nayapara and Kutupalong Rohingya refugee camps left Dhaka for resettlement in England on 7 December, according to a local camp resident.[137]

20.4 Burmese Refugees in India

Demographics of Burmese Refugees and Asylum Seekers in India

India continued to host the most diverse refugee population in South East Asia. Among these are many Burmese, mostly of Chin ethnicity. In 2008 around 75,000 Chin lived in the eastern state of Mizoram along the Indo-Burma border.[138] A smaller number continued the journey to New Delhi, hoping to gain access to UNHCR protection there. Both locations provided little protection for Chin refugees and daily existence was fraught with difficulties and hardships.[139]

Government Policy towards Refugees and Asylum Seekers

India is not a signatory to the 1951 Convention Relating to the Status of Refugees and had no procedural mechanism for providing official protection to refugees living in the country. UNHCR, however, continued to register, recognise and resettle Chin refugees in 2008. The Indian Constitution prohibits discrimination based on race, religion, place of birth, and other grounds, it extends to all persons equality before the law and the equal protection of the law, grants protection of life and liberty, and protects against unlawful detention. The Foreigners Act makes illegal entry into the country a crime punishable by up to five years in prison, making no exception for refugees or asylum seekers. The Foreigners Act also gives the government the power to force all foreigners, including refugees and asylum seekers, to reside in a particular place, to impose any type restrictions on their movements, and to prosecute criminally anyone helping in their escape.[140]

India has signed the CAT and has also ratified the ICCPR and the CRC. As a party to ICCPR, India was prohibited from expelling persons from its territory without due process. Further, the prohibition of refoulement implicit in the CAT meant that India could not legally deport any Burmese refugees. Those whom India did return to Burma were regularly punished for leaving the country without permission and were often accused of having contacts with the ethnic opposition groups based in Mizoram, such as the Chin National Front (CNF). The CRC which India has also signed protects children from forced return under articles 6, 22, and 37 of the CRC where *"there is a real risk of irreparable harm to the child."* Considering that *"Chin children in Burma are subject to extrajudicial killings, arbitrary arrest, imprisonment, torture, forced labour and portering, and conscription into military trainings by the Tatmadaw,"* it seems reasonable that CRC stipulations would be applicable to this group.[141] Further, like other countries India was bound by customary international law to respect the principle of non-refoulement. The Indian government continued to violate this principle by failing to prevent Mizoram authorities and voluntary associations operating in the region from forcibly returning thousands of Chin in Mizoram to Burma without any assessment of the risks they might face once refouled.[142]

Significantly, in 1996 India's Supreme Court ruled that guarantees of life and personal liberty in the 1950 Constitution protected refugees from *refoulement*. Moreover, in April the National Human Rights Commission appointed a working group of jurists who drafted the 2006 Refugee and Asylum Seekers Protection Bill, adapted from a 1977 model law. Such a bill is of symbolic importance and could hopefully pave the way for an eventual complete halt to deportations.[143] Further, as country signatory to the ICCPR, to the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the CRC, India is prohibited from discriminating against people on the basis of language, national or social origin, property, birth or other status.[144]

The Indian government does not allow refugees recognised by UNHCR to access legal employment, therefore refugees often worked in the informal sector. Many worked as street vendors, which exposed them to extortion from the police. India has no social security system, but NGOs in cooperation with the UNHCR attempted to supervise their working conditions, intervening with employers in cases of exploitation.[145] In 2005 India adopted an amendment to the Constitution providing *"free and compulsory education to all children"* between the ages of six to 14. In reality, the Chin are unable to afford the costs and meet the documentation requirements for admission, and are denied entrance to government schools.[146]

The UNHCR and the Refugee Status Determination Process

The UNHCR continued to have no formal status in the country throughout 2008, and India barred it from operating in the North Eastern border region. The agency recognised 11,400 refugees under its mandate, mostly Afghan and Burmese, and issued them documentation, which the Government generally respected. Refugees had to travel to the UNHCR Office in New Delhi in order to register, a process that can take years.[147] Out of the 1,800 Chin living in Delhi, 1,000 have been granted refugee status by the UNHCR. In 2006, the UNHCR also began resettling Chins to third countries. Obtaining refugee status through UNHCR, however, has become increasingly difficult for the Chin community.[148] Although many of the Chin who flee Burma would qualify as refugees, the UNHCR is barred from accessing the Chin population living along the border; therefore, only those who make the 2,460 kilometre trek to UNHCR's office in Delhi can file their claims.[149] Once registered, they are required by law to remain in Delhi, where it is difficult to make a living and to integrate. Further limiting the accessibility of refugee status for the Chin, UNHCR recently announced the closure of general registration in September 2007. Only 'priority' cases or those considered especially vulnerable, such as pregnant women, the elderly and the infirm, are now eligible for registration. 'Non-priority' cases have to wait until the general registration process re-opens, which is unlikely to happen any time soon.[150]

The *Mautam* Food Crisis in Chin State

Throughout 2008 Chin State experienced a severe food crisis which was caused by the flowering of bamboo plants, an event occurring every fifty years or so. The bamboo flowering began on the Indo-Burma border in late 2006 leading to a plague of rats which fed on the flowers in the region. The rats gradually invaded the farmlands and destroyed crops such as paddy and maize which are the main staple foods of Chin state. The Burmese regime claimed that it had provided rat poison to farmers, and that it had distributed around 1000 bags of rice to the areas most affected in Chin state. The locals from the affected areas in Chin State however denied that they had received any aid from local authorities.[151] According to local reports, hundreds of people entered Mizoram in 2008, either anticipating the affects of the Mautam in Chin State or after they directly suffered its effects.[152] (For more information see Chapter 18: Ethnic Minority Rights)

This natural disaster also affected parts of India, whose government took preventive steps to counter its effects on the population. In Burma however, the food crisis was made into a human tragedy by the ruling junta. Most people in Chin State relied on local food production for their subsistence, which was usually enough for basic dietary requirements. However, human rights violations and increased militarization of Chin State in recent years caused harvests and food production to decline significantly. Forced labour and portering demands of the regime removed farmers from the fields for significant periods of time, and this in turn meant they were unable to harvest a sufficient yield to support themselves and their families.

Those migrating because of the Mautam should not be considered economic migrants; they are at the very least, in the words of a Project Maje report, *"hunger migrants,"* but more than anything they are refugees.[153] The regime's unwillingness to provide any kind of support during the famine and the well-documented attempts at hindering and seizing any private aid reaching Chin State makes it clear that all such people are refugees. As a consequence, they are worthy of international protection and should fall under the mandate of the UNCHR. Activists worried that such an inflow would cause even greater tensions in Mizoram which now has its own resources strained by the Mautam famine, and expected to see an increase in the outflow of Chin people to other countries such as Malaysia.[154]

In August the food shortages killed 44 children after they were afflicted by malnutrition and diarrhoea, according to Chin National Council's secretary Pu Ralhnin. Faced with starvation around 2,000 people have fled to India from Paletwa Township, one of the worst affected areas in Chin state. *"I heard that around 2000 Khumi people from Paletwa region had arrived in some areas in Mizoram close to the Indo-Burma border because they are facing food shortage and there is nobody to help them,"* the coordinator of Chin Famine Emergency and Relief Committee based in Mizoram said.[155] Many travelled to Mizoram state just to buy food to bring back to their villages. This was the case of a man and a woman from Ngafaipee village in Thangtlang Township, Chin State, who died from hunger and exhaustion in September after carrying food supplies back to their village.[156]

According to the CHRO, in June a delegation made up of three Chin and one British photographer who had slipped across the India-Burma border into the affected areas in Chin State made a visit to the UK, raising awareness on the food crisis and also on other issues affecting the Chin people such as forced labour, refugees, child soldiers and rape victims. The team called on the British government and international organisations to take immediate action.[157]

Conditions of Burmese Refugees in Delhi

Freedom of movement was severely restricted for Burmese refugees in India. This affected greatly those living in Delhi, as they had to ask for written permission from local immigration offices to travel in specific periods. Those refugees who only possessed UNHCR papers were not legally allowed to leave New Delhi, as UNHCR's mandate only protected them in the capital.

While refugees were not eligible for government services, some could attend municipal schools in New Delhi, even though the UNHCR and its NGO partners developed a network of social services and some financial support. This included a short-term subsistence allowance for newly recognised refugees. In 2003, however, UNHCR cut this amount by half, and in 2004 eliminated it completely. This shift in policy was highly criticised by most activists in the region, as they claimed it failed to account for the realities of refugee life in Delhi, where self-reliance is not feasible for most of the refugee population. A salary top-up scheme was also in place under which UNHCR supplemented the refugees' salaries to bring them up to the official Delhi poverty line. However, since August 2007, no new applicants have been accepted into this programme. Furthermore, as activists report, this top-up scheme has in effect created a situation where employers have started paying lower wages for refugee workers.[158]

A third form of assistance was provided by the Young Men's Christian Association (YMCA) to cover the educational expenses of school-aged refugee children. These subsidies were insufficient to cover the cost of private schools because they were calculated based on the cost of attending government schools, where it was almost impossible for refugee children to

meet the admissions criteria. Another programme run by the Voluntary Health Association of Delhi (VHAD) had been responsible for providing basic health-care services to refugees in Delhi. However, in early 2007, the VHAD closed its doors due to a lack of funding. Medical care is now unaffordable for Chin refugees living in Delhi.[159] In general, refugees living in Delhi reported constant harassment and cases of extortion. In June for example, it was reported that a 17-year-old Chin refugee girl was kidnapped in western New Delhi by her employer and handed over to three men who held her until late that night. The girl's parents reported the kidnappers at a police station but the police took no action against them.[160]

In September, a 28-year-old Burmese Buddhist monk, Ashin Pannasiri, escaped from Lantalang Prison in Chin State and arrived in Delhi, India, after 13 days. The monk explained that during the trip he avoided local residents around Mizoram, fearing arrest. Burmese authorities began searching for Ashin Pannasiri in late 2007 because of his close relationship with leading pro-democracy monks. As of Ocotber 2008 Ashin Pannasiri was staying with friends in Delhi, and had plans to keep on struggling for freedom and peace in Burma while in exile.[161]

Conditions of Burmese Refugees in Mizoram

Many Chin feared the dangers associated with crossing into India because of substantial militarisation along the Indian border. Despite the distance involved therefore, Malaysia has become a destination for very large numbers of Chin refugees. This journey is significantly longer, and involves a great deal of danger. In December 2007 for example, a small boat carrying 99 Chin sank by the southernmost border between Burma and Thailand after colliding with a fishing boat. On that occasion 45 Chin nationals died at sea in the worst maritime tragedy in Chin history.[162]

Despite Mizos and Chin sharing common ancestry, discrimination continued to be widespread. In the past, the Young Mizo Association (YMA), an extremely powerful nationalist group in Mizoram that has strong influence over the state government, targeted the Chin, leading to several crackdowns against them. An example of this took place in 2003 when the YMA refouled thousands of Chin back to Burma. In October 2007 the Mizo demonstrated alongside the Chin in their calls for change in Burma, and some saw this as a hopeful easing of tension between the Mizo and Chin. Nevertheless the Chin continued to fear evictions and deportations by the Mizo in 2008.[163] Further, Chin refugees had to obtain letters from both the local government and the YMA to rent an apartment legally. The YMA conducted inspections to make sure Chins had such letters, and often deported those it found without them.[164] Chin caught without such documentation had to pay bribes of 200 to 500 rupees ($4.50 to $11) to avoid deportation. Deportations and arrests remained common in 2008. In September, Mizoram police detained six vendors as part of their regular sweeps against refugees. According to the USCRI, India forced at least two refugees back to their countries of origin but one was able to return. Refugees also reported harassment and sexual and gender based violence. In June, for example, unknown assailants murdered a Burmese woman at the house where she worked in Mizoram.[165]

Human Rights Watch called on the Indian government to protect Chin asylum-seekers and refugees, and to give UNHCR access to Mizoram state to register them. On 2 December 2008, Mizoram state elections resulted in a sweeping victory for the Indian National Congress, the country's governing party, which has not been in power there for a decade. In the past, members of Mizoram's Indian National Congress have called for action against Chin migrants and the party has been even less sympathetic than the previous state government to the plight of those fleeing human rights abuses in Burma.[166]

In October, the YMA announced it would expel all illegal Burmese nationals living in their area. This announcement was made a week after a fight had broken out between local youths and four Burmese nationals. The Mizoram based Human Rights and Law Network (HRLN) Officer in-charge said, *"They should be satisfied with punishing those who committed immoral acts rather than punishing all Burmese nationals by expelling all of them. This is violation of human rights."* [167] Already in 2003, many Burmese nationals had been expelled from the state after a Burmese raped a local woman.

In the Manipur border areas, refugees reported similar problems. Around 200 Burmese refugee children had no access to education, and young girls resorted to prostitution to support their families. Most children there suffered from malnutrition, malaria, and gastrointestinal diseases. In the city of Moreh during the month of August police imposed curfew and restricted people from moving freely between 4:00 pm and 7:00 am following the arrests of 15 Burmese Rohingyas whom some authorities suspected of links to Al Qaeda.[168]

Crackdown on Burmese Opposition Groups

A Memorandum of Understanding (MoU) was signed by India and Burma's junta in October 2004, concerned with maintaining peace along the border, as well as economic development of the border areas. However, the year 2007 witnessed tensions at the Indo-Burma border. The Indian Government used meetings between the Foreign Minister, Union Home Secretary or Prime Minister, and the Burmese Prime Minister, to pressure the SPDC to provide *"all possible assistance"* to flush out Indian insurgent groups operating from its territory.[169] In January 2007, the SPDC armed forces led a crackdown on Indian rebel groups operating in North Western Burma, while the Government of India took similar action against resistance fighters from Burma based in India.[170]

In March 2007, India proposed the fencing of the India-Burma border. This proposal came after a series of abductions, bomb blasts and killings in the border area, particularly at the Moreh-Tamu border. In March, around 400 Kukis were arrested and taken to Namunta village in Tamu Township in Burma by a group consisting of the United National Liberation Front (UNLF), Manipuri militants and Burmese soldiers.[171] On 25 May 2007, a bomb blast at Namphalong market killed one person. This led the SPDC to sealing the Burma side of the border. Again, on 9 June 2007 in Moreh, 11 people were killed, triggering fear and sending people fleeing the border town for refuge in Burma.[172]

Legal Cases Involving Burmese in India

In September the lawyer for 34 Burmese rebels who have been detained in India since 1998 on charges of gunrunning said he expected them to be freed early in 2009 when their trial ends. The rebels, all members of the National Unity Party of Arakan and the Karen National Union, were arrested for allegedly smuggling weapons by Indian security forces in Operation Leech on the Andaman and Nicobar islands in February 1998. They are currently being held in Kolkata prison, but have not been convicted of any crime to this day. If they are released, normal court procedures would require them to be sent back to Burma. A member of the defence team told *Democratic Voice of Burma* (DVB) that the group should not be returned to Burma because of their activities against the Burmese government, and that they have approached UNHCR to ensure that they can either stay in India or resettle in a third country.[173]

Also in September, fifteen Burmese nationals were released after spending a year in jail in Manipur, India, were sent to a refugee camp in Chendel district to await a decision on whether they would be deported back to Burma.[174] The discovery of foreign currency in their possession led the paramilitary forces to suspect that they had links with the terrorist group Al-Qaeda, but subsequent interrogations yielded no evidence of this.[175] The same month, thirty five Burmese nationals, including 20 children, were arrested at the border between India and Pakistan by the Indian Border Security Force (BSF) when they were trying to cross the international border from Indian side to Pakistan at Bikhiwind village.[176]

Sprawling over several hillsides, and with an approximate population of 37,000 refugees, Mae La refugee camp is by far the largest Burmese refugee camp in Thailand. Of this number, approximately 97 percent are ethnic Karen. *[Photo: © Dan Caspersz]*

An image of an unknown Burmese refugee camp in Bangladesh. While Bangladesh hosted approximately 178,000 refugees during 2008, the vast majority of whom were ethnic Rohingya from Burma, the two official refugee camps housed a total population of only 22,000 officially recognised refugees. *[Photo: © Narinjara News]*

20.5 Burmese Refugees in Malaysia

Demographics of Burmese Refugees and Asylum Seekers in Malaysia

According to the USCRI, in 2008 Malaysia hosted nearly 70,000 refugees from Burma, of which at least 25,000 were ethnic Chin, 20,000 were Mon, and 12,000 were Rohingya, as well as other minorities.[177] According to the *Chinland Guardian*, the number of Chins is at least 30,000.[178] Out of the total Chin population, four thousand were women and more than two thousand were children under 15 years of age. According to the Chin Refugee Committee (CRC), two thirds of the Chin refugee population in Malaysia is not yet registered.[179] According to the Chairman of the Mon Refugee Organisation (MRO), the number of Mon refugees is close to 30,000, and most of them are not registered by the UNHCR office.[180] There were also over 2,000 Kachin refugees, out of which more than 600 had been registered as asylum seekers with the UNHCR and nearly 300 have received UNHCR ID cards.[181] Overall, many of the refugees in Malaysia were people who, for geographical reasons, would have more easily reached Thailand but who decided to continue towards Malaysia fearing deportations from Thailand back into Burma.

Malaysian Government Policy towards Refugees and Asylum Seekers

Malaysia is not a signatory to the 1951 Geneva Convention or any of its protocols. The country is however signatory to the CEDAW and also to the CRC, even though it maintained eight important reservations. Among these were concerns regarding;

1. Article 28a, which makes primary education free and compulsory for all, and
2. Article 37, which prohibits torture or other cruel inhumane or degrading treatment or punishment, as well as arbitrary detention.

In 2008 the Internal Security Act (ISA) and the Emergency Ordinance continued to undermine people's fundamental rights and liberties such as freedom of assembly, expression, and the right to due process. Introduced under the national emergencies in the 1960s and 1970s, these laws have been retained long after the said emergencies were resolved. Central in the Malaysian context is the existence of the Rela (People's Volunteer Corps or Ikatan Relawan Rakyat), an untrained paramilitary force made up of over half a million individuals that throughout the years has been strengthened and given sweeping new powers to arrest and detain undocumented migrants and criminal suspects.[182]

In 2008 many refugees continued to work as undocumented migrants in the informal sector, without any legal protection and in unsafe conditions. In January, for example, a Chin refugee fell to his death on a construction site, but migrants continued to be denied access to any compensation. Medical treatment for on the job injuries furthermore, was only available at the discretion of the employer.[183]

The Malaysian government did not provide any education or free health services to most refugee children or asylum seekers, not even those who were born in Malaysia. Registration of new births actually led to arrests in some instances. The USCRI reported on two occasions in late February and early March when Rela forces detained three refugee infants and five adults when the parents tried to register the births.[184] Refugees with UNHCR documents were often able to receive medical services at half price, even though in many instances they were turned back by hospital staff.[185] Refugees and asylum seekers with HIV/AIDS received free treatment from the public health service, but nothing more than allowing a few independent humanitarian agencies to assist them.[186]

A national election was held in Malaysia on 8 March 2008. Unexpectedly, opposition parties made unprecedented gains in parliament, although the ruling party has been able to secure just enough parliamentary seats to form the government. During the election campaign 'safety' and 'security' were keywords, with 'illegal immigration' tied into those issues through association with crime. Although Prime Minister Abdullah Badawi's administration has been openly critical of Burma's junta, it has taken no steps to protect asylum seekers and workers from Burma who are seeking refuge in Malaysia, and has so far ignored pleas to control Rela forces. Refugee leaders and commentators have compared and contrasted this attitude with that of Thailand's government, which although it openly remains in friendly relations with the SPDC generals, at least grants a legitimised status to many workers from Burma through a work permit program and has allowed the creation of ten large refugee camps for people to find shelter.[187]

The UNHCR and Refugee Status Determination

The Malaysian government has no procedure for granting asylum or registering refugees, so UNHCR handled all refugee status determinations and issued plastic, tamperproof cards to those it recognised as refugees. According to the USCRI, the UNHCR gave Burmese Rohingyas temporary protection as a group, and according to refugees the UNHCR also fast-tracked the applications of Burmese Chin individuals who did not undergo full interviews like members of other ethnic groups.[188] As UNHCR had no presence at the border, most asylum seekers had to travel to Kuala Lumpur for determinations, which increased their chances of being arrested by the authorities. At times the UNHCR conducted mobile registration exercises in areas with very high concentrations of refugees, but these were greatly insufficient and did not meet the actual needs of the communities involved.[189]

According to a Project Maje report released in 2008, refugees in Malaysia reported that UNHCR executives, although well-meaning, seem to be out of touch with the real situation in Malaysia and rely on unmotivated local Malaysian staff. Increasingly, refugee status seems only to be granted to people who are defined as extremely vulnerable: usually women at risk or people who are seriously ill. According to the report, refugees told stories of people taking extreme measures to seek UNHCR status; for example, deliberately seeking tuberculosis infection in order to get registered.[190]

Urban Refugees and Jungle Refugees

In 2008 the government of Malaysia continued not to allow any refugee camps or formal places of shelter within its borders, so throughout the years refugees largely had to fend for themselves. There are few NGOs working with Burmese groups, and most of the support comes from within the refugee communities themselves. Burmese refugees in Malaysia have found shelter in the cities as well as in the jungles. In the case of Kuala Lumpur, there was a divide between those who shared flats in the city and those who remained in informal hideouts in the jungle areas surrounding the city. In the city centre, the fear of arrest continued to be constant. People lived confined to their tiny windowless flats, afraid to go out for fear of being arrested by Rela or by thugs. Children were taken care of by volunteers from the refugee communities who have throughout the years started many informal schools in rented flats. Such schools operated on very little funding originating from individuals and at times from some civil society groups, but this it was not enough to cover their needs. There were some instances where Malaysians learned about the plight of migrants and decided to help them, but these were rare and on a very small scale.[191]

People took shelter in the jungles surrounding Kuala Lumpur because the urban areas are notoriously subject to night-time raids. From time to time however, such hideouts were also raided by Rela forces, and periodically burned down. Often these places of shelter were located in the jungle areas outside Kuala Lumpur, or in the proximity of factories where large numbers of unregistered Burmese continue to be employed. Often the presence of refugees in the areas was tolerated as they provided cheap labour, but this depended largely on the location of the camps. According to the Chin Human Rights Organisation CHRO, one camp found in Putra Jaya was raided three times by Rela over the course of four years. In January 2008, one such camp in Putra Jaya was burned down by Rela forces, and at least 75 Chin refugees and asylum seekers were made homeless. They also lost most material possessions including plastic material used for shelter, pots and pans for cooking, clothing, food and their Christian Bibles.[192]

Many unregistered Mon refugees also live in similar jungle hideouts. According to the Chairman of the MRO *"They look for any edible leaves nearby but they also dare not go out during the day, fearing arrest by the police."* As another community leader said. *"We have no food and no jobs. Some UNHCR officers came here to see Mon orphaned boys, with a Mon interpreter, and we told them about our situation,"* said the community leader.[193]

Detention and Arrest of Burmese Refugees in Malaysia

The life of Burmese refugees in Malaysia is effectively summed up in one simple comment made by a refugee living in Kuala Lumpur, *"I am afraid of arrest wherever I go."* [194] As Malaysia makes no distinction between migrant workers, asylum seekers and refugees, all non-nationals without proper documentation are subject to arrest and often deportation. According to the USCRI report, at any given time an average of 730 refugees and asylum seekers were in immigration detention centres in Malaysia. RELA conducted as many as 40 raids a night during the year, and up until November it had detained more than 30,000 purportedly illegal immigrants. UNHCR managed to win the release of nearly 1,200 refugees and asylum seekers by the end of July.[195]

The People's Volunteer Corps, known as 'RELA', is a volunteer paramilitary force whose members now number more than half a million. Originally established in 1966 to help maintain public order, RELA's continued existence and enhanced powers rest on the enactment of the Emergency Act 1979 and the Essential Regulations 2005.[196] Since 2005, RELA's primary task has been to assist in controlling illegal migration to Malaysia. Should a suspect refuse to answer questions, produce requested identification, comply with reasonable requests, or make a statement or produce a document that the RELA member believes may be false, RELA personnel have the power to arrest them without any warrant. Malaysian law also provides legal immunity to RELA members so that they cannot be prosecuted for any act carried out in their capacity as a RELA official.[197]

Refugees with UNHCR cards were usually safe from arrest by regular police, but RELA still detained cardholders. Refugees were subject to prosecution under the 1959 Immigration Act, which makes no distinction between refugees and illegal immigrants. Amendments to the Immigration Act in 2002 provided for up to five years' imprisonment and a whipping of up to six strokes, and fines of up to 10,000 Malaysian ringgit ($3,020) for violations. The Federal Constitution extended its protections for individual liberty to all persons, but created an exception whereby the 24 hours allowed authorities to bring a detainee before a magistrate became two weeks in the case of an alien detained under the immigration laws.[198]

In November, the Government announced it was transferring control of the immigration detention centres back to the Immigration Department and that RELA members would be staffing them until it could train full-time staff, perhaps for as long as two years. Independent agencies visiting the detention centres said access became more difficult since RELA personnel took over. They also reported deterioration in the centre conditions – more overcrowding, more complaints by detainees of maltreatment, poor food, insufficient water, and insufficient access to medical care. [199] This decision came under attack by many NGOs and numerous civil society organisations. Numerous organisations described the management of the Immigration Detention Centres as a large failure on behalf of RELA forces, pointing to problems of severe overcrowding, unhygienic living conditions, prolonged and indefinite detention, outbreak of diseases, and no access to medical treatment.[200]

In 2007, following numerous reports on RELA members' abuse of power and brutality in enforcement raids, the Malaysian Bar Council intervened to ask for the government to disband the group.[201] Speaking to *Malaysia Today*, the chairman of the Malaysian Bar Council Law Reform and Special Areas explained that RELA members were not sufficiently trained for their job and by allowing them to carry out raids their members only perpetuated human rights abuses, suggesting that the government would do better to employ more immigration officers to carry out the job. The chairman questioned how Rela members can *"become law enforcers when they undergo only two weeks of training? That is OK if their role is confined to directing traffic, but not conducting raids as they are doing now."* [202]

Speaking after a state-level celebration at the RELA training centre in Tuaran, Malaysian Home Minister Datuk Seri Syed Hamid Albar said *"people should not dismiss it as an unprofessional body just because of a few bad apples."* [203] Although he did not deny some of the allegations of abuse by RELA officers, he said the 'bad apples' did not reflect the 500,000-strong movement serving as a support unit for the various enforcement agencies.[204] As pointed out by *Malaysiakini,* a large problem lies with the Chief of RELA, who seems to be unable or unwilling to recognise those among the force who abuse its powers when they are pointed out to his authority. The article claimed that the RELA Chief has been more intent on trying to convince people that *"the apples are in fact very good. When that happens, it is time not just to pick out the bad apples, but to change the custodian of the apple barrel."* [205]

In December, an outcry by civil society followed the arrest of a RELA member alongside 11 other suspects for being part of a notorious armed gang which robbed, injured and raped their victims. The RELA member was accused of masterminding the gang. Malaysian police seized a total of RM 500,000 worth of stolen goods including jewellery, motorcycles, a LCD television, mobile phones, cash and a revolver with six bullets. The authorities revealed that the gang was responsible for at least 39 robberies.[206]

According to *The New York Times*, RELA's director-general, Zaidon Asmuni, dismissed in an interview the concerns of human rights groups, saying that the nation's security was at stake, and demanded an aggressive defense. *"We have no more Communists at the moment, but we are now facing illegal immigrants,"* he said. *"As you know, in Malaysia illegal immigrants are enemy No. 2;"* enemy No. 1, he said, was drugs.[207]

In late February and early March, Malaysia detained three refugee infants and five adults when the parents tried to register the births of the children. In late March, authorities released a group of 25 refugees and asylum seekers, including 6 infants less than two months old and their mothers. In April, RELA raided a market in Kuala Lumpur and detained 33 refugees and asylum seekers from Burma for illegal entry or lack of documentation; although upon UNHCR's intervention, they released 2 mothers who were nursing infants on the same day.[208] Then at 2:00 am on 25 June 2008, RELA launched a raid against the offices of the Chin Refugee Centre and two neighbourhoods where Chin refugees lived, arresting nearly 230 people. Among the detainees were 30 children, 10 refugees slated for resettlement to the

United States the next day, 5 pregnant women, and a Chin refugee leader. Malaysia released the Chin leader and the 10 refugees slated for resettlement, but transferred the rest to the Semenyih detention centre.[209] In early August, Malaysian authorities detained 300 Rohingya refugees, including at least 150 recognised by UNHCR. In October, Malaysian authorities arrested 8 Chin women and 13 children after the vehicle they were travelling in was involved in an accident. [210] According to the *Chinland Guardian*, the number of Chin refugees being arrested in Malaysia overall increased dramatically in the second half of 2008.[211]

It was widely reported that detention centres were overcrowded with poor sanitation, insufficient food and health services, and abusive guards. Detainees reported that cells designed for 4 people held between 15 to 20 people and that staff gave them contaminated drinking water. UNHCR was usually able to access detention centres, and made several visits during the year. The Human Rights Commission of Malaysia was able to visit detention centres but needed government approval. The government however did not generally permit the International Committee of the Red Cross, NGOs or the media to visit the prisons or monitor conditions. Refugees could challenge their detention if they had legal representation. UNHCR provided refugees with volunteer lawyers but they rarely won, as Malaysia had not ratified most relevant human rights accords. Detainees were not allowed to make phone calls when arrested, so they generally had to bribe a police officer to be able to inform anyone of their arrest.[212]

Incident at Lenggeng Immigration Detention Centre

On the 21 April 2008, an incident occurred at Lenggeng Immigration Detention Centre where tensions between RELA guards and refugees and migrants detained there escalated and resulted in an administration building being burned down. The mainstream press claimed that the riots were started by 60 Burmese detainees after they were told that their applications for resettlement to a third country had been rejected by the UNHCR. Fourteen detainees were arrested under Sections 148 (possession of dangerous weapons) and 438 (committing mischief by fire or use of an explosive substance) of the Malaysian Penal Code. They were held at Ibu Pejabat Polis Daerah (IPPD) in Seremban. However, in a press statement, the UNHCR was very clear in denying any rejection of applications and claimed that the applications of those Burmese accused of setting the fire were still being processed.

Through an investigation carried out by Malaysian NGO Suaram, and thanks to interviews with several migrants, it became clear that the actual event differed vastly from the reports found in the mainstream press. SUARAM claimed such reports were misleading and aimed at painting a negative image of refugees. Investigations revealed that only three of the arrested were actually Burmese refugees registered with the UNHCR, and moreover raised questions regarding the role of RELA officers in an incident of cigarette smuggling into the detention centre which apparently had caused the tensions in the first place.[213]

The incident at Lenggeng camp reflects the conditions in the detention centres; conditions that are unbearable and inhumane. The abuse, violence and different forms of mistreatment of the detainees, as well as the mismanagement of the centres require serious, independent investigations. More than anything, the political will to bring about drastic changes and reforms is urgently needed.[214] Malaysian civil society has for a long time put their faith in SUHAKAM, which is the human rights institution established by the Malaysian Parliament using the Human Rights Commission of Malaysia Act 1999, Act 597. As the government instituted body which aims to promote and protect human rights in the country, SUHAKAM is responsible for ensuring justice is done to those unjustly treated and it must make accountable the officers responsible for the continuous deterioration of conditions in the camps and the intense violations of human rights.[215]

Trials, Deportation and Trafficking

Malaysia has not ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, which supplements the UN Convention Against Transnational Crime, nor the Protocol Against the Smuggling of Migrants by Land, Sea and Air.[216]

In 2008 Malaysian authorities deported nearly 2,300 refugees and asylum seekers to Thailand, at least 14 of whom were officially deported back to Burma by Thai authorities. Three of these deportees were arrested upon their arrival. It has been widely reported by refugees, refugee organisations and NGOs that in deportations to Thailand, Malaysian officials often gave advance notice to traffickers who kidnapped the deportees or bought them directly from immigration officials. Refugees provided testimonies of immigration officials receiving 900 Malaysian ringgit (about US$272), per person from the traffickers. If they could afford it, deportees could bribe the traffickers to return them to Malaysia and one individual reported paying as much as 1,800 ringgit (about $543). Those who were not able to pay were often sold to Thai fishing boats, in the case of men, or brothels, in the case of women. The government said these deportations were voluntary, but the harsh conditions in Malaysia's detention facilities made it likely that many were involuntary.[217]

Many activists and NGO workers based in Malaysia have for a long time pointed to the involvement of Malaysian immigration and police officials as well as members of RELA in trafficking practices, but so far it has not been politically feasible to open any sort of enquiry into the matter. It is especially risky for the UNHCR to openly pursue an enquiry, as their status in Malaysia is already precarious, and a similar action might entail great political losses for the mission there, which would result in losses for the refugee community in turn. In a very recent development, the US Senate decided to review claims of human trafficking in the area, but it remains to be seen how this will impact the reality on the Thai-Malaysian border. It is hoped that such an enquiry will bring criminal practices to a halt in 2009.

Unrecognized Rohingya refugees living in one of the several unofficial refugee camps in Bangladesh. Such sites are subject to regular raids, where the inhabitants are often arrested and deported back to Burma. *[Photo: © Mizzima News]*

Third Country Resettlement

In Malaysia, most people equated registration to resettlement. Due to the fact that arrest and deportation both occur on a large scale with or without UNHCR refugee cards, resettlement was the only tool of protection that was effectively open to the refugee population. The context in which the resettlement program operated in Malaysia was therefore very different to that of Thailand. It was not one of the options available for refugees, but the only option; refugees lived in constant fear for their physical safety and not even their homes could provide them with freedom from arrest. The vast majority of the refugee population in Malaysia wants to resettle, with very few exceptions. Among these exceptions, were some Rohingya individuals who have been living in Malaysia for decades, and even though they remained illegal before Malaysian law and are still subject to continuous deportations, they have to an extent integrated in Malaysian society.

The UNHCR office in Kuala Lumpur claimed to be at full capacity and to be struggling to keep up with its workload, one of the largest in the world for an urban mission. Once Burmese asylum seekers were recognised as refugees, they were immediately scheduled for a resettlement interview, which would then assess their suitability for the countries offering resettlement. Unfortunately this whole process can take a very long time, often several years, during which refugees fear for their physical safety, and have no refugee camp to find shelter in.

Such a long waiting period has had important consequences for people's psychological well-being, especially when they encountered problems in including family members in their resettlement applications. In June 2008 for example, a Burmese refugee in Malaysia died following a period of depression after the UNHCR office in Kuala Lampur informed him that his application for family inclusion had been rejected. The man had made a request to UNHCR that his wife be included in his refugee file. Between making the appeal and up until the day he died, the man had been queuing outside the UNHCR office for 34 days, waiting for his application for family inclusion to be processed, according to another Burmese refugee in Malaysia.[218]

Situation of Specific Refugee Groups

Recently some refugee leaders appeared to have been working towards forming an umbrella group for the various ethnic refugee organisations, similar in their function to consulates for their respective populations in Malaysia. Not included in this proposed alliance were the Burmans or the Rohingyas. The Burmans were perceived by other ethnic groups as likely to have been infiltrated by SPDC spies, and the Rohingyas continued to be subject to the discrimination they experienced in Burma.[219]

According to some refugees living in Malaysia, the resettlement process has caused some tensions among the various ethnic groups seeking refuge there. Some have claimed that certain groups received preferential treatment compared to others. Partly due to the UNHCR's lack of total transparency in the procedures and criteria governing its work, it has been hard for independent monitors to verify whether such claims are baseless or not. Due to the fact that in Malaysia gaining access to registration was equal to, in most cases, gaining a resettlement interview, the two things were inextricably linked. As registration has been officially closed for several years, the only chance certain groups had was when Refugee Community Organisations or occasionally NGOs could highlight the plight of extremely vulnerable individuals living in precarious conditions. In such instances, mobile registration brought renewed hope, but only to a handful of people. This depended largely

on the networks of contacts that refugee community organisations could develop among themselves and with UNCHR officers.[220]

In 2008, the Mon community was particularly vocal in their claims that compared to other ethnic groups, few Mon had been able to resettle in third countries.[221]

Rohingya Refugees

Rohingya refugees have been living in Malaysia for decades and – even though they remain illegal and continue to be subject to constant deportations – they have to an extent integrated in Malaysian society. It was not uncommon for inter-marriage to take place, or for Malaysian nationals to formally adopt small refugee children in order to guarantee them citizenship. For this and other reasons, including the low popularity of Muslim refugees in the post-9/11 context, the UNHCR office in Kuala Lumpur submits only a handful of Rohingya cases every year for resettlement.

The UNHCR mission in Kuala Lumpur has for years been advocating together with numerous civil society groups for the Malaysian government to recognize such *de facto* integration and to grant the Rohingyas IMM13 working permits. IMM13 are temporary working permits that have different conditions attached to them according to provisions given by the Immigration Minister. Years of talks between the Malaysian government, Rohingya community leaders, civil society groups, NGOs and the UNHCR failed abruptly in 2006, after a process of registration which was initiated for approximately 12,000 Rohingyas, was halted due to allegations of corruption among individuals involved in the process.[222] (For more information, see Chapter 21: The Situation of Migrant). In 2008 the option of granting such permits still seemed appealing for Rohingyas in Malaysia, but whilst this possibility would surely entail many important benefits for the individuals involved, it still relegated them to the status of economic migrants; thereby not taking into account the true reasons that pushed the Rohingya people to leave Burma in the first place. Moreover, even the Rohingya refugees that UNHCR recognised *prima facie* were still not eligible for resettlement. If the authorities arrested and detained them, UNHCR gave them full interviews and those that passed were eligible.[223] Such a policy evidently created many instances where refugees pretended to have been arrested or to have been victims of violence, with reported cases of people inflicting self-injury in order to become eligible for resettlement.[224]

20.6 Burmese Refugees in Other Locations

Third Country Resettlement

UNHCR presents three durable solutions to the refugee cycle.

1. Return to the home country;
2. Integration in the current country of stay; or
3. Resettlement to a third country.

Return to Burma and integration into the four countries discussed in this chapter continued to be unfeasible.

Resettlement may be defined as the transfer of refugees from a state in which they have initially sought protection to a third state that has agreed to admit them with permanent-residence status. Its first – and traditional – role is as a tool of international protection for individual refugees. Second, it may serve as a durable solution. This reflects acknowledgement that resettlement can be used alongside other durable solutions as part of a comprehensive strategy to overcome protracted refugee situations. Finally, resettlement may be an expression of international solidarity. Resettlement by third states represents a commitment to a more equitable sharing of responsibility for protection with the developing countries that host the majority of the world's refugees.[225] Every year, some 70,000 refugees are accepted for resettlement worldwide. In 2008 the Czech Republic became the first former Eastern Bloc country to join the ranks of 19 countries that open their doors annually to refugees through formal resettlement programmes, and is the eighth European Union country to have established such a programme.[226]

Integration

Through forced migration, refugee groups are often required to *"reshape and redefine their concepts of work, gender and class based on past, present, and future histories and experience."* [227] Refugees are usually unable to enter the best labour markets when they arrive in their new countries. 'Labour queues' tend to favour refugees only when they need cheap labour and low skill sets. This can represent an enormous change, especially for former middle-class refugees who, forced to take up low-paid jobs, experience an important change in their identity. This being said Burmese refugees in the US, which is the largest receiving country in worldwide resettlement programs, tend to have twice the concentration in white-collar jobs that other Southeast Asians have, and the least amount employed in service sector work.[228] Likewise, Burmese refugees earned approximately twice what other Southeast Asian refugees made according to US national statistics.

With specific reference to refugee women, the development of numerous female intensive industries has meant that women were able to enter the labour market with relative ease. Refugee women are usually compelled to enter the work force in order to support their families and typically worked at higher rates and on a more regular basis than refugee men. Thus, refugee women often replaced men as the family provider and breadwinner. Furthermore, because of traditional roles occupied by women in the household, they often ended up being responsible for both the paid and the unpaid work.[229] Women were usually employed in only one of a few industries, including textile, electronic, and domestic service jobs. Since refugee women held more jobs in low-skill service sector industries *"female ghettoes of employment"* became most prominent among Southeast Asian refugees.[230]

Certain aspects of identity are derived through one's work experience; this is especially true for class identity, as a person's type of work is an important source of self-definition in Western society. This, coupled with the dual role that women often take on, adds to the cultural shock that male refugees experience in their new countries. With women taking on larger roles in the family leadership, and children learning the new language quicker than the adults, men often experience periods of very low self-esteem.[231]

Pursuing further education is a big driving factor for people who decide to move to a third country, be this for themselves or their children. In practice however, a very low percentage manages to secure further qualifications. This varies greatly between the resettlement countries. In the USA higher education is difficult to afford, whereas in Scandinavian countries it is more widely available. Mostly it is money constraints that hinder further education, especially for newly resettled refugees, who struggle to deal with their new lives' expenses. The lack of previous qualifications often caused problems too, even though these were sometimes overcome. Such was the case of a 35-year-old Burmese dissident who encountered problems when applying for his master degree at the University of California (UC) Berkeley in 2008. The fact was, the man had never finished high school, as he had been kicked out of high school in Burma in 1988 for his political involvement against the military junta. UC Berkeley showed its grace to him: and endorsed by five professors at the university, the applicant was eventually accepted as a graduate student.[232]

Australia

Australia was a large recipient of Burmese refugees taking part in the resettlement program. From 2005 to the end of 2007, Australia received 2,154 Burmese refugees from camps in Thailand. However, much of the news in 2007 concerned Australia's 'Pacific Solution' policy, under which migrants and refugees attempting to enter by boat were to be detained on outlying islands. Amnesty International Australia alleged that the policy severely restricted and in some cases prevented asylum seekers from accessing basic needs and rights. On 18 July 2007, the Australian government agreed for the first time to consider visa applications from the asylum seekers. Then on 27 July 2007, in a ground-breaking decision, the government dropped its opposition to a case involving a group of Rohingyas, recognising them as asylum seekers.[233]

The Australian government came under much criticism for an April 2007 agreement with the United States to trade refugees housed at Guantanamo Bay for those held on Nauru. Human Rights Watch criticised both governments, saying that *"Refugees are human beings, not products that countries can broker and trade. The United States and Australia have signed a deal that bargains with lives and flouts international law."* Under the deal 90 Sri Lankan and Burmese refugees held on Nauru would be sent to the United States, and up to an additional 200 refugees could be sent each year. In return Australia agreed to take up to 200 Cuban and Haitian refugees held at the US Navy base at Guantanamo Bay, Cuba.[234]

In 2008, several Burmese refugees in Australia attempted to draw attention to a major problem encountered by newly resettled refugees. They claimed that the government support agency Centrelink had been denying refugees full welfare assistance. According to an Australian social security law released on 3 November 2008;

> *"A refugee is granted automatic exemption [from the "Job Network" demands] for up to 13 weeks after arriving in Australia. This exemption cannot be extended, except where the person is undertaking the Special Preparatory Program part of the Adult Migrant English Program (AMEP)."* [235]

It means that there should not be any pressure for new arrival refugees within their first 13 weeks in Australia whether they are studying or not, as they are entitled to receive welfare payments without any demands to undertake the normal job-seeking activities. However, Centrelink had forced some refugees to sign up to the Job Network which meant they must then apply for a certain number of jobs each week to maintain welfare benefits.[236]

Canada

Between 2005 and December 2007, Canada received 2,132 Burmese refugees from camps in Thailand. In 2006 Canada also began accepting groups of Rohingya refugees from Bangladesh. A group of 9 Rohingya refugees, who were part of the 23 originally accepted for resettlement in 2006, arrived in Canada in late April 2007. On 13 November 2007, 20 more Rohingya men, women and children arrived in Canada for resettlement. The fourth batch of 24 Rohingya refugees reached Canada on 24 November 2007, bringing to 66 the total number of Rohingya accepted by Canada.[237]

In 2006 the Canadian government resettled the first group of approximately 800 Karen refugees from camps in Thailand. On 9 February 2007, the Canadian Minister of Citizenship and Immigration announced plans to resettle an additional 2,000 Karen refugees over the next two years. Canada also hosted a number of Burmese Mon, who founded the Mon Canadian Society (MCS) to assist the Mon community in Canada and provide humanitarian assistance to persons in Burma. The first Mon Association in Canada was founded in Toronto during Christmas of 1995, and was followed by similar groups in Ontario, British Columbia, and Alberta as more Mon refugees arrived in Canada. The majority of the Mon resettled in Canada lived in Calgary, Alberta due to the province's booming economy. A Mon Buddhist Temple and Mon Women's Organisation were also formed to administer community services.[238]

In 2008, Canada accepted 55 more Rohingya refugees from Bangladeshi camps, and announced it will admit 145 more in 2009.[239]

Japan

Japan signed the UN Convention Relating to the Status of Refugees in 1981, but the country has been particularly reluctant to accommodate refugees under the convention. The country gave refugee status to a total of 451 people through 2007, an extremely small number compared with European countries and the United States. Moreover, many of the applicants have been forced to lead impoverished lives in Japan while waiting for their asylum decisions, because they were banned from working and were not eligible for public assistance, according to sources from the Japan Association for Refugees. In 2007 816 individuals applied for refugee status. In 2008 about twice as many asylum seekers were expected to apply. This figure was nearly 60 per cent higher than the previous all-time high of 954 in 2006, according to the Justice Ministry.[240]

In February 2008, Japan announced it would consider accepting a small number of the refugees from Burma now sheltering in Thailand, a rare move for a country known for keeping its gates tightly closed to asylum seekers. Accepting refugees from a third country may deflect criticism of Japan for what activists say are overly strict assessments of asylum cases.[241] Japan said it planned to start this project in the 2010 fiscal year and had not yet decided where the refugees would live or how to support them. Japan has been for a long time a major donor to the UN refugee agency but has also come under criticism for not offering more non-financial support.[242] In December 2008, the Japanese Prime Minister confirmed during a cabinet meeting that Japan will in fact accept 30 Burmese refugees in the fiscal year 2010.[243]

In the past, Japanese government policy has generally been unfavourable towards refugees and asylum seekers. During 2006 Japan accepted only 34 foreigners as political refugees out of 954 applications, although more than 80 percent of those accepted were from Burma.[244] Local immigrant rights groups complained about holding facilities being overcrowded and there being inadequate access to healthcare. There were also serious concerns about the heavy-handedness of staff at the detention centres. In a UNHCR-commissioned report Professor Meryll Dean of Britain's Oxford Brookes University noted that the general lack of transparency in the appeals process extended to the selection of counsellors, who are appointed by the Ministry of Justice and therefore likely to be *"sympathetic to the bureaucracy and restrained in their criticism of the Ministry of Justice refugee determination procedure."* [245]

In January 2007, a Japanese high court had upheld a ruling striking down a deportation order against a Burmese Rohingya political refugee. The man, who had been involved in the pro-democracy movement, fled to Japan on a fake passport in June 1992 fearing reprisals by the military regime in Burma. In February 2007, the Nagoya Regional Immigration Bureau granted the refugee and his wife, a Philippine national, special permission to remain in Japan. In September 2007, it was reported that the Tokyo District Court had revoked the deportation order of a 63 year-old Burmese woman. The court confirmed her refugee status, with the presiding judge noting that the woman was at high risk for political persecution by SPDC authorities on account of her pro-democracy activities.[246] In October 2007 eight Burmese nationals applied for refugee status in Japan, citing fear of persecution after the junta's crackdown on pro-democracy protesters. In early 2007 a Burmese national, a former resident of Nagoya, who was arrested in March 2006 and was awaiting a decision at the West Japan Immigration Detention Centre, estimated that 200 to 300 Burmese lived in and around Nagoya's Aichi Prefecture, most of them illegally.[247]

In September 2008, Burmese political activists in Japan began a hunger strike to demand the release of detained pro-democracy leader Aung San Suu Kyi and to call on the United Nations and Japan to take action on Burma, according to the Joint Action Committee of the Burmese Community in Japan (JAC). Members of Japan-based Burmese organisations began a 72-hour hunger strike on 8 September at 6 p.m. in front of the UN office in Tokyo.[248] In December, on the 60th anniversary of the Universal Declaration of Human Rights, around 350 demonstrators took part in a rally calling for job security and freedom for Aung San Suu Kyi.[249]

Burmese refugees undergoing a cultural orientation program in Mae La refugee camp in Thailand. The participants had been asked to draw a tree which symbolized the different aspects of their lives in the camp. *[Photo: © Mizzima News]*

South Korea

In September 2008, South Korea's Supreme Court upheld a lower court ruling granting refugee status to eight asylum seekers from Burma. The Burmese citizens entered South Korea in 1990s and helped form a Korean unit of Suu Kyi's party in 1999. Since then, they have led rallies condemning their country's military junta. The eight filed asylum applications in 2000, fearing persecution from Burma's military junta if they were forcibly sent back to their country. In 2005 South Korea's Justice Ministry refused to grant them refugee status, then in 2006 a lower court ruled in the asylum seekers' favor, against which the Justice Ministry filed an appeal. The Supreme Court finally upheld the ruling of 2006 granting refugee status to all eight asylum seekers.[250] One of the plaintiffs was quoted by *Yonhap* news agency as saying: *"I am so glad, except for the fact that some of my friends had to leave because the ruling came too late. The man said one of the eight left Korea before Thursday's decision in hopes of better luck in another country."* [251]

Overall, South Korea still does not have a good record when it comes to granting asylum. The country became a signatory of the UN Refugee Convention in 1992, but according to the civic group that aided the plaintiffs, South Korea has so far granted refugee status to only 76 asylum seekers out of a total of more than 1,950 applicants.[252]

Karen refugees preparing to embark on the third country resettlement program from Mae La refugee camp in Thailand during 2008. This photograph was taken as they were leaving the refugee camp for the nearby town of Mae Sot where they would catch along distance bus to Bangkok. Upon arrival in Bangkok, they would board a flight to the United States. *[Photo: © UNHCR/U. Furukawa]*

The Czech Republic

In 2008, the Czech Republic started a Resettlement Pilot Program for Burmese Refugees living in Malaysia. While the Czechs have a history of receiving refugees, this was the first time a resettlement programme was formalised where the Czech government selected refugees to start a new life in the country. The Czech pilot programme was aimed at helping the most vulnerable refugees, so top consideration was given to survivors of trauma, refugees with serious medical problems, or special protection needs.[253] Furthermore, in December the Czech Republic – together with East Timor – agreed in principle to offer asylum to 34 Burmese ethnic rebels, who were lodged in Kolkata's presidency jail in India and facing trial for alleged gun-running. The two countries agreed to offer asylum to them if

the individuals were found not guilty under the Indian law. At the time of publication, the situation was under debate, and any offer of resettlement will have to be in any case preceded by a UNHCR interview and recognition of the individuals as refugees under the 1951 Convention.[254]

The United Kingdom

About 34 refugees from Nayapara and Kutupalong Rohingya refugee camps left Dhaka for resettlement in England on 7 December 2008.[255]

The United States

Almost 70 percent of Burmese refugees resettled in the period 2005-2008 went to the USA.[256] The US accepted more Burmese refugees than all other participating countries combined, but communities have to an extent started wondering if the services available for them in their new home are enough, and have raised questions about just how many people a country can welcome while at the same time providing sufficient services to those newly arrived. Growing numbers of Burmese refugees have preferred to resettle to other countries, but in most cases have not been able to do this as the waiting times for other countries are much longer.[257]

The US remains the country that applies the least selection criteria for admission for resettlement. On 28 April 2006, the U.S. Department of Homeland Security announced that it would waive the restrictions under the Patriot Act that barred entry to foreign nationals who had provided 'material support' to armed resistance groups. This policy shift removed a major barrier to the resettlement of Burmese refugees, and since the waiver, thousands of Burmese were accepted to the U.S. However, not all Burmese refugees were eligible for resettlement in the United States. Restrictions still applied to KNU combatants who had received military training, despite the U.S. Department of State's characterisation of the KNU as *"the de facto civilian government of the Karen people in the areas it controlled, resisting the repression of and seeking autonomy from the Burmese regime."* [258] According to the US State Department spokesman Sean McCormack,

> *"anybody who might be a combatant or a member of the Karen National Union would not be eligible for resettlement in the United States, even under this waiver authority…. However, as a State Department fact sheet released the same day explained, Karen former fighters are still allowed to take part in resettlement to the United States if it can be determined that these refugees 'pose no danger to the safety and security of the United States'."* [259]

In May 2007, the U.S. government signed a waiver specifically targeted at exempting Chin refugees residing in India, Thailand and Malaysia from the provisions of the Patriot Act that had restricted their resettlement in the U.S. The move was expected to increase the number of Chin refugees moving to the U.S., which already hosts over 1,000 members of that ethnic group. The U.S. had previously exempted members of several ethnic resistance groups in Burma, including the Karen National Union and its military wing the Karen National Liberation Army; the Chin National Front and its armed faction the Chin National Army; the Chin National League for Democracy; Kayan New Land Party; Arakan Liberation Party; and the Karenni National Progressive Party.[260]

Endnotes

[1] Source: *The Origins of Totalitarianism*, Hannah Arendt, New York: Harcourt Brace Jovanovich, 1979.
[2] Source: *Ibid.*
[3] Source: *The role of coercive measures in forced migration/internal displacement in Burma/Myanmar*, Andrew Bosson, iDMC, 17 March 2008.
[4] Source: *Convention Relating to the Status of Refugees*, United Nations High Commissioner for Refugees, adopted on 26 July 1951, accessed at http://www.unhcr.ch/cgi-bin/texis/vtx/home?page=basics.
[5] Source: *Refugee Business: Strategies of Work on the Thai–Burma Border*, Journal of Refugee Studies, Inger Brees, 2008.
[6] Source: *Ibid.*
[7] Source: *Who Is a Refugee?*, Andrew E. Shacknove, Ethics, Vol. 95, No. 2, January 1985.
[8] Source: "Rohingya under the brink of extermination," *Kaladan News*, 15 July 2008.
[9] Source: *US Commission on International Religious Freedom Report 2008*, USCIRF.
[10] Source: *Visit to the Bangladesh-Burma Border, Burma Briefing*, CSW, August 2008.
[11] Source: *Convention Relating to the Status of Refugees*, United Nations High Commissioner for Refugees, adopted on 26 July 1951, accessed online at http://www.unhcr.ch/cgi-bin/texis/vtx/home?page=basics.
[12] Source: *International Covenant on Civil and Political Rights (ICCPR)*, 1966, entered into force March 23 1976. See also article 7; European Court of Human Rights, article 3.
[13] Source: *Refugee Protection: A Guide to International Refugee Law*, UNHCR, December 2001.
[14] Source: *World Refugee Survey*, USCRI, 2008.
[15] Source: *Burmese border refugee sites with population figures*, TBBC-UNHCR, January 2009.
[16] Source: *Refugee Business: Strategies of Work on the Thai–Burma Border, Journal of Refugee Studies*, Inger Brees, 2008.
[17] Source: "Restrictions Tightened on Cyclone Refugees Bound for Thailand," *Irrawaddy*, 23 June 2008.
[18] Source: "Over 100 Cyclone Victims Reach Thai-Burma Border," *Irrawaddy*, 5 June 2008; "Cyclone Refugees Flee To Thailand," DVB, 9 June 2008.
[19] Source: "Cyclone Survivors Arrive in Thai Cities," *Irrawaddy*, 17 June 2008.
[20] Source: "'Help Burmese Refugee Migrants' Plea to Thai Government," *Irrawaddy*, 5 June 2008.
[21] Source: "Cyclone migrants face challenges," IRIN, 3 December 2008.
[22] Source: "Thailand Refugee Policy Gets Mixed Reviews," *Irrawaddy*, 21 July 2008.
[23] Source: *World Refugee Survey*, USCRI, 2008.
[24] Source: *CCSDPT/UNHCR Comprehensive Plan 2007/08*, CCSDPT/UNHCR, May 2007: 11.
[25] Source: *Programme Report*, TBBC, January-June 2008.
[26] Source: *World Refugee Survey*, USCRI, 2008.
[27] Source: "Ethnic Organisations Appeal for Border Aid," *DVB*, 3 June 2008.
[28] Source: "Humanitarian Aid Also Needed for Thai Border Refugees," *Irrawaddy*, 23 May 2008.
[29] Source: *World Refugee Survey*, USCRI, 2008.
[30] Source: "Karen Refugee Camps Warned of Attack Rumours," *DVB*, 11 February 2008 See also "Mae La Villagers Fear Attack," *Irrawaddy*, 6 February 2008.
[31] Source: *World Refugee Survey*, USCRI, 2008.
[32] Source: "Fighting between KNLA and DKBA Continues," *Irrawaddy*, 1 July 2008.
[33] Source: "Karenni Refugees Flee To Thai-Burma Border," *Mizzima News*, 8 July 2008.
[34] Source: "Mrs Bush Visits Mae Lah Refugee Camp," *Irrawaddy*, 7 August 2008.
[35] Source: "Mae Sot Prepares for US First Lady's Visit," *Irrawaddy*, 6 August 2008.
[36] Source: *World Refugee Survey*, USCRI, 2008.
[37] Source: *Towards sustainable livelihoods Vocational training and access to work on the Thai-Burmese border*, ZOA, Issue Paper 1, May 2008.
[38] Source: *World Refugee Survey*, USCRI, 2008.
[39] Source: *Ibid*.
[40] Source: *Documenting the need for international protection for Burmese invisible in Thailand*, IRC, 2008.
[41] Source: *Ibid*.
[42] Source: *World Refugee Survey*, USCRI, 2008.
[43] Source: "Karen Refugees Forced to Return," *Irrawaddy*, 21 July 2008.
[44] Source: "Thai Army Pushes Back Karen Refugees," *The Nation* (Thailand), 17 July 2008.
[45] Source: *World Refugee Survey*, USCRI, 2008.
[46] Source: *Ibid*.
[47] Source: "Thai Premier Praised for Promising Improvements for Refugees," *Irrawaddy*, 18 October 2006; *World Refugee Survey: Country Updates*, USCRI, 2007.
[48] Source: "Thailand's new PM likely to be more 'pro-Active' on Burma: Activist," *Mizzima News*, 15 December 2008.

[49] Source: *Ibid*.
[50] Source: Interview with 72 year old Karen woman from Mae La Camp, Mae Pa Processing Center, May 2008.
[51] Source: Interview with 26 year old Burman man employed for an NGO from Mae La Camp, Mae Pa Processing Center, May 2008.
[52] Source: *Difficult to Remain: the Impact of Mass Resettlement*, S. Banki and H. Lang, Forced Migration Review, Oxford Refugee Studies Centre, Issue 30, April 2008.
[53] Source: Informal conversation with Karen and Burmese activists in Mae Sot, April and May 2008.
[54] Source: *Difficult to Remain: the Impact of Mass Resettlement*, S. Banki and H. Lang, Forced Migration Review, Oxford Refugee Studies Centre, Issue 30, April 2008.
[55] Source: Interview with Ngo workers in Mae Sot.
[56] Source: TBBC e-letter, resettlement data from IOM, January 2009.
[57] Source: "More Than 30,000 Myanmar Refugees Resettled," AP, 25 June 2008.
[58] Source: *World Refugee Survey*, USCRI, 2008.
[59] Source: "Thailand's 'Long Necks' Face Resettlement Obstacles," *Irrawaddy*, 5 February 2008.
[60] Source: "The Plight of the Kayan," *Mizzima News*, 5 September 2008.
[61] Source: "Missing 'Long-Necks' Could be Headed for Thai Tourist Spot," *Irrawaddy*, 10 July 2008.
[62] Source: "'Brokers' Offer US Resettlement for a Price," *Irrawaddy*, August 2008.
[63] Source: *Thailand Refugee Consolidated Project Concept Notes*, UNHCR, February 2009, accessed at www.unhcr.org/protect/PROTECTION/4889cda72.pdf , on 1 February 2009.
[64] Source: "New IRC Funding Proposal Draws Fire from Local Aid Groups," *Irrawaddy*, 10 July 2007.
[65] Source: "Women Activists Call for Rights, Protection," *Irrawaddy*, 24 October 2007.
[66] Source: "14 Year Old Girl Raped At Refugee Camp," *Kaowao News*, 12 September 2008.
[67] Source: *Thailand Refugee Consolidated Project Concept Notes*, UNHCR, February 2009, accessed at www.unhcr.org/protect/PROTECTION/4889cda72.pdf , on 1 February 2009.
[68] Source: "'We'll Put Rohingya on Desert Island': Thai PM," *Irrawaddy*, May 2008.
[69] Source: "Rohingya Status Needs Careful Definition," *Irrawaddy*, January 26 2009.
[70] Source: "What drives the Rohingya to sea?" BBC, accessed at http://news.bbc.co.uk/2/hi/asia-pacific/7872635.stm , on February 6 2009.
[71] Source: *Ibid*.
[72] Source: *Ibid*.
[73] Source: *Ibid*.
[74] Source: "Burma: Army and Its Proxies Threaten Refugee Camps – Thailand Should Protect Refugees and Civilians Fleeing Conflict," HRW, 14 April 2007.
[75] Source: Shan Women, accessed at http://www.shanwomen.org/about.html on January 26 2009.
[76] Source: *Displacement and disease: the Shan exodus and infectious disease implications for Thailand*, Voravit Suwanvanichkij, Conflict and Health, Issue 2 Number 4, 2008.
[77] Source: *Ibid*.
[78] Source: *Ibid*.
[79] Source: *World Refugee Survey*, USCRI, 2008.
[80] Source: *Ibid*.
[81] Source: "Bleak prospects for the Rohingya," IRIN, 29 October 2008.
[82] Source: *World Refugee Survey*, USCRI, 2008.
[83] Source: "Rohingyas and refugee status in Bangladesh," Pia Prytz Phiri, *Forced Migration Review*, April 2008
[84] Source: *World Refugee Survey*, USCRI, 2008.
[85] Source: "Rohingyas and refugee status in Bangladesh," Pia Prytz Phiri, *Forced Migration Review*, April 2008.
[86] Source: *Ibid*.
[87] Source: *World Refugee Survey*, USCRI, 2008.
[88] Source: *Ibid*.
[89] Source: "18 Burmese Refugee Children Die for Tropical Diseases," *Kaladan News*, 9 June 2008.
[90] Source: *World Refugee Survey*, USCRI, 2008.
[91] Source: *Ibid*.
[92] Source: "We will put Rohingya on Desert Island," *Irrawaddy*, 1 April 2008.
[93] Source: "Burma's Muslim Rohingya Minority Dwell at the 'Brink of Extermination'," *Kaladan News*, 6 October 2008.
[94] Source: "Rohingya in Bangladesh Mistreated, Says Rights Group," *Irrawaddy*, 28 March 2007.
[95] Source: "Burmese Refugee Dies of Starvation in Lada Camp," *Kaladan News*, 16 July 2008.
[96] Source: "Help Arrives In Burmese Refugee Camp after Starvation Deaths," *Kaladan News*, 26 July 2008.
[97] Source: "Burmese Refugees Moved To Better Camps in Bangladesh," *Narinjara News*, 4 July 2008.
[98] Source: "Turkey Helps Hungry Burmese Refugees in Bangladesh," *Narinjara News*, 25 July 2008.

[99] Source: *Visit to the Bangladesh-Burma Border, Burma Briefing*, CSW, August 2008.
[100] Source: "UNHCR Issues Refugee Identity Cards in Nayapara Refugee Camp," *Kaladan News*, 24 July 2008.
[101] Source: "Police File Cases Against 50 To 60 Rohingya Refugees," *Kaladan News*, 4 April 2008.
[102] Source: "Breaking News: Diplomats Visit Burmese Refugee Camps," *Kaladan News*, 23 April 2008.
[103] Source: "UNHCR Chief Visits Burmese Refugee Camp," *Kaladan News*, 27 May 2008.
[104] Source: "UNHCR Chief Meets Bangladeshi advisers," *Kaladan News*, 28 May 2008.
[105] Source: "Australia Donates US $ 1.4 M for New Shelters for Refugees," *Kaladan News*, 22 May 2008.
[106] Source: *World Refugee Survey*, USCRI, 2008.
[107] Source: "Police Destroy Unofficial Refugee Camp in Kutupalong," *Kaladan News*, 26 December 2008.
[108] Source: "Diarrhea Afflicts Over 150 Refugees, Two Children Die," *Kaladan News*, 27 June 2008.
[109] Source: "KDRC Distributes Food in Burmese Refugee Camp," *Kaladan News*, 29 March 2008.
[110] Source: "Unregistered Refugees Expelled From Camps in Teknaf," *Kaladan News*, 19 June 2008.
[111] Source: "29 Unregistered Refugees Die in Leda Camp in Two Months," *Kaladan News*, 5 September 2008.
[112] Source: "Locals Attack Refugee Ration Trucks To Lada Camp," *Kaladan News*, 12 September 2008.
[113] Source: *Visit to the Bangladesh-Burma Border, Burma Briefing*, CSW, August 2008.
[114] Source: "3 Nasaka Deserters Arrive In Bangladesh," *Narinjara News*, 11 August 2008.
[115] Source: "Arakanese Revolutionists Languish In Bangladesh Prisons," *Narinjara News*, 20 October, 2008.
[116] Source: *Ibid*.
[117] Source: "Lack of Medical Facility Claims Two Refugee Lives," *Kaladan News*, 11 August 2008.
[118] Source: "Burmese Army Deployed On Burma-Bangladesh Border," *Kaladan News*, 28 April 2008.
[119] Source: *World Refugee Survey*, USCRI, 2008.
[120] Source: "BDR Pushes Back 19 Burmese National to Burma," *Kaladan News*, 18 February 2008.
[121] Source: "Burmese Security Force Pushes Back Five Women to Bangladesh," *Kaladan News*, 28 February 2008.
[122] Source: "53 Burmese Nationals Pushed Back," *Narinjara News*, 3 April 2008.
[123] Source: "Four Rohingyas Sent Back To Burma by BDR," *Kaladan News*, 30 June 2008.
[124] Source: "Rohingyas Sent Back To Burma by BDR," *Kaladan News*, 26 June 2008.
[125] Source: *World Refugee Survey*, USCRI, 2008.
[126] Source: *Ibid*.
[127] Source: "Five Arrested, Dozens Flee in Raid on Border," *Narinjara News*, 5 February 2008.
[128] Source: "UNHCR Recognized Refugee Dies In Chittagong Prison," *Narinjara News*, 17 June 2008.
[129] Source: "More Boat-People Leave for Malaysia," *Kaladan News*, 1 March 2008.
[130] Source: "Eleven Burmese Released Prisoners Languish In Ragamati Jail," *Kaladan News*, 27 August 2008.
[131] Source: *Ibid*.
[132] Source: *World Refugee Survey*, USCRI, 2008.
[133] Source: *Visit to the Bangladesh-Burma Border, Burma Briefing*, CSW, August 2008.
[134] Source: *World Refugee Survey*, USCRI, 2008.
[135] Source: "Urban Burmese Refugees Stage Demonstration for Resettlement," *Narinjara News*, 26 April 2008.
[136] Source: "First Batch of Rohingya Refugees Resettled In New Zealand," *Kaladan News*, 2 July 2008.
[137] Source: "34 Refugees to Leave For Resettlement in England," *Kaladan News*, 6 December 2008.
[138] Source: *World Refugee Survey*, USCRI, 2008.
[139] Source: "Without refuge: Chin refugees in India and Malaysia," Amy Alexander, *Forced Migration Review*, issue 30, April 2008 .
[140] Source: *World Refugee Survey*, USCRI, 2008.
[141] Source: International Covenant on Civil and Political Rights, adopted December 16, 1966, art. 13. General Comment No. 20 interprets this prohibition to protect individuals from extradition, expulsion, or refoulement to a country where they would in danger of torture or cruel, inhuman or degrading treatment or punishment. General Comment 20, Human Rights Committee, HRI/HEN/1/rev.1, July 28, 1994. Quoted in *The Chin People of Burma: Unsafe in Burma, Unprotected in India*, HRW, January 2009.
[142] Source: *The Chin People of Burma: Unsafe in Burma, Unprotected in India*, HRW, January 2009.
[143] Source: *World Refugee Survey*, USCRI, 2008.
[144] Source: *The Chin People of Burma: Unsafe in Burma, Unprotected in India*, HRW, January 2009.
[145] Source: *World Refugee Survey*, USCRI, 2008.
[146] Source: *The Chin People of Burma: Unsafe in Burma, Unprotected in India*, HRW, January 2009.
[147] Source: *World Refugee Survey*, USCRI, 2008.
[148] Source: *Ibid*.
[149] Source: *The Chin People of Burma: Unsafe in Burma, Unprotected in India*, HRW, January 2009.
[150] Source: "Without refuge: Chin refugees in India and Malaysia," Amy Alexander, *Forced Migration Review*, issue 30, April 2008.
[151] Source: "44 Children Die Of Starvation; 2,000 Flee To India," *Khonumthong News*, 21 August 2008.

[152] Source: *Rats and Kyats: Bamboo Flowering Causes a Hunger Belt in Chin State, Burma*, Project Maje, 2008.
[153] Source: *Ibid*.
[154] Source: *Ibid*.
[155] Source: "44 Children Die Of Starvation; 2,000 Flee To India," *Khonumthong News*, 21 August 2008; "2000 Khami Chin Flee To India Due To Food Crisis," *DVB*, 19 August 2008.
[156] Source: "Food Shortages Drive Chin Residents to Mizoram," DVB, 17 September 2008.
[157] Source: "Severe Food Shortage Looms over Burma's Chin State," *Chinland Guardian*, 9 July 2008.
[158] Source: "Without refuge: Chin refugees in India and Malaysia," Amy Alexander, *Forced Migration Review*, issue 30, April 2008.
[159] Source: *Ibid*.
[160] Source: "Chin Girl Kidnapped In New Delhi," DVB, 25 June 2008.
[161] Source: "Monk Escapes from Lantalang Prison," *Irrawaddy*, 2 October 2008.
[162] Source: *Rhododendron News Volume XI, No. I, January – February 2008*, CHRO, February 2008.
[163] Source: "Without refuge: Chin refugees in India and Malaysia," Amy Alexander, *Forced Migration Review*, issue 30, April 2008.
[164] Source: *World Refugee Survey*, USCRI, 2008.
[165] Source: *Ibid*.
[166] Source: "Without refuge: Chin refugees in India and Malaysia," Amy Alexander, *Forced Migration Review*, issue 30, April 2008.
[167] Source: "Burmese Asked To Leave Ward in Mizoram," *Mizzima News*, 3 October 2008.
[168] Source: *World Refugee Survey*, USCRI, 2008.
[169] Sources: "India's Home Secretary To Take Up ULFA Issue With Burma," *Mizzima News*, 8 February 2007; "Burma, India Joint Ops on Rebel Flushout - Manoj Anand," *The Asia Age*, 21 February 2007; "Indian FM To Visit Burma, Seek Joint Army Operation," *Mizzima News*, 17 January 2007; "Indian Army operation in Northeast India: Focus shifted to Burma," *Narinjara News*, 17 January 2007; "ULFA Unmoved: India Pursues Burma," *Narinjara News*, 22 January 2007, and "India Seeks Help From Burma, *Kaladan News*, 22 January 2007.
[170] Sources: "Burmese Pro-Democracy Activists Detained In Mizoram," *Khonumthoung News*, 20 January 2007; "Chin Pro-Democracy Activists Live In Fear of Indian Forces," *Khonumthoung News*, 26 January 2007; "Myanmar Cracks Down Against Northeastern Indian Rebels," AFP, 2 January 2007; "Myanmar Crackdown Puts Indian Insurgents on the Run: Rebels," AFP, 29 January 2007 and "NSCN (K) HQ Raided In Myanmar, *The Indian Express*, 16 February 2007.
[171] Sources: "Nearly 400 ethnic Kukis arrested by Burmese soldiers," *Mizzima News*, 16 March 2007; "Kuki's Call On Burmese Junta To Intervene In Plight Of 400 Villagers," *Mizzima News*, 18 March 2007.
[172] Sources: "Manipur Heat on Myanmar," *The Telegraph* (Calcutta), 21 June 2007; "India Talks Tough with Burma on Border Killing," *Mizzima News*, 28 June 2007.
[173] Source: "Jailed Rebels in India Likely To Be Released," *DVB*, 23 September 2008.
[174] Source: "15 Burmese Nationals Released From Manipur Jail," *DVB*, 3 September 2008.
[175] Source: "15 Myanmar Nationals Released After A Year in Imphal Jails," *Imphal Free Press via Kangla Online*, 2 September 2008.
[176] Source: "35 Burma Nationals Arrested On Indo-Pak Border in Punjab," *Punjab Newsline*, 30 September 2008
[177] Source: *World Refugee Survey*, USCRI, 2008.
[178] Source: "Tensions Rise as More Chin Refugees Arrested in Malaysia," *Chinland Guardian*, 30 June 2008.
[179] Source: Chin Refugee Community Blog, accessed at www.crcmalaysia.blogspot.com , on 1 February 2009.
[180] Source: "Mon Refugees Face Food Shortage," *Kaowao News*, 16 July 2008.
[181] Source: "Being Refugees in Malaysia Increasingly Unsafe," *KNG*, 19 February 2008.
[182] Source: *The Chin People of Burma: Unsafe in Burma, Unprotected in India*, HRW, January 2009.
[183] Source: *World Refugee Survey*, USCRI, 2008.
[184] Source: *Ibid*.
[185] Source: Interview with refugee community worker, Kuala Lumpur, December 2007.
[186] Source: *Ibid*.
[187] Source: *Desperate Conditions: Update on Malaysia: A follow-up to We Built This City*, Project Maje, March 2008.
[188] Source: Interviews with Chin, Rohingya and Mon refugees in December 2007, Kuala Lumpur, Malaysia.
[189] Source: *World Refugee Survey*, USCRI, 2008.
[190] Source: *Desperate Conditions: Update on Malaysia: A follow-up to We Built This City*, Project Maje, March 2008.
[191] Source: "Through the Eyes of Babes," *The Star Online*, 18 August 2008.
[192] Source: *Rhododendron News Volume XI, No. I, January – February 2008*, CHRO, February 2008.
[193] Source: "Mon Refugees Face Food Shortage," *Kaowao News*, 16 July 2008.
[194] Source: Interview with Rohingya man living in Kuala Lumpur accessed online at http://ric.rohingyainfo.com/?p=368 on 16 February 2009.

[195] Source: *World Refugee Survey*, USCRI, 2008.
[196] Source: *The Chin People of Burma: Unsafe in Burma, Unprotected in India*, HRW, January 2009.
[197] Source: *Ibid*.
[198] Source: *Ibid*.
[199] Source: *Ibid*.
[200] Source: *Memorandum to SUHAKAM on the Fire Incident at the Lenggeng Immigration Detention Centre*, Human Rights Committee Ad Hoc Immigration Subcommittee of the Bar Council, SUARAM, Tenaganita, 19 May 2008.
[201] Source: Migrant Forum in Asia, accessed online at http://www.mfasia.org/mfaStatements/F95-MalaysiaBarResolution.html, on 13 February 2009.
[202] Source: *Malaysia Today Online*, accessed at https://mt.m2day.org/2008/content/view/15717/84/, on 13 February 2009.
[203] Source: *New Straits Times*, accessed online at http://www.nst.com.my/Current_News/NST/Monday/National/2474697/Article/index_html, on 13 Friday 2009.
[204] Source: The Malaysian Bar, accessed online at, http://www.malaysianbar.org.my/legal/general_news/rela_wont_be_disbanded.html, on 13 February 2009.
[205] Source: *Malaysiakini*, accessed online at http://www.malaysiakini.com/letters/66315, on 13 February 2009.
[206] Source: *Malaysia Crime Watch*, accessed online at http://malaysiacrimewatch.lokety.com/mastermind-of-robbery-gang-a-rela-member/, on 13 February 2009; *New Straits Times*, accessed online at http://www.nst.com.my/Current_News/NST/Wednesday/National/2418392/Article/index_html, on 13 February 2009.
[207] Source: *Desperate Conditions: Update on Malaysia: A follow-up to We Built This City*, Project Maje, March 2008.
[208] Source: *World Refugee Survey*, USCRI, 2008.
[209] Source: *Desperate Conditions: Update on Malaysia: A follow-up to We Built This City*, Project Maje, March 2008.
[210] Source: *World Refugee Survey*, USCRI, 2008.
[211] Source: "Tensions Rise as More Chin Refugees Arrested in Malaysia," *Chinland Guardian*, 30 June 2008.
[212] Source: *World Refugee Survey*, USCRI, 2008.
[213] Source: *Memorandum to SUHAKAM on the Fire Incident at the Lenggeng Immigration Detention Centre*, Human Rights Committee Ad Hoc Immigration Subcommittee of the Bar Council, SUARAM, Tenaganita, 19 May 2008.
[214] Source: *Ibid*.
[215] Source: *Ibid*.
[216] Source: *Undocumented migrants and refugees in Malaysia: Raids, Detention and Discrimination*, Suaram and FIDH, March 2009.
[217] Source: *World Refugee Survey*, USCRI, 2008.
[218] Source: "Burmese Refugee in Malaysia Dies Of Depression," *Khonumthung News*, 20 June 2008.
[219] Source: *Desperate Conditions: Update on Malaysia: A follow-up to We Built This City*, Project Maje, March 2008.
[220] Source: Interviews with Burmese, Chin, Karen and Burman refugees in Malaysia, October and November 2007.
[221] Source: "Low Mon Refugee Registrations," *Kaowao*, 16 April 2008.
[222] Source: *Undocumented migrants and refugees in Malaysia: Raids, Detention and Discrimination*, Suaram and FIDH, March 2009.
[223] Source: *World Refugee Survey*, USCRI, 2008.
[224] Source: Interviews with Burmese refugees in Malaysia.
[225] Source: *Recent Developments in International Resettlement Policy: Implications for the UK Programme*, J. Milner, in V. Gelthorpe and L. Herlitz (eds) in Listening to the Evidence: the Future of UK Resettlement, Home Office, London, 2003.
[226] Source: "Czech mission to Malaysia paving way for landmark resettlement programme," UNHCR media release, 24 July 2008.
[227] Source: *Kachin refugee women's work identity: narratives in transit*, Christie Ann Wright, The University of Texas at Arlington, August 2008 accessed at www.dspace.uta.edu/bitstream/10106/1059/1/umi-uta-2167.pdf .
[228] Source: *Ibid*.
[229] Source: *Ibid*.
[230] Source: *Ibid*.
[231] Source: Interview with a US based resettlement case worker.
[232] Source: "Burmese Activist Crosses Boundaries," *Jakarta Post*, 31 October 2008.
[233] Source: "Rohingyas Win Right to Seek Asylum in Australia," *Irrawaddy*, 27 July 2007.
[234] Source: "US/Australia: Refugee Deal Trades in Human Lives- Agreement to Swap Refugees Flouts International Law," HRW, 18 April 2007.
[235] Source: "Burmese Refugees in Australia Face More Hurdles," *Irrawaddy*, 1 December 2008.
[236] Source: *Ibid*.

[237] Source: "Fourth Batch of Rohingya Refugees Resettled In Canada," *Kaladan News*, 24 November 2007.
[238] Source: "Canada: New Mon Community Leaders Elected," *Kaowao News*, 20 January 2007.
[239] Source: *Sinlung*, accessed online at http://www.sinlung.com/globe-scanner/burmese-refugees-struggle-to-resettle-in-canada.html, on February 19th.
[240] Source: "Japan Sees Increase of Asylum-seeker," *Kyodo News*, 11 December 2008.
[241] Source: "Japan to Accept Burmese Refugees," *Irrawaddy*, 18 February 2008.
[242] Source: "30 Myanmar Refugees Accepted," AFP, 18 December 2008.
[243] Source: "Japan to Accept 30 Burmese Refugees," *Mizzima News*, 19 December 2008.
[244] Source: "Myanmar Men Seek Refugee Status in Japan," AFP, 17 October 2007.
[245] Source: "Tough Asylum," *Irrawaddy*, January 2007.
[246] Source: "Court Revokes Deportation Order for Myanmar Woman," *Japan Today*, 1 September 2007.
[247] Source: "Tough Asylum," *Irrawaddy*, January 2007.
[248] Source: "Activists in Japan Begin Hunger Strike," *Irrawaddy*, 9 September 2008.
[249] Source: "Human Rights Supporters Rally in Tokyo," AFP, 10 December 2008.
[250] Source: "S Korea Upholds Granting Refugee Status to Burmese," *Irrawaddy*, 26 September 2008.
[251] Source: "South Korean Court Says Myanmar Refugees Can Stay," AFP, 26 September 2008.
[252] Source: "S Korea Upholds Granting Refugee Status to Burmese," *Irrawaddy*, 26 September 2008.
[253] Source: "Czech mission to Malaysia paving way for landmark resettlement programme," UNHCR media release, 24 July 2008.
[254] Source: "Czech Republic, East Timor Offer Asylum to Burmese Rebels," *Mizzima News*, 18 December 2008.
[255] Source: "34 Refugees to Leave For Resettlement in England," *Kaladan News*, 6 December 2008.
[256] Source: *Programme Report*, TBBC, January-June 2008.
[257] Source: Interviews with Burmese refugees and migrants in Mae Sot, April 2005-February 2009.
[258] Source: *Refugees International Bulletin*, Refugees International, 16 May 2007.
[259] Source: US Government Website, accessed at http://www.america.gov/st/washfileenglish/2006/May/20060505170858ajesrom0.5491144.html, on February 11 2009.
[260] Source: "Supporters of Six Burmese Ethnic Opposition Groups Exempt from Material Support Provisions," *Narinjara News*, 25 January 2007.

CHAPTER 21
The Situation of Migrant Workers

BURMA

HUMAN RIGHTS YEARBOOK 2008

21.1 Introduction

Every year, around 50,000 people reportedly leave Burma in search of work elsewhere.[1] Estimates of the number of Burmese migrant workers who live outside Burma's borders have varied greatly however, and depend on whether both registered and illegal workers are taken into account. While Burma's Prime Minister, Thein Sein, claimed in December 2008 that a mere 46,057 Burmese migrant workers were legally employed abroad, Burma Economic Watch has estimated that around two million migrant workers and refugees live elsewhere.[2] In contrast, *Irrawaddy* has reported that, of the estimated three million Burmese migrant workers who are employed abroad, around half work illegally.[3] In contrast to this figure, Moe Swe of the Burma Workers' Rights Protection Committee (BWRPC) has put the overall figure at four million.[4] It has also been estimated that up to ten percent of the Burmese population resides outside of Burma.[5] Such patterns of migration are likely to persist, as the International Organisation for Migration (IOM) has stated that it expects the flow of Burmese migrant workers to increase in the coming years.[6]

The reasons behind this steady exodus of Burmese workers have been well documented, not least in the preceding chapters of this Yearbook. Debilitating poverty and serious human rights abuses routinely perpetrated by the military junta have been the main causes. The Federation of Trade Unions–Burma (FTUB) has attributed the high number of Burmese migrant workers primarily to the disjuncture between the high prices of basic goods and very low incomes in Burma.[7] Indeed, over half of the Burmese population continued to live below the poverty line as of July 2008, and IOM has explained the flow of migrant workers in terms of Burma's lack of *"adequate infrastructure"* and its *"low skilled workforce."*[8] Given this economic stagnation, the desire for a higher standard of living has motivated many to leave Burma. As the UK Secretary of State for International Development Douglas Alexander, noted in April 2008, while Burma is *"surrounded by some of the world's most dynamic economies, a third of Burma's people live on less than 30 cents a day."*[9] The economic prowess of nearby countries such as Thailand, Malaysia and Singapore has remained a powerful 'pull factor' for many Burmese. Conversely, as of October 2008 Burma was the only country of departure for migrants in the region predicted to have slower economic growth than countries of arrival.[10] The abysmal state of the Burmese economy, especially when contrasted with those which surround it, represents a strong 'push factor' motivating large numbers of migrants.

The fact that Burmese poverty has been a major catalyst for migration is demonstrated by the steady flow of remittance payments which migrant workers regularly send home to their families. In 2004, the International Monetary Fund (IMF) released its latest data on remittance payments to Burma, finding a net remittances surplus of US$56.8 million, although this figure did not include those transfers made through informal mechanisms, which may be three to four times higher.[11] The authors of Burma Economic Watch, an academic periodical based at Macquarie University in Australia, found that the vast majority of such remittance payments have been used by Burmese families simply to survive and to meet basic needs such as subsistence, housing, health, education and debt repayments.[12] In consequence, remittance payments have not been used in more positive ways that would foster Burma's economic development.[13]

Many Burmese migrant workers have not fled for a single reason or because of a single event. Rather, many have left as a result of what Andrew Bosson has described as the *"cumulative impact"* of coercive measures and economic conditions, which push down families' incomes until they can no longer survive in their present locations.[14] For instance, the Burmese junta's policies of forced labour, land confiscation and compulsory cropping have further impoverished an already desperate rural population.[15] The result, Bosson argues, has not been a dramatic or spontaneous exodus of migrant workers and refugees, but rather a slower process of *"gradual displacement."*[16] (For more information, see Chapter 7: Forced Labour and Forced Conscription, and Chapter 8: Deprivation of Livelihood).

This process of displacement has led three million persons to leave Burma in recent decades.[17] Consequently, Burma's workforce has diminished greatly. In Mon and Karen States, for instance, plantation owners and farmers have begun to replace workers who have migrated to Thailand by hiring workers from townships in the Pegu and Irrawaddy Divisions, who are cheaper than local labour.[18] As the President of the National Coalition Government of the Union of Burma, Dr. Sein Wein, has commented, the continual departure of Burmese migrants demonstrates the extent to which the Burmese junta has become *"a self-perpetuating force which has no enduring ties with its own population."* [19]

Due to the fact that most Burmese migrant workers leave to escape both poverty and persecution, the distinction between migrant workers and refugees is far from sharp. As Andrew Bosson has shown, and subsequent sections of this chapter confirm, the flight of many Burmese people from the junta's coercion *"brings this kind of population movement squarely into the field of forced migration, even though the immediate cause of leaving home can also be described in economic terms."* [20] Although migrants have often left Burma for a combination of reasons, the underlying causes of their departure have often determined whether they are categorised as refugees, internally displaced persons or economic migrants upon arrival at their destination.[21] (For more information, see Chapter 20: The Situation of Refugees).

In addition to poverty and human rights violations, many occupying the most educated strata of Burmese society have also felt compelled to find work abroad, given Burma's repressive atmosphere and its highly limited career opportunities. As part of a process which has widely come to be known as the *"brain drain"* – whereby the most educated sector of an underdeveloped country seek employment opportunities abroad, consequently curtailing its economic development – thousands of graduates have departed Burma in the hope of furthering their careers elsewhere.[22] The most popular choices of destination for young, educated Burmese migrants have reportedly been Singapore, Malaysia and Dubai, due to the availability of positions in fields such as accountancy, IT, engineering and the hotel sector.[23] Some educated migrants, however, have found themselves as vulnerable to exploitation as migrant workers in less skilled positions. For instance, Sai Soe Win Latt, writing in *Irrawaddy*, lamented the fact that those who opt to study in foreign universities have often been forced to abandon their aspirations and to take subjects which have trained them to work as *"typical immigrants"* instead.[24]

Since Burma's borders are, in the words of the US Department of State, *"very porous,"* there are various means of seeking to leave Burma to forge a new life elsewhere.[25] Firstly, many have made use of Burma's various employment agencies, which have flourished as a result of high demand for foreign jobs. Such agencies have typically sent migrant workers to nearby countries in Southeast Asia such as Malaysia, South Korea, Japan and Singapore, as well as to destinations further afield, such as the Middle East.[26] The junta itself has also been reportedly involved in the industry, as at least two employment agencies were run by the state as of October 2008.[27]

Such employment agencies have found their business to be highly lucrative. In comparison to the 70 licensed employment agencies which operated in 2007, 40 more had been granted licenses by the junta's Ministry of Labour as of August 2008. The agencies had partially become so profitable, however, because of their ability to evade tax by retaining two sets of financial accounts: one to present to the authorities and another for their own private use, which reflected their real earnings. Owing to the lack of consistent enforcement of the taxation regime in Burma, coupled with high levels of corruption and nepotism, employment agencies with links to figures within the Burmese junta have been able to evade taxes successfully, while others have been compelled to pay millions of kyat in tax.[28]

The junta has, however, recently attempted to clamp down on such tax evasion. On 6 June 2008 the Department of Labour Management announced that employment agencies must send at least 300 workers abroad each year in order for their licenses to be extended. Although most agencies have reportedly been able to meet the quota, they have only been able to demonstrate this by opening their accounts to scrutiny. In short, in order to keep their licenses, many employment agencies must pay high levels of tax. Other high costs imposed by the junta, such as a deposit of five million kyat to start a business (approximately US$4,000) have been passed to migrant workers themselves, who pay large sums for foreign jobs. *Irrawaddy* found in July 2008 that Rangoon's employment agencies have taken fees worth between US$650 and $1,500 in exchange for work in Malaysia.[29]

Not all Burmese migrant workers have used employment agencies as a means of leaving Burma however; many have resorted to more clandestine methods. A thriving black market has developed for example, to assist Burmese women in search of work abroad. In measures purportedly taken to protect such women from human rights violations while working abroad, however, on 9 July 2008 the junta's Department of Labour warned approximately 110 employment agencies to refrain from providing any assistance to such women, unless they were prepared to lose their licenses or face imprisonment. Nevertheless, business sources in Rangoon have alleged that the Burmese authorities themselves have been involved in the practice, and that the regulations could be easily sidestepped through bribery. One agent told *Irrawaddy*, for instance, that he could obtain visas within two weeks in exchange for 260,000 kyat (about US$200).[30]

Burmese migrant workers often take considerable risks when leaving Burma, as the incidents described in subsequent sections attest. One major peril for Burmese migrant workers is human trafficking which, in the Burmese context, has been described by Nikolas Win Myint as *"migration gone wrong."* [31] Whereas most migration does not result in human trafficking, in many cases migrant workers have found themselves in the hands of unscrupulous traffickers, some of whom are employers who wish to exploit them, while others are brokers who transport them to destinations other than those which were agreed upon or expected.[32] Both men and women have found themselves trafficked to destinations in Southeast Asia and the Middle East for the purposes of bonded labour or domestic and sexual exploitation.[33] Although the junta has taken some steps to address the problem – such as Burma's 2005 anti-trafficking law, which aims to offer protection to victims – the practice has remained prevalent.[34] (For more information, see Chapter 6: Trafficking and Smuggling).

The junta has also taken measures to hamper migrant workers' attempts to leave Burma. For instance, those in Kale, Sagaing Division, were subject in October 2008 to arbitrary fees for forms that allow them to gain visas to work in neighbouring countries. The Kale Customs Department unexpectedly increased the fee for its recommendation letter, known as Form-17, forty-fold. Although the official fee was a mere 1,000 kyat, it was reportedly increased to 40,000 kyat, despite the fact that the fee remained constant in all other towns throughout Burma. The sudden surge in the price has been explained as a simple attempt on the part of the authorities to extract more money from prospective migrants.[35] Moreover, the junta has sought to limit opportunities for migration to other parts of Burma. In September 2008 for example, over 100 Rohingya from Arakan State were arrested *en route* to Rangoon and sentenced to six months in prison, since Rohingya are banned from leaving Arakan State.[36] (For more information, see Chapter 19: Internal Displacement and Forced Relocation).

Despite the large scale of migration from Burma, by the end of 2008 many Burmese migrant workers were forced to return home due to the effects of the global economic slowdown. In stark contrast to reports of increases in job applications received by employment agencies – with one agency claiming in August 2008 that the number of applications had doubled over the course of the preceding year – another told *Irrawaddy* in November 2008 that there had been no orders from overseas employers for around a month.[37] Many companies operating in countries such as Malaysia, Singapore, China and Thailand responded to the economic downturn by reducing working hours, slashing pay for overtime or cutting jobs entirely.[38]

Having paid significant amounts to employment agencies to be able to work abroad, many Burmese migrant workers have been forced to borrow money or to mortgage their homes, and have consequently suffered from heavy debt after losing their jobs. The return of many Burmese migrant workers as a result of the global recession, moreover, has had a highly negative impact on the flow of remittance payments from migrant workers to Burma, which have traditionally proved to be a lifeline for many impoverished Burmese families. This, in turn, was expected to have a serious impact on the Burmese economy.[39] The Burmese junta appears to have done little to remedy the situation or to create more job opportunities for returning migrant workers.[40] Nevertheless, Thein Sein claimed in late 2008 that around 100,000 jobs needed to be filled.[41] He even stated that Burma's agricultural sector alone could provide millions of jobs, citing the palm oil and teak plantations, as well as timber extraction, fisheries and the salt industry as areas requiring additional workers.[42]

As the remainder of this chapter will document, the lives of Burmese migrant workers in other countries have remained fraught with difficulties. Although the Association of Southeast Asian Nations (ASEAN) Declaration on the Protection and Promotion of the Rights of Migrant Workers, signed in January 2007, pledges to *"promote fair and appropriate employment protection, payment of wages and adequate access to decent working and living conditions for migrant workers,"* the experiences of most Burmese migrant workers fall far short of this ideal.[43] Many of the countries which host Burmese migrant workers have neither signed nor ratified either the 1951 Refugee Convention or the recent International Convention on the Protection of the Rights of Migrant Workers and Members of their Families (ICPMW), which entered into force on 1 July 2003. Despite regular ASEAN summits, when its members have developed plans to imitate the system of labour mobility across the European Union, draconian measures have still been widely employed against migrant workers by ASEAN governments.[44] Moreover, ASEAN's members have generally not acted on the recommendations of United Nations Secretary-General, Ban Ki-Moon, who argued at the Global Forum on Migration and Development in Manila in October 2008 that the protection of millions of migrant workers during the global economic recession would greatly benefit countries' economies.[45] Until both Burma and its neighbours begin to respect the human rights of Burmese migrant workers, it is highly unlikely that their quality of life will significantly improve.

21.2 Situation of Burmese Migrants in Thailand

Thailand continued to be a major destination for Burmese migrant workers throughout 2008. Thailand's attractiveness to Burmese migrant workers has primarily stemmed from the relative strength of its economy. Indeed, as of October 2008 per capita income in Thailand was six times that of Burma.[46] Thailand is also relatively accessible to Burmese migrant workers, as it borders Burma's Tenasserim Division, in addition to Mon, Karen, Karenni and Shan States to the east. Recent estimates of the number of all migrants working in Thailand have ranged from one to two million.[47] Of this number, between 80 and 90 percent were thought to be Burmese.[48] In a study released in October 2008, the International Organisation for Migration (IOM) found that there are now far more prospective migrant workers from Burma than asylum seekers, and that 46 percent of Burmese migrants to Thailand are female.[49]

Upon arrival, Burmese migrant workers have often been confronted with pervasive prejudice from the Thai population. Stereotypes of Burmese migrant workers stem from a number of sources. Firstly, the 300-year old history of hostility between Thailand and Burma has resulted in strong mutual distrust. Thai students have been taught about events surrounding the conflict with Burma, which has led the *Bangkok Post*, for instance, to lament Thailand's *"ultra-nationalistic history which portrays Burma as evil."* [50] Events such as the 1767 Battle of Ayutthaya have been depicted in films such as *The Legend of King Naresuan*, which has enjoyed huge popularity and is the most expensive film in Thai history, which has won it a wide audience. This history of antagonism has hardly been eased by the emergence of fresh divisions between Burma and Thailand in recent years over issues such as border disputes and hostages.[51] Nevertheless, Thailand has occasionally taken a more conciliatory stance towards the junta. For instance, the Foreign Minister, Noppadon Pattama, claimed that the question of Burmese democracy was an *"internal affair"* in February 2008.[52]

Secondly, these tensions have been reinforced by the Thai media's highly negative portrayal of Burmese migrant workers.[53] After studying around 1,000 newspaper stories on migrant workers in 13 different Thai newspapers between 2004 and 2006, Kulachada Chaipipat found that the local media has routinely described Burmese migrant workers with phrases such as *"unlawful"*, *"dangerous"* and *"fearful aliens."* [54] The press has been prone to associating Burmese migrant workers with Burma and Thailand's past enmity, and to scapegoating them for any economic woes that Thailand might face. As a result of the propagation of such stereotypes, two of ILO's recent studies revealed that most Thais consider that migrant workers should not be given the same rights as Thai workers.[55] Nevertheless, some contended that the sympathy towards the Burmese people that was generated by Cyclone Nargis appeared to counteract these suspicions to an extent, given that the recent experience of the Asian tsunami remained fresh in Thai people's minds. However, others claimed that this attitude ultimately proved to be short-lived, since the Thai population may have kept their sympathy for the cyclone's victims separate from their consideration of Burmese migrant workers in Thailand.[56]

Such prejudices have circulated with little regard for the harsh circumstances from which so many Burmese migrant workers have fled, or for the significant contribution that they have made to the Thai economy. There has been little awareness of the fact that, according to ILO, as of April 2008 migrant workers generated around six percent of Thailand's GDP.[57] Furthermore this source of labour contributed US$2 billion to the Thai economy in 2007, while mainly occupying menial positions that most Thais eschew.[58] For this reason, *Irrawaddy* has opined that Thailand has a *"love-hate relationship with migrant workers"* and that *"the situation of the migrant workers is like being in tug-of-war between the strict regulations of the government and the capitalist motives behind their exploitation."* [59]

The predictable result of this hostility has been that most Burmese migrant workers have remained ostracised and have not integrated successfully into Thai society. Given the limited communication between Burmese migrant workers and the Thai population, the myths tend to never be fully dispelled. This has only perpetuated their marginalised status and further reinforced the prejudice, thus creating something of a vicious cycle. Many Burmese migrant workers have reportedly felt scared venture out of their homes, given their fear of mistreatment, prejudice or even deportation.[60] The hostility has not merely hindered their ability to integrate; it may have at least partially motivated some of the crimes, such as torture, rape and murder, which have been committed against them throughout Thailand, which will be discussed later in the chapter.

The distinction between Burmese migrant workers and refugees is no easier to maintain than elsewhere, as the findings of numerous researchers and non-governmental organisations (NGOs) have confirmed. The Thai Burma Border Consortium (TBBC), for instance, has stated that *"many Burmese migrant workers are 'refugees', having left their homes due to the same human rights abuses affecting those in…[Thailand's refugee] camps*," and considers that a fairer Thai immigration policy could provide a parallel form of protection to migrant workers who lack access to the camps, by allowing them to earn a decent livelihood.[61] The International Rescue Committee (IRC), moreover, has expressed its concern that large numbers of unregistered Burmese migrants living in Thailand *"deserve international protection"* as refugees. In the absence of access to the registration process for migrant workers, they contend that it is extremely difficult to distinguish accurately between genuine refugees and other migrants.[62]

Moreover, those who are refused refugee status have often become illegal migrant workers. In contrast to the approximately 145,700 Burmese refugees housed in Thailand's refugee camps, the US Committee for Refugees and Immigrants (USCRI) has found that around 50,000 Burmese persons have also been living outside of the camps, either as illegal immigrants or as part of Thailand's labour programme.[63] Without legal documentation, they have been subject to detention or deportation and have worked illegally in frequently exploitative conditions.[64] Unlike ethnic Karen and Karenni groups, moreover, as of March 2007 the Shan had no specific refugee camps, causing many to subsequently become migrant workers.[65] Thailand has made such a sharp distinction between refugee and migrant status partly because the relative sanctuary of the refugee camps and the possibility of acceptance through a resettlement programme have constituted, in Inge Brees' words, a *"recognized pull factor."*[66] In July 2008, around 23 Burmese nationals informed the United Nations High Commissioner for Refugees (UNHCR) that, as they had not been registered as refugees or provided assistance and food since being sent to Mae La refugee camp, they had been compelled to work as hired labourers.[67] Moreover, USCRI reported in June 2008 that up to 40 percent of refugees living in the camps had illegally tried to find work outside them. For instance, in Mae Hong Son, employers have used camp guards to procure agricultural workers who could earn between 41 and 60 baht per day (between US$1.15 and $1.70). The danger of arrest for these types of workers was especially acute when being transported to their workplaces, and employed refugees have often had to pay bribes to be released.[68] (For more information, see Chapter 20: The Situation of Refugees).

Patterns of Migration and Trafficking

Migration remained an almost constant occurrence along the border between Burma and Thailand throughout the year. As this sub-section will document in detail, while Cyclone Nargis provoked migration from Burma to Thailand, the effects of the global recession at the end of the year prompted many Burmese migrant workers to return home. Burmese migrants also continued to take great risks when entering Thailand, often being smuggled or trafficked, causing numerous deaths *en route* throughout the year. Furthermore, malnourishment was a catalyst for migration from Burma to Thailand. As of December 2008, for instance, over 2,000 persons fleeing the famine that had gripped northern Chin State had reportedly entered illegally through Three Pagodas Pass on Thailand's western border in the preceding months, after a week long journey. Most were planning to continue on to Malaysia.[69] (For more information, see Section 21.4: Situation of Burmese Migrants in India).

The ability of the Burmese and Thai authorities to control the flow of migrants across the border remained limited. As of July 2008, almost one-third of Burmese migrants who had crossed into Thailand in the prior year through Mae Sot, a border town in Thailand's northwestern Tak Province, reportedly did not return. It was reported in July 2008 that, of the 298,847 Burmese persons who had entered Thailand in the first half of 2008, 86,517 still had not returned. In May and June 2008, 29,150 Burmese migrants did not return, presumably returning through other checkpoints or overstaying their border passes. In the first half of the year, just 72,124 Burmese migrants were deported by Thailand's provincial authorities. A provincial immigration chief commented that there is a lack of resources to adequately guard the border.[70] IRIN reported in December 2008 that, each year, over 180,000 Burmese who enter through Mae Sot are reportedly left unaccounted for by the Thai authorities.[71]

Although wet weather conditions in August normally cause the numbers of Burmese migrant workers entering Thailand to decrease, this was not the case in August 2008, largely due to Burma's continuing economic vicissitudes and the continued impact of Cyclone Nargis, which destroyed locals' livelihoods in the Irrawaddy and Rangoon Divisions in May 2008.[72] Two months earlier, around 100 bereaved or orphaned Burmese cyclone victims had arrived in Mae Sot by 6 June 2008, mainly from devastated regions of Burma such as Kungyangon and Hlaingthaya in Rangoon division, and Labutta, Myaungmya and Ngapudaw on the Irrawaddy delta. Most arrived in the hope of receiving aid, while others reportedly planned to find work during their stay in Thailand.[73] By December 2008, this figure had risen to around 600, although some had by then returned to Burma. NGOs, such as the Back Pack Health Worker Team and the Burmese Woman's Union Emergency Assistance Team (EAT), had by then provided assistance to around 500 cyclone survivors in Mae Sot. Of those assisted by EAT, around 60 percent were reportedly given legal status in Thailand (allowing many to work in Mae Sot), 30 percent travelled to Bangkok and 20 percent returned home.[74]

Despite fears that Cyclone Nargis would provoke a surge in the numbers of Burmese migrant workers arriving in Mae Sot, the numbers were relatively small in comparison to the regular influx of migrant workers.[75] Although it was expected that the cyclone would provoke an increase in trafficking of Burmese migrants to Thailand, UNICEF Thailand stated in December 2008 that, despite their concerns over the accuracy of data, they had received no reports of greater trafficking flows. According to IRIN, most of the evidence about cyclone-related trafficking was merely *"anecdotal."* [76] Nevertheless, there were reports that traffickers had disguised themselves as aid workers in order to coax Burmese people affected by the cyclone into Thailand.[77]

In response, the Burmese junta sought to prevent people from fleeing the effects of the cyclone. For instance, 65 persons, including 20 women and 15 children, were arrested on 2 June 2008, after attempting to escape the cyclone's aftermath in Bogale Township.[78] Since many Burmese migrant workers in Thailand responded with anger to the junta's apparent indifference to the suffering caused by Cyclone Nargis, one NGO – the Grassroots Foundation for Education and Development – sought to keep migrant workers informed about the disaster by offering news and information.[79]

Far larger numbers of Burmese migrant workers, however, were affected by Thailand's economic instability. In the first half of 2008, Burmese migrant workers continued to enter Thailand in spite of such uncertainty. For instance, although the steep rise in the price of rubber in July 2008 made it far harder for migrant workers to secure employment on rubber plantations, this did not deter Burmese migrants from entering Thailand, as some even resorted to bribing plantation owners to be provided with work.[80] Despite examples such as this, the onset of the global recession forced many Burmese migrant workers to return home in the latter part of 2008, as factories' production levels plummeted and competition for jobs increased. Human rights groups, who operate on the border between Thailand and Burma, reported in December 2008 that thousands of Burmese migrant workers were returning home, after finding their wages cut in half or losing their jobs altogether.[81] Illegal migrant workers were often the first to be dispensed with by employers.[82]

Numerous examples demonstrate the severe effect of the crisis on Burmese migrant workers. Firstly, the economic slowdown disrupted Thailand's economic patterns. The garment and knitting industries, for example, ordinarily have a low season lasting from November to March each year, when workers are laid off and move to positions in other sectors such as construction or farming. However, there were less of these jobs available at the end of 2008, and the low season began one month early. Some of those who were left jobless in Mae Sot, for instance, decided to seek work in Bangkok instead.[83] Secondly, Thai rubber plantations, which employed Burmese migrant workers, were heavily affected by the reduced demand for tyres from the US and the consequent cancellation or delay of shipments. One Burmese migrant worker told *Irrawaddy* in October 2008 that, as a result, his salary had plummeted from 1,800 baht (then US$52) per day to a mere 1,000 baht (then US$29).[84]

Thirdly, in late November 2008 around 3,000 Burmese migrant workers lost their jobs in Mae Sot, after orders from Europe and East Asia dried up, and around half of Mae Sot's factories halted their operations.[85] According to the Yaung Chi Oo Burmese Workers Association, around 400 of these workers returned to Burma.[86] In addition to outright job losses, many of the 13,000 Burmese migrants working in clothing factories in Three Pagodas Pass had their hours cut, leaving them with just 20 days of employment per month. Many of their salaries were also cut from around 200 baht per day (then US$6) to just 100 baht (then $3).[87] Remittance payments made through informal mechanisms also plummeted in late 2008. One agent transferred just a tenth of the usual amount: a mere 2 million kyat (then US$1,650) in comparison to the normal 20 million kyat (then US$16,500).[88]

Many Burmese migrant workers were laid off with little notice and were not provided with compensation. In one case, Burmese migrant workers employed by the Lian Tong Knitting Co. Ltd in Mae Sot were ordered to vacate the company's compound, which forced 1,500 workers to find temporary shelter close to the Moei River which borders Burma. Newly unemployed Burmese migrant workers, despite being entitled to compensation under Thai law, were unable to secure it.[89] Economic forecasts for 2009 were similarly bleak. It was predicted in November 2008 that Tak District's industrial production would drop by 30 percent, and that lay-offs could affect as much as ten percent of the workforce, according to the Tak District Thai Industrial Federation.[90] In early December 2008, Thailand's Deputy Prime Minister, Olarn Chaipravat, warned that 1.2 million jobs were expected to be lost in 2009.[91]

Smuggling and Trafficking

Smuggling and trafficking are two common ways in which many Burmese migrant workers continue to be transported from Burma to Thailand. While the two are closely related, they are not identical. Whereas smuggling is ordinarily understood to be initially undertaken voluntarily, the Convention against Transnational Crime defines trafficking as coercive, whether involving the threat or actual use of force, and having exploitation as its purpose. Nevertheless, the distinction between trafficking and smuggling is often ambiguous when applied in practice, as any given migrant's experience of leaving Burma can involve elements of both. For instance, Burmese migrants may originally be coerced into leaving but are then left free to return, or they may initially leave voluntarily but then subsequently became coerced and exploited upon arrival.[92] As this sub-section documents, however, both trafficking and smuggling involve significant risks.

Scores of Burmese were smuggled from the Burmese border to Bangkok for work during 2008.[93] One source involved in migrant smuggling told *Irrawaddy* that, as of August 2008, around 300 Burmese migrants were being taken illegally from Burma to Bangkok each day via border points including Mae Sot, Three Pagodas Pass, Ranong and Mae Sai. Migrant workers often initially enter Mae Sot, which is separated from Burma by the Moei River, by crossing either the Thai-Burma Friendship Bridge or the river, using inflated inner tubes.[94] In addition to the popular crossing point in Mae Sot, between 70 and 80 migrants were arriving at Three Pagodas Pass in Kanchanaburi Province, Thailand every day as of June 2008, mostly from Mon State. A Mon activist told IMNA that three persons per rural household were reportedly seeking work in Thailand at that time. On some days many more would arrive in Three Pagodas Pass to cross the border; on 8 June 2008 for instance, 200 people arrived. Burmese migrant workers have reportedly often paid up to 550,000 kyat (15,714 baht and $US444) to touts to be taken to Bangkok from entry points such as Three Pagodas Pass.[95] In August 2008, however, the cost of being smuggled from Mae Sot to Bangkok reportedly rose by around 2,000 baht (then US$58), reaching around 14,000 baht in total (approximately US$412). Upon arrival, many find themselves in Mahachai, which has the densest concentration of Burmese labour in the country and offers poorly paid positions in the fish processing industry. [96]

Migrants illegally cross the Moei River into Thailand on inflated truck tire inner tubes. One of the concrete pylons supporting the Thai-Burma Friendship Bridge (which forms the legal border crossing) can be seen in the upper right corner of the photograph. Scores of migrants make this crossing from Myawaddy to Mae Sot every day in plain sight of the immigration officials of both countries. *[Photo: © Greg Lowe/IRIN]*

Trafficking has also contributed to the development of the sex industry in Three Pagodas Pass, allowing numerous 'massage parlours' and brothels to flourish with the connivance of the town's authorities in exchange for taxes. Ethnic ceasefire groups, such as the Karen Peace Force, are involved in the trade, owning the Thel Htet Sue parlour. As of April 2008, Kaday Kadar parlour kept about 30 trafficked girls on the premises, who were earning a small wage plus bonuses.[97]

Burmese migrant workers have been at risk of arrest when being either smuggled or trafficked into Thailand. In June 2008 around 200 Burmese job seekers hoping to cross the border into Thailand or Malaysia were arrested in the southern border town of Kawthaung, in Tenasserim Division, which has become one of the principal crossing points between Burma and Thailand.[98] Such measures continued in Kawthaung into August 2008, when the Burmese authorities shut down around six hotels on the orders of Major-General Khin Zaw Oo, the military commander of Tenasserim Division. Hundreds were arrested in an attempt to bring human trafficking under control; the majority of those arrested were returned to their places of origin. Despite such measures however, hundreds continued to travel into Thailand from Kawthaung on a daily basis.[99]

Smuggling and trafficking into Thailand also presents other serious risks to Burmese migrant workers. According to the Migrant Working Group in April 2008, ten cases over the course of the preceding year in which migrants attempted to enter Thailand resulted in over 100 deaths.[100] Many Burmese migrant workers have died *en route*, either in accidents or after contracting malaria while furtively entering Thailand through the jungle to avoid arrest.[101] Describing his journey to Thailand over eight years ago, when he was ten years old, one Burmese migrant worker, Yan Naing Htun, recalled that:

> *"There were 10 men lying beside me in the back of a pickup truck. Our bodies were covered with a thick plastic sheet and it was extremely hot. I couldn't see a thing. I could only hear the sound of cars and trucks going by."…"I was so afraid of being arrested that I tried to stay perfectly still under the plastic sheet."*[102]

In 2008's most tragic and widely publicised incident concerning Burmese migrant workers, 54 Burmese migrants suffocated on 9 April 2008 while being transported from Ranong to Phuket, Southern Thailand in a sealed freezer truck. The vehicle was designed to transport food; however the driver had reportedly failed to ensure that it was adequately ventilated by failing to make use of the air conditioning.[103] 121 Burmese migrants had reportedly been packed into the truck, which measured just six metres long and around two metres wide.[104] The migrants were forced to stand up for the entirety of the four to five hour journey.[105] Most of the victims – including 36 women and 17 men in their late adolescence or early twenties, as well as an eight-year old child– were from the Kyaikto, Moulmein, Thaton and Chaungzon townships in Mon State.[106] The bodies were all reportedly buried at the Buddhist Temple of Ranong.[107] According to the Thai authorities, the three Mon touts involved were:

1. Mi Lae, from Lamaing sub-town;
2. Mi Thami; and
3. Nywe Tun.[108]

As the incident was reported across the world, it reportedly had a negative impact on Thailand's international reputation.[109] The tragedy reportedly shocked migrant communities worldwide and underlined the vulnerability of migrant workers during their journeys to Thailand.[110] However, the incident was not unprecedented, since it was suspected that 13 Burmese migrants, whose bodies were found on a rubbish dump in 2002, had also suffocated during their journey through Thailand.[111]

The tragedy also had repercussions inside Burma itself. Shortly after the incident, it was reported that Burmese police from Mon State had been inquiring as to the victims' names, seeking to track down their bereaved relatives, and questioning them thoroughly if they did so. A Burmese police officer from Kawthaung was said to have photographed the victims and pressed forcefully for their return to Burma.[112] Furthermore, three delegates were sent to Thailand by the Burmese junta to investigate the incident; the delegation visited Ranong jail shortly after the incident to talk to the survivors.[113] Given the frequency with which those returning from abroad have been persecuted by the junta, many believed that the authorities' interest stemmed from a desire to intimidate or extort money from the victims' families.[114] (For more information, see Chapter 6: Trafficking and Smuggling).

Thai Migration Policy

Burmese migrant workers in Thailand are subject to the Thai 1979 Immigration Act, which treats all undocumented aliens as *"illegal immigrants"* that are subject to deportation. Under the Act, refugees and asylum seekers have the same status as any other foreigners and illegal entry is punished by fines as high as 20,000 baht (around US$564) and imprisonment for up to two years. The Minister of Interior, however, has had the authority to exempt foreigners from this and to allow them to remain in special circumstances, if Cabinet approval is given.[115]

Thai migration policy shifted throughout 2008 however, as new legislation which affected the lives of Burmese migrant workers in Thailand was introduced in February 2008: the Working of Aliens Act and the Civil Registration Act. The Working of Aliens Act notably made employment for migrant workers more flexible in some respects, but also introduced harsher penalties for illegal migrant workers and their employees.[116] It stated that employers who were found to employ illegal migrant workers could be sentenced to up to two years' imprisonment, whereas migrant workers could be jailed for as long as five years. The Act also compelled employers to deduct the costs of repatriation from migrant workers' salaries before they are deported, and controversially introduced a system of cash rewards for informants who notify the authorities about illegal migrant workers. The Thai authorities began to offer a reward equal to 20 percent of the value of the migrant worker's seized possessions.[117] In contrast, the Civil Registration Act concerns the issuing of birth certificates to migrant workers' children.[118]

Human rights organisations, however, have strongly opposed key aspects of the new legislation. At a conference in Bangkok in June 2008, a number of such organisations urged the government to scrap the system of rewards for informants, on the grounds that it exacerbates existing divisions between Thai workers and Burmese migrants by fostering a culture of mutual distrust in the workplace. The organisations also expected it to lead to more frequent crackdowns on migrant workers, and that it would make it very difficult for those who had fled the devastation caused by Cyclone Nargis to stay in Thailand. The organisations included:

1. The Mekong Migration Network;
2. The Thai Action Committee for Democracy in Burma; and
3. The Action Network for Migrants.[119]

The new legislation did not fundamentally change the highly restrictive nature of Thailand's immigration policy. In March 2008, the Thai authorities extended restrictions that had been in place in the south of Thailand since 2006 – such as night curfews, the prohibition of gatherings of more than five migrants, a ban on owning unregistered mobile phones and driving motorbikes – to other provinces, further curtailing the rights to freedom of association and movement.[120] Restrictions were also reportedly imposed on the celebration of cultural

events during 2008. Many ethnic Mon migrant workers were reluctant to celebrate the 61st Mon National Day in Mahachai Township, Bangkok on 22 February 2008, since the new governor of Samut Sakhon District had announced that they should refrain from wearing traditional dress, celebrating Mon culture and traditions, and engaging in political activities.[121] The officials also called on the public not to give their support to other Mon cultural events in Samut Sakhon, where around 200,000 Burmese and Mon migrant workers lived as of April 2008. Around 100 Thai police officers reportedly set up checkpoints near the celebrations at Ban Rai Charoenphol monastery in Mahachai to prevent Mon workers from participating.[122] As a result, the Human Rights Commissioner, the Lawyers' Council and NGOs were due to meet on 11 February to discuss both that specific incident and Mon workers' rights more generally. According to the Chairman of a Mon youth organisation, many Mon felt that the restrictions posed *"a threat"* to their *"way of life."* Whilst a Mon political group had reportedly been set up in Thailand to work for an independent Mon State, and has been targeted by the Thai police, the organisers of the celebrations were at pains to stress that the festivities were cultural in nature, claiming that *"we don't talk about politics."* [123]

Thailand has also responded to arrivals of Rohingya boat people, who they regard as a threat to national security, in a draconian manner. Rather than directly punishing the Rohingya for illegal entry, they have appeared to employ a policy of what Arakan Project Director Chris Lewa described in April 2008 as *"informal deportation"*, whereby the boat people are passed onto brokers who then take them to Malaysia, which is likely to create another *"pull factor."* [124] Lewa also noted that Thailand's immigration authorities may have passed the migrants onto brokers based in southern Thailand, who may have detained them until they paid the required fee to be smuggled across the border. Brokers have also reportedly beaten their detainees on a regular basis as a form of pressure to pay. Due to their inability to produce the money, however, many have been sold as bonded labour to fishing boats or plantations. As a result, many families have little access to information on the whereabouts of their missing loved ones. On 28 March 2008, Thailand's Prime Minister announced that he was considering the possibility of a policy of detention for the Rohingya on a deserted island as a deterrent, commenting, *"to stop the influx, we have to keep them in a tough place. Those who are about to follow will have to know life here will be difficult in order that they won't sneak in."* [125] However, TBBC reported that, in the first half of 2008, there had been no indication that this proposal would be implemented, and suggested that it was announced as a deterrent in its own right.[126]

Burmese labourers in search of work gather in an area of Chiang Mai, Thailand known as Kamtieng, where employers recruit them to perform manual labour. *[Photo: © John Hulme]*

For these reasons, Thailand's migration policy has been heavily criticised. Frequently viewed, in *Irrawaddy*'s words, as highly *"self-serving,"* Thai policy has been charged with subordinating the rights of migrant workers to economic interests which are often closely connected to top government officials.[127] Despite its past enmity with Burma, Thailand's approach to Burmese migration may also be shaped by its desire to foster favourable relations with the Burmese junta and to gain access to Burma's natural resources; a prospect which makes it prepared to countenance the junta's human rights abuses. In the words of Sunisuda Ekachai, Thailand's *"hunger for Burma's natural resources has caused the locals much suffering."* [128] In response to the freezer truck disaster in April 2008, moreover, ILO strongly urged the Thai government to make radical changes to its policy regarding the employment of foreign workers. The ILO made the point that the current approach had failed to effectively combat trafficking, and that in fact, the trade was thriving.[129] Similarly, IOM called for the 2003 Memorandum of Understanding between Thailand and Burma to be implemented as a means of ensuring that the rights of migrant workers are respected.[130] In addition, the former Thai senator and social activist, Jon Ungphakorn, has called for an overhaul of legalisation regarding all migrant workers in Thailand, pointing out that there has been no evidence to suggest that migrant workers in Thailand are taking jobs that Thais would be able to undertake.[131] There has been some hope, however, that the new Thai Prime Minister Abhisit Vejjajiva, elected on 15 December 2008 after a period of political turmoil in Thailand which led to the resignation of the former Prime Minister Somchai Wongsawat, may take a more sympathetic stance towards Burmese migrants working in Thailand.[132]

Thailand's migration policy was forced to shift in the wake of Cyclone Nargis in May 2008. The Action Network for Migrants (Thailand) and the Mekong Migration Network wrote an appeal for urgent assistance for the cyclone's victims to the Thai Ministries of the Interior, Labour, Social Development and Human Security, as well as Thailand's National Human Rights Commission.[133] The letter appealed to the Thai government's concerns about immigration into the country, warning that *"the people of Burma will only migrate to Thailand if there is no other means of survival."* They also asked that Burmese migrants be allowed to return to Burma to see their cyclone-affected families, and that they then be allowed to return to Thailand.[134] The letter called on the Thai authorities to:

1. Stop arresting and deporting Burmese migrant workers guilty of immigration irregularities for 12 months;
2. Open registrations for temporary residence; and
3. Supply emergency work permits.

The appeal was couched in terms of Thailand's interests by claiming that the measures *"would be in the interests of the economy."* [135]

In the aftermath of the cyclone, the Thai authorities did indeed appear to relax their immigration policy for a period. On 6 August 2008 it was reported that Rakawin Leechanavanichpan, ILO's Asia Programme Officer, had claimed that the number of deportations had dropped in the wake of the cyclone, and that the Thai authorities *"became more relaxed for a while."* [136] In contrast, *Irrawaddy* found in July 2008 that the Royal Thai Embassy in Rangoon had introduced new obstacles to entry into Thailand for Burmese nationals, obliging them to provide detailed information on all their possessions, and requiring proof of assets above 1.8 million kyat (then US$1,525), in contrast to a previous requirement of US$600. Although it was unclear whether the reason behind the changes was a further shift in Thailand's foreign policy or simply a decision made by officials on other grounds, some explained this tightening of regulations as being connected with Thai fears that Cyclone Nargis would prompt a wave of migration from Burma to Thailand. Speaking to *Irrawaddy*, however, the Thai embassy in Rangoon denied that there had been any official policy changes since the cyclone.[137]

Thailand's migration policy was also forced to adapt in the light of the furore created by the freezer truck deaths on 9 April 2008. On the one hand, the authorities' response to the debacle had strongly punitive aspects. 14 child survivors were handed to the authorities to be deported, and the adult survivors were charged for violating Thailand's immigration laws, receiving two-month suspended sentences and fines of 1,000 baht.[138] After being detained for two months in Ranong prison, survivors were then returned to the Burmese border.[139] Six Thai nationals were also arrested, among them the driver and his accomplice.[140] Following the tragedy, the Thai authorities also pushed ahead with further deportations of other Burmese migrant workers. Less than a fortnight after the April's incident, 50 Burmese illegal immigrants had been arrested and were set for deportation to Burma.[141] The incident also renewed efforts to curb trafficking into Thailand from Burma at crossing points such as Kawthaung.[142] By December 2008, however, no prosecutions of the smugglers had been made. According to a report produced by the Department of Special Investigation (DSI), increasingly powerful smuggling gangs had resorted to violence to protect their interests, by killing a witness and threatening migrant workers. Moreover, eight persons accused of being responsible for the tragedy were only charged lightly with reckless conduct and sheltering illegal migrants.[143]

On the other hand, the Thai government took some steps to avoid a repeat of the tragedy. In June 2008, the Thai parliament passed a new Trafficking Act and reportedly invited the Burmese junta to sign a joint agreement on Cooperation to Combat Trafficking in Persons, but was rebuffed.[144] The Human Rights Commission, the DSI and Thai Foreign Minister, Noppadon Pattama, called for the survivors to be allowed to remain in Thailand, and asked that they be permitted to assist the police during the process of identifying the traffickers.[145] The Trafficking Act was welcomed by organisations such as the ILO, who considered it to introduce a broader understanding of trafficking and to provide victims with greater levels of protection, by giving greater powers to all officials to act against traffickers. Nevertheless, others raised concerns about the Act. As Jackie Pollock of the Migrant Assistance Programme Foundation has argued, since the Act is focussed on the perpetrators of *"international crime*," victims' needs can be ignored and the underlying causes of trafficking in Burma can be overlooked. Moreover, concerns remain that the Act's implementation may be hampered by corruption within the Thai police force, which is known to have been involved in smuggling migrants itself. As of July 2008, the Act remained one of the few means of protection for migrant workers who have been exploited or abused. Pollock made the point that the survivors of the freezer truck smuggling attempt had had all protection removed as soon as it was established that the individuals were not victims of trafficking.[146]

Survivors and victims' relatives began to be awarded some degree of compensation as the year wore on. In July 2008, for instance, an insurance company agreed to pay out 35,000 baht (then US$1,044) to relatives of each Burmese migrant worker who suffocated to death. Under Thailand's law covering automobile accidents, if the victims were found not to have committed any crime, then another 65,000 baht (then US$1,800) would be awarded.[147] Ko Htoo Chit, Director of Grassroots Human Rights Education, applauded the work of NGOs, such as the Migrant Assistance Programme Foundation, the Burmese Labour Union and the Lawyer's Council of Thailand, who lobbied for this outcome. Nevertheless, there were concerns that, since the compensation was to be channelled through the Burmese authorities, the compensation may not have reached the intended recipients, and that the junta may siphon it off.[148] In October 2008, moreover, it emerged that a Thai life insurance company known as 'Liberty Insurance' was to pay compensation totalling 100,000 baht (US$2,800), as the freezer truck was insured with them. However, as of October it was not known if the money had been transferred, due to administrative delays.[149]

Legal Registration of Migrant Workers

Legally registered migrant workers make up a relatively small proportion of all migrant workers in Thailand. For instance, the Migrant Assistance Programme Foundation reported that, at the close of 2007, there were 616,000 registered foreign workers in the country, of whom 60 percent were from Burma. In contrast, numerous NGOs have estimated the number of both registered and illegal workers has reached two million.[150] Similarly, although Thai employers reportedly requested 1.2 million migrant workers in 2008, only 529,447 were registered as of June 2008.[151]

When the Thai authorities made a thorough attempt to register migrant workers in 2004, 1,284,920 migrants were documented and 848,552 year-long work permits were issued. The registered workers were told to re-register annually, and the numbers decreased in subsequent years. By 2007, there were just 532,305 registered migrant workers, of whom 485,925 were Burmese.[152] Indeed, Burmese migrant workers accounted for 91 percent of all applications for work permits.[153] This decline is attributable to the high costs of re-registering, and the fact that legal status is linked to a particular job, which migrant workers may have left.[154] In December 2007, moreover, work permits were extended for another two years to last until early 2010, with a timetable for the re-registration of migrant workers already present in Thailand during the first half of 2008 put forward, both for migrants with current permits and those whose permits had expired. Nevertheless, as of June a mere 190,107 Burmese migrant workers had registered in 2008.[155] Registration figures also plummeted in April 2008 after the Thai authorities announced a proposal to limit the numbers of renewals to migrants who could verify their nationalities with their governments. This made renewal practically impossible for Burmese refugees, as the junta refused to participate in the proposed scheme. The government's policy of no longer issuing permits to migrant workers' spouses and children put some children at risk of being separated from their parents by shelters.[156]

Burmese migrant workers in a Thai Immigration Detention Centre (IDC) holding cell awaiting deportation. Between June 2007 and June 2008, Thai authorities deported over 70,000 unregistered migrants, more than 25,000 of whom were Burmese. *[Photo: © Reuters]*

In June 2008, the Thai authorities began collecting data in order to issue identity cards for migrants working in the country. The cards, to be issued by the Thai Royal Immigration Department in June 2008 in Tak, Mae Sot, Ranong and Mae Hong Son, were to be valid for ten years. Applicants needed to produce two pictures, personal details and a fingerprint. Provided that the applicant had lived in Thailand for many years, was friendly with Thais, participated in Thai life and did not have a criminal record, he or she could be granted a card at the recommendation of a Thai citizen.[157]

It has also emerged that the Burmese junta was prepared to facilitate migration to Thailand to some extent. In November 2008, the authorities were preparing to offer new nationality identification papers to Burmese migrant workers, which would offer them one-year work permits for Thailand.[158] Three passport registration offices were to be opened along the border between Burma and Thailand at Ranong, Tachilek and Myawaddy Townships, where migrants would be able to apply for the necessary documents if they presented a letter of recommendation from a business or factory in Thailand, alongside his or her background information and identification card.[159]

There was speculation following the announcement of the plan that few Burmese migrant workers would apply for the permits, given their fear of being returned to Burma. Those from ethnic minorities were anxious that the information they provide to the junta in exchange for the permits would be used to persecute their families who remain in Burma. Indeed, the Workers' Solidarity Association, which operates from Chiang Mai, resolved to reject the new passport system, due to precisely this fear. Nevertheless, some Burmese migrant workers participated in the new scheme, as Thailand's Department of Employment began to require that Thai employers undertake a national verification process. The process began in September 2008 and work permits were subsequently issued to Laotian and Burmese migrant workers who passed and were approved.[160]

The vulnerability of unregistered migrant workers to exploitation (which the following section documents) has been attributed to the shortcomings of Thailand's registration process. IOM, for instance, has suggested that if the Thai authorities fail to extend recognition to unregistered migrant workers, they will remain highly susceptible to exploitation.[161] Suvajee Good, of the ILO, has also explained the high numbers of unregistered migrant workers in terms of the lack of education on immigration policy. Due to their ignorance of regulations, many Burmese migrant workers are led into Thailand, often unaware of the illegality of their actions.[162] TBBC, furthermore, has stated that unless the registration process is made available for migrant workers who have never registered with the authorities, hundreds of thousands of migrant workers will continue to work illegally in the country.[163]

Labour Law and Working Conditions

Despite the high numbers of unregistered Burmese migrant workers, some Burmese nationals, alongside their Laotian and Cambodian counterparts, registered with Thailand's migrant programme, which provides low-paid employment in specific locations for specific employers.[164] Most Burmese migrant workers with permits then gained employment in the fish processing and construction industries, agribusiness and private households.[165] USCRI reported in June 2008 that, among the conditions of participation in the programme, only non-refugees could register, and the names of participants were passed on to the authorities of their home country. The permit cost 3,800 baht (around US$120), and the registration process necessitates at least five visits to governmental offices. Once a migrant worker has joined the programme, he or she is eligible to be covered by Thailand's system of health insurance (although his or her family could not be covered) and to join trade unions, as long as they were formed and run by Thais. If a worker wishes to change employer, he or she must start the process afresh, and the former employer retains the power to refuse to cooperate, and to refuse to return the worker's original registration.[166]

Although most Burmese migrant workers have received higher wages in Thailand than in Burma in relative terms, their incomes still represent a pittance. Whereas the local minimum wage for Thai workers in Mae Sot was just over US$4.40 per day as of December 2008, Burmese migrant workers in the border town were entitled to US$3.50 a day, although the majority has reportedly been paid US$2 or less in practice.[167] In a survey undertaken by

Burma Economic Watch in 2008 of around 1,000 Burmese migrant workers, the median income for workers employed in their first job in Thailand was around 2,500 baht per month.[168] In May 2008, however, following protests on May Day, the Thai Ministry of Labour agreed to raise the minimum wage. Although many groups initially demanded between 15 and 33 baht per day, the Ministry settled on a daily minimum rate of between nine and 20 baht. The rise also varied depending on the location, with a rise of nine baht in Samut Sakhon, Pratumthain and Chiang Mai, compared to a rise of between four and six baht in Tak and Surathani. Nevertheless, migrant rights activists remained concerned that employers would continue to exploit Burmese workers and fail to pay them to the new minimum wage standard.[169]

As a result of these low wages, most Burmese migrant workers have continued to face poverty while living in Thailand. Many female Burmese migrant workers, for instance, have not been able to afford to have children, as this would necessitate time away from work and would further stretch their already tight budgets. In consequence, many pregnant women have attempted abortions. In one case, reported by *Irrawaddy*, a woman in a Mae Sot clinic took the traditional *kay thi pan* pill, but found that her baby survived and that it merely made her ill. The Mae Tao Clinic in Mae Sot has seen many similar cases in recent years. According to the clinic's Dr. Cynthia Maung, *"factory owners don't tolerate babies and young children on their premises, so women resort to abortions to keep their jobs."* [170]

Despite their continuing poverty, many Burmese migrant workers have continued to send significant portions of their wages from Thailand as remittance payments to support their families in Burma. As noted in this chapter's introduction, remittance payments have become a very important means by which Burmese migrant workers can ensure that their families and relatives in Burma survive. In 2008, Burma Economic Watch conducted a survey of remittance payments by around 1,000 Burmese migrant workers employed in 12 provinces throughout Thailand. It found that the median amount sent home by the survey recipients was 15,000 baht (then around $US575). While the maximum amount sent home was three million baht, the lowest was 3,000 baht.[171] Although the authors admit that a high level of precision is difficult to achieve, they estimated that the aggregate annual flow of remittances from Thailand to Burma by Burmese migrant workers was around $US300 million.[172] They concluded, moreover, that the amounts sent home declined the longer the migrants lived in Thailand, and that on average female Burmese migrant workers sent back a higher proportion of their income than men (40 percent of the maximum, as opposed to 36 percent).[173]

The survey also found that the majority of Burmese migrant workers living in Thailand chose to send remittance payments back home through informal channels. This has been especially important for those residing in Thailand illegally, who need to bypass the lengthy and complicated process of setting up formal money transfers. Indeed, foreigners seeking to access Thai banks have had to set up what is known as a 'non-resident' baht bank account, which has only been possible with a visa or work permit, a passport, and a letter of recommendation, written either by the worker's employer or their bank abroad.[174] Many informal payments are made by hand, through couriers, traders or friends and family. Another mechanism, known as *hundi*, involves the transfer of money from location to location through a network of dealers. Although many *hundi* transfers have included a safety mechanism to ensure that the money reaches its intended destination – which has often been an authentication code that is sent to the intended recipient – the system depends on a large element of trust.[175]

In a more philanthropic variation of normal remittance payments, Burmese migrant workers in Thailand responded to the devastation caused by Burma's Cyclone Nargis with charitable donations.[176] Informal networks were used to raise money to be distributed by aid groups or Buddhist temples.[177] For instance, workers in the Phan-nga district of southern Thailand,

many of whom had been affected by the cyclone themselves, collected in excess of 200,000 baht (then US$5,654) for victims of the cyclone.[178] Moreover, many migrant workers in Thailand reportedly wanted to return to Burma to assist the many victims of the cyclone, regardless of the dangers they would face.[179] Others sent supplies, such as clothes, medicine, dried foods and money, through what they considered to be *"trusted channels."* [180] Others, however, were concerned that the aid might be intercepted by the Burmese junta and may not reach the victims, although some migrant workers in Mae Sot were reportedly prepared to join the Thai government in passing aid over to the Burmese authorities.[181] Others reportedly returned to track down family members they feared to have been affected by the cyclone.[182]

The ability of Burmese migrant workers to make remittance payments from Thailand to Burma was seriously affected by the global economic slowdown. Burmese migrant workers employed on Thailand's rubber plantations were a case in point. Although these workers usually transferred large amounts of their earnings to their families in Burma through the *hundi* system, one agent claimed in October 2008 that his usual transfers of 20 million kyat (then US$16,500) per month had been reduced to a mere two million kyat (then US$1,650).[183]

In addition to the poverty many Burmese migrant workers face in Thailand, migrant labourer's working conditions are generally very poor. As the following examples make clear, unregistered migrant workers often toil in unsanitary and dangerous conditions and lack social security.[184] For instance, it was reported in February 2008 that around 200 illegal Burmese migrant workers were living near a rubbish dump two kilometres outside of Mae Sot. These impoverished workers were forced to forage and sift through the items in the dump, which is the size of several football pitches, in order to find recyclable goods, mostly made of plastic and rubber that they could sell on to shops. If successful, they stood to earn between 20 and 40 baht per day (between US$0.50 and $1.15). Despite the paltry nature of the returns, this was still more than some could earn in Burma.[185]

In addition to this grimy work, however, there are often added dangers. On 22 February 2008, for instance, about 14 Burmese migrant workers, three of them children, were injured by a bomb explosion at the same rubbish dump. The blast occurred soon after a truck deposited a load of rubbish there.[186] Among those who sustained serious injuries to both eyes and limbs, were:

1. U Than Ngwe, aged 45;
2. Maung Aung Bo, aged 8; and
3. Pho Dah, ethnic Karen, aged 30.[187]

Many Burmese migrant workers, moreover, work without basic protective gear such as hard hats.[188] If they do suffer an injury, it is often an uphill struggle to secure compensation. Nang Noom Mai Seng, for instance, who was paralysed from the waist down by an accident at a construction site in Chiang Mai in 2006, was forced to appeal a decision which refused her compensation. Although she was paid a lump sum by her employers in 2007, she was denied compensation by the Social Security Office; compensation which is only granted if the worker in question can produce a valid passport. Her subsequent appeal to the Workman's Compensation Appeals Committee in January 2008 was unsuccessful. She then went to the Chiang Mai Administrative Court on 11 April 2008, which ruled on 25 April 2008 that the case was a matter for the Labour Court. As of May she was appealing the decision at the Supreme Administrative Court in Bangkok, claiming alongside two other Shan migrant workers that she was eligible to receive compensation. Human rights organizations, furthermore, have disputed the April judgement, claiming that the Administrative Court did have the power to take on the case.[189]

In other cases, compensation has been forthcoming. In September 2008, for instance, Thailand's Labour Court ordered the owners of the Phraphasnavee fishing fleet to pay 38 Burmese survivors a total of 4.9 million baht (then US$140,450), as compensation after they went without food when their boat went adrift for three months off the coast of Indonesia in June 2006. The *Bangkok Post* described the court's judgment as a *"historic court ruling."* [190] Others, however, found the compensation to be insufficient. The Labour Rights Promotion Network, for instance, called for the families of 39 Burmese fishermen, who died of starvation during the voyage, to be compensated with 15 million baht (then US$430,000). The court found that the fleet was not compelled to compensate the victims' families, since no photographic evidence that the deaths took place at sea was presented to the court. There have also been reports of delays, and of the victims being unable to access their compensation, as they were told that they need 20 survivors present for the money to be withdrawn, despite the fact that this was impossible to achieve, as the survivors live in many different places, some of which were very remote. [191] The employers were also planning an appeal as of October 2008.[192] Ko Ko Aung, of the Labour Rights Protection Network, sees the incident as an example of how Thai labour law fails to protect migrant workers, commenting that, although *"migrant workers are supposed to be protected under Thai law … it seems it only protects Thai businessmen."* [193]

The danger and poverty experienced by many Burmese migrant workers is greatly compounded by the abuse and violence which many also regularly suffer at the hands of their employers or hostile Thais. Within the large Burmese migrant population in the fishing ports of Samut Sakhon province, for instance, around 800 cases of abuse such as murder and rape were recorded by the Seafarers' Union of Burma between mid-2006 and November 2007. Around one third of the cases involved murder. Furthermore, many Burmese migrant workers have not reported incidents of abuse that they have suffered to the police, given their fear of deportation.[194]

Rubber plantations in southern Thailand have been frequent sites of abuse concerning Burmese migrant workers. Many Burmese plantation workers have often suffered theft or have been murdered by their bosses or by robbers.[195] There have also been reports that migrant workers have been killed by their employers to avoid having to pay them. If discovered by the authorities, employers have frequently found that they can exchange impunity for compensation to the victim's family. When confronted with accusations of abuse, many employers have resorted to bribing the police to ensure that no action is taken against them.[196] In one case reported in March 2008, three Burmese migrants working in a rose garden in Pohphara, near Mae Sot, were threatened with guns, beaten and seriously injured by men hired by their employer, following their request for higher wages. Although the employer in question did increase wages from 70 to 80 baht per day, four suspected leaders of the workers were sacked. Lawyers from the Burmese Labour Solidarity Organisation (BLSO) intervened to help the victims submit the case to the police. The victims were:

1. San Min Naing;
2. Anyar Thar; and
3. Ko Hlaing.[197]

In another incident on 4 February 2008, four Burmese migrant workers were reportedly murdered and a boy was left seriously injured by an unknown Thai gang who, after posing as members of Thai intelligence, took them from their homes by car to a rubber plantation before their deaths.[198] The bodies of two couples, including one pregnant woman, were found in a rubber plantation in Chaiya Township, southern Thailand. The migrant workers had all been employed at the rubber plantation for around a decade since their arrival from Mon State.[199] The victims were all from Thanbyuzayat Township of Mon State, and were

1. Nai Win Naing;
2. Mi Khin Soe Soe;
3. Nai Khaing Thein; and
4. Mi Khaing Myint Win.[200]

Nai Khaing Thein and Mi Khaing Myint Win had left four children behind in Mon State. A fifth victim, Manaung Myint Naing, was the sole survivor, and was due to be sent back to Burma after the trial due to his lack of documentation. However, six persons were arrested for the crime on 25 February 2008, and reportedly were at risk of the death penalty.[201]

Campaigners have also responded to cases of severe abuse in the fishing industry. The International Transport Workers' Federation (ITF), based in London, released a film on 9 October 2008 at their Fishers' Conference in Busan, South Korea, entitled *Abandoned, Not Forgotten*, which documents the abuse of Burmese fishermen working in Thailand and describes conditions amounting to slavery, as well as incidents such as the beating of a Burmese crew member with an iron bar. According to the ITF, of the approximately 250,000 Burmese fishermen who were working in Thailand's fishing industry as of October 2008, only 70,000 were legally registered.[202]

A fishing boat from Ranong in southern Thailand crewed with numerous Burmese fishermen during 2008. *[Photo: © Irrawaddy]*

Female Burmese migrant workers have also been at particular risk of sexual violence while living and working in Thailand. Human rights groups, such as the Raks Thai Foundation, claimed in October 2008 that women working at Mahachai's factories, in Samut Sakhon province, were particularly vulnerable. It reported that 30 Burmese migrant women were raped in Mahachai during the first eight months of 2008 and that, as of October 2008, about two women had been gang raped every month, including girls as young as fourteen. The report however made no mention of the nationality of the perpetrators.[203] In some cases, Burmese women have reportedly been forced to pay the perpetrators, or have been sold into prostitution.[204] In one incident on 29 March 2008, for instance, a sixteen-year old Mon migrant worker girl was abducted, beaten and repeatedly raped and abandoned in bushes, assumed to be dead, by six men. She was found the next morning and taken to a local hospital. Two other similar cases reportedly occurred in the same week.[205]

In another case, a 16-year old Burmese migrant worker reportedly survived a four-day ordeal of rape and beatings by a gang in Samut Sakhon province, after being taken on 22 June 2008 from her factory by male employees. It was claimed that the rapists were two Thai nationals and one Burmese man. After being found in a bush within the factory compound, she was hospitalised and required a mouth operation for her wounds.[206] Human rights organisations have claimed that the Thai authorities fail to take allegations of rape from Burmese women sufficiently seriously, and have pointed to a high level of impunity among

rapists and street gangs, as well as the fact that many Burmese women have not reported their ordeals, both out of feelings of shame and fear of deportation.[207] One lawyer for the Raks Thai Foundation claimed in October 2008 that a mere five percent of allegations of rape are actually taken up and investigated by the Thai authorities and that delays continue to be the norm.[208]

Female Burmese domestic and sex workers have also been especially vulnerable to exploitation. Domestic workers have frequently faced harsh working conditions and low living standards, as many of those working in the sector have started at a very young age. They have not been covered with healthcare, and have had no assurances that the minimum wage will be paid.[209] There have also been reports that some maids have not been granted any days off throughout the entire year.[210]

Burmese migrant workers have also been at risk of being cheated of their scarce earnings, especially when Thais take advantage of their desire for legal documentation. For instance, it was reported in February 2008 that 41 Burmese masons in Phuket were promised, after negotiations with their manager, that Thai labour cards would be produced for them in exchange for a fee. The employer took between 500 and 1,000 baht per month from the workers (then between US$16 and $31), totalling over 263,000 baht (then around US$8,484). However, the money was reportedly collected and the employer, identified as Ko Myint, then moved to another workplace without producing the cards. After Ko Myint told the workers to come and collect their money, most of the migrant workers found that they were unable to make the journey due to their lack of travel documents.[211]

Despite such well-known cases of exploitation, abuse and murder against migrant workers, many Burmese people have not been deterred and have continued to flock to Thailand. As Ma Nge, a Burmese migrant worker in Bangkok, aptly stated, *"when you are starving you forget to be scared."* [212] Similarly, despite the exploitation, fear of deportation, abuse, work-related injuries and illnesses that the ethnic Shan suffer in Thailand, many have nevertheless considered this preferable to the persecution and poverty they experienced in Burma.[213]

Not all Burmese migrant workers, however, have wholly negative experiences while working in Thailand. For instance, *Irrawaddy* spoke to one Shan migrant worker, Sam Htun, who said that *"I feel my life in Thailand is more secure than in Burma. In Thailand, it is easier to make a living."* *Irrawaddy* commented that this gratitude is *"typical"* of many Burmese migrant workers living in the country. For instance, one Burmese migrant worker, Sam Htun, was earning around 4,500 baht (then approximately US$130) per month as of December 2008, compared to the 10,000 to 20,000 kyat (then around US$8 to $16) that he brought home every month in Burma. With this increase in wages, he was able to send around 17,000 kyat (then approximately US$13) a month to his family in Shan State. Other Burmese migrant workers, furthermore, have been the recipients of training and education projects. In Kakanok 2, a camp for Burmese migrant workers in San Kamphaeng in Chiang Mai province, workers have had training sessions provided by an NGO called the Human Rights and Development Foundation. As a result, the workers have been in a position to form their own workers' group, the Migrant Workers' Federation. On 18 December 2008, the community gathered to celebrate International Migrant Workers' Day, where games were organised to educate the workers about their rights.[214]

Migrant Health

Burmese migrant workers continued to suffer various health problems throughout 2008 which, as shall be seen, is a situation greatly exacerbated by their frequent lack of access to healthcare in Thailand. The following sub-sections detail some of the most common medical conditions which have affected Burmese migrant workers in the country.

Malaria

Malaria continued to be a problem for Burmese migrant workers in some areas of Thailand. In June 2008, for instance, the Mae Tao Clinic in Mae Sot had reportedly seen the number of Burmese migrant workers suffering from malaria on the Thai-Burmese border double in May 2008. There was an increase from 600 cases in the first four months of 2008 to 1,218 cases in May 2008, three of which were fatal. There were also other reports of increases in malaria in border areas in Kanchanaburi Province. The prevalence of malaria has been mainly attributed to Burmese migrants' failure to take preventive measures.[215]

Tuberculosis

As of March 2008, tuberculosis was reportedly the mostly commonly diagnosed disease suffered by migrant workers. The sharp rise in incidents of tuberculosis among the Shan and other groups who inhabit Thailand's northern borders has put pressure on local programmes designed to control and treat it. Far fewer Burmese migrant workers have been treated for and cured of tuberculosis than Thais. In Chiang Rai province in the north of Thailand, for instance, just one quarter of non-Thais were cured of the illness.[216]

This small shanty town located on the outskirts of Chiang Mai is populated by Burmese migrant workers who had travelled to Thailand in search of jobs that will help them support their families back in Burma. *[Photo: © Saw Yan Naing/ Irrawaddy]*

Sexually Transmitted Diseases

It was reported, also in March 2008, that there had been high levels of HIV infection among Shan migrant workers who reside in northern Thailand. For instance, of all diseases reported to the authorities, HIV/AIDS has been the most common disease suffered by Shan migrant workers in Chiang Mai. Many Burmese women and children affected by HIV/AIDS, moreover, have crossed the border into Thailand to receive treatment or assistance at the Mae Tao clinic in Mae Sot.[217] Like tuberculosis, HIV/AIDS has been far more prevalent among the Shan than other ethnic minorities, and far more so than among Thais living in northern Thailand, who suffer from the highest infection rates in their country. One analysis, published in March 2008, found that the rate of HIV/AIDS among the Shan was as high as 8.75 percent.[218]

After living with virtually no health services in Shan State, the Shan's susceptibility to HIV/AIDS has been greatly exacerbated by their lack of education regarding basic health issues. As a result, many have a limited understanding of the disease and have tended to stigmatise fellow Shan with HIV/AIDS. A further reason behind the Shan's vulnerability to HIV is the fact that many Shan have worked in Thailand's sex industry. It has been found that Shan sex workers have been less likely to make use of condoms than Thai workers and that, even when they have used them, they have frequently done so incorrectly. According to Voravit Suwanvanichkij, an HIV/AIDS epidemic has been developing as a result of these factors.[219]

Glaucoma

Given that blindness is a significant health problem in Burma, over 500 Burmese persons suffering from eye problems entered Thailand in October 2008 to take advantage of a free eye-care programme, which is provided annually by the Mae Tao Clinic. In total, 593 patients received treatment although many patients arrived after the onset of total blindness, meaning it was already too late for some to be treated. The programme was attractive to many Burmese because they could not afford to have a glaucoma operation inside Burma and, according to the clinic's staff, eye problems are so prevalent in Burma due to a *"lack of knowledge"* regarding prevention. One Burmese woman told *Irrawaddy* that, compared to the cost of 100,000 kyat (then US$79) for the journey to the Mae Sot clinic, the glaucoma operation in Burma would have come to 500,000 kyat ($395).[220]

Trauma

Many Burmese migrant workers remain deeply affected by their traumatic experiences in both Burma and Thailand. Despite being theoretically safe from the junta while working in Thailand, many Burmese migrant workers continued to fear that they would be apprehended by the Burmese authorities. In April 2008 it was reported that Burmese migrant workers hid in rubber plantations and jungles after rumours spread that the Thai authorities had joined forces with the Burmese junta to round up Burmese migrant workers in Phukup Township, located in southern Thailand. Employers had also reportedly become alarmed by the false news and had urged their workers, whether registered or unregistered, to flee, prompting concerns for their health and livelihoods.[221] In a similar case, about a thousand Burmese migrant workers in the southern province of Surat Thani fled to the mountains, after rumours spread that Burmese soldiers had been sent to forcibly return them to Burma to ensure their participation in the referendum on Burma's new constitution scheduled for May 2008. Even registered Burmese migrant workers had reportedly fled out of fear of arrest in Burma for illegal migration. The subsequent visit of Burmese Prime Minister Thein Sein to Thailand provoked yet more paranoia. The rumours reportedly originated from the fact that three men

driving a pick-up truck had seized work permits of some migrant workers on a palm plantation and threatened them, and from the fact that an inspection of a palm oil factory by uniformed men had also caused alarm. This affected the productivity of the following oil and rubber plantations, many of which lacked workers during the harvest season:

1. Khiri Ratthanikhom;
2. Tha Chang;
3. Chaiya;
4. Phunphin; and
5. Wipawadi sub-district.[222]

There were also reports that many of the hundreds of Burmese survivors of the 2004 tsunami that hit Thailand remain terrified of the possibility of a repeat disaster. Although the authorities in Phuket have set up a tsunami warning system which is broadcast in various languages, Burmese is not one of them, meaning that some Burmese workers do not understand them and panic when they hear broadcast messages, assuming that another tsunami is imminent. Burmese migrant workers have been known to flee to the mountains kilometres away.[223]

Nevertheless, not all of these fears have always been entirely unfounded, since there is at least some evidence that Burmese opposition groups have faced pressure from the junta even from the comparative safety of the Mae Sot area. In the run up to Burma's constitutional referendum on 10 May 2008, Thai security officers raided the offices and homes of Karen National Union (KNU) leaders towards the end of March. Thai intelligence advised the leaders that their safety could not be ensured. According to one exiled Burmese leader, groups allied to the junta such as the Democratic Karen Buddhist Army (DKBA) and the Karen National Union/Karen National Liberation Army Peace Council (KNU/KNLAPC) have attempted to undermine opposition groups in Mae Sot.[224]

Access to Healthcare

The Thai government reportedly spent around 155 million baht in 2007 (then US$4.8 million) to provide medical treatment for unregistered migrant workers, who suffered predominantly from diseases such as diarrhea, tuberculosis, HIV/AIDS, dengue fever and malaria. Although those enrolled with Thailand's labour program have been able to use Thailand's health services, as mentioned above, many have been unable to join and have consequently lacked access. Rather than providing healthcare on the basis of need alone, there is also evidence that political considerations may have influenced the decisions of Thai hospitals to treat unregistered migrants, since many have reportedly been anxious about being accused of sheltering illegal immigrants. In consequence, most migrants have been forced to go without healthcare, including many who are legally registered.[225]

In July 2008, however, it was reported that the Thai cabinet was considering the extension of healthcare to over 700,000 stateless persons and migrant workers' children born in Thailand. The rationale for this proposal was that it would benefit Thai society as a whole by more effectively controlling disease. In July 2008, it was reported that the Ministry of Health had also assigned 166 medical coordinators, who were often migrants with relevant training, in public hospitals to attend to migrant workers. The Ministry also reportedly encouraged the registration of more migrants in order to *"facilitate disease control and the migrant budget".*[226] Such arguments for extending healthcare have been frequently made. As Voravit Suwanvanichkij has shown, Shan migrants' lack of access to healthcare, as an example, has meant that diseases which could be prevented by vaccine have not been tackled. The inability of Shan migrants to secure ante-natal care and immunisations during childhood, for instance, has undermined Thailand's capacity to effectively control diseases such as polio. Lack of healthcare provision for migrants has also given rise to the danger that previously

controlled diseases, such as lymphatic filariasis, could re-emerge in Thailand via Shan migrant workers. When two Shan migrants were treated for lymphatic filariasis in 2004, it was the first time it had been seen for decades. Suwanvanichkij has also demonstrated the high cost of treating the illnesses of migrant workers. In response to their health problems, many public hospitals in Thailand have had to cover the costs of treating migrant workers who are unable to pay themselves. For instance, Mae Hong Son Province has forked out in excess of 40 million baht every year for charity care.[227]

Situation of Migrant Children

Burmese migrant children have been especially vulnerable to abuse and poverty in Thailand. Many children have become victims of trafficking, and have reportedly often been forced to beg, work in domestic service or sell flowers in Bangkok. According to Thailand's immigration detention centres in December 2008, the highest proportion of all foreign child labourers in Thailand were Burmese. It has been found that children in Mae Sot have remained susceptible to trafficking since traffickers have had greater access to them, due to parents having to work long hours to support families. Inside Burma brokers have often approached families and have offered them money in exchange for taking one or more children to Thailand to work. According to one aid worker, in December 2008 child labour has almost become the norm, and families have often not interpreted a broker's offer to take their child to Bangkok as trafficking. Furthermore, many families have simply needed the money that trafficking can potentially provide, although many have only ended up receiving a couple of payments rather than the monthly instalments that they were originally promised, and have become permanently separated from their children. As many of the trafficked children have been very young, they have often forgotten their origins and have not known how to get in touch with their families or return to their original villages. NGOs such as World Vision have responded to child trafficking with capacity-building programmes with government officials, so that they are aware of the problem.[228] (For more information, see Chapter 6: Trafficking and Smuggling).

Burmese migrant children have often lacked opportunities for education, as the poverty of Burmese migrant workers has frequently forced children out of school and into work.[229] It was reported in September 2008 that many Burmese migrant children in Thailand were illiterate, and arrived in the country with little or no education; a fact which contradicts the Burmese junta's claim to have achieved a 94 percent literacy rate.[230] (For more information, see Chapter 15: Right to Education). Nevertheless, a few more fortunate children have been able to access services offered by NGOs. For instance, a photography course has been offered for three years in the Phang Nga and Phuket provinces in Thailand to children from poor Burmese and Thai communities by the organisation InSIGHT Out, which aims to develop skills and encourage friendships between children of diverse ethnic groups, from Burmese migrant children to Muslim and Buddhist children. The programme began after the tsunami, and was intended to offer a means for children to deal with their experiences of the disaster. Over 140 children have completed the course so far.[231]

Deportation of Migrants

Illegal and unregistered Burmese migrant workers in Thailand have been constantly at risk of arrest or deportation. As of June 2008, after losing their jobs, registered migrants had a week before losing their legal status. If arrested, many Burmese migrant workers, including those deserving of protection as refugees, were detained before being deported. According to the US Committee for Refugees and Immigrants (USCRI) in June 2008, the Immigration Detention Centre in Bangkok was very overcrowded, keeping detainees in poor conditions involving a lack of adequate food, medical care, sanitation and ventilation.[232] In May 2008 moreover, the 67 survivors of the freezer truck accident were detained in Ranong Immigration Detention Centre, and were due to be deported back to Burma, allegedly in accordance with their wishes. Represented by the Thai Bar Council, the Ranong Court was due to begin hearing their case on 2 May 2008, and a delegation from the Burmese junta gave assurances that the survivors would be safe once they had returned to Burma.[233]

Deportations have continued to play an important role in Thailand's immigration policy. Of the 71,500 persons deported after illegally entering Thailand between June 2007 and June 2008, 25,400 of these were Burmese. Due to Thailand's Memorandum of Understanding with the Burmese junta, Thailand has continued to provide Burmese authorities with the list of deportees' names in advance of their deportations, as well as often passing Burmese people on to the Democratic Karen Buddhist Army, who are allied with the junta.[234] It was reported in aril 2008 for example that Thai authorities arrested 165 Burmese migrants – who had not eaten for three or four days, and had been abandoned by their brokers after crossing into Thailand via Three Pagodas Pass – in a forest near the town of Sangkhlaburi. They were from Kyait Mayaw Township, Mon State. All were detained and deported to Burma.[235] In another case in December 2008, it was reported that around 100 Burmese migrants working illegally in Mae Sot were being arrested each day by the Thai authorities. As a result, hundreds of others fled to the surrounding jungle for up to two or three days. As Burmese migrant workers tended to flee regularly to avoid raids, they were unable to work every day and consequently experienced drops in their already small incomes. If they were arrested and repatriated, they usually sought to re-enter Thailand.[236] The following timeline documents many other similar incidents of arrest, detention and deportation concerning Burmese migrant workers.

Burmese migrant children are detained along with their parents in the Mae Sot Immigration Detention Centre where they await deportation across the river back to Burma. *[Photo: © AFP]*

21.3 Situation of Burmese Migrants in Malaysia

> *"I regret coming to Malaysia. I feel afraid here. The only thing I want now is to go home."* [237]
>
> – Ko Shwe, Burmese migrant worker

During 2008, Malaysia remained a popular destination for migrant workers from both Burma and other countries in Southeast Asia. Since the fulfillment of Malaysia's economic ambitions requires the presence of millions of foreign labourers, as much as 30 to 50 percent of Malaysia's workforce may have been composed of migrant workers as of March 2008.[238] Indeed, a number of employment agencies claimed in September 2008 that Malaysia was the most popular choice of destination among their clients.[239] According to the BWRPC in December 2008, an estimated 500,000 legal and illegal Burmese migrant workers and refugees were living in Malaysia.[240] Many were earning their livings in restaurants, factories, rubber plantations and construction sites.[241]

Malaysia's 88,573 registered Burmese migrant workers toil alongside migrant workers from a variety of other countries, the most common of which include Indonesia, Nepal and India.[242] Malaysia claimed that there were a total of 2.1 million registered foreign workers in the country as of March 2008.[243] It was also estimated that there were between 500,000 and 700,000 illegal migrants in the country in May 2008.[244] However, NGOs have claimed that, when the true number of illegal migrant workers is added to the official figures, the total number of migrant workers in Malaysia is far higher. The International Federation of Human Rights (IFHR), for instance, has stated that the true figure may be as high as five million.[245]

Although the Malaysian government has criticised the Burmese military junta, it has largely failed to meet the needs of Burmese migrant workers who have fled its repression. Malaysia has neither signed nor ratified the ICPMW and, like Thailand, Malaysia's 1959 Immigration Act does not distinguish between refugees and illegal immigrants.[246] Moreover, *Project Maje* reported that, during Malaysia's national parliamentary elections on 8 March 2008, topics such as security were discussed with reference to illegal immigration, which was regarded as a source of crime.[247] Despite the significant contribution that migrant workers have made to Malaysia's economy, the Malaysian government has sought to seriously limit their illegal entry into the country. In March 2008, the authorities intensified their policy of rounding up Burmese migrant workers in Malaysia, including those with legal permits and refugees with UNHCR documentation.[248] In May 2008, furthermore, the Malaysian government announced its plans to bring the employment of migrant workers to a halt. The Malaysian Home Minister, Syed Hamid Albar, stated that he would seek to reduce the number of foreigners working in Malaysia, although he did not detail how the menial work that is mostly undertaken by migrant workers, and largely shunned by Malaysians, would be replaced.[249]

Moreover, in response to a riot in a detention centre near Kuala Lumpur which was provoked by overcrowding, the Home Minister claimed in April 2008 that the solution lay in further measures to tighten border security, rather than the provision of better detention facilities.[250] In December 2008 around 40 Burmese migrant workers were deported from Malaysia to Burma, reportedly after protesting against the tighter regulations that migrant workers are subjected to.[251] Despite the government's intention to crack down on migrant workers, the International Federation for Human Rights has noted the lack of a comprehensive immigration policy or coordination between various ministries, concluding that Malaysia's immigrant policy is *"mainly reactive."* [252]

Despite the continual arrival of Burmese migrant workers in Malaysia, by December 2008 the effects of the faltering global economy on Malaysia had led many others to return to Burma. 300 Burmese migrant workers, for instance, lost their jobs at the Press Metal Berhad aluminium factory, and were subsequently repatriated on 27 and 30 November 2008. According to the BWRPC, in early December an additional 118 Burmese migrant workers returned home after losing their jobs in Kuala Lumpur, as the companies they were employed by cut down on their staff as a result of drops in orders of consignments.[253]

Migrant workers who have lost their jobs report that they have not been paid compensation, and they were unaware of whether it would be possible to resume their posts if economic conditions improved again. With many Burmese migrant workers having paid up to 1.6 million kyat (then US$1,200) for their jobs in Malaysia, many have been laid off before they had even covered the agent fees. Those who were fortunate enough to have kept their jobs throughout 2008 still suffered from pay-cuts and the imposition of greater amounts of overtime.[254]

The Journey

Burmese migrant workers have often been prepared to go to great lengths to reach Malaysia. Many embark on dangerous sea crossings in small boats, but often fail to land in the country and arrive in southern Thailand instead.[255] According to one broker in Shapuri Dip in Bangladesh, four boats carrying around 400 boat people left Burma and headed for Malaysia in the space of one month alone between November and December in 2008.[256] The journey includes particular perils for the boat people (the majority of whom are usually ethnic Rohingya); although many eventually reach Malaysia, there have been frequent disappearances *en route.* The Arakan Project has estimated that more than 8,000 boat people left the coast of Bangladesh between October 2006 and mid-March 2008, travelling towards either Thailand or Malaysia. 5,000 of these left during the sailing season which began in October 2007.

On 25 November 2007, for example, a trawler that was transporting around 240 ethnic Rohingya to Malaysia reportedly sank in the Bay of Bengal; only an estimated 80 survived. Another sank a week later, killing 150, after reportedly being fired at by the Burmese Navy. On 3 March 2008, in contrast, the Sri Lankan Navy rescued 71 survivors, mostly of Rohingya origin, whose boat had drifted across the Indian Ocean for 22 days after its engine had broken down. Of those on board, 20 had died of dehydration and starvation.[257]

Malaysia remains one of the only viable destinations for the Muslim Rohyingya in terms of escaping persecution and poverty in Burma. In the absence of documentation however, a sea voyage has been the only means of getting there from Bangladesh or Burma. As of April 2008, the entire route led from northern Arakan State, briefly through Bangladesh and then through Thailand, with an overland leg to Malaysia.[258] In response to this need, smuggling networks in Bangladesh and Arakan State have developed. Rohingya migrants have ordinarily been offered two alternatives. They have either opted for transportation by sea to southern Thailand, which has cost less than US$300, or alternatively, they have chosen to be taken to Malaysia, which has been priced at between US$700 and $1,000.[259] Since most boats have been captured upon arrival, most have considered the route through Thailand as constituting a safer option, since being arrested in Malaysia would entail being detained for longer and being deported to Thailand.[260] These journeys have typically been completed through convoluted networks of brokers and smugglers. Although the majority of the Rohingya have been males between the ages of 18 and 40, children below the age of nine have also undertaken the journey.[261] (For more information, see Section 21.4: Situation of Burmese Migrants in Bangladesh).

There are high risks involved in any attempt to cross the border overland. The southern border town of Kawthaung in Tenasserim Division has been popular among Burmese migrant workers as a crossing point from Burma into Malaysia. As of June 2008, as many as 100 persons a day were reportedly being illegally smuggled across the border to either Thailand or Malaysia. Locals reported that both Kawthaung's hotels and the local authorities had been heavily involved in human trafficking. Nevertheless, around 200 Burmese job seekers were arrested in five days during June 2008 as a result of a crackdown by the local authorities, alongside nine persons alleged to have been involved in the organisation of human smuggling. On the orders of the junta's Prime Minister, Thein Sein, the authorities reportedly raided hotels at night where Burmese job seekers were staying before planning to furtively leave Burma.[262]

RELA

Throughout 2008 the Malaysian government continued to employ its People's Volunteer Corps (*Ikatan Relawan Rakyat Malaysia*), known by its acronym as RELA. Founded in 1972 with the aim of safeguarding public security, it is intended to be *"the eyes and ears of the government,"* and consisted of around 400,000 reservists as of March 2008.[263] The corps has the power to arbitrarily arrest or detain any individual that it considers to be an illegal immigrant, and has made little distinction between migrant workers and refugees.[264] RELA regulations introduced in 2005 provide its members with,

> *"**the right to bear and use firearms, stop, search and demand documents, arrest without a warrant, and enter premises without a warrant**, and all these powers can be exercised when the RELA personnel has reasonable belief that any person is a terrorist, undesirable person, illegal immigrant or an occupier."* [emphasis added] [265]

Moreover, the 1948 Public Authorities Act provides immunity from prosecution for RELA personnel.[266] Consequently, a catalogue of abuses by RELA has been recorded by both human rights groups and its victims, such as beatings, canings, rape and theft.[267] RELA has continued to seriously injure migrant workers and refugees during its raids; in one case an assault on a Burmese national with a club left the victim blinded.[268] Arrests have been frequently made without any regard for the documentation carried by the targeted individual and, in any case, RELA has often deliberately destroyed its victims' identity documents.[269] RELA's unrestrained use of force has also allowed the flourishing of what *Project Maje* describes as *"copycat criminals"* who, under the pretence of being genuine RELA members, rob foreigners and make extortionate demands of them.[270]

RELA has previously been the subject of charges of corruption. In May 2008, a restaurateur filed a law suit against RELA, alleging that one of its members detained four of his staff members and demanded a bribe of 2,000 Malaysian ringgit (then US$604), in exchange for their release.[271] There have also been a number of reports of RELA members stealing money, wallets and documentation from arrested migrant workers before releasing them.[272] RELA's record has been further tarnished by displays of incompetence, such as the case in which the corps arrested the wife of the Indonesian embassy's cultural attaché while she was shopping in a Kuala Lumpur market last October 2007, after its members refused to recognise her identity card.[273]

The draconian treatment of migrant workers and refugees even appears to have been actively encouraged. RELA's members have received a monthly stipend and a further 80 ringgit (then US$24) for every allegedly illegal migrant they arrest, despite the scrapping of a bounty system in 2007.[274] This has led to the detention of high numbers of migrant workers. As of August 2007, RELA had reportedly detained at least 24,770 migrants.[275] It also undertook up to 40 raids a night between 2007 and 2008, arresting over 30,000 allegedly

illegal immigrants by November 2007; an increase from 25,000 in 2006.[276] *Project Maje* has judged that RELA's methods have only become more violent into 2008, and the island of Penang has become especially susceptible to its raids.[277]

For these reasons, RELA has been consistently criticised by human rights organisations. In its 2008 annual report, Amnesty International expressed its concern that RELA has continued a campaign of mass arrests of migrant workers and refugees.[278] It was also reported in April 2008 that the Asia Director of Human Rights Watch, Brad Adams, had also condemned RELA as a *"vigilante force"* and strongly urged for it to be disbanded.[279] The International Federation for Human Rights (IFHR) observed in March 2008 that RELA's arrests consistently *"[violate] the due process of law*,*"* and noted that the lack of adequate supervision or training for RELA's members had created a culture of impunity for those abusing RELA's mandate.[280] Despite such trenchant criticism, the Malaysian government appears to have remained undeterred, even announcing in March 2008 that it planned to use RELA for its subsequent crackdowns on illegal migrants.[281] RELA has also continued to play an integral role in the running of Malaysia's detention centres for illegal immigrants. In November 2007, the Malaysian government announced that RELA members would staff detention centres until the training of full-time staff was completed; a process that could take up to two years in total.[282] Despite these proposals, Malaysian officials interviewed by IFHR demonstrated an awareness of the abuses perpetrated by RELA.[283]

Fear of deportation has also affected Burmese migrant workers' lives in more subtle ways. For instance, it has prevented cultural events from being celebrated completely openly. Although Burmese migrant workers in Malaysia did not face an equivalent of the clampdown faced by their counterparts in Thailand, Mon migrants were nevertheless compelled to celebrate the Mon National Day in February 2008, in Kuala Lumpur and Penang, in a more cautious and subdued manner. As a result, the celebrations were completed without incident. Most of those who attended were illegal migrant workers, heightening the risk of deportation. Unlike the illegal migrant workers, however, those with valid passports were not given time off during the national day.[284]

Malaysia's Use of Detention Centres

In addition to the abuses perpetrated by RELA both inside and outside Malaysia's detention centres – known as *"depots*,*"* – the conditions within its facilities for detaining migrant workers have often been severe.[285] In addition to documenting the presence of abusive guards in detention centres, USCRI has reported serious issues such as overcrowding, poor sanitation and the lack of food and health services. It documented the claims of detainees that they were provided only with contaminated drinking water, and that between 15 and 20 persons were packed into cells designed to fit just four.[286] As a result of these conditions, Burmese migrants detained in the Lenggeng camp, located to the south of Kuala Lumpur, rioted on 21 April 2008, forcibly entering an administrative building and setting it alight. In response, even Malaysian officials reportedly admitted that the rioting had been provoked by overcrowding.[287]

Moreover, the Malaysian lawyers' professional association, the Bar Council, which represented over 10,000 Malaysian lawyers as of May 2008, has cited evidence that caning is increasingly used in detention centres against migrant workers following their arrest by RELA's volunteers. It was reported in May 2008 that the Council had called for the practice to be banned and condemned it as *"cruel*.*"* Similarly, the IFHR stated that caning is illegal under international human rights law.[288] Such practices and conditions in detention facilities have been left largely unmonitored, as the Malaysian government has not generally granted access to bodies such as the International Committee of the Red Cross (ICRC) or other NGOs.[289] Indeed, in its report of March 2008, IFHR even identified a pattern of international organisations being denied access to

detention facilities.[290] It also judged that abuse perpetrated by RELA and the incarceration of migrant workers in detention centres *"replaces any fully fledged migration policy."* [291]

Working Conditions

Before attempting to reach Malaysia, many Burmese migrant workers are obliged to commit large sums of money, often exceeding US$1,000 to arrange their jobs in Malaysia and to organise their transport to the country. Although many Burmese have been lured to Malaysia by the promise of high wages from frequently unscrupulous employment agencies, they have often found themselves cheated upon arrival and subsequently disillusioned by the reality of exploitation. Once they arrive, many Burmese migrant workers have been confronted with frequently harsh working conditions. As with other countries neighbouring Burma, the Malaysian economy has heavily relied on foreign workers to undertake what have become known as the "3D jobs," standing for 'dirty', 'dangerous' and 'difficult.' In addition, the Malaysian government has generally left migrant workers unprotected from exploitative employers and agencies, allowing many to experience abuse. For instance, in May 2008 *Irrawaddy* reported the case of a Burmese migrant worker, Htun Htun, who was attacked by hired thugs after failing to arrive at work due to illness.[292]

A Burmese migrant worker holding his documentation papers for inspection during a raid in 2005 by RELA personnel on a construction site in Kuala Lumpur, Malaysia. *[Photo: © AP]*

Chin migrant workers have often fallen into severe poverty in Malaysia. Given the dangers of crossing the militarised border between Burma and India, many Chin have made the longer journey to Malaysia. Of the approximately 23,000 Chin in the country as of April 2008, most inhabited very confined accommodation in Kuala Lumpur, while others lived in camps outside the capital or further afield in the Cameron Highlands. There they have worked on farms, reportedly suffering from a lack of protective equipment, unreliable water supplies and very low wages. As Chin refugees have been denied the right to work in Malaysia, they

have often been forced into clandestine employment. Amy Alexander of the Chin Human Rights Organisation (CHRO) wrote in April 2008 that less than a third of the Chin community in Malaysia had secured employment, and that those who had were heavily exploited.[293] Many migrant workers, furthermore, have become bonded to their employers. As of May 2008, all foreigners looking for work in Malaysia had to apply for 'calling visas,' which allow migrant workers to undertake temporary work until full work permits are issued. However, since many migrant workers have handed over large sums to their employers to cover their calling visas, large numbers have ended up thoroughly under their control. Many employers have confiscated Burmese migrant workers' passports to prevent them from choosing to change jobs. In consequence, many originally documented migrants have preferred to work illegally so they can have the freedom to search for new work elsewhere should it become necessary.[294] Many migrant workers have also found that because their permits are often tied to just one employer, that losing their jobs also means losing not only their permits and thus their right to work and remain in Malaysia, but also the right to take legal action against their employers. Nor have illegal migrant workers been able to mobilize themselves to press for better wages and conditions, because, as USCRI observed in June 2008, this right is reserved for Thais and migrant workers in possession of legal permits.[295]

Working conditions for migrant labourers are often highly dangerous. For instance, a Chin refugee reportedly suffered a fatal fall in January 2008 while working on a construction site. Despite these dangers, many Burmese migrant workers and working refugees have not received compensation when they have needed it, finding that medical treatment for work-related injuries is only given by employers on a discretionary basis.[296] For instance, *Irrawaddy* reported in May 2008 that a Burmese migrant worker, Ko Shwe, lost his right hand when using a lathe in a factory, yet remained uncertain about whether he would gain any compensation whatsoever, or even whether he would be able to have his hospital fees reimbursed. It also recorded evidence that a factory in Muar, Malaysia paid the minimum wage of just 18 Malaysian ringgit (then US$5.70) per day, but deducted ten ringgit (then $3.17) from its employees' wages for each day of absence, regardless of illness. Such incidents have occurred in spite of regulations on compensation enshrined in Malaysian law. For instance, the 1952 Workmen's Compensation Act makes clear that employers must insure all legal migrant workers against both sickness and injury.[297]

Nevertheless, some steps have purportedly been taken to improve these labour conditions. In August 2008 the sportswear giant, Nike, investigated over 30 factories in Malaysia that had contracts to produce its t-shirts, after finding evidence that they were mistreating migrant workers. In one factory, run by the Hytex group in the north of Kuala Lumpur, Nike found that 1,150 workers, some of whom were Burmese, lived in conditions it found to be *"unacceptable,"* and that many had their passports confiscated and, in some cases, had over ten percent of their wages deducted every month. Although the Malaysian government denied any mistreatment, Nike demanded that all migrant workers be reimbursed for employment-associated fees, and promised to promptly place all workers in Nike-approved housing.[298]

It is not just in the workplace, however, that Burmese migrant workers have faced considerable adversity. Malaysia's Immigration Act prohibits renting housing to illegal migrants, meaning that those who have managed to find work have often been forced to reside illegally in poor conditions. USCRI has described these abodes as *"makeshift camps*,*"* which have often been located in the jungle or near their workplaces.[299] For instance, in March 2008 *Project Maje* documented a campsite constructed out of a mixture of bamboo, vines and tarpaulins, where a group of Kachin people who had fled forced labour in Burma eked out a living by clearing brush for a plantation, with each worker being paid around 5 ringgit per day (then about US$1.56). The plantation owner reportedly failed to provide medicine, despite the fact that several were suffering from malaria and others had experienced accidents while working, as well as general malnutrition. The reason behind the workers' choice to remain in such conditions was their fear of being arrested and repatriated.[300]

Such harsh working conditions have taken their toll on Burmese migrant workers both physically and psychologically. On 22 July 2008, for instance, a Burmese national, Saw Noung, hurled a petrol bomb at the Burmese embassy in Kuala Lumpur, before attempting to set himself alight. His suicide was prevented, however, by his arrest by plain-clothes policemen.[301] Less dramatically, emotional problems such as isolation, depression, and pressure to send money home have led to high levels of alcohol and drug addiction amongst Burmese migrant workers. In particular, concerns have been raised about increases in drug abuse in the Mon migrant community residing in Malaysia. In July 2008, social workers noted that drug abuse was having a highly negative effect on Mon families, as the habit consumes precious financial resources, and the average Mon drug addict was reportedly spending around six US dollars per day to feed their addictions. Given the great contrast between traditional village life in Burma and the reality of working abroad in Malaysia, many migrant workers have lacked awareness and education about the risks of drug abuse. This has also resulted in concerns that unprotected sex has led to higher levels of HIV/AIDS in the Mon community.[302]

Drug addiction in the migrant community has persisted despite Malaysia's goal of eradicating drug use by 2015, which it has vigorously pursued through the imposition of harsh penalties such as capital punishment for possession of small amounts of drugs like cocaine, heroin and marijuana. However, as of July 2008 such punitive measures had generally not been accompanied by softer strategies such as awareness-raising campaigns. The distribution of drugs such as alcohol and sleeping pills had also been left uncontrolled. Despite the ready availability of drugs in migrant communities, those responsible for their distribution have often remained elusive to the authorities.[303]

One exception to this, however, was the trial of a Malaysian national, Peter Too Huat Haw, for drug trafficking, alongside five Burmese nationals.[304] One of these nationals was Maung Weik, who was charged in Burma during July 2008 for both violating Burma's immigration act by allowing a Malaysian to stay in his Rangoon office and for trafficking narcotics, a crime which is punishable by life imprisonment.[305] Furthermore, some initiatives to tackle drug use have been undertaken by the Mon community itself. In July 2008, the community recognised the need for measures to be taken to curb alcohol and drug addiction at its Annual General Meeting in Klang, near Kuala Lumpur. The Master of Ceremonies, Nai Plu, proposed that members pledge to refrain from drug taking.[306]

Burmese migrant workers employed within the construction sector in Kuala Lumpur, Malaysia. *[Photo: © AFP]*

21.4 Situation of Burmese Migrants in India

Burmese migrant workers, especially those from Burma's western provinces, continued to cross the border into India's eastern states such as Mizoram in 2008. Like their counterparts in other Southeast Asian countries, Burmese nationals in India have been regularly detained by the authorities. India's Foreigners Act provides, in USCRI's words, *"broad powers of detention*," and provides no exemptions for refugees or asylum seekers.[307] Illegal entry into India has carried a punishment of five years imprisonment. The Foreigners Order of 1948, moreover, has allowed the Indian government to restrict migrant workers' movements and to compel all foreigners to *"reside in a particular place."* [308] In accordance with such laws, a curfew between the hours of 4pm and 7am and restrictions on movement were imposed throughout Moreh in Manipur by the police in August 2007. Moreover, USCRI reported in June 2008 that around 36 Burmese Rohingya continued to be detained after being charged with arms smuggling, although they were transferred from the Andaman Islands to Kolkata prison, and were told by UNHCR that any asylum application they made would be unsuccessful.[309] (For more information, see Chapter 20: The Situation of Refugees).

Burmese migrant workers have also been at serious risk of deportation while in India. USCRI found in 2008 that, if caught, ethnic Chin could avoid deportation by paying bribes of between 200 to 500 rupees (between US$4.50 and $11) as of June 2008.[310] Furthermore, after spending a year in prison in Manipur, in September 2008 15 Burmese persons from Arakan State were reportedly sent to Leikul refugee camp in Chendel district on the State Home Department's orders, where they awaited a decision on their deportation. The Gauhati High Court, Imphal Bench, ordered their release on 26 August 2008, after they had been detained in Moreh by the paramilitary group, the Assam Rifles, under Section 14 of the Foreigners Act for lack of required documentation.[311] Although their possession of foreign currency, such as US dollars, Thai and Burmese notes as well as Thai work permits, prompted suspicions that they were linked to al-Qaeda, no proof of this was found, and they claimed to be labourers. The individuals, who were aged between 18 and 42 years old, were identified as:

1. Mohammed Nassen, alias Nasim;
2. Faizu Rahaman;
3. Said Aslam;
4. Mohammed Rehan, alias Mongla;
5. Mohammed Abdul Hussain;
6. Mahabu Bashar, alias Fijho;
7. Mohammed Abdul, alias Rahul Arin;
8. Mohammed Bashar Ahamad;
9. Mohammed Junet;
10. Sah Ahamad;
11. Mohammed Salim;
12. Mohammed Shabbir Ahamad;
13. Mohammed Rohit; and
14. Abdulla.[312]

As with other countries neighbouring Burma, Burmese migrants have washed up on India's shores after leaving Burma by sea. Three Burmese migrants reportedly landed on the eastern coast of Orissa State, near Gopalpur Town, on 5 February 2008 after three months of drifting at sea without basic necessities on a wooden raft, as a result of a cyclone in the Bay of Bengal on 11 November 2007. They were subsequently stranded in India and were dependant on the help of an Indian truck driver named Purmachandra, who had bailed them out after their arrest upon arrival. They received no help from the Burmese embassy in India's capital, New Delhi, although the embassy had been informed of the situation on 3 March 2008. The migrants were from Pyapon Town in Burma's Irrawaddy Division, which

was one of the areas most severely affected by Cyclone Nargis in May 2008. The men were identified as:

1. Zaw Oo;
2. Zaw Lwin; and
3. Ko Lynn.[313]

Although India has allowed refugees with status to be educated, around 200 Burmese migrant children in Manipur still lacked access to education in 2008. Given the poverty of many Burmese migrant workers in India, young Burmese girls in Manipur have frequently worked as prostitutes to boost their families' incomes. Furthermore, according to USCRI, many Burmese children in Manipur have suffered from malaria, gastrointestinal diseases and malnutrition.[314]

Despite the hostility that many Burmese migrant workers have faced in India, which is described in greater detail below, some steps have been taken to raise awareness of their plight at the hands of the junta. In late July and early August 2008, for instance, Burmese activists in New Delhi reportedly celebrated the twentieth anniversary of Burma's pro-democracy student uprising – which pushed a significant number of Burmese into India – to raise awareness. As part of the celebrations, there were plans to circulate pamphlets detailing both the uprising and the current situation in Burma. A series of events were organised by the following organisations:

1. The Global Justice Centre;
2. The International Burmese Monks Organisation;
3. Serene Communications;
4. US Campaign for Burma; and
5. 88 Generation Students of Burma.[315]

Conditions of Burmese Migrants in Mizoram

As of September 2008, Mizoram's unfenced border with Burma stretched for 510km.[316] Many Burmese migrants crossed that border in 2008 because of the severe food crisis in neighbouring Chin State. The onset of bamboo flowering in the state led to an explosion in the population of rats, which in turn destroyed many crops and livelihoods. The effect of the famine was compounded by the Burmese junta's imposition of forced labour, obliging many to seek food in neighbouring India after October 2007. In March 2008, CHRO visited four border villages in Mizoram State, finding 400 persons who were part of the 93 families who had fled across the border in the hope of finding subsistence. The families were originally from 22 villages in Paletwa Township in Chin State, and included between 50 and 60 children, around half of whom had reached school age. As one villager in Mizoram from Paletwa Township put it simply in an interview on 25 March 2008, *"we are compelled to leave our village simply because we have nothing left to eat."* In addition, CHRO admitted that there may be other Burmese people in Mizoram of whom it was unaware, and that it had received reports of the arrival of a further 200 to 300 persons. However, in contrast to the Indian government's vigorous measures to try to combat the food crisis, the Burmese junta failed to act, and even went as far as obstructing the arrival of aid to Chin State.[317]

As a result, between 60,000 and 80,000 Chin were living along the border which divides Burma and India as of April 2008.[318] By June 2008, USCRI had produced the more specific figure of 75,000.[319]

Once they have arrived in India, most Burmese migrants have found work in farming, road construction and stone quarries, as well as having taken on odd jobs.[320] Others have undertaken the difficult and costly journey to New Delhi where, unlike Mizoram, there is the

chance of receiving UNHCR protection. As Amy Alexander of CHRO described in April 2008, once these migrants are registered by UNHCR, they are required to stay in Delhi, where they have found it a great challenge to make ends meet. Their integration into Indian life has been impeded by the fact that the Chin have had to compete with the impoverished local population for scarce resources, meaning that many Chin have become vulnerable to being evicted or physically abused; actions which have been carried out with impunity.[321] (For more information, see Chapter 20: The Situation of Refugees).

The presence of thousands of Chin has caused tensions to develop in Mizoram. In addition to their vulnerability upon arrival, Burmese migrants have also been susceptible to abuse and murder. Female Burmese refugees have complained of incidents of sexual and gender-based violence, such as the case in June 2008 when an unidentified attacker killed a Burmese woman in the house where she worked.[322] Burmese migrant workers have also faced clampdowns by the nationalist student group, the Young Mizo Association (YMA). As of June 2008, unregistered Chin refugees in Mizoram were only allowed to rent apartments legally once they had been given letters from the authorities and the YMA. The YMA carried out inspections and deported those without the required letters.[323] In September 2008, moreover, the YMA reportedly requested that certain Burmese migrant workers leave, after their alleged harassment of village girls and the assault of a local boy. This request followed a brawl between villagers and Burmese migrants in Thanhril village, over the alleged harassment. Nevertheless, the YMA admitted that other Burmese migrants were law-abiding.[324]

There have also been cases of Burmese Buddhists in Aizawl district being pressured into conversion to Christianity by their employers and local pastors. There were reports that Burmese migrants employed at a fabric factory were compelled to attend a religious gathering by their employers in July 2008, given that they had threatened to fine or report them to the police for illegally entering India**.** Workers were also reportedly given badges to differentiate Christian converts from non-converts. However, local pastors insisted that the gatherings were designed merely to be an awareness-raising exercise and that many had converted voluntarily, despite admitting that many attended merely out of *"politeness"* to their employers.[325]

Ethnic Chin migrant workers employed as weavers in Mizoram State in India's northeast. *[Photo: © Amy Alexander]*

21.5 Situation of Burmese Migrants in Bangladesh

Significant numbers of Burmese migrants continued to enter Bangladesh throughout 2008, many of whom then continued to Malaysia. Villagers in Shapuri Dip, for instance, claimed in April 2008 that one or two families were illegally crossing the border between Bangladesh and Burma each day.[326] Such patterns of migration have occurred in the context of tension between Bangladesh and Burma. Although a meeting was held between Burma's border control force, NaSaKa, and the paramilitary Bangladesh Rifles (BDR) to address bilateral matters in Maungdaw Town in Burma on 13 December 2007, disagreement emerged over the maritime border between the two countries in 2008.[327] On 1 April 2008, for instance, committees from both countries met to discuss the delineation of the border but failed to reach agreement.[328] Then again on 1 November 2008, tensions heightened as Bangladesh accused Burma of conducting explorations for gas reserves in disputed areas of the Bay of Bengal.[329]

Much of the migration from Burma to Bangladesh is attributable to the Burmese junta's repression within Arakan State, as well as to poverty caused by high commodity prices and unemployment.[330] The Rohingya – a stateless people with strong ethnic and cultural links with Bengalis of Bangladesh and who are denied full citizenship by the Burmese junta – make up the bulk of Bangladesh's 178,000 refugees.[331] It has even been claimed that the Burmese junta may be willing to allow the Rohingya people to leave Burma, as this may further what has been described as their *"policy of ethnic cleansing."* [332] The level of corruption and demonstrated proclivity for bribery within in the ranks of the NaSaKa has also adversely affected the Rohingya. In March 2008, for instance, it was reported that NaSaKa had cheated businessmen, by initially giving permission for exports of goods to Bangladesh, only to revoke it later, seizing the goods and arresting the men. In the assessment of one village elder, the policy was *"a ploy to destroy the business of the Rohingya community."* [333] (For more information, see Chapter 18: Ethnic Minority Rights).

At times, Burmese refugees and migrants in Bangladesh have been, like other countries with substantial Burmese populations, almost indistinguishable. USCRI has estimated that the unregistered refugee population in Bangladesh during 2008, almost all of whom were Rohingya, numbered between 100,000 and 200,000, many of whom lived outside refugee camps in Cox's Bazaar and the Bandarban area of Chittagong.[334] As Rohingya refugees in Bangladesh have been denied freedom of movement and the right to work, many have consequently fallen into an underground existence, working illegally for poor wages.[335] Although refugees lacked legal rights to work and continued to be vulnerable to exploitation throughout 2008, the Bangladeshi authorities usually turned a blind eye to informal work in fishing or farming undertaken by refugees.[336] In addition to the 21,000 Rohingya who have been living in refugee camps in the southeast of Bangladesh, according to the US Department of State in March 2008, around 200,000 have also lived outside the camps.[337] (For more information, see Chapter 20: The Situation of Refugees).

Like Burmese migrant workers in Thailand and Malaysia, those in Bangladesh run the serious risk of arrest and deportation. Bangladesh's 1946 Foreigner's Act allows the government to arrest and hold foreigners, including refugees, for reasons of security. Although UNHCR has provided the BDR with training on how to distinguish accurately between asylum seekers and other types of migrants, asylum seekers were still reportedly treated as illegal immigrants and arrested. In addition, many were often released in exchange for bribes. USCRI also reported that the Bangladeshi government have held over 400 Burmese nationals in prison for longer than they were sentenced, for crimes including entering the country illegally, and UNHCR has found that abuse in detention facilities has been rife.[338]

The Bangladeshi government has not taken significant steps to combat the smuggling of boat people into the country, although its raids at departure points and border crossings reportedly intensified from October 2007 onwards. In one incident, boat people were pushed back into Burma across the Naf River. It was reported in April 2008 that the BDR had recently switched from jailing Burmese migrants to simply pushing them back into Burma.[339] In contrast, the BDR has taken steps to combat the smuggling of goods from Burma to Bangladesh. On 2 December 2007, for instance, it seized smuggled goods and narcotics worth around one million taka and, on 16 March 2008, it seized contraband wine and beer worth 200,000 taka.[340]

According to USCRI in June 2008, the Bangladeshi authorities had arrested around 200 Burmese migrants for illegal entry into the country over the course of the preceding year, only some of whom were fully documented.[341] On 28 November 2007, for instance, 14 Chin were reportedly arrested by the Bangladeshi authorities after being discovered undertaking missionary work and distributing Bibles for the Carson Baptist Church's Youth Ministry in Aizawl. Those arrested were identified as:

1. Tumbika, aged 40;
2. Bawithiangbika, aged 28;
3. Laldengliana, aged 20;
4. Rualthang, aged 23;
5. H.Lalrinzama, aged 20;
6. R.Lalneihsang, aged 18;
7. Tialkipmem, aged 30;
8. Awtkipsung, aged 22;
9. Zatinremi, aged 18;
10. Kulh Cung, aged 33;
11. Ceuthang, aged 20;
12. Ramtinthanga, aged 21;
13. Vanlalmawia, aged 23; and
14. Thatinhmung, aged 18.[342]

On 2 December 2007, a Burmese migrant, Chit Tun, aged 37, was reportedly arrested at Roma Molpi Para, Bandarban Hill for illegal entry into Bangladesh, despite being a longstanding resident there. The following day, another Burmese national, Anowar Hussain, aged 28, from Maungdaw Township in Arakan State, was reportedly arrested in possession of 300 yaba tablets (a methamphetamine-type stimulant) when entering Teknaf market.[343] It was also reported that, on 17 December 2007, two Burmese women – Ma Thein, aged 35, and Ma Tin, aged 32, both from Maungdaw, were arrested by Bangladeshi customs at Cox's Bazaar, and a computer hard drive and cash was confiscated from them.[344]

It was reported that on 22 March 2008 the BDR removed five Burmese persons who had illegally entered Bangladesh from Shapuri Dip, after they had crossed the Naff River in a rowing boat. All five were from the same family and are listed below:

1. Nabi Hossain, aged 50;
2. Harun Rashid, aged 25;
3. Fatema Khatun, aged 32;
4. Kursheda Begum, aged 11; and
5. Shahid Hossain, aged 5.[345]

In a similar incident in March 2008, ten Burmese migrants from Khutakhali Union, thought by villagers to have been seeking to travel on to Malaysia, were reportedly arrested by police from Chakaria police station. It was unclear at the time of reporting whether they were from Maungdaw Township or Buthidaung Township, and were identified as:

1. Kabir Ahamed, aged 35;
2. Abu Sayed, aged 28;
3. Nurul Kabir, aged 32;
4. Ali Juhar, aged 23;
5. Rashid Ahamed, aged 24;
6. Abdur Rahaman, aged 21;
7. Abu Bakkar Siddik, aged 25;
8. Dil Mohamed, aged 20;
9. Nurul Islam, aged 25; and
10. Mir Ahamed, aged 22.[346]

It was also reported that the BDR deported around 93 persons in April 2008 after they were found to have entered Bangladesh from Burma.[347] On 2 April 2008, 53 Burmese nationals from Nakondia Village in Maungdaw Township, who were entering Bangladesh by boat, were reportedly returned to Burma by the BDR, after being arrested in Teknaf Township. The group was composed of ten families, each comprising seven men, 16 women and 30 children. It was reported that they had been encouraged to illegally enter Bangladesh by an Islamic NGO.[348] Also on 2 April 2008, the BDR reportedly arrested 25 Burmese *en route* to Cox's Bazaar along the Bangladeshi coast. Those arrested were mainly women and children, with one man, and were held in custody in Shapuri Dip.[349]

Rohingya boat people continued to flee Arakan state throughout April 2008 in various attempts to reach Bangladesh. On 20 April 2008, a boat containing 50 Rohingya men, believed to have come from Arakan State, reportedly drifted ashore at Hnitkayin village, Lamine Sub-Township in southern Mon State, after their vessel had drifted for a week without food. The village headman and the police handed occupants over to the authorities so they could be sent home.[350] In addition to the threat of arrest, Burmese migrants have also been at risk of robbery while in Bangladesh. For instance, seven Burmese refugees were reportedly robbed of their money and telephones in Teknaf, Bangladesh on 2 October 2008.[351]

It was not just Burmese migrants who were arrested or deported by the Bangladeshi authorities, however, since the Burmese junta also arrested both Burmese and Bangladeshi nationals within Burma, and handed Bangladeshis over to the BDR. On 1 April 2008, for instance, NaSaKa reportedly handed around 30 Bangladeshi migrants to the BDR at Teknaf, and they were subsequently detained in Teknaf police station. It was reportedly later found that the migrants were arrested in Burma during their journey to Malaysia, where they had hoped to seek work.[352] On 2 November 2008 it was reported that the bodies of four Bangladeshi woodcutters were found in Burma just two kilometres from the border, after being shot dead while trespassing.[353]

A cattle trader was also reportedly shot by NaSaKa on 1 March 2008 as he was *en route* to Bangladesh with his cattle by boat, near Aley Than Kyaw village in Maungdaw Township. Although the boat had the necessary documentation, when NaSaKa approached the boat, it sped away, resulting in NaSaKa forces opening fire on the vessel, killing the trader instantly. The boat and the rest of the crew were then reportedly seized by NaSaKa and taken to the NaSaKa camp.[354]

Burmese-Bangladeshi relations have been affected not only by previous maritime disputes but also by NaSaKa's activities along the border. In September 2008, the Bangladeshi authorities and Cox's Bazaar Fishing Association banned fishing in the Bay of Bengal and the Naff River, out of fear of arrest by NaSaKa or of looting by robbers; the implementation of which left around 100,000 Bangladeshi fishermen languishing in unemployment. NaSaKa have reportedly towed fishing boats and filed cases against Bangladeshi fishermen for allegedly straying into Burmese waters. Approximately 200 Bangladeshi fishermen were jailed in Maungdaw and Buthidaung Township in Burma in 2008 as a result.[355]

Some Burmese migrants unaffected by arrest or deportation have been able to openly campaign against the junta during their time in Bangladesh. The Long March, which aimed to raise awareness of Burma's referendum on its draft constitution of May 2008, and to express opposition to its exclusion of Daw Aung San Suu Kyi and non-Burman ethnic minorities, was held in Bangladeshi towns such as Chittagong and Cox's Bazaar in early 2008.[356] Such demonstrations against the junta in neighbouring countries proved to have an affect on regime behaviour in Burma. As a result of anti-referendum posters encouraging 'no' votes which had seeped into Burma from Bangladesh for example, NaSaKa tightened border security ahead of the referendum, affecting many traders' activities. The Burmese authorities also reportedly feared the entry of insurgents from inside Bangladesh during the referendum.[357]

Cyclone survivors from Bogale Township, Irrawaddy Division travelling to Bangladesh on a grossly overloaded fishing boat in search of work after their homes and livelihoods had been destroyed by Tropical Cyclone Nargis which hit Burma on 2 May 2008. *[Photo: © AP /Myanmar NGO Group]*

Trafficking and Migration of Burmese from Bangladesh to Malaysia

Many Burmese migrants have only entered Bangladesh as part of their passage to Malaysia. This journey, which has typically involved travelling from Cox's Bazaar or Shapuri Dip in the Teknaf area, is highly perilous; many have perished in the Andaman Sea *en route* or have run aground on Thailand's beaches.[358] Such dangers are aptly illustrated by the case of more than 50 Rohingya fishermen who reportedly disappeared in the Bay of Bengal on 15 September 2008 after the capsizing due to strong winds and heavy rain. At the time of reporting it was feared that the men had drowned.[359] On 9 December 2007, 35 Burmese migrants, who were planning to travel on to Malaysia, were reportedly arrested at various hotels for entering Bangladesh illegally by policemen from Cox's Bazaar. They were transported to Bangladesh from locations in Arakan State by a syndicate, charging between 20,000 and 30,000 taka per head for journeys to Thailand. Among those arrested were:

1. Mohammed Yonus, aged 20;
2. Mohammed Rafique, aged 20;
3. Mohammed Shah Alam, aged 45;
4. Mohammed Alam, aged 30;
5. Kamal Hussain, aged 25;
6. Abdul Kalek, aged 18;
7. Mohammed Salim, aged 28;
8. Sirazul Islam, aged 15;
9. Mohammed Ahwa, aged 17;
10. Nawbi Hussain, aged 35;
11. Noor Mohamed, aged 18;
12. Rabiul Hassain, aged 13;
13. Abdul Bashar, aged 16;
14. Zakir Hussain, aged 20;
15. Mohammed Islam, aged 20;
16. Abul Kasim, aged 25;
17. Noor Alam, aged 25;
18. Ziabur Rahaman, aged 20;
19. Sayed Ahmed, aged 16;
20. Jamir Ahmed, aged 30;
21. Husson Ahmed, aged 22;
22. Abul Hussain, aged 15;
23. Rabi Ahmed, aged 20;
24. Elyas, aged 17;
25. Ismail, aged 20;
26. Kalim, aged 19; and
27. Khairrul Bashar, aged 22.[360]

There were a number of other reported incidents of Burmese migrants seeking to leave Bangladesh for Malaysia throughout the course of the year. On 11 February 2008, seventy-two persons, among them 30 Bangladeshis, who were travelling to Malaysia from Shapuri Dip before stalling and floating towards Rangoon, were reportedly arrested by the Burmese navy and detained in Rangoon, before being sent on to Maungdaw Township in Arakan State on 29 March 2008.[361] It was also reported that a fishing trawler left Shapuri Dip for Malaysia on 1 March 2008 with 45 Rohingya from Buthidaung and Maungdaw Townships aboard. The expedition was reportedly led by the tout Omar Abbas, aged 35, in exchange for sums of between 20,000 and 25,000 taka (US$293 - $367) per person in advance, and then another between 2,500 and 3,000 Malaysian ringgit (US$36 - $44) upon arrival.[362] On 3 March 2008, about 71 boat people, of whom 50 were Rohingya and 21 Bangladeshi, were reportedly rescued by the Sri Lankan navy after their boat had drifted in the Indian Ocean for nearly two weeks, after its engine had failed. 20 had died of starvation and dehydration.

The navy labelled the survivors *"illegal foreign job seekers*," and it emerged that the boat had left Burma for both Thailand and Malaysia, and may have been linked to human trafficking activities.[363] (For more information, see Section 21:3: Situation of Burmese Migrants in Malaysia).

It was reported that 35 persons were sentenced to prison on 23 March 2008. After being arrested on 10 March 2008 during preparations to leave Sittwe, in Arakan State, for Malaysia, the group was sentenced to between three and seven years. Of the 26 men, seven women and two children, the women were handed three years in jail, whereas the men faced seven years. 40 others were detained in Maungdaw on 30 March 2008.[364]

On 23 March 2008, seven Burmese migrants were reportedly arrested in Teknaf, and 400 litres of diesel was seized. It was reported that the Burmese had been planning to travel on to Malaysia from Shapuri Dip across the Bay of Bengal. Those arrested were:

1. Rustam Ali, aged 22;
2. Eliayas, aged 25;
3. Abul Kalam, aged 27;
4. Shaber Ahamed, aged 37;
5. Mahamdul Hasan, aged 25;
6. Dil Mohammed, aged 24; and
7. Yasin, aged 23.[365]

On 29 September 2008 it was also reported that 40 boat people, both Rohingya and Bengali, had been preparing to leave Arakan State and to travel to Malaysia. They were taken by traffickers from Buthidaung and Maungdaw Townships into Bangladesh to the Teknaf area, in preparation for the sea journey to Malaysia, in exchange for 500,000 kyat per person. 300,000 of this amount was reportedly paid to Major Win Tin of NaSaKa Area No. 6 in exchange for the NaSaKa's cooperation. The traffickers, all of whom were from Poung Zaar (Ashika Para) in Maungdaw Township, were:

1. Mohammed Ismail, aged 40;
2. Maulana Sayed Ahmed; and
3. Mohammed Ayas, aged 35.[366]

21.6 Situation of Burmese Migrants in Other Places

China

Discussion of Burmese migrants in China in 2008 appears to have focussed on trafficking from Kachin State. Out of the 471 persons arrested by police on charges of human trafficking, 80 percent were destined for neighbouring China.[367] Migration from Kachin State to China has reportedly been prompted by poverty, which in turn has been the result of increases in commodity prices and the junta's confiscation of land for large-scale plantations. Given the numbers of Burmese migrant workers who have been smuggled into China, Kachin State's population has significantly dropped.[368] Although trafficked women have often crossed the Burmese-Chinese border, the Burmese junta has sought to control movement across it. On 8 October 2008, authorities reportedly imposed rigorous border checks along recognised illegal trade routes in Kachin State.[369]

A report completed by the Kachin Women's Association Thailand (KWAT) in August 2008 revealed the extent of trafficking of women and children from Kachin State to China. KWAT documented 133 trafficking cases, both verified and suspected, involving 163 women and girls. A quarter of the victims were under 18, with some as young as 14. In addition to women from Kachin State, a third originated from northern Shan State. Most of the women were trafficked to the neighbouring Yunnan province of China, and were lured into Chinese towns near the border by opportunities to work as maids, factory workers, salespeople or restaurant workers, and by the prospect of earning between 250 and 700 yuan per month (then US$36–100). Of the women documented by KWAT, 90 percent were forced into marriage with Chinese men upon arrival. The women had often been chosen in marketplaces, sometimes tied up throughout the process, and have been sold for an average of US$1,900. One young Burmese woman who was deported from China in October claimed to have been married off to a 60 year-old Chinese man, who reportedly cut her hair and broke her teeth out of fear that other men might steal her from him. In another case, a woman who was five months pregnant was forced by her trafficker to have an abortion before being sold. Most of the men have tended to be relatively poor farmers who presumably save up to afford a wife, who has then often made to work on their husband's farm. KWAT even documented two cases of babies being sold. In one of the cases, a Burmese woman was forced to sell her two-month old baby in Yin Jang for 5,000 yuan, although she only received 200,000 kyat of this amount.[370]

KWAT concluded that the continued prevalence of trafficking into China clearly demonstrates the failure of the military junta's anti-trafficking law, which it introduced in September 2005. In only six cases, out of the 70 incidents documented by KWAT, were charges brought by the Burmese police against the traffickers; in an indication that corruption remains rife throughout law enforcement and the legal system. The report also documented cases of women who, after being returned to the Burma-China border by the Chinese police, were subjected to verbal assault by the Burmese authorities. Moreover, the anti-trafficking law may have functioned counterproductively, since women have been falsely accused of trafficking under its provisions. The Burmese junta was further criticised in the report for failing to issue identification cards to ethnic peoples such as the Kachin, which KWAT believes has rendered women and girls more vulnerable to trafficking into China.[371] (For more information, see Chapter 20: The Situation of Refugees).

In addition to the prevalence of trafficking, Burmese women in China have also been vulnerable to abuse and deportation. A young Burmese woman who sought help from her smuggler in China in October 2008 was reportedly raped and killed. Also in October 2008, around 200 Burmese women were reportedly arrested and held in China, having been smuggled into the country with the promise of earning up to 150,000 kyat a month (US$121), and faced a sentence of three months for breaking China's immigration laws.[372]

Singapore

Estimates of the numbers of Burmese migrant workers in Singapore during 2008 have ranged from 50,000 to 60,000, although most did not hold legal work permits as of August 2008.[373] In contrast to the unskilled labour undertaken by Burmese migrant workers in other countries such as Thailand and Malaysia, it was reported in October 2008 that many Burmese migrant workers in Singapore were graduates and skilled labourers.[374] According to one Burmese migrant worker in Singapore in August 2008, most Burmese workers in the country are employed in the engineering, accountancy or IT sectors.[375] Singaporeans have also hired numerous Burmese maids, offering an average monthly salary of 300 Singapore dollars (US$208) as of February 2008. Together with their Thai and Indian counterparts, at the start of 2008, Burmese domestic workers occupied six percent of all positions of domestic work, out of 170,000 workers.[376]

Some migrant workers have found Singapore's freedoms and higher wages generate a reasonably standard of living, in contrast to many migrants' experiences in other nearby countries. *Mizzima News* commented in October 2008 that Burmese migrant workers often *"quickly assimilate and warm to their new jobs."* Moreover, unlike the official hostility in other nearby countries, Singapore's Prime Minister, Lee Hsien Loong, has welcomed talented migrants and openly recognised their contribution to the Singaporean economy.[377] Furthermore, Singapore's *Sunday Times* claimed that Singaporean employers have been *"better behaved"* than their counterparts in Indonesia and the Philippines.[378] Consequently, an increasing number of Burmese migrants, especially graduates, have chosen to surrender their Burmese citizenship. Many have done so as they have found the prospect of returning to problem-riddled Burma *"unattractive,"* and have sought to avoid paying taxes twice. Many have done this out of consideration for their children's education and subsequent career prospects. The Burmese junta has reportedly covered up the numbers of those who have chosen to renounce their Burmese citizenship.[379] There has been in Singapore some evidence of community activities organized for Burmese migrants, reflecting a greater level of tolerance on behalf of authorities there. Over 600 Burmese migrants watched the film *Rambo 4* in Singapore on 3 February 2008 at a cinema hired out by the Burmese pro-democracy group formed in October 2007, the Overseas Burmese Patriots (OBP).[380]

However, other evidence suggests a less rosy picture of Burmese migrant workers' lives in Singapore. Some have reportedly found that they are exploited just as readily as migrant workers occupying low-skilled jobs elsewhere. Professionals such as engineers and computer technicians complained to *Irrawaddy* in October 2008 that they had been refused the minimum wage by their employers and had been forced into working unpaid overtime, as well as being subjected to racial abuse.[381] The global recession has also adversely affected Burmese migrant workers involved in sectors of Singapore's economy such as tourism, the transport industries, manufacturing, the financial sector and retail. Singapore suffered from a downturn in exports, with exports of non-electronic goods falling by 16 percent in October 2008 alone.[382] Many Burmese migrant workers have been left unable to repay their debts, and those in the banking and construction sectors were reportedly most affected.[383] By early November 2008, for instance, at least ten Burmese migrant workers had been sacked in the preceding fortnight, for official reasons such as *"inefficiency"* and *"lack of language proficiency,"* although the timing coincided with sharp drops in share prices. Most companies, however, did not openly attribute the lay-offs to the economic crisis. Additionally, those who kept their jobs often faced cuts in wages.[384] As a consequence, hundreds of Burmese migrant workers were compelled to leave Singapore and return to Burma. Nevertheless, Burmese migrants continued to arrive in Singapore to find work in November 2008, despite the increasing scarcity of paid employment.[385]

The political activities of Burmese migrant workers were also restricted by Singapore's authorities in 2008. Members of the OBP have been active campaigners in Singapore, voicing their discontent at the behaviour of the Burmese junta, and running up against Singapore's authorities as a result. In response to a question proposed by MP Eunice Olsen at Singapore's parliament in September 2008, the Deputy Prime Minister and Home Affairs Minister, Wong Kan Seng, reportedly claimed in a written reply that Burmese migrants were being requested to leave after the expiration of their immigration papers, not because of pressure from the Burmese junta, but because of their *"persistent defiance of the laws"* of Singapore. The alleged offences consisted of organizing outdoor protests without permission, despite prior advice from the police. Consequently, three Burmese members of the OBP were compelled to leave Singapore.[386] While the government claimed that other Burmese pro-democracy groups had carried out their activities in accordance with the law, the OBP had repeatedly disregarded it, during incidents such as their street protest on 20 November 2007, to coincide with the ASEAN summit. The Singaporean government accused those deported of *"distorting"* their deportations as being *"politically motivated"* and described them as *"undesirable."* [387] It also claimed that some Burmese had broken these laws after having received benefits such as education subsidies.[388]

A woman's memento of a forced marriage. In February 2004, the Kachin woman shown in this wedding portrait (which ironically includes an image of the Statue of Liberty) was offered a job by *"a friend"* as a maid for a wealthy family in Jilin in eastern China. However, it was not until she had arrived that she realized that she was being sold as a bride for 24,000 yuan (US$3,500). She spent the next two and a half years there, during which time she was forced to work on their farm and was never allowed to go anywhere on her own, lest she tried to escape. She was later arrested as an illegal immigrant and jailed for two months before being deported to Burma where she was handed over to the SPDC-affiliated Kachin Independence Organization (KIO). *[Photo: © KWAT]*

Endnotes

[1] Source: "Black Labor Market Bypasses Ban on Burmese Women Working Abroad," *Irrawaddy*, 11 September 2008.
[2] Source: "Myanmar PM Says Farm Sector Can Absorb Unemployed," AP, 2 December 2008; *Migrant Worker Remittances and Burma: An Economic Analysis of Survey Results*, Burma Economic Watch, 2008: 2.
[3] Source: "Burmese Workers Head Home as Recession Begins to Bite," *Irrawaddy*, 20 November 2008.
[4] Source: "More Burmese Workers Leave Malaysia," *Irrawaddy*, 9 December 2008.
[5] Source: "Burma's Mass Migration Reveals Junta's Ever-Diminishing Power-Base," NCGUB, 10 October 2008.
[6] Source: "Burmese Increasingly Forced To Seek Greener Pastures Abroad," *Mizzima News*, 22 October 2008.
[7] Source: *Statement on May Day*, Federation of Trade Unions – Burma, 1 May 2008.
[8] Source: "Commentary: Is Trafficking Inevitable?" DVB, 11 July 2008; "Burmese Increasingly Forced To Seek Greener Pastures Abroad," *Mizzima News*, 22 October 2008.
[9] Source: "Burma: In Urgent Need of Change," *Forced Migration Review*, Issue 30, April 2008: 6.
[10] Source: "Burmese Increasingly Forced To Seek Greener Pastures Abroad," *Mizzima News*, 22 October 2008.
[11] Source: *Migrant Worker Remittances and Burma: An Economic Analysis of Survey Results*, Burma Economic Watch, 2008: 2.
[12] Source: *Ibid*: 12-13.
[13] Source: *Ibid*: 1.
[14] Source: *The role of coercive measures in forced migration/internal displacement in Burma/Myanmar*, Andrew Bosson, 17 March 2008: 1.
[15] Source: *Ibid*: 2.
[16] Source: *Ibid*: 6.
[17] Source: "Burmese Increasingly Forced To Seek Greener Pastures Abroad," *Mizzima News*, 22 October 2008.
[18] Source: "Migrants Throng To Thailand," IMNA, 10 June 2008.
[19] Source: "Burma's Mass Migration Reveals Junta's Ever-Diminishing Power-Base," NCGUB, 10 October 2008.
[20] Source: *The role of coercive measures in forced migration/internal displacement in Burma/Myanmar*, Andrew Bosson, 17 March 2008:2, accessible online at http://burmalibrary.org/docs4/IDPs-Coercive-measures2008-03-17.pdf.
[21] Source: "Defining 'forced migration' in Burma," *Forced Migration Review*, Issue 30, April 2008: 16.
[22] Source: "Burma's Wasted Intellectual Potential," *Irrawaddy*, 28 October 2008.
[23] Source: "Desperate Burmese Youth Seek Greener Pastures Abroad, *Mizzima News*, 22 August 2008.
[24] Source: "Burma's Wasted Intellectual Potential," *Irrawaddy*, 28 October 2008.
[25] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[26] Source: "Black Labor Market Bypasses Ban on Burmese Women Working Abroad," *Irrawaddy*, 11 September 2008.
[27] Source: "Burma's Mass Migration Reveals Junta's Ever-Diminishing Power-Base," NCGUB, 10 October 2008.
[28] Source: "Employment Agencies Hit With Taxes," *Irrawaddy*, 4 July 2008.
[29] Source: *Ibid*.
[30] Source: "Black Labor Market Bypasses Ban on Burmese Women Working Abroad," *Irrawaddy*, 11 September 2008.
[31] Source: "Migration and trafficking: putting human rights into action," *Forced Migration Review*, April 2008: 38.
[32] Source: *Ibid*.
[33] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[34] Source: "Commentary: Is Trafficking Inevitable?" DVB, 11 July 2008.
[35] Source: "Customs in Kalay Overcharge Overseas Job Hunters," *Khonumthung News*, 6 October, 2008.
[36] Source: "Rohingya Group Jailed for Seeking Work in Rangoon," *Irrawaddy*, 22 September 2008.
[37] Source: "Desperate Burmese Youth Seek Greener Pastures Abroad, *Mizzima News*, 22 August 2008.
[38] Source: "Burmese Workers Head Home as Recession Begins to Bite," *Irrawaddy*, 20 November 2008.
[39] Source: *Ibid*.
[40] Source: *Ibid*.
[41] Source: "Rangoon Firms into Lay-Off; Job Seekers Mount," *Mizzima News*, 4 December 2008.
[42] Source: "Myanmar PM Says Farm Sector Can Absorb Unemployed," AP, 2 December 2008.
[43] Source: "A Clouded Vision," *Irrawaddy*, May 2008.
[44] Source: *Ibid*.
[45] Source: "UN Chief: Millions of Migrant Workers at Risk," *Irrawaddy*, November 2008.
[46] Source: "Burmese Increasingly Forced To Seek Greener Pastures Abroad," *Mizzima News*, 22 October 2008.

[47] Sources: "Domestic Migrant Workers Still Vulnerable: HRW," *Mizzima News*, 25 November 2008; "Desperate Burmese Youth Seek Greener Pastures Abroad, *Mizzima News*, 22 August 2008; *Forced Migration Review*, Issue 30, April 2008: 5.
[48] Sources: *Programme Report January to June 2008*, Thai Burma Border Consortium (TBBC), 2008; "41 Burmese Cheated of 263,000 Baht by Co-Worker in Thailand," KNG, 26 February 2008.
[49] Source: "Burmese Increasingly Forced To Seek Greener Pastures Abroad," *Mizzima News*, 22 October 2008.
[50] Source: "Justice for Migrant Labour," *Bangkok Post*, 3 October 2008.
[51] Source: "Challenging Prejudice: Thai Attitudes to Burmese Migrants," DVB, 6 August 2008.
[52] Source: "Will Thailand Create a Friendly Burma Policy?" *Irrawaddy*, 7 February 2008.
[53] Source: "Challenging Prejudice: Thai Attitudes to Burmese Migrants," DVB, 6 August 2008.
[54] Source: "Migrants Are Not Commodities," *Irrawaddy*, 1 February 2008.
[55] Source: "Deaths of Myanmar Workers Highlight Migrant Labour Problems," IRIN, 11 April 2008.
[56] Source: "Challenging Prejudice: Thai Attitudes to Burmese Migrants," DVB, 6 August 2008.
[57] Source: "Deaths of Myanmar Workers Highlight Migrant Labour Problems," IRIN, 11 April 2008.
[58] Source: "Migrants Are Not Commodities," *Irrawaddy*, 1 February 2008.
[59] Source: *Ibid*.
[60] Source: "Challenging Prejudice: Thai Attitudes to Burmese Migrants," DVB, 6 August 2008.
[61] Source: *Programme Report January to June 2008*, Thai Burma Border Consortium, 2008: 8.
[62] Source: "Invisible in Thailand: documenting the need for protection," *Forced Migration Review*, Issue 30, April 2008: 31.
[63] Source: *World Refugee Survey*, USCRI, 2008.
[64] Source: "Burmese Asylum Seekers in Thailand: Still Nowhere to Turn," *Forced Migration Review*, Issue 30, April 2008: 33.
[65] Source: "Displacement and Disease: The Shan exodus and infectious disease implications for Thailand," Voravit Suwanvanichkij, *Conflict and Health*, 2:4, 14 March 2008.
[66] Source: "Forced Displacement of Burmese People," *Forced Migration Review*, Issue 30, April 2008: 5.
[67] Source: "Thais Evacuated as KNU Attacked by Burmese Army," *Bangkok Post*, 1 July 2008.
[68] Source: *World Refugee Survey*, USCRI, 2008.
[69] Source: "Chin, Faced with Food Shortage, Entering Thailand," *Irrawaddy*, 12 December 2008.
[70] Source: "Third Of Burmese Fail to Return Home," *Bangkok Post*, 7 July 2008.
[71] Source: "Cyclone migrants face challenges," IRIN, 3 December 2008.
[72] Source: "Migrants Flow out of Burma as Economic Woes Deepen," *Irrawaddy*, 21 August 2008.
[73] Source: "Cyclone Victims Migrating to Thailand," *Irrawaddy*, 6 June 2008.
[74] Source: "Cyclone migrants face challenges," IRIN, 3 December 2008.
[75] Source: *Ibid*.
[76] Source: "Child Trafficking Continues, But Not Fuelled By Cyclone," IRIN News, 11 December 2008.
[77] Source: "Commentary: Is Trafficking Inevitable?" DVB, 11 July 2008.
[78] Source: "Burmese Junta Detains Cyclone-Affected 'Boat People'," *The Nation* (Thailand), 9 June 2008.
[79] Source: "Migrants Rally to Help At Home," IRIN, 13 May 2008.
[80] Source: "Migrants Find it Difficult to work in Thailand," IMNA, 16 July 2008.
[81] Source: "Bleak Economic Prospects in Store for Thailand," *Irrawaddy*, 3 December 2008.
[82] Source: "Migrant Factory Workers from Burma Hit by Thailand's Economic Slowdown," IMNA, 4 December 2008.
[83] Source: "Global Financial Turmoil Affects Burmese Migrant Workers," *Mizzima News*, 2 November 2008.
[84] Source: "Falling Price of Rubber Hits Burmese Migrants," *Irrawaddy*, 13 October 2008.
[85] Source: "More Burmese Workers Leave Malaysia," *Irrawaddy*, 9 December 2008; "Global Financial Turmoil Affects Burmese Migrant Workers," *Mizzima News*, 2 November 2008.
[86] Source: "More Burmese Workers Leave Malaysia," *Irrawaddy*, 9 December 2008.
[87] Source: "Economic Slowdown Hits Burmese Migrant Workers in Thailand," *Irrawaddy*, 28 November 2008.
[88] Source: *Ibid*.
[89] Source: *Ibid*.
[90] Source: "Global Financial Turmoil Affects Burmese Migrant Workers," *Mizzima News*, 2 November 2008.
[91] Source: "Bleak Economic Prospects in Store for Thailand," *Irrawaddy*, 3 December 2008.
[92] Source: "Migration and trafficking: putting human rights into action," *Forced Migration Review*, April 2008: 38
[93] Source: "Domestic Migrant Workers Still Vulnerable: HRW," *Mizzima News*, 25 November 2008.
[94] Source: "Migrants Flow out of Burma as Economic Woes Deepen," *Irrawaddy*, 21 August 2008.
[95] Source: "Migrants Throng To Thailand," IMNA, 10 June 2008.
[96] Source: "Migrants Flow out of Burma as Economic Woes Deepen," *Irrawaddy*, 21 August 2008.
[97] Source: "TPP Economy on Decline but Sex Industry Thriving," *Kaowao*, 23 April 2008.
[98] Source: "Human Smuggling Crackdown Hits Kawthaung," *Irrawaddy*, 24 June 2008.

[99] Source: "Authorities Crack Down on Human Trafficking in Kawthaung," *Irrawaddy*, 14 August 2008.
[100] Source: "Families of Suffocation Victims Face Inquiry," *Kaowao*, 21 April 2008.
[101] Source: "Migrants Throng To Thailand," IMNA, 10 June 2008.
[102] Source: "A Dangerous, Difficult Life," *Irrawaddy*, May 2008.
[103] Source: *Burma Bulletin, A month-in-review of events in Burma*, Altsean, Issue 16, April 2008; "Burmese Receive 35,000 Baht in Suffocation Cases," *Bangkok Post*, 22 July 2008 and "A Dangerous, Difficult Life," *Irrawaddy*, May 2008.
[104] Source: *Ibid*.
[105] Source: Suffocation Deaths Shock Worldwide Migrant Community, *Kaowao*, 12 April 2008; "Deaths of Myanmar Workers Highlight Migrant Labour Problems," IRIN, 11 April 2008.
[106] Source: "Survivors of Container Accident to Be Deported Soon," *Mizzima News*, 1 May 2008.
[107] Source: "Suffocation Deaths Shock Worldwide Migrant Community," *Kaowao*, 12 April 2008.
[108] Source: "At Least 59 Mon Ethnic Migrants Suffocate and Die in Container Truck," IMNA, 10 April 2008.
[109] Source: "A Dangerous, Difficult Life," *Irrawaddy*, May 2008.
[110] Source: "Suffocation Deaths Shock Worldwide Migrant Community," *Kaowao*, 12 April 2008; "Deaths of Myanmar Workers Highlight Migrant Labour Problems," IRIN, 11 April 2008.
[111] Source: "A Dangerous, Difficult Life," *Irrawaddy*, May 2008.
[112] Source: "Families of Suffocation Victims Face Inquiry," *Kaowao*, 21 April 2008.
[113] Source: "Nay Pyi Taw Sends Team to Investigate 54 Suffocation Cases," IMNA, 23 April 2008.
[114] Source: "Families of Suffocation Victims Face Inquiry," *Kaowao*, 21 April 2008.
[115] Source: *World Refugee Survey*, USCRI, 2008.
[116] Source: *Programme Report January to June 2008*, Thai Burma Border Consortium (TBBC), 2008.
[117] Source: "Thai Government Urged to Repeal New Migrant Labor Law," *Irrawaddy*, 17 June 2008.
[118] Source: *Programme Report January to June 2008*, Thai Burma Border Consortium (TBBC), 2008.
[119] Source: "Thai Government Urged to Repeal New Migrant Labor Law," *Irrawaddy*, 17 June 2008.
[120] Source: *World Refugee Survey*, USCRI, 2008.
[121] Source: "Ethnic Mon Migrants Apprehensive to Participate in National Day in Thailand," IMNA, 4 February 2008.
[122] Source: "An Enduring Culture," *Irrawaddy*, April 2008.
[123] Source: "Thai Right Groups Meet to Discuss Restrictions on Mon Workers," IMNA, 8 February 2008.
[124] Source: "Asia's New Boat People," *Forced Migration Review*, Issue 30, April 2008: 42.
[125] Source: *Ibid*.
[126] Source: *Programme Report January to June 2008*, Thai Burma Border Consortium (TBBC), 2008.
[127] Source: "A Dangerous, Difficult Life," *Irrawaddy*, May 2008.
[128] Source: *Ibid*.
[129] Source: *Burma Bulletin, A month-in-review of events in Burma*, Altsean, Issue 16, April 2008.
[130] Source: "Burmese Increasingly Forced To Seek Greener Pastures Abroad," *Mizzima News*, 22 October 2008.
[131] Source: "A Clouded Vision," *Irrawaddy*, May 2008.
[132] Source: "Thailand's new PM likely to be more 'pro-Active' on Burma: Activist," *Mizzima News*, 15 December 2008.
[133] Source: "'Help Burmese Refugee Migrants' Plea to Thai Government," *Irrawaddy*, 5 June 2008.
[134] Source: "Cyclone Victims Migrating to Thailand," *Irrawaddy*, 6 June 2008.
[135] Source: "'Help Burmese Refugee Migrants' Plea to Thai Government," *Irrawaddy*, 5 June 2008.
[136] Source: "Challenging Prejudice: Thai Attitudes to Burmese Migrants," DVB, 6 August 2008.
[137] Source: "Thai Embassy Raises the Bar for Burmese Seeking Visas," *Irrawaddy*, 15 July 2008.
[138] Source: *Burma Bulletin, A month-in-review of events in Burma*, Altsean, Issue 16, April 2008.
[139] Source: "Thai Company to Pay Compensation to Next Of Kin of 54 Workers," *Mizzima News*, 3 October 2008.
[140] Source: "ILO Urges Speedy Probe into Migrant Deaths," *Irrawaddy*, May 2008.
[141] Source: "A Dangerous, Difficult Life," *Irrawaddy*, May 2008.
[142] Source: "Authorities Crack Down on Human Trafficking in Kawthaung," *Irrawaddy*, 14 August 2008.
[143] Source: "Still no Prosecution in Tragic Death of 54 Myanmar Migrants," *Thai News Agency*, 11 December 2008.
[144] Source: "Commentary: Is Trafficking Inevitable?" DVB, 11 July 2008.
[145] Source: *Burma Bulletin, A month-in-review of events in Burma*, Altsean, Issue 16, April 2008.
[146] Source: "Commentary: Is Trafficking Inevitable?" DVB, 11 July 2008.
[147] Source: "Burmese Receive 35,000 Baht in Suffocation Cases," *Bangkok Post*, 22 July 2008.
[148] Source: "Compensation Awarded To Migrants' Families," DVB, 25 July 2008.
[149] Source: "Thai Company to Pay Compensation to Next Of Kin of 54 Workers," *Mizzima News*, 3 October 2008.
[150] Source: "A Clouded Vision," *Irrawaddy*, May 2008.
[151] Source: "Thai Government Urged to Repeal New Migrant Labor Law," *Irrawaddy*, 17 June 2008.
[152] Source: *Programme Report January to June 2008*, Thai Burma Border Consortium (TBBC), 2008.
[153] Source: "Burmese Increasingly Forced To Seek Greener Pastures Abroad," *Mizzima News*, 22 October 2008.

[154] Source: "Deaths of Myanmar Workers Highlight Migrant Labour Problems," IRIN, 11 April 2008.
[155] Source: *Programme Report January to June 2008*, Thai Burma Border Consortium (TBBC), 2008.
[156] Source: *World Refugee Survey*, USCRI, 2008.
[157] Source: "Thai Authorities Begin Work on ID Cards for Burmese Migrants," NMG, 25 June 2008.
[158] Source: "Shan Migrant Workers: We Won't Accept Junta Issued Passports," SHAN, 17 November, 2008.
[159] Source: "Burmese Migrants to Get 'Passport Documents'," *Irrawaddy*, 13 November 2008; "Shan Migrant Workers: We Won't Accept Junta Issued Passports," SHAN, 17 November, 2008.
[160] Source: *Ibid*.
[161] Source: "Burmese Increasingly Forced To Seek Greener Pastures Abroad," *Mizzima News*, 22 October 2008.
[162] Source: "Commentary: Is Trafficking Inevitable?" DVB, 11 July 2008.
[163] Source: *Programme Report January to June 2008*, Thai Burma Border Consortium (TBBC), 2008.
[164] Source: *World Refugee Survey*, USCRI, 2008.
[165] Source: "Burmese Increasingly Forced To Seek Greener Pastures Abroad," *Mizzima News*, 22 October 2008.
[166] Source: *World Refugee Survey*, USCRI, 2008.
[167] Source: "Cyclone migrants face challenges," IRIN, 3 December 2008.
[168] Source: *Migrant Worker Remittances and Burma: An Economic Analysis of Survey Results*, Burma Economic Watch, 2008: 10.
[169] Source: "Thai Ministry of Labour to Increase Daily Wages for Workers," IMNA, 26 May 2008.
[170] Source: "Problem Pregnancies," *Irrawaddy*, July 2008.
[171] Source: *Migrant Worker Remittances and Burma: An Economic Analysis of Survey Results*, Burma Economic Watch, 2008: 10.
[172] Source: *Ibid*: 11.
[173] Source: *Ibid*: 16.
[174] Source: *Ibid*: 14.
[175] Source: *Ibid*: 8.
[176] Source: "Burmese Migrants Send Funds to Burma," DVB, 29 May 2008.
[177] Source: "Worried Burmese Migrants Chip in Aid from Thailand," *Irrawaddy*, 17 May 2008.
[178] Source: "Burmese Migrants Send Funds to Burma," DVB, 29 May 2008.
[179] Source: "Burmese Refugees in Thailand Ready To Go Home To Bring Help," Weena Kowitwanji, 28 May 2008.
[180] Source: "Migrants Rally to Help At Home," IRIN, 13 May 2008.
[181] Source: "Worried Burmese Migrants Chip in Aid from Thailand," *Irrawaddy*, 17 May 2008.
[182] Source: "Migrants Rally to Help At Home," IRIN, 13 May 2008.
[183] Source: "Falling Price of Rubber Hits Burmese Migrants," *Irrawaddy*, 13 October 2008.
[184] Source: "Suffocation Deaths Shock Worldwide Migrant Community," *Kaowao*, 12 April 2008.
[185] Source: "Bomb Explodes At Mae Sot Rubbish Dump," DVB, 22 February 2008.
[186] Source: "Bomb at Mae Sot Dump Injures 14 Burmese Migrants," *Irrawaddy*, 22 February 2008.
[187] Source: "Bomb Explodes At Mae Sot Rubbish Dump," DVB, 22 February 2008.
[188] Source: "MAP Marks International Migrant's Day," *Irrawaddy*, 18 December 2008.
[189] Source: "Shan Migrant Workers Appeal Compensation Claim," *Irrawaddy*, 28 May 2008.
[190] Source: "Justice for Migrant Labour," *Bangkok Post*, 3 October 2008.
[191] Source: "HR Group Calls for Justice for Burmese Fishermen," *Irrawaddy*, 7 October 2008.
[192] Source: "Justice for Migrant Labour," *Bangkok Post*, 3 October 2008.
[193] Source: "HR Group Calls for Justice for Burmese Fishermen," *Irrawaddy*, 7 October 2008.
[194] Source: "The Grass Is Greener in Thailand for Migrant Workers, But It's Stained With Blood," *Irrawaddy*, 1 February 2008.
[195] Source: "Four Mon Migrant Workers Killed in Rubber Plantation," *Kaowao News*, 14 February 2008.
[196] Source: "The Grass Is Greener in Thailand for Migrant Workers, But It's Stained With Blood," *Irrawaddy*, 1 February 2008.
[197] Source: "Workers Who Asked for More Payment Beaten and Seriously Injured," Khun Aung Myat, 19 March 2008, Translated by HRDU.
[198] Source: "Four Mon Migrant Workers Killed in Rubber Plantation," *Kaowao News*, 14 February 2008.
[199] Source: "Four Burmese Migrants Murdered, One Injured in Southern Thailand," IMNA, 6 February 2008.
[200] Source: "Four Mon Migrant Workers Killed in Rubber Plantation," *Kaowao News*, 14 February 2008.
[201] Source: "Thai Police Arrest Killers of Four Burmese Migrant Workers," IMNA, 27 February 2008.
[202] Source: "Film Reveals Murder of Burmese Fishermen," *Irrawaddy*, 9 October 2008.
[203] Source: "Burmese Migrant Women in Thailand Targeted by Rape Gangs," *Irrawaddy*, 20 October 2008.
[204] Source: "Mon Woman, Working in Samut Sakorn, Raped by Six Men," *Kaowao*, 30 April 2008.
[205] Source: *Ibid*.
[206] Source: "Teenage Migrant Worker Gang Raped, Survives," IMNA, 1 July 2008.

[207] Source: "Mon Woman, Working in Samut Sakorn, Raped by Six Men," *Kaowao*, 30 April 2008.
[208] Source: "Burmese Migrant Women in Thailand Targeted by Rape Gangs," *Irrawaddy*, 20 October 2008.
[209] Source: "Domestic Migrant Workers Still Vulnerable: HRW," *Mizzima News*, 25 November 2008.
[210] Source: "MAP Marks International Migrant's Day," *Irrawaddy*, 18 December 2008.
[211] Source: "41 Burmese Cheated of 263,000 Baht by Co-Worker in Thailand," KNG, 26 February 2008.
[212] Source: "The Grass Is Greener in Thailand for Migrant Workers, But It's Stained With Blood," *Irrawaddy*, 1 February 2008.
[213] Source: Voravit Suwanvanichkij, "Displacement and Disease: The Shan exodus and infectious disease implications for Thailand," *Conflict and Health*, 2:4, 14 March 2008.
[214] Source: "Burmese Migrants Earning, Learning in Thailand," *Irrawaddy*, 31 December 2008.
[215] Source: "Malaria Cases Double among Burmese Migrants," *Irrawaddy*, 27 June 2008.
[216] Source: Voravit Suwanvanichkij, "Displacement and Disease: The Shan exodus and infectious disease implications for Thailand," *Conflict and Health*, 2:4, 14 March 2008.
[217] Source: "Red Ribbon Award Honours Burmese Migrant Organisation," DVB, 1 December 2008.
[218] Source: Voravit Suwanvanichkij, "Displacement and Disease: The Shan exodus and infectious disease implications for Thailand," *Conflict and Health*, 2:4, 14 March 2008.
[219] Source: *Ibid*.
[220] Source: "Glaucoma Sufferers Treated at Mae Sot Clinic," *Irrawaddy*, 27 October 2008.
[221] Source: "Burmese Migrant Workers in Hiding due to False Alarm," Nwe Lay, 28 April 2008, Translated by HRDU.
[222] Source: "Migrant Workers Go Into Hiding," *Bangkok Post*, 2 May 2008.
[223] Source: "Tsunami Still Haunts Burmese Migrants," *Irrawaddy*, 25 December 2008.
[224] Source: "Exiled Groups Facing Increased Pressure as Referendum Nears," *Irrawaddy*, May 2008.
[225] Source: Voravit Suwanvanichkij, "Displacement and Disease: The Shan exodus and infectious disease implications for Thailand," *Conflict and Health*, 2:4, 14 March 2008.
[226] Source: "Thai Healthcare Proposal for Migrants, Stateless People," *Irrawaddy*, 10 July 2008.
[227] Source: Voravit Suwanvanichkij, "Displacement and Disease: The Shan exodus and infectious disease implications for Thailand," *Conflict and Health*, 2:4, 14 March 2008.
[228] Source: "Child Trafficking Continues, But Not Fuelled By Cyclone," IRIN News, 11 December 2008.
[229] Source: "Bomb at Mae Sot Dump Injures 14 Burmese Migrants," *Irrawaddy*, 22 February 2008.
[230] Source: "Educationalists Concerned By Burmese Literacy Rate," DVB, 10 September 2008.
[231] Source: "Focusing on Harmony and Understanding," *Irrawaddy*, 1 February 2008.
[232] Source: *World Refugee Survey*, USCRI, 2008.
[233] Source: "Survivors of Container Accident to Be Deported Soon," *Mizzima News*, 1 May 2008.
[234] Source: *World Refugee Survey*, USCRI, 2008.
[235] Source: Suffocation Deaths Shock Worldwide Migrant Community, *Kaowao*, 12 April 2008.
[236] Source: "Illegal Migrant Workers Arrested; Others Hide in Jungle," *Irrawaddy*, 12 December 2008.
[237] Source: "Hard Labor," *Irrawaddy*, May 2008.
[238] Source: *Undocumented Migrants and Refugees in Malaysia: Raids, Detention and Discrimination*, International Federation for Human Rights, March 2008: 6.
[239] Source: "Black Labor Market Bypasses Ban on Burmese Women Working Abroad," *Irrawaddy*, 11 September 2008.
[240] Source: "More Burmese Workers Leave Malaysia," *Irrawaddy*, 9 December 2008.
[241] Source: "World Economic Crisis Hits Burmese Workers in Malaysia," *Irrawaddy*, 2 December 2008.
[242] Source: *Undocumented Migrants and Refugees in Malaysia: Raids, Detention and Discrimination*, International Federation for Human Rights, March 2008: 6.
[243] Source: "A Clouded Vision," *Irrawaddy*, May 2008.
[244] Source: "Malaysia Plans to Stop Using Foreign Workers," *Irrawaddy*, May 2008.
[245] Source: "A Clouded Vision," *Irrawaddy*, May 2008.
[246] Source: *Undocumented Migrants and Refugees in Malaysia: Raids, Detention and Discrimination*, International Federation for Human Rights, March 2008: 7; *World Refugee Survey*, USCRI, 2008.
[247] Source: Desperate Conditions: Update on Malaysia as Burma Refuge. A follow-up to *We Built This City*, *Project Maje*, March 2008.
[248] Source: *Burma Bulletin, A month-in-review of events in Burma*, Altsean, Issue 16, April 2008.
[249] Source: "Malaysia Plans to Stop Using Foreign Workers," *Irrawaddy*, May 2008.
[250] Source: *Burma Bulletin, A month-in-review of events in Burma*, Altsean, Issue 16, April 2008.
[251] Source: "Burmese Migrants Deported From Malaysia after Protest," DVB, 18 December 2008.
[252] Source: *Undocumented Migrants and Refugees in Malaysia: Raids, Detention and Discrimination*, International Federation for Human Rights, March 2008: 6.
[253] Source: "More Burmese Workers Leave Malaysia," *Irrawaddy*, 9 December 2008.

[254] Source: "World Economic Crisis Hits Burmese Workers in Malaysia," *Irrawaddy*, 2 December 2008.
[255] Source: "A Clouded Vision," *Irrawaddy*, May 2008.
[256] Source: "Four Engine Boats Leave for Malaysia with Boat-People in a Month," *Kaladan News*, 15 December 2008.
[257] Source: "Asia's New Boat People," *Forced Migration Review*, Issue 30, April 2008: 40.
[258] Source: *Ibid*: 41.
[259] Source: *Ibid*: 40.
[260] Source: *Ibid*: 41.
[261] Source: *Ibid*: 40.
[262] Source: "Human Smuggling Crackdown Hits Kawthaung," *Irrawaddy*, 24 June 2008.
[263] Source: *Undocumented Migrants and Refugees in Malaysia: Raids, Detention and Discrimination*, International Federation for Human Rights, March 2008: 11.
[264] Source: "A Clouded Vision," *Irrawaddy*, May 2008; *Undocumented Migrants and Refugees in Malaysia: Raids, Detention and Discrimination*, International Federation for Human Rights, March 2008: 11.
[265] Source: *Ibid*.
[266] Source: *Ibid*.
[267] Source: "A Clouded Vision," *Irrawaddy*, May 2008.
[268] Source: *World Refugee Survey*, USCRI, 2008.
[269] Source: "A Clouded Vision," *Irrawaddy*, May 2008.
[270] Source: "Desperate Conditions: Update on Malaysia as Burma Refuge. A follow-up to *We Built This City*," *Project Maje*, March 2008.
[271] Source: *World Refugee Survey*, USCRI, 2008.
[272] Source: *Undocumented Migrants and Refugees in Malaysia: Raids, Detention and Discrimination*, International Federation for Human Rights, March 2008: 12.
[273] Source: "A Clouded Vision," *Irrawaddy*, May 2008.
[274] Source: *World Refugee Survey*, USCRI, 2008.
[275] Source: "Nike Supports Migrant Workers in Malaysia," *Irrawaddy*, 7 August 2008.
[276] Source: *World Refugee Survey*, USCRI, 2008.
[277] Source: "Desperate Conditions: Update on Malaysia as Burma Refuge. A follow-up to *We Built This City*," *Project Maje*, March 2008.
[278] Source: "Nike Supports Migrant Workers in Malaysia," *Irrawaddy*, 7 August 2008.
[279] Source: "A Clouded Vision," *Irrawaddy*, May 2008.
[280] Source: *Undocumented Migrants and Refugees in Malaysia: Raids, Detention and Discrimination*, International Federation for Human Rights, March 2008: 8-11.
[281] Source: "A Clouded Vision," *Irrawaddy*, May 2008.
[282] Source: *World Refugee Survey*, USCRI, 2008.
[283] Source: *Undocumented Migrants and Refugees in Malaysia: Raids, Detention and Discrimination*, International Federation for Human Rights, March 2008: 12.
[284] Source: "Mon Migrants Celebrate National Day amidst Security Concern in Malaysia," IMNA, 22 February 2008.
[285] Source: *Undocumented Migrants and Refugees in Malaysia: Raids, Detention and Discrimination*, International Federation for Human Rights, March 2008: 7.
[286] Source: *World Refugee Survey*, USCRI, 2008.
[287] Source: *Burma Bulletin, A month-in-review of events in Burma*, Altsean, Issue 16, April 2008.
[288] Source: "A Clouded Vision," *Irrawaddy*, May 2008.
[289] Source: *World Refugee Survey*, USCRI, 2008.
[290] Source: *Undocumented Migrants and Refugees in Malaysia: Raids, Detention and Discrimination*, International Federation for Human Rights, March 2008: 4.
[291] Source: *Ibid*: 7.
[292] Source: "Hard Labor," *Irrawaddy*, May 2008.
[293] Source: "Without refuge: Chin refugees in India and Malaysia," *Forced Migration Review*, Issue 30, April 2008: 36-37.
[294] Source: "Hard Labor," *Irrawaddy*, May 2008.
[295] Source: *World Refugee Survey*, USCRI, 2008.
[296] Source: *Ibid*.
[297] Source: "Hard Labor," *Irrawaddy*, May 2008.
[298] Source: "Nike Supports Migrant Workers in Malaysia," *Irrawaddy*, 7 August 2008.
[299] Source: *World Refugee Survey*, USCRI, 2008.
[300] Source: "Desperate Conditions: Update on Malaysia as Burma Refuge. A follow-up to *We Built This City*," *Project Maje*, March 2008.
[301] Source: "Man Attempts Suicide outside Burmese Embassy in Kuala Lumpur," *Mizzima News*, 23 July 2008.

[302] Source: "Drug Addiction in Mon Migrant Communities," *Kaowao*, 15 July 2008.
[303] Source: *Ibid*.
[304] Source: *Ibid*.
[305] Source: "Fresh Charge against Maung Weik," *Mizzima*, Vol. 6, No. 8, August 2008.
[306] Source: "Drug Addiction in Mon Migrant Communities," *Kaowao*, 15 July 2008.
[307] Source: *World Refugee Survey*, USCRI, 2008.
[308] Source: *Ibid*.
[309] Source: *Ibid*.
[310] Source: *Ibid*.
[311] Source: "15 Burmese Nationals Released From Manipur Jail," DVB, 3 September 2008.
[312] Source: "15 Myanmar Nationals Released After A Year in Imphal Jails," *The Imphal Free Press* via *Kangla Online*, 2 September 2008.
[313] Source: "Desperate Burmese Fishermen Stranded In Indian Coast for Five Months," *Mizzima News*, 18 July 2008.
[314] Source: *World Refugee Survey*, USCRI, 2008.
[315] Source: "Awareness Campaign on Burma's August Uprising in Delhi," *Mizzima News*, 31 July 2008.
[316] Source: "Mizo Students Ask Myanmar Migrants to Leave," *Thaindian News*, 29 September 2008.
[317] Source: *Critical Point: Food Scarcity and Hunger in Burma's Chin State*, Chin Human Rights Organization (CHRO), July 2008.
[318] Source: "Without Refuge: Chin refugees in India and Malaysia," *Forced Migration Review*, Issue 30, April 2008: 36.
[319] Source: *World Refugee Survey*, USCRI, 2008.
[320] Source: "Mizo Students Ask Myanmar Migrants to Leave," *Thaindian News*, 29 September 2008.
[321] Source: "Without Refuge: Chin refugees in India and Malaysia," *Forced Migration Review*, Issue 30, April 2008: 37.
[322] Source: *World Refugee Survey*, USCRI, 2008.
[323] Source: *Ibid*.
[324] Source: "Mizo Students Ask Myanmar Migrants to Leave," *Thaindian News*, 29 September 2008.
[325] Source: "Buddhist Migrants Pressured To Convert To Christianity," DVB, 21 July 2008.
[326] Source: "BDR Arrests 25 Burmese Nationals En Route to Cox's Bazaar," *Kaladan News*, 2 April 2008.
[327] Source: "Nasaka-BDR Flag Meeting in Maungdaw," *Kaldan News*, 14 December 2007.
[328] Source: "Dhaka - Naypyidaw Border Talks End without Decision," *Narinjara News*, 2 April 2008.
[329] Source: "Four Bangladeshis Killed In Burma As Gas Row Escalates," AFP, 3 November 2008.
[330] Source: "BDR Arrests 25 Burmese Nationals En Route to Cox's Bazaar," *Kaladan News*, 2 April 2008.
[331] Source: "Burma's Muslim Rohingya Minority Dwell at the 'Brink of Extermination'," *Kaladan News*, 6 October 2008; *World Refugee Survey*, USCRI, 2008.
[332] Source: "More Boat-People Leave for Malaysia," *Kaladan News*, 1 March 2008.
[333] Source: "Burma's Security Force Betrays Business Men," *Kaladan News*, 11 March 2008.
[334] Source: *World Refugee Survey*, USCRI, 2008.
[335] Source: "Rohingyas and refugee status in Bangladesh," *Forced Migration Review*, Issue 30, April 2008: 34.
[336] Source: *World Refugee Survey*, USCRI, 2008.
[337] Source: *Country Report on Human Rights Practices 2007 – Burma*, Bureau of Democracy, Human Rights, and Labor, US Department of State, 11 March 2008.
[338] Source: *World Refugee Survey*, USCRI, 2008.
[339] Source: "BDR Pushes Back Five Burmese Nationals," *Kaladan News*, 1 April 2008.
[340] Source: "BDR Seizes Smuggled Goods Worth Taka 1 Million," *Kaladan News*, 3 December 2007; "BDR Seizes Wine and Beer Worth Taka 200,000," *Kaladan News*, 21 March 2008.
[341] Source: *World Refugee Survey*, USCRI, 2008.
[342] Source: "Bangladesh Authorities Arrest 14 Chins from Burma," *Khonumthung*, 31 December 2007.
[343] Source: "One More Burmese National Arrested With Yaba Tablets," *Kaladan News*, 4 December 2007.
[344] Source: "Two Burmese Women Arrested In Bangladesh," *Kaladan News*, 18 December 2007.
[345] Source: "BDR Pushes Back Five Burmese Nationals," *Kaladan News*, 1 April 2008.
[346] Source: *Ibid*.
[347] Source: *Burma Bulletin, A month-in-review of events in Burma*, Issue 16, April 2008.
[348] Source: "53 Burmese Nationals Pushed Back," *Narinjara News*, 3 April 2008.
[349] Source: "BDR Arrests 25 Burmese Nationals En Route to Cox's Bazaar," *Kaladan News*, 2 April 2008.
[350] Source: "Fifty Muslims Starve for A Week After Boat Runs Out Of Fuel at Sea," IMNA, 21 April 2008.
[351] Source: "Burmese Refugees Robbed By Local Goons in Teknaf," *Kaladan News*, 6 October 2008.
[352] Source: "Burma Hands Over 30 Bangladeshi Migrants," *Narinjara News*, 1 April 2008.
[353] Source: "Four Bangladeshis Killed In Burma As Gas Row Escalates," AFP, 3 November 2008.

[354] Source: "Nasaka Kills Cattle Trader En Route to Bangladesh from Burma," *Kaladan News*, 4 March 2008.
[355] Source: "Nasaka and Robbers Render 100,000 Fishermen Jobless," *Kaladan News*, 20 September 2008.
[356] Source: "Long March Activist Reach Second Largest City of Bangladesh," *Narinjara News*, 4 April 2008.
[357] Source: "Nasaka Force Deploys Along Border," *Narinjara News*, 30 April 2008.
[358] Source: "Rohingya Group Jailed for Seeking Work in Rangoon," *Irrawaddy*, 22 September 2008.
[359] Source: "Rohingya Fishermen Missing In Bay of Bengal," *Kaladan News*, 18 September 2008.
[360] Source: "Thirty Five Burmese Nationals Arrested in Cox's Bazar," *Kaladan News*, 10 December 2007.
[361] Source: "Thirty Five Boat-People Jailed, 42 Others Detained in Burma," *Kaladan News*, 1 April 2008.
[362] Source: "More Boat-People Leave for Malaysia," *Kaladan News*, 1 March 2008.
[363] Source: "71 Burmese, Bangladeshi Boat-People Rescued By Sri Lankan Navy," *Kaladan News*, 4 March 2008.
[364] Source: "Thirty Five Boat-People Jailed, 42 Others Detained in Burma," *Kaladan News*, 1 April 2008.
[365] Source: "Seven Burmese Nationals Arrested from Bangla-Burma Border," *Kaladan News*, 24 March 2008.
[366] Source: "Boat People Ready to Go To Malaysia from Bangladesh," *Kaladan News*, 29 September 2008.
[367] Source: "China Top Destination for Myanmar Trafficking Victims," AFP, 15 July 2008.
[368] Source: *Eastward Bound. An Update on Migration and Trafficking of Kachin Women on the China-Burma Border*, Kachin Women's Association Thailand (KWAT), 5 August 2008.
[369] Source: "Rigorous Checking On Border Trade Route," KNG, 8 October, 2008.
[370] Source: *Eastward Bound. An Update on Migration and Trafficking of Kachin Women on the China-Burma Border*, Kachin Women's Association Thailand (KWAT), 5 August 2008.
[371] Source: *Ibid*.
[372] Source: "Burmese Women Smuggled into China Arrested," *Irrawaddy*, 28 October 2008.
[373] Source: "Singapore Cut Jobs of Migrants," *Mizzima News*, 10 November 2008; "Desperate Burmese Youth Seek Greener Pastures Abroad, *Mizzima News*, 22 August 2008.
[374] Source: "Burma's Wasted Intellectual Potential," *Irrawaddy*, 28 October 2008.
[375] Source: "Desperate Burmese Youth Seek Greener Pastures Abroad, *Mizzima News*, 22 August 2008.
[376] Source: "Singaporeans Hire More Burmese Maids," *Irrawaddy*, February 2008.
[377] Source: "When Burmese Citizenship Is No Longer Attractive," *Mizzima News*, 3 October 2008.
[378] Source: "Singaporeans Hire More Burmese Maids," *Irrawaddy*, February 2008.
[379] Source: "When Burmese Citizenship Is No Longer Attractive," *Mizzima News*, 3 October 2008.
[380] Source: "Burmese in Singapore Gather for 'Rambo'," *BBC Burmese Service*, 4 February 2008.
[381] Source: "Burma's Wasted Intellectual Potential," *Irrawaddy*, 28 October 2008.
[382] Source: "Singapore Economy Forces Burmese Home," *Irrawaddy*, 19 November 2008.
[383] Source: "Burmese Workers Head Home as Recession Begins to Bite," *Irrawaddy*, 20 November 2008; "Singapore Economy Forces Burmese Home," *Irrawaddy*, 19 November 2008.
[384] Source: "Singapore Cut Jobs of Migrants," *Mizzima News*, 10 November 2008.
[385] Source: "Singapore Economy Forces Burmese Home," *Irrawaddy*, 19 November 2008.
[386] Source: "Myanmar Activists 'Defied Our Laws'; That Was Why Government Had To Clamp Down On Them, Says Dpm Wong," *The Strait Times*, 18 September 2008.
[387] Source: *Ibid*; "Myanmar Activists 'Undesirable'," AFP, 17 September 2008.
[388] Source: "Myanmar Activists 'Defied Our Laws'; That Was Why Government Had To Clamp Down On Them, Says Dpm Wong," *The Strait Times*, 18 September 2008.

Appendices

BURMA

HUMAN RIGHTS YEARBOOK 2008

Acronyms

3D	Three Diseases Fund
AAPP	Assistance Association for Political Prisoners
AASYC	All Arakan Students and Youth Congress
AB	Artillery Battalion
ABFSU	All Burma Federation of Student Unions
ABFSU-FAC	All Burma Federation of Student Unions – Foreign Affairs Committee
ABMA	All Burma Monks Alliance
ABMU	All Burma Muslim Union
ABRC	All Burma Refugees Committee
ABSDF	All Burma Students' Democratic Front
ACT	Artemisinin-based Combination Therapies
ADB	Asian Development Bank
ADPC	Asian Disaster Preparedness Centre
ADSL	Asymmetric Digital Subscriber Line
AFP	Agence France Presse
AFPLF	Anti-Fascist People's Freedom League
AHRC	Asian Human Rights Commission
AI	Amnesty International
AIDS	Acquired Immune Deficiency Syndrome
AIIMS	All Indian Institute of Medical Science
AIR	All India Radio
ALA	Arakan Liberation Army
ALD	Arakan League for Democracy
ALP	Arakan Liberation Party
ALRC	Asian Legal Resource Centre
ANC	Arakan National Council
AP	Associated Press
APFWLD	Asia Pacific Forum on Women, Law and Development
APG	Asia Pacific Group on Money Laundering
ARAC	Arakanese Refugees Affairs Committee
ARNO	Arakan Rohingya National Organisation
ARV	Anti-Retroviral Treatment
AS	Angular Stomatitis
ASEAN	Association of Southeast Asian Nations
ASP	Assistant Superintednant of Police
AWA	Arakan's Women Association
AzG	Artsen zonder Grenzen (MSF-Holland)
BAD	Border Area Development
BAJ	Bridge Asia Japan

BBC	British Broadcasting Corporation
BC	Bagan Cybertech
BCN	Burma Centrum Nederlands
BDR	Bangladesh Rifles
BDRS	Bangladesh Red Crescent Society
BERG	Burma Ethnic Research Group
BESU	Basic Education Student Union
BEW	Burma Economic Watch
BFM	Bounding Fragmentation Mine
BHA	Burma Housewives Association
BI	Burma Issues
BID	Best Interest Determination
BLC	Burma Lawyers' Council
BLSO	Burma Labour Solidarity Organisation
BM	Blast Mine
BMA	Burma Media Alliance
BMA	Burmese Media Association
BMWEC	Burmese Migrant Workers Education Committee
BNA	Burma News Association
BP	Bangkok Post
BPHWT	Back Pack Health Workers Team
BRAT	Burmese Rohingya Association in Thailand
BSF	Border Security Forces
BSI	Bureau of Special Investigation
BSPP	Burmese Socialist Program Party
BWU	Burmese Women's Union
CAAC	UN Working Group on Children and Armed Conflict
CAPS	Continuous Assessment and Progression System
CATW	Coalition against Trafficking in Women
CAT	Convention Against Torture and Cruel, Inhumane and Degrading Treatment or Punishment
CBC	Calvary Baptist Church
CBI	Central Bureau of Investigation
CBMT	Chin Back Pack Medical Team
CBO	Community-Based Organisation
CCC	Central Coordination Committee
CCSDPT	Committee for the Coordination of Services for Displaced Persons in Thailand
CCTV	China Central Television
CCW	Convention on Conventional Weapons
CD	Compact Disk
CDMA	Code Division Multiple Access
CEC	Central Executive Committee
CEDAW	Convention on the Elimination of Discrimination Against Women

CERF	Central Emergency Response Fund
CEO	Chief Executive Officer
CESCR	Committee on Economic, Social and Cultural Rights
CFR	Council on Foreign Relations
CHRO	Chin Human Rights Organisation
CIA	Central Intelligence Agency (United States)
CIA	Chin Integrated Army
CICC	Center for the International Cooperation for Computerisation
CID	Criminal Investigations Department
CIDKP	Committee for Internally Displaced Karen Persons
CLCC	Central Chin Literature and Culture Committee
CAN	Chin National Army
CNC	Chin National Confederation
CNF	Chin National Front
CNG	Compressed Natural Gas
CNN	Cable News Network
COMMIT	Coordinated Mekong Ministerial Initiative against Trafficking
CPB	Communist Party of Burma
CPCC	Commodity Price Control Committees
CPI	China Power Investment Corporation
CPJ	Committee to Protect Journalists
CPRCS	Committee for the Prevention of the Recruitment of Child Soldiers
CRC	Convention on the Rights of the Child
CRPP	Committee Representing People's Parliament
CSW	Christian Solidarity Worldwide
CU	Cultural University
DAB	Democratic Alliance of Burma
DaKaSa	Regional Administration Headquarters
DBA	Don Bosco Ashalayam
DDSI	Directorate of Defence Services Intelligence
DDU	Deen Dayal Upadyay
DFID	British Department for International Development
DFM	Directional Fragmentation Mine
DHF	Dengue Hemorrhagic Fever
DKBA	Democratic Karen Buddhist Army
DOTS	Directly Observed Treatment Short Course
DPA	Deutsche Presse Agence
DPDC	District Peace and Development Council
DPNS	Democratic Party for a New Society
DSA	Defense Services Academy
DSI	Defence Service Intelligence
DVB	Democratic Voice of Burma

EC	European Commission
ECS	Economic Cooperation Strategy
EGAT	Electricity Generating Authority of Thailand
ENC	Ethnic Nationalities Council
ENSCC	Ethnic Nationalities Solidarity and Cooperation Committee
EP	Employee Pass
EPDC	Electric Power Development Company
ERI	Earth Rights International
ESCAP	United Nations Economic and Social Commission for Asia and the Pacific
EU	European Union
E-visa	Electronic Visa
EWEC	East-West Economic Corridor
EYNG	Ethnic Youth Network Group
FAO	Food and Agriculture Organisation
FATF	Financial Action Task Force
FBR	Free Burma Rangers
FCDCC	Federal Constitution Drafting and Coordinating Committee
FDA	Food and Drug Administration
FEC	Foreign Exchange Certificate
FFSS	Free Funeral Services Society
FOT	Field Observation Team
FPAB	Family Planning Association Bangladesh
FRC	Foreign Resident Card
FRRO	Foreigners Regional Registration Officer
FTI	Federation of Thai Industries
FTUB	Federation of Trade Unions – Burma
FTUK	Federation of Trade Unions-Kawthoolei
GAIL	Gas Authority India Ltd.
GAO	Government Accountability Office
GBA	Gankaw Baptist Association
GBSV	Gender-Based and Sexual Violence
GDP	Gross Domestic Product
GHQ	General Headquarters
GHRE	Grassroots Human Rights Education
GOI	Government of India
GONGO	Government Organized Non-Governmental Organisation
GTI	Government Technical Institute
HI	Handicap International
HIV	Human Immunodeficiency Virus
HQ	Headquarters
HRDP	Human Rights Defenders and Promoters
HRDU	Human Rights Documentation Unit

HREIB	Human Rights Education Institute of Burma
HRP	Hongsowatoi Restoration Party
HRW	Human Rights Watch
HURFOM	Human Rights Foundation of Monland
IAUP	International Association of University Presidents
IB	Infantry Battalion
ICBL	International Campaign to Ban Landmines
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICFTU	International Confederation of Free Trade Unions
ICG	International Crisis Group
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICT	Information and Communication Technology
ID	Identity
IDC	Immigration Detention Centre
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
IED	Improvised Explosive Device
IHH	Internationale Humanitare Hilfsorganisation
IIRO	International Islamic Relief Organisation
ILC	International Labour Conference
ILO	International Labour Organisation
IMF	International Monetary Fund
IMNA	Independent Mon News Agency
INGO	International Non Governmental Organisation
INO	Inntha National Organisation
IOM	International Organisation for Migration
IRAC	Islamic Religious Affairs Council
IRC	International Rescue Committee
IRD	Internal Revenue Department
ISG	Interim Shan Government
ISP	Internet Service Provider
IT	Information Technology
ITBMU	International Theravada Buddhist Missionary University
ITN	Insecticide-Treated Mosquito Net
JICA	Japan International Cooperation Agency
JRS	Jesuit Refuge Service
KA	Karenni Army
KADC	Kachin Anti-Dam Committee
KB	Kanbawza Bank
KCBA	Kuki Chin Baptist Association

KDA	Kachin Defence Army
KDHW	Karen Department of Health and Welfare
KDNG	Kachin Development Networking Group
KDP	Kokang Democratic Party
KDRG	Karenni Development Research Group
KhaMaYa	Light Infantry Battalion
KHRG	Karen Human Rights Group
KIA	Kachin Independence Army
KIC	Karen Information Committee
KIO	Kachin Independence Organisation
KNA	Karen National Association
KNAHR	Karenni News Agency for Human Rights
KNDA	Karenni National Defence Army
KNG	Kayan National Guard
KNG	Kachin News Group
KNLA	Karen National Liberation Army
KNLP	Kayan New Land Party
KNO	Kachin National Organisation
KNPLF	Karenni Nationalities People's Liberation Front
KNPP	Karenni National People's Party
KNPP	Karenni National Progressive Party
KnRC	Karenni Refugee Committee
KnSO	Karenni National Solidarity Organisation
KNU	Karen National Union
KNU/KNLA PC	Karen National Union / Karen National Liberation Army Peace Council
KORD	Karen Office for Relief and Development
KPF	Karen Peace Force
KRC	Karen Relief Committee
KSC	Kachin Solidarity Council
KSDF	Kuki Students Democratic Front
KSDP	Karenni Student Development Program
KSWC	Karenni Social Welfare Committee
KSWDC	Karenni Social Welfare and Development Committee
KTO	Ko Than Oo
KVTBA	Kabaw Valley Thadou Baptist Association
KWA	Kachin Women's Association
KWAT	Kachin Women's Association – Thailand
KWO	Karen Women's Organisation
LBVD	Livestock Breeding and Veterinary Department
LDC	Least Developed Country
LDF	Lahu Democratic Front
LIB	Light Infantry Battalion
LID	Light Infantry Division

LNDO	Lahu National Development Organisation
LNO	Lahu National Organisation
LPO	Labour Protection Office (Thailand)
LTAC	La-mine Township Administrative Championship
MAA	Myanmar Accounting Academy
MAG	Mon Armed Group
MAMD	Mon Army, Mergui District
MAN	Muslim Agency for News
MANA	Myanmar Anti-Narcotic Association
MAP	Migrant Assistance Program Foundation
MAPT	Myanmar Agricultural Produce Trade
MART	Myanmar Agricultural Produce Trade
MAS	Military Affairs Security
MaYaKa	Myitkyina Township Administrative Office
MBT	Mine Ban Treaty
MBTU	Million British Thermal Units
MCS	Mon Canadian Society
MDC	Myanmar Development Committee
MDG	Millennium Development Goal
MDUF	Myeik-Dawei United Front
MED	Micro-Enterprise Development
MHD	Malteser Hilfdienst Deutschland
MI	Malteser International
MI	Military Intelligence
MICTDC	Myanmar Information Communications and Technology Development Corporation
MIS	Military Intelligence
MLCC	Mon Literature and Culture Committee
MMA	Myanmar Medical Association
MMA	Myanmar Music Association
MMCWA	Myanmar Maternal and Child Welfare Association
MMPE	Myanmar Motion Picture Enterprise
MNA	Myanmar Nurses Association
MNC	Mon National Council
MNCWA	Myanmar National Working Committee for Women's Affairs
MNDAA	Myanmar National Democracy Alliance Army (a.k.a Kokang)
MNDF	Mon National Democratic Front
MNED	Mon National Education Department
MNF	Mon National Front
MNLA	Mon National Liberation Army
MNWA	Mon National Warrior Army
MOB	Myanmar Oriental Bank
MOC	Military Operations Command

MOGE	Myanma Oil and Gas Enterprise
MOH	Ministry of Health
MOI	Ministry of the Interior
MOMC	Military Operation Management Command
MoU	Memorandum of Understanding
MP	Member of Parliament
MPCB	Motion Picture Censor Board
MPF	Myanmar Pharmaceutical Factory
MPMEEA	Myanmar Pharmaceuticals and Medical Equipment Entrepreneurs Association
MPT	Myanma Post and Telecommunications
MRA	Monland Restoration Army
MRC	Myanmar Red Cross
MRDC	Mon Relief and Development Committee
MRE	Mine Risk Education
MRO	Mon Refugee Organisation
MRP	Mon Restoration Party
MRTLC	Myanmar Rice Trading Leading Committee
MSF	Medecins Sans Frontieres
MSF	Military Security Force
MSG	Monosodium Glutamate
MSI	Marie Stopes International
MT	Myanma Teleport
MTA	Mong Thai Army
MTC	Mae Tao Clinic
MTP	Mara Thyutliapy
MTUF	Mergui-Tavoy United Front
MUB	Myanmar Universal Bank
MWAC	Myanmar Women Affairs Committee
MWAF	Myanmar Women's Affairs Federation
MWEA	Myanmar Women's Entrepreneurs Association
MWO	Mon Women's Organisation
NaSaKa	Border Security Force (Western border)
NaTaLa	Ministry of Border Affairs
NC	National Convention
NCCM	National Catholic Mission on Migration
NCGUB	National Coalition Government of the Union of Burma
NCO	Non-Commissioned Officer
NCRC	National Committee on the Rights of the Child
NCSN	Nationalist Socialist Council of Nagaland
NCUB	National Council of the Union of Burma
NDAA-ESS	National Democratic Alliance Army-Eastern Shan State (a.k.a 'Mongla Group')
NDA-K	New Democratic Army – Kachin

NDD	Network for Democracy and Development
NDF	National Democratic Front
NDPHR	National Democratic Party for Human Rights
NGO	Non-Governmental Organisation
NG-SS	New Generation - Shan State
NHEC	National Health Education Council
NHK	Japanese Broadcasting Corporation
NHPC	National Hydroelectric Power Corporation
NIB	National Intelligence Bureau
NIM	Nanyang Institute of Management
NLD	National League for Democracy
NLD-LA	National League for Democracy – Liberated Area
NLM	New Light Myanmar
NMG	Network Media Group
NMSP	New Mon State Party
NNN	Nippon News Network
NPE	News and Periodicals Enterprise
NPED	Myanmar Ministry of National Planning and Economic Development
NRP	National Reconciliation Program
NSA	Non-State Actor
NSC	National Security Council
NSCN	National Socialist Council of Nagaland
NTF	National Task Force
NUPA	National United Party of Arakan
NWCWA	National Working Committee for Women's Affairs
NYP	Nanyang Polytechnic
OBE	Office for Basic Education
OCDP	Operations Centre for Displaced People
OCMI	Office of the Chief of Military Intelligence
OFID	OPEC Fund for International Development
OH&S	Occupational Health and Safety
OMAS	Office of the Military Affairs Security
ONGC	Oil and Natural Gas Corporation
ONI	Open Net Initiative
OPEC	Organization of Petroleum Exporting Countries
OSI	Open Society Institute
OSS	Office of Strategic Studies
PABs	Provincial Admissions Boards
PCF	Prison Charity Foundation
PDC	Peace and Development Council
PDF	People's Defence Front
PHAMIT	Prevention of HIV/AIDS Among Migrant Workers Project

PHR	Physicians for Human Rights
PLF	Palaung Liberation Front
PLO	Pa-O Liberation Organisation
PNA	Pa'O National Army
PNO	Pa'O National Organisation
PNUO	Pa'O Regional Nationalities Unity Organisation
POC	Person of Concern
PPLO	Pa-O People's Liberation Organisation
PR	Permanent Resident
PR	Public Relations
PSB	Press Scrutiny Board
PSI	Population Services International
PSLF	Palaung State Liberation Front
PSLP	Palaung State Liberation Party
PSO	People's Strength Organisation
PSRD	Press Scrutiny and Registration Department
PTT-EP	Petroleum Authority of Thailand Exploration and Production Public Co. Ltd.
PYAN	Palaung Youth Action Network.
PYNG	Palaung Youth Networking Group
PWO	Palaung Women's Organisation
RA	Rohingya Army
RELA	Malaysian Volunteer Corp (Ikatan Relawa Rakyat)
RFA	Radio Free Asia
RI	Refugees International
RI	Rotary International
RM	Malaysian Ringgit
RNA	Rohingya National Alliance
RP	Residential Permit
RPG	Rocket Propelled Grenade
RRF	Rebellion Resistance Force
RRRC	Refugee Relief and Repatriation Commission
RSANFSP	Rakhine State All National Races Solidarity Party
RSD	Refugee Status Determination
RSF	Reporters Sans Frontieres
RTA	Royal Thai Army
RWA	Rakhine Women's Association
RWU	Rakhaing Women's Union
SAS	*Swan Arr Shin*
SaRaPa	Military Intelligence
SAW	Social Action for Women
SaYaPa	Military Security Force
SB	Special Branch (of Police)
SCUK	Save the Children UK

SDA	Seventh Day Adventist
SDC	Special Detention Centre
SEAPA	Southeast Asian Press Alliance
SEARC	Southeast Asia Research Centre
SEARIN	South East Asia Rivers Network
SEZ	Special Economic Zone
SFM	Stake Fragmentation Mine
SHAN	Shan Herald Agency for News
SHRF	Shan Human Rights Foundation
SID	Special Investigations Department
SLIC	Socio-Legal Information Centre
SLORC	State Law and Order Restoration Council
SLRD	Settlement and Land Records Department
SMNC	Sangha Maha Nayaka Committee
SNGY	Shan New Generation Youth
SNLD	Shan Nationalities League for Democracy
SNPLO	Shan Nationalities People's Liberation Organisation
SOC	Strategic Operations Command
SPDC	State Peace and Development Council
SPIF	Special Police Information Force
SRDC	Shan Relief and Development Committee
SSA	Shan State Army
SSA-C	Shan State Army – Central
SSA-N	Shan State Army – North (a.k.a SSPP)
SSA-S	Shan State Army- South
SSKDP	Shan State Kokang Democratic Party
SSNA	Shan State National Army
SSNPLO	Shan State Nationalities People's Liberation Organization
SSPC	Shan State Peace Council
SSPP	Shan State Progress Party (a.k.a SSA-N)
STD	Sexually Transmitted Disease
SUARAM	Suara Rakyat Malaysia
SWAN	Shan Women's Action Network
SYCB	Student Youth Congress of Burma
SYNG	Shan Youth Network Group
SYUF	Student and Youth Union Front
TACDB	Thai Action Committee for Democracy in Burma
TAI	Technical Assistance Institute
TB	Tuberculosis
TBBC	Thailand Burma Border Consortium
TBC	Tahi-Burma Border Committee
TCBEC	Technology, Culture and Business Education Centre

THPP	Tamanthi Hydroelectric Power Project
TOC	Tactical Operations Command
TPDC	Township Peace and Development Council
TPP	Three Pagoda Pass
TRC	Temporary Residence Card
TWU	Tavoy Women's Union
U.S.	United States
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UMFCCI	Union of Myanmar Federation of Chambers of Commerce and Industry
UN	United Nations
UNA	United Nationalities Alliance
UNAIDS	Joint United Nations Program on HIV/AIDS
UNDP	United Nations Development Program
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNESCO	United Nations Education, Scientific and Cultural Organisation
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNLD	United Nationalities League for Democracy
UNLD-LA	United Nationalities League for Democracy – Liberated Area
UNLF	United National Liberation Front
UNO	Union Nirbahi Officer
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council
UNSD	United Nations Statistics Division
UPE	Universalization of Primary Education
USAID	United States Agency for International Development
USCRI	U.S. Committee for Refugees and Immigrants
USDA	Union Solidarity and Development Association
USIS	United States Information Service
UWSA	United Wa State Army
UWSP	United Wa State Party
UXO	Unexploded Ordinance
VAO	Village Administrative Office
VBSW	Vigorous Burmese Student Warriors
VCB	Video Censorship Board
vHLT	very High Level Team
VOA	Voice of America
VPDC	Village Peace and Development Council
WAMY	World Assembly of Muslim Youth

WCDRB	Working Committee for Demonstration Restoration in Burma
WFP	World Food Program
WGI	Worldwide Governance Indicators
WHO	World Health Organisation
WLB	Women's League of Burma
WLC	Women's League of Chinland
WNA	Wa National Army
WNO	Wa National Organisation
WPDC	Ward Peace and Development Council
XDR	Extensively Drug Resistant
YaMaKha	Northeast Military Command
YaYaKa	Administrative Offices
YCDC	Yangon City Development Council
YCOWA	Yaung Chi Oo Workers' Association
YMA	Young Mizo Association
ZNC	Zomi National Congress

Glossary of Terms and Units of Measurement

acre	1 acre = 4,840 sq. yards = 0.407 hectare. 640 acres = 1 sq. mile = 2.590 km^2
baht	Monetary unit of Thailand. 1 baht = 100 satang. 1 baht = US$0.03
basket	Unit of measurement equivalent to two tins or roughly 25 kg of rice.
Bo	Military officer
crore	Indian term meaning ten million. Equal to one hundred lakh
Daw	An honorific used to address an adult female
FEC	1 FEC = US$1 = 6.4 kyat (official)
	1 FEC = 1,240 kyat (unofficial)
furlong	1 furlong = 220 yards (1/8) mile = 201 metres
kani	Roughly 3 acres
Kawthoolei	Karen name for the Karen nation
Khun	An honorific used to address a Karenni, Shan or Thai male
Ko	Burmese form of address to a young male
kyat	Monetary unit of Burma. US$1 = 6 kyat (official) US$1 = 1,240 kyat (unofficial).
kyin	Unit of measurement equivalent to 2.7m^3
lakh	Indian term meaning 100,000
loh ah pay	'volunteer labourer'; often synonymous for forced labour
longyi	Burmese sarong
Ma	Burmese form of address to a young female
Mahn	Burmese form of address to a Karen male
Maung	Burmese form of address to a young male
Mehm/Min	Form of address to a young Mon male
Mi	Form of address to a Mon female
Milk tin	Base unit of volume measurement in Burma. One (condensed) milk tin holds around 585 grams of rice
Nai	Burmese form of address to an adult Mon male
Naw	Form of address for a Sgaw Karen female
plah	Karen measurement of distance, from elbow to fingertip (cubit)
pya	100 pya = 1 kyat
pyi	Burmese unit of volume measurement commonly used for rice and paddy as well as other crops. One *pyi* is equal to eight milk tins, or about 2 kg of rice.
Pyithu Hluttaw	People's Assembly. The Legislative branch of government which was never actually allowed to convene following elections in 1990.
(rice) sack	Unit of Measurement. One sack is equivalent to 2 baskets or 50 kg of rice within Burma.
Sai	Burmese form of address to a young Shan male
Sangha	Buddhist order of monks
Sao	Male of Shan royal descent
Saw	Form of address to a Sgaw Karen male
Sayadaw	Presiding monk of a Buddhist monastery
Tatmadaw	Burmese Armed Forces
taun	Unit of weight equivalent to 13 kg
Thakin	Master; lord (used to address the British colonial rulers; later politicized by the Burmese independence movement in the 1930s)
(big) tin	One tin is equivalent to 8 *pyi* or roughly 12.5 kg of rice
U	An honorific used to address an adult male in Burma
viss	1 *viss* = 3.6 lbs / 1.63 kg

Abbreviations

a.k.a	also known as
approx.	approximately
Brig.	Brigadier
Capt.	Captain
Comdr.	Commander
Col.	Colonel
Cpl.	Corporal
ft	foot/feet
Gen.	General
Lt.	Lieutenant
kg	kilogram
km	kilometre
Maj.	Major
m	metre
mm	millimetre
n.a.	not available
Sen.	Senior
Sgt.	Sergeant
sq.	square

Spelling Conventions

The Burma Human Rights Yearbook employs British (UK) English throughout.

Since there are no standardised transliteration from Burmese or many of the other languages spoken in Burma into in the Roman alphabet, words are spelt in a variety of ways, according to different spelling conventions or by how they sound. In addition, spellings have further been confused by the ruling junta's official alteration in of well-known English terminology (e.g. Myanmar for Burma). Whilst the SPDC purports that Myanmar is more inclusive of minorities than Burma, opposition parties and human rights groups contend that "Myanmar" is actually disrespectful of the minorities of the country. Minorities, many of whom do not speak Burmese, had become accustomed to the English name "Burma" over the years, and they perceive the new name "Myanmar" as a purely Burman name reflecting the policy of domination of the ethnic Burman majority over the minorities. Criticism also concentrates on the fact that the military regime, not democratically elected, has no legitimacy to change the name of the country. Opposition leader Aung San Suu Kyi has opposed the new name "Myanmar", pointing out at the hypocritical justification of inclusiveness put forward by the military regime. Whilst the name "Myanmar" has been recognised by the United Nations, several countries, including the United Kingdom, Australia and Canada, generally refer to it as Burma, and the U.S. State Department assert that *"Due to consistent, unyielding support for the democratically elected leaders, the U.S. government likewise uses 'Burma.'"*

However, it should be remembered that the military regime did not change the official name of the country in Burmese, but merely changed the name of the country in English. In the Burmese language, *Myanma* is written literary name of the country whilst *Bama* is the oral colloqiual alternative. While the opposition parties oppose the English name "Myanmar", they do not oppose the official Burmese name *Myanma*, and no opposition party is proposing to use the colloquial name *Bama* as the official name of the country.

Aside from the political connotations attached to the name changes, the new names adopted by the junta actually make it more difficult for foreigners to pronounce Burmese place names closer to actual Burmese pronunciation. Even if only for this reason, this report will restrict its use of language to the anglicised spellings. A list of place names used in the Yearbook followed by their alternatives are shown in the table on the following page.

At the village level, there is again the difficulty that there is no standardised format for transliteration from Burmese or any of the ethnic languages used within Burma into English. In addition, many villages have, for example, both a Karen and a Burmese name. This problem is further compounded by the fact that many villages have very similar names to each other but are in fact distinct. In compiling the Burma Human Rights Yearbook, HRDU have made every attempt to standardise the spelling of villages, but, given the dangers associated with making assumptions about similar sounding place names, village names have generally been reported as they were in the original source.

Historical name	SPDC name
Arakan	Rakhine
Bassein	Pathein
Burma	Myanmar
Burman	Bamar
Irrawaddy	Ayeyarwady
Karen	Kayin
Karenni	Kayah
Magwe	Magway
Mergui	Myeit
Moei River	Taungyin
Moulmein	Mawlamyine
Pa'an	Hpa-an
Pagan	Bagan
Pegu	Bago
Prome	Pyay
Rangoon	Yangon
Salween River	Thanlwin
Sandoway	Thandwai
Sittaung	Sittoung
Sittwe	Akyab
Tavoy	Dawei
Tenasserim	Tanintharyi

Karen State Disputed Areas of Demarcation

Thaton District

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

Toungoo District

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

Nyaunglebin District

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

Mergui-Tavoy District

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

Papun District

Papun District is under the patrol of the KNLA 5th Brigade. The SPDC, however, does not officially recognize this district. Papun District corresponds roughly with Papun Township under the SPDC system.

Dooplaya District

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

Pa'an District

Pa'an District is patrolled by the KNLA 7th Brigade and corresponds roughly with Pa'an Township under the SPDC-demarcated system. The SPDC does not officially recognize Pa'an District

Burma at a Glance: Facts and Figures

Country name	Union of Burma (1948), Socialist Republic of the Union of Burma (1974), Union of Myanmar (1989)[1]
Land area	678,500 sq km
Coastline	1,930 km
Population	47,758,181 (2008 est.)
Population growth	0.8% (2008 est.)
Birth rate	17.23 births/1,000 population (2008 est.)
Death rate	9.23 deaths/1,000 population (2008 est.)
Infant mortality rate	Total: 49.12 deaths/1,000 live births. Male: 55.53 deaths/1,000 live births. Female: 42.33 deaths/1,000 live births (2008 est.)
Life expectancy at birth	Total population: 62.94 years. Male: 60.73 years. Female: 65.28 years (2008 est.)
Languages	Arakanese, Burmese, Chin, Kachin, Karen, Karenni, Mon, Shan, Wa, English and more than 100 minority dialects
Religions	Buddhist (89%), Christian (4%), (Baptist 3%, Roman Catholic 1%), Muslim (4%), Animist (1%), other (2%)[2]
Last election	27 May 1990. NLD won 392 of the 485 seats contested. The assembly (*Pyithu Hluttaw*) was never allowed to convene.
System of Government	Military Dictatorship
Government	State Peace and Development Council (SPDC)
Head of State	Chairman of SPDC, Senior General Than Shwe
Administrative areas	Seven States (Arakan, Chin, Mon, Kachin, Karen, Karenni, Shan), Seven Divisions (Irrawaddy, Magwe, Mandalay, Pegu, Rangoon, Sagaing, Tenasserim)
LDC status	Since 1987
GDP (purchasing power parity)	$55.27 billion (2008 est.)
GDP (official exchange rate)	$26.21 billion (2008 est.)
GDP real growth rate	1.1% (2008 est.)
GDP - per capita	$1,200 (2008 est.)
Unemployment rate	5% (2008 est.)
Population below poverty line	32.7% (2007 est.)
Inflation rate	26.8% (2008 est.)
Human Development Index	0.586 (2007), ranks Burma 133rd worst out of 177 countries[3]
Natural resources	Timber, tin, antimony, zinc, copper, tungsten, lead, coal, limestone, precious stones, natural gas, hydropower, some petroleum
Agriculture products	Rice, pulses, beans, sesame, groundnuts, sugarcane; hardwood, fish and fish products
Opium production	410 metric tons; remains the worlds second largest producer of illicit opium (2008 est.)[4]
Refugees	Approximately 396,700 in Thailand, 177,500 in Bangladesh, 75,000 refugees in India, 69,700 refugees in Malaysia, and an unknown number of refugees in China.[5]
IDPs	Approximately 1 million persons
Adult HIV prevalence rate (15+ years)	0.7% (2008 est.)[6]

Number of people living with HIV/AIDS	240,000 (2008 est.)[7]
Deaths due to AIDS	24,000 (2008 est.)[8]
Adult literacy rate	89.9% (2008 est.)[9]
Net primary enrolment rate	84% (2007 est.)[10]
Net secondary enrolment rate	46% (2007 est.)[11]
Children completing primary education	72% (2007 est.)[12]
Probability of not surviving past age 40	19.1% (2008 est.)[13]
People without access to improved water source	20% (2007 est.)[14]
People without access to improved sanitation	17% (2006 est.)[15]
Malnourished children (ages 0-5)	32% (2007 est.)[16]
Landmine casualties	47[17]
Landmine injuries	338[18]
Prison population	65,063 (2007 est.)[19]
Political prisoners	2,168[20]

Endnotes

[1] Please note that the facts and figures listed here are only estimates and that accurate data is not readily available. Unless otherwise stated, facts and figures are cited from: *Background Note: Burma*, U.S. Department of State, Bureau of East Asian and Pacific Affairs, September 2006; *CIA World Factbook: Burma*, U.S. Central Intelligence Agency, 17 November 2009.
[2] Source: Official SPDC figures.
[3] Source: HDI, UNDP.
[4] Source: UNODC, East Asia Opium Report 2008
[5] Source: *World Refugee Survey 2008*, USCRI.
[6] Source: UNICEF.
[7] Source: Global report on the AIDS epidemic, UNAIDS.
[8] Source: Global report on the AIDS epidemic, UNAIDS.
[9] Source: HDI, UNDP.
[10] Source: HDI, UNDP.
[11] Source: HDI, UNDP.
[12] Source: HDI, UNDP.
[13] Source: HDI, UNDP.
[14] Source: HDI, UNDP.
[15] Source: WHO, Myanmar Country Statistics.
[16] Source: HDI, UNDP.
[17] Source: *Landmine Monitor 2008*, ICBL.
[18] Source: *Landmine Monitor 2008*, ICBL.
[19] Source: World Prison Population List 2008, International Centre for Prison Studies
[20] Source: Assistance Association for Political Prisoners Burma.

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The Human Rights Documentation Unit (HRDU) is the research and documentation division of Burma's government in exile; the National Coalition Government of the Union of Burma (NCGUB). The HRDU was formed in 1994 to document the human rights crisis confronting the many and varied peoples of Burma, and to defend and promote those internationally recognised human rights that are inherent and inalienable for all persons irrespective of race, colour, creed, ethnicity or religion. To this end, the HRDU published the first *Burma Human Rights Yearbook* in 1995 to comprehensively document the systematic and egregious nature of the human rights abuses being perpetrated in Burma throughout the previous year. This report, the *Burma Human Rights Yearbook 2008*, represents the 15th annual edition of the *Burma Human Rights Yearbook*, which, combined with all previous editions collectively comprise well over 10,000 pages of documentation and provide an unbroken historical record spanning the past one and a half decades.

All editions of the *Burma Human Rights Yearbook* and all other reports published by the HRDU can be viewed online on the NCGUB website at **http://www.ncgub.net** as well as on the Online Burma Library at **http://www.burmalibrary.org**. Any questions, comments or requests for further information can be forwarded to the HRDU via email at **enquiries.hrdu@gmail.com**.

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