

BURMA

2006

HUMAN RIGHTS YEARBOOK

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

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25 June 2007

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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 led to the production of the *Burma Human Rights Yearbook 2006*. Last, but by no means least, the HRDU would like to express its sincere gratitude to the indebted team of volunteers who assisted in the production of the 2006 edition of the *Burma Human Rights Yearbook*, the production of which would not have been possible without your generous support. This report represents the thirteenth annual edition of the *Burma Human Rights Yearbook*.

Cover photo: An internally displaced Karen villager sheltering his son from the rain in northern Karen State of eastern Burma in April 2006. This man is one of approximately 25,000 civilian villagers driven from their homes as a direct result of the SPDC army offensive in northern Karen State. Under the offensive, thousands of SPDC army soldiers have intentionally targeted civilian villages in a concerted attempt to bring the region under direct military control. Gross violations of human rights have been perpetrated with impunity. Civilian food supplies have been deliberately destroyed and entire villages have been razed; forced labour has been employed extensively and fundamental freedoms have been all but abolished; antipersonnel landmines have been deployed in their thousands in areas frequented by civilians and villagers have been shot-on-sight. With his home destroyed and food supplies running out, this villager, and thousands of others like him, face an uncertain future.
[Photo: FBR]

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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 the National Coalition Government of the Union of Burma (NCGUB). This, and all previous editions of the *Burma Human Rights Yearbook* may be viewed online 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 HRDU at enquiries.hrdu@gmail.com.

Preface

During the United Nations Summit in 2005, the international community came to recognize its collective responsibility to protect the world's populations against the grossest violations of human rights when the states themselves are either unwilling or unable to do so.

By adopting the principle of the Responsibility to Protect, the world's leaders took a step of fundamental ethical and legal importance, but only if they can now turn this emerging norm from rhetoric into action. Burma's peoples are waiting for the world to heed their plight. It is becoming urgent.

For the 13th consecutive year, the Human Rights Documentation Unit is bringing out the annual *Burma Human Rights Yearbook*. Ever since the first yearbook was published, the human rights situation in Burma has steadily and consistently deteriorated, and the living conditions for the population have grown progressively worse. Sadly, the year 2006 became no different, as this latest *Burma Human Rights Yearbook* reveals.

Across the country, Burma's peoples continued to be subjected to forced labour, forced relocation, the burning of villages, rape and other forms of sexual violence, recruitment of children as child soldiers, trafficking of women and children, confiscation of land and property, extortion, religious persecution and discrimination against ethnic minorities.

In non-Burman ethnic nationality areas, in particular in Karen, Karenni and Shan States, fighting continued, thereby further increasing the number of internally displaced people within the country as well as bringing new waves of refugees into Thailand and other neighbour states. Burma's troubles are increasingly becoming a threat also to human security in the region.

Burma's human rights defenders work tirelessly under extremely challenging circumstances. Throughout the year, the authorities continued to arrest and detain individuals for peacefully expressing political dissent and for engaging in efforts to promote and protect human rights. No significant releases of political prisoners took place.

The people of Burma have been denied their basic need for protection for far too long. The main obstacle to a better future for the country and its people remains the state institutions themselves.

The United Nations Security Council, in resolution 1674 (2006) emphasizes that "*the commission of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict*" may constitute a threat to international peace and security, to which the Security Council has a duty to respond. Burma is a case in point.

The widespread and systematic human rights violations in this country are not isolated acts of misconduct by middle- and low-ranking military officers and other state officials. A culture of impunity has been allowed to develop and a system has been created in which, for far too long, individuals and groups have been allowed to breach the law and violate human rights without being called to account.

Past appeals by the international community have fallen on deaf ears. Burma continues to fail in cooperating with the outside world in order to improve its record. The UN Special Rapporteur on the situation of human rights in Burma, Professor Paulo Sergio Pinheiro, has been denied access to the country by the military government since 2003, while the regime has consistently ignored international appeals for an impartial and thorough investigation into the Depayin incident in May 2003 and the numerous reports of rape and other forms of sexual violence in Shan State and other ethnic states.

We call on the international community to support human rights defenders in Burma by closely monitoring cases of abuses and react with the utmost urgency whenever abuses occur.

We are in dire need of a more forceful, systematic and consistent effort by the international community to end abuses in Burma. However, what could have been a step forward – a resolution on Burma, which would have called for an end to abuses, was rejected in the UN Security Council in early 2007 following negative votes by China, Russia and South Africa.

We regret such an opportunity lost. We believe it is now time for the UN Human Rights Council to respond to the challenge of the negative votes in the Security Council by intervening in Burma to bring systematic human rights violations to an end.

Time has come for the Human Rights Council and the international community to increase pressure on the military regime to respect its international human rights and humanitarian obligations, and in particular to:

1. Stop targeting civilians during military operations; end all forms of sexual and gender-based violence against women and girls; implement an immediate nationwide ceasefire, and end militarization in Karen State and other ethnic areas,
2. Respect fundamental rights for internally displaced persons in ethnic and other areas in Burma; and ensure safe access for humanitarian assistance to those who need it most in all parts of the country;
3. End impunity, restore rule of law, and create a climate in which human rights defenders are able to carry out their work freely and peacefully;
4. Release all political prisoners, including Aung San Suu Kyi; restore respect for human rights and fundamental freedoms, including freedom of expression, association and organization; and lift restrictions on political parties, and support efforts to empower women's participation in political processes, in order to ensure a more inclusive political process;
5. Begin a tripartite dialogue with ethnic nationalities and the democracy movement led by Daw Aung San Suu Kyi;

At the same time, the United Nations should reinvigorate its efforts to establish an independent international commission of enquiry into the Depayin incident, and the many reports of and rape and other forms of sexual violence against women and girls.

I express my deep appreciation to the staff at the Human Rights Documentation Unit and other human rights activists who continue to work hard to ensure that injustices in Burma be

reported, recorded and brought to the world's attention. The international community should now heed its obligations towards the people of Burma. Our common humanity is at stake.

H.E. Dr. Sein Win

Prime Minister

National Coalition Government of the Union of Burma

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Map of Burma



Source: CIA World Factbook: Burma, U.S. Central Intelligence Agency, 31 May 2007.

Historical and Political Background

Constitutional Period (1947-62)

On 4 January 1948, Burma gained its independence from the British who, in the nineteenth century, fought three wars against the Burman Empire and finally conquered it in 1886. On the eve of the Second World War, the Japanese secretly promised to help Burma recover its freedom by training 30 youth led by Gen. Aung San who then formed the nucleus of a national army. During the war, the Japanese drove the British out of Burma and governed the country directly under military rule until 1 August 1943, when it was granted independence under its protection.

On 27 March 1945, the armed forces of Burma revolted against the Japanese and joined the Allies. Also during the war period, the leaders of the new army, together with an underground civilian group, formed a broad anti-Japanese coalition, the Anti-Fascist People's Freedom League (AFPFL). The AFPFL and the army were led by Gen. Aung San. On 19 July 1947, Gen. Aung San and some of his colleagues were assassinated while the constituent assembly that was writing a new constitution was in recess. U Nu, a civilian and close colleague of Aung San, was able to lead Burma to gain its independence on 4 January 1948. A parliamentary federal union system was introduced as the basis of the system of governance.

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

During this tumultuous period, democracy took root and began to grow. However in 1958 unity among the leaders of the ruling AFPFL dissolved. Prime Minister U Nu proposed that the parliament decide which group should govern the country. U Nu won by such a narrow margin that within a few months he resigned and recommended that Gen. Ne Win, the head of the army, replace him and conduct new elections.

Gen. Ne Win's provisional government, comprising senior military officers, was short-lived, lasting only 16 months. When the promised elections were held, a U Nu-led faction won. After he resumed leadership U Nu called a meeting for February 1962 where he planned to discuss with all ethnic leaders a way to find a solution to their grievances through peaceful and open discussions. However, before U Nu could instate his recommendations for peace, Gen. Ne Win led a military coup to seize power on 2 March 1962. Gen. Ne Win established a Revolutionary Council comprised of 17 senior officers, effectively ending the constitutional period.

Military Rule (1962-88)

The Revolutionary Council established a military dictatorship replacing the parliamentary federal system enshrined in the constitution. In July 1962, the Revolutionary Council created its own party, the Burma Socialist Program Party (BSPP), after having failed to win the backing of the established political parties. The Revolutionary Council published its first ideological statement entitled, “The Burmese Way to Socialism” at the end of April 1962. A year later it moved to a policy of rapid nationalization and assumed direct control of the economy. In 1971, the BSPP transformed itself into the governing structure though it retained the same military rulers, many of whom had retired from the armed forces. In 1974, a new constitution was adopted with additional centralized powers, serving to further entrench BSPP’s position as the only legal political party in the country.

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

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

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

Following the protest, on 12 August 1988 Gen. Sein Lwin was replaced by a civilian lawyer named Dr. Maung Maung. The period of civilian rule was not only superficial but short-lived. On 18 September 1988, the military regained power through a bloody coup. During the month of civilian leadership, agents of the military spread 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 “State Law and Order Restoration Council” (SLORC). Opting for martial law, SLORC suspended the 1974 constitution and brutally suppressed all opposition through force, resulting in thousands of deaths and arrests.

SLORC’s Military Rule (1988-1997)

On 23 September 1988, having established himself as Burma’s leader, the head of the SLORC, Gen. Saw Maung, assured the public that the sole aim of military intervention was to restore law and order, improve the economic conditions of the people, and organize multiparty elections as soon as possible. He insisted that it was not his intention to “*cling to State power for long.*”

Within months parties began to register with the advent of a new election law. The National League for Democracy (NLD) led by Daw Aung San Suu Kyi, daughter of the national hero Gen. Aung San, quickly emerged as the leading opposition party. Daw Aung San Suu Kyi 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 SLORC placed Daw Aung San Suu Kyi under house arrest and disqualified her from participating in the elections. In spite of these tactics, the NLD achieved a landslide victory in the elections held on 27 May 1990, winning 392 of the 485 seats contested. In contrast, the SLORC-backed National Unity Party (NUP) won 10 seats.

Rejected by popular vote, the junta refused to implement the results claiming a constitution must be drafted before Parliament can convene. Meanwhile, the SLORC maintained control over the country through martial law. On 27 July 1990, the SLORC promulgated Declaration 1/90 confirming this stating, “[the SLORC] *is not an organisation that observes any constitution; it is an organisation that is governing the nation under Martial Law.*” Following this announcement SLORC began to arrest, harass, and intimidate NLD members as well as members of other political parties. As time progressed and the SLORC persisted in its refusal to hand over power, in December 1990 members of the elected Parliament established the National Coalition Government of the Union of Burma (NCGUB) with the support of all major ethnic groups struggling to assert themselves within Burma.

On 24 April 1992, two years after the elections, SLORC issued Order No. 11/92 titled the “Convening of a National Convention.” It indicated that a National Convention (NC) would be convened “*in order to lay down basic principles to draft a firm constitution.*” On 2 October 1992, however, without consulting any political or ethnic leaders, the regime delineated six objectives to “guide” the NC. The sixth principle essentially guarantees a dominant role for the military in any future government. In January 1993, the convention finally assembled with 702 delegates, of whom only 106 were elected representatives. The remaining delegates were either handpicked by the SLORC to “represent” workers, peasants, intellectuals, national races, and service personnel, or were “specially invited persons.” Regardless, meetings were repeatedly suspended after ethnic delegates persist in opposing a centralized state structure. Overriding such opposition and alternative proposals, the regime imposed another 104 principles to “guide” the constitutional drafting process. Furthermore, to

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

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

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

SPDC's Military Rule (1997-Present)

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

The Committee Representing the People's Parliament (CRPP) was formed on the 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. Two hundred and fifty-one elected MPs (52% of MPs elected in 1990) gave their authority to the ten founding members to form the CRPP. This was based on the principle articulated in the 1974 *Pyithu Hluttaw* Law that requires State Authorities to convene parliament if 34% or more of the members of parliament so desire. The CRPP's objective was to convene the Parliament until all MPs elected were able to do so. The CRPP's first act was to issue a proclamation that repealed all SLORC & SPDC orders, decrees, notifications, rules and laws. The SPDC declared the CRPP to be illegal. However, despite serious restrictions and the almost immediate arrest and imprisonment of Chairman Dr Saw Mra Aung, the CRPP survived and on September 16, 2002 held a ceremony at NLD headquarters to celebrate its fourth anniversary.

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

On May 6, 2002, Daw Aung San Suu Kyi was released from 19 months of house arrest, though Burmese intelligence continued to monitor NLD leaders and attend many NLD meetings in Rangoon. Following her release, the junta allowed Daw Suu and the NLD a greater measure of freedom to travel around the country and to meet with representatives of foreign governments and international organizations. The regime recognized the NLD as a legal entity and permitted the party to reopen approximately 90 out of 300 offices throughout the country. However, to a lesser degree the SPDC continued to monitor and restrict the activities of the NLD and Daw Suu through harassment and threats. Other political and ethnic opposition groups remained banned.

By the end of 2002 the dialogue had ground to a halt and the economic situation inside the country had worsened. It had become increasingly evident that the regime lacked the will to pursue substantive reforms and was using the dialogue as a tool to deflect international criticism and garner increased aid and investment. For the first half of 2003 this sentiment continued, as the SPDC repeatedly stalled in scheduling new talks or allowing UN Special Envoy Razali Ismail to come to Burma. While Aung San Suu Kyi and the NLD were able to engage in several campaigning tours in the first half of 2003 and NLD offices continued to open, harassment perpetrated by members of the Union Solidarity and Development Association (USDA) and other state sponsored actors was relentless.

On May 30, 2003, Aung San Suu Kyi, NLD members and supporters were violently attacked by members of the USDA and other state organized individuals armed with bamboo sticks and metal rods on the road to Depayin, Sagaing Division. The attack resulted in the re-arrest of Aung San Suu Kyi, NLD Deputy Chairman U Tin Oo, and all members of the Central Executive Committee of the NLD. In addition, unknown numbers of NLD members and

supporters were killed, injured, or imprisoned during or following the attack. NLD offices across the country were ordered to close and all political opposition activities were banned.

The attack on the NLD and the ensuing crackdown on the democracy movement resulted in international outcry and demands for the release of Aung San Suu Kyi as well as an independent and transparent investigation into the events of 30 May. The SPDC has not allowed such an investigation and claims that the attacks were instigated by the NLD. Moreover, the SPDC reports that only four people were killed and 50 people were injured in the attack. Eyewitness accounts and unofficial sources indicate that the actual numbers of dead and wounded are significantly higher. In addition to other international reactions, the crackdown on the democracy movement resulted in tougher sanctions enacted by the United States and the European Union.

Despite repeated calls for more open lines of communication, the SPDC increasingly withdrew from further discussions and throughout the first half of 2003 the regime refused to schedule more talks. Beginning in 2003 and continuing throughout 2005, the regime 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. Razali resigned his office on 8 January 2006 citing an inability to effectively carry out his mandate, and Pinheiro continued to be denied access to the country throughout 2006.

On 25 August 2003, the SPDC reshuffled, removing the relatively moderate General Khin Nyunt from the position of Secretary 1 and placing him in a newly created position of Prime Minister. Lt Gen Soe Win, who is believed to have planned the 30 May attack on the NLD, replaced Khin Nyunt as Secretary 1. Seemingly to deflect international criticism following the Depayin Massacre, Khin Nyunt announced a seven-point roadmap to democracy just five days later on 30 August 2003, which included reconvening the stalled 1993 National Convention through which a State Constitution would be drafted. Thereafter, the Constitution would be voted on in a national referendum, and free and fair elections would eventually ensue. Yet, the plans for the National Convention included no mention of the participation of the NLD or ethnic groups.

By the end of 2003, the SPDC was placing greater emphasis on the participation of the ethnic groups in the National Convention, both ceasefire and non ceasefire. Most ethnic ceasefire groups had initially indicated that they would participate if certain conditions were met, such as the release of all political prisoners or the equal participation of all political and ethnic groups, both ceasefire and non ceasefire. However, despite the fact that these conditions went unmet, 34 ceasefire groups sent delegates to the National Convention, which was convened on 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 requests. These requests included, among other things, the release of the remaining two NLD CEC members in detention, the release of all political prisoners and the reopening of NLD offices across the country. The NLD's requests also addressed the fact that the 2004 National Convention was to follow the "104 basic principles" and "six objectives" which had been created for the 1993 National Convention from which the NLD walked out in 1996. The "104 basic principles" and "six objectives" had been created to steer the constitution drafting

process and ensured the military's dominance in a future government. The SPDC did not meet the NLD's principle demands and therefore the NLD boycotted the 2004 session of the National Convention.

In total, 1,076 out of 1,088 delegates attended the 2004 session of the National Convention. Only 15 MPs elected in the 1990 elections attended. In addition, only seven legally registered political parties that participated in the 1990 elections attended. Eight political parties, aside from the NLD, boycotted. These included the National Unity Party, the Kokang Democracy and Unity Party, the Union Pa-O National Organization, the Mro or Khami National Solidarity Organization, the Lahu National Development Party, the Wa National Development Party and the Shan Nationalities League for Democracy. The Shan State Kokang Party was absent.

The 2004 session of the National Convention proceeded under highly restrictive conditions which suppressed the freedoms of opinion, expression, movement, assembly and association of the delegates. Moreover, Order No. 5/96, enacted by the SLORC in 1996, was maintained allowing for imprisonment of up to 20 years those who expressed political views which were considered a threat to the stability of the State. This law effectively prevented expression of opposition to any SPDC policies. The National Convention was recessed on 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 in Mae Sot, Thailand. The KNU had been fighting against the government in Rangoon for over 50 years. This visit was followed by a KNU delegation visit to Rangoon. By the end of 2003, the KNU and SPDC agreed upon a verbal ceasefire and formal ceasefire discussions commenced in early 2004. Yet, by the end of 2004, a formal ceasefire agreement had yet to be reached. Despite the verbal ceasefire agreement, SPDC offensives in Karen areas continued, with concomitant human rights abuses.

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

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

In conjunction with the reshuffle, the 1983 law on the National Intelligence Bureau (NIB) was annulled on October 22, 2004. The SPDC reported that the NIB, which had been under the leadership of Khin Nyunt, was no longer appropriate for the well being of the people. As a result, the NIB and organisations within its apparatus, such as the Military Intelligence Services (MIS), were disbanded. In the months that followed, 300 top level former MI agents

were arrested, some 1,500 were allowed to “retire,” and about 2,500 were transferred to combat duty. Dismemberment of the NIB, however, has not meant the end to MI in Burma. Intelligence operations have since reorganized now functioning under the Office of the Military Affairs Security and reporting directly to the regional military commands.

The removal of Gen. Khin Nyunt as prime minister and dissolution of the NIB also led to three mass prison releases over the course of 2004. However, out of the 14,318 prisoners released from November to December 2004, only 76 were political prisoners. Among the 76 political prisoners released was Min Ko Naing, chairman of the All Burma Federation of Student Unions (ABFSU), who had been imprisoned for over 15 years. Another mass release of prisoners occurred on 3 January 2005, with the NC a little over a month away and the regime desperate to gain political favour. The SPDC released 5,588 inmates from prisons around the country, however only 23 political prisoners were among those released. In 2006, there were no mass amnesties and at the close of the year the number of political prisoners was estimated to be 1,114, a figure that did not include the significant number of prisoners detained in military bases and secret jails.

Since the ouster of Gen. Khin Nyunt, the military leadership line-up has been in constant flux. Power struggles between SPDC chairman Sen. Gen. Than Shwe and his second-in-command Vice Sen. Gen. Maung Aye continued throughout 2005 spurring rumours of another potential ouster. At the end of May 2005 and in August 2005, the regime underwent yet another major reorganisation with a reshuffle of about half of the regional commanders. In addition, several high ranking SPDC officers were removed from their posts in August 2005 and placed under house arrest or “permitted to retire,” including the Director General of the SPDC Office Lt. Col. Pe Nyein, Director General of the Prime Minister’s office Soe Tint, as well as Brig. Gen. Pyi Sone and Than Shwe who are attached to the Prime Minister’s office. 2006 saw the continuation of this power struggle within the upper echelons of the SPDC. On 26 January 2006, Lt Gen Myint Swe, who is known to be a close ally of Sen. Gen. Than Shwe, vacated his post as commander of the Rangoon Command, to be appointed as chief of the newly created Bureau of Special Operations (BSO) under the Ministry of Defense. The creation of BSO directly limits the power of Maung Aye-aligned Hla Htay Win, and the move is seen as a weakening of Maung Aye. Subsequently, a large scale shake-up was initiated in mid May, which called the country’s top 12 generals together, and on 16 May it was announced that four top officials were said to be ready to “retire”. Sen. Gen. Than Shwe is reportedly favouring a younger generation of graduates from the National Defence Academy who are supposed to contribute to a new program of economic liberalisation and transition to civilian government with Sen. Gen. Than Shwe taking on the role of President-for-Life.

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

Peace Council (SSPC) respectively, only days before the February session was scheduled to resume. These leaders were later handed severely harsh sentences ranging from 70 years to 93 years of imprisonment. The February 2005 sessions adjourned on 31 March 2005 without achieving any genuine progress towards democratic reform.

Before the NC was again reconvened, the SPDC made the unexpected move of relocating its ministries, civil servants and operations to the remote village of Pyinmana, Mandalay Division, located about 320 km. from Rangoon. The move occurred at the auspicious time of 6:37 am on 6 November 2005. Without advanced notice, civil servants were forced to relocate to Pyinmana, leaving families and businesses behind. The civil servants meanwhile found the site of the new capital near Pyinmana, later named Nay Pyi Daw ('place of king' or 'royal city'), unprepared for their arrival, with basic accommodations, facilities, and commodities lacking. Those who tried to resign were threatened with imprisonment, causing 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 suggested factors to include; concerns over possible civilian protests in Rangoon, foreign criticism of the SPDC, a fear of a foreign military intervention, and the need to locate the SPDC more centrally to direct its military campaigns against ethnic insurgencies along the eastern border. Building and construction at Nay Pyi Daw continued on a massive scale throughout 2006, for which land was confiscated from thousands of local residents, and villagers and convicts alike were conscripted as forced labourers. The SPDC gave its civil servants a substantial salary increase in an attempt to soothe the pain of relocation; greatly agitating already spiralling rates of inflation within the country.

In December 2005 the NC again reconvened, adjourning on 31 January 2006 without any discernable advancement. It once more resumed its activities on 10 October, recessing 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 Conventions, a majority of the delegates in attendance were members of SPDC-sponsored organisations, 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 Governing Council in Geneva passed a resolution concerning the NC process, since endorsed by the UN Special Rapporteur on Human Rights in Burma, stating:

"[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) should act on the situation in Burma, and added huge impetus to the international campaign to bring Burma

before the Council. Following its publication, the U.S. took up the case of placing Burma on the UNSC's 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 U.S. stepped up their attempts to pursue a UN Security Council resolution underlining the international community's concerns about the situation in Burma, including the continued detention of Daw Aung San Suu Kyi and the need for an inclusive and democratic political process. Whilst France, Britain and other council members supported the U.S. position; Russia and China continued to oppose their efforts.

On 1 September 2006, the U.S. formally requested that the President of the Council, Greece, put Burma on the formal agenda of the Council. On 15 September, after procedural voting of 10 in favour (United States, Argentina, Denmark, France, Ghana, Greece, Japan, Peru, Slovakia and United Kingdom), 4 against (China, Congo, Qatar, Russia) and 1 abstention (United Republic of Tanzania), Burma was officially adopted onto the formal agenda. Three prominent members of the 88 Generation Student group; Min Ko Naing, Ko Ko Gyi, and Htay Kywe, were arrested in Burma on 27 September 2006, after issuing a statement in support of the impending UNSC debate. On 29 September, 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 ILO's 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. 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 Su Su Nway, imprisoned after bringing convictions against local officials for forcing villagers to work on a road building project. The SPDC later released another high profile prisoner, 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.

Whilst the Association of South East Asian Nations (ASEAN) has traditionally preached non interference in the internal affairs of its member states, 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 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 people of Burma, throughout 2006, including forced labour and portering practices, forcible recruitment of child soldiers, extrajudicial killings, arbitrary arrests, rape, torture, forcible relocation and confiscation of property. Furthermore, the regime continued to heavily restrict fundamental freedoms, including the freedom of speech, press, assembly, association, movement, and religion. Whilst such abuses were committed under the rubric of security and development; in actuality they significantly impeded civilian's attempts to sustain their livelihoods, and created large scale human insecurity within the country.

Harassment against political organisations 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 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 by Information Minister Brigadier-General Kyaw Hsan who warned that the NLD could be criminalised as it maintained contact with "*terrorist*" organisations. A succession of bombings beginning in 2004 and continuing throughout 2006 had led the SPDC to assert that its political rivals were responsible, declaring the NCGUB, the Federation of Trade Unions – Burma (FTUB), the All Burma Students' Democratic Front (ABSDF), the National League for Democracy-Liberated Area (NLD-LA), the Karen National Union (KNU) and the National Council of the Union of Burma (NCUB), to be terrorist organisations. All these groups denied these charges, and the junta failed to provide any concrete evidence to substantiate its claims. Numerous arrests of political activists occurred throughout 2006 under charges of terrorist activity.

Meanwhile, the situation in many of the ethnic states continued to deteriorate. In November 2005 the SPDC launched a large scale military offensive in the Karen areas of Nyaunglebin, Papun and Toungoo, which continued throughout 2006. During the offensives SPDC forces deliberately and directly targeted Karen villages and their inhabitants, and operations resulted in egregious and large scale human rights abuses. Estimates place the number of Karen villagers who were forced to abandon their homes and live as IDPs in the forests at 25,000. Another 3,000 found shelter in refugee camps in Thailand, whilst around 2,000 camped at an IDP settlement near the Salween River. In central and southern Shan State, security forces continued to engage the Shan State Army -South, 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.

1. Forced Labour and Forced Conscription

1.1 Introduction

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

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

“I cannot remember that we have ever experienced such bad times. The NaSaKa (Burma Border Security Force) and the Army joined together to suck all our energy and money. How will the poor survive with so much forced labour? When will this end? Soon we won’t be able to stay in Burma. Another famine is already looming.”

- Villager from North Buthidaung, 2 May 2006.¹

Despite Burma’s ratification of the International Labour Organisation’s (ILO) Forced Labour Convention 1930 (No. 29) in 1955, there continued to be countless credible reports of the widespread use of forced labour by the ruling junta; the State Peace and Development Council (SPDC), throughout 2006. Forced labour in Burma takes many forms, from the construction of roads and infrastructure, including projects for gas pipelines carried out in collaboration with multinational corporations, through to the building of military bases, forced sentry duty and forced porting for the military. The primary victims of forced labour are innocent villagers, and increasingly, prisoners from the Burmese penal system. Furthermore, there continued to be numerous reports of villagers being forcibly conscripted into the military and into forming local militia groups.

The most prevalent use of forced labour has been in the ethnic minority rural areas of Burma where it has long been shown that an increase in the military’s presence results in an increase in human rights violations, including forced labour. In 2006 the ongoing military offensives against Karen, Mon and other ethnic resistance groups have increased the militarization of many areas. The expansion of troop deployment has been a major factor for the continued use of forced labour in 2006, particularly in the Karen areas of Toungoo, Nyaunglebin and Papun, as well as in Kwar Zar sub-Township in Mon State. Thousands of civilians have been forced into portering for the offensive in Karen State, as well as thousands of prisoners who are often subsequently summarily executed.² Furthermore, the establishment of mining enterprises, hydro electric dam sites and gas pipelines are concomitant with an increase in SPDC military presence around these areas, ensuring a secure zone around the site.³ An increase in forced labour as well as other human rights abuses has been shown to generally accompany such a military build up.

In ethnic areas where the SPDC has already established military control, instances of forced labour remain commonplace used to sustain a hierarchical militarised society where civilians are at the mercy of the military and are used to serve their needs. In northern Arakan State, reports of forced labour have been on the increase since the SPDC military took over the entire area in March 2005.⁴ Similarly, in Thaton District, arguably the most extensively

controlled of all seven Karen Districts, the SPDC and Democratic Karen Buddhist Army (DKBA) made frequent demands for forced labour upon local villagers throughout 2006.⁵ As stated by Paulo Sergio Pinheiro, United Nations Special Rapporteur on the situation of Human Rights in Burma, in February 2006:

*“The concerns of the ceasefire groups are compounded by reports of increased militarization in ceasefire areas. Contrary to expectations that entering into a ceasefire agreement would result in a loosening of military control, the confiscation of lands, the continued construction of military camps in ceasefire areas and other activities which have a negative impact on the civilian population, including forced labour demands, are leading many to query the dividends to be gained from entering into ceasefire agreements.”*⁶

Mindful of international condemnation of the use of forced labour, in recent years the SPDC have employed new tactics when requisitioning labour to try and avoid criticism. The SPDC has for a long time tried to justify their use of forced labour through semantics. The terminology used to describe the practice by the SPDC is “*loh ah pay*” which refers to the Buddhist notion of contributing voluntary labour to gain merit, and in 2006 it was reported that local authorities were informing villagers that they had to *contribute to the development of their area* by repairing the roads in front of their houses as well as working in public areas. During a press conference in December 2006, Deputy Minister of Labor Maj. Gen. Aung Kyi, denied the use of forced labour but asserted that the SPDC was justified in requesting its citizens to work in certain cases, including “*tasks for regional development*”.⁷

Whereas, in the past, written orders were frequently distributed to villages to supply labour, the SPDC has increasingly used only verbal orders issued at meetings with village headmen and local VPDCs who then instruct their villages what they are required to do; thus distancing themselves somewhat from the orders and doing away with any paper trail.⁸ The position of village heads does in itself amount to a form of forced labour. Incumbents are forced to assign villagers to perform labour for the SPDC, report visitors to the village, and summon villagers for interrogation and torture at the army camp. They are also unable to give over enough time to sustaining their own livelihoods, and face greater risk of abuse at the hands of the military. In 2006, the SPDC issued orders in areas of Burma insisting that village council chairmen are not permitted to resign from their posts.⁹

There has also been a reported increase in the use of the members of GONGOs in forced labour practices, justified by the fact that such groups contain in their mandates points of national development.¹⁰ However, given that such organisations rely on forced recruitment in the first place, the coercion is again simply one step removed. Further, the SPDC has increased its use of convict labour, again seemingly to cloud international condemnation. In one instance in 2006, the SPDC employed forced prison labourers whilst forcing them to wear the uniforms of the auxiliary fire brigade and army, thus disguising their forced employment.¹¹

Continual demands for forced labour place a huge strain on villagers’ daily lives and livelihoods. The time spent performing forced labour takes villagers away from their own fields and jobs, leaving crops vulnerable to animals, and reducing yields at harvest time. Education is also adversely affected. Villagers informed the Karen Human Rights Group, that they were only able to study for one week out of every three or four due to the demands of forced labour. Such impacts of forced labour on the lives of villagers is a major cause for villagers to flee their homes when the military approaches and settles in their area, fleeing

either into the surrounding jungle as IDPs or crossing the border into a neighbouring country. KHRG assert that most of the internal displacement that occurs in Thaton District comes about because of this.¹²

Hopes of a change in the regime's attitude towards forced labour surfaced in 2005 when perpetrators of the practice were officially prosecuted for the first time. Su Su Nway, a Burmese labour activist, successfully brought convictions against local officials who forced villagers to work on a road building project for which they received sentences of 8 months. However, hopes were short lived, as in October 2005 Su Su Nway was countersued for "*abusing*" state officials and sentenced to 18 months in prison. This trend continued, and other cases were brought against people for supposedly making "*false reports*" to the ILO on the use of forced labour.

In 2006 the issue of prosecuting complainants remained high on the agenda in the negotiations between the junta and the ILO in Geneva. The regime's relationship with the ILO had been steadily deteriorating during 2005 due to its lack of cooperation on addressing the issue of forced labour. 2006 saw a significant toughening of the ILO's stance towards the Burmese regime, after years of trying to engage them in effective dialogue had resulted in no significant progress. 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. 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 at 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 released Su Su Nway during the conference, and later released another high profile prisoner, Aye Myint, who was being held on similar charges.

Even though the regime had taken some steps to address the ILO's concerns it was widely felt among 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.

2006 also saw the start of the distribution of US\$6.12 million from the settlement of the Total lawsuit in 2005. The majority of the funds were allocated for use by humanitarian aid organisations working with Burmese refugees in Thailand. Several organisations refused the money but two, the United Nations High Commission for Refugees (UNHCR) and the National Catholic Commission on Migration (NCCM) did agree to accept and distribute the financial aid. Other international joint ventures such as the Salween Dams and the Shwe Gas Project continued to be negotiated with many human rights groups worried that they too will result in an increase in human rights violations in the future, including the use of forced labour.

Forced Portering

Throughout 2006 reports continued of civilians and prisoners being forced to carry goods and supplies for the SPDC military. Portering is a particularly dangerous form of forced labour as victims are often overloaded with goods and given no time to rest. If the porters collapse they are often beaten, murdered, or simply left by the side of the road to die. Porters are often forced to walk at the front of the convoy to protect the soldiers from landmines.¹³ In previous years civilian porters were often taken by a battalion and used for several weeks on end, however in the last two years, a column of soldiers will more likely pass through a village and demand “emergency porters” to carry goods to the next village where they will be released if another porter can be secured.¹⁴ According to KHRG the use of prisoners for the heavy portering duties has increased. (For more information see section below Convict Labour).

The baskets that the porters carry can contain anything from food and clothing to ammunition and mortar shells with the average load weighing between 16 and 33 kgs. Porters are very often not supplied with food and have to carry their own rations in addition to their loads. The practice of forced portering takes villagers away from their fields and livelihoods and therefore directly affects whole families and communities. In some cases, especially if civilians are too sick or weak to carry loads, they will hire itinerant labourers to work as porters in their place.¹⁵

Military camps are supplied with monthly or bi-monthly rations which are often brought by truck to a central point from where villagers are used to transport the rations to the individual camps. There have been reports of hundreds of civilians at a time being used for these operations. For example, in May 2006 in Toungoo District, 850 villagers were taken for just one of these camp re-supplies.¹⁶ The use of forced porters has actually decreased in some areas in 2006, most notably in northern Arakan State, where this trend can be attributed to the improvement of road networks to the military bases, meaning goods can now be transported by vehicles instead of using civilian porters.¹⁷ However, the overall increase in the road network allows the SPDC to more easily extend its control over the population, and residents in northern Arakan experienced increased demands for other forms of forced labour throughout 2006.

In addition to the widespread use of forced porters by the SPDC military, and armed groups aligned to the regime, there have also been reports of their use by opposition groups such as the Karen National Liberation Army (KNLA). However, in contrast to their treatment by the SPDC, reports suggest that KNLA porters are at least provided with food and medical treatment of the same standard as the soldiers, although this is still of a relatively poor quality. In addition they are reported not to be tortured, mistreated or used as human minesweepers.¹⁸

Forced Labour

For many years the SPDC military have routinely forced civilians to work on state infrastructure projects, such as the building of roads, bridges, towns, military bases and various economic enterprises, and 2006 was no exception. Wherever these projects are carried out, the military will typically demand labour from local villages, with the threat of fines if households are unable to supply the required amount of people. Projects vary in length, but always mean that people are taken away from their land and livelihoods and are not given any remuneration in return. In addition, the forced labourers are often expected to supply their own tools, materials and food, which all result in severe economic hardship.¹⁹

In 2006 the practice of forced labour continued unabated, particularly in the ethnic border areas. The increased militarization which has accompanied the large scale offensive in the northern Karen areas has produced weekly reports of forced labour in Toungoo District. The most common types of work civilians are forced to do in these areas are the clearing of land, road building, and the construction and maintenance of military camps as well as the regular clearing of vegetation from roadsides to reduce the possibility of the SPDC troops being ambushed as they use the roads.²⁰

In Northern Arakan State, forced labour has been on the increase during 2006 and the type of labour has changed with the seasons. In the rainy season villagers are forced to cultivate paddy fields for the military as well as clear areas of jungle, while at the same time they are busy with their own crop cultivation. In the dry season the nature of the forced labour changed to demands for brick baking, road and village construction, wood collection and crop procurement. A number of new road projects used forced labour in 2006, mostly in Buthidaung and Maungdaw Townships, the roads link military bases to towns and to other bases, and are designed to facilitate the movement of troops and supplies. The construction of “model villages” for Buddhist settlers also continued in Arakan State during the dry season. Local Muslim villagers not only had their land confiscated, but were forced to supply building materials and construct the settlers’ villages. All of this seasonal labour is in addition to the year round demand for sentries, porters and labourers to maintain the military bases.²¹

A new development in forced labour began in January 2006 with the SPDC announcing an ambitious new “national project” which compels people throughout the country to grow physic nuts. These nuts produce oil which can be used as an alternative to diesel fuel, which, if produced on a large scale could potentially save the regime millions of dollars in foreign exchange due to rising oil prices.²² The SPDC plans to cultivate 500,000 acres in each state, which has already led to the confiscation of fertile land in many areas. Villagers have been instructed to plant the nurseries around their homes or face fines, and forced labour has frequently been used to prepare, plough and maintain the plots of land for the nurseries. It is feared that once the saplings are matured, more land will be confiscated and more forced labour used to establish large scale plantations. (For more information see Chapter 5 Deprivation of Livelihood)

When the SPDC troops enter a village and make their demands for forced labour, their task is made easier by the existence of registration documents which detail the exact number of inhabitants, property and livestock within a village. Inhabitants have no choice but to apply for national identity cards and register their details or risk arrest or fines. This information is then used by the soldiers to tailor their demands for labour and materials.²³

Forced labourers in Burma are very rarely remunerated for their labour or even costs incurred during their employment, such as for food and tools. Regardless, the SPDC will often extort money in the name of such payment. Throughout 2006, fees were collected from civilians under the pretext that the money would be used to pay those contributing their labour to state projects in the area. The pretence is a complete sham, with villagers fully aware that their money will not be paid to their peers but will instead line the pockets of local officials and senior army officers.²⁴ Other pretences utilised by the army in 2006, were in some ways crueller, given that local villagers actually believed them. For example, in North Buthidaung Township, Arakan State, SPDC forces announced that they would rent out their land against the supply of a number of baskets of paddy per acre. Once villagers had completed the ploughing and planting of their acres, the SPDC reclaimed the land, employing forced labourers to continue their work.²⁵



Bags of castor bush seeds sent by SPDC authorities to villages in Bu Tho Township. The villagers were forced to buy these seeds and then were ordered to sow them on 14 May 2006. Each man, woman and child (including infants) in every village was ordered to account for planting 100 castor bushes. However, on 14 May the villagers were in the middle of sowing the year's rice crop, a cooperative activity where they work as a group on a different family's field each day. As a result of the order, they had to hurry to finish their rice sowing to allow time to go and plant the castor bushes. *[Photos and Caption: KHRG]*

Forced Convict Labour

Although the use of prison labour is not specifically prohibited by the Forced Labour Convention, the ILO does not support the practice²⁶ and in the case of Burma, the severe manner in which it is employed is in clear contravention of regulations within the Convention and also Article 3 common to all four of the 1949 Geneva Conventions, to which the SPDC is a signatory, and is acknowledged to be customary international law, regardless.

Human rights organisations have reported an increase in the use of forced prison labour in Burma in recent years and especially in 2006. Some prisoners are sentenced to serve terms of ‘prison with hard labour’ and are sent to prison labour camps, where it has been estimated that as many as 20 percent of prisoners die because of the conditions of their detention. There are thought to be 110 such camps, throughout Burma, with between 50 and 1000 inmates in each of them. Prisoners are forced to work from 6 am to 6 pm, without rest, bar one meal break. The sick are not exempted from their work.²⁷ (For more information see Chapter 2 Arbitrary Detention and Enforced and Involuntary Disappearances). One Chin woman interviewed by Christian Solidarity Worldwide, told of her visit to a labour camp, 55 miles outside of Kalaymyo on the road to the Indian border. Prisoners were reported to be yoked around the neck and forced to work ploughing the fields, akin to the treatment of buffalo.²⁸

Whilst those sent to such camps are often informed at their trial that they will be required to perform hard labour as part of their sentence, for many others, there is no mention of the fact that they will be required to perform labour during their sentence. KHRG reports that thousands of prisoners have been brought from prisons around Burma to carry supplies and act as minesweepers as part of the large scale offensive in the northern Karen areas which began in November 2005.²⁹ It is believed by many that this move towards a greater use of convict porters has been a means to try and deflect international criticism. The rights of prisoners are generally less clear cut than those of civilians and the SPDC may well hope that because of this, they will receive less criticism with labour and rights activists less likely to take up their case³⁰.

On 22 August 2006 it was reported that the SPDC military authorities had begun the transfer of thousands of prisoners from across Burma to northern Karen areas to serve as porters for military columns in the ongoing offensive. The military transferred porters from prisons across the country including Rakhine, Kachin and Shan States and Mandalay, Rangoon, Irrawaddy, Pegu and Magwe Divisions. Most were sent to military bases along the Kyauk Kyi – Saw Hta road in Mone Township, northern Nyaunglebin District and Lu Thaw Township, northern Papun District. Some prisoners were transited via various prisons along the way or where the offensive battalions were based, namely those at Toungoo, Thaton and Moulmein. Convicts from Thayet prison in Magwe Division were sent to Insein Prison near Rangoon and then to Moulmein Prison in Mon State, where they were handed to a battalion that took them to Karen areas. From these bases and prisons, porters were assigned to battalions under the control of MOC #10, MOC #15 and LID #101 to be used in operations throughout Tantabin Township, southern Toungoo District, Lu Thaw Township and Mone Township. All of the prisoners were deployed in Papun and Nyaunglebin Districts. Almost half of them were sent to Baw Hser Ko, an SPDC military base overlooking Pwa Ghaw along the Kyauk Kyi – Saw Hta road in western Papun District. Other Army bases from which prisoners were deployed were strung out along the Kyauk Kyi – Saw Hta road at (from west to east) Kyauk Kyi, Mu Theh, Plah Ko, Yunzalin camp (near Maw Pu) and Saw Hta; some were also sent to Pah Heh camp just north of Papun. Prisoners being sent to Toungoo District

were brought to Kler Lah and then deployed to Army camps throughout the District. Previous reports have also documented the large-scale use of convict porters in 2006 by MOC #16 and MOC #21 in Nyaunglebin District and by LID #66 in Toungoo District.³¹ It has been claimed that the SPDC takes prisoners from areas far away from where the offensive is taking place, so as the porters will be less likely to try to escape, not knowing the language or area, and being fearful of treatment by insurgents in the area.³²

A constant supply of prison labour is assured by the continuing arbitrary arrest of civilians by the SPDC, as well as the imposition of lengthy sentences for minor misdemeanours. Those arrested are often dealt with without any due legal process and told they will be released on payment of a bribe. Those who are unable to pay the police or the judiciary are automatically sent to prison, whether there is evidence against them or not. Many escaped porters interviewed by KHRG reported that police officers had demanded between 10,000 and 500,000 kyat for their release after being arrested.³³ At no time during their sentencing were these prisoners told that they will be forced to work for the military. When prisoners are rounded up and transferred to military bases they are often given the opportunity to bribe the prison officers to avoid being taken.³⁴



One Convict Porter's wounds obtained as a result of carrying supplies for the SPDC military. It is common for convict porters to be forced to carry loads of between 33 and 44 kg. [Photo: FBR].

The living conditions, food supplies and general treatment of forced prison labourers are widely reported to be far worse than for civilian forced labourers. The work is more dangerous and health provisions are non-existent. The military view the prisoners as expendable labour and there are countless reports of their torture, beatings and killings.³⁵ It is common for convict porters to carry loads of between 33 and 44 kgs, much heavier than their civilian counterparts. As a consequence of overwork and poor conditions, prison labourers frequently fall ill and suffer injury. Neither illness nor injuries are treated by the army medics, who state explicitly that medical care and medicine is only for soldiers. Regardless of the severity of their condition, porters are forced to continue at the pace of the soldiers and hence often die from illness or exhaustion, or killed for not being able to keep up.³⁶ One escaped convict porter, who had portered for LIB #251 as they moved from Thaton to Papun District, reported that they were told, *"You are going on a pilgrimage. If you can't continue, you won't be left behind alive."*³⁷



The corpse of a convict porter killed by SPDC soldiers in punishment for fleeing from the army patrol he was serving with. He had escaped to a monastery where SPDC soldiers from IB #255 of LID #10 discovered him, detained him and tortured him. On March 31st, following the torture, IB #255 commander Aung Lwin Oo ordered his soldiers to kill him. One non-commissioned officer and five soldiers took the porter out of the village of Dt' Maw Daw, killed him at 8:00 pm and subsequently buried him. [Photo and Caption: KHRG].

Forced Military Conscription

Following the pro democracy demonstrations of 1988, the Burmese junta began a large scale expansion of its military forces, requiring many more recruits leading to much forced recruitment into the ranks of the army. This forced recruitment into the *tatmadaw* continued throughout 2006, mirrored and impelled by high rates of desertion throughout the year.³⁸

In 2006, one Major whom had defected from the SPDC, to the Kachin Independence Organisation, told Christian Solidarity Worldwide, that each month every battalion is ordered to recruit at least five new soldiers. If they cannot meet the quota they face a fine. If they are able to exceed the quota they are rewarded with a bonus and the opportunity for promotion.³⁹ Children are frequently targeted in such recruitment drives, being vulnerable and more easily connived. In Mong Ku District, northern Shan State, over 30-40 children, aged between 15-16 years old, have reportedly been forcibly recruited from one Township alone in 2005 and 2006. A report in June 2006 suggested that as many as five children were recruited each day at Rangoon's main railway station.⁴⁰ Elderly men, in no physical condition to serve in the armed forces, are also targeted.⁴¹

The most frequent tactic used by SPDC recruiters is to give their targets the option "*join the military or go to jail.*" Recruiters often "*lurk in train stations and other places where impoverished children not attending school during the day can be found,*" promising children good salaries and opportunities.⁴² Often, recruiters ask a child if he has a national I.D. card. If, as is often the case, he does not have an ID card, the recruiters threaten the child with arrest if he refuses to join the military.⁴³ Homeless children, orphans and street traders are particularly vulnerable to the threat of arrest for 'loitering' or trading without a license.⁴⁴

In some instances, the Burmese police sell young offenders directly to military recruitment camps. On 22 August 2006, three 15 year old boys, Than Naing Aye, Lin Lin and Yan Lin

Maung, were sold in such a way by Police Lt. Sgt. Min Aung Thein from No.1 Police Station Meikhtila, Mandalay Division. They were sold to Mandalay Taung Thone Lone Army Recruitment Camp for 65,000 kyat. They had been arrested on 3 August and charged with theft.⁴⁵ Officers at recruitment camps then sell recruits to individual battalions.⁴⁶

The practice of compulsory military training and forced conscription into local militias also continued in 2006, notably in Arakan and Mon State as well as Thaton District. Reports continued of SPDC officials issuing orders to villages to set up militia groups to help protect the state's interests, and in particular, to assist the SPDC forces in controlling dissidents and dealing with external security threats.⁴⁷ In 2006, in Arakan State, the SPDC forcibly recruited and trained civilians to serve alongside Fire Brigade and Red Cross members in increasingly large militia forces. The reasons given for such recruitment, included the threat posed by the U.S. to local Muslims, as well as the threat of elements, both inside and outside the country, disrupting gas exploration in the area.⁴⁸

These auxiliary militia forces have been around since 2000 and are formed under pseudonyms such as the 'Anti-Foreign Invasion Force' or the 'People's Vigorous Association' (PVA). Villages in Thaton District were forced to pay a fine of up to 80,000 kyat a year if they failed to supply the required number of persons for the training. As the SPDC does not pay the members of the militias, the villages are forced to provide food and shelter for them.⁴⁹ Often people are first forcibly recruited into one of the SPDC's numerous GONGOs, and then required as members to attend military trainings and serve in militias. Members of GONGOs are also utilized in the recruitment of non-members into such militias.⁵⁰ The PVA, for example, is made up of Myanmar Red Cross members, 'firemen', troops, Myanmar Women's Affair Association members, Maternal and Child Welfare Association members, Retired Soldier's Organization members, village militias, and the members of the USDA.⁵¹ An SPDC press statement in 2006 asserted that the mandate of the Auxiliary Fire Brigade and the Myanmar Red Cross was to "*crush the destructive elements who have encroached upon perpetuation [sic] of the sovereignty.*"⁵² In the run up to Martyr's day in 2006, state run media threatened that any demonstrations would be countered by 'people's power-holder members', a euphemism for such militia forces.⁵³

Reports from inside Burma claim that the junta has ordered authorities in large cities across the country to train as many as 5,000 people each, with the USDA not only providing recruits but financial and material assistance.⁵⁴ In keeping with such a move, in October 2006, it was reported that the junta was planning to launch a national conscription service for a people's militia, a proposal that had reportedly been agreed upon by delegates at the SPDC controlled National Convention process for the drafting of a new constitution.⁵⁵

1.2 ILO Activities in Burma

In July 1998 the ILO reported that forced labour was practiced in Burma in “*a widespread and systematic manner*”.⁵⁶ Since that time, the ILO has attempted to engage with the Burmese regime to bring about and end to this practice. In November 2000, the ILO made moves to invoke Article 33 of its constitution which allows member states to take actions to pressure a government into complying with its recommendations. The members threatened Burma with the imposition of trade and other sanctions if it did not discontinue the use of forced labour. In response, the Burmese regime issued a Supplementary Order to Order No. 1/99, which made forced labour a criminal act and specified that this order applied to all persons, including authorities, members of the armed forces, police and public servants. In addition they allowed the ILO to open a regional office in Rangoon and in March 2002 to appoint a Liaison Officer to Burma.

After further negotiations, the SPDC agreed with the ILO to a “Joint Plan of Action for the Elimination of Forced Labour Practices in Burma” which was signed by both parties on 28 May 2003. The plan was designed to demonstrate that the SPDC could take clear and decisive steps toward ending forced labour including the implementation of new procedures for the filing and investigation of allegations of forced labour. Implementation of the plan was then suspended twice, firstly following the Depayin Massacre and the crackdown on pro-democracy supporters and again in November 2004 when three Burmese citizens received death sentences for their contact with the ILO and the Federation of Trade Unions Burma. Previously the SPDC had allowed the ILO to appoint a facilitator to help victims bring forced labour cases to the courts, but in November 2004 the ILO Liaison Officer in Rangoon reported that the regime’s methods for dealing with complaints was inadequate and represented a conflict of interests, as allegations of forced labour by the military were referred to the Ministry of Defence and as such, the cases were routinely dismissed.

In an attempt to assess the SPDC’s commitment to eliminating forced labour practices and open up new dialogues, the ILO sent a very High Level Team (vHLT) to the country in February 2005. However, the delegation cut short their trip after just two days after they were unable to secure key meetings, including with the regime’s top official Sen. Gen. Than Shwe. Following the failure to complete their mandate the vHLT requested the regime take immediate actions to end the use of forced labour. The SPDC did take a number of steps to address the use of forced labour in the military but overall the ILO were dissatisfied with their efforts and stated that they “*fall far short of our expectations*”.⁵⁷

In April 2005 the relationship with the ILO became further strained by the SPDC’s announcement that “false” allegations of forced labour were detrimental to the dignity of the State and, as such, legal action would be taken against the complainants. This led to the conviction of Su Su Nway on 13 October 2005 who was counter-sued after she had successfully secured the prosecution of local officials in Htan Minaing and Mya Sinnai villages in Rangoon Division for perpetrating forced labour. She was sentenced to 18 months in prison. Two further notable cases include the sentencing on 31 October 2005 of Aye Myint, a lawyer from Pegu, to seven years in prison after allegedly supplying “false information” to the ILO in relation to his assistance to a group of farmers who had their land confiscation by the military.⁵⁸ Similarly, three NLD members, Thein Zan, Zaw Htay and Aung Than Tun from Aungmye, Magway Division, had cases brought against them on 20 October 2005 for giving “false information” to the ILO when reporting the death of Win Lwin, a villager from Ngapyin, who died during a forced labour session in December 2001.⁵⁹

At the subsequent meeting of its Governing Body in November 2005, the ILO expressed grave concern at the deteriorating situation in Burma, particularly in relation to the legal measures being taken against those who report incidents of forced labour. They were also severely critical of the regime's attempts to pressurise and intimidate the ILO by using state-sponsored organisations to hold protest rallies against their involvement in Burma. In addition, a series of death threats were made against the Liaison Officer. This resulted in the Governing Body recommending that the ILO members revisit the issue of actions against Burma at their conference in 2006.⁶⁰

In March 2006, Richard Horsey, the ILO Liaison Officer in Burma, submitted a report to the meeting of the ILO Governing Body in which he further stated his concerns regarding the lack of a competent authority to which he could refer complaints of forced labour for investigation. He declared that this will “*tend to reinforce the climate of impunity surrounding government officials who have recourse to forced labour*”. He also noted how the recent convictions of complainants of forced labour was undermining any previous progress made on this issue and called for a speedy resolution of this issue, referring specifically to the three cases mentioned above. The question of his own personal safety was subsequently considered closed after he received assurances from the Minister for Labour.⁶¹

On the final day of the two-week long meeting, the ILO Governing Body put forward a resolution to “*review what further action could be taken by the ILO in accordance with its Constitution in order (i) to effectively secure Myanmar's compliance with the recommendations of the Commission of Inquiry and (ii) to ensure that no action is taken against complainants or their representatives.*”⁶² Crucially this resolution differs from previous statements as it is not solely a question of reactivating the previous measures from 2000, but opens the door to discussions on additional measures.⁶³ As such the Governing Body was instructed to prepare an analysis on all the available options in time for the annual ILO members' conference in June 2006.⁶⁴

In the following months, the investigative work of the ILO office in Rangoon remained effectively stalled as no new cases of forced labour could be referred on, for fear of prosecution of the complainants. The ILO concluded that this situation “*contradicts the very raison d'être of the ILO presence*”⁶⁵ in Burma and subsequently drew up three possible courses of further action to be presented at the members' conference.⁶⁶ The three courses of actions refer specifically to the regime's practice of prosecuting complainants and its incompatibility with Forced Labour Convention No. 29. Option one involved an ILO member requesting a binding ruling from the International Court of Justice (ICJ) which would then be enforceable by the United Nations Security Council. Option two would see the establishment of an ad hoc ILO tribunal to rule on the matter and option three involved the ILO requesting an advisory opinion from the ICJ which although not binding, would carry significant judicial weight. Further, requests for advisory opinions do not enter the queue of contentious cases before the Court, and are therefore dealt with more quickly.⁶⁷

The 2006 annual ILO conference began on 31 May and during the two weeks there were an unprecedented one and a half days of meetings to discuss the situation in Burma and the possible course of actions. The representative for the Burmese junta responded to the negotiations by announcing on 3 June that they would “*place a six month moratorium on the prosecution of complainants on an experimental basis*” during which time any new complaints would be dealt with jointly by the Director General of the Department of Labour and the ILO Liaison Officer. In addition, as a goodwill gesture, they also announced they

would release Su Su Nwe.⁶⁸ On 6 June 2006, Su Su Nwe was indeed released from Rangoon's Insein prison. Her release was welcomed by many including the UN Secretary General Kofi Annan who urged the Burmese authorities to follow up this action with the "*lifting of remaining restrictions*" on over 1000 other political prisoners including opposition leader Daw Aung San Suu Kyi.⁶⁹

At the conference, the Burmese authorities appealed to ILO members to see their recent steps as evidence of their willingness to cooperate with the organisation and urged them not to adopt any of the further "*harsh measures*" being discussed.⁷⁰ Although the ILO welcomed the actions by Burma, the general consensus among members was that the steps "*came very late and did not go far enough*," said Richard Horsey.⁷¹ However, they did feel that the path of cooperation and dialogue could be continued on the proviso that "*any such cooperation needed to rapidly produce tangible and verifiable action from Myanmar towards the implementation of the recommendations of the Commission of Inquiry*". To demonstrate its insistence on this matter the ILO then set a deadline of November 2006 (the next Governing Body meeting) for tangible progress to have been made on the establishment of a credible complaints mechanism. The ILO also demanded that the regime release Aye Myint and cease all pending prosecutions on other forced labour complainants.⁷² On 8 July, Aye Myint was released from Pegu prison after serving nine months of his seven year sentence. The ILO welcomed the release and confirmed that they were not aware of any other people still being detained in Burma for similar offences.⁷³ On 27 September 2006, following continual adjournments in the case, the SPDC announced to the UN Human Rights Council, that the three Aunglan NLD members had been freed of all charges.⁷⁴

However, on 10 November 2006, Altsean reported that nine persons sentenced in November 2005 remained imprisoned following making complaints to the ILO. Wai Lin received a 25 years sentence while another defendant, Win, was given 17 years. The remaining seven people, Thein Lwin Oo, Ye Myint, Hla Myint Than, Aye Chan (f), Aye Thi Khaing (f), Yin Kyi (f) and Myint Lwin each received 8 year prison terms.⁷⁵

The deadline for the Burmese regime to establish a credible forced labour complaints mechanism expired at the start of the ILO Governing Body meeting on 14 November with no tangible progress having been made. All three member groups of the ILO, the Workers, Employers and the majority of Governments agreed on a toughening of their stance towards Burma. In their concluding statement the Governing Body expressed "*great frustration that the Myanmar authorities had not been able to agree on a mechanism to deal with complaints*" and criticised the regime for missing "*a critical opportunity to demonstrate a real commitment to cooperating with the ILO...*, which once again raised serious questions as to whether any such commitment existed."⁷⁶

As a result, the Governing Body agreed to place an agenda item for their next session in March 2007 to move forward on the legal options outlined during the June 2006 conference, including making full preparations to request an advisory opinion from the ICJ. They also stated that ILO Director General Juan Somavia could make information available to the United Nations Security Council when they next come to consider the Burma situation and also to the Prosecutor of the International Criminal Court (ICC) for use in any future proceedings. The ICC has the authority to prosecute individuals, including military and government officials, for the most serious crimes within the international community. Forced labour could conceivably fall under the crime of "enslavement" which is referred to as a "crime against humanity".⁷⁷

The unprecedented move towards legal action against the SPDC was seen by many ILO members to be crucial to ensure the credibility of the organisation and to demonstrate that they take the issue seriously.⁷⁸ Director General Jean Somavia commented in November that *“Forced labour is a scourge on humanity. Any government or regime intent on perpetrating it will clash with the ILO head on...The ILO has been committed to dialogue with the Burmese authorities to solve the problem, but for some time now the message hasn’t been getting through....The door is still open, but if negotiations are not conducted in good faith, then other ways have to be explored”*.⁷⁹ However, some member countries particularly from Asia claimed that dialogue was still the best course of action. While the ICJ itself has no power to enforce a potential ruling, it could be referred to and enforced by the Security Council.⁸⁰ Russia asserted it would not accept the authority of an advisory opinion by the ICJ as binding.⁸¹

Construction of the New Capital

In November 2005 the junta began moving its administrative departments from Rangoon to the new capital city of Nay Pyi Daw. For the development of the new town, Asia World Company, a private Burmese enterprise with close ties to the junta, has been contracted for a further six years, suggesting Nay Pyi Daw will remain under construction into 2012. The ILO previously reported that 2,800 villagers from the surrounding area were forced to build a military and air force base to secure the area prior to the construction work.⁸² In 2006, DVB reported on the transfer of around 900 inmates from Rangoon’s Insein Jail in 30 trucks to the Nay Pyi Daw on 1 February 2006 to be forcefully employed in the construction of the new capital city.⁸³ However, the ILO was reluctant, throughout 2006, to draw attention to labour complaints from Nay Pyi Daw for fear that the SPDC might punish complainants for “spreading false information.”⁸⁴

The junta is also planning the construction of a new gas pipeline to serve the new capital which will be part of the Myanmar Oil and Gas Enterprise’s wider plans to expand the entire gas pipeline network across the country.⁸⁵ Pipelines in Burma have traditionally been associated with increased human rights abuses along their route including forced labour, such as in the maintenance of the pipeline and the employment of sentries to guard the pipeline.

1.3 Forced Labour Resulting from International Joint Ventures

The settlement of the Total Lawsuit

Total, the French multinational oil and gas company were involved in a consortium in the 1990s to develop the off-shore Yadana gas field in the Andaman Sea and construct a 65km gas pipeline across Burma to Thailand. The SPDC military were contracted to provide security for the project. During the construction of the pipeline the military engaged in serious and widespread human rights abuses including the widespread use of forced labour. In the following years several lawsuits were brought against consortium members, namely Unocal and Total, centring on their knowledge, complicity and liability for the human rights abuses carried out by the military during the project.

Total has been sued in two separate lawsuits, the first in the French courts in 2002 and the second in the Belgian courts, where the case was finally dismissed in 2005. The French case was brought by eight Burmese citizens who claimed that the military forced them to work on the pipeline construction site with threats of physical violence and death and that the Total executives were present at the sites and witnessed the actions of the military.⁸⁶ Charges were brought against Total's President Director General Thierry Desmarest and Director of On-Site Operations Herv Madeo for recruiting and paying battalions of the military and for promoting a situation of forced labour on the construction site. The court case came to an end in November 2005 with an out-of-court settlement for 5.2 million euros (US\$6.12 million) despite Total still denying any direct or indirect responsibility for the situation and asserting that neither they nor any of their sub-contractors used forced labour.⁸⁷ The settlement terms include 10,000 euros (US\$12,000) to each plaintiff on agreement that they drop the charges against Total, 1.2 million euros (US\$1.32 million) for other victims who can verifiably prove that they were subject to forced labour on the pipeline project and a further 4 million euros (US\$ 4.7 million) for development and humanitarian aid to Burmese refugees along the Thai border areas.⁸⁸

The allocation of the settlement money began in 2006 with the two larger sums being channelled through NGOs working in the Thai border regions. Initially Total encountered problems when two organisations refused to accept the funding. The Migrant Assistance Programme and the Thailand-Burma Border Consortium both declined the settlement money, citing Total's ongoing business involvements with the Burmese regime and their previous involvement in forced labour as the reason. Jackie Pollock of the Migrants Assistance Programme stated that "It would be unethical to be funded by a company that has ignored human rights abuses."⁸⁹ However, two other organisations: The United Nations High Commission for Refugees (UNHCR) and the National Catholic Commission on Migration (NCCM), did agree to accept and distribute the financial aid. The UNHCR will spend the settlement money on aid projects in seven refugee camps in Thailand and the NCCM stated that it would use the funding to continue education and health projects in the Mon and Karen State areas. In addition the NCCM would also assist with the allocation of compensation to other victims of forced labour. They will manage a support fund for people subjected to forced labour for one week or more between 1995 and 1997 in southern Mon State and Tenasserim Division.⁹⁰ To receive the compensation the victims have to provide proof in the form of written or oral accounts which must be officially verified by a recognised

international, regional or local organisation. By July 2006 Total's lawyers were investigating 18 claims from victims in Kanbauk, Paukpinkwin and Yebyu Township.⁹¹

Potential Use of Forced Labour on Internationally Sponsored Projects

Throughout 2006 the Burmese junta conducted negotiations with many neighbouring governments and multinational corporations concerning future development and energy projects in the region. Several new projects also began during the year. As has been shown in the past, development projects in Burma usually mean an increase in militarization in the surrounding areas, which then increases the prevalence of human rights abuses, particularly forced labour and portering. All of the following projects raise serious concerns regarding potential new human rights violations.

Salween Dams

In December 2005 the SPDC signed a Memorandum of Understanding (MoU) with the Electricity Generating Authority of Thailand (EGAT) to build a series of hydroelectric dams along the Salween River. Thailand has almost exhausted all of its domestic hydroelectric capability and is hugely dependent on foreign oil, so it is keen to secure energy deals with its neighbouring countries. It is estimated that Thailand will receive as much as 85-90 percent of the energy produced by the Burmese Salween dams.⁹² Of the five proposed dam sites the two that seem to have the most developed plans are the Hat Gyi Dam in Karen State and the Tasang Dam in Shan State.⁹³

The Hat Gyi Dam is due to be completed first, work is scheduled to start in 2007 and the project should run for five to six years. However, the joint dam project is reportedly going ahead without social or environmental impact studies having been carried out.⁹⁴ The project has generated widespread criticism from environmental and human rights groups who claim that the dam will force thousands from their homes, depriving people of their livelihoods and that forced labour will be used by the military on the construction sites.⁹⁵ Whilst, there is a complex web of reasons behind the 2006 military offensives in Karen State, a direct link can be discerned between the offensives and proposed dam sites. *"In terms of the offensives, this is quite clear,"* said David Scott Mathieson, of Human Rights Watch. *"The current offensives have to do with dams, as did the Shan forced relocation campaign between 1996 and 1998. The best way to (see) this is to place maps of proposed dam sites next to maps of the offensives and previous campaigns. The SPDC is clearing people away from development sites."*⁹⁶ According to KHRG, relocated people are being used to clear forest areas and build access roads to newly established SPDC camps in areas near the dam sites.⁹⁷ Increased militarization in the area has also resulted in villagers being conscripted to serve as guides and porters for the military, as well as labouring on their bases.⁹⁸

The terms of the MoU state that all information on the project is to remain confidential. This has angered many in Thailand, and throughout 2006 there were protests calling for the information to be made public. Reports have emerged from local NGOs that 10,000 refugees have already fled into the Mae Hong Son area in Thailand as a result of the dam project areas.⁹⁹ The exodus of villagers in the construction area was said to be prompted by the settlement of Burmese troops near a proposed reservoir for the Hat Gyi dam.¹⁰⁰ In March 2006 a group of Thai senators submitted an official letter to the Ministry of Energy demanding information on the project, as they became increasingly concerned about the negative impact of the dam on local communities. Still no information was made public, as

the company asserted that they were unable to publicise anything without the permission of the SPDC.¹⁰¹

On 19 September 2006, a military coup took place in Thailand and the government of Thaksin Shinawatra was removed from power. Thaksin's government had previously developed a strong relationship with the Burmese junta including strengthening economic ties on projects such as the Salween dams. With a new regime in power, local environmental and human rights groups saw a renewed opportunity for a change in the relationship with Burma and began petitioning for an end to the dam projects.¹⁰² In early November the new regime signalled that it intends to reassess its relations with Burma, particularly in the area of power generation. The new Energy Minister Piyasvasti Amranand stated that they may possibly abandon the Salween dam projects; however, many observers believe that at least two of the five dam projects (Hat Gyi and Tasang) may be considered too far advanced to back out of.¹⁰³

When completed, the proposed Tasang Dam in Shan State will be the tallest hydroelectric dam in South East Asia, measuring 228 meters high with a generating capacity of over 7,000 megawatts. The project is estimated to cost US\$6 billion and take 15 years. In April 2006 the Burmese regime signed a Memorandum of Agreement with the Thai company MDX to build the dam.¹⁰⁴ The flood plain is expected to cover hundreds of kilometres which will mean the displacement of thousands of people. The Shan Sapawa Organisation reported in September 2006 that over 60,000 had already been forcibly relocated from the flood zone and that MDX were building roads, staff buildings and other facilities in the area. Due to conflict in the region the SPDC military has tripled the number of battalions in the area, increasing the corollary risk of human rights abuses and forced labour.¹⁰⁵

Shwe Gas Development

In August 2000 the Myanmar Oil and Gas Enterprise (MOGE) signed a deal with the South Korean multinational Daewoo International to explore and develop natural gas fields in the Bay of Bengal, off the coast of Arakan State. In 2004 they announced the discovery of a large off-shore gas field containing several blocks of gas. The largest block being A-1 is estimated to contain upwards of 3 trillion cubic feet of gas. The subsequent development project was named "Shwe" which means gold in Burmese.¹⁰⁶ The estimated market value of the A-1 block alone is US\$80 billion. The Shwe Gas Consortium was set up to oversee the development of the project. Consortium members include Daewoo International with a 60 percent share, the Korean Gas Corporation with 10 percent, India's Oil and Natural Gas Corporation with 10 percent and the Gas Authority of India (GAIL) with a 20 percent share. The gas field is thought to have a lifetime of around 20 years and it has been estimated that the project will increase the junta's income by 150 percent, bringing in between US\$580 and US\$824 million each year, or up to US\$17 billion over the life of the project.¹⁰⁷

The Shwe Gas Movement, a coalition of NGOs, is calling on the Consortium members to cease cooperation with the Burmese regime as the gas revenues from the project will only strengthen the junta's oppressive control of the country and allow for further development of the military. *"The hopes of many people in Burma for democratic change will be dealt a serious blow by the Shwe gas project if it goes ahead,"* said Wong Aung, coordinator of the Shwe Gas Movement in Thailand.¹⁰⁸ Daewoo have stated that they will not withdraw from the project and that *"it is not the right time to discuss a human rights abuse issue because we are...yet to begin development"*.¹⁰⁹ Previous gas deals have been directly linked to arms purchases by the junta.¹¹⁰ At the end of 2006, 14 Daewoo International executives were

indicted in South Korea for violations of international trading law and technology development facilitating law, for illegally exporting gunnery production factory, equipments, and technical skills to the Burmese military regime.¹¹¹

The Gas from the A-1 field was initially earmarked for Indian consumption which would mean building a pipeline overland through Arakan and Chin States, then through Bangladesh to India. However during bilateral negotiations between India and Bangladesh, the latter imposed conditions on any pipeline agreement including access for commodities and energy from Bangladesh to Nepal and Bhutan through Indian territory. India could not agree to the conditions so the project stalled. On 7 December 2005 the Burmese Junta and the Consortium unexpectedly signed a MoU with PetroChina, a private oil and gas company from Beijing, to supply gas from the A-1 field, including an overland pipeline to China. The route of the proposed pipeline will stretch from Taungup Township to Mindon, then through Shan State and into Yunnan in China.¹¹² In January 2006 Burmese officials confirmed that despite the deal with China, they could still supply gas to India but it would have to be from block A-2 which being further out would require an additional 150km of pipeline.¹¹³ Daewoo International also continued to explore the A-3 block which is estimated to carry reserves worth around US\$4 billion. In April 2006 they sold 20 percent of the development rights to India's Oil and Natural Gas Corp.¹¹⁴

By August 2006, GAIL had completed a feasibility study on the construction of a 1,400 kilometre pipeline, by passing Bangladesh, running through Arakan and Chin States along the Kaladan River to Gaya in Bihar via Mizoram State of India.¹¹⁵ The Shwe Gas Movement reported that the SPDC military, in charge of protecting the project, had already begun building 15 new army bases along the proposed pipeline route. The military has reportedly used forced labour to build these bases, as well as in the construction of roads in the area. Forced relocations have also reportedly increased along the proposed route. Following previous experiences on the Yadana and Yetagun pipelines, the concern is that when the project begins, the number of human rights violations will increase.¹¹⁶



Proposed routes of gas pipelines, transporting natural gas from the Shwe Gas Fields, through Burma, to China and India. Pipelines have traditionally been the site of many human rights abuses within Burma including forced relocation, forced labour in the maintenance and construction of the pipelines and in the form of sentry duty, as well as draconian movement restrictions so as the SPDC can completely secure its investment. Numerous other abuses arise in conjunction with these abuses or simply as a result of increased troop build up along the pipeline. [Picture: *Shwe Gas Movement*].

Road and Rail Projects

In 2006, the SPDC was a partner in ‘The Asian Highway’, an inter-governmental project which aims to connect 32 countries throughout Asia, and has been organised in partnership with the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP). Within Burma one section already under construction is intended to run from Thailand via the border town of Myawaddy in Pa-an District, continuing north to Rangoon, through Thaton District. The DKBA has been charged by the SPDC with implementing the construction of the Highway in Thaton District. In doing so, the DKBA have in turn forcibly relocated villagers, and forced local residents to clear the land, dig irrigation trenches and build bridges. KHRG have asserted that “*similar destruction can be expected along the Asian Highway’s entire route through Burma.*”¹¹⁷

Throughout 2006 negotiations continued between the Bangladeshi government and the Burmese junta on the construction of a “friendship road” which would connect the two countries. The proposed 153 km route would stretch from Taungbro to Kyauktaw in Burma via Ramu-Gundom to Cox’s Bazaar in Bangladesh.¹¹⁸ In January 2006 the Government of India announced that plans to construct a railway link with Burma were to go ahead. On the Indian side the proposed rail route will cover 98km from Manipur State to the Indo-Burma border. The junta will construct a further 130km via Kalaymyo to Mandalay.¹¹⁹



Part of the ‘Asian Highway’, a UN-sponsored project to build road links all over Asia, where it passes through Thaton district in Burma. This particular piece of land (above left) was confiscated for the highway from Uncle M---, a 62 year old farmer of K--- village. He was not consulted or paid any compensation for his destroyed rice field. The people of his and the surrounding villages were then forced to do unpaid labour levelling the roadbed, laying gravel on it, and digging the ditches the entire length of the road as it passes through their area. They were ordered to make these drainage ditches 4 cubits (6 feet) deep by 3 cubits (4.5 feet) wide on both sides of the road. Local villagers were also forced to build a wooden bridge; this included cutting and milling the logs and providing all required materials and labour without any payment. These photos were taken in March 2006. [Photos and caption: KHRG]

1.4 Forced Portering – Partial List of Incidents for 2006

Arakan State

On 26 January 2006, it was reported that civilians were forced to carry goods and commodities from Taung Baza market to Sai Din Army Camp where at least three SPDC battalions were stationed. The distance between Taung Baza market and Sai Din Army Camp is 23 miles (more than 38 kilometres) and it takes at least seven hours on foot each way. The porters were forced to carry army rations including rice, peanuts, cooking oil and fuel including diesel. Villagers reported that if a family refused they were fined at least 500 kyat. The army also forced people to work as sentries at night, especially in villages close to the Bangladesh border. Twenty to 30 persons from each of the following villages were forced to work as porters on a rotational basis:

1. Pado Para,
2. Pi Yuat, Mai Zari,
3. Taung Gri Run,
4. Pyin Kaung,
5. Sun Zwera,
6. Wra Thaya,
7. Yin Baung Laung Chaung,
8. Baho Byin,
9. Pangon Ma Inn Chaung,
10. Pauk Kyaing Aouk.¹²⁰

Chin State

On 8 January 2006, troops from LIB #30 arrived at Satu village, and stopped a Sunday church service in order to commandeer 20 persons to porter for their unit. The church president, Mr. Vansen, was given an hour to select 20 people. Those who subsequently portered for the SPDC troops included 2 church elders, and a 15 year old girl called Ma Yin.¹²¹

On 10 October 2006, it was reported that Major Aung Lin Thwat, and troops from LIB #16 camped in Sabawngte village forced villagers from the surrounding area of Chin State to carry their supplies. The soldiers called up seven villagers from Sabawngte and forced them to carry backpacks and rations to the military camp in Darling Village. The goods carried by each villager weighed around 12 kilograms.¹²²

Karen State

In early 2006, DKBA Battalion #333 Commander Boh Lweh shot 25 year old Saw B--- 30 times in the head with a slingshot before demanding he porter for their battalion.¹²³

On 4 February 2006, troops from SPDC LIB #440, based at Kaw-thay-doe camp in Tantabin Township, forced 4 men and 7 women from Kaw-thay-doe village to carry 3 sacks of rice to Naw-soe and then on to Kaw-thay-doe camp.¹²⁴

On 11 February 2006, Captain Aye Aung with 60 of his soldiers from LIB #104 entered E--- village, Pa'an Township, and ordered the village head to find him four guides. Once they left

the village the guides were also forced to porter for the battalion, with each villager having to carry loads weighing around 24 kgs. When they reached the next village the troops again demanded guides from the village head and released the E--- villagers.¹²⁵

On 16 February 2006, a DKBA unit in Bilin Township forced the Kaw-heh village head, Par Noe, and fellow villager, Par Na Da, to serve as porters for a month, under the justification that they had connections with KNU soldiers. If they refused, they were told that they would instead be sent to prison for the month.¹²⁶

On 21 February 2006, Captain Than Htun along with 40 soldiers from DKBA Headquarters Security Battalion came to P--- village, Pa'an Township, and ordered the village head to find him 13 porters. The 13 villagers were forced to serve the battalion as porters for three days.¹²⁷

On 23 February 2006, Captain Than Htun along with 40 soldiers from DKBA Headquarters Security Battalion entered K--- village, Pa'an Township while the villagers were worshipping. They captured all of the men and took six of them as porters, only releasing them two days later.¹²⁸

On 24 February 2006, SPDC TOC #663 Commander Tin Aung, based at Play-hsa-lo camp, Tantabin Township, forced 5 Play-hsa-lo villagers and one Yar-lo villager to carry army rations from Htee-lo to Play-hsa-lo.¹²⁹

On 27 February 2006, Major Aye Lwin of LIB #6, in Thandaung Township, forced villagers of Htee-tha-saw and Ka-mi-lo to carry rations comprising of:

1. 84 sacks of rice,
2. 20 boxes of condensed milk,
3. 127 tins of sardines,
4. 100 viss of salt,
5. 150 viss of sugar,
6. 150 viss of onion, and
7. 100 viss of dried tea-leaves.

In addition, Htee-ta-pu villagers were forced to carry 30 sacks of beans from Thauk-ye-kat stream to Htee-tha-saw.¹³⁰

On 3 March 2006, LID #66, TOC #3, under Commander Tin Aung, made 70 bullock carts from Za Ya Gyi take rice from Za Ya Gyi to Hti Loh.¹³¹

On 9 March 2006, SPDC TOC #663 Commander Tin Aung forced 10 Play-Hsa-Loh villagers to transport rice from Hti Loh back to Play-Hsa-Loh.¹³²

On 11 March 2006, the SPDC TOC #663 Commander Tin Aung, based at Play-Hsa-Lo camp in Tantabin Township, forced Ya-lo and Plaw-baw-doe villagers to carry army rations from Paw-per-lay-la to Play-hsa-lo. The victims from Ya-lo village were:

1. Saw Maung Pweh, aged 42;
2. Saw Maw Lay Htoo, 52;
3. Saw Heh Pweh, 42;
4. Saw Soe Myint, 20;
5. Saw Toe Per, 30;
6. Saw Taw Bo, 28;
7. Naw Ka Mu Tu, 21;

And Plaw-baw-doe villagers:

1. Saw Ta Kaw Raw, 46;
2. Saw Ta Ma Taw, 17;
3. Saw Ywa Heh, 15;
4. Naw Si Wae, 34;
5. Naw Wa Doe, 21;
6. Naw Ker Lay, 20;
7. Naw Heh Klu, 18; and
8. Naw Kler Paw, 18.¹³³

Also on 11 March 2006, SPDC LID #66 Commander Khin Zaw Oo, based at Kler-lar (Baw-ga-li-gyi) in Tantabin Township, ordered all the truck owners in Kler-lar (Baw-ga-li-gyi) and Kaw-thay-doe areas to transport army rations from Pa-let-wa to Kler-lar (Baw-ga-li-gyi).¹³⁴

On 12 March 2006, in Tantabin Township, SPDC TOC #3, IB #35, Column #2 Commander Bo Nay Myo, based at Klaw-mee-doe, forced: 8 women and 22 men from Ler-ka-doe, 10 women and 17 men from Hu-mu-doe and 18 women and 60 men from Klaw-mee-doe villages to carry army rations from Paletwa to Klaw-mee-doe army camp, for the next three days.¹³⁵

Also on 12 March 2006, SPDC TOC #663 Commander Tin Aung, in Tantabin Township, forced 9 Yer-lo villagers, 9 Paw-per villagers, 8 Ka-mu-lo villagers and 5 women and 13 men from Play-hsa-lo village to carry army rations from Lay-lar-taw to Play-hsa-lo army camp.¹³⁶

On 17 March 2006, LIB #108 troops, in Tantabin Township, forced Htee-lo villagers to carry army rations from Htee-lo to Play-hsa-lo army camp.¹³⁷



The people of M--- village meet in their village head's house in May 2006 to discuss the DKBA's latest demand for the village to send two 'permanent porters', i.e. two people to remain at the DKBA camp on call 24 hours a day in case porters or messengers are needed, to be replaced with fresh people every couple of days. The order comes from the DKBA's Ka Hsaw Wah battalion, and if the villagers cannot comply they have been ordered to pay 300,000 kyat to the battalion as compensation. *[Photo and caption: KHRG]*

On 18 March 2006, SPDC troops from Play-hsa-lo camp under TOC #663 of LID #66, led by Commander Tin Aung forced 16 villagers from Play-hsa-lo, 9 from Yu-lo, 2 from Por-pa and 3 from Yeh-lo to carry their rations and ammunition from Nart-kyar area to Play-hsa-lo army camp.¹³⁸

On 18 March 2006, SPDC troops from LIB #11 led by Bo Han Moe Aung, forced 15 villagers from Khaw-law-kar village, 15 from S'bar-law-khee and 15 from Khu-thay-doe to carry their rations and ammunition to Khu-thay-dar army camp.¹³⁹

In March 2006, DKBA troops apprehended Poe Choh, of Gk'Wah Htah village, Bilin Township who had been staying in Dtah Meh Kee village. They forced him to serve as a porter, during which time he was assaulted by the troops.¹⁴⁰

On 28 April 2006, it was reported that TOC #1 Commander Thin Aung, had ordered the forced employment of 2,000 villagers from the Kler La/Baw Ga Lyi Gyi area, Mone Township, in the portering of food supplies, as part of a major re supply of camps on the Kler La- Busakee road; including Naw Soe, Busakee and They Mu Ko camps.¹⁴¹

On 3 April 2006, the SPDC military forced villagers from Ger Mu Loh to go to Hti Lo, pick up rations of rice and take it back to Play Hsa Loh camp. The villagers were:

1. Saw Htee Moo, aged 35;
2. Saw Khu Heh, 30;
3. Saw Hee Paw, 30;
4. Saw Thu, 12;
5. Saw Maw Plo Gaw, 16;
6. Saw Tha Way, 50; and
7. Saw Kyaw Soe, 17.¹⁴²

On 11 May 2006, it was reported that the SPDC had been forcing villagers in Shwegyin Township to work as forced porters during their offensive. For three months, villagers and bullock carts from Donzayit, Salu Chaung, Kyunchaung, and other villages in Shwegyin Township were commandeered to transport food supplies to the frontline and transport SPDC troops back to Shwegyin and military hospitals. As a result, farmers were largely impeded from sustaining their own livelihoods.¹⁴³

On 13 May 2006, troops from SPDC LIB #108 under LID #66 forced 6 residents of Ye-tho-gyi village, Tantabin Township, to transport army rations from Ye-tho-gyi to Ku-leh-doe army camp.¹⁴⁴

On 20 May 2006, LID #66 Commander Khin Zaw forced the residents of 10 villages in Baw-ga-li-gyi village tract, a total of 350 villagers, to transport 200 sacks of rice to Naw-soe military camp.¹⁴⁵

On 6 June 2006, troops from SPDC TOC #2 of MOC #16, led by Major Ko Ko Kyi, forced 72 villagers from Play-hsa-lo, Yeh-lo, Plaw-baw-doe, Ta-pa-khee, Mwee-lo, Paw-pa and Lay-wor-lo villages to carry their army supplies from Htee-lo camp to Tain-pu camp.¹⁴⁶

In June 2006, DKBA Brigade #333 troops, under the command of Mo Kyo, began operations in Bilin Township. From this time on through to the end of 2006, troops have

frequently entered villages demanding information and porters, threatening that anyone caught fleeing from portering duty would be fined 300,000 kyat.¹⁴⁷

On 11 June 2006, DKBA troops under Hla Maung forced 17 residents of Ta-eu-ni village, Bilin Township to serve as porters for their unit.¹⁴⁸

On 5 July 2006, SPDC TOC #661 ordered villagers from the west bank of Thauk-ye-khat River to carry food supplies from Thandaung town to Tahuk-ye-khat river suspension bridge camp. The villages included in this order were:

1. Ku-ler-der,
2. Kaw-law-kah,
3. Sa-bah-lor-khee,
4. Ler-gi-kho,
5. Ler-gi-kho-der-hah,
6. Ler-gi-kho-der-kho,
7. The-ta-pu,
8. Thu-geh-der,
9. Ka-thaw-pwe,
10. Ker-weh, and
11. Ker-do-Kah.¹⁴⁹

On 5 July 2006, SPDC IB #57 Commander Min Kyaing Thant commandeered 90 bullock carts from Pa-deh-gon village Tract and 150 carts from Ma-bee village Tract, with 3 persons per cart, to carry the battalion's food supplies. Despite villagers' protestations that they were unable to go due to heavy flooding, they were refused the option to decline.¹⁵⁰

On 6 August 2006, SPDC MOC #16, TOC #2, IB #241 and Southern Command attempted to capture 700 villagers in Tha Bin Nyut to carry food for the SPDC soldiers from Play Hsa Lo camp.¹⁵¹

On 15 August 2006, SPDC LIB #10 forced 10 villagers to carry food from Kaw Thay Der (Ye Tho Gyi) to Noe Soe (Mong Di Gyi) camp.¹⁵²

On 15 August 2006, SPDC TOC #662 troops forced 6 Der-kah villagers and 13 Htee-pu-khee-der-kho villagers to carry food supplies from Waw-gyi camp to Ka-ya-khee camp.¹⁵³

On 15 August 2006, SPDC LIB #599 troops ordered Maladaw villager Maung Ro to carry durian fruits from Wah-khee to Maladaw.¹⁵⁴

In August 2006, two soldiers deserted SPDC LIB #308 after being accused of rape. They were later captured, and as punishment for deserting and stealing a pistol they were used as porters to carry ammunition and rations during an offensive against the KNU, 25 km west of Three Pagodas Pass, along the Thai border. One of the soldiers died while portering and the fate of the second is unknown.¹⁵⁵

On 19 August 2006, SPDC LIB #439 commanded by Kyaw Htun Win from Shasibo Camp forced 16 villagers to carry food to Hti Lo Camp.¹⁵⁶

On 23 August 2006, SPDC IB #35 battalion commander ordered the following groups of villagers to carry food supplies for the army: Ker-weh village, 40 persons; Ler-gi-kho-doe-ka

village, 15 persons; Ler-gi-kho-doe-kho village, 30 persons; Ku-thay-doe village, 30 persons; Sa-ba-ler-khee village, 15 persons; and Kaw-law-ka village, 15 persons.¹⁵⁷

On 20 September 2006, troops from SPDC LIB #558 ordered villagers living in Ta-nin-tha-yi Township to transport food supplies for SPDC IB #24 in the Moe-taw area. Villagers required for this task were: Thee-daw village, 80 persons; Ta-gu village, 80 persons; and Thay-baw-na village, 50 persons.¹⁵⁸

On 21 September 2006, SPDC IB #17, in Ta-nin-tha-yi Township, forcibly seized 100 Ananguin villagers along with 90 Ah-ku-nge villagers, for use in carrying food supplies for the army in Moe-taung Township.¹⁵⁹

On 21 September 2006, SPDC MOC #16, based at Teik-pu camp, seized 59 villagers of Teik-pu village, taking them to Tha-byay-nyunt to carry food supplies.¹⁶⁰



On 25 May 2006, SPDC LID #66 forced 850 villagers from Kaw They Der Village area to carry military supplies from Kaw They Der Village to Naw Soe Burma Army camp, in preparation for an offensive into eastern Toungoo District and north-western Papun District.¹⁶¹ [Photo: FBR].

On 2 October 2006, Commander Aung Min of SPDC IB #1, based in Maung Ko Der camp, forced 35 villagers to carry their food rations for them.¹⁶²

On 4 October 2006, Bo Zaw Win of SPDC LIB #5 ordered 8 men and 12 women of Ler-gi-kho village and 30 men of Kher-weh villager to carry food supplies from Thandaung to Kher-weh camp.¹⁶³

Also on 4 October 2006, SPDC LID #66 Commander Maung Maung Aye, ordered Bawgali-gyi villager Po Pyu to transport bamboo cut by Kaw-thay-doe villagers to Bawgali-gyi.¹⁶⁴

On 7 October 2006, Commander Kyaw Tun Win of LIB #439 forced 8 Shasibo villagers to carry rice to Hti Lo Camp.¹⁶⁵

On 18 October 2006, Major Zaw Min of SPDC IB #1 based at Maw-koe-doe camp, ordered 6 Peh-kaw-doe villagers to carry food supplies from Baw-gali-gyi to Maw-koe-doe camp.¹⁶⁶

On 21 October 2006, SPDC IB #580, based at Play-hsa-lo camp, Tantabin Township, ordered 42 villagers from Play-hsa-lo, Ler-lo, Plaw-baw-doe, Paw-pa and Ka-nue-lo villages, to carry military supplies from Tha-bye-nyunt camp to Play-hsa-lo camp.¹⁶⁷

On 21 October 2006, SPDC LID #66, TOC 662, IB #11, under Commander Aung Min forced 12 Beh Kaw Der villagers to carry supplies from Kler La to Maung Ko Der camp. Commander Maung Maung Aye, based in Kler La camp, also forced villagers to carry food from Kler La to Busakee.¹⁶⁸

On 23 October 2006, SPDC soldiers from LID #66, TOC #662, IB #105 under Major Kyaw So, forced 22 villagers to carry food supplies from Thandaung to Kuh Thay Der camp. The villages and the number of persons involved were:

1. Kaw Law Ka, 9 persons;
2. K'Ba Law Kee, 5 persons;
3. Htee Tha Bu, 5 persons; and,
4. Ler Gih Ko Der Ka, 3 persons.¹⁶⁹

On 30 November 2006, LIB #590 ordered 20 villagers and 6 ox cart owners from Mae Ta Taw, Myaw Oo, Paw Pi Der, Aung Chan Tha and Htee To Lo villages to carry food supplies from Ye Oh Sin to the Htee La Baw Hta army camp.¹⁷⁰

On 5 December 2006, LID #66 Commander Maung Maung Aye, ordered LIB #6 Battalion Commander Aung Soe Win to send 35 people from Kaw Thay Der village to carry army supplies from Kaw Thay Der to Naw Soe. They were subsequently ordered to carry supplies from Naw Soe camp back to Baw Ga Li Gyi camp. On the same day General Maung Maung Aye ordered villagers from Wa Thee Ko to cut 300 pieces of bamboo and take them to Wa Thee Ko for the construction of the camp.¹⁷¹

Mon State

On 8 January 2006, two soldiers deserted from SPDC IB #31, based in Khaw Zar sub-Town, and reportedly joined a Mon rebel group operating in the area. As a result, SPDC forces began threatening the people of Mi-Htaw-Hlar Kyi village and forced six villagers, on a rotational basis, to patrol the village and act as porters to track down the deserters. *“Our villagers are being used as porters to track down the deserters. At least two or three men were used and they had to carry supplies for the soldiers. Sometimes we were used for four days,”* one villager explained.¹⁷²

Shan State

On 4 January 2006, it was reported that during battles with the Shan State Army-South in the area three miles from Namkhan, the SPDC military had forced 20 people from each surrounding village to act as porters during the day and to work as sentries during the night. At night they were forced to stand guard along the Namkhan-Namphatkar road and at the ferry ports on the Shweli River.¹⁷³

On 5 February 2006, a patrol of about 30 SPDC troops from Nam-Zarng based LIB #543 conscripted 4 villagers from Nawng Wo village in Wan Zing village tract, Kae-See Township, to serve as porters. The villagers were forced to carry heavy loads whilst on patrol with the troops. One porter escaped into the jungle, and the load was divided into 3 portions. After four days, the 3 porters were released at Wan Yurng village, and replaced with villagers from Wan Yurng.¹⁷⁴

On 28 April 2006, SPDC troops from LIB #576, under Capt. Thein Htun Oo, forced 4 villagers of Pa Sa village in Nawng Hee village tract, to serve as porters for 6 days, seriously injuring their shoulders as a result of the heavy loads they were required to carry. The four villagers were:

1. Zaai Aw, aged 29;
2. Kaw-Na, aged 36;
3. Kan-Thi, aged 35; and
4. Zin-Ta, aged 53.¹⁷⁵

On 19 June 2006, a patrol from SPDC LIB #516 conscripted 3 villagers from Tin Paet village, Nawng Hee village tract, to serve as the patrol's guides. The 3 male villagers were: Zaai Kyan, aged 37; Zaai Sa, aged 20; and Kaw-Ling, aged 30. Once they left the village, two of the men were forced to porter cooking utensils for the patrol. After three days of patrol, they were interrogated about the movements of Shan soldiers in the area, during which time they were assaulted, and cruelly tortured, with burning plastic sheet dripped on their head. The following day, a Pa-O ceasefire group negotiated for the release of the villagers, who were threatened with death if they informed anybody what had happened.¹⁷⁶

In September 2006, it was reported that villages in Murng Khun village tract had to provide at least 1 person each day to go to each of the two local SPDC military camps; the Murng-Kerng-based LIB #514 to the south and the Kae-See-based IB #286 to the northeast, to be ready to serve as military porters if and when required; which was said to be frequently. If villagers escaped, their whole village was liable to punishment, often paying a fine in the form of livestock. Villagers of Nawng Kio, Wan Paang and Ta Saa Le villages in Murng Khun tract said that the arrangement had been in place for many years.¹⁷⁷

1.5 Forced Labour – Partial List of Incidents for 2006

Arakan State

In February 2006, The Arakan Liberation Army burned a temporary SPDC Army camp. In response, SPDC troops accused local villagers of being rebels, demanded 80,000 kyat as compensation, and forced the villagers to rebuild the camp.¹⁷⁸

On 9 May 2006, it was reported that villagers from Kyaukpan Du, Thawin Chaung, Inndin, and Mrin Lwet in Maungdaw Township, as well as Atwin Byin, Chut Byin, Owe Thima, Thein Daung and Taungmaw in Buthidaung and Rathidaung Townships, were being forced to construct an 18 mile road between a ‘model’ village for Buddhist settlers in Rathidaung Township and a border village in Maungdaw Township. Whilst local authorities promised to pay the villagers 500 kyat for each days work they later refused to honour their promise.¹⁷⁹

Buthidaung Township

From January 2006 to at least the time of this report on 8 May 2006, NaSaKa, Burma’s Border Security Force in western Burma, forced villagers into providing free labour for road construction projects in Buthidaung Township, Arakan State. The road which is being constructed by villagers will connect the MOC #15 of Dabru Chaung to Thin Ga Net IB #552. It is 14 miles long, 30 feet wide and 4 feet high. Villagers recruited for the construction of the road came from:

1. Taung Bazar,
2. Thin Ga Net,
3. Mi Gyaung Gyi,
4. Badana,
5. Mee Gyaung,
6. Gaung Swe,
7. Paungdaw Pyin,
8. Krin Tha Ma,
9. Bo Gyi Chaung,
10. Nan Yah Gone,
11. Dabru Chaung.

Each family was required to construct at least 15 to 21 feet long stretches, working each day from early morning till sundown. The families which were not able to provide labour themselves had to find somebody to work in their place.¹⁸⁰

On 8 January 2006, it was reported that large numbers of Rohingya villagers were being forced to perform sentry duty at night in areas of northern Arakan. Numerous sentry posts were built on the back of forced labour. Six Rohingya were required to man each sentry post for the entire night, meaning that at least 78 villagers had to do sentry duty from each village everyday. Villagers had to stay awake the whole night and keep shouting and asking again and again “*Hey! Who are you?*” whether they saw anyone or not. Two or three times in every week, soldiers, NaSaKa or the police would come to the villages to check whether the sentries were on duty and awake. Perversely, the sentries were punished for both shouting when they visited and again for not shouting.¹⁸¹

On 18 March 2006, The TOC office in Buthidaung Town ordered IB #234 to complete the construction of a three-kilometre stretch of road in Tat Min Chaung and Min Gyi Taung within 30 days. The TOC required the road to be 18 feet in width and 2.5 feet high. Every family in Maung Gyi Taung, Lat Wat Dad Pazung Chaung, Min Gyi Zay, Dar Bine Sara, Tatmin Chaung and Shari Gona villages had to send one person as a ‘volunteer’ for the construction work. The military warned villagers not to divulge the fact that they were being used as forced labour, rather they were asked to identify themselves as volunteer workers.¹⁸²

On 5 May 2006, Abu Sayed, 50 years old, from Nan Yah Gone village, Buthidaung Township was detained for three days in an army camp and fined 10,000 kyat for his refusal to work as a forced labourer.¹⁸³

On 14 May 2006, it was reported that villagers in northern Buthidaung Township, were being forced to lay a road by the military authorities. The road constructed by villagers connected Taung Bazar to Bow Gawli village. It was required to be 8 miles in length, 80 feet wide and 3.75 feet high. Villagers used as forced labour were from nearby village tracts such as:

1. Bow Gawli,
2. Tin May,
3. Pand Zee,
4. Upper Kyaung Daung,
5. Kyun Pauk,
6. Goat Pi,
7. Taung Bazar,
8. Panbai Chaung,
9. Zeedon,
10. Yinma Kyaung Daung.

Tatamadaw and NaSaKa commands allotted the length of road that every village had to construct. The villages had to provide 100 to 120 workers each to build the road, with each family from the local area required to contribute labour for the project. The villagers received no remuneration. Those villagers, who had motorboats, rowboats and sailing boats, were required to transport stones to cover the road.¹⁸⁴

On 15 June 2006, at about 7:30 am, a seven-member police team from Taung Bazaar police station went to the Gyi Nuk Thi village tract, accompanied by the VPDC Chairman U Maung Hlun Chay, and arrested seven people from the village to provide forced labour. However, four of them were later released on the recommendation of the VPDC Chairman. Among the police personnel was San Tun, the Sergeant of Taung Bazar police station. The three Rohingya detained were Ali Hossain, 40, Mohamed Sayed, 35, and Kairul Amin, 19, who were forced to work in the police camp till sun set without food or wages. Kairul Amin fell unconscious as a result of the heat and lack of food, only to be assaulted and accused of feigning his exhaustion. The three men were released the following day after having no charges brought against them.¹⁸⁵

On 15 October 2006, Zamal Uddin, a Rohingya villager from Gufi village, Buthidaung Township, was accosted by NaSaKa forces whilst on his way to market. He was taken to their camp where he was forced to work alongside other Rohingya detainees. He was released on 25 October without any compensation for his work.¹⁸⁶

Kyaukpuru Township

In August 2006, the China National Offshore Oil Company (CNOOC) initiated the construction of a 28 mile long pipeline from oil fields in Kyaukpuru and Rambree Townships to a processing factory in Kyaukpuru. It was reported that many local residents had been forced to work on the construction of the pipeline for minimal wages. Land had also been confiscated for the pipeline and 329 hand drilled wells had originally been confiscated by the SPDC for CNOOC to begin their enterprise.¹⁸⁷

Maungdaw Township

On 16 February 2006, it was reported that Mohammed Ibrahim and Noor Boshor, from Wabag village of Kyi Kan Pyin village-tract (Khawarbill), Maungdaw Township were arrested by a NaSaKa patrol operating from their headquarters in Kyi-Kan-Pyin. During a surprise check at the sentry-post which the two men had been forced to man for the night, NaSaKa accused one of the men of sleeping and alleged the other had left his post. This has been denied by sources from the village. The two men were taken to the NaSaKa headquarters where they were beaten severely before being released after paying 6,000 kyat.¹⁸⁸

On 4 June 2006, a bridge crossing the river which flows between the Dou Dhan and Ngar Sakyeu villages in Maungdaw Township was completed. The 200 foot long bridge was built through forced labour and money extorted from villagers, with about 2,800,000 kyat of villagers money used by NaSaKa to construct the bridge. The villagers were also reported to have provided the timber for the bridge. Villagers will nevertheless be forced to pay a toll to cross the bridge.¹⁸⁹

On 29 June 2006, NaSaKa forced seven villagers from Maungdaw Township to plant castor oil saplings on a state-owned plantation. The villagers planted 17,600 castor oil saplings in one day.¹⁹⁰

On 2 July 2006, NaSaKa troops arrested 17 Rohingya villagers in Fokira Bazaar, Maungdaw Township, as they had come to the village without obtaining travel documents. The villagers were subsequently forced to work on a road construction site between Aung Zu and Khamaung Zeik in Maungdaw Township as punishment.¹⁹¹

Ponna Kyunt Township

On 8 January 2006, it was reported that Arakanese farmers were being forced by the regime to cultivate onions during the dry season. Farmers from Aung Pru Byin village in Ponna Kyunt Township reported that the authorities ordered each of them to cultivate onions on a piece of land with a minimum size of 75 feet by 150 feet. If any farmer disobeyed the order he would be punished by the local authorities.¹⁹²

Paletwa Township

In June 2006, it was reported that SPDC LIB #289 had ordered the following villages to each send 20 labourers every day to their camp:

1. Nharmatar,
2. Mondawn,
3. Loundkadu,
4. Palawa,
5. Ruwa,
6. Kethar,
7. Panetapan,
8. Jalay,
9. Chindawn,
10. Nupu,
11. Kuwa.

The villagers, aged between 15 and 40, were forced to bake brick, clean the camp, make fences, build a temporary building and do general work round the camp. Each person was forced to bring rations and firewood for three days. They also had to bring tools such as hoes, pickaxes, and knives to use during their work.¹⁹³ Villagers had to arrive at six in the morning and work eight hours a day without payment.¹⁹⁴

Rathidaung Township

On 30 January 2006, Captain Zaw Min Oo, of the Regional Security Control Headquarters, summoned villagers from the western part of Rathidaung Township, and forced them to carry timber and tin plates for the construction of modern (model?) villages at the foot of the Mayu range. In Rathidaung Township the military junta was constructing three such villages, Padauk Myin, Mala Myin, and Thaza Myin. The villagers did not receive any wages for their labour. They had to work for three days carrying loads between Sapho Kyunt jetty and the three villages; a distance of roughly 15 miles. The villagers were from;

1. Athat Nanrar,
2. Auak Nanrar,
3. Zay Di Byin,
4. Kan Byin, Pyin Wan,
5. Maw That,
6. Chut Byin,
7. Kyauk Ran,
8. Doeway Chaung,
9. Chin Wra.¹⁹⁵

On 3 April 2006, it was reported that SPDC authorities in Rathidaung Township were ordering VPDCs to send forced labourers from their village-tracts, as well as apprehending villagers, for use in SPDC brick fields. On 6 March 2006, Mohammed Sayed, 25, was accosted by the police who brought him to the brickfield and set him to work. He worked there for four days with little food and finally collapsed. On 10 March 2006, Abdu Malek, 27, was arrested by police while he was going to the market, and forced to work at the brick fields. He subsequently became ill. Similarly, on 23 March 2006, Mohammed, Abdu Koyum, Zamal Hussin, Nozir Ahmed and Abul Hussin from Zedy Pyin village tract were detained by police whilst they were leaving their mosque and forced to work at the brick fields. After one week, they were released without charge.¹⁹⁶

On 1 July 2006, Obiadullah, from Koe Tan Kauk village tract was put to work on the construction of NaSaKa camp #18, and was not permitted any rest period whilst working. On 10 July 2006, his relatives received information from other local people, who were also working in the camp, that Obiadullah had died. Villagers believe that he died as a result of injuries sustained from torture as his body was heavily scarred. NaSaKa subsequently handed over the body to his relatives claiming he died of a mysterious disease. NaSaKa ordered the relatives to bury the body immediately and also warned the villagers not to talk about the death to other authorities.¹⁹⁷

From 8 August to at least the time of this report, on 23 August 2006, NaSaKa forces were reported to be employing Rohingya villagers; Sayed Karim, Boshor, Sultan, Fayas, Kala Meah and Jamal, of Zaydi Pyin village, as forced labourers for a NaSaKa camp. The villagers were forced to go to the NaSaKa work site for four days each week, or else be fined 4,000 kyat per day.¹⁹⁸

Chin State

Falam Township

From the first week of May 2006, until at least the time of this report on 19 May 2006, the second commander of the SPDC military based in Tihbual village of Falam Township forced villagers from Tihbual, Mual Kawn and Laikual to work on the construction of an army camp. The forced labourers were required to bring their own tools and food. In addition, the villagers were forced to provide the raw construction materials, such as wood for the poles of the building and thatch for the roof. Between 20 and 30 villagers were required to work on the camp each day. The forced labour duties prevented villagers from working on their chilli crops despite it being harvest time, a crucial period for these farmers. If villagers failed to fulfil their duties they were subject to a large fine.¹⁹⁹

Hakha Township

In the first week of January 2006, villagers from four villages in Hakha Township were ordered to clear trees from more than 600 acres of forest for an SPDC tea plantation. The order was issued by Chin SPDC Chairman Colonel Tin Hla, who is also Commander of TOC #1. Hniarlawn, Chun Cung, Hran Hring and Nabual villages were affected by the order. Each village was ordered to clear 160 acres of forested land within a week. *"It took one person from every household in the village to finish the work in one week. The designated site was 2 miles away from our village and we had to bring our own ration and tools for the work,"* said a Hnairlawn villager.²⁰⁰

Matupi Township

In early 2006, Colonel San Aung of TOC #2, based in Matupi town, forced the local residents living along the town road to widen that road up to 5 feet in front of each house without pay. As a result, the road extended into the property of some residents living in the lower area of the town, who were forced to move. U Lu Voei and U Hu Hna who owned houses at the lower area reported the matter to the military command who verbally agreed to pay 10,000 kyat in compensation for them having to move their houses. However they had not received any compensation at the time of this report (24 May 2006).²⁰¹

In the third week of February, TOC #2 commander, Colonel San Aung, ordered the construction of a four mile motor road between Valangte and Leisin village, Matupi Township. The project was carried out under the command of Sergeant Aung Myo Thun. Around 200 local villagers were forced to work on the construction of the road, including roughly 30 women, with each village in the vicinity charged with constructing 3,000 feet of the road. The villagers had to supply their own food and tools. Some of the villages affected were:

1. Luivang, Pa Mai,
2. Daihnan,
3. Boi Ring,
4. Khua Hung,
5. An Thaw,
6. Thang Ping,
7. Lei Ring,
8. Tin Lawng,
9. Kho Bal.²⁰²

On 23 March 2006, it was reported that Mr. Lebuai, a village headman and member of the Ahru VPDC, had been detained for the previous three days after asking a contractor to pay wages to labourers forced to work in the construction of a hospital in Matupi. Troops from LIB #140 arrested Mr. Lebuai who was subsequently beaten and detained in the Lailenpi military camp. The army officers demanded 50,000 kyat in exchange for Mr. Lebuai's freedom. Ten villages around Lailenpi had reportedly been forced to supply 1,000 burnt bricks each for the construction of the hospital, under orders from Dr. Tin Thura, who demanded the bricks on 20 March. The villages forced to supply the burnt bricks were;

1. Mala,
2. Ahru,
3. Tin Nam,
4. Satu,
5. Paseing,
6. Cakheng,
7. Tisi,
8. Lailenpi,
9. Tawngla, and
10. Pintia.

Although villagers from Pintia refused the order and said they were “*ready to face any action by the military*”.²⁰³

In the second week of March 2006, Captain Than Htike Soe of the LIB #140 began summoning groups of villagers, 30 at a time, in Matupi Township, for use as forced labourers in the construction of a new military camp. No payment was offered. The labourers had to work on rotating shifts for five days at a time. IB #304 in Lailente is due to be based in the new camp.²⁰⁴

In early April 2006, construction work on a hydro-electric power project at the Bungtla waterfall, on Rha Lawng River in Matupi Township, resumed after heavy rains during the monsoon season. Construction restarted under the orders of Colonel San Aung, the Commander of TOC #2. Local residents were conscripted to work on the plant's construction, on a rotational basis, camping there for a week at a time. Villagers who could not contribute labour were fined. One labourer reported, “*They said the fines are meant for*

labourers but we provide our own food." The power plant will supply electricity to the battalion headquarters based in Matupi Township, with reportedly nothing earmarked for the local population.²⁰⁵

On 2 May 2006, Assistant Director of the Warrant Office, General Hlah Win of LIB #304, based at Sabawngte village, forced 16 civilians from four nearby villages to cut timber planks for the construction of a Buddhist monastery inside the military camp. The construction of the Buddhist monastery in Sabawngte village military camp was due to begin in June 2006. General Hlah Win summoned village headmen from Hlungmang, Sabawngpi, Lungcawi and Sabawngte villages on 1 May 2006 to discuss the construction of the Buddhist monastery at the military camp. During the meeting, the four village headmen were ordered to produce four labourers from each village, and a total of 16 villagers from Hlungmang, Sabawngpi, Lungcawi and Sabawngte villages arrived in Sabawngte village on 2 May 2006. They were ordered to cut 200 cubic timber planks over the next seven days. The timber plank was cut three miles away from Sabawngte village and General Hlah Win himself supervised them. The villagers brought their own rations and tools from their respective villages for the seven days while they cut the timber.²⁰⁶

In July 2006, SPDC LIB #140 (also reported as LIB #304²⁰⁷) forces lost a G-3 gun in the river near the village of Hnawte, eight miles from Matupi and ordered villagers from Hnawte, Tin Lawng and Kho Bal to search for it until it was found. The army ordered at least 10 to 20 villagers at a time to search for the gun daily.²⁰⁸ Those villagers were forced to build a small dam to change the direction of the river, making little impact due to the heavy rains. U Oon Lwin, secretary of Union Solidarity Development Association, and U Cang Va, Chief of the Immigration Department, were reportedly in charge of recruiting villagers for the search.²⁰⁹



A woman (left) in M--- village near Papun weaves roofing thatch shingles. In January 2006, SPDC units and DKBA #777 Brigade Ka Hsaw Wah battalion based in Papun issued a joint order to all villages in the Papun area demanding roofing thatch to repair their Army camps. Each household in every village was ordered to provide 50 shingles of thatch, totalling tens of thousands of shingles, all of which was to be delivered to Papun town by the deadline of 30 January. In cases like this, the troops usually use some of the thatch to repair their camps and sell the rest on the market for personal profit. None of the villagers were paid anything, despite all the time-consuming labour required: leaves and bamboo must be gathered in the forest, the bamboo must be split into sticks which are then tied with shaved bamboo ties to make frames, and the leaves are then tied onto the frames one by one. Making 50 thatch shingles would be two full days' work for a family.. [Photos and Caption: KHRG]

Paletwa Township

In the last week of September 2006, military authorities from Paletwa Township, ordered local villagers from 16 surrounding village tracts to fell bamboo. Each family in these areas was required to shear 15 pieces of bamboo. All the felled bamboo was sent to the army camps in Shinletwa and Tura Iang and then sold by the military on Pungna Island, Arakan State. Those unable to comply with the order were forced to pay a 450 kyat fine.²¹⁰

Tedim Township

From 4 September 2006 until 9 September 2006, residents of 11 villages in northern Chin State along the India-Burma border trade road were compelled to work repairing the road for six days without pay. The forced labour orders were issued by the chairman of the TPDC in Tedim town. Among those who were compelled to work on the road, 67 villagers were from Zimte village and 275 people hailed from ten other local villages, which were:

1. Lamzang,
2. Laitui,
3. Haimual Khuahlun,
4. Haimual Khuathar,
5. Zimpi, Zimte,
6. Rihkawdar,
7. Tio,
8. Lentlang,
9. Kaptel,
10. Tihbual.²¹¹

Thantlang Township

On 30 January 2006, a fire broke out during the day and destroyed around 16 houses in Zeiphai village, Thantlang Township. There were few villagers to douse the fire as most male residents were engaged in the forced construction of a road between Zeiphai and Cawngthai villages whilst most women were attending a women's conference of the Zeiphai Baptist Association in another village.²¹²

In August 2006, it was reported that the SPDC had sent orders to Banawh Tlang, Bel Har, Tluang Ram A, and Tluang Ram B villages instructing that their village council chairmen were not permitted to resign from their posts. Village headmen are forced to assign villagers to perform labour for the SPDC, report visitors to the village, and summon villagers for interrogation and torture at the army camp. They are also unable to give over enough time to sustaining their own livelihoods.²¹³

Kachin State

Hopin Township

On 24 November 2006, it was reported that the Hpakant-based tactical commander, Colonel Khin Maung Cho, had, for the previous month, commandeered residents of Hopin Township and its surrounding villages to supply labour for a new road leading east to Sinbo through the heavily forested Gau Gwi Pa region. About 50 elephant owners were also ordered to contribute their labour without pay. Those unable or unwilling to work on the road were forced to hire a replacement or face a fine of between 5,000 kyat and 20,000 kyat. Each household was assigned a stretch of road, with instructions to make it 200 feet long and 20 feet wide. Every morning 3 to 4 trucks would charter around 50 people each to their worksite. The Kachin Independence Organization (KIO), the largest Kachin ceasefire group, is said to be involved in the project, as well as well-known Kachin business leader Yup Zau Hkawng, owner of the Jade Land Co. Ltd. However, a KIO officer denied any involvement in acquiring forced labourers for the project, stating that Col Khin Maung Cho made the order and is responsible for the project. Local authorities called residents for meetings almost everyday, forcing those who had not contributed their quota of work to pay fines, and warning them they could be arrested if they failed to pay.²¹⁴

Sinbo Township

On 20 April 2006, it was reported that the SPDC LIB #141 was forcing villagers from around the town of Sinbo, Kachin State, to renovate their military camp and to repair the road leading to the state capital, Myitkyina. Around 80 people were forced to work on the road, including children and the elderly, according to a local businessman. The battalion ordered the villages of Yinna Pinlong, Min Thar and Man Khin to provide one person from each household to work without pay in a “*voluntary program*.” The battalion was reportedly ordered by Northern Commander Maj-Gen Ohn Myint to upgrade the road. Those who couldn’t work had to provide a replacement or pay a fine of up to 20,000 kyat. The ILO reported that it was unable to act on the report through fear of retaliation against the complainants.²¹⁵

Karen State

Doooplaya District

On 29 April 2006, it was reported that up to 160 residents from four areas of the Three Pagodas Pass were being forced to repair the roads in front of their houses as well as work in areas around the public hospital and the home of Daw Saw Khin, a highly placed official in Three Pagoda Pass area. Residents had to work once a week on Saturdays and were told it would continue until the development of the town was over.²¹⁶

On 13 September 2006, it was reported that residents in the Three Pagoda pass town were being forced to act as sentries and patrol the city at night. The SPDC failed to clarify the reasons for the heightened security but it was believed that they feared retaliation from the ceasefire Karen Peace Force group following the disappearance of their leader Major Lay Way in Mudon, after he had gone to meet with the SPDC. “*The city is on alert and they order 5 to 6 persons from each Quarter to patrol at night. They told us to watch any strangers and suspicious activities,*” said one resident.²¹⁷

Nyaunglebin District

On 8 January 2006, troops from SPDC LIB #351, led by Shwe Than Oo, forced residents from the following villages to clear bushes between Ler-doe and Klaw-maw:

1. Pa-ta-la,
2. Noe-gaw,
3. Thoo-ka-bee,
4. Inn-net,
5. Ga-mon-aing, and
6. Wet-lar-daw.²¹⁸

On 15 February 2006, Commander Zaw Tun of SPDC LIB #351, in Kyauk-gyi Township, forced the villagers of Pa-doe-kaw, Baw-ka-hta and Mar-pi-poe to work in Klaw-maw army camp.²¹⁹

On 13 March 2006, a column of about 50 SPDC troops from LIB #599, led by Ba Thaung, entered Kyauk-pyar, Nga-lauk-tet, Thit-cha-hsate, Oak-shit-khin, Poe-thaung-su, Tai-pin and Myet-ye villages and demanded 500 roofing leaves and one person per household to build their camp. Households which could not provide labour were forced to pay 5,000 baht each.²²⁰

On 27 May 2006, SPDC troops forced the residents of Maladaw village to construct a fence around their village and forced villagers of Tha-byay-nyunt village tract to use 200 ox carts to transport military rations.²²¹

On 3 June 2006, SPDC troops from LIB #599, based in Mone Township under Commander Win Htway, ordered residents from 8 villages to begin planting and farming for future army rations. The villages, and acres of land they were forced to farm, were:

1. Ta-khot-bwa, 8 acres;
2. Ko-ne, 4 acres;
3. Kyun-bin-hsate, 4 acres;
4. Mwae-dway, 12 acres;
5. Thaw-leh, 13 acres;
6. Nyaung-pin-thar, 15 acres;
7. Taw-pu, 12 acres; and
8. Toe-taw, 1 acre.²²²

On 8 June 2006, SPDC troops from LIB #559 forced villagers to clear the road between Maladaw and Ta-kweh-lay-kho.²²³

On 25 July 2006, SPDC IB #60 Battalion Commander Saw Lwin demanded 10 villagers from Shwe Dan to clear a palm oil tree plantation belonging to IB #60. The land had been confiscated from U Mi Thwin in early 2006 and was located near the abandoned village of Sein Myaung. On 30 July 2006, he demanded 6 more villagers to cut and clear the palm oil tree plantation. The plantation covers about three acres. The villagers were not paid and had to take their own food with them.²²⁴

On 2 August 2006, SPDC IB #60 Battalion Commander Saw Lwin demanded 100 pieces of bamboo from Shwe Dan village, in order to build a chicken coop. Fifteen households from the village were given responsibility for cutting down the bamboo and bringing it to the

appointed place. The distance between the village and the area where bamboo is harvested was roughly five hours on foot. It took the villagers one day to cut the bamboo and one day to transport the bamboo to the appointed place. On 25 August 2006, SPDC IB #60 demanded another 50 pieces of bamboo to build another chicken coop. On 30 August they demanded seven villagers to go and build the chicken coop for them. The workers had to bring all of their own necessary tools and their own food. On 30 September, they demanded 100 more pieces of bamboo to repair their chicken coop.²²⁵

On 3 August 2006, Thein Win, of SPDC LIB #599, ordered Ta-koc-pwa villagers to cut 400 bamboo poles.²²⁶

On 10 August 2006, SPDC Strategic Operations Command #2, of Southern Command, led by Major Khin Maung Oo, demanded 30 villagers from P'Na Gwa village, to clear brush and scrub from the side of a road. They had to bring their own food and machetes with them. The task took the villagers all day, 6 am until 5 pm, for which they were not paid.²²⁷

On 14 August 2006, according to a local source, SPDC LIB #351 Battalion Commander Chit Than Oo demanded one person from each house in Shwe Dan, totalling 20 people, to cut and clear a 10 acre castor oil plantation near Than Boh. The villagers had to take their own machetes, food and other necessary tools. When the bushes grew back he demanded 10 more people on 19 September. On 28 September he demanded one person from each house to weed and tend to the plantation. There was no payment for this work.²²⁸

On 17 August 2006, Major Min Kyaing Thant of SPDC IB #57 ordered villagers in Kyauktan, Them seik, Tone-ta-da, Shu-khin-thee, Po-pay-gon, Kaw-tha-say, Baw-ka-ta and Pa-deh-gaw villages to complete fencing their villages within 2 days.²²⁹

On 29 August 2006, Battalion Commander Kyaw Kyaw Oo of SPDC LIB #421, under MOC #16, ordered Ker-ka-kho villages to erect fences around their village and ordered 2 villagers to perform sentry duty from 6 am to 6pm, daily.²³⁰

On 7 September 2006, SPDC MOC #2 reportedly forced villagers from Shwe Dan, Tha Pyay Gone and Aung Soe Moe to repair the road between Ler Doh and Than Bon. It was about 800 metres in length but the villagers were required to complete their task within one day. Over 70 villagers, including 20 women, and a 13 year old girl were forced to work on the road.²³¹

From 9 September 2006, SPDC IB #242 forced villagers in Muthey to contribute their labour to the construction of their army camp, and surrounding relocation site. They were required to make a fence around the camp and village and carry logs and bamboo for the soldiers.²³²

Pa'an District

From early 2006, SPDC officers from LIBs #547, #548 and #549 forced villagers in Dt'Nay Hsah Township to plant castor oil plants on village-owned land lying along roadways, with the intention of harvesting the resulting castor beans. Each village was ordered to purchase and plant 20,000 castor bushes. Villagers have been forced to plant and tend the castor bushes with no assistance or information, and are held responsible for any damage to the plants.²³³

On 22 December 2006, it was reported that villagers throughout Dt’Nay Hsah Township were being forced to labour on SPDC-owned rubber plantations established on land previously confiscated from local villages. Tasks included clearing the scrub from around the base of the trees, cutting back branches, clearing new plantation grounds and planting new saplings. No villagers were paid for their labour, whilst the rubber was sold to profit the SPDC units in the area.²³⁴

Papun District

In January 2006 SPDC and DKBA troops stationed in Papun town ordered local villages to make thatch roofing shingles for them, by the 30 January. For each thatch shingle, villagers had to gather thatch leaves and cut bamboo, then split the bamboo into sticks and shave it into ties, then make bamboo frames and tie the leaves to the frame to make shingles, each about one metre by 30 centimetres. The demand was allocated based on village size as follows:

1. Kler Ru Der village, 1,750 shingles;
2. Wah Mi Day village, 1,250 shingles;
3. Klaw Hta village, 850 shingles;
4. Toh Thay Pu village, 200 shingles;
5. Hto Lwee Kyo village, 1,250 shingles;
6. Day Baw Khaw village, 1,250 shingles; and
7. Ter Khaw Kyo village, 1,250 shingles.²³⁵

Also in January 2006, SPDC troops based in Kwih Si ordered 35 local villagers, including both men and women, to clear the brush alongside the road. The villagers had to bring their own food.²³⁶

On 29 July 2006, it was reported that the K’Saw Wah battalion of DKBA Brigade #777 forced villagers from Keh Daw to clear their rubber plantation, twice a year, taking the villagers three days each time. The DKBA also forced the villagers to build 3 houses for them. The villagers had to bring their own tools, as well as materials to be used in the construction including 60 logs of wood, 1,500 shingles of leaves and split bamboo.²³⁷

Thaton District

From 1 January to 2 July 2006, SPDC troops in Thaton District were reported to have engaged the local villagers in on going forced labour in the absence of any remuneration. Villagers were forced to carry supplies for the army, to construct and maintain army camps, roads and bridges, and provide one person from each household to work on the SPDC’s rubber and physic nut plantations.²³⁸

On 2 February 2006, DKBA Headquarters Security Force Commander, Captain Than Htun, ordered the villagers of K--- in Pa’an Township to send 2,000 shingles of thatch to the Law Pu Army camp. This demand is reportedly a yearly occurrence.²³⁹

On 26 March 2006, it was reported that the SPDC in Pa’an Township was implementing a castor oil plantation project by forcing the local population to grow the plant. Local middle school students were included in this order and were forced to grow 200 plants each.²⁴⁰

On 9 June 2006, DKBA troops led by Tin Win forced Ta-roi-khee village tract security officer, Ta Paw, to act as their guide.²⁴¹

On 29 June 2006, DKBA Brigade #333 Commander Maung Kyi ordered one person from each house hold from Htee-pa-doh-khee, Noh-kha-day- Meh-theh-no, Law-plaw, Ta-paw and Ler-klaw villages to construct an army camp for them at Pwo village.²⁴²

On 15 August 2006, DKBA troops in Bilin Township ordered E-su-khee villagers to cut down 4 trees for timber.²⁴³

On 16 August 2006, Moe Nyo of the DKBA ordered one person from each household in Kaw-heh village tract to go and work at Mae-se pagoda, taking with them their own food supplies.²⁴⁴

Toungoo District

On 4 January 2006, Bo Saw Htun Aung from SPDC IB #30 in Thandaung Township, seized 25 Ku-thay-doe villagers and forced them to work in Htee-thee-pu army camp.²⁴⁵

On 7 January 2006, troops from SPDC IB #48, led by Bo Htun Nay Lin, forced villagers to work for the Shasibo camp. The villagers and their ages were;

1. Saw Ako, 45;
2. Saw Heh Nay Htoo, 27;
3. Saw Toe Nay, 70;
4. Saw Tay Nay, 42;
5. Saw Htoo Hla Say, 35;
6. Saw Leh Meh, 40;
7. Saw Naing Oo, 23;
8. Saw Say Doe Htoo, 15;
9. Saw Say Poe, 7;
10. Saw Theh Thaw, 30;
11. Naw Li Paw, 53;
12. Naw Mya Paw, 30; and
13. Naw Julia, 23.²⁴⁶

On 10 January 2006, troops from SPDC IB #48, led by Bo Htun Nay Lin, forced the following villagers to work in Shasibo army camp:

1. Saw Tun Oo,
2. Saw Tun Tun,
3. Saw Dee Kweet,
4. Naw Ma Kaw,
5. Naw Taw Nor Naw,
6. Naw Mu Ye,
7. Naw Leh Ler,
8. Naw Dalia, and
9. Saw Peter.²⁴⁷

On 25 January 2006, troops from SPDC IB #92, ordered 2 Htee-ta-pu villagers and 2 Thu-weh-doe villagers to work at their camp in Thandaung Township on a daily basis.²⁴⁸

On 30 January 2006, Commander Thein Htun from the SPDC Southern Command Headquarters, Strategic Command #1, ordered one person from each household in Kaw-thay-doe (Ye-tho-gyi) village, in Tantabin Township, to clear bushes and landmines on the road from Kaw-thay-doe to Bu-hsa-khee village.²⁴⁹

On 31 January 2006, troops from SPDC LIB #439, led by Commander Aung Tun Oo, demanded 30 villagers from Peh-kaw-doe in Thandaung Township, to clear landmines on Maw-chi road from Tha-aye-hta to Pi-mu-kho.²⁵⁰

Also on 31 January 2006, troops from SPDC IB #48, led by Bo Htun Nay Lin, in Tantabin Township, demanded Ye-shan villagers to cut bamboos and send them in 5 carts to Shasibo army camp. In addition, they forced 14 Ye-shan villagers to work in the Shasibo army camp.²⁵¹



A section of the Kyaik Khaw - Ka Ma Maung road (left) which villagers are being forced to build from Thaton district to southern Papun district, shown here in late February 2006. This segment lies between T'Kaw Bo and Meh Bpu villages. [Photos and Caption: KHRG]

On 4 February 2006, Bo Zaw Aung from SPDC IB #48, based at Htee-lo camp, forced Pler-daw-day villagers; 17 men and 11 women, to work in Htee-lo army camp.²⁵²

From 4 February 2006 until the time of this report on 13 March 2006, column 2 from TOC #663, and SPDC IB #73, #48, #53 and LIB #599 from Southern Command headquarters, forced villagers from Htee-lo and Ka-ser-doe areas, Tantabin Township, to work for them.²⁵³

On 5 February 2006, troops from LIB #3, IB #14, IB #35 and LIB #108, forced villager Saw Dta Du Du (41 years old) to work as their guide in the Wah Mee Ber Ko area. They later cut off his left hand before killing him in Blah Kee.²⁵⁴

On 7 February 2006, combined forces of two columns of troops from SPDC LID #66, based in Tantabin Township, and Eastern Play-hsa-lo respectively, forced Play-hsa-lo villagers to work on the construction of their camp.²⁵⁵

Also on 7 February 2006, troops from SPDC LID #66, based at Kler-lar (Baw-ga-li-gyi), Tantabin Township, demanded 100 bamboo poles and 50 timber poles from each of Kler-lar (Baw-ga-li-gyi), Maw-per-doe (Pyaung-tho), Kaw-soe-kho (Thit-say-taung), and Ler-kho

(Kyauk-pon) villages, for the construction of Kler-lar (Baw-ga-li-gyi) army camp. Troops from SPDC LIB #10 ordered truck owners to take their trucks in Kaw-thay-doe and Kler-lar (Baw-ga-li-gyi) to Toungoo town.²⁵⁶

Between 8 and 14 February 2006, at least 135 people were kidnapped from Kaw Thay Der, Kaw Law Kar, Ku Thay Der and Sar Bar Law Khi villages for use by the military as forced labourers, according to a report by the Committee for Internally Displaced Karen People.²⁵⁷

On 8 February 2006, Bo Zaw Aung from SPDC IB #48, based at Htee-lo camp in Tantabin Township, forced Ka-ser-doe villagers, 13 men and 13 women, to work on the Htee-lo camp construction.²⁵⁸

On 9 February 2006, troops from SPDC LID #66, led by Column Commander Thein Lwin, based in Thandaung Township, forced Htee-tha-saw villagers to cut timber and bamboo for their camp construction.²⁵⁹

On 10 February 2006, a column of troops from SPDC IB #124, in Thandaung Township, forced the villagers of Ku-thay-doe, Kaw-law-kar and Sbar-law-khee to cut timber and bamboos for the Ku-thay-doe camp construction.²⁶⁰

Also on 10 February 2006, troops from SPDC LID #66, in Thandaung Township, forced Ler-ge-kho villagers to work at the bottom of Per-doe-kar Bridge in the construction of an SPDC camp.²⁶¹

Also on 10 February 2006, the commander of SPDC Strategic Command #663, under LID #66, based at Play-hsa-lo, Tantabin Township, summoned a person from each village of Ya-lo (Myauk-chaung), Lay-wo-lo (Kan-bay-myaung), and Paw-per (Bin-ba), and forced them to work in Play-hsa-lo camp. Moreover, he demanded the village heads to collect the data regarding population and number of houses in the villages.²⁶²

On 13 February 2006, troops from SPDC LIB #80, led by Bo Kyaw Thura, in Thandaung Township, arrested 10 Kaw-law-kar villagers and 40 Ku-thay-doe villagers and forced them to cut timber, bamboo and clear bushes for the new Ku-thay-doe army camp.²⁶³

On 25 February 2006, Bo Aye Kyaw from SPDC IB #53, based at Htee-lo camp in Tantabin Township, forced Per-taw-tay villagers to work for Htee-lo army camp. The victims were:

1. Naw Ka Neh Paw, 15;
2. Saw Thein Lwin, 15;
3. Saw Wae Waw Htoo, 15;
4. Saw Kaw La Htoo, 15;
5. Saw Heh Say, 22;
6. Saw Poe Say Mya, 36;
7. Saw Aye Poe, 34;
8. Saw War Thoo Bay, 30;
9. Saw Kyaw Lay, 32;
10. Saw Tha Soe, 35; and
11. Saw Say Poe, 30.²⁶⁴

On 1 March 2006, troops from SPDC IB #92 moved into Htee Hta Pu village in Thandaung Township where they forced the local villagers to work as their messengers and servants as

well as forcing them to build their army camp. Furthermore, the SPDC established camps in the Pah Der Kah (Par Der Ka) area east of Than Daung Gyi, and ordered villagers from Ler Ghee Ko, Pah Der Kah, Htee Hta Pu, K'Thwee Dee and Ker Der Kah to carry their rations and cut bamboo and logs to be used in the construction of the camp.²⁶⁵

Also on 1 March 2006, LID #66, under Commander Khin Zaw Oo, forced one person from each family in Kaw They Der village to clean the road between Kaw They Der and Naw Soe camp.²⁶⁶

On 20 March 2006, SPDC troops from IB #6, under TOC #661 of LID #66, based in Thandaung, and led by Bo Aye Lwin, forced 17 persons from Htee-tha-hsaw, Ka-ma-ti-poe-lay and Ho-thaw-plo villages to dig 2 pits for large pebbles, 2 pits for small pebbles and 2 pits for sand. They were also required to carry the materials to the army camp.²⁶⁷

On 22 March 2006, SPDC troops ordered one person from each family in each of the following villages to clean the road from Muday to Bee Mu Ko (near the Karenni State border):

1. Kler Lah,
2. Kaw They Der,
3. Klay Soe Kee,
4. Wah Tho Ko,
5. Baw Soe Ko,
6. Ler Ko,
7. Gka Mu Der,
8. Der Doh,
9. Maw Ko Der,
10. Beh Kaw Der,
11. Ku Plaw Der, and
12. Ma Pah Der.²⁶⁸

On 4 April 2006, SPDC troops from IB #53 based in Shar-si-bo, forced 6 villagers with carts from Shar-si-bo and 5 from Zee-phyu-gon to cut down teak trees and transport them to Natywa village.²⁶⁹

On 11 April 2006, SPDC troops, from TOC #661 and led by Soe Htway, demanded labour from the following villages to haul roofing leaves and build a military camp:

1. Htee-ta-bu, 20 persons;
2. Thoo-ghan-dar, 20 persons;
3. Ka-thaw-bweh, 25 persons;
4. Ka-wei, 30 persons;
5. Leh-ge-kho-dar, 15 persons;
6. Sa-ba-law-khee, 18 persons;
7. Khaw-law-kar, 18 persons; and
8. Khu-thay-doe, 20 persons.²⁷⁰

On 13 April 2006, troops from SPDC LIB #20, led by Bo Than Hlaing, forced villagers to clear land owned by Saw Shei Kaw of Ka-ma-te-po-le village without permission, for the purpose of setting up a new camp. Those villagers requisitioned for this task were from:

1. Ka-ma-te-po-le,
2. Mae-thaw-po-le,

3. Htar-bu-khee,
4. Mar-hsar-khaw,
5. Mee-maw-khee,
6. Dar-yoe, and
7. The-khee.²⁷¹

On 17 April 2006, SPDC troops from LIB #5 led by Bo Ko Ko Aung, forced 32 villagers from Peh-kaw-doe, 13 from Maw-koe-doe and 5 from Dar-doe to build their new camp near Maw-koe-doe village.²⁷²

On 19 April 2006, SPDC troops, from LIB #5 led by Bo Ko Ko Aung, demanded 70 more persons from Peh-kaw-doe, 15 from Maw-koe-doe and 7 from Dar-doh to work in the construction of their new camp.²⁷³

On 2 May 2006, MOC #16, TOC #2, under commander Ko Ko Kyi instructed villagers to guide them on a patrol. One villager was forced to go from each of the following villages:

1. Play Hsa Loh,
2. Baw Pa,
3. Lay Kwo Loh,
4. Blaw Baw Der, and
5. Dah Bah Kee.

The villagers were forced to walk in front of the SPDC troops and the operation lasted 10 days.²⁷⁴

On 5 May 2006, in Tantabin Township, LID #66 Commander Khin Zaw Oo forced villagers from the following villages to clear bushes and mines on the motor road:

1. Baw-ga-li-gyi, 25 persons;
2. Thit-say-daung, 15 persons;
3. Kyauk-pon, 8 persons;
4. Baw-ga-li-lay, 10 persons;
5. Ye-tho-lay, 11 persons; and
6. Ye-tho-gyi, 14 persons.²⁷⁵

On 13 May 2006, troops from SPDC IB #53, led by Major Thein Naing Tun, forced 90 villagers of Zi-pyu-gon (Male 62, Female 28) and 31 villagers of Taw Gone (Male 23, Female 8) to work on construction of a new army camp located between Ye-shan and Shasibo in Tantabin Township.²⁷⁶

On 15 May 2006, troops from SPDC IB #53 led by Captain Naing Tun ordered the villagers of Shasibo and Zee-pyu-gon to cut bamboo and wood and transport them to their army camp. 30 ox-carts of Shasibo and 7 ox-carts of Zee-pyu-gon were used in the transportation of the wood.²⁷⁷

On 19 May 2006, troops from SPDC #IB 92, led by Major Kyaw Zwar, ordered villagers of Tone-bo, Doh-thaung, Chaung-san and others in Tantabin Township, to repair and lay stones on the Doh-thaung-Tone-bo motor road.²⁷⁸

Also on 19 May 2006, troops from SPDC LIB #53 based in Shasibo camp forced 61 villagers (Male 20, Female 41) of Zee-pyu-gon village, Tantabin Township, to work on the construction of their army camp.²⁷⁹

On 20 May 2006, troops from SPDC LIB #5 led by Capt Min Zaw and Bo Kyaw Thu gave orders to the villagers of Ye-tho-gyi to construct, within two days, a new army camp at a site near Ye-tho-gyi primary school.²⁸⁰

On 23 May 2006, the SPDC military forced villagers from Shasibo, Yay Sha, Zibyugo and Daw Go, to cut 30 pieces of wood. They were ordered to finish their task within one week. They also blocked all travel by bullock carts thereby preventing the villages from gathering the wood by any other way than on foot. The four villages had to send one person each for one week, with a different villager then taking their place at the end of the week.²⁸¹

On 25 May 2006, TOC #663 commander gave orders to truck owners of Ye-tho-gyi and Baw-ga-li-gyi, in Tantabin Township, to use six of their own trucks to transport army rations from Baw-ga-li to Ye-tho-gyi, twice a day. These troops always forced the villagers to transport army rations from Ye-tho-gyi camp to Naw-soe and Bu-hsa-kee Camps.²⁸²

In June 2006, SPDC IB #35 under Bo Myo Tun forced Ka-ya-khee villagers to build the Bay-dai army camp.²⁸³

On 17 June 2006, SPDC LID #66 Commander Tin Aung, based at Aaw-ga-li, ordered 2 village elders each from 12 local villages to supply one person from each of 1,300 households in their villages to work in the construction of SPDC battalion head quarters at Bu-hsa-kee camp. The villagers were ordered to gather themselves at Ye-tho-gyi on 18 June to leave for Bu-hsa-kee camp. In addition, 70 households from these villages were ordered to relocate to the camp site. The villages from which labour was drawn were:

1. Baw-ga-li-gyi,
2. Thit-say-taung,
3. Kyauk-pone,
4. Baw-ga-li-lay,
5. Ye-tho-lay,
6. Ye-tho-gyi,
7. Gar-mu-doh,
8. Der-doh,
9. Maw-ko-der,
10. Sa-ba-gyi,
11. Ku-pyaung, and
12. Pyaung-tho.²⁸⁴

On 6 July 2006, SPDC IB #35 ordered that all villages located on the west bank of Thauk-ye-khat River had to complete the fencing of their villages by 15 July 2006.²⁸⁵

In mid 2006, the SPDC invited people in Toungoo Town to participate in an SPDC 'development' scheme, informing them that a new village was being established in the hills to the east, on the outskirts of the large village of Kler La (Bawgali Gyi), and that families settling there would receive 20,000 kyat per month and rations from the army to help build this new village, as well as having the opportunity to earn added income in the nearby durian and mangosteen plantations. Participants were transported on 18 July 2006 to Kler La and the next day to Maung Daing Gyi SPDC army camp, near Naw Soh village on the Kler La – Buh Hsa Kee road, where they were put to work cutting bamboo and building perimeter fences around the army camp. They were given no money nor any place to build a house, and only received meagre rations. After a month of forced labour, nine people escaped into the

surrounding hills, where they joined villagers in hiding from SPDC forces. They informed KHRG that there were still 15 people from Toungoo being held at the army camp as forced labourers.²⁸⁶

On 5 August 2006, Battalion Commander Myo Htun of SPDC LIB #10 ordered villagers of Ku-thay-do, Kaw-law-ka and Sa-ba-lor-khee to cut 700 pieces of rattan cane, 7 feet long each.²⁸⁷

On 10 August 2006, troops from SPDC IB #73, based at Shazeebo camp, Tantabin Township, ordered 8 women and 30 men of Shazeebo to clear bushes in Mae-aw area.²⁸⁸

From 11 August 2006 to 18 August 2006, Bo Htun Htun Lay of SPDC LIB #1 ordered 360 villagers of Thit-say-taung village to cut 200 poles of bamboo to be used for the army camp.²⁸⁹

On 19 August 2006 LID #66 Commander Maung Maung Aye from Kler La (Bawgalygyi) camp, ordered the residents of 12 villages to cut 150 bamboo poles per village for use in the construction of their army camp.²⁹⁰

On 22 August 2006, Bo Aung Khaing of SPDC IB #73, ordered villagers in the Shazeebo area to cut bamboo poles, with Shazeebo village having to cut 150 poles, Ye-shan village 50 poles, Shan Zee-pyu-gon village 200 poles and Taw-gon village 50 poles.²⁹¹

On 23 August 2006, troops from SPDC LID #66, based at Kaw-thay-doe, ordered Kaw-thay-doe villagers to cut 800 12 foot bamboo poles, and 50 10 foot poles.²⁹²

On 27 August 2006, it was reported that SPDC IB #53 troops had ordered villagers to build a new army camp between Ye-shan and Shan-zi-bo villages, on the bank of Tee-hsa-lo River. They forcibly relocated the villagers and destroyed Saw Kha Lay, Saw Lah, Saw Ler Taw and Saw Po Aye's houses, which were near the new campsite.²⁹³

On 5 September 2006, SPDC LID #66, based in Bawgali gyi, Tantabin Township, ordered Bawgali gyi, Kaw-thay-doe, Klay-soe-khee, Kaw-soe-kho, Wa-htoo-kho and Ler-ko villagers to cut 800 bamboo poles for the repair of the army camp.²⁹⁴

On 1 October 2006, TOC #3 Commander Than Tun Oo forced villagers to cut 100 bamboo poles and 100 beams of wood for the Play Hsa Lo camp.²⁹⁵

On 22 November 2006, LID #66 Commander Maung Maung Aye ordered local villages to supply a quota of workers for forced labour along the Kler La – Mawchi road. Villagers were required to work twice in December 2006, clearing brush along the side of the road. Villagers were also forced to porter army goods along the road.²⁹⁶

On 12 December it was reported that LID #66 had forced villagers to clear landmines and act as human shields on the Toungoo- Mawchi road. Villagers from 12 villages surrounding Baw Ga Lyi Gyi were forced to act as human shields around a bulldozer and walk ahead of the construction unit to clear the roadway of potential landmines. One of the villages affected was Maung Pah Der, where the military forced 1 person from each of the 55 household to provide security for the bulldozer with 5 men walking on the left side, 5 men on the right side, 3 men on the bulldozer itself and the rest to walk in front of and behind the bulldozer.²⁹⁷

On 13 December 2006, LID #66 Commander Maung Maung Aye ordered villagers to build a road from Klay-soe-kee on Toun-goo-Maw-chi road to Bo-mi-koh on the Karenni border, taking with them their own food supplies.²⁹⁸

On 22 December 2006, SPDC LIB #349 Battalion Commander Zaw Tun forced 70 Shasibo villagers, 42 Zee-pyu-gon villagers and 32 Taw-gon villagers to work on the construction of Kyaut-O army camp. The villagers had to take their own food supplies with them.²⁹⁹

On 23 December 2006, Commander Aung Soe Win of SPDC LIB #6 ordered 30 villagers from Kaw-thay-doe village to clear bushes along the Koe-day-maw-kee road. The villages refused due to fear of landmines planted along the roadside. Aung Soe Win retaliated by placing three villages in detention, only to be released once the villagers had cleared the road.³⁰⁰



Private vehicles belonging to people from Kler Lah, Kaw Thay Der, Kaw Soh Ko and Wa Tho Ko villages in Toungoo district transport rice and other supplies from Kler Lah to Naw Soe SPDC Army camp in late April 2006 by order of the SPDC Light Infantry Division #66 commander in Kler Lah. The truck owners are regularly forced to do this work throughout the dry season, and are paid nothing for it. Their vehicles are their livelihood, so whenever they have to do this work they are kept away from working for their families' survival [*Photo and Caption: KHRG*].

Karenni State

In February 2006, SPDC IB #102 were ordered by Loikaw Military Control Command to construct a new army camp in Phukrakhu, Dohpreh village tract. Since that time, until at least the 24 June 2006, villagers from seven villages in Dohpreh village tract were forced to build barracks, make fences, fetch water, look for firewood and cook for the troops. Villagers had to bring their own food while they were working. The villagers were from;

1. Phukarkhu,
2. Dohpreh,
3. Weithutaw,
4. Beso,
5. Lyadu,
6. Hteeduleh, and
7. Hteeduku.

Those who failed to attend had to pay a fine in cash or livestock. Two villagers from Hteeduku and Hteeduleh were ordered to pay 30 viss of chicken for failing to work on the camp construction.³⁰¹

On 1 October 2006, troops from the Karenni People's Liberation Army (KPLA) destroyed a cache of wood and bamboo that SPDC LIB# 336 had been storing for use in the construction of 2 new military camps in Phruhso Township. Since 11 September 2006, the SPDC had been demanding wood and bamboo from nine villages without pay, and had forced between 200 and 300 villagers to work as labourers on the construction of the camps. Following the raid by the KPLA, SPDC troops summoned village heads from Kaylia, Htee-bya-nyay and Daw-ta-kleh village, and forced them to sign a pledge promising to replace the wood and bamboo lost within 15 days.³⁰²

On 5 December 2006, it was reported that residents of Loikaw Township, including women and children, were being forcibly employed in the construction of local police stations and military camps. Reports stated that villagers were forced to carry water, build fences and collect wood for police and military personnel. Twenty villages were reportedly ordered to send roofing materials, including large dried leaves, to the Loi Linlay police station in Loikaw Township. In addition, SPDC LIB #530 was reported to have forced villagers to help build a new military camp. Whilst the Loikaw TPDC denied the allegations, one resident reported that the authorities *"demand one person from each household. Some widowers and old people are not able to go so their children, who are students, have to be absent from school while they work at those places."*³⁰³

Mon State

In October 2006, it was reported that villagers across Mon State were forced to plant 20,000 castor oil seeds at their own cost. Each family had to provide at least one person for the plantation or else pay a fine of 500 kyat.³⁰⁴

Khaw Zar Sub-Township

In January 2006, between 300 and 400 people per day were forced to work on the construction of a new school, in Khaw Zar Sub-Township, under the command of SPDC IB #32 and IB #61.³⁰⁵

On 10 February 2006, it was reported that Mon National School students in Khaw Zar Sub-Township were forced to work as labourers on the construction of an SPDC high school, as well as carrying food and water for the military camp, feeding the camp pigs, and doing other odd jobs such as cleaning the toilets and picking up garbage around the camp.³⁰⁶

In March 2006, every household in Khaw Zar Sub-Township (2,000 households in all) were made to spend a day cleaning the roads and bridges for a visit from SPDC officials.³⁰⁷

In mid-March 2006, SPDC IB #61 troops forced local villagers in Khaw Zar Sub-Township to carry rocks from a stream for use in the construction of SPDC army barracks. *“At least 50 people per day have had to work once every four days.”* reported one villager.³⁰⁸

In April 2006 at least 20 people from villagers in Khaw Zar Sub-Township were forced to build a bridge for the SPDC.³⁰⁹

From 5 May 2006, to at least the time of this report, 1 June 2006, IB #61 and IB #32 based in Khaw Zar Sub-Township, forced local residents to contribute labour to the construction of a road. The road was to stretch from Kaloh village to Dhani-Thakyar village on the edge of the sub Kalein-aung Township in Tenasserim Division, a distance of 20 miles. The villages forced to supply labour included:

1. Kaloh,
2. Hanggan,
3. Kaw-zar,
4. Yin-ye,
5. Yin-dein,
6. Mi Htaw-Hlar Lay,
7. Mi Htaw-Hlar Kyi,
8. Kyone-Ka-Nyar,
9. Kabya,
10. Kabya-Wa, and
11. Dhani-Thakyar.

Each village was responsible for about 5,000 to 8,000 feet of road construction. In one village it was reported that 60 people per day had to work on the road. Each household was required to send one person for one week each month. If each household did not send someone then they were forced to hire someone in their place, something they could ill afford to do given that they were being made to contribute large amounts towards the cost of the project. *“We had to stop our own work because we were forced to work on the road for about three days a week. We not only can’t hire substitutes but also can’t send our sons and daughters,”* said a local villager.³¹⁰

In October 2006, it was reported that SPDC army battalions stepped up the use of forced labour within rural areas of southern Mon State. Fifteen villages in Khaw Zar Sub-Township were forced to send residents to cut trees and bamboo, repair roads, construct office buildings, and perform sentry duty every day. Nai Tun Oo and Nai Yought, were severely tortured by LID #3 soldiers for allegedly failing to carry out sentry duty.³¹¹

Mudon Township

On 30 July 2006, residents of Kalort-tort village, Mudon Township, were forced to remove plant growth from the side of a road running near their village. Those who refused were forced to pay a fine of 500 kyat to the VPDC. The authorities described the exercise as *“local people enjoying the fruits of development even while earning livelihood peacefully.”*³¹²

On 18 September 2006, villagers from Thar-pa-thun and Thayagone, Mudon Township, were forcibly made to clear the roadside by order of the local VPDC. One member from each house was forced to cut bushes. Thar-pa-thun and Thayagone villages have about 400 households.³¹³

Thanbyuzayat Township

On 1 February 2006, a section of the Kan Bauk - Myaingkalay gas pipeline in central Mon State was blown up near Kwan Hlar Village, prompting the SPDC to force local residents to patrol the pipeline and nearby bridges. *“A total of 96 people from four villages in the area adjacent to the pipeline explosion were rounded up and forced to guard it along with soldiers,”* reported one local resident.³¹⁴

On 6 October 2006, it was reported that villagers from Klon Htaw, Wor Kada, Wor Kamate, Kum Sar Yar, Klaw Pnot, Klaw Prat were being forced to labour at the behest of IB #62 for the maintenance of the Kan Bauk – Myaingkalay gas pipeline. Villagers were forced to erect fences around the pipeline, as well as replacing earth around the pipeline washed away by heavy rains. Villagers in Thanbyuzayart and Ye Township continued to be forced to work as sentries for the pipeline.³¹⁵

Ye Township

On 22 February 2006, it was reported that the SPDC had sequestered roughly 8 acres of farmland in Mon State where they then built brick factories, with the bricks intended for use in the construction of military camps. Villagers have been forced into manning these factories, reportedly having to work up to 12 to 15 hour shifts per day, standing up the whole time they are working.³¹⁶

On 25 October 2006, Nai Htaw Mung, 35 years of age, of Toa Tate village, southern Ye Township, attempted to commit suicide by drinking poison, later stating *“I cannot work and I have to do guard duty almost everyday. I have no property to fall back on for my family...that's why I wanted to die.”*³¹⁷

Pegu Division

On 8 January 2006, it was reported that schoolteachers at the state middle school of Myochan Village, Nattalin Township were subjecting their pupils to forced labour practices, causing physical injuries to the children, who were then not given proper medical care. Thirteen year old Thein Aung's legs were crushed after he was forced to carry heavy logs and a 10 year old girl, Ni Ni, lost consciousness after she was forced to climb and clean rubbish on the school clinic's roof. The girl fell down from the roof and also broke her arm in the fall.³¹⁸

During March 2006, U Sein Myint, 60 years old from Wayonkone village, and a 17 year old from Myoma High School No.2 were killed by oncoming trains whilst being forced to guard railway tracks in Nyaunglebin Township, Pegu Division. Local residents said that the two victims were too poor to pay the 880 kyat fee to exempt them from sentry duty and died after falling asleep.³¹⁹

On 10 August 2006 it was reported that SPDC soldiers in charge of the security of railway tracks in Daik-U, Pegu Division, were forcing local people to guard the tracks, and maintain the area. It was reported that troops had assaulted a student who had refused to collect rubbish and clear the bushes along the tracks.³²⁰

Sagaing Division

On 2 January 2006, it was reported that regional authorities of Tamu District, Sagaing Division, had been forcing local farmers to grow paddy during the unproductive dry season. Tamu District is an area where water is not easily available during the dry season and farmers have been finding it hard to grow rice plants even during the rainy season. Regardless, the authorities threatened to confiscate their paddy fields if they did not grow paddy during the dry season.³²¹

On 8 September 2006, Sergeant Kyaw Maung Win from the LIB #16 headquartered in Monywa town, Sagaing Division, ordered the village head of Pintia village, U Ngawn Thawng, to send six villagers to the army camp at once to dig bunkers. The measurements of the constructed bunkers were 250 ft in length and 2 feet in width. *"We are involved in bunker construction for five days a week and our working hours are from 7 am to 6 pm."*, said Mr. Paik Hmo who forced to work on the bunkers.³²²

Shan State

Since late October 2006 right through to 2007, the SPDC forced residents of Loi-Lem, Nam-Zarng and Murng-Nai Townships to repair a railway line damaged by flash floods and landslides. Sections of the track passing through populated areas were assigned to the local population. Sections that passed through jungle and mountain regions were assigned to people from villages chosen by SPDC troops from IB #248, IB #66 and IB #9, who were in charge of overseeing the work in Murng-Nai, Nam-Zarng and Loi-Lem Townships, respectively.³²³

From October 2006, residents of Lai Kha, Nam Zarng and Murng Nai Townships were forced to grow sesame between physic nut plantations along the roads. SPDC IB #64 in Lai-Kha, IB #66 and LIB #543 in Nam-Zarng, and IB #248 in Murng-Nai forced villagers to work in

rotation, with a person from each household required to work every 4 days, either on physic nut or sesame plantations.³²⁴

Kae-See Township

From October 2005 up to the time of this report in April 2006, SPDC troops of IB #2 were using the unpaid forced labour of the residents of Murng Nawng village tract, Kae-See Township, in the construction of a new military base. Villagers were forced to split rocks and 10 small tractors had to transport the rocks twice a day accompanied by 3 villagers per tractor, who then had to load and unload the rocks. All the tractor drivers had to provide their own fuel and all the workers had to provide their own food.³²⁵

From November 2005 to at least the time of this report in February 2006, SPDC IB #131 troops forced residents of Kae-See town to work on the construction of a road leading to their military base. People were forced to split rocks in the mountains and small tractors were forced to transport the rocks to the road building site and the base. All of the 43 tractors in the town were required to take turns and work on a daily basis with 3 persons required to go with each tractor to load and unload the rocks. Workers were unpaid and unfed and drivers had to provide their own fuel.³²⁶

Kunhing Township

Throughout 2006, the SPDC forced residents of Kun Hing Township to plant and then maintain SPDC physic nut plantations, on land confiscated from local farmers. Most villagers worked on rotation, required to be at the plantation every five days. Those unable to work were fined 6,000 kyat. Those villagers who lived far from the plantations were transported there by the SPDC, who then required a payment of 500 kyat for the transportation costs. Naang Naang of Wo Long village, a single woman supporting her elderly mother, was forced to flee along with her mother to Thailand, as she was unable to maintain a livelihood alongside the demands of forced. In October 2006, the villagers were forced to harvest the physic nut. Each household in Wan Paang, Kaali Murng Yaai, Nawng Mai, Wan Lao and Saai Khaao village tracts was required to hand over 2 *pyi* of physic nuts to SPDC IB #246.³²⁷

Lai-Kha Township

On 13 March 2006, SPDC authorities of Lai-Kha Township called a meeting of 9 village tract leaders at the SPDC Township office in Lai-Kha town. At the meeting, the village tract leaders were told that they were required to help the SPDC in building a road starting from Lai-Kha town up to the boundary of Murng-Su Township. The 9 village tracts from which forced labourers were drawn from were:

1. Paang Saang,
2. Wan Heng,
3. Wan Saang,
4. Wan Lur,
5. Nawng Kaw,
6. Haai Seng,
7. Taad Mawk,
8. Wan Thi, and
9. Naa Yawng.

Each village tract was required to pave at least a 3 mile span of the road with rocks and stones, which they were required to split elsewhere and transport to the road, using their own means and resources. Forced labour was also reportedly being used in Kae-See and Murng-Su Townships for the same road building project. The road was planned for completion by the end of June 2006.³²⁸

Lashio Township

On 14 June 2006, it was reported that farmers and their children in Lashio Township, northern Shan State, were being forced to work on a castor oil plantation owned by the SPDC. It could take villagers as long as two and half hours to reach the plantation. Nevertheless, one person per household was required to work from 11 am to 5.30 pm planting trees and clearing the weeds in the surrounding areas. Workers had to provide their own food and water. There were reported to be more than 1,000 people affected by the order.³²⁹

Muse Town

On 16 January 2006, authorities in Muse, northern Shan State, ordered local residents to grow castor oil plants. One man from every household in the city was ordered to help plant 10 acres of the crop. Workers were required to spend whole working days on the plantations, forcing many to hire labourers to fulfil their quota. It was reported to be unusual for residents of the town's wards to be used for forced labour, as previously only the people from village tracts were used in this way.³³⁰

Murng-Ton Township

In September 2006, SPDC IB #65 forced residents of Pung Pa Khem village in Pung Pa Khem village tract, Murng-Ton Township to split rocks and load them onto trucks for a period of ten days, as part of a road construction project. The villagers were not paid for this, but instead had to contribute funds towards the cost of the project.³³¹

On 16 October 2006, 2 villagers from Murng Haang village, Murng-Ton Township, died in a landslide whilst working as forced labourers, repairing a road, under the orders of SPDC IB #65.³³²

Tachilek Township

From July 2006, the SPDC forced residents of several village tracts in Tachilek Township to cultivate physic nut plantations. For example, in Ta Lur village tract each household was assigned one acre of land by the SPDC, generally confiscated from local farmers, in order to grow physic nut on. Each household had to clear the land, prepare the ground and build fences. They also had to buy physic nut seedlings from the SPDC troops at a rate of 5 baht per plant. The families' responsibility for tending to their plantations continued right through into 2007. Residents of Murng Laen, Nam Khern and Pa leo Kaeng Laab village tracts have similarly been forced to cultivate physic nut plantations.³³³

Tenasserim Division

From the first week in June 2006 to at least the time of this report, 31 July 2006, village headmen from Ala-Sa-Khan, Kyauk-Ka-Din, Kywe-Ta-Lin, Yapu and Ma-Yan-Chaung villages were ordered by LIB #409 Commander Aung Maing Mynit to send eight villagers per day to watch the Ye-Tavoy motor road. The order followed an armed clash between a Mon rebel group and the *tatmadaw* in May 2006. Each village had to build at least one hut in a designated place for use by those on sentry duty. In addition, it was reported that residents from Ye Township such as Sone-na-tha, Taung Zun, Pin-Gone, Thin-Gan-Daw, Pha-Ram-Maw and Son-ta-lin villages were ordered to watch the motor road on a rotational basis. *“We have been facing many difficulties because of this duty. We have no time to work in our own jobs. My village and the selected security site where I have to guard the road are very far from each other. Sometimes I also have to go and do porter service and sometimes I have to go and work for them (the Burmese battalion)”* said Ko Htun Lwin from Kyauk-Ka-Din village, Yebyu Township.³³⁴

On 11 August 2006, troops from SPDC IB #589, led by Battalion Commander Tin Win Hlaing, ordered one person from each household in Htee-nya-eu and Ma-no-rae villages to repair a certain part of Ta-nin-tha-yi-Lay-nya-bote-pyin motor road.³³⁵

On 21 October 2006, the VPDC from Myaykhanbor village tract order to initiation of a castor oil plantation, with responsibilities divided as follows:

1. Siphyone village, 2 tins of castor oil seedlings, 2 plantation acres;
2. Myaykhanbor village, 2 tins, 2 acres;
3. Nyaungdone village, 2 tins, 2 acres;
4. Hninpayeuk village, 1 tin, 1 acre;
5. Kami village, 1 tin, 1 acre;
6. Kyaythainn village, 1 tin, 1 acre;
7. Thabyu Chaung village, 1 tin, 1 acre; and
8. Pyinthadaw village, 1 tin, 1 acre.

Local authorities demanded that the villagers clear the brush in the plantation areas by the 10 November 2006. In Thabyu Chaung village, one person from each house was required to clear the brush and to serve as a labourer at the specified one-acre plantation area without pay. Villagers who failed to abide this diktat were fined 2,000 kyat, the cost of hiring a substitute. The Thabyu Chaung village VPDC also collected a monthly fee of 1,000 kyat from each family for general funding.³³⁶

1.6 Forced Prison Labour – Partial List of Incidents for 2006

Arakan State

On 4 October 2006, approximately 400 prisoners were brought in seven army vehicles from Sittwe prison to SPDC military headquarters in Ann. The prisoners were then forced to work on construction sites for the Sittwe-Rangoon and Kyaukpru-Ann-Rangoon roads while wearing the uniforms of the fire service and army. The prisoners were detained in barrack buildings surrounded by barbed wire and were brought to the construction site in military vehicles every morning. The prisoners were forced to wear army and fire brigade uniform whilst performing their work in order to disguise the fact that they were forced labourers.³³⁷

On 30 October 2006, it was reported that prisoners from Kyaukpru and Buthidaung Prisons had been forced to work on a large number of furnishings for the Union Solidarity and Development Association over the previous months. No wages were paid to the prisoners.³³⁸

Chin State

In March 2006, it was reported that five prison labourers, being employed in the construction of a hospital in Tedim Township, had died as a result of malnutrition and being denied adequate healthcare.³³⁹

Karen State

On 22 August 2006, it was reported that the SPDC military authorities had begun the transfer of thousands of prisoners from across Burma to the northern Karen areas to serve as porters for military columns in the ongoing offensive. The military transferred porters from prisons across the country including Arakan, Kachin and Shan States and Mandalay, Rangoon, Irrawaddy, Pegu and Magwe Divisions. Most were sent to military bases along the Kyauk Kyi – Saw Hta road in Mone Township, northern Nyaunglebin District and Lu Thaw Township, northern Papun District. Some prisoners were transited via various prisons along the way or where the offensive battalions were based, namely those at Toungoo, Thaton and Moulmein. Convicts from Thayet prison in Magwe Division were sent to Insein Prison near Rangoon and then to Moulmein Prison in Mon State, where they were handed to a battalion that took them to Karen areas. From these bases and prisons, porters were assigned to battalions under the control of MOC #10, MOC #15 and LID #101 to be used in operations throughout Tantabin Township, southern Toungoo District, Lu Thaw Township and Mone Township. Almost half of them were sent to Baw Hser Ko, an SPDC military base overlooking Pwa Ghaw along the Kyauk Kyi – Saw Hta road in western Papun District. Prisoners being sent to Toungoo District were brought to Kler Lah and then deployed to Army camps throughout the district.³⁴⁰

Papun District

On 21 February 2006, it was reported that Ko Than Tun, an Arakanese prisoner who was forced to work as a porter, was killed by SPDC forces after he could no longer walk while carrying army supplies. According to the report Ko Than Tun requested that he be left on the trail as he could not walk and was unable to carry the goods, he then lost consciousness and

the soldiers killed him in a graveyard in Shan Wra Village, near Milestone 33 under Papun District. Ko Than Tun was among 200 prisoners from the Sittwe jail who had been brought to the area to be used as military porters on 19 January.³⁴¹

In March 2006 KHRG fieldworkers reported finding several bodies of convict porters floating in the Salween River, and attributed their deaths to drowning while trying to swim to Thailand.³⁴²

In June 2006, 10 bodies of convict porters were found along a route where MOC #15 had been conducting operations between late May and mid June, moving along the upper Bilin River to their camp at Baw Hser Ko.³⁴³

In December 2006, it was reported that, in Papun District alone, over 20 boys, under the age of 16 years old, had been conscripted from Insein Prison to work as SPDC porters.³⁴⁴

Thaton District

In late January 2006, roughly 200 prisoners were reported to have been transported from Sittwe Prison, Arakan State, to Thaton Prison, for use as porters in the SPDC offensives against Karen villagers. These prisoners were assigned to different battalions at the prison. One prisoner, Aung Min, who later escaped, told how he and 43 others were assigned to LIB #251, accompanying the troops as they moved from Thaton to Papun District. Aung Min claimed that the SPDC told the convicts *"You are going on a pilgrimage. If you can't continue, you won't be left behind alive,"* Aung Min managed to escape 10 days into the operation.³⁴⁵

Toungoo District

On 7 February 2006, troops from SPDC IB #35, IB #14 and LIB #108 travelling through Play-hsa-lo (Tate-pu) village forced 250 convicts to carry their food supplies. They ordered the convicts to keep the information about transportation of the supplies secret, and threatened to take harsh action against Play-hsa-lo (Tate-pu) villagers if the information was leaked.³⁴⁶

On 5 September 2006, SPDC Southern Command sent 500 prisoners from Pa La Wah to Kaw Thay Der. Troops from LIB #10 killed 5 of those prisoners. LIB #55 reportedly killed two prisoners in the Noe Soe area.³⁴⁷

On 5 October 2006, LIB #80 and IB #108 under LID #66 and IB #551 and IB #35 under MOC #15 began operations along the Kler La--Busakee road. IB #551 and IB #35 reportedly killed over 40 prisoners during their operations.³⁴⁸

On 10 October 2006, 600 prisoners were moved by the military from Toungoo to Kler La (Bawgalygyi) to Busakee, to be used as porters for the military.³⁴⁹

Mandalay Division

On 1 February 2006, around 900 inmates from Rangoon's Insein Jail were transferred in 30 trucks to the Pyinmana Kyappyay region in central Burma to be forcefully employed in the construction of the new capital city Nay Pyi Daw.³⁵⁰

1.7 Forced Conscription and Forced Military Training – Partial List of Incidents for 2006

Arakan State

On 20 July 2006, it was reported that the SPDC had ordered each village tract in areas of Arakan State to provide at least 15 new recruits for nearby army battalions during 2006. Each VPDC was informed they would be fined 50,000 kyat for every person they failed to supply below this quota.³⁵¹

Manaung Township

On 8 August 2006, a team of military officers led by Colonel Maung Maung Lwin of the Western Command began visiting the major villages in Manaung Township to organise the formation of reserve forces. Colonel Maung Maung Lwin stated that militias and reserve fire fighters will be formed in every Township of Arakan State to guard the SPDC's interests, particularly in relation to the gas exploration and extraction activities. At that time, Kyaukpriu, Ramree, and Manaung Townships were the focus of the junta's attention as they are the site of many gas exploration projects and oil wells operated by foreign companies.³⁵²

Maungdaw Township

On 14 February 2006, the SPDC initiated the formation of a people's militia in the western border area. On 16 February 2006, a military team led by Lt Col Maun Maung Lwin from Dakasa, came to Kodan Kouk village in southern Maungdaw, accompanied by the Maungdaw TPDC, to set up the people's militia, which was to be formed with 60 individuals. Of these, 20 were to comprise a standing force, and 40 were to make up reserve forces. After military training the regime planned to arm members of the militia with weapons. The same military team also planned to form another people's militia in Ahgumaw village. At that time there were already at least five people's militias in northern Maungdaw.³⁵³

Ponnar Gyung Township

On 9 January 2006, it was reported that SPDC LIB #550 based in Ponnar Gyung Township issued orders for the conscription of 10 soldiers from each village area, with a failure to meet the quota resulting in a fine of 50,000 kyat. The local VPDCs were given the duty of ensuring these orders were fulfilled. The villages, which received the order, included:

1. Poyipyin,
2. Yahaphtaung,
3. Wapo (Sittwe Township),
4. Tankho,
5. Tanswe,
6. Kyawzan, Sinthi,
7. Khuithi, Kyaukseik,
8. Yongngu,
9. Kyansauk,
10. Yotayoke,
11. Thayetcho, and
12. Pyinsharshe.³⁵⁴

Yathetaung Township

On 15 February 2006, SPDC Brigadier General Khin Maung Myint ordered the formation of militia groups in 20 villages of Yathetaung Township. Villages affected by the order included; Kondan, Sin Paik, Done Paik, and Ahngu Maw. A lieutenant colonel from the military's western command, a captain from each IB and LIB and the local Peace and Development Council secretary visited the villages one by one to supervise the setting up of the militia groups. They warned villagers about the threat the United States military posed to Burma's security. The size of the new militia groups varied from village to village but were all made up of at least 30 men aged between 18 and 45. The groups were to be given military training and similar forces were also planned for neighbouring Townships.³⁵⁵

Chin State

Paletwa Township

On 10 March 2006, LIB #538 based in Yateh Taung of Arakan State, forced hundreds of civilians to take part in militia training for a period of 45 days, in Mizathit village of Paletwa Township, southern Chin State. A total of 25 village tracts in the area were notified to send 20 persons each to the training. Orders were issued through village tract administrative officials. Trainees had to bring their own food supplies for the training and all expenses were paid for by local villagers, with each household required to pay 500 kyat. No specific penalty was explicitly mentioned although one village tract official indicated a failure to report for training would result in imprisonment and a fine. Weapons provided to trainees were to be stored at the house of local village headmen upon the completion of the training. Trainees were allowed to attend to their own livelihood for one week after the completion of the training after which time they had to perform village defence duties on a rotational basis.³⁵⁶

In June 2006 a village headman from King Kang Kung village, Lawng Zaw Kung tract, Paletwa Township, was killed and two others forcibly recruited to the military for their failure to report the presence of an armed group, the Chin National Army (CNA), in the area. The headman, Andry, 40, was kidnapped and killed by Burmese soldiers in the last week of June. The commander of LIB #140, Captain Aung Kyaw, apprehended Mr. Nga Vang, 36, the headman of Khua Hung village and Mr. Maung Hlah, 25, the secretary of Khua Hung and took them to Pakkoku. They were threatened with imprisonment but were also given the option of joining the SPDC military. Mr. Nga Vang and Mr. Maung Hlah chose to join the army to avoid a long prison term.³⁵⁷

On 7 July 2006, it was reported that the second commander of LIB #550 from Ponna Island, Arakan State, stationed in Shinletwa Village, Paletwa Township, Southern Chin State, ordered 9 village headmen to send 30 persons from each of their villages to attend two months of military training from September to October. The villages forced to participate in the training were:

1. Para Sia O,
2. Pathiantlang,
3. Ma Oo, Wa Zong,
4. Sin Oo Wa,
5. Shwe Le Wa,
6. Kung Pyin,
7. Shinlewa.

Altogether 210 villagers were forced to attend the military training. The commander's justification for the training was to ensure security for the village, the battalion and other camps, and also to assist the SPDC militarily. The village council was informed that they would have to bear the cost of the training, including the uniforms.³⁵⁸

Matupi Township

On 20 July 2006, Colonel San Aung, of TOC #2 based in Matupi Town, issued an order requiring three villages from the southeast region of Matupi Township to send 30 persons per village to attend militia training. The order was issued through the company commander based in Lai Len Pi Village. Chairmen of the VPDCs were ordered to select the trainees. The villages affected were Lai Len Pi, Lai Len Te, and Aru. Those selected were unable to tend to their crops for the period in which they were forced to attend the trainings.³⁵⁹

On 20 August 2006, the SPDC opened a militia training centre at a play ground in Phaneng village in Matupi, and began training villagers between the ages of 35 and 45 from 11 villages in the surrounding area, with orders to local authorities stating they had to train one person from each family. Lieutenant Colonel Ye Lyun, commander of LIB #140 led the training. Each family in the area had to provide two kilograms of rice and 1,000 kyat per week to support the trainees. The order stated that if any of the following villages were unable to meet their quota of 25 persons they would be punished severely:

1. Phaneng,
2. Ngaleng,
3. Cawngthia,
4. Tibaw,
5. Hnawte,
6. Valangpi,
7. Tinlawng,
8. Leiring,
9. Khuangang,
10. Vuitu, and
11. Tangku.³⁶⁰

On 13 September 2006, it was reported that Chin residents of Matupi Township had arrived in Mizoram, India, fleeing forced conscription into SPDC militia trainings to begin on 20 September. It was reported that training sessions for those aged between 35 and 45 years old from eleven villages had already been finished, and the SPDC was subsequently seeking to recruit villagers between 45 and 50 years old.³⁶¹

In December 2006, it was reported that a recruitment drive by Colonel San Aung, of TOC #2, led to many arrests of youths in the area, who were then detained in the recruitment camp in Matupi Township, leading children in the area afraid to leave their homes at night.³⁶² Soldiers from LIB #104 arrested four youths on 6 November in Matupi Town. They later released one, a high school student, after his teacher negotiated for his release. The other three were reported to have escaped when their truck overturned. A further 10 youths were reported to have been arrested and detained in the recruitment camp.³⁶³

Kachin State

On 31 October 2006, it was reported that the junta's forces had opened a training centre near Mayan, about 32km (20 miles) outside Myitkyina for the purpose of recruiting and training a secret militia force tasked with suppressing political dissidents. The training was said to be conducted by IB #21, #29 and #37, stationed near Myitkyina. Members of SPDC-affiliated agencies, such as the fire brigade, municipal workers and members of the Union Solidarity and Development Association, were recruited for the training. After completing the training course, participants were sent back to their home towns and instructed to gather information about the movements of political activists. They were also given as much as 30,000 kyat (about US\$23) per month. Local residents reported that the junta has ordered larger cities across the country to train as many as 5,000 people each. Myitkyina was said to have about 5,000 recruits, spread across the cities of Mohnyin, Mogaung and Hpakant. Bhamo was said to have 2,000 recruits, while Putao had another 1,000. Local residents said the regime fears mass rioting, and the main purpose of the training was to eliminate dissent and deal effectively with any future uprising. Participants were reportedly trained in the use of a bamboo rod two inches in diameter and four to five feet long.³⁶⁴

Karen State

Nyaunglebin District

From the 2 September 2006 to 2 October 2006, villages in Kyauk Gyi Township were forced to attend administration and security trainings. The TPDC ordered that three people from each village tract had to attend, and demand 90,000 kyat and three bags of rice from each village tract to finance the training. Residents also had to finance the travel, accommodation and food costs of each attendee, equating to 1,500 kyat per household.³⁶⁵

Pa'an District

On 1 August 2006, SPDC LIB #356 Commander Bo Myint Thein ordered a total of 125 villagers from villages located around Kyo Gk'Lee village, Dt'Nay Hsah Township, to attend a People's Militia training. The ten day training began on 3 August 2006. The SPDC also ordered villagers to attend subsequent trainings for the Auxiliary Fire Brigade and Myanmar Red Cross. The purported aims of these trainings were: village security, support for the village, village development, and support for SPDC soldiers.³⁶⁶

Mon State

On 14 August 2006, SPDC LIB #209 conscripted 30 villagers from Goun Njin Tan village for 20 days of military training. According to community leaders, at the time, the training was set to continue for a long time until all the villages in the area had participated. Villagers were informed that once they had undergone their training they would have to be available to join the army if needed. Military training had begun in Kyaikkami Township a few weeks earlier where the battalions initially ordered local residents to pay 500 kyat per month to support the training. This figure then increased to 2,000 kyat when the military training actually began.³⁶⁷

In September 2006, Mon villagers arrived in Thai refugee camps citing their forced recruitment, at the hands of the USDA, into militia training courses, as their prime reason for seeking refuge.³⁶⁸

On 30 October 2006, it was reported that villagers in southern Ye Township were being forced to participate in militia training. Each village had to send at least 35 villagers to join the people's militia, with recruits chosen through a voting system. Residents were then forced to cover the expenses for training, including food and the militia's stipends. In order to avoid forced recruitment, villagers could pay 400,000 kyat each to IB #31. Others fled to Thailand to to avoid conscription. *"I don't want to kill our own people so I fled to Thailand,"* stated one villager.³⁶⁹

Tenasserim Division

From September 2006, SPDC LIB #282 forced the residents of Kyauk-ka-din and Yapu village tracts, Yebyu Township, to enlist in the People's militia forces. All men under 45 years of age was required to serve a three month term in their village militia to assist the SPDC in combating insurgent forces in the area. The men were armed and forced to perform sentry duty.³⁷⁰

1.8 Interviews and Personal Accounts

Interview #1

Source: The Arakan Project
Ethnicity/Religion: Rohingya, Muslim
Age: 40
Sex: Male
Occupation: Fisherman
Residence: T-- Village Tract, Maungdaw Township (South)
Date of Interview: 13 July 2006

Life in Burma is becoming unbearable for me. I have to spend all my energy and time for the authorities and there is very little left to sustain my family. So now we do not have enough food. Most of the poor are like me.

The NaSaKa of Alel Than Kyaw cultivates a large area of land inside their camp. Initially they told the villagers they will do share-cropping but suddenly they changed their mind and started using forced labour to plough their land. Now, everyday, 50 to 70 people work in the NaSaKa paddy fields. Some villagers have to supply bullocks; others, paddy seeds. I had to work there as a labourer for 12 days in June and early July. Now the paddy planting is nearly over.

As soon as the monsoon started the NaSaKa asked all villagers to plant physic nut saplings in their house yards. I have a small area around my house, so the NaSaKa gave me only 20 young physic nut saplings to plant. When that was done, the VPDC instructed us to plant rubber saplings on the hills. We had prepared this hill for rubber plantation during the dry season and I had already worked there for 6 days clearing the jungle and digging small holes. Now they gave me 100 rubber saplings to plant and I had to work there for another 3 days. And, after the rubber saplings were planted, the NaSaKa called us again to work in their paddy field and this work still continues.

Beside this I have to work as a sentry for at least 3 nights a month in one of the village sentry posts.

Moreover, the NaSaKa built a road from Alel Than Kyaw market to the sea beach. I had to work on this road for 7 days. In addition, my 12-year old son also had to work for 2 days on the road construction because I was at sea fishing. Actually the village seingaung [leader of 10 houses] had informed me about the road construction but, since this was a good time for fishing, I went to sea. When the seingaung could not find me, he ordered my son to replace me. I returned two days later and then still had to work for 7 more days on the road construction. The NaSaKa recruited 40 villagers every day for about one month to complete the road work. Beside this type of forced labour on specific projects, we also had routine camp maintenance for the NaSaKa such as supplying firewood, clearing their garden and lawns, filling up the water tanks in their bathrooms and repairing their houses and fences. During the dry season I also had to supply 2 big wooden poles to repair the fence round their camp.

Interview #2

Source: The Arakan Project
Ethnicity: Rohingya
Religion: Muslim
Age: 35
Sex: Male
From: T--- Village Tract, Maungdaw Township (South)
Date of Interview: 15 July 2006

The NaSaKa of our area has about 100 acres of paddy land. In May they said that they would rent out this paddy land for 75 baskets of rice per acre. Many villagers came forward to rent land from the NaSaKa and started ploughing about 50 acres after they got a verbal agreement. But, by mid-June, when the land was ploughed and ready for planting, the NaSaKa changed their mind and told the farmers who had hired their land to stop working there as they would continue to cultivate it themselves. For the other 50 acres, they had already used forced labourers from 4 village tracts from the beginning of the monsoon. After they took back the land from the tenants, the NaSaKa sent new orders to the VPDC chairmen to send more labourers to work on this part of the land as well. So far, I have had to send 6 labourers for one day to the NaSaKa paddy fields to replace me. More than 100 labourers work there every day.

Since I am busy on my own business, I usually hire labour to replace me. Since January this year, I have had to send more than 50 labourers to the NaSaKa rubber plantation. During the dry season they first selected some hilly land for the rubber plantation. Then they collected labourers to clear the jungle and dig holes at the same distance from each other and put cow dung inside them. When the rains started, the VPDC brought seedlings from the NaSaKa headquarters in Kyi Kan Pyin. We had to pay the transportation costs ourselves. Each family had to buy a minimum of 10 saplings, each costing 750 Kyat and plant them on the hill. Those with grazing fields or slash-and-burn land at the foot of the hill had to buy more saplings and pay extra money in order to retain possession of their land. The poor had to pay 3,000 Kyat to the VPDC for rubber saplings and in addition they had to plant them. No-one except widows could escape from this tax. Before the planting of rubber saplings, the NaSaKa ordered us to plant physic nut saplings. I had to plant a total of 120: 40 in the late dry season and 80 in the early monsoon. The number of saplings depended upon the area of each family's house yard. Those with no house yard had to plant them beside the road or on barren land.

Our NaSaKa Sector 7 camp is quite large. They often use labourer for odd jobs in their camp. I often visit their camp on business and every day I see between 30 and 100 labourers working there. I have to bring two bundles of firewood per month to their camp and, as far as I know, every family under the NaSaKa Sector 7 has to supply the same. Each family also has to supply one chicken per month. I do not need to do that because I give them meat.

Every night 5 youths must go to the NaSaKa camp for sentry duty inside their camp. They have to act as sentries together with the armed sentries of the NaSaKa. These young men have to be there at 6 p.m. and stay till 6 a.m. Sentry duty at the village sentry post is a routine task, but arbitrary punishment and fines on the sentries have increased. I always hired villagers to replace me for this. In June I sent three, and four in May. I paid them 1,500 Kyat

per night. This is a risky duty because of the fines, so no one is keen to replace me and I have to pay them well.

As far as I know, 15 families have fled from our village to Bangladesh because of forced labour. Poor people in our village have to work between 10 and 20 days a month without pay, and they cannot earn enough income to support their families.

Interview #3

Source:	The Arakan Project
Ethnicity:	Rohingya
Religion:	Muslim
Age:	37
Sex:	Male
Occupation:	Farmer and labourer
From:	M--- Village Tract, Maungdaw Township (South)
Date of Interview:	13 July 2006

I was threatened many times by the VPDC that the NaSaKa need my land to enlarge their rubber tree plantation and that I could pay 100,000 Kyat to keep it. But I have no money and my land is my only source of paddy for my family. Other richer farmers paid the NaSaKa and the VPDC in order to save their land. However, the NaSaKa does not need our land for their rubber plantation. They have the entire hill to plant whatever they want. They only threatened us in order to grab money. And, since I could not pay, the VPDC imposed various forced labour duties. I had to go with other labourers to clear the jungle and dig holes to plant the rubber saplings. I worked there for 10 days during the dry season.

Once the hill was cleared, the VPDC and the head of the NaSaKa of Myinn Hlut camp ordered the villagers to supply 200 large wooden poles and 200 big pieces of bamboo. The VPDC collected money from the wealthy people of the village and we, the poor, have to go to collect wooden poles and bamboo. We worked for 6 days to fulfil the requirements. Then we had to load them onto a cargo boat. The officer selected 50 people from our village, six of them skilled carpenters, and took them with him on the boat to a place named Anguma. The place is situated in Rathedaung Township just across the river from Sittwe Township. The NaSaKa officer of Myinn Hlut then instructed us to build 100 wooden houses. He also said that more labourers and material would be coming soon and we would receive food there three times a day. We, the 50 people, stayed there for one month. We were fed three times a day but we did not receive any salary. I heard that only the skilled carpenters got paid, but I don't know how much. The NaSaKa also brought labourers from other areas, all of them Rohingya from the far south of Maungdaw Township and from Rathedaung Township. They also collected many building materials from other areas, especially from south Maungdaw. We are not sure why they built so many houses but we heard rumours that the NaSaKa will set up offices there and that some Rohingya families will also be moved to this place. But finally we don't know what happened to these houses.

After returning from Anguma I had some time to look after my family. Then the NaSaKa ordered us to collect cuttings of physic nuts for a nursery. I worked 2 days there. Then I had to supply 8 logs, my quota of firewood for the brick kilns. After a few days they called me again with other villagers to repair the embankment of a shrimp project. 400 people from different village tracts worked 4 days in the NaSaKa shrimp farm. We had to put mud to consolidate the embankment and small thin bamboos in the water.

Our main problem is sentry duty. I have to work a minimum of 4 nights a month –sometimes even 6 nights - as a sentry. For us, sentry duty means losing some money but to the NaSaKa it is an opportunity for extortion every night. The NaSaKa of Myinn Hlut extorts 150,000 to 200,000 Kyat every night from all the sentry posts under their jurisdiction. Whenever they visit a sentry post in the night they collect a minimum of 5,000 Kyat, or else chicken, rice, etc. Some sentries have to sell their household essentials in order to pay the NaSaKa. June was one of the worst months for me. I worked six nights as a sentry and during these six nights our sentry post [with 4 sentries] had to pay fines twice: the first time 5,000 Kyat and the second 6,000 Kyat. We all paid an equal share of these fines.

When the first monsoon rain started, the villagers were then asked to plant physic nut around our house yard, beside the road and on empty land. The NaSaKa gave us the physic nut saplings and ordered us to plant them and look after them.

The Chairmen of from the village tracts of Gaw Yah Khar Li, Oo Daung, Myinn Hlut and Tha Win Chaung also brought rubber saplings from the NaSaKa headquarters. Our VPDC Chairmen brought 150,000 saplings and sold them to villagers according to their financial conditions. I was compelled to purchase 60 saplings which cost me 40,000 Kyat. I bought them and planted them on the hills we had cleared and prepared during the dry season. Every village, rich or poor, had to participate in the rubber plantation. As usual, the rich paid money to avoid the work and the poor had to work. A person like me with a piece of land but no cash also had to buy and plant the rubber saplings.

As soon as I had finished planting the physic nut and rubber saplings, I was ordered to bring my bullock to the NaSaKa camp. This was really a crucial time for me as I had to plough my own land. This time I hired a man to help me on my land and I worked for 10 days on the NaSaKa land. Each morning I took my bullocks and ploughed their land till 10 or 11 a.m. and then sent the bullock to my land. The rest of the day, with 30 other villagers, I had to clear the grass from the NaSaKa land. I had to work there for 10 days. Then my turn was over and I could work on my own paddy field.

Interview #4

Source: The Arakan Project
Ethnicity: Rohingya
Religion: Muslim
Age: 25
Sex: Male
Occupation: Farmer and day labourer
From: S--- Village Tract, Buthidaung Township (South)
Date of Interview: 14 July 2006

Cultivation work is almost over now in our area. The NaSaKa camp of Phone Nyo Lake has cultivated more than 150 acres of paddy land. They requisitioned labourers from all the areas under their control. The Phone Nyo Lake NaSaKa camp controls a number of village tracts such as Phone Nyo Lake, Sein Nyin Pya, Tha Pate Taung, Kin Taung, Ywet Nyo Taung, Wa Ra Kyun, Kwan Dine, Oo Hla Pe and 2 or 3 more village tracts.

Some of these village tracts are situated far away from the camp and it is difficult for the labourers to reach the worksite each morning. The NaSaKa of Phone Nyo Lake built temporary shelters with bamboo and straw near their fields to accommodate the labourers at night. The villagers from distant places had to stay at the cultivation site for at least 5 days. I was ordered to go to Phone Nyo Lake with 90 other people from my village for 5 days with our own food. In Phone Nyo Lake we slept in makeshift shelters for 5 days and we had to plough a vast area for the NaSaKa. We learnt the NaSaKa also ordered all the VPDC chairmen to send people on a rotation basis.

After completing this duty for the NaSaKa, I was instructed to help the local police for their cultivation. Almost all poor day labourers from our village tract and the neighbouring villages have to work in the paddy field of the Sein Nyin Pya police. Their land is situated in our village and I worked there for 7 days.

Soon the NaSaKa and the police will call people again to clear weeds from the paddy land. During monsoon, the NaSaKa and police use labour to plough, plant, weed, harvest and to carry the paddy to their store. This is a burden for us. I had to hire a man to plough my own land while I spent 12 days in total for the NaSaKa and the police. They call this voluntary work.

During the monsoon, when water started rising and submerging the road, the police and the NaSaKa called us to bring boulders and stones from the hill on the east side of our village in order to put them on the road, in the courtyard of the NaSaKa and police houses, and even for the houses of the Rakhaing people. This is common during the monsoon.

All villagers were given physic nut saplings to plant in their house yard. I received 20 plants from the NaSaKa of Phone Nyo Lake - the number depends upon the size of the house yard. Mine is very small. They warned me that I must take care of these plants or I would be fined 1,000 Kyat for every sapling that dies.

Sentry duty remained unchanged. I have to work as a sentry at least three nights a month and all poor people do sentry duty like me.

Interview #5

Source: The Arakan Project
Ethnicity: Rohingya
Religion: Muslim
Age: 42
Sex: Male
Occupation: Farmer
From: G--- Village Tract, Rathedaung Township
Date of Interview: 16 July 2006

I will give a brief summary of the use of forced labour in our area.

During the dry season, the NaSaKa constructed a building in our village with forced labour. We do not know the purpose of this because the NaSaKa does not have any post here. I had to work for this building for 11 days and supply 100 bamboos and 2 large wooden beams. Other people of my village also worked there. They had to bring pebbles from a distant place and sand from up-river in order to avoid salinity. My son also worked for 6 days to carry sand. After that, I had to work 5 days to carry bricks from the Maungdaw side of the hills.

In the middle of the dry season, the NaSaKa demanded 10 labourers from our village to build houses in Anguma. Our village decided to collect 500 Kyat from each family in order to hire labourers to go to Anguma. We selected 10 people and told them that we would pay them if the NaSaKa did not. They returned after 15 days and were not paid. Some of them were severely attacked by malaria. So, we paid each labourer 12,000 Kyat for 15 days from the money we had collected. The 10 people we selected were experts in making tight bamboo walls and they had to make bamboo fences in Anguma under the supervision of the SaRaPa (new military intelligence unit). One of 10 labourers, Mohammed Shafi, son of Noor Ahmed, died soon after he returned from the construction site of Anguma. He was about 46 years old and the father of 2 daughters and one son. We villagers appealed to the local NaSaKa post to arrange for the treatment of the sick workers but they did not respond. When Mohammed Shafi died, we informed the NaSaKa and asked them help for his family, but our requests remain unheard.

After the monsoon started, the NaSaKa announced they would cultivate the paddy land in their possession. We were ordered to send our bullocks and plough their land. This year the NaSaKa of our area brought 7 acres of land under paddy cultivation. I worked there for 2 days and used my bullock to plough the land for 2 more days.

This NaSaKa post also uses 8 to 10 labourers per day on a permanent basis to maintain their barracks, houses, fences and gardens. Either I or my son has to work 4 to 6 days a month there as a regular duty. I also work as a sentry in our village at least 3 nights a month.

The NaSaKa of our village ordered us to buy physic nut saplings at the beginning of the monsoon and charged 40 Kyat each. The number depends upon the financial conditions of each family. I had to buy 100 saplings. They instructed us to plant them and fence them so that the cattle cannot destroy the plants. During the dry season, we had to supply cuttings from branches of physic nut trees and now they sell them back to us!

Interview #6

Source: The Arakan Project
Ethnicity: Rohingya
Religion: Muslim
Age: 22
Sex: Male
Occupation: Farmer and Day Labourer
From: N--- Village Tract, Maungdaw Township (North)
Date of Interview: 19 April 2006

There is no work in our area but we are compelled to do forced labour.

There is a NaSaKa camp in our village and 8 to 10 labourers are needed to work there every day. I have done unpaid labour for the NaSaKa for the last 8 or 9 years. I am now a regular labourer for the NaSaKa camp 3 to 4 days each month fetching water, chopping firewood, maintaining their garden and lawn, cleaning the camp area, repairing the houses, etc.

Sentry duty has never stopped. Every poor person has to work as a sentry in the village sentry posts. There are 4 sentry posts in our village and I have to work there 4 nights a month-one night each week. We never encountered any rebels or thieves. We only see the NaSaKa patrolling the area at night.

Many people work in the NaSaKa brickyard. The skilled workers are paid but the local Rohingya have to supply the firewood for the kilns and carry the bricks to the storage place. I worked for 4 days to provide firewood like many other villagers. We are lucky that the hill is close by and that we can easily find wood.

In February 2006, some NaSaKa personnel were transferred from our camp. They used 8 porters from our hamlet, including me, to carry their goods from Ngar Yant Chaung to Ta Man Thar where they released us. In Ta Man Thar another group of villagers were collected by the local VPDC Chairman to carry the loads to Kyein Chaung and from there the NaSaKa would take a jeep or a boat to reach Maungdaw. This is the way the NaSaKa and the Army use porters to carry their goods.

A week ago the VPDC Chairman ordered me to go to Thet Kaine Nyar with 5 other youths from our village to pull 6 rafts upstream from Thet Kaine Nyar to our village, Ngar Yant Chaung. On the raft, there were gasoline drums, rice bags and drums of vegetable oil. These were rations for the NaSaKa Sector-2. It took me the entire day to pull the rafts and these goods were then carried by other villagers from the riverbank to the camp. We have to do this kind of work from time to time whenever they need.

I also had to supply 3 baskets of gravel to the construction site of a new bridge and to pay 3,000 Kyat to the VPDC office. The VPDC did not explain what they would do with this money but both gravel and money had to be delivered at the same time.

Interview #7

Source: The Arakan Project
Ethnicity: Rohingya
Religion: Muslim
Age: 39
Sex: Male
Occupation: Farmer
From: ---- Village Tract, Maungdaw Township (Central)
Date of Interview: 8 March 2006

We live in a Rohingya hamlet and most people of our hamlet have to work as forced labourers not only for the NaSaKa but also for the new settlers' village close to the NaSaKa headquarters of Kyi Kan Pyin. There are about 120 new settlers' houses in that model village called 'Wabeg'. In this NaTaLa village, I often have to clean the ring wells. There are about 40 wells and the children of the new settlers are very naughty and throw garbage inside the well. Others have to repair the roofs of their houses or do other odd jobs.

After the monsoon, when we were busy with our paddy harvest, the NaSaKa ordered us to build a 2-mile long road to link our village with their headquarters at Kyi Kan Pin. I worked on this road a total of 16 days in December and January. The work is still going on, but now other villagers work there.

In early February, the NaSaKa gave orders to supply physic nut plants. Each family had to collect 200 pieces of physic nut branches or 10,000 Kyat. This is a new crazy project creating a lot of troubles for us. Many people will have to pay the fine because collecting 200 physic nut cuttings is not easy. I found some of these trees around my house, cut the branches to the required size and deposited 80 cuttings. But as long as I do not supply all of the 200 pieces, the NaSaKa and VPDC will not be satisfied and they will ask for either more cuttings or money.

Inside the NaSaKa camp, we have to do all sorts of work. The main tasks are cleaning their compound, looking after their garden, watering their plants, maintaining their golf course and gathering firewood for the NaSaKa families.

During sentry duty, we are often accused of not doing our work properly and the NaSaKa patrol always imposes fines on us. Each time they fine me, I have to give them a chicken. My wife has already given all our chickens and we have nothing to pay now.

The work I have to do for them is too much. Every month I have to do sentry duty for at least 4 nights and spend 4 days [once a week] in the NaTaLa village [new settlers' village] as well as 4 days in the NaSaKa camp. After working 10 to 12 days, including nights, we have no time to feed our family. My family is hungry on the days that I have to work for them.

Interview #8

Source: The Arakan Project
Ethnicity: Rohingya
Religion: Muslim
Age: 21
Sex: Male
Occupation: Farmer
From: --- Village Tract, Buthidaung Township (North)
Date of Interview: 9 May 2006

My father is sick, so I am now looking after the family farm and cattle. I also sent labourers to work for the NaSaKa, Army and VPDC. Our VPDC Chairman is not a Rohingya, he is greedy, extorts money as much as he can and has no sympathy for our community. If the Army or the NaSaKa ordered him to collect 20 labourers, he would collect 40, send 20 and collect money for the rest. Those unable to pay are sent to collect bamboo, cane and logs in the hills which he later sells for his own profit. Similarly, when he has to supply 5 chickens, he orders the villagers to provide 10 and keeps 5 for himself.

The use of forced labour by the Army, the NaSaKa and the police has increased since the start of the dry season. Every day, the Army of Bagali needs 20 to 25 labourers to work in their barracks and offices, which are spread over three hills. Even when there is no work to do, the labourers must come and be on standby at the camp. This year, the Taung Bazar NaSaKa have planted summer paddy on their land and they have a brickyard. The Kyaung Taung NaSaKa also has a brickyard where they use forced labour for brick baking every day. In addition, the Pan Gyi police station recruits labourers to look after their barracks, to cook and to carry rations and letters.

Two months ago [in March], the VPDC Chairman told us that the Army had ordered him to build a road to link our village to the Mrong village, 3 miles to the east of our village. The Chairman said: "This road must be 4 feet high and 6 feet wide and must be completed as soon as possible." But after we completed the road, we were again ordered to build a new section from our village to the Kyaung Taung NaSaKa camp, to the west of our village. This road now connects the Kyaung Taung NaSaKa camp, Tin May and the Mrong village. This time I had to work for 15 days because I had no money to hire a labourer to replace me.

I also saw that the Army camp of Da Byu Chaung used forced labour to build a road from their camp to another Army camp in a place called 'Magh Bill'. Some soldiers worked on this road, but Rohingya forced labourers were recruited to cut the ground and carry mud. The Army is currently building roads to link up all their camps on the east of the Mayu River. Road building is ongoing in various places. The Army claim they are working to build the roads, but in reality the local people have to do most of the construction work. Furthermore, the Army collects taxes for the construction of this road.

I pay 18,000 kyat yearly to the VPDC Chairman to avoid sentry duty. Otherwise I would have to do it 4 to 5 nights a month. About one third of our villagers can afford to pay while the rest, who are poor, have to do regular sentry duty. But I may have to do sentry duty too because I am running out of money.

Most of the farmers have no more pulse in their stock because we had to sell our produce to the Army and they paid less than half the market price. The Army bought almost all the pulse in our area. They requisitioned a large number of porters to collect the pulse – and later rice. The labourers also had to weigh the pulse and put it into sacks. As I had to supply pulse, I was not called to carry it. But most poor people had to do this over the last two and half months.

After the paddy harvest, the authorities selected some land. They selected 7 *kani* (about 3 acres) of land from our family and marked it with red flags. They did not explain why, but told us not to cultivate it.

Then we had to supply branches (cuttings) of two types of shrubs: the physic nut and the castor plant. Both plants grow mostly in and around graveyards. We had to supply these cuttings to the nursery on the bank of the Mayu River, a very fertile plot confiscated by the Army for cultivating physic nuts. We had to plough and prepare the plot for planting. I worked a total of 5 days there. Then I paid the VPDC Chairman 2,000 Kyat not to work there any more. People are still recruited every day to water the plants.

The VPDC Chairman and the Army of Bagali camp also ordered us to supply more cuttings for similar nurseries in other villages. Those who did not were fined. I managed 4 bundles of 10 cuttings each and supplied them to the VPDC office. But these plants are no longer available in the graveyards because people had already collected them to fulfil the previous order. So many people had to pay money to the VPDC because they could not find any.

I understand that my nice days have ended. Now I will have to work like other labourers and poor people because I have no money left to hire a labourer to work on behalf of my family.

If the situation continues to deteriorate, I will sell my cattle and paddy land and leave the country. We can guess that the worst is still to come.

Interview #9

Source: Free Burma Rangers
Ethnicity: Shan
Religion: Buddhist
Age: 35
Sex: Male
Date of Report: October 2006

I was taken by (Burma Army) IB 241 from MOC 16 led by Thet Oo, with a troop strength of 100 soldiers. They had 40 porters.

I was sentenced ten years in prison, which started in October 2003. I stayed three years and the Burma Army took me out. I was moved from Kyen Don Prison to Taung Gyi Prison in 2004. The Burma Army took me out and forced me to be a porter. I worked for the Army by cutting bamboo and trees to build their camp.

The Burma Army convicted me because I was working in black market. They tortured me and put me in prison. Myself and 39 others porters were taken by the Burma Army and forced to do heavy, hard work. They tortured us in many ways. When I was in prison the Army did not feed me enough food (not only me - every prisoner). I got enough food when my relatives occasionally brought it for me. Because the Burma Army tortured me a lot and I could not bear it any longer, so on 13 October 2006 I escaped from the Burma Army to the KNU. The Burma Army bases in Nyaunglebin are there to attack the Karen people and torture Karen villagers. That is the plan of Burma Army. The SPDC and the KNU are very different. The SPDC tortured all the porters and villagers and do not give us enough food. The KNU (who helped the porter when he escaped) gave us enough food, took care of our health and helped us in any way they could.

Interview #10

Source: HURFOM
Name: Nai AJit
Ethnicity: Mon
Religion: Buddhist
From: Taung-Pone village, Northern Ye Township
Sex: Male
Age: 22
Interview date: 14 September 2006
Perpetrator: Commander Min Min Tun and Captain Htwe Khant (LIB #587)

On the above mentioned date, while I was on the way to my parent's paddy farm, Burmese troops, approximately about 15 soldiers led by Captain Htwe Khant from Light Infantry Battalion No. 587 and some village administration members of our village stopped me and ordered to carry bricks for their battalion. The reason they asked me was I have an old truck which is operating with a Chinese engine. They needed my truck in order to carry their bricks from their brick production site which based outside village to their battalion. But the problem was I could not afford to buy fuel anymore since the price of fuel has gotten higher and higher. I told them I could do it if they bought fuel for my truck and they said "yes". Actually, I did not want to work for them because I have worked without payment for them several times.

When I got to their brick production site, I found about 30 truck owners with their trucks from our village and Tounng Pyin village, a neighbouring village. At that time the Captain Htwe Khant announced the instructions from Commander Min Min Tun from LIB No. 587, each truck owner should carry 1400 pieces of bricks to the battalion. For me I told the Captain Htwe Khant that my truck was very old and not in good condition and he should let me carry just 700 pieces of bricks in my truck. Unfortunately he replied that he could not change the order of the Commander. In the end I had to carry two loads to finish my duty. At first, they promised that they would pay for fuel cost. But when I asked them they said that not only me, but no truck owners received the fuel costs. For me, I had served like this five times already. This is the sixth time. I realized that this is the main reason that a lot of truck owner quite their transportation jobs and changed jobs or went to Thailand as migrant workers.

I told my problem to the village administration group and they replied that they themselves are scared of the Burmese commanders. One of the village administration members who is a friend of mine told me that the village administration is the first victim if they could not complete the instruction of the local commander. So they have to follow the order of the local commander.

For me, I have shifted jobs from a truck driver to a farmer since the beginning of this month. Now, I am working on my parents' farm. Now I want to sell my old truck, but no one wants to buy it because they are afraid of being used by the local battalion. Being a farmer in my village is not easy. Since last year Commander Min Min Tun, Light Infantry Battalion No. 587, ordered all farmers via village administration group to give 40 baskets of paddy per year to the battalion as food supply. If anyone who failed to complete this responsibility they would be punished. Moreover, we, villagers have to cover the cost of the village militia force which is known as the "village security fee". Included in the fees is their salary, food supply

and materials. For our family, we have to pay 2,000 to 3,000 Kyat for the village militia force. Most villagers are facing economic crisis because of various types of taxes, unpaid labors and movement restriction which were committed by the Light Infantry Battalion No. 587. My individual opinion is, I recognize that currently, I am living in hell and I really don't know what I am going to do.³⁷¹

Interview #11

Source: HURFOM
Name: Nai Chan Mon
Sex: Male
Ethnicity: Mon

Who used you as porter and when?

While LIB #409 launched a serious offensive against a group of thirty members of the Mon rebel group led by Nai Chan Dein in Kywe-Tha-Lin village from June 6 till June 14 2006. I was used as a porter to carry military supplies and some materials. It took about nine days long.

How did they find you as their porter?

When I was working in my farm which is about 1 mile from my village on 6 June 2006, the village headman came and ordered me to go with the Burmese IB #409. I did not dare to refuse and I did not want my family get troubles because of me. So I promised to go with them. The headman told me that it would be for just three days but actually it took nine days.

How much weight did you have to carry and how long did you have to walk for?

I did not see inside the cargo. It was already packed in a black plastic bag. I think the load on my shoulders were communication materials. A Burmese soldier told me not to drop any of the cargo or I would be punished. It weighed about 38 viss (62 kilograms) I guess. I am sure that it weighed more than one and half basket of rice, the most I have ever carried.

I had to walk with the LIB #409 troops toward the south west of Kywe-Tha-Lin village to Kyaik-Dae-Marn hill, Ye Township. The distance was about 32 miles. On June 8 and 9, 2006, the troops were crossing a rebel controlled area so they walked for the whole day without taking a break.

Do you know how many porters the troops used?

I don't remember. I was confused because I saw four men with no army uniform and the other two young guys with only army shirts and Long(yi?). I thought those four men who did not have an army uniform are porters like me. I heard them speak Tavoyan languages. We were not allowed to talk to each others. I think I was the only one from Kywe-Tha-Lin village to go along with them.

Did you suffer any abuses from the troops or did you see anyone abused by the troops?

No, they used a lot of abusive language when I walked slow and when I asked for water. But when we reached a Karen village near Kywe-Seik village, the Commander and his troops asked the villagers from that village to provide five chickens and two baskets of rice for the armies food supply. At first the villagers did not understand what the commander asked for. I had to translate using my poor Karen language skills. The villagers collected food supplies

for the troops. That evening I helped to collect some wood and water for cooking. When we were preparing to leave, I saw another Karen villager with a load on his shoulders. I thought he might be a porter the same as me.

Did they feed the porters well and how did you manage to sleep at night time?

No they provided just a plate of rice with some vegetables. For me, it is not enough to be full. Normally I eat a lot of rice. I know that if I asked for more I might get a black eye instead of rice. It was not a problem for me I could tolerate it. But I could not bear the body pain from walking the whole day. Sometimes when I slept my whole body hurt. When I tried to ask for some pills from the troops they said they had none. It was difficult to sleep because of the rain at night time. I collected some banana leaves to sleep on and managed to sleep. But it was still hard to sleep because of mosquitoes.

How did you get back to your village?

When the Burmese troops reached to Kyaik-Dae-Marn hill, Ye Township, I saw there was another Burmese troop waiting for our troop. I also saw another seven porters with the other troop. As soon as the troops met, the commander told me to go home. At first I did not know how to get back to my village. Later I found a group of betel nut gardeners from Ma-Gyi village and asked them to help me. They said had two relatives who would travel to Yapu village and suggested that I go with them. We left early the next morning.³⁷²

Interview #12

Source:	HURFOM
Names:	Nai Ha Lae
Ethnicity:	Mon
Religion:	Buddhist
Sex:	Male
Age:	26
Family status:	Married, one child aged 4
From:	Pauk-Pin-Kwin, Yebyu Township, Tenasserim Division
Date of Interview:	10 May 2006

I don't remember the date of the first time I was used as porter by the army. But it was in 2004, I think. At that time, they gathered all porters, about twenty people from my village. The troops took us to Kone Pae village which is about two miles from my home Mu Hae village. They ordered us to carry bullets, rations and shells. How heavy was it? Oh, I am not sure how to measure it in kilograms but I think it was about 28-30 viss (45 kgs/95 lbs)

They forced us to walk faster and faster. I was kicked from behind by a soldier several times because I was walking too slowly. The distance was so very far because it took a whole day's walk; we started in the morning and we didn't set up camp until the evening. My body was so seriously sore but I dared not tell them.

Each time, the portering has taken about 20 to 35 days. The sixth time I went it was in February 2005, it was for about 45 days, I had to carry soldiers' rations. At that time, I was seriously sick but the only medical assistance I received was Burmese traditional medicine. It did not help make me well again. I thought I would die. Finally, I could not walk so they left

me. Fortunately, I met a hunter from the nearby village and he took me to his hut and cared for me. After five days, I went back to my village.

Since then whenever I have been called to serve as a porter I have paid the army about 5,000 – 8,000 kyat. This was the same amount that would be paid to recruit another porter. I owed a lot of money for that. My wife was very depressed. My son was suffering from malnutrition, and he was slowly starving because there was not enough income to feed him. I felt so very sad. Life is very hard living in my village. Most of the villagers are faced with poverty; we were not allowed to work on our farms which were situated outside the village. Most of the under aged children are facing starvation because their parents can't earn money.

Including the last time, I have been forced to serve as porter seven times by the Burmese Army, each time I served was when they launched offensives against the Mon armed rebel group near my village.

On the 21 April 2006, a troop from the Burmese Army came and called villagers from each household to gather at the square in the middle of village. Then they announced that each household must send one man to serve as a porter with the army. They divided the village into four parts; each part contained 30 households which had to rotate porter duty. My house was from one of the first parts that had to go. I claimed that I was the one who paid for porter fees very often and they must concern for me. But the sergeant denied my request and he ordered me to pay another 8,000 kyat if I did not want to serve as a porter. I told my wife and my wife said that there was no more money to pay them. So, we decided to leave my village. We left secretly with three other households. We traveled for a day before we met a group of traders who we traveled with the following day. Finally, we reached this place, the Loh-Loe Refugee Camp, near the Burma-Thai border.³⁷³

Interview #13

Source:	HURFOM
Name:	Nai Hla Maung
Ethnicity:	Mon
Religion:	Buddhist
Sex:	Male
Age:	38
Occupation:	Cultivator
Family status:	Married, with 3 children
From:	Kyone-Ka-Nyar, Ye Township, Mon State
Date of Interview:	10 May 2006

The reason I had to run away from my village was because I could not continue working as a porter. Similar to me, many Kyone-Kanya villagers were often portered by the Burmese military. I am not a native from here; I got married with a woman from this village

I have been portered four times from this village. The first time was in May, 2004. I lasted for 45 days before becoming infected with malaria. The army left me along the way because I was so sick. When I got back home I was in so much pain because I had to carry so much weight on my back.

In 2004, September, I was taken again by the military; the troops were after a Mon rebel group. I had to carry 30 *viss* (48kg) to 35 *viss* (56kg) of rice. Because I walked too slowly a soldier hit me in the head with the butt of his rifle, I fell over, and my head was covered in blood. That trip took twenty two days. There was so much fighting along the way. One porter whose name I did not know was shot. He died. During one battle I managed to escape, I just ran and ran. Finally I reached Nat Kyat Zen village.

The army still comes to my village for porters. But my back hurts so much I cannot go. I paid the army seven to eight thousand kyat every month so I could stay at home. The troops based outside the village destroyed all the fruit trees in my garden. I can't grow anything. We are poor my wife and children and I. we have to live poor lives. There is nothing I can do.

The last time I was portered by the military during April, I had to follow the troops to Kan Niece Village carrying 28 *viss* (45kg) of bullets. There were 28 people in our group. I escaped on the way but I was lost and it took seven days to get to Thailand.³⁷⁴

Interview #14

Source: Burma Issues
Date Reported: December 2006

I was arrested in November 2005 and sentenced to two years imprisonment. Before I was arrested I was living at a Buddhist temple. Because I did not follow the rules of the temple, the local authorities warned me to obey the rules or I would be arrested. When I broke the rules a second time, I was arrested. Before I finished my prison sentence the SPDC took me out of Toungoo prison and sent me to the frontline in Saw Hta area, Muthraw (Papun) District, to be a porter.

When I arrived to the frontline I realized the Burmese army was cruel to the porters and that they tortured and killed them. I think there were 2,000 people in prison but the SPDC took 990 to be porters. Some people were happy to be taken as porters, because they thought they could escape. Others could bribe the prison authorities so that they could stay in prison and were not sent to be porters.

One SPDC battalion took us from Toungoo prison to Kyauk Kyi SPDC military camp. Day after day they forced us to carry at least 64 milk tins of rice (15 kilograms) and other food items. When we were portering the soldiers forced us to wear army uniforms so that the KNU would think we were soldiers. The days were longer when other porters became too weak to carry their loads. I saw the SPDC kill seven porters because they were too weak to continue.

When I reached the frontline I was assigned to the LIB #368. When I walked with them I saw two SPDC soldiers step on landmines. The soldiers were injured. Afterwards we had to carry the soldiers, as well as our loads. The soldiers set up landmines in the same places where the soldiers were injured. When the other porters came toward us, they stood on the landmines and died. In addition to carrying the load we also had to clean their dishes after breakfast, lunch and dinner and wash their clothes. We carried our loads to the Saw Hta on the banks of the Salween. It took six days and five nights. While portering I got sick but they did not give me any medicine to take. When we were portering the soldiers made us wear SPDC uniform so the KNU would mistake us for soldiers. I ran away when the soldiers fell asleep. I fled along the valley and was very thirsty. I came to Saw Hta village and asked for water, but they

didn't understand Burmese language. At the same time I saw two Burmese soldiers and I ran north until sunset. At ten o'clock in the morning I met some people in a hut and asked for a meal, after the meal I went to a KNU checkpoint and they sent me to a KNU military camp. I appreciated that if no one had met me in the jungle I would have starved of food and die.

First KNU asked me some question as they thought that I was a soldier, I explain to them and said that "I am not a soldier I am a prisoner SPDC forced me to be porter to carry for them". I met information collector and I gave my life experience that I was in prison and porter in frontline.³⁷⁵

Interview #15

Source: FTUK
Ethnicity: Karen
Sex: Female
From: Mu Theh village (relocation site), Nyaunglebin District
Age: 20

On 1 August 2006, MOC #16 Operations Commander Than Soe ordered LIB #323 Battalion Commander Kyaw Kyaw Oo to inform the *[Mu Theh]* village headman that his soldier was wounded because of him. The village head said he knew nothing about it, but the commander argued and continued to blame the village head. He then told him that the villagers must build a fence *[alongside the road]* from the *[army]* camp to relocation site for their *[SPDC]* security. On 2 August 2006, the villagers began to fence the car road for SPDC MOC #16 Operations Commander for the distance of about one mile *[1.6 km]*. We had to build the fence on both sides of the road, so to finish it one person from each house had to go. For the families who are free, two people or three people could go. There are a total of 72 households in the village and 60-70 went to do that *[build the fence]* every day. Half of them were women. It took us nine days to fence the road. I myself went for three days, my mother went two days and my younger brother went four days.

During the three days of labour, I had to slice bamboo, cut down small trees and carry small logs. I had to cut down over 200 small trees that were about *[as round as my wrist]*, and five cubits *[2.3 metres / 7.5 feet]* long. Some of the trees that I had to cut were an hour away, but some of them were half an hour away. After we cut down the trees we had to carry them where we had to make the fence. We had to put in posts for the fence. The space between the posts had to be one hand span *[23 cm / 9 inches]*. Then we had to weave four small pieces of split bamboo *[between the posts]*. Then we had to tie the split bamboo with sliced bamboo strips *[filaments]* and then tie in four more pieces of dried split bamboo one cubit *[46 cm / 1.5 feet]* in length between each space *[this last piece becomes a spike]*. There were different types of bamboo that we had to cut down, three different kinds of small size of bamboo *[in Karen: Wah Thaw Keh, Wah Min, and Wah Bway]* and one type of big bamboo *[in Karen: Wah Klu]*. They didn't give us any of the tools to do it. We had to take our own food, so do not think that they ever pay us for this. We didn't want to do it but we had to because we afraid of them and so we had to go. When we went to work there were two or three people *[soldiers]* who came to guard us every day. On the days that I had to go to work, there were five or six people guarding us. If we didn't make the fence as they liked, they would get angry and shout at us and force us to pull it down and build it again. I had to do that one time, and although I was angry I could not do anything.

We had to make the fence for nine days and after that we prayed to the *[animist]* spirits for two days. After that they forced us to also fence the village. They came and measured it and said that each house must build 20 cubits *[9 metres / 30 feet]* of the fence. I did that with my older brother and we finished it in one day. Small families could not finish it in the same day. It took them one or two days longer to finish it. After that, they forced us to build a new fence next to the first one. They measured it and said that each house has to build 30 cubits *[13.7 metres / 45 feet]* of the fence. When we finished making the fence for the village, we had to go to make the fence for their military camp inside our village and they build three *[concentric]* fences. I had to go to do that for three days and my younger brother and my mother had to go to do that also but I forget how many days they had to go for. For the military camp above our village they forced us to cut bamboo for them and to carry it to the camp. They forced us to cut logs that were three hand spans *[70 cm / 27 inches in circumference]* and seven cubits *[3.2 metres / 10.5 feet]* long. Each house had to cut two logs for them to build their bunkers. If the logs were not enough, they forced us to go and cut more. We had to cut them three *[separate]* times. Doing labour for them doing fencing, cutting bamboo and logs and carrying them, took more than one month. All of the tools we used and the food we ate had to be supplied by ourselves.”³⁷⁶

Interview #16

Source: FTUK
 Ethnicity: Karen
 Sex: Male
 Age: 48
 From: Mu Theh village, (relocation site), Nyaunglebin District

Beginning in July 2006 until now we have had to do labour for the SPDC military every month. I had to go to carry the loads *[portering]* for them twice. The first time was on 20-6-06. There were 30 people who had to go with five women among them. We had to start carrying the loads from Mu Theh to Than Boh, a distance of 20 furlongs *[4.4 km / 4 miles]*. We left in the morning at 7:30 am and arrived at Than Boh in the evening at 5:30 pm. We had to carry the loads for the Military Operations Command #16. He told us to carry the loads of food and bullets. I carried chillies weighing about seven viss *[11.2 kg / 25 lbs]* and he paid me 3,500 kyat. From Ler Doh to Poh Khay Koh we normally hire porters for 7,000 kyat to carry the loads *[villagers often hire itinerant labourers to go in their place so that they can still tend to their own livelihoods]*. It took two days to finish: one day to go and one day to come back. The second time was on 1-7-06 when Operations Commander Than Soe who lives in Mu Theh military camp forced 15 people to carry rice for him to Saw Mi Lu. People carried their loads for him from Mu Theh to Saw Mi Lu and it took two days: one day to go and one day to come back. Each person had to carry one big tin *[12.5 kg / 28 lb]* of rice and there were five women among the 15 people *[porters]*. He didn't pay any of the people who carried the rice and helped us with nothing. We had to take our own food.

On 2 August 2006 the SPDC Military Operations Command #16 Operations Commander Than Soe and LIB #323 Battalion Commander Kyaw *[Kyaw]* Oo said that we must go to make the fence along the car road for our security to Mu Theh. The length of this road is about 1,500 yards *[1.6 km]*. We had to build the fence on both sides *[of the road]*, so we had to build a total of 3,000 yards *[3.2 km]*. The village head came and told us about this, so two people or three people from each house went so we could finish it sooner. In my house, two people went to do it for two days and one person continued to do it for seven days. After that

he [Kyaw Kyaw Oo] forced us to build a fence around the village and to prevent the outside people [KNU/KNLA] from coming into the village. They measured the ground and said that each house had to build 30 cubits [13.7 metres / 45 feet] of the fence. My son and I finished it in one day. Then they ordered that we give them logs to repair their bunkers. Each house had to give them two logs that were three hand spans [70 cm / 27 inches in circumference] and seven cubits [3.2 metres / 10.5 feet] long. There were 144 logs but they said that that it was not enough so we had to cut more. We had to do it three times. In all, we had to cut 288 for them [this does not add up and perhaps should instead equal 432]. My family is big so we could finish cutting it for them in two days. After that they forced us to make a fence for their military camp in the village. We had to build two [concentric] fences and they made one more fence around [their camp], so they had three fences around their camp. We had to this labour for them for a whole month.”³⁷⁷

Endnotes

- ¹ Source: *No Rest from Forced Labour*, The Arakan Project, 31 May 2006.
- ² Source: "Burma: Events of 2006," *HRW World Report 2007*, HRW, January 2007.
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- ⁴ Source: *No Rest from Forced Labour*, The Arakan Project, 31 May 2006.
- ⁵ Source: *The Ongoing Oppression of Thaton District: Forced Labour, Extortion, and Food Insecurity*, KHRG, 7 July 2006.
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- ⁸ Source: "Human Rights Watch Catches on to New Strategy for Forced Labour", IMNA, 29 April 2006.
- ⁹ Source: "SPDC Prohibits Headmen from Resigning from Their Posts," *Rhododendron News*, CHRO, July-August 2006.
- ¹⁰ Source: *SHRF Monthly Report*, SHRF, February 2007.
- ¹¹ Source: "Prisoners Forced to Work in Arakan Wearing Fire Service and Army Uniforms," *Narinjara News*, 19 October 2006.
- ¹² Source: *Surviving in Shadow: Widespread Militarization and the Systematic Use of Forced Labour in the Campaign for Control of Thaton District*, KHRG, January 2006.
- ¹³ Source: *Oppression by Proxy in Thaton District*, KHRG, 21 December 2006.
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- ¹⁹ Source: *Setting up the System of Repression: The Progressive Regimentation of Civilian Life in Dooplaya District*, KHRG, 7 September 2006.
- ²⁰ Source: *Surviving in the Shadow: Widespread Militarization and the Systematic Use of Forced Labour in the Campaign for Control of Thaton District*, KHRG, January 2006
- ²¹ Source: *No Rest From Forced Labour*, The Arakan Project, 31 May 2006.
- ²² Source: *Ibid.*
- ²³ Sources: *Setting up the System of Repression: The Progressive Regimentation of Civilian Life in Dooplaya District*, KHRG, 7 September 2006; *Oppression by Proxy in Thaton District*, KHRG, 21 December 2006.
- ²⁴ Source: *Surviving in the Shadow: Widespread Militarization and the Systematic Use of Forced Labour in the Campaign for Control of Thaton District*, KHRG, January 2006.
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- ²⁶ Source: "Outside ILO Jurisdiction", *Irrawaddy*, March 2005.
- ²⁷ Source: *Burma- Visit to the Chin Peoples-March 2006*, CSW, 2006.
- ²⁸ Source: *Ibid.*
- ²⁹ Source: *Less Than Human: Convict Porters in the 2005-2006 Northern Karen State Offensive*, KHRG, 22 August 2006.
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- ⁴³ Sources: "Interview with an SPDC Soldier," KHRG, 26 April 2006; *Situation of the Children in Myanmar*, SCUK, June 2005
- ⁴⁴ Source: "Children Forcibly Recruited as Soldiers in Rangoon," DVB, 5 June 2006.
- ⁴⁵ Source: "Trafficked: Burmese Police Sold 3 Children to Army Recruitment Camp," DVB, 26 August 2006.
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- ⁴⁷ Source: "Army Reserve to Be Formed in Arakan with Militia and Fire Brigade," *Narinjara News*, 14 August 2006.
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- ⁵⁴ Source: "Junta Training Counter-dissident Force," *Irrawaddy*, 31 October 2006.
- ⁵⁵ Source: "Myanmar to Start National Conscription," AFP, 31 October 2006.
- ⁵⁶ Source: "Forced Labour in Myanmar", Report of the Commission of Inquiry appointed under Article 26 of the Constitution of the ILO to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), ILO, Geneva, 2 July 1998, Part V, para 536.
- ⁵⁷ Source: "Developments Concerning the Question of Observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)", 292nd Session of the ILO Governing Body, Agenda item 7, March 2005.
- ⁵⁸ Source: "Appeal for Detained Burmese Lawyer Aye Myint Rejected Again", DVB, 7 March 2006.
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- ⁷⁰ Source: "Additional agenda item: Review of Further Action that Could be Taken by the ILO in Accordance With its Constitution in Order to: (i) Effectively secure Myanmar's Compliance with the Recommendation of the Commission of Inquiry; and (ii) Ensure that No Action is Taken Against Complainants or Their

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- ³⁶⁰ Source: “SPDC Conscribed Villagers For Militia Training, Collect Ration And Money From Civilians,” *Rhododendron News*, CHRO, September 2006.
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- ³⁶² Source: “Chin Youths Being Forced to Serve Army,” *Khonumthung*, 8 December 2006.
- ³⁶³ Source: *Ibid.*
- ³⁶⁴ Source: “Junta Training Counter-dissident Force,” *Irrawaddy*, 31 October 2006.
- ³⁶⁵ Source: *SPDC Human Rights Abuses in Mone Township*, FTUK, received by HRDU on 27 November 2006.
- ³⁶⁶ Source: *Forced Labour, Extortion, and Festivities: The SPDC and DKBA Burden on Villagers in Pa'an District*, KHRG, 22 December 2006.
- ³⁶⁷ Source: “Army battalions to impart military training to villagers,” IMNA, 15 August 2006.
- ³⁶⁸ Source: “Villagers Flee USDA Course by Local Authorities,” *Kaowao News*, 23 September 2006.
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- ³⁷⁰ Source: “Militia Troops on the Rise: A New Strategy to Rip Off the Local Inhabitants in Southern Burma,” *The Mon Forum*, HURFOM, November 2006.
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- ³⁷³ Source: “Forced Labour in Southern Burma: June 2005-June 2006,” *The Mon Forum*, HURFOM, 31 May 2006.
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- ³⁷⁵ Source: *Shoot on Sight: The Ongoing SPDC Offensive Against Villagers in Northern Karen State*, Burma Issues, December 2006.
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- ³⁷⁷ Source: *Ibid.*

2. Extra-judicial Killing, Summary or Arbitrary Execution

“SPDC military operations have been directly targeting villagers and not armed opposition groups. Civilian deaths and injuries have therefore not been collateral damage, but rather the direct outcome of an SPDC programme to remove all civilians from areas not completely under military control.”

- Karen Human Rights Group (KHRG), September 2006.¹

“The deliberate targeting of civilians and other protected persons, and the commission of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict, may constitute a threat to international peace and security, and, (the Security Council) reaffirms in this regard its readiness to consider such situations and, where necessary, to adopt appropriate steps.”

- UN Security Council Resolution 1674 (28 April 2006).

2.1 Introduction

Extra-judicial killings are an affront to the conscience of humanity and as such represent a fundamental violation of human rights law. Pursuant to Article 3 of the Universal Declaration of Human Rights, *“Everyone has the right to life, liberty and security of person.”* International humanitarian law also protects the right not to be arbitrarily deprived of life. Common Article 3 in the four Geneva Conventions of 1949, prohibits *“at any time and in any place whatsoever . . . violence to life and person, in particular murder of all kinds”*, against persons taking no active part in an armed conflict not of an international character. The junta acceded to the four Geneva Conventions in 1992, and regardless, Common Article 3 is widely recognised by the international legal community as having the status of *jus cogens*, i.e. a peremptory norm of international law, binding on all States.

In direct contravention of these fundamental principles of international law; extra-judicial killings, summary and arbitrary executions were frequently carried out by agents of the State Peace and Development Council (SPDC- the Burmese military junta) throughout 2006, with the threat of killing employed as a means to subjugate the population to a system in which the enjoyment of their fundamental freedoms and rights are punishable by death.

Unsurprisingly, areas in which the SPDC mounted military offensives during the year saw particularly high numbers of such unlawful killings by the SPDC’s armed forces (the *tatmadaw*). The largest SPDC offensives in 2006 were conducted in northern Karen State, where there was a notable increase in civilian deaths following the onset of the offensive in November 2005 (despite a significant number of killings in the past).² Similarly, areas of Mon State in which the SPDC launched offensives against Mon resistance groups saw an alarming number of such unlawful killings.

In these areas, SPDC orders to villagers were frequently accompanied by threats that non compliance would result in the offending individual being shot. Severe curtailments on

villagers' freedom of movement were imposed by such shoot on sight policies. As KHRG state, *"Those caught outside their village without official permission can, and have been, fired upon by SPDC Army soldiers. The soldiers then claim that they thought that the villager was a KNLA (armed wing of Karen National Union) soldier, regardless of the fact that they were unarmed and were wearing civilian clothing."*³ Likewise, the forced relocation of entire villages is enforced under threat of death. In one instance, in Toungoo District, Major Aung Yan Tun of LIB #168 ordered that any villager from Yo Lo, Ta Pa Kee and Plo Baw Der whom had not relocated to Play Htsa relocation site by 25 April 2006 would be killed.⁴ Through such threats, arbitrary killing serves the SPDC as a tool in the control of entire communities. (For more information see Chapter 12 Freedom of Assembly, Association and Movement and Chapter 13 Internally Displaced People and Forced Relocation).

Karen villagers living in the hills were particularly targeted by such shoot on sight policies during 2006, in order that they are forced into villages and relocation sites in the plains, where they could be easily controlled and subjected to demands for forced labour and extortion. As asserted by KHRG, *"Intentional killing of civilians directly serve(d) this goal as it create(d) a heightened level of insecurity and fear [for those in the hills]."*⁵ Throughout the year, there were numerous reports emanating from northern Karen State of SPDC troops firing indiscriminately upon villages in the hills; killing and injuring many innocent villagers and forcing those who escaped to abandon their homes.⁶ When SPDC troops approached a village, they frequently fired mortar shells into it without warning, followed by the mortaring of adjacent escape routes. Troops then entered the villages firing small arms at the houses and any villagers sighted.⁷ In one such attack, on 1 November 2006, SPDC IB #35, under the command of Soe Tun, fired machine guns and mortar rounds indiscriminately upon Klay Hta village, Daw Pa Ko Township for six minutes. Villager Saw Ay Pweet was killed in the attack whilst Saw Baw Thoo and Naw Heh Ku Mo were wounded and reported missing.⁸

Those who flee their homes and continue to evade SPDC control and exploitation by living as Internally Displaced Persons in the forests have also been consistently fired upon by SPDC battalions whenever they come into contact with them. On 3 November 2006, villagers from Hsaw Wah Der, whom had fled from the SPDC, returned to harvest their fields as they were running out of food. When troops from IB #35 came across the villagers they immediately opened fire killing two and wounding two more villagers.⁹ Similarly, on 27 March 2006, Saw Maw Keh and his mother, Naw Eh Ywah Paw, aged 80, were shot and killed by SPDC troops near Ka Ba Hta, Mone Township. They had been attempting to climb out of a gully where they had been hiding, in order to get to higher ground where they felt they would be safer. Saw Maw Keh carried his elderly mother on his back. As they came into an open clearing, SPDC troops, who had been waiting on a higher ridge, began to fire on them from near point blank range. His mother fell from his back when she was shot, and as he turned to help, he too was shot and killed. Saw Maw Keh's nine year old daughter was also shot in the incident but managed to escape.¹⁰

Such deliberate and widespread targeting of civilians represents a crime against humanity. The Rome Statute of the International Criminal Court defines murder as a "crime against humanity" when committed as part of a widespread or systematic attack directed against any civilian population, if either part of government policy, or tolerated or condoned by that government. Furthermore, UN Security Council Resolution 1674, adopted on 28 April 2006, *"reaffirms the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity"*. The resolution therefore commits the

Security Council to take action to protect civilians from crimes against humanity. In January 2007, both China and Russia vetoed a resolution initiating Security Council action regarding the situation in Burma. South Africa also voted against Security Council action.

Convicts used as military porters by SPDC forces during their 2006 offensives, lived perhaps the most precarious existence of all, staying alive only at the discretion of the *tatmadaw*; with the killing of these convicts carried out with complete and total impunity when no longer able to serve a purpose in terms of the offensive. Those collapsing from fatigue were killed instantly, not only as an example to ensure that the rest of the group continued to work, but also to guarantee that information could not be passed on to opposition groups.¹¹ One escaped convict porter who had portered for LIB #251, as they moved from Thaton to Papun District, reported that his group of prisoners were told, “*You are going on a pilgrimage. If you can’t continue, you won’t be left behind alive.*”¹² Another escaped convict reported seeing close to one hundred executed convict porters during the offensive in Toungoo District.¹³ Another told how 46 porters were shot on 6 October 2006.¹⁴ In June 2006, 10 bodies of convict porters were found along a route where MOC #15 had been conducting operations between late May and mid June, moving along the upper Bilin River to their camp at Baw Hser Ko.¹⁵



KNLA soldiers stand guard while groups of displaced villagers cross the SPDC military road from Pwa Ghaw to Saw Htah in February 2006. Villagers dare not cross this road without KNLA escort for fear of being sighted and shot at by SPDC patrols. When the SPDC Army is particularly active in the area, crossings can only occur at night. Villagers fleeing Toungoo district toward the Thai border have no option but to cross this road. [Photo and Caption: KHRG]

Whilst some porters did manage to escape from their battalions, those captured trying to escape such brutality were executed. Such executions were held up as an example to other porters, who might be considering similar attempts at flight. In June 2006, one interviewee told how three convict porters, who were captured trying to escape, were hung upside down from a tree and then shot in full view of others, at Baw Hsar Ko camp. Similarly, SPDC troops are themselves subject to arbitrary executions should they try to desert their posts; posts which many were forced into in the first place. (For more information see Chapter 1

Forced Labour and Forced Conscription and Chapter 6 Rights of the Child). On 13 January 2006, it was reported that seven deserters from the SPDC navy were captured and executed without trial at LIB #34 base in Kyaukpriu, Arakan State, after failing in their attempts to cross the border into Bangladesh.¹⁶

Village headmen in ethnic areas also occupy a particularly vulnerable position within the state apparatus. Serving as conduits for SPDC control and exploitation; they are often held responsible for the conduct of their villagers, failure to report insurgent activity in the area, or simply being unable to comply with unreasonable demands. In Chin State, two village headmen were arbitrarily executed within a month of each other, during 2006: one by the police, the other at the hands of the *tatmadaw*.¹⁷

Outside of ethnic rural areas under military control, the Asian Human Rights Commission (AHRC) asserted, in July 2006, that *"In recent weeks and months there have been a growing number of reports of bloody killings of ordinary people by police and other state officers in the cities and towns of Burma,"* adding that *"such incidents expose the myth of 'state stability' that the military government there uses to justify its continued existence."*¹⁸ From these attacks, the AHRC discerned several re-occurring themes. These assaults are often carried out against someone with whom either the authorities, or those close to the authorities, have a 'personal grievance' with. Whilst victims may be considered politically subversive in the eyes of the SPDC, they are often charged with common criminal misdemeanours, such as possession of drugs or illegal lottery tickets, rather than under any politically suppressive legislation. Correct criminal procedures are patently ignored whilst making the arrest, and no efforts are made to conduct any sort of investigation. Instead, AHRC asserts that *"the only techniques known (to the Burmese authorities) are to arrest, detain and beat up."*¹⁹

In addition, there is rarely any avenue for the relatives of victims to lodge a complaint against those in authority.²⁰ The UN Principles on the Effective Prevention and Investigations of Extra-legal, Arbitrary and Summary Executions pronounce that:

"States are obliged to carry out impartial and exhaustive investigations into all allegations of arbitrary executions, with a view to clarifying the circumstances, identifying those responsible, bringing them to justice, compensating the victims or their families, and taking all necessary action to prevent the recurrence of similar acts in the future. The result of such investigations must be made public."

Such principles remained alien to the SPDC throughout 2006, with attempts by victims' relatives to seek redress regularly resulting in harassment, intimidation, bribery or denial. On 14 March 2006, Maung Ne Zaw was arrested and beaten by the Special Anti-Drug squad police. He died in detention on 2 May 2006 after failing to receive adequate medical treatment. A post-mortem of the body was not permitted and the doctor claimed he had died of either HIV or cerebral malaria.²¹ Maung Ne Zaw's mother repeatedly attempted to have a case opened against the police who killed her son. As a result, she faced constant and heavy harassment, and finally fled to Thailand.²² In summary of the situation, AHRC have asserted that *"even the lowest-ranking government officials in Burma seem to enjoy absolute impunity to commit any type of offense against Burma's citizens, without any prospects for complaint or redress."*²³ Furthermore, the UN Special Rapporteur on Extra Judicial Killing reported, in 2006, that *"the Government of Myanmar has failed to cooperate with the mandate he has*

been given by the UN Commission on Human Rights”, regarding the investigation of such acts.²⁴

The killing of Thet Naing Oo exhibited many such recurring facets of state sanctioned violence identified by AHRC. Thet Naing Oo (a.k.a. Pya Laung) was a 40 year old former political prisoner, whom had been released in 2003. Following the escalation of a quarrel between Thet Naing Oo and others at Thriminglar market, Rangoon, on 17 March 2006, he was set upon by members of the police and auxiliary fire brigade. He continued to be assaulted even after he had been handcuffed and placed in a trishaw to go to hospital. Thet Naing Oo was subsequently declared dead at the hospital.²⁵ His mother, San Yi, proceeded to request an investigation into the death, a call supported by opposition groups including the National League for Democracy and the Assistance Association for Political Prisoners. The police detained several eye-witnesses, including Thet Naing Oo’s friends, Win Myint, and Khin Maung Zaw. They were interrogated and forced to sign false statements to the effect that Thet Naing Oo was a drunk, and it was not the fault of the police that he had been killed. A special tribunal was then held at Kyimyintaing police station, on 29 March 2006, to which San Yi was initially invited, but then excluded. Local residents reported that police were pressuring eyewitnesses and trishaw drivers to provide false statements. Win Myint and Khin Maung Zaw were each charged with obstructing government officials and held incommunicado, until being released approximately one month later, on 12 April 2006. Seven trishaw drivers were also interrogated and ultimately charged. Fire brigade officers had been interrogated but released and no police officers were investigated.²⁶ The newspaper published by the Rangoon municipal department described Thet Naing Oo as an out-of-control drunk who needed to be contained. An anonymous officer at the newspaper reported that the paper had been ordered to publish this.²⁷ Court actions seeking to include further defendants to be held responsible for his killing were unsuccessful, and all appeals denied.²⁸

2.2 Extra-Judicial, Summary or Arbitrary Execution - Partial List of Incidents for 2006

Arakan State

On 13 January 2006 it was reported that, in the previous week, seven deserters from the SPDC navy were captured and executed without trial at LIB #34 base in Kyaukprou, after failing to cross the border to Bangladesh from Rambree Island.²⁹

On 24 June 2006, a male Burmese citizen was shot dead by NaSaKa (Border Security) forces, whilst crossing the Naf River to the Bangladeshi border town of Teknaf on a cattle smuggling boat. The man's body was recovered by Bangladeshi police 48 hours later. Two further cattle traders were injured when NaSaKa opened fire on their boat.³⁰

On 26 June 2006, a boat carrying 12 Rohingya across the Naf River to Bangladesh was reportedly intercepted by NaSaKa and fired upon. One man was killed, and his body was thrown into the river; the rest of the group was arrested. On 29 June, the bodies of two young Rohingya women thought to have been onboard the boat, aged 18 and 20, were found on the banks of the Naf River by Bangladesh Rifles (BDR) personnel. The bodies exhibited clear signs of sexual abuse.³¹

On 12 August 2006, (also reported as being on 13 August³²) Maung Nyi Pu, aged 15, was killed by police when they opened fire on villagers in Dha Kai, Pauktaw Township. Four villagers had been arrested whilst protesting against the confiscation of their lands, tied to a tree and beaten. Following their cries for help a large number of villagers confronted the policemen, who subsequently fired live rounds into the crowd, in order to quell the gathering. There was no official investigation of the murder. Pauktaw TPDC Chairman, Kyaw Zaw Hla, threatened the family to prevent them from taking any further action or spreading the news regarding the case. The Township's Police Chief, U Hla Kyaw, also paid the boy's father, U Sein Tun, 200,000 kyat in order to close the case without a law suit.³³ Sub-Inspector Soe Than Oo, who led the police team responsible, was later transferred to another region.³⁴

On 17 August 2006, in Kyaukprou Township, Ba Myint Aung, aged 40, was killed by 4 sailors from Kyaukprou Dhannawaddy Naval Base. He was beaten heavily and villagers later found his severely wounded dead body. It was reported that two private sailors, Yin Min Htite and Zaw Min, were involved in the incident. They were detained by naval authorities. Kyaukprou Police Station confirmed that it was a murder case but made no further comment. There have been no reports regarding the whereabouts of the other two sailors.³⁵

On 22 August 2006, Sergeant Tha Cho, from Pauktaw police station, shot and killed Ko Maung Win, aged 20, from Tha Pri Kan village during an argument. No investigation had been undertaken as of the date of this report (21 October 2006) despite pleas from family members.³⁶

Around 18 September 2006, Ko Maung Shwe, arrested for theft, died at the police station in Sittwe after a police interrogation. He was from Renar Byin Block, Wra Gri Mrauk Tract, Sittwe. Police officials reported that they found his body in the custody room on 18

September and announced he had hung himself. The Arakan State High Court ordered a report by the 2nd in charge at the station, Aung Kyaw Oo, into the cause of death.³⁷

On 10 October 2006, NaSaKa forces abducted 30 Bangladeshi nationals from a border area of Cox's Bazaar district. They had intruded into Bangladesh territory to do so. The detainees were taken to a NaSaKa border camp at Dheki Bonia. Earlier that week, NaSaKa had also abducted three Bangladeshi citizens.³⁸ On 29 December 2006, by agreement with Bangladesh, 26 Bangladeshi prisoners were to be returned to Bangladesh. However, NaSaKa reported that three of the prisoners had died in custody, and only 23 were returned.³⁹

On 20 December 2006, NaSaKa personnel intruded on Bangladeshi waters on the Naf river and arrested Boshi Armad, a Bangladeshi fisherman, according to a report in a Bangladeshi newspaper. The officers are said to have brought the fisherman to Burma where they later shot him. Bangladesh border authorities asked NaSaKa for the body of the fisherman to be handed over to Bangladesh authorities, but NaSaKa had not replied to the request at the time of this report (23 December 2006).⁴⁰

Chin State

On 21 May 2006, Chawng Ting, aged 45, village headman of Tiphul village, Hakha Township, was shot dead by a police officer. A policeman had accused Chawng Ting of favouring the army over the police when he had provided the army with more food and drink than he did the police the night before. This accusation came despite the fact that there had been twice as many army personnel as police, and as such the headman had in fact provided the same amount of goods per person. When Chawng Ting tried to make this point, to the policemen who confronted him, one began to punch and kick him whilst another pulled out a gun and shot him dead.⁴¹

In the last week of June 2006, Andry, aged 40, the village headman of King Kang Kung village, Paletwa Township, was arrested and subsequently killed by SPDC LIB #140. The exact date of his death was unable to be discerned although he was reported to have been killed in the Kaisi mountain region. It is thought he was initially apprehended for interrogation regarding the presence of the Chin National Army (CNA) within the area.⁴²

Irrawaddy Division

On 19 July 2006, Saw Stin Pho of Ta Khun Seik village, Einme Township, Irrawaddy Division, died from torture whilst being interrogated by Military Security Affairs (MSA). He had been arrested on 16 July 2006 along with 17 others and taken into custody in Pathein Military Headquarters under suspicion of having connections with an alleged KNU sympathizer. MSA released the other 16 persons and reportedly paid compensation of 400,000 kyat to Saw Stin Pho's wife and their six children.⁴³

Kachin State

On 14 March 2006, Maung Ne Zaw was arrested and beaten by the Special anti-drug squad police. He died in detention on 2 May 2006 after failing to receive adequate medical treatment. A post-mortem of the body was not permitted and the doctor claimed he had died of either HIV or cerebral malaria. When his mother tried to pursue the case she was continually and heavily harassed by local authorities forcing her to flee to Thailand.⁴⁴

Karen State

Dooplaya District

On 28 December 2006, a military column from SPDC IB #36, led by Hto Min, killed three cattle traders in Htee Hto Kaut village, and looted 15 million kyat. The three buffalo traders; A Lupoe, 41, from Lo Shan; Neing Htaw Ko, 43, from Htee Hto Kaut; and Pah Pae, 34, from Mae K'wa; were captured, dressed in soldiers' uniforms and shot dead.⁴⁵

Nyaunglebin District

On 15 February 2006, SPDC Battalion Commander Chit Than Oo and troops from LIB# 351 (also reported as LIB #35.⁴⁶) arrested Saw K'Paw Htoo, aged 42, Saw Lat Mu, aged 25, and Saw Nyi Heh, aged 40, from Khoh Pu (Ho-pu) village tract, Mone Township. They immediately shot and killed Saw K'Paw Htoo.⁴⁷

On 8 March 2006, Saw Du Kaw and his son, Saw Peh Lu, aged 14, (also reported as Saw Eh Lah Hser, aged 12.⁴⁸) were shot dead by troops from SPDC MOC #10. The troops had come from Muthey village and were patrolling the Keh Ka Koh area. The father and son had been working on their farm and were returning home for lunch. They tried to escape but could not run fast enough as Saw Peh Lu had only one leg. The incident occurred near Sho Kaw Der village, Mone Township. 16 year old Saw Heh Nay Htoo, brother and son of the two murdered villagers, was shot twice in the same incident injuring his hip, backbone and right armpit.⁴⁹

On 9 March 2006, troops from LIB #366, #377 and #399 under the control of LID #55 began operations around their base camp at Maladaw village, Mone Township. Troops from these units arrested Maung Than Lwin, aged 28, a villager from Nya Mu Kee, and killed him at Theh K'Per Lu. It was also reported that in the area around Maladaw, they killed a villager named Poe Hser Pya and in K'Pa Hta they killed an unidentified mother and daughter.⁵⁰

Also on 9 March 2006, a male, aged 28, from Klaw Kee village, Mone Township, was shot and killed by LIB #351.⁵¹

Also on 9 March 2006, troops from SPDC IB #386, LIB #522, LIB #567 and LIB #240 shot and killed Maung Thagyar and burnt down 3 rice barns belonging to Maung Thagyar, Saw Gay Moo and Saw Pah Reh. The same troops entered Ler Klar Doe village on the same day at 3 pm and shot and killed Saw April Htoo, aged 18.⁵²

On 13 March 2006, Naw Beh Bay Paw, an 18 year old female from Ler Klah village was killed by SPDC troops from LIB #599.⁵³

Also on 13 March 2006, a 30 year old male Karen villager was arrested SPDC troops while he was returning from his hill farm in Nwar Lay Koh village, Mone Township. Villagers heard gunfire, but initially dared not risk going to see what was happening. When his body was found, the eyes, ears and mouth had been removed.⁵⁴

Also on 13 March 2006, SPDC troops from LIB #364, #366 and #368 shot and killed Saw Oh Moo, aged 19, of Saw Mi Lu village, Mone Township.⁵⁵

On 22 March 2006, Saw Maw Keh and his mother, Naw Eh Ywah Paw, aged 80, were shot and killed by SPDC troops near Ka Ba Hta, Mone Township. They had been attempting to climb out of a gully where they had been hiding, in order to get to higher ground where they felt they would be safer. Saw Maw Keh carried his elderly mother on his back. As they came into an open clearing, SPDC troops who had been waiting on a higher ridge began to fire on them from near point blank range. His mother fell from his back when she was shot, and as he turned to help he too was shot and killed. Saw Maw Keh's 9 year old daughter was also shot in the incident but managed to escape.⁵⁶

On 27 March 2006, SPDC LIB #522, LIB #567 and LIB #240 under MOC #16, entered Htee-day-khee, Kyauk-pyar and Ka-bar-hta villages, Mone Township and opened fire indiscriminately on the villagers. Naw Wee Bu, aged 75, and Saw Leh (also reported as Maung Saw Cha⁵⁷), aged 35, were killed. Saw Leh's daughter, aged 10, was seriously injured. At 5 pm on the same day, the same troops entered Maladaw village and shot dead 2 villagers.⁵⁸

On 7 April 2006, troops from SPDC IB #440 were reported to have killed Saw Tun Yin and Saw Taw Toe Roh from Maladaw village.⁵⁹

On 7 April 2006, troops from MOC #16 killed 20 year old Saw Ler Pweh Say of Ler Klah village.⁶⁰

On 19 April 2006, an unidentified body of a man was found dead in Mone Township. One of his eyes had been cut out and his nose cut off.⁶¹

On 28 April 2006, troops from SPDC LIB #599 including Yan Naung and Kyun-bin-hsiek camp leader Sergeant Major Than Tun, and Sergeant Yeh Min along with 7 other soldiers killed Saw Maung Htay, of Mone Township, and proceeded to loot 150,000 kyat from the dead man.⁶²

At the end of June 2006, troops from SPDC IB #522, under MOC #16, came to Kyauk-pya village and arrested Naw Kwee Kwe, and Saw Bi Aw (Saw Bee Ohn). They subsequently killed Saw Bi Aw. His body was found on 6 July 2006.⁶³

On 26 July 2006, SPDC troops from LIB #542 killed an army porter at Wah Kee village, Mone Township, whom they had forcibly conscripted from Mandalay to carry their loads during the offensive.⁶⁴

On 29 August 2006, troops from SPDC LID #66 under Major Than Oo shot and killed 22 year old Meh Lone of Tawpu village.⁶⁵

On 12 September 2006, a 48 year old villager, Saw Nay Twey was shot and killed in They Baw Der village by SPDC troops.⁶⁶

On 18 September 2006, Major Thein Htay, of SPDC IB #522, stationed at Maladaw, severely assaulted villager Saya Wah Shee before finally killing him.⁶⁷

On 23 October 2006, SPDC troops killed Hla Shwe, from Sin Sae village, Mone Township.⁶⁸

On 24 October 2006, troops from IB #242 fired into Mawn Ki village, Mone Township, killing one villager, Saw Moo Hkin, and injuring another.⁶⁹

On 25 October 2006, SPDC LIB #73 killed two residents of Malagone village as they rested in their farm hut. Those killed were Saw Maung Maung Tha, aged 40, and his son Saw Kyo Kyo Tha, aged 16.⁷⁰

On 26 October 2006, troops from SPDC IB #242 fired upon villagers in their hill paddy fields in Htee-nu-hta, Mone Township. Saw Tha Gay Too was killed in the attack.⁷¹

On 28 October 2006, SPDC forces killed 45 year old Win Myaing, of Sin Sae village, Mone Township.⁷²

On 30 October 2006, SPDC LIB #11 reportedly arbitrarily executed Saw Pyer Htoo, from Kaw Thay Der village.⁷³

On 14 November 2006, SPDC troops captured and killed Tin Aye, aged 34, from Paw Pi Dor village, Nyaunglebin District.⁷⁴

Papun District

On 21 February 2006, it was reported that Ko Than Tun, an Arakanese prisoner who was forced to work as a porter, was killed by SPDC forces after he could no longer walk while carrying army supplies. According to the report Ko Than Tun requested that he be left on the trail as he could not walk and was unable to carry the goods, he then lost consciousness and the soldiers killed him in a graveyard in Shan Wra Village, near Milestone 33 under Papun District. Ko Than Tun was among 200 prisoners from the Sittwe jail who had been brought to the area to be used as military porters on 19 January.⁷⁵

In April 2006, one escaped convict porter told KHRG how another porter; Lwan Maung from Mandalay prison was shot in the head after falling to the ground whilst portering for the *tatmadaw*.⁷⁶

On 13 April 2006, in Luthaw Township, SPDC troops from LIB #316 shot to death Saw Htaw La, aged 32, of Paw-mu-doe village.⁷⁷

On 14 April 2006, the same SPDC troops from LIB #316 shot and killed Saw Sein Htoo, aged 29, of Lay-gaw village.⁷⁸

On 15 April 2006, SPDC soldiers shot Saw Wey Htoo (Saw Win Htoo⁷⁹) beside his fields at Ler Klaw Kee. The man had gone to his field in order to clear it. It is reported that when the soldiers opened fire the man fled but tripped. The soldiers set upon him and he was shot and stabbed numerous times.⁸⁰

On 20 April 2006, SPDC troops from LIB #316 (LIB #366⁸¹) shot dead Saw Ray Kyay (Saw Hsa Rae Sae⁸²) (Saw Has Ri Say⁸³), aged 17, of Paw-mu-doe (Paw Mu Der) village, whilst he was in his rice field.⁸⁴ His friend, Saw Kyay Nu Wah, 18, was also shot in his right leg.⁸⁵

In June 2006, 10 bodies of convict porters were found along a route where MOC #15 had been conducting operations between late May and mid June, moving along the upper Bilin River to their camp at Baw Hser Ko.⁸⁶

Also, in June 2006, an interviewee told KHRG how three convict porters who had tried to escape but were recaptured, were hung upside down from a tree and then shot as an example for others, at Baw Hser Ko camp. An SPDC non-commissioned officer who also tried to escape was captured and killed at the camp.⁸⁷

On 5 June 2006, troops from SPDC LIB #362 shot dead Saw Yweh Moo of Ka-baw-khee village, Lu-thaw Township.⁸⁸

On 14 November 2006, troops from SPDC LIB #223 shot and killed Saw Kya Thu of Htee-Baw-Kee village whilst he was working at his farm.⁸⁹

Thaton District

In late January 2006, roughly 200 prisoners were reported to have been transported from Sittwe Prison, Arakan State, to Thaton Prison, for use as porters in the SPDC offensives against Karen villagers. These prisoners were assigned to different battalions at the prison. One prisoner, Aung Min, who later escaped, told how he and 43 others were assigned to LIB #251, accompanying the troops as they moved from Thaton to Papun District. During the journey, one inmate, 31 year old Than Tun from Arakan State was shot dead as he was sick and too weak to carry on. Aung Min claimed that the SPDC told the convicts *"You are going on a pilgrimage. If you can't continue, you won't be left behind alive,"* Aung Min managed to escape 10 days into the operation.⁹⁰

Toungoo District

On 21 January 2006, 5 Karen villagers from Sha Say Boe and Yan Shar in Thandanug Township were shot dead by troops from IB #48.⁹¹

On 5 February 2006, troops from LIB #3, IB #14, IB #35 and LIB #108 in the Wah Mee Ber Ko area at Blah Kee, forced 41 year old villager Saw Dta Du Du to act as their guide. They subsequently cut off his left hand before killing him.⁹²

On 25 February 2006, Saw Roland, aged 40, and Saw Da Nu Nu, aged 43, were carrying rice to their farm. SPDC troops caught them in the Klee Loh area, and killed them with their bayonets. The previous day, TOC #3 Commander Tin Aung had ordered the Bo Maw Kee, Tha Pa Chaung and Day Yeh Kee roads closed to villagers, stating any person found on them would be shot on sight.⁹³

In March 2006, a villager from Play Hsa Loh, Tantabin Township, was killed by SPDC troops in revenge for the fact an SPDC soldier had been injured by a landmine. They reportedly cut off his arms and legs and left him by the roadside to bleed to death.⁹⁴

On 3 March 2006, at 5 pm, in Tantabin Township, SPDC troops fired on the villagers of Htee-baw-lo; killing 21 year old Saw Bu Ler, along with his father, Saw Htoo Kaw. The troops then stole 200,000 kyat and three baskets of rice from Saw Bu Ler's house.⁹⁵

On 11 March 2006, SPDC LID #66, led by Commander Aung Soe, captured Saw Ah Poe and Saw Dah from Ker Der Kah village before torturing and killing the pair as punishment for leaving their village.⁹⁶

On 3 April 2006, SPDC TOC #661, led by Commander Soe Htwe, killed a village elder of Ker Der Kah village, northeast of Than Daung Gyi, Thandaung Township. They had earlier tortured their victim before finally killing him and dumping his body on the banks of Day Loh River, where villagers were frightened to retrieve him from, due to the threat of reprisals or booby traps.⁹⁷

On 7 April 2006, 2 males, aged 47 and 24, from Maladaw, and a further male in Toungoo District were reportedly killed by SPDC troops.⁹⁸



On 14 November 2006, Saw Wah Der villagers; 45 year old Saw Kyawh, top, and, 19 year old Saw P'Rih Say, bottom, were killed by SPDC IB #35 whilst they were working in their rice fields.⁹⁹ [Photo: FBR].

On 18 April 2006, LIB #108 troops, under Battalion Commander Nay Myo Aung, fired upon villager Saw Mya Lin outside of his village. He managed to escape but sustained serious injuries to his right hand.¹⁰⁰

On 3 May 2006, soldiers from SPDC LIB #14 shot and killed 22 year old Saw Thu Ler Taw. The troops are reported to have simply entered the village of Saw Der and arbitrarily killed their victim. As a result all other villagers fled their village, leaving their possessions which the SPDC troops subsequently looted.¹⁰¹

On 8 May 2006, LIB #108 Commander Nay Myo Aung and his soldiers were burning down houses in Hsaw Wah Der village, southeast of Kler Lah, when they shot and killed 80 year old Saw Than Aung.¹⁰²

On 8 August 2006, SPDC troops from LID #66 shot and killed a 75 year old woman named Naw Ta Kee Lee from Ler Kla Doe village, Tantabin Township, whilst she was in a hut at her plantation.¹⁰³

On 22 August 2006, three villagers from Klaw Mu Der (Ye Ta Kon) village were shot by SPDC troops from LIB #567 when they returned to the village to collect their belongings.¹⁰⁴

On 30 August 2006, SPDC soldiers reportedly killed a villager from Ymeberko village.¹⁰⁵
On 5 September 2006, troops from IB #73 conducted searches throughout Zee Hpyoo Kohn village. There they arrested Saw Htoo Per and his family whilst they were worshipping. They later released most of the family but continued to detain Saw Htoo Per and his son Saw Baw Baw Htoo and subsequently executed them.¹⁰⁶

On 5 September 2006, SPDC Southern Command sent 500 prison porters from Pa La Wah to Kaw Thay Der. Troops from LIB #10 reportedly killed 5 of these prisoners.¹⁰⁷

On 5 September 2006, troops from LID #66 shot 75 year old Poo Thu Kee Deh, at a betel nut grove on the edge of Ler Kla Der village. He had refused to flee his village with the rest of his community and had reassured his fellow villagers stating, *“even if they see me, I am old, so they will not shoot me”*.¹⁰⁸

On 29 September 2006, an SPDC LID #66 column began operations in the May-daw-kho and Per-tor areas where they shot dead one villager.¹⁰⁹

On 2 October 2006, Saw Robin Hood of Hle-lan-gu village was shot four times in a rice field in Hse-lan by troops from SPDC LIB #439. He died as a result.¹¹⁰

From 10 October 2006 to 31 October 2006, over 50 porters were reportedly killed by the SPDC army in frontline areas of Toungoo District. One porter interviewed reported that he had seen 42 porters beaten, shot and killed by SPDC troops at the Nya Kya and Busakee road because the porters could no longer walk properly.¹¹¹

On 25 October 2006, troops from IB #73 opened fire upon farmers harvesting their crops on the hill-side rice fields of Malagone village. 40 year old Saw Maung Maung, 16 year old Saw Chit Chit and 15 year old Saw Ah Cho, were killed in the attack and 15-year-old Saw Kwa Lah, was seriously injured. Whilst villagers were allowed to travel to their farms between the hours of 6 am and 4 pm each day, the three victims were shot in their farm huts at 3 pm.¹¹²

On 31 October 2006, troops from SPDC IB #11 shot dead Saw Bu Htoo from Kaw-thay-doe village.¹¹³

On 1 November 2006, Saw They Shur, aged 47, was burned alive in his home at Play Hta village, near Hoki, Toungoo. As he was sick he had been unable to flee with the rest of the villagers when his village was set alight by SPDC troops. He was married with 6 children.¹¹⁴

On 1 November 2006, SPDC IB #35, under the command of Soe Tun, fired machine guns and mortar rounds indiscriminately upon Klay Hta village, Daw Pa Ko Township for six minutes. Saw Ay Pweet was killed in the attack whilst Saw Baw Thoo and Naw Heh Ku Mo, were wounded and reported missing.¹¹⁵

On 4 November 2006, troops from SPDC IB #35 fired upon Hsaw-wah-doe villagers, killing Saw Kyaw, aged 45, and Saw Pre Say, aged 19.¹¹⁶ The villagers had previously fled their village but had returned to harvest rice as they were faced with a severe shortage of food.¹¹⁷

On 13 November 2006, roughly 100 troops from SPDC IB #14 and IB #11 attempted to capture 12 villagers in Naw Thay Der village, who had come from Ber Ka Lay Koh village and Oo Per village. In the course of this operation the troops killed 23 year old villager Saw Kri Htoo.¹¹⁸

Also on 13 November 2006, the same troops moved on to Htee Hsa Bper where they shot dead 23-year-old Saw Tha Pwee from Oo Per village, whilst he was returning from selling cardamom seeds.¹¹⁹

On 20 November 2006, 37 year old Saw Kyer Lar of Saw Wah Der village was killed by SPDC LIB #6 troops whilst working in his field.¹²⁰

Karenni State

On 4 January 2006, Saw Naw Gay, aged 29, was found beheaded in the jungle. He had been arrested along with 8 other villagers by SPDC and Karenni National Solidarity Organisation troops in Pahawkoe village, western Pasaung, on 17 December 2005. The villagers had reportedly been tortured and used as human mine detectors. There were no reports on the whereabouts of the other villages.¹²¹

Mandalay Division

On 25 March 2006, Wai Phyo Naung (a.k.a. Naung Nuang) a 19 year old cart-pushing porter at Kaingdang market, Mandalay, was arrested for loitering. He was taken to Police Station #6 where he died in custody the following day. The police initially refused to comment on the case, but later claimed that Naung Nuang had committed suicide.¹²²

On 16 October 2006, Thet Win Aung, died in Mandalay prison after being denied medical treatment for several serious ailments. He had been serving a 60 year sentence for organising peaceful student demonstrations.¹²³

Mon State

In late February 2006, Nai Seik, aged 19, and Nai Soe Nine, aged 20, (also reported as Nai Juu Hurn, aged 29, and Nai Ha Nyae, aged 20¹²⁴) were killed when fired upon by troops from SPDC #106 over a dispute about motorbikes in Maw-Ka-Nin village, Ye Township.¹²⁵

In March 2006 it was reported that Nai Awin, aged 40, and Nai Azan, aged 49, from Kabya-Kyi and Kywe-Thone-Nyi-Ma villages, Yebyu Township, were killed by SPDC troops in Tin-Tha new village, Kaw Zar sub-town. They were accused of supporting a Mon splinter

group, ordered to lead the troops to the rebels and severely tortured through beatings and electric shocks. Unable to locate the rebels, the soldiers shot them dead.¹²⁶

In March 2006 it was reported that, Nai Soe Win, aged 46, from Wae-Paung village, had been arrested under suspicion of supporting a Mon Splinter group. He was taken from his home, severely tortured and then killed by troops under the command of Myo Win. His wife had paid around 30,000 kyat in order to see him whilst he was detained and reported the torture he had endured; he was stabbed in the face, hung up by rope and given electric shocks before being killed.¹²⁷

On 4 March 2006, in the Three Pagodas Pass area, two 16 year old DKBA soldiers, Chan Naung and Yer Phoo, (also reported as Poe Aye and Has Naw, both 18 years of age.¹²⁸) from DKBA Battalion #901, were shot dead by SPDC troops from IB #18, led by Hla Min. They were travelling from Thabu mining site on the Makatha natural road. They were reportedly asleep at the time they were shot, and their guns were stolen. The SPDC claimed that they had been mistaken for KNU troops despite the fact that the KNU were not active in the area. The DKBA was not satisfied with this explanation, its troops took to the streets in protest and the leadership demanded compensation from the SPDC.¹²⁹

Pegu Division

In June 2006, it was reported that Soe Lin Aung, aged 23, from Ward #60 in Swa, was beaten to death by soldiers in charge of security on the railway tracks in Yetashe Township, Pegu Division.¹³⁰

On 19 June 2006, Ma Nyo Kyi, a 23 year old mother with an 8 month old baby, was reportedly beaten to death by Yetashe Township police. She had been arrested by Police Deputy Superintendent Zaw Lwin and another officer under the accusation of being a thief. Although the police said that Ma Nyo Kyi had hanged herself, her body contained a number of inconsistent injuries including severe injuries to her back and her head, with her abdomen cut open. The police have rejected accusations of murder and there has been no independent inquiry into her death.¹³¹

Rangoon Division

On 17 March 2006, Ko Thet Naing Oo, a former political prisoner, was beaten to death in a Rangoon market by the police, fire brigade and reportedly members of the state sponsored USDA.¹³² (For more detailed information see main body of text).

On 4 August 2006, district control police officer and local ward authority member San Win led a group of men to the home of a Hindu named Mutna, where they berated him for being drunk and severely assaulted him. Mutna was hospitalised at Insein General Hospital and advised by police not to report the incident. He subsequently died on 16 August 2006, which the authorities claimed to be a result of excessive alcohol consumption.¹³³

Sagaing Division

On 24 January 2006, 2 prisoners were beaten to death at Kalaymyo Jail. Around 80 prisoners, including political prisoners, who were protesting against an extended water shortage, were beaten by prison staff, resulting in the two deaths, with 17 others seriously injured.¹³⁴

Shan State

On 2 January 2006, six members of the cease fire Kachin Independence Organisation (KIO) fourth brigade at their base in Namti village, Mu-se Township, were killed by SPDC troops whilst eating dinner. Troops from the Shan State Army -South were known to have infiltrated the region and the SPDC commands responsible claimed that they were unaware that the place they had attacked was a KIO base, despite the fact that the KIO district office which was raided was well known. Complaints by KIO leaders and the victim's families were never addressed. Furthermore, interviews were not allowed to be conducted with the hospitalized victims. Funeral rites for the dead were also prohibited. The SPDC unit responsible for the attack was led by Major Hla Moe, under the Lashio based IB #68.¹³⁵

In March 2006, Lung Suay Lu, aged 59, a villager of Kung Nyawng village, Nam Lan village tract, Si-Paw Township, was reportedly beaten to death by SPDC troops from LIB #505 based at Nam Lan. He had been returning home from tending his rice paddy. When his body was found his motorbike and valuables had been stolen. Villagers reported that SPDC troops had been the only persons in the area. There were also reports that SPDC troops had later been seen selling his motorcycle in May Myo.¹³⁶

On 11 May 2006, 51 year old Lung Zaang Ti, of Nam Lawd village in Lai-kha Township, was taken from his house by SPDC troops from LIB #121, based in Mawk-mae Township. He was later found shot dead in Kun Maak Khur.¹³⁷

On 8 April 2006, an unidentified female from Look-kang village was beaten to death in Mongkerng. She had been forced to serve as a sexual slave for a 60 member patrol of LIB #514 after her village headman was forced to select females from the village to sleep with the troops. The remains of the girl whom villagers were reluctant to identify were dumped by soldiers outside of the village.¹³⁸

On 5 August 2006, a patrol of about 40 SPDC troops from IB #246, led by Commander Zaw Lwin, arrested 5 villagers of Nam Khaam village, Wan Paang village tract, Kun-Hing Township. The five men arrested and their ages were;

1. Lung Pan-Nya, 58;
2. Lung Ta, 59;
3. Lung Zit-Ta, 53;
4. Lung Kaw-Wi, 62; and
5. Pi Saang Aw, 49.

The villagers were detained in a lockup in the military base and were taken out at night to be interrogated about the activities of Shan soldiers in the area, with their interrogators often inebriated. During interrogations, the villagers were beaten with sticks and even shocked with electricity, sometimes leading them to lose consciousness. The interrogations continued right through August. On 1 September 2006, Lung Pan-Nya, was accused of being an agent of Shan soldiers and taken to the Nam Pang river at night where he was beaten to death and dumped into the water, about 2 miles southeast of Kun-Hing town. The four other captives have since disappeared, and are also believed to have been killed.¹³⁹

Endnotes

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- ¹²³ Source: “2006 Year-end Review,” *Irrawaddy*, December 2006
- ¹²⁴ Source: “Two Mon youth shot dead by Burmese soldiers during a brawl,” DVB, 25 February 2006.
- ¹²⁵ Source: “Horror Persists in Ye Township,” *The Mon Forum*, HURFOM, March 2006.
- ¹²⁶ Source: *Ibid*.

¹²⁷ Source: *Ibid.*

¹²⁸ Source: "Ceasefire Group Seeks Justice for Killings," *Irrawaddy*, 10 March 2006

¹²⁹ Sources: "Another 'Friendly Fire' from Burma Army – This Time, DKBA Victims," DVB, 6 March 2006; *Burma Briefing: Issues and Concerns, Volume 3*, Altsean, July 2006; "Ceasefire Group Seeks Justice for Killings," *Irrawaddy*, 10 March 2006.

¹³⁰ Source: "Another Burmese Youth Beaten to Death by Soldiers," DVB, 4 July 2006; *Bloody killings expose myth of "state stability"*, AHRC, 11 July 2006.

¹³¹ Source: *Bloody killings expose myth of "state stability"*, Asia Human Rights Commission, 11 July 2006; "BLC Accuses Burmese Police Officer of Murder," *Mizzima*, 3 August 2006.

¹³² Source: *Burma Briefing: Issues and Concerns, Volume 3*, Altsean, July 2006.

¹³³ Source: "Police Brutality: Another Civilian Beaten to Death in Rangoon," DVB, 28 August 2006

¹³⁴ Source: "Prisoners Beaten Up and Killed in Burma's Kalemmyo Prison," DVB, 28 January 2006

¹³⁵ Source: "Another 'Friendly Fire' from Burma Army – This Time, DKBA Victims," DVB, 6 March 2006; "KIO Warns Killing of its Members Jeopardises Burma Convention," DVB, 5 January 2005; "Friendly Fire: Burmese Soldiers Kill Six KIO Members in Shan State," DVB, 3 January 2006.

¹³⁶ Source: "A Farmer Beaten to Death, His Motorcycle and Valuables Stolen, in Si-Paw," *SHRF Monthly Report*, SHRF, October 2006.

¹³⁷ Source: "A Man Shot Dead with No Apparent Reason in Lai-Kha," *SHRF Monthly Report*, SHRF, October 2006.

¹³⁸ Source: "Junta army looks at gift horses in the mouth – Hawkeye," SHAN, 4 May 2006.

¹³⁹ Source: "Arrest, Torture, Killing and Disappearance, in Kun-Hing," *SHRF Monthly Report*, SHRF, January 2007.

3. Arbitrary Detention and Enforced or Involuntary Disappearances

3.1 Introduction

“Nothing is more revealing about the situation of human rights in a country than the existence of political prisoners. They embody the denial of the most basic freedoms essential to humankind, such as freedom of opinion and assembly. Moreover, the very manner in which such persons are treated further reflects upon the level of esteem in which a Government holds its own people. At least 1,156 of Myanmar’s citizens are behind bars, without access to the guarantees of due process, for the exercise of their political rights. The judicial system, far from affording individuals basic standards of justice, is employed by the Government as an instrument of repression to silence dissent.”

- Paulo Sergio Pinheiro, United Nations Special Rapporteur on the situation of Human Rights in Burma.¹

“In the plains of 3rd Brigade (Nyaunglebin District), whenever the SPDC are patrolling and see villagers who are able to do their work and become rich, they try to find mistakes to accuse them to arrest and to bribe them. They accuse some people of keeping guns in their houses but the villagers don’t know anything about it. They arrest the villagers and go into their houses searching for things and take the people’s belongings. They accused one Shwe Dan villager, of many things without any evidence and took all of his belongings. The SPDC military is tricking the villagers in many ways to get money.”

- Karen villager, 5 November 2006.²

The Year 2006 provided no relief for upwards of 1,100 political prisoners held in Burma’s prisons and the numerous but unaccounted-for persons detained in military camps in rural areas or at undisclosed locations for political purposes.³ *“No improvement; no improvement at all,”* were the words attributed to the United Nations (UN) Special Rapporteur, Paulo Sergio Pinheiro, on the occasion of presenting his February 2006 report, scrutinising the country’s human rights record. *“The situation has deteriorated,”* he announced.⁴

With the UN Security Council placing Burma on its agenda for consideration on 15 September 2006 and increasing pressure from the Association of Southeast Asian Nations (ASEAN),⁵ the country was under renewed international attention. However, despite repeated calls from opposition groups inside Burma, foreign governments and international organisations around the world for the release of its prisoners of conscience,⁶ the ruling military junta, the State Peace and Development Council (SPDC), continued to arrest and detain persons for their political beliefs.

In his February 2006 report, the UN Special Rapporteur relayed:

“The Special Rapporteur regrets that, according to information received during the last reporting period, the situation regarding the exercise of fundamental human rights and freedoms remains grave. The intimidation, harassment, arbitrary arrest and imprisonment of civilians for peacefully exercising their civil

and political rights and freedoms continue... No transition process is worthy of the name as long as fundamental freedoms of assembly, expression and association are denied; voices advocating democratic reform are silenced; elected representatives are imprisoned; and human rights defenders are criminalized. No progress will be made towards national reconciliation as long as key political representatives are being locked behind bars, their constituents subject to grave and systematic human rights abuses and their political concerns disregarded.”⁷

In response to international condemnation, the junta’s position on the issue of political prisoners remained defiant. On 19 September 2006, the *New Light of Myanmar* reported the SPDC’s claim that there are no political prisoners in the country:

“The U.S.A. and allies falsely accused that over 1,000 political prisoners were detained in Myanmar. In fact, no one is detained for political reasons in Myanmar... Those who violated the existing laws, criminals and felons and terrorists are detained in accordance with the laws concerned... Restrictions are placed upon Daw Suu Kyi as she has constantly been demanding for confrontation, defiance of all orders, utter devastation, resorting to four kinds of sanctions and reliance on external elements all of which will lead to harming the national unity, national stability and national development as well as hindering democratisation process.”⁸

As at the end of 2006, 1,114 political prisoners were reported to remain incarcerated in Burma’s prisons. This number included 13 MP-elects (see appendix I) 188 NLD members, 175 members of ethnic minority political groups, 143 students and 85 monks, all incarcerated for political reasons. These figures do not include the countless persons incarcerated at military camps in the rural areas of Burma, where the threat of arbitrary arrest is constant for the local population. At least 2 prisoners, both MP-elects, remain under executive order detention and approx. 100 political prisoners are reported to be suffering from poor health either caused or exacerbated by unsanitary living conditions, torture or inhuman treatment, diet deficiencies and limited access to medical care.⁹

Recent History

In 2004, Amnesty International (AI) reported that the junta’s attempts – through threats, arrests and detention – to suppress the peaceful expression of political views and prevent association between persons for political purposes had increased in intensity following the 30 May 2003 attack upon the leaders of the country’s main opposition political party, the National League for Democracy (NLD), General Secretary Daw Aung San Suu Kyi and Vice Chairman U Tin Oo in Depayin, Sagaing Division, and their subsequent re-internment.¹⁰

At the same time, in August 2003, whilst Daw Aung San Suu Kyi and U Tin Oo remained under house arrest, the junta announced a seven-point “roadmap” to democracy and the re-convening of the National Convention (NC) for the drafting of a new constitution. However, as per previous years in which the NC was convened (1993 to 1996), the NLD and other opposition parties did not participate largely because the process imposed by the SPDC prohibited the free expression of views. In the lead-up to the next session of the NC in May 2004, AI announced concerns about continued arrests, surveillance, and intimidation of members of opposition political parties. For example, in February 2004, approximately 30

Shan leaders and activists were arrested. In November 2005, they were sentenced to overwhelmingly lengthy prison terms and, in June 2006, their final appeals were rejected by the Supreme Court in Rangoon.¹¹

In October 2004, the junta removed and arrested Prime Minister Gen. Khin Nyunt, disbanding and arresting many members of the chief agencies under his command that had been charged with surveillance of perceived political dissidents: the Office of the Chief Military Intelligence, Military Intelligence and the National Intelligence Bureau (collectively, MIS). However, the end of MIS did not signal the end of military intelligence activities in Burma. In February 2005, it was reported that these functions became the responsibility of the Office of the Military Affairs Security (OMAS), under the direction of the Directorate of Defence Services and SPDC Chairman Sen. Gen. Than Shwe,¹² with the force they control named SaYaPa, or Military Security Force (MSF).¹³ In 2006, the Special Bureau of police (SB) also took on an increased role in intelligence. (See, for example, the incidents below under Section 3.2 dated 24 March 2006; 27 September 2006 and 30 September 2006.)

Year 2006

Monitoring, intimidation, interrogation and detention of perceived oppositional political activists or activities remained a pervasive strategy of the SPDC, despite continued reports by the junta that it is seeking to move towards democracy.¹⁴ The NC reconvened from 5 December 2005 until 31 January 2006, and then again from 10 October until 29 December 2006, but without the involvement of any of the major opposition parties.¹⁵ In September 2006, the UN Special Rapporteur described the process as having become “*strictly limited and delineated*” over the past two years.¹⁶

Reports of surveillance and harassment of former politicians, political prisoners and activists and those suspected of having political affiliations or views were widespread and increasing in intensity throughout 2006.¹⁷ For example, in June 2006, three months before he was again detained in custody, prominent student leader, Min Ko Naing reported that the regime was keeping him and other pro-democracy voices under increased surveillance; with three men following him wherever he went.¹⁸ Additionally, the MSF conducted an increasingly sophisticated campaign of intimidation and monitoring of ‘informers’ throughout the year, interrogating businessmen, journalists and civil servants, on the basis of accusations that they were giving information to foreign-based, Burmese language radio stations.¹⁹

The activities of political parties remained severely repressed and scrutinised. In February 2006, the NLD made a formal offer to recognise the SPDC as the legitimate transitional government if it agreed to convene the Parliament elected in 1990. The SPDC rejected that offer and again intensified its monitoring and harassment of NLD members.²⁰ Offices of the NLD remain closed (save for the headquarters in Rangoon) and political meetings were actively prevented by the authorities. NLD members reported being summonsed and intimidated by authorities and having their private business interests interfered with. According to the junta’s English language newspaper, *New Light of Myanmar*, between 21 April and 8 June 2006, 546 NLD members across Burma quit the party. However, in truth, members (e.g. approx. 1,038 between April and July 2006) were being forced to resign under threat of punitive action or other forms of intimidation.²¹

In 2006, the Assistance Association for Political Prisoners (AAPP) documented 78 persons arrested for political reasons.²² A number of arrests were made immediately preceding

scheduled peaceful ceremonies of political or national significance (see, for example, the incidents below under part 3.3 dated 19 July 2006; 13 August 2006; 27 September 2006; and 10 December 2006), with many of those arrested released soon afterwards. Further, the SPDC utilised common criminal charges as a means of arresting political dissidents,²³ and the arrest, detention and interrogation of family members of those suspected of committing crimes – political or otherwise was common. Arrest in these circumstances can be for the purpose of extricating information that might incriminate the suspect, for punishing the family for association with or assistance to the suspect, or for punishing the family in lieu of a member who might be absent. Family members may also be held, as hostages, in order that the SPDC's prime targets give themselves up. Specifically in respect of political crimes, spouses, children and parents are sometimes charged and sentenced along with the primary target, albeit to lesser terms (see, for example, the incidents below under part 3.3 dated 14 January 2006; 15 January 2006; early February 2006; 21 February 2006 and 22 September 2006; under part 3.4 Arakan State dated 4 November 2006, Chin State dated 14 June 2006; under part 3.5 dated 5 February 2006; 19 March 2006 and 5 July 2006).

Pro-democracy activities continue, however. On 2 October 2006, the 88 Generation Students pro-democracy group began a public campaign to gather signatures for a petition calling for the release of Daw Aung San Suu Kyi and all political prisoners. With the support of the NLD, the petition gathered a total of 535,580 signatures from persons inside Burma and Burmese exiles and refugees in Thailand. It was presented to Sen. Gen. Than Shwe and to the UN.²⁴ On 10 October 2006, 88 Generation Students launched a further campaign named 'White Expression', urging people to wear white clothing to show support for the release of all political prisoners. It was a visible success.²⁵ A third campaign, called 'Multiple Religious Prayer', began on 29 October 2006, urging members of all faiths to pray for a resolution to the political and social problems in Burma.²⁶

These actions were not without consequence, however, with organisers arrested in conjunction with the signature campaign on forgery or falsification charges (see incidents under part 3.3 dated 6 October 2006 and under part 3.5 dated 2 November 2006). In November 2006, Burma's police chief Brig. Gen. Khin Yi and Information Minister Brig. Gen. Kyaw Hsan each openly warned that authorities would take actions against those participating in 88 Generation campaigns: "*We will have to arrest and charge those who are trying to create public unrest and instability and jeopardize the peace and stability of the country,*" Brig. Gen. Kyaw Hsan announced.²⁷ (For more information on the activities of 88 Generation Students, see Chapter 11: Freedom of Expression, Opinion and the Press and Chapter 12, Freedom of Movement, Assembly and Association)

Between 27 and 30 September 2006, five high profile leaders of 88 Generation Students were arrested. They were held in custody for 3½ months, without any communication with the outside world, finally released without charge on 11 January 2007, the day before the UN Security Council's consideration of the situation in Burma.²⁸ It is a frequent tactic of the SPDC to employ the release of political prisoners as political capital in a game of 'cat and mouse' with the international community. In the past, the junta has at times staged en masse releases of political prisoners. For example in 2004 and 2005, the AAPP estimates that approx. 400 political prisoners were released in several stages.²⁹ These releases often preceded engagement by the junta with international organisations such as the UN and ASEAN, and have been seen as an attempt to divert criticism at appointed times.³⁰ A much smaller number of releases of political prisoners was seen in 2006, only 46 in total.³¹

Two notable labour rights activists were in fact released in 2006, following upon pressure from the ILO. On 6 June 2006, Su Su Nway, who had successfully sued her local authorities for perpetrating forced labour, was released after serving almost eight months of an 18 month sentence in Insein prison, on charges brought in retaliation to her suit. Her release came three days after the ILO Governing Body convened a special sitting on forced labour in Burma, recommending that actions be taken against Burma in the International Court of Justice.³² Similarly, on 8 July 2006, lawyer Aye Myint was released after serving nearly one year of a seven year term imposed for charges arising out of his representation of farmers who complained to the ILO against government practices. He was released after the ILO set a 31 July deadline before it would consider taking this and others' cases before the International Court of Justice.³³

Despite these well-publicised releases, Altsean reported that there remained at least nine others in prisons serving terms for contacting the ILO³⁴ Further, persons who had cause to appeal or complain about administrative actions taken by local authorities, or governmental programs (for example, compelled growing of castor oil and psychic nut crops) which adversely affect them or their property, were frequently subjected to reprisal prosecutions, usually for making false complaints or defamation of the government (see, for example, incidents under part 3.2 dated 23 January 2006 and under part 3.4 dated early January 2006; 18 January 2006; 25 February 2006; 8 March 2006; 14 March 2006; 29 March 2006; 5 April 2006; August 2006; 27 September 2006 and 29 December 2006).

In May and again in November 2006, the SPDC permitted, for the first time since 2004, the attendance upon Daw Aung San Suu Kyi of a UN representative, in this instance the UN Under Secretary-General for Political Affairs, Ibrahim Gambari.³⁵ However, a week after Mr Gambari's first visit, Daw Aung San Suu Kyi's house arrest was extended by executive order for a further year.³⁶ The house arrest of U Tin Oo and the long-term detention in prison of two other NLD leaders, Dr Than Nyein and Dr May Win Myint, were also administratively extended, in January and February 2006.³⁷ In this light, the visits were seen by many as deflection tactics, in view of the UN Security Council's then-pending considerations.³⁸

Since the suppression of the democracy uprisings in 1988 through 2006, the number of political prisoners known to have passed away in custody or shortly after their release was 131. This included 93 deaths in custody, 8 in interrogation centres, 4 in labour camps and 11 after having been released from prison, for reasons associated with their detention. Furthermore, 15 activists had disappeared from prison, their whereabouts unknown.³⁹ The figures include, in 2006, five political prisoners who died in prison, all from preventable diseases contracted due to the dire conditions of their internment. Two former political prisoners also died from diseases they had contracted whilst in prison.

Arbitrary arrest, detention and disappearance of civilians in rural areas at the hands of SPDC and allied troops within Arakan, Chin, Karen, Karenni, Mon and Shan States persisted throughout the year. Even where ceasefire agreements were in place, civilian villagers were often arrested on grounds of 'suppression of insurgency'. Arrest and the threat of arrest ensured a supply forced labourers, and a means to extort money, food or other supplies from villagers for military troops.⁴⁰ (For further information see Section 3.3 Arbitrary or Politically-Motivated Arrests of Persons from Ethnic Minority Groups)

3.2 Arbitrary and Politically-Motivated Arrests, Detention and Disappearances in 2006

Burma has a number of laws which provide for the imposition of imprisonment by a court for conduct defined broadly enough to encompass peaceful political resistance. Some laws are remnants of the British colonial period whilst others were instated by the military during moments of perceived unrest, (for example, 1950 ethnic group conflict following Independence, 1988 pro democracy uprising, and 1996 initiation of the National Convention).⁴¹

The most frequently used law to sentence people tried for political reasons is the 1950 Emergency Provisions Act (No. 17/50).⁴² Articles 2, 3, and 4, which concern assisting people involved in treason, all provide for the death penalty or life imprisonment. Articles 5(e) and 5(j) are most commonly used:

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...shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.”*⁴³

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...such a person shall be sentenced to 7 years in prison, fine, or both.”*

The 1908 Unlawful Associations Act criminalizes association with certain groups. Article 15(2) defines “unlawful association” as that “(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,” providing an unchecked power to the junta to criminalise groups. Article 17(1) provides for imprisonment of two to three years for anyone who *“is a member or takes parts in meetings, or contributes or receives or solicits any contribution for such an association, or in any way assists the operations of an unlawful association”* and Article 17(2) provides for imprisonment of three to five years for anyone who manages an illegal organisation.⁴⁴

The 1923 Official Secrets Act makes it an offence to possess, receive or communicate any document or information of which the disclosure may have an adverse affect on the sovereignty and integrity of the State, or affect foreign relations, or threaten the safety of the state (Article 5).

The 1962 Printers and Publishers Law establishes a scheme of registration and submission to an authority for approval, prior to publication (under threat of seven years’ imprisonment) for any printing or publishing of any materials: Article 3, Parts I, 8. Registration will be withdrawn if it was obtained with a view to *“harming the ideology and views of the Revolutionary Government of the Union of Myanmar”*: Article 10 (Part 4). On 27 June 1989, then Brig. Gen. Khin Nyunt announced that although legally registered political parties could apply for an exemption from the operation of the Law, they could not print material which *“Opposes the SLORC (former moniker of the SPDC) ...Insults, slanders or attempts to divide*

the Defence Forces; Instigates actions that affect law and order and peace and tranquillity...”⁴⁵

The 1996 Law No 5/96 (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) provides for the imprisonment of a person to between 3 and 20 years as follows: *“No person or organisation is allowed directly or indirectly to violate either of the following prohibitions: instigating, protesting preaching, saying [things] or writing and distributing materials to disrupt and deteriorate the stability of the state, community peace and tranquillity and the prevalence of law and order.”*

Section 10 (A) of the State Protection Law allows the SPDC to detain individuals for up to five years without charge or trial. In 2006, two NLD MP Elects were held under this act.

Arrest and Pre-Trial Interrogation and Detention

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

-Article 9, Universal Declaration of Human Rights

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

-Article 5, Universal Declaration of Human Rights

As can be seen from the UN Special Rapporteur’s reports throughout 2006 and the incident reports below, in 2006, arbitrary arrests for political purposes remained commonly accompanied by prolonged pre-charge interrogation and torture, whilst the person was unable to contact or be contacted by family or lawyers, and not provided any medical care or access to judicial process.⁴⁶ (See, for example, incidents under part 3.3 dated 14 January 2006; 15 January 2006; 5 February 2006; 24 March 2006; early February 2006; 19 June 2006; 31 July 2006; 27 September 2006; 30 September 2006 (x 2); 6 October 2006 and under part 3.5 dated 18 January 2006; 5 February 2006; 29 March 2006; and 5 April 2006. Similar attributes attended the arrests reported in depth by AI in 2004 in *Myanmar, The Administration of Justice – Grave and Abiding Concerns*, AI, 1 April 2004.)

In particular, MSF and SB police undertake arrests usually at night, from peoples’ homes, who are hooded and handcuffed. They do not provide any reasons for the arrest, any legal documentation, or any advice as to where the person is to be taken or imprisoned, either to the individuals involved, or to family members. There were reports of torture during interrogation, with detainees frequently denied food, water, sleep and the use of toilets.⁴⁷ A number of persons were held incommunicado until a trial date, with access to legal advice often actively prevented.⁴⁸ As AAPP reported in May 2006:

“Among the physical torture endured, brutal beatings are the most common. These beatings frequently last until the prisoner falls unconscious. In many cases, the prisoner is forcibly woken from his or her unconsciousness to be tortured and abused again. Other physical torture includes: rolling an iron bar up and down the shins until the flesh is ripped; forcing political prisoners to hold unnatural positions for extended periods of time; forcing political prisoners to assume positions of an ‘airplane,’ ‘motorbike,’ ‘semigwa dance,’ or ‘crocodile;’ tying political prisoners down for an extended period of time with ropes or chains;

*water torture; beating a single spot on a prisoner's body for hours on end; burning with cigarettes, hot wax, lighters or electric rods; and electric shocks. Among the mental torture inflicted is the use of incommunicado detention. When a political prisoner is arrested, neither their families nor a lawyer is informed of where they are being taken. It often takes weeks, months and even years to learn of a loved ones location. Incommunicado detention is a noted precursor to torture, as no one can be held accountable. It also causes untold mental suffering for the individual detained. Other mental torture includes: blindfolding and hooding a prisoner; blaming the prisoner for the torture; witnessing other prisoners being tortured; no legal recourse to defend oneself; false releases; lack of family visits; isolation and solitary confinement; playing on phobias; and using inappropriate titles of address. Sexual abuse also occurs during interrogation, including: threats of rape; harassment; molestation; beating or electrically shocking an individual's genitals; and one documented attempted rape of a male political prisoner with a dog."*⁴⁹

In his September 2006 report, the UN Special Rapporteur highlighted the lack of censure of such practices by the SPDC as a key feature of the entrenchment of human rights abuses in Burma's justice system:

*"The capacity of law enforcement institutions and the independence of the judiciary have been hampered by sustained practices of impunity... which has become systematic... It has become increasingly clear that the persistent impunity does not only stem from a lack of institutional capacity. Impunity has allowed accountability to be avoided for acts that have oppressed voices questioning existing policies and practices. Several individuals and groups responsible for committing serious violations of human rights, in particular members of the military, have not been prosecuted... Grave human rights violations are received among the established structures of the State Peace and Development Council and indulged not only with impunity but authorized by the sanction of the laws. In that respect, the Special Rapporteur is also very concerned by the continued misuse of the legal system, which denies the rule of law and represents a major obstacle for securing the effective and meaningful exercise of fundamental freedoms by citizens."*⁵⁰

Burma's 1898 Criminal Procedure Code provides some safeguards. Section 61 permits an accused to be detained only for up to 24 hours without charge. For any longer period, an order from a magistrate must be sought, under Section 167 of the Criminal Procedure Code, and such orders can be provided only for up to 15 days, if additional time for investigation is considered necessary. Section 100 provides judicial authority to make "*such an order as in the circumstances of the case seems proper*" if the magistrate has "*reason to believe that any person is confined... that the confinement amounts to an offence.*"

However, police officials advised AI in 2003 that these processes in practice are only taken to apply to the most serious crimes, and not to political crimes. This was somewhat confirmed by the Attorney General who advised that MI interrogations are not considered to amount to arrest and detention. Rather, arrest is only considered to begin (and by inference, these procedures only apply) when the police are involved.⁵¹ It is unclear what the position would currently be in respect of SB arrests. In any case, the incidents below show that charges and appearances before the court are rarely brought within the 24 hour period (see, for example,

incidents below dated 27 September 2006 and 30 September 2006 concerning arrest of 88 Generation Students).

Articles 330 and 331 of the 1957 edition of the 1861 Burmese Penal Code, which remains in force, outlaw “hurt” or “grievous hurt” for the purpose of extorting a confession or information for the detection of an offence, but not specifically “torture”, inflicted during interrogation. These articles provide for up to seven or 10 years’ imprisonment respectively. Use of rape as torture would similarly be prohibited by Article 376, which outlaws rape generally, and also provides a penalty of 10 years’ imprisonment. Articles 323 and 325 of the Penal Code would appear to prohibit “hurt” or “grievous hurt” of detainees and prisoners outside the context of interrogation, with penalties of up to one year and seven years respectively. Article 166 of the Burmese Penal Code prohibits public servants from unlawfully injuring anyone while discharging their duties, and provides a penalty of up to one year for this offence.

However, the junta remains of the position that torture does not occur in interrogations or imprisonment. When AI raised these concerns in December 2003, the Attorney General insisted, without a hint of irony, that such complaints could not be taken seriously as there would be no witnesses, given that the detainees are held incommunicado. The police indicated that police officers higher up would investigate, and the Chief Justice confirmed that at least in principle, Section 342 of the Penal Code which provides offences for those engaging in “wrongful confinement” could be used by the courts. However, in practice, these protections are not made available.⁵² Throughout 2006, it was observed that when reports emerge claiming torture, mistreatment, or even worse, when deaths have occurred in police custody, authorities have denied any responsibility, discrediting the claims, blaming the detainee, harassing those bringing the charges and confirming that appropriate procedures were taken by the police.⁵³

The fact of pre-trial interrogation and torture being meted out to political prisoners whilst held incommunicado is clearly contrary to international law including: the UDHR to which Burma is a signatory; the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;⁵⁴ Basic Principles for the Treatment of Prisoners;⁵⁵ the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;⁵⁶ the UN Standard Minimum Rules for the Treatment of Prisoners;⁵⁷ and the UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁵⁸

Denial of Fair and Public Trials and Appeals

“Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.”

-Article 10, Universal Declaration of Human Rights

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

- Article 11, Universal Declaration of Human Rights

Although remnants of the British-era legal system remain in place in Burma to protect the rights of an accused, the court system and its functions remain highly flawed, and are particularly susceptible in political cases.

The Criminal Procedure Code sets out a number of important safeguards for a defendant in the trial process: the presumption of innocence, the burden of proof to lie with the prosecution, the right not to be compelled to testify against oneself or to confess guilt (Article 342), the right to a 'pleader' (either legal counsel or someone else approved by the court) (Article 340), that all evidence be given in the presence of the defendant or his or her lawyer (Article 353), and the right to cross-examine prosecution witnesses and give and call evidence (Articles 208, 340). The Judiciary Law 2000 requires open court trials (save for as deemed necessary by the presiding judicial officer), that courts run their processes according to law, with a right to defence and a right of appeal (Section 2, see also Articles 408-410 of the Code of Criminal Procedure), including setting out the framework for appeals from Township Courts, District Courts, State and Divisional High Courts, through to the Supreme Court.

However, in practice and despite public statements by the junta to the contrary, former and current political prisoners' accounts show that rarely are these safeguards afforded to persons charged with political offences.⁵⁹

- Public statements by police or military authorities announcing the guilt or confession of persons charged are frequently published, contrary to the presumption of innocence. (See, for example, incidents under part 3.3 dated 14 January 2006; early February 2006; and 27 September 2006 and under part 3.4 dated 5 February 2006.)
- Detainees are often compelled to give an account and confess guilt during pre-trial interrogation. These are frequently used as part of the prosecution case. (See, for example, incidents under part 3.2 dated 14 January 2006; and under part 3.4 dated 5 February 2006.)
- Information on charges, trial dates, legal representation and rights of appeal are frequently not made available to political detainees.
- As also confirmed by the Chief Justice of the Supreme Court to AI in 2003, defendants are not permitted to see a lawyer in advance of the day of court. When legal counsel is permitted, confidentiality and adequate preparation time are not. In practice, defendants in political cases are often not permitted a lawyer at all. (See, for example, incidents under part 3.2 dated 14 January 2006; early February 2006; 27 September 2006; 2 October 2006 and under part 3.4 dated 28 February 2006 and 29 March 2006 (x 2).)
- Trials are often held in camera within a prison, without notice to anyone outside the prison. Occasions are reported where lawyers are actively prevented from seeing their clients and misinformed of trial dates. (See, for example, incidents under part 3.2 dated 14 January 2006; 23 January 2006; 21 February 2006; and 6 October 2006.)
- In some cases defendants are not even able to speak in their own defence, even to cross-examine prosecution witnesses or call any witnesses to support their own case. Sentences are regularly handed down shortly after the trial has begun. Convictions are reported to be solely obtained on the basis of prosecution witnesses and/or a confession extracted

during torture or ill-treatment. (See for example, the incident under part 3.4 dated 29 March 2006 (2).)

- The independence of the judges sitting on such cases is highly questionable. Supreme Court judges are chosen and appointed by the SPDC. In turn, these judges appoint lower level court judges, with the approval of the SPDC. Judges are not protected with tenure and are vulnerable to removal if their rulings do not coincide with the junta's interests. The breaches of due process – as set out above – can only occur with at best, the court's acquiescence. Prisoners have reported appealing to the judge about torture only to be told that nothing can be done about it. It has also been reported that the judges' deliberations consist of little more than reading out a sentence from a pre-written note, usually to impose the maximum penalty available. It is "widely accepted" that Burma's courts are subject to the dictates of the junta in cases with political ramifications, and it seems that this is one aspect of a wider problem, which results in many judgments in proceedings involving the state, ultimately supporting the junta's interests.⁶⁰ (See, for example, the incidents under part 3.3 Arakan State dated 13 November 2006 and part 3.4 dated 29 March 2006.)
- Appeal rights are also illusory, given that it is unlikely that transcripts are prepared and if so, they are rarely available to the defendant (despite being required to be filed along with a petition for appeal under Article 219 of the Code of Criminal Procedure), and appeal processes are almost invariably summarily dismissed without argument, on the same date they are filed. (See, for example, the incidents under part 3.4 dated 29 March 2006; and under part 3.8 dated 2 November 2006.)

As the UN Special Rapporteur reported in February 2006, "*trial procedures of those detained on charges of a political nature fall far below international standards.*"⁶¹

Sentences

As referred to above, in most cases of political offences, the maximum sentence provided for is imposed. Further, where a person faces conviction for several offences, the sentences are applied cumulatively, rather than concurrently, even though there remains some discretion with the judicial officer to choose between the two. The result is that some political prisoners are facing sentences of such length that it is inevitable they will die before the sentence is completed.⁶²

Burma still has the death penalty available for some political (and other) offences. In December 2003, the military junta assured AI that no executions would be carried out. Burma is not known to have carried out judicial executions in past years, but death sentences are still imposed,⁶³ (see, for example, incidents under part 3.2 dated 14 January 2006 and early February 2006; and under part 3.3 Shan State dated 2 January 2006 (4 March 2006).) Despite the absence of judicial executions, arbitrary and summary executions were a pervasive aspect of SPDC governance throughout 2006 (For more information see Chapter 2 Extra-judicial, Arbitrary and Summary Executions).

Theoretically, every prisoner has the right to parole, of at least 60-90 days a year (Chapter 11, Article 59(5) of the Union of Myanmar Prison Manual). However, political prisoners are almost inevitably required to serve the entire sentence imposed. For example, Burmese poet

and journalist Than Win Hlaing has remained in prison many years past his due early release.⁶⁴

Partial List of Activists, Opposition Forces and MP-Elects Arrested and Sentenced in 2006

On 4 January 2006, Aung Kyaw Win, an NLD member from Woontwin Township, Mandalay Division in central Burma, was assaulted and detained by police when celebrating Independence Day. He was later released on bail.⁶⁵

On 14 January 2006, two Burmese students, Maung Maung Oo and Chit Thein Tun, members of the All Burma Students Democratic Front (ABSDF), were taken into custody from Moreh, Manipur in north-east India, by the military junta, for the bombing at Nanthphalon Market in Tamu on 8 January 2006, which had killed one person. Both had escaped from Burma in 1988 after the student uprisings. On 22 February 2006, the Minister for Information reported at a press conference that the men had confessed to their involvement. On 14 May 2006, it was reported by a representative from the India-based Burmese Solidarity Organisation (BSO), that the two men had been held incommunicado since their arrests in places unknown. They had been tortured and summarily convicted and sentenced to death without access to lawyers. The imposition of the death penalty was confirmed by AI on 18 May 2006. Chit Thein Tun's wife, Ma Hnin Hnin, his four year old daughter Ei Po Po and two others, Ko Po Zaw and his wife Ma Aye Myint Ma, were also arrested. The adults were sentenced to 5 years imprisonment for their involvement in assisting him. Ei Po Po has been kept with her grandmother in Yan Lem Phai Village, Sagaing Division, but is under virtual house arrest.⁶⁶

On 15 January 2006, Aye Thein, an NLD member and youth official from Thabeikkyin Township, Mandalay Division, was sentenced to five years imprisonment for human trafficking, contrary to Act-366, due to his eloping and marrying his girlfriend. His friends Tin Htoo, Maung Khaing, Zaw Lwin and Phoe Phyu were each sentenced to three years imprisonment for assisting him, under Act-114. On 26 January 2006, Mandalay NLD spokesperson Win Mya Mya reported that Aye Thein had been transferred to a police-controlled hard labour camp, but by mid-February 2006, his exact whereabouts remained unknown to his family, despite attempts by them to obtain such information from Mandalay prison authorities.⁶⁷

On 23 January 2006, Than Win and Pe Win (a.k.a. Puti), both NLD members, were arrested at Indaw Township, Sagaing Division in upper Burma, for allegedly opposing the military's nationwide forced castor oil plantations. The SPDC has recently decided to force Burmese farmers throughout the country to grow castor oil in an effort to solve the country's fuel shortage. Than Win is respected local political leader, and his arrest was seen by locals as a warning. A local NLD member reported that the court proceeding was held on the same day as the two men's arrests, and family members had been threatened with charges to keep the entire process secret.⁶⁸

In January 2006, two NLD members from Kachin State were also reportedly detained for speaking out against the junta's castor oil project.⁶⁹

Also in January 2006, it was reported that former SPDC Foreign Minister Win Aung was arrested upon charges of corruption and bribery.⁷⁰

On 5 February 2006, Aung Cho Oo, 27 years, was arrested by the SPDC in respect of the May 2005 bombings in Rangoon. On 21 February 2006, SPDC Information Minister Brig. Kyaw San announced that Aung Cho Oo was a member of both the ABSDF and the Network for Democracy and Development (NDD) and that he had confessed to providing security information to Thein Win, an exiled labour rights activist, to carry the bombings out. Both organisations denied any involvement in the bombings and whilst Aung Cho Oo had previously been a member of NDD, he had never been a member of ABSDF. In August 2006, Naing Ko, of the Bangkok-based Federation of Trade Unions Burma (FTUB) reported that 15 people, including the parents, other family members and friends of Thein Win, had been arrested on charges of maintaining unlawful contacts with exiled organisations and tortured with the use of electric shocks. They included Chaw Su Hlaing, Thein Win's pregnant sister. Chaw Su was released after hospital treatment, along with her father, one brother and three others but the other nine persons remained in Toungoo prison, Pegu Division. International labour rights groups have accused the junta of torturing Thein Win's family and associates for the purpose of extracting confessions about his illegal activities, in his absence.⁷¹

On 7 February 2006, Ko Ko Myint and Thein Zaw, two NLD members from Shwegu Township in Burma's northern Kachin State, were each sentenced to seven years imprisonment by the local Township court for possession of opium. Local residents of Shwegu reported that both had been active in the NLD and deeply religious, such that it was believed that neither of them had used or trafficked in drugs. NLD spokesperson Nyan Win reported that prosecution witnesses had given evidence to this effect but the prosecution continued as "*a deliberate act to punish the NLD members.*" An appeal was lodged on 9 February 2006.⁷²

In the first week of March 2006, San Shwe Tun, NLD chairman and Aung Pan Tha, NLD organising committee member, both of Arakan State, Sittwe (Akyab) Township, were each sentenced to three years jail by a local court for trading in illegal foreign currencies under Act 24-1. Local residents reported that the charges were false; that the men had been approached by an unknown currency dealer but had refused to participate, and that no foreign currency had been located when police searched their houses. A family friend reported that the lawyers had advised that sentences of three to six months were usual for these types of offences. The maximum penalty had been imposed. Their appeals to both the District and State level courts were dismissed on 16 June 2006.⁷³

On 14 March 2006, Nay Zaw, 28 years old, the son of an NLD member in Kachin State, Mohnyin Township, was arrested by an anti-narcotics special police force. He was with 3 friends, and they were all stopped and searched for drugs. Although nothing was found, they were beaten and detained. Whilst still in detention, authorities reported that Nay Zaw was hospitalised for 23 days, but died on 2 May 2006. His mother Mi Mi Tun, requested a post mortem, which was refused. However, after she reported the matter to Northern Command Comm. Maj. Gen. Ohn Myint, she became the subject of severe police harassment, such that she fled to the Thai-Burmese border.⁷⁴

On 24 March 2006, Aung Thein (approx. 70 years old), chief auditor of the NLD, was arrested at his home in Rangoon Thaketa Township, by the SB. Family members were not advised of the reasons or to where he had been taken, and were concerned about his bad health. He had been temporarily suspended as a member of the NLD in 2005, but had continued to carry out his duties.⁷⁵

On 29 March 2006, seven students from Pegu College, Pegu were arrested for writing and distributing a poem called *Daung Man* (the might of the fighting peacock). A further person was arrested for printing the poem. Most of the students were released on 10 April 2006, but two students and the printer were detained at Pegu prison. On 25 May 2006, a textile printer was also detained, for printing a T-shirt with the image of a fist, which was found with one of the students. On 9 June 2006, the two students and the two printers were convicted under the Emergency Provisions Act-5J, the Printing Acts-17/1 & 2 and the Unlawful Association Act, and each sentenced to 19 years imprisonment, save for the poem printer, who was sentenced to 14 years imprisonment. The textile printer remained at Pegu Prison and the rest were taken to Insein Jail. The trial was held inside the prison. None had been legally represented, despite lawyers being engaged and attempting to make contact. Each accused was cross-examined by Pegu District assistant judge Tin Htut. Appeals were lodged, despite difficulties in obtaining the transcript and order for that purpose. On 4 August 2006, the divisional court at Pegu summarily rejected their appeals without argument and on 21 November 2006, the High Court in Rangoon dismissed appeals by both the students. The persons arrested and prosecuted were:

1. Hnin Wint Wint Soe, student, later released;
2. May Su Su Win, student, later released;
3. Ne Linn Kyaw, student, later released;
4. Thet Oo, student, later released;
5. Win Min Htut, student, later released;
6. Maung Maung Oo, student, convicted and sentenced to 19 years;
7. Zeya Aung, student, convicted and sentenced to 19 years;
8. Aung Aung Oo, proprietor of A20 Desktop Publishing Business, Pegu,
9. convicted and sentenced to 14 years; and
10. Sein Hlaing, textile printer, convicted and sentenced to 19 years.⁷⁶

On 15 May 2006, four NLD members from Taungup Township, Arakan, were arrested and had their property confiscated. Local police, led by Sgt. Than Zin conducted the arrests. No reasons have been given, but it is believed that it was because of their membership of the NLD, given recent pressures exerted upon NLD members in the vicinity. The members arrested were:

1. Ko Thay (a.k.a. Ko Kyaw Htay), owner of Amar Khan Saw Mill;
2. Ko Aye Tun;
3. Ko Soe Myint; and
4. Ko Tun Naing.⁷⁷

On 9 June 2006, Win Naing, a member of the NLD from Baymet Ward, Yenanggyaung, Magwe Division in central Burma, was arrested by order of the local authority chairman, Aung Win. It is unclear why. He was reportedly arrested for being drunk and disorderly under Act-47 but there were also reports from local NLD organising committee members Than Aung and Tint Lwin that the chairman had not liked Win Naing and had been extorting money from him (along with other residents), which he had been unable to pay.⁷⁸

On 19 July 2006, three unnamed students from Monywa in the Sagaing Division, were arrested for saluting the statue of General Aung San on the 59th anniversary of the Martyrs' day, local residents reported. They were arrested and interrogated but released the next day.⁷⁹

Also on 19 June 2006, lone protester Tun Tun was arrested for shouting pro-Aung San Suu Kyi messages in front of Rangoon City Hall to commemorate her 61st birthday. He had been demanding a transition to democracy and the release of Daw Aung San Suu Kyi. He was bundled into the town hall by authorities but was released 2 days later. He reported that he had not been mistreated, and was released on condition that he sign an agreement confessing to staging a solo protest but agreeing not to do so in the future. Tun Tun is a school teacher. He had previously served 4 years imprisonment as a political prisoner in 1994.⁸⁰

On 7 July 2006, Tun Tun was again arrested, this time for meditating and praying for the release of political prisoners at Shwedagon Pagoda loudly, whilst sitting on a piece of cardboard scribbled with political and religious writings. He was kept at a mental asylum and released a month later, on 9 August 2006. He believed he had been arrested so that he was not at large during the 18th anniversary of the pro-democracy uprising.⁸¹

On 31 July 2006, Nyein Maung, organising committee member and treasurer of Mandalay Division, Madaya Township NLD, was arrested and sentenced to one year's imprisonment, according to NLD MP-elect for Madaya Township, Than Lwin. He had been charged with causing a civil servant undue distress under Act-198, by having an argument with the husband of a judge whilst in her chambers. He was told by the authorities that if he quit the NLD, the charge would be dropped.⁸²

On 7 August 2006, 13 students were reportedly arrested for laying a wreath and saluting those who gave up their lives in the struggle for democracy, at a site where students had been gunned down on 8.8.88, in front of No. 3, State High School, in Pegu. An eyewitness reported seeing them arrested and taken away by security agents, although this report was denied by the local police station and the school.⁸³

On 13 August 2006, 11 members of the NLD youth wing and members of HIV/AIDS support group Friends with a Red Ribbon were arrested in Rangoon for not informing local authorities of an overnight stay at Maggin Buddhist monastery, in Rangoon's Thinganggyun Township, where a memorial service for HIV/AIDS victims was planned. One of those arrested was suffering from AIDS and the majority of arrests were of either NLD members or 88 Generation Students. The event was designed to make those suffering from the disease feel supported, and to raise donations to pay for medical treatment. The event was organised by the patients themselves, who sent a letter of explanation to local SPDC authorities and met with Lt-Col Maung Maung Shein, chairman of the Rangoon's Eastern District Peace and Development Council, to give notice of their intentions. They received little in return for their efforts to go through official channels, however. The association of elder monks threatened to disrobe any member of the monastery involved in the proposed ceremony, while Maung Maung Shein threatened to close down the Tha Zin Clinic-established by a Dutch-based NGO that supported those patients planning to attend the event. The robe-offering ceremony was to begin at 8 am and the arrests were made of some of the leading organisers at about 1.30 am, in a raid at the monastery. All 11 were released about 36 hours later, when the police station where they were held was swamped by supporters. The event had been cancelled. Upon release from police custody, they were taken to the Thinganggyun Township authority office, where they were pressured to sign incriminating pledges, but refused. One of those detained, Than Naing, advised that the authorities were mostly motivated to seek to undermine NLD attempts at assisting HIV/AIDS patients. Local authorities had organised a parallel merit-making ceremony, sponsored by the junta and the Union Solidarity and Development Association (USDA). The monastery was threatened to

only receive donations from the council, and not the student's/NLD organisations. Those arrested were:

1. Than Naing, Taungdwinggyi;
2. Htet Yazar, Twante;
3. Shwe Gyoe, Hlaing;
4. Aye Naing, New Dagon Town;
5. Awta, Yenanggytang;
6. Moe Naing, Bahan;
7. Kan Myint, Hlaing Thayar;
8. Myo Thant, Seikkan;
9. Soe Naing, Hlaing;
10. Than Htut, Hlaing Thayar; and
11. Than Htaik Aung, Hlaing.⁸⁴

On 15 August 2006, Myint Tun, Rangoon Shwepyithar Township NLD member, was detained upon charges of doing a reckless act causing someone's death, under Criminal Act-337, 304a, NLD lawyer Myint Taung advised. The person had apparently died from electrocution near an electric post where Myint Tun sourced electricity for his home. The NLD believes the charges were brought to attempt to hurt Myint Tun and his family. Legal action was brought seeking to join the owner of the wire (not Myint Tun) as a defendant, but on 22 December 2006, that was rejected, Myint Taung said. He has been held in custody pending trial.⁸⁵

On 22 September 2006, Hla Shwe and Yeh Myint, both NLD members at Nattalin, Pegu Division in lower central Burma, were arrested over the stabbing of the former local authority chairman. A local resident reported that the former chairman Yeh Win Tun, had often blamed Yeh Myint with crimes committed in the local area and it is believed that these arrests were politically motivated. The stabbing had occurred on 30 August. Yeh Myint's wife had been arrested in lieu of him on that day, with Hla Shwe's wife being arrested on 10 September, before their husbands were arrested on 22 September 2006.⁸⁶

Arrest of 88 Generation Students

On 27 September 2006, three prominent activists and former political prisoners – Min Ko Naing (a.k.a. Paw Oo Tun), Ko Ko Gyi and Htay Kywe – were arrested shortly after dawn by SB and Ministry of Home Affairs officials. It was the 18th anniversary of the founding of the NLD and the men had been scheduled to attend a ceremony commemorating this at the party headquarters in Rangoon. On 30 September 2006, two more leading pro-democracy activists – Min Zeya and Pyone Cho – were arrested at their homes in Rangoon. Family and friends reported that they were informed that the men were being taken for talks with senior government officials regarding the NC.⁸⁷

All the men were 88 Generation Student leaders who have been actively involved in activities for national reconciliation and democracy for many years. All had served previous prison terms, some for more than a decade. Min Ko Naing had been a student studying Zoology at Rangoon University and the elected chairman of the All Burma Federation of Student Unions (ABFSU). He was captured in early 1989 after which he served 16 years in isolation, before being released in November 2004. Since his release, he has spent his time in pro-democracy activities. Min Zeya had served 8 years and was released in 1997 and Pyone Cho served nearly 14 years, and was released in 2003, for their roles in the 1988 uprising. All had been actively involved in the 88 Generation Students group, since their releases.⁸⁸

Because of medical conditions contracted during their prison terms, family members were concerned about their access to appropriate medicines and food. Both Ko Ko Gyi and Htay Kywe were already suffering stomach conditions. They were held incommunicado at offices of the SB and of the Ministry of Home Affairs.⁸⁹ Pyone Cho's brother, Thet Win Aung, died whilst a political prisoner in Mandalay Jail on 16 October 2006. However, despite written and repeated requests made to Interior Affairs, Pyone Cho was not permitted to attend the funeral or a memorial service at his family home in Rangoon on 22 October 2006. The family was not even able to ascertain whether he knew of the death.⁹⁰ On 13 October 2006, Htay Kywe's mother, Mi Mi Lay, was hospitalised, after being unable to eat and bleeding in her urinary tract as a result of cancer. She had been diagnosed and recommended to stay in hospital for at least 5 days, but then, on 15 October, she was discharged. An anonymous specialist doctor reported the discharge was ordered by officials from the Interior Affairs Ministry.⁹¹

On 3 October 2006, the military junta publicly announced that the student leaders were accused of being involved in terrorism and intending to cause "*internal commotion*" and were being detained for questioning "*in order to prevent internal unrest and instability and terrorism*", said to be planned to coincide with the UN Security Council's consideration of Burma.⁹² 88 Generation Students issued a statement the same day denying any involvement in causing instability or terrorism.⁹³ On 5 October 2006, the military junta's newspaper claimed that Min Ko Naing and Ko Ko Gyi had corresponded with a member of the exiled ABFSU and they were being questioned in connection with that.⁹⁴ Reports that the SPDC was fabricating evidence against the students emerged from anonymous sources within the USDA on 19 October 2006. According to the source, USDA members U Tuang and Aung Thaung, and information minister Brig. Gen. Kyaw San, had each told their informers to write reports suggesting the detained leaders were attempting to form a domestic political front with monetary support from foreign countries.⁹⁵

On 29 October 2006, the SPDC stated that the 88 Generation Students may have been connected with a brawl at Monya in central Burma on 27 October 2006. The junta controlled paper, the *New Light of Myanmar*, reported that “the 88 generation students and destructive elements at home and abroad are hatching a plot to create unrest and violence in the nation, the incident is under investigation whether it is related to such destructive acts or not”. However the father of a student detained in respect of the 27 October events advised that the matter was not at all political.⁹⁶ At a press briefing on 2 November 2006, Burma’s police chief said the activists had been arrested because of links to illegal organisations and terrorist groups. The *New Light of Myanmar* claimed that the 88 Generation Group had received funding from exiled organisations, including the AAPP through the British and U.S. embassies, in the amount of US\$17,000 and US\$30,000 respectively. Both embassies denied this. On 6 November 2006, the detention of the five was extended by Rangoon’s Bahan Township Court in absentia under the Emergency Provisions Act-5J, for two weeks for further investigation. This news did not circulate until 9 November 2006, the same day UN Under Secretary-General Mr Gambari arrived in Rangoon.⁹⁷

All five were released on 11 January 2007, without charge. It was the day before the UN Security Council was to consider a resolution regarding Burma. In the interim, they had been kept incommunicado, in pre-trial detention, for interrogation, for 3½ months.⁹⁸

On 30 September 2006, another activist, Myint Aye, after issuing a statement regarding the arrest of the 88 Generation Students on behalf of a human rights group he leads, was also detained by the SB. His family were unable to make contact. He was released on 13 November 2006, after being questioned about his political and social views. Myint Aye had been arrested four times prior to this, and was a former NLD chairman of Rangoon Kyimyindine (Kemmdine) Township.⁹⁹

On 6 October 2006, Win Ko Ko and Zaw Tun Latt, youth members of Pegu Division Moe Nyo Township NLD, were arrested for possession of illegal lottery tickets under gambling laws. Win Ko Ko had been active in obtaining all the villagers’ signatures in Yethabya in Moe Nyo Township for the 88 Generation signature campaign calling for the release of all political prisoners, and had been found in possession of about 400 signatures. On 19 October 2006, Win Ko Ko was sentenced to 3 years imprisonment, one day before his set trial date at Lethpandan Court in lower Burma, without the benefit of lawyers or seeing his family. He was convicted of ‘obstructing the work of a government officer’ and sentenced to 2 years, and then another 1 year for possession of illegal lottery tickets, reported NLD lawyer Khin Maung Yin. He was then transferred to Paungde Jail to serve his term, according to advice given to his family.¹⁰⁰ On 9 November 2006, Zaw Tun Latt and Win Ko Ko were each sentenced to an additional 14 years for forging documents and fraud, under Acts-420 and 468, at the Tharawaddy Township Court, on the basis that the signatures were obtained through misrepresentation. They had been moved to several different detention places in order to deny access to lawyers and family members in the interim.¹⁰¹ Zaw Tun Latt’s mother passed away without being able to see her son, on 23 October 2006. It was reported that she had not previously been ill, but died from an anxiety-related illness.¹⁰²

On 2 November 2006, Ye Kyaw Thu was detained for his involvement in helping to collect signatures for the signature campaign in Thailand, after being deported back to Burma from Thailand. He had been arrested in Thailand after failing to provide proper working papers.¹⁰³

On 7 November 2006, 14 pro-democracy activists, including members of the NLD, were detained briefly at Shwedagon Pagoda, reported one of the detainees, Naw Ohn Hla. They were taken into the trustee's office and warned that they could not gather in groups of more than 5 people to pray at the Pagoda. They were released in the evening. The group had been making weekly visits since July 2004 to pray for the welfare of Aung San Suu Kyi.¹⁰⁴

On 10 December 2006, three democracy activists, including U Myint Aye, were arrested at around 9am, approximately an hour before a scheduled ceremony marking International Human Rights Day at Bogalay, Irrawaddy Division. They were released at around 1pm. The arrests meant the cancellation of the planned meeting, said May Ky, a spokesperson for the 88 Generation Students Group.¹⁰⁵

3.3 Arbitrary or Politically-Motivated Arrests of Ethnic Minorities

Most of Burma's ethnic minority regions remained heavily militarised throughout 2006, namely Arakan State, Chin State, Karen State, eastern Pegu Division, Karenni State, Mon State and Shan State, despite the existence of ceasefire agreements in most of these areas. The Karen National Union (KNU) and the Shan State Army (SSA) are perhaps the most formidable of the remaining armed ethnic minority resistance groups, and 2006 saw continual SPDC military offensives mounted in Nyaunglebin, Toungoo and Papun Districts where the KNU maintained a presence.¹⁰⁶ In Papun District, the Karen Human Rights Group (KHRG) asserted that:

*"After clashes occur with the KNLA (Karen National Liberation Army- the armed wing of the KNU), villagers are often detained in retaliation. The SPDC attempts to legitimise such actions under the rubric of 'counter-insurgency'. However, it is more often the case that the detention of villagers has less to do with eradicating the KNU/KNLA than it does with intimidation in support of the general military build-up in the area. Furthermore, villagers are easier targets than KNLA forces who quickly disappear after sudden guerrilla-style attacks. Detentions are often, therefore, perpetrated in a manner aimed at instigating fear amongst villagers so as to make them more susceptible to military control and extortion and weaken their support for the KNU."*¹⁰⁷

Areas of Mon and Shan State have seen similar patterns regarding the detention of civilians in relation to the continued presence of insurgents within the region. However, in those areas where ethnic groups have entered into ceasefires with the SPDC, and where the military enjoys near unchallenged rule over the populace, such as Thaton District, the arbitrary arrest and detention of local villagers continued to be reported in high numbers. As stated by Pinheiro in February 2006:

*"The concerns of the ceasefire groups are compounded by reports of increased militarization in ceasefire areas. Contrary to expectations that entering into a ceasefire agreement would result in a loosening of military control, the confiscation of lands, the continued construction of military camps in ceasefire areas and other activities which have a negative impact on the civilian population, including forced labour demands, are leading many to query the dividends to be gained from entering into ceasefire agreements."*¹⁰⁸

Arrest and detention of civilians in these areas was often ostensibly carried out under suspicion of assisting resistance efforts. However, whilst those for which there was a genuine suspicion of having links to insurgent groups were shown no mercy, numerous other detainees were simply forced to carry out labour duties for the SPDC (such as working on the construction of their camps or portering military equipment).¹⁰⁹ Others were released upon payment of an exorbitant fee (see, for example, incidents under part 3.3, Arakan State dated 8 February 2006; 22 February 2006; 17 August 2006; 8 December 2006; Karen State dated 28 April 2006; Mon State dated 1 February 2006; 4 December 2006; Shan State dated early 2006; 8 July 2006 (2); 9 July 2006; and 17 July 2006).

In areas where the SPDC asserts control over the local ethnic population, villagers are subject to arrest or even arbitrary execution if they are seen outside their village boundaries without the necessary documentation which they are forced to purchase from the SPDC. Village heads are particularly vulnerable to arrest and arbitrary detention; often summoned to the local army camp and blamed for the actions of their fellow villagers, failure to report local insurgents in the area or simply as a means to demand labour, money and goods from the village. Family members are also subject to arrest in lieu of the accused, with women, left in villages after their men have fled, often accused of being married to an insurgent.

The Rohingya, denied citizenship since 1982, and hugely discriminated against at a state and societal level, are particularly targeted and vulnerable to the system of threats, extortion and abuses at the hands of the SPDC which relies on the threat of arrest to continually suppress and exploit this minority ethnic group found mostly in the Townships of northern Arakan. They are generally prohibited from travel under threat of imprisonment,¹¹⁰ and must obtain the permission of the authorities to marry. As the fees garnered from authorities in order to grant permission are often unaffordable and the processing of applications is often delayed,¹¹¹ they are often forced to travel or marry covertly under the threat of arrest for them and their family. SPDC authorities have sought to justify marriage requirements by claiming that the high population growth in the Rohingya community must be checked.¹¹²

Arrest for the purposes of extortion relies upon the threat and practice of torture which was said to be an almost inevitable result of detention at the hands of the *tatmadaw* (See for example, incidents under part 3.3, Arakan State dated 8 February 2006; 18 May 2006; first week of August 2006; 4 October 2006; 9 October 2006; Karen State dated late April 2006; 28 April 2006; Karenni State dated 5 June 2006; Mon State dated 9 November 2006; 15 November 2006; 4 December 2006; Shan State dated 3 May 2006; 8 July 2006; and 9 July 2006 (2).).

Incommunicado detention and disappearances also occurred frequently in 2006. (See for example, incidents under part 3.3 Chin State dated 17 January 2006; Karen State dated 6 February 2006; Shan State dated 9 June 2006; 28 June 2006 and 9 July 2006).

Partial List of Arrests and Detention of persons in Ethnic Minority Areas in 2006

Arakan State

In January 2006, numerous Rohingya civilians in Sittwe, particularly from Kyauktaw, Pauktaw, Mrauk Oo, Minbya, Mraybon, Kyakpru and other towns, were arrested for travelling without a “Form 4” permission to travel.¹¹³

On 8 February 2006, Mohammed Ibrahim and Noor Boshor, two villagers who were forced by the junta troops to perform overnight sentry duty in northern Arakan, were detained overnight, beaten and released the next day with a fine of 6,000 kyat, on allegations of falling asleep on duty.¹¹⁴

On 22 February 2006, Mohammed Jobair, 24 years old, was arrested by SPDC troops at Let Wat Dad Pazzun Chaung village-tract of Buthidaung Township on charges that he had gone to work in Bangladesh secretly. 50,000 kyat was extorted from his father for his release, which his father gathered over the next two days. He was then released.¹¹⁵

On 5 May 2006, 15 men from Sadamaw Village, outside of Sittwe, were arrested when they went to Sittwe to sell goods at the market, for not having village out-passes. They were sentenced to 6 months imprisonment, and released on 5 September 2006, a local elder reported.¹¹⁶

On 11 May 2006, Fawri Islam, 25 years, from Kyar Gaung Toung Village, Nga Khura, Maungdaw Township (NaSaKa area #5) was arrested and detained at NaSaKa outpost #12 for possessing a mobile phone from Bangladesh. He escaped from custody on 17 May 2006.¹¹⁷

On 18 May 2006, a teacher, Mohamed Khalek, 35 years old, was arrested by the junta on charges of smuggling rice to Bangladesh. He was severely tortured in front of his family members, so as to extort money from them. They paid 150,000 kyat in order for the torture to stop. He was then taken to the NaSaKa camp at Aley Than Kyaw, Maungdaw Township for questioning and underwent medical treatment. He had been distributing rice with the UNHCR and it is thought that the Bangladesh charge is false.¹¹⁸

On 30 June 2006, Nami Ullah, 25 years old, and Hasina Begum, 20, from Kon Tan village-tract, Rathedaung Township, were arrested by NaSaKa when preparing to cross to Bangladesh to get married, as they had not been able to obtain permission from the authorities in Burma. They were each sentenced to 3 years jail on 6 July 2006 and are held at Maungdaw jail.¹¹⁹

On 2 July 2006, 2 monks, Wila Tha, and Than Keisa, were arrested in U Shwe Maw Village, Thadwe.¹²⁰

On 13 to 15 July 2006, at least two teachers and four youths were arrested in Kyaukprou and Rambree Towns, on Rambree Island on the Arakan Coast, a day after a clash occurred between police and youths in Kyaukprou, resulting in injuries to Sgt. Aung Kyaw. Those arrested were:

1. Aung Soe Khiang, student, arrested in Kyaukprou by LIB#34 on 13 July;
2. Aye Thein, student, arrested in Kyaukprou by LIB#34 on 13 July;
3. Sara Hla Aung Kyaw, teacher, arrested in Kyauk Town on 15 July;
4. Than Aye, teacher, arrested by authorities in Kyauk Town on 15 July;
5. Tun Tun Naing, student, arrested in Kyauk Town on 15 July; and
6. Myint Oo, student, arrested by authorities in Kyauk Town on 15 July.

Two other youths involved in the incident, Than Myint and Htay Win, were not arrested, and it is not clear whether the arrests on 15 July were in fact connected with the incident.¹²¹

On 19 July 2006, junta troops, NaSaKa troops and police forces raided the homes of every house in the Shwezar quarter of Maundaw Town (consisting of 5 smaller villages, Shwezar Mrauk, Shwezar Guna, Dayla Wra, Kanyin Chaung, and Aung Bala), blocking the roads and moving from house to house throughout the night. At least 70 people, mostly Muslim, were arrested, either on suspicion or for not having proper permission from their village councils to be staying in a different household or town. The reasons for the raid are unclear, but some townspeople believe it was connected to searching for insurgents rumoured to be entering Arakan from Bangladesh or India in order to detonate explosives.¹²²

On 23 July 2006, Marmouk Adular, 42 years, from Padin Village, Maungdaw, was arrested by NaSaKa forces, for being in possession of a cell phone bought from Bangladesh.¹²³

In the first week of August 2006, 22 Rohingyas from Lake Ya Village-tract (Kumir Khali) of Maungdaw Township were reportedly detained by NaSaKa for repairing and rebuilding the Kumir Khali mosque roof in June 2006. NaSaKa requires that permission be obtained for repairs to be undertaken but rarely provides that permission. The men were arrested, tortured and detained in Maungdaw jail. Those detained included:

1. Molvi Mohammed Hossain, 40 years;
2. Ali Zuhar, 15 years;
3. Mahommed Shafi, 40 years;
4. Abdul Hasim, 35 years; and
5. Chairman Din Mohammed (a.k.a. Maung Mon Kha).¹²⁴

On 17 August 2006, 15 Rohingyas in Myoma Kanyin Tan (Siddar Para), Maungdaw Township, were arrested and interrogated by police on charges of stealing electric wires. After a week of interrogation, all were freed without charge on payment of 120,000 kyat each, a relative reported. Those arrested included:

1. Shafi Ullau,
2. Abdul Fayas,
3. Mohammed Hanif,
4. Ziabul Hoque,
5. Azu Meah, and
6. Sayed Kasim.¹²⁵

On 4 September 2006, Mohamed Hussain, 37 years, from Pauktaw Township, was arrested for staying temporarily in Bogar Dill village, Sittwe without an 'out pass' from Pauktaw. He was detained by immigration officers at Sittwe, Myuma Police camp #1. On 8 September 2006, he was sentenced by Sittwe Court to two and a half years imprisonment with hard labour under Acts-2081/06, 188. According to villagers in Sittwe, out passes cost between 1,000 and 1,500 kyat.¹²⁶

Around 15 September 2006, Ko Maung Shwe, arrested for theft, died at the police station at Sittwe after a police interrogation. He was from Renar Byin Block under Wra Gri Mrauk Tract in Sittwe. Police officials found his body in the custody room on 18 September and announced he had hung himself. The Arakan State High Court ordered a report by the 2nd in charge at the station, Aung Kyaw Oo, into the cause of death.¹²⁷

On 4 October 2006, 14 villagers from Ponna Kyunt Township, were arrested by the junta after they assaulted a soldier who was caught stealing a cow. Other villagers reported that those charged had been tortured whilst detained at military headquarters.¹²⁸

On 9 October 2006, Maulana Mohammed Shafique, 27 years old, principal of a *Madrasah* (religious school) and a religious leader, from the KhanYaung Chaung (Khayoung Khali) village of Maungdaw Township, was arrested by NaSaKa, on the allegation that he had been communicating with villagers working in foreign countries and receiving financial support from them for the school. He was detained at NaSaKa camp #6 for three days, and suffered mental and physical torture before being sent to the Maungdaw police station on 12 October 2006. He was later sentenced to two years imprisonment by the Maungdaw Court, a relative reported.¹²⁹

On 4 November 2006, it was reported that Morium Khatoon, 35 years old, from Tan May Village, Buthidaung Township, was arrested in lieu of her daughter, who had escaped to Bangladesh with her husband, after being married without the permission of NaSaKa. A relative reported that Morium Khatoon was sentenced to two years imprisonment by the court in Buthidaung on 1 October 2006.¹³⁰

On 8 December 2006, Mohamed Hussain, 25 years old, and his wife, both of Dunsay village, Rathedaung Township, were arrested by NaSaKa because they married without permission. They had been married 12 months previously, secretly, because permission had not been granted. They had a 1 month old baby. Their families attempted to seek their release, but were told the money they had gathered, 40,000 kyat, was not sufficient.¹³¹

On 22 December 2006, U Yaung Chay and U Aung, from Pyilong Gri Village in Mrauk U Township were arrested by the SPDC army, due to allegations of their links to Chin rebels. A family member, who reported the incident, denied that the two men were involved in any anti-government activities, past or present.¹³²

Chin State

Also on 17 January 2006, two high school students, Pa Pa Tha (9th grade) and Maung Shwe (10th grade), from Auk Pin Ti Village of Paletwa Township, southern Chin State, were arrested by SPDC troops on suspicion of being sympathetic to Chin rebels.¹³³

On 14 June 2006, Sun Par, the wife of the village headman of La Lui village, Matupi Township, and her infant son, were arrested by the Matupi TPDC and Capt. Aung Kyaw of LIB #140. Her husband had fled, amidst allegations he had failed to report the presence of an armed group in the area to the SPDC.¹³⁴

Also on 14 June 2006, Aye Thein was arrested in Paletwa by SPDC soldiers from LIB #289, and interrogated, reportedly on suspicion of working for a rebel group.¹³⁵

In the second week of August 2006, three Naga women, Phaitei, Mayraitei and Zin Hnintei, were arrested and their cattle seized by the junta in Swanmayar, on the Indo-Burmese border. The reasons for their arrests are unclear, but villagers report that military troops often come to the village to extort crops, food and cattle.¹³⁶

Karen State

Doooplaya District

On 28 December 2006, troops from SPDC LIB #36, Column 1, led by Comm. Min Tun Aung under TOC #2, arrested Tee-to-kaw villager Naing Taw Kaw (43), Mae-ka-wa villager Saw Pa Pee (39) and looted 1,500,000 kyat from them. After looting, the troops put military uniforms on the two villagers and shot them dead.¹³⁷

Mergui-Tavoy District

On 8 August 2006, troops from SPDC LIB #561, led by Sgt. Tin Htun, seized and questioned Ta-kweh-sweh-plaw village head U Bi Bay, near Tone-ma-kha village. He was beaten severely, because he had approx. 100,000 Thai baht on him.¹³⁸

Nyaunglebin District

On 15 February 2006, Comm. Chit Than Oo and troops from SPDC LIB #351 arrested Saw Ka Wah Htoo (42), Saw Lar Mu (25) and Saw Nyein Heh (40) from Ho-pu village. Saw Ka Wah Htoo was shot. It is unknown why they were arrested.¹³⁹

In late April 2006, according to a report by KHRG, SPDC troops were regularly arresting and detaining villagers in western Nyaunglebin District, ostensibly upon suspicion of links with the KNU, but seemingly to extort funds. Saw Baw Htoo of Way Sweh village was arrested at Mwey Kwin ferry terminal in the plains of western Mone Township by Sgt. Htun Myint of LIB #599. SPDC troops took him to their camp at Myaung Oo where Capt. Khing Maung Myint demanded 500,000 kyat for his release.¹⁴⁰

On 27 April 2006, in Mone Township, SPDC troops from LIB #599 led by battalion second in command, Yan Naing, arrested a number of villagers. It is unknown why. Those persons arrested were:

1. Maung Nyein, Ko-ni village,
2. Naw Lay, Hsai-hswe village,
3. Shawlamon, Hsai-hswe village,
4. Naw Ta Kaw Paw, Nga-pyaw-daw village,
5. Saw Pay Toe, Nga-pyaw-daw village, and
6. Saw Blay Blaw Wah, Nga-pyaw-daw village.¹⁴¹

On 28 April 2006, Warrant Officer Than Htay and Sgt. Yeh Min went to arrest villagers from Way Sweh, Gko Nee and Noh Nya Lah Villages in Mone Township pursuant to orders issued by LIB #599 Battalion Comm. Yan Naing to all Kyun Bin Seik camp officers. A number of villagers were arrested, detained and then severely tortured. On 30 April 2006, the soldiers demanded a 2,500,000 kyat ransom for the villagers and released them upon payment. However one villager, Maung Htay, was not released but sent instead to Kyaw Pya army camp. The villagers arrested were:

1. Nay Lay, Way Sweh village;
2. Sho L'Moh, Way Sweh village;
3. Saw Maung Htay, Gko Nee village;
4. Naw Kri Heh, Gko Nee village;
5. Nay Ger Htoo, Gko Nee village;
6. Naw T'Kaw Paw, Nga Pway Taw village;
7. Saw Bpin Tun Pa, Nga Pway Taw village;
8. Blaw Wah, Nga Pway Taw village; and
9. Saw Pway Moo, Noh Nya Lah village.¹⁴²

Naw Gay Paw, of Kyauk Kyi Township, was also arrested, by SPDC LIB #60 Battalion Comm. Maung Thein Soe, upon allegations of having KNU connections. She was incarcerated in Kyauk Kyi jail for two months, before being transferred to Toungoo prison, where she was forced to pay 500 kyat to use the toilet, 200 Kyat to take a bath and 500 Kyat to get her meals. She was reported to have been frequently tortured. Furthermore, when she became sick she was not permitted to transfer to the hospital. When she was finally allowed to move to the hospital after becoming severely ill, her legs were kept in shackles.¹⁴³

On 1 May 2006, SPDC troops arrested Myo Chit and Kyaw Htoo of Plah-Khee-law village and took them to Tha-htay-gon army camp. The reasons are unknown.¹⁴⁴

On 24 June 2006, troops from SPDC LIB #522 arrested Naw Kwee Kwe (30), and Saw Bi Aw (38) from Kyauk-pya village. Saw Bi Aw was killed and Naw Kwee Kwe is missing. Troops then looted money from the villagers, totalling 2,925,900 kyat.¹⁴⁵

On 30 June 2006, troops from SPDC LIB #522 arrested and seized two villagers from the Ka-Bah-Hta village in Kyauk-Pya village tract, Mone Township. One of them, Saw Bi Aw (38) was found dead on 6 July 2006. The troops burned 381 baskets of paddy, and 28 baskets of rice, and looted cash, gold, tools, water proof sheets and flash lights. Villagers fled their village.¹⁴⁶

On 3 August 2006, LIB #351 Battalion Commander Than Tate arrested Saw P--- in the Hteh Htoo relocation site. He was tied up and accused of having contact with the KNU. SPDC soldiers not only beat him up but they kept him in water overnight, where he was bitten by leeches. He was then placed in a cell for a month, before the SPDC demanded 300,000 kyat for his release, which was collected by the village head.¹⁴⁷

On 28 August 2006, Cap. Kyaw Min Naing and Bo Kyaw Sein Min, with troops from SPDC LIB #351 arrested Pay-tu villagers Saw Kyaw Htoo (40) and Saw Ba Nge and sent them to the No. 2 MOC office in Kyak-kyi Town. They were interrogated and beaten, accused of having a firearm and radio set. Their houses were later looted.¹⁴⁸

On 3 September 2006, LIB #351 Battalion Commander Than Tate arrested villager M--- from the Hteh Htoo relocation site along with three of his friends when they were seen outside relocation site in their boat. They were locked in leg stocks for one week and fined 5,000 kyat each.¹⁴⁹

Interview with Karen villager Saw K--- concerning his arrest

Name: Saw K---
 Age: 35
 Place: Shwe Dan [Kyauk Kyi Township]

At midnight on 3 September 2006, three people [SPDC army soldiers] came and called to me. I woke up and they called me down from the house to follow them. They said ‘come with us for a while’. I went with them but then those three people pointed their guns at me and told me to ride in the car. I acted like I was going to get in the car but then I stood up and ran away. They shot at me one time but it didn’t hit me and I escaped. They could not capture me so they went to my wife and took my wife and my children with them to their LIB #351 battalion headquarters to the west of Than Bon and they kept my children and my wife in the jail. The village head and my eldest son came and he told me that the people [SPDC] keep his mother and his younger siblings in the jail. They left my oldest daughter at home to tell the village head. They took my wife, four of my children and my 6 year-old niece. My youngest child is [just] over one year old and my daughters are 13 years old, 10 years old and 6 years old. They had to stay in jail for one day and one night. When they were captured, the villagers went to meet them but the soldiers, the guards and the officers didn’t allow them to meet them. The people who went to meet my wife and my children were the village chairperson, village secretary, the Tha Pyay Gone village chairperson and my [eldest] daughter. They were released but didn’t have to give money [a bribe]. Though, even now I don’t dare to go home. If I go back home the people [SPDC] will capture me, so I have to stay in the jungle. My children sometimes bring food for me and sometimes my wife brings food for me.

I don’t know the reason why the SPDC wanted to arrest me. Normally they arrest people so they can demand money. I was afraid that they might demand money from me, so I escaped. Now, if the SPDC soldiers see people who have some money and people who can do their work well, they arrest them and accuse them of many things so they can get bribes from the people. They usually accuse the villagers of having contact with the outside people [KNU/KNLA], or of having a gun and a radio [that they are KNU/KNLA], so the villagers must always be afraid of them.¹⁵⁰

On 10 September 2006, LIB #351 Battalion Commander Than Tate arrested Maung Min Oo from Hteh Htoo relocation site, reportedly telling him “*I am arresting you because you came back late and the time is over according to a specific time I set up.*” He had failed to return to the village when the time stipulated on his recommendation letter had expired. He locked him in the stocks (mediaeval-style leg stocks) for a week and fined him 10,000 kyat before releasing him.¹⁵¹

Papun District

On 26 February 2006, in reprisal to a KNU attack upon the Democratic Karen Buddhist Army (DKBA) camp based in Meh Mweh Hta, SPDC soldiers threatened villagers from Wah Klu Ko and arrested two people, a girl of 17 years and the village head. The SPDC soldiers covered the two villagers' faces with a plastic sheet and tied their hands behind their backs. They were detained incommunicado for three hours.¹⁵²

On 6 February 2006, Dta Khaw Hta village head Saw Mer Ler was arrested by SPDC soldiers from LIB #60, accused of writing a travel pass for a man believed to have exploded a bomb at Toungoo on 4 February 2006. Dta Khaw Hta villager Saw Ghay Ler Htoo was also arrested, as he was accused of allowing the same man to sleep at his house en route to Toungoo. But at the same time, SPDC spokespersons were attributing the bomb blast to several opposition groups, without any announcement who the 'man' referred to was. Also, any travel pass issued at Dta Khaw Hta would not be valid for the entire journey to Toungoo. It was thought that these arrests were an attempt to make allegations against the KNU, claiming that the attacker had crossed the Salween from Thailand. Saw Mer Ler and Saw Ghay Ler Htoo were sent to army camps at Saw Hta and then Maw Pu and were held incommunicado. On 10 March 2006, Saw Ghay Ler Htoo escaped. His wife Naw Lah Hser Paw and her infant child were then arrested, but later released. Saw Mer Ler's fate is unknown.¹⁵³

On 18 December 2006, in the Kaw-poke area, one bulldozer and one petrol tanker belonging to the SPDC were destroyed by KNLA troops. However, the SPDC troops arrested the Kaw-poke village head and ordered him to pay for the costs of the vehicles destroyed.¹⁵⁴

Thaton District

On 24 June 2006, Tin Win of the DKBA arrested and beat up Maung Shwee, Kyaw Win and Thin Nyut of Ler-klaw village, Bi-lin Township. The reasons are unknown.¹⁵⁵

On 11 July 2006, DKBA troops led by Than Htun arrested and tied up Ta-eu-ni villager, Saw Mya Oo, in his paddy field hut. He was interrogated and beaten until his skull was fractured.¹⁵⁶

On 28 July 2006, Mae-theh villager, Pa Ta Ba, who had been seized by DKBA troops for use as a porter, stepped on a landmine, in Ta-baw-mu area.¹⁵⁷

On 6 August 2006, Commander Tin Win of DKBA Brigade #333, based in Thaton Township, arrested villager Saw Pa Taw Tee (45), of Noh-ka-day village and Saw Wah Kyo (35), of Mi-gyaung-aing village. Both were accused of working with the resistance, and were detained indefinitely. They were still detained as at February 2007.¹⁵⁸

On 13 August 2006, Kyaw Min of DKBA accused Lay-po-hta villager U Myat Tha Dun of connections with the KNU. He was beaten and 5 viss of pork was then demanded of him.¹⁵⁹

Toungoo District

On 6 February 2006, troops from SPDC LIB #66, arrested Paw-per (Bin-ba), Saw Tha Klow, Ya lo (Myauk chaung), Saw Maw Heh Bweh and Saw Kwar Tay, in the Play-hsa day auk paing Htee plar day areas, Tantabin Township. The reasons are unknown.¹⁶⁰

Between 8 and 14 February 2006, according to a report by the Committee for Internally Displaced Karen People, 135 people were detained from Kaw They Der, Kaw Law Kar, Ky Thay Der and Sar Bar Law Khi villages, for use in forced labour by the military.¹⁶¹

On 13 February 2006, SPDC LIB #80 troops, led by Bo Kyaw Thura, arrested 13 men and 7 women of Ky-thay-doe village, 10 Shar-law-khee villagers and 10 Ler-gi-kho-doe-kar villagers and forced them to cut timber for the Ku-thay-doe army camp.¹⁶²

On 14 February 2006, SPDC TOC #663 troops, led by Maj. Nay Myo Aung, arrested and beat up Paw-per (Bin-ba) villagers, Tantabin Township. Those persons arrested were:

1. Saw Ser Moe Lo aged 35,
2. Saw Maung Kyar Shwe 16,
3. Saw Baw Per 47,
4. Saw Tay Nay Poe 35,
5. Saw Maung Ploe Kaw 18.

These troops also looted from Paw-per (Bin-ba) villagers; 16 sacks of rice, 10 viss of salt, 15 viss of fish past, 3 blankets, 4 shirts, 1 bag, Saw Ser Moe Lo's 2 chickens and Saw Baw Per's 2 chickens.¹⁶³

On 7 May 2006, SPDC troops arrived at the Ye-da-gun camp and seized 2 Ye-da-gun villagers. They were still detained as of August 2006.¹⁶⁴

On 25 June 2006, troops from SPDC IB #14, 4, 5 and 108, arrested villagers in Baw-ga-li village, Ye-tho-gyi village, (3) Thay-mu-doh village (2) and Ka-tho-chee village (2) on the basis of allegations they had sent information to foreign media sources.¹⁶⁵

On 5 September 2006, soldiers from IB #73 under the command of Aung Kah entered Zee Hpyoo John Village and searched through houses. They arrested Saw Htoo Per and his family. Saw Htoo Per's wife and children were ultimately released but Saw Htoo Per and his son Saw Baw Baw Htoo were later executed.¹⁶⁶

In October 2006 soldiers from SPDC LID #66 operating in areas of Kler La Township, were conducting search and destroy missions targeting displaced villagers covertly harvesting their rice. They came cross a group of farmers and opened fire. All the farmers save for Saw Bpin K'Nay, aged 16, were able to escape. Saw Bpin K'Nay was detained at the camp, regularly tortured, and not provided sufficient food. He was later able to escape, despite plans for his execution.¹⁶⁷

On 2 December 2006, soldiers from IB #48 arrested Saw May Htoo (47) and his son Saw Thaw Thi Htoo who resided in Kheh Der village but were visiting Dtaw Gkoo village. On the same day Saw Ba Sein, village head of Zee Hpyoo Kohn (50), U Shwe Maung, (50) village head of Dtaw Gkoo, and the village head of Ray Hla were also arrested. They were detained and tortured for a list of relatives of KNU members in the villages. The Ray Hla village head

was released, but as at February 2007, KHRG had received no further information about the other village headmen.¹⁶⁸

On 23 December 2006, because 30 villagers from Kaw-thay-doe village would not comply with the order of Comm. Aung Soe Win of SPDC LIB #6 to clear bushes along a road where landmines were, Comm. Aung Soe Win detained three villagers as hostages until the villagers did the work.¹⁶⁹

On 28 December 2006, military columns from LIB #6 and IB# 36 under TOC #662 arrested and tortured Saw San (40), of Kaw Thay Doe village, before sending him to Baw-ga-li-gyi army camp.¹⁷⁰

Karenni State

Between January and June 2006, FBR noted that villagers in the Central region (Deemawso, Kaylya, and the No.3 province) were being frequently intimidated and mistreated by SPDC troops. People had been arrested for investigation or to guide troops through the fields, and were particularly at risk if there was nearby shots, or evidence of nearby Karenni resistance forces.¹⁷¹

On 20 February 2006, four villagers from Kaylyar were arrested including the village secretary and beaten by SPDC troops from LIB #102 and #54 due to allegations they had given information to Karenni forces to provoke a gun fight between LIB #102 and Karenni forces the day before.¹⁷²

In the last week of March 2006, the fire watch guard from Lawkykhu, Prusoe Township, was badly beaten by troops from LIB #102 after sounding an alarm whilst on fire duty, when the alarm coincided with the advance of the SPDC. He was accused of warning Karenni rebels of the troops' presence. He was detained in a prison cell overnight and then released.¹⁷³

On 1 May 2006, 32 villagers from Hteekludaw, Hteepawso, Daw Nyekhu and Hsolyaku were arrested by SPDC LIB #428 following a bomb blast on a road between Pruso and Demawso. They were detained at the army base for one week.¹⁷⁴

On 5 June 2006, Berresel, an 8-month pregnant woman who was taken into custody because her husband could not be located, reported that whilst she was kept in custody by the junta's Regional Command in Loikaw, she had been beaten with a stick. Berresel reported seeing other pregnant women being summoned, and the woman in the next cell came back unconscious from a beating. Berresel was released after 15 days, and escaped to the Thai border. She reported that there were at least 5 other pregnant women as well as other women and children at the prison.¹⁷⁵

On 16 June 2006, five Karen from Loikaw and Pasaung Townships were arrested and detained for allegedly having contact with the KNU, under Act 17/1. According to local residents, those arrested are relatives of Saw Ge Thaymu (a.k.a. Saw Nayla) who is being held in connection with bomb blasts that occurred on 3 March 2006 at Toungoo. The persons arrested were:

1. Pastor Boh Reh, South Ward Pasaung;
2. Saw Tamla Htoo, North Ward Pasaung;
3. Saw Bwedo Htoo, Mawchi Village Pasaung;

4. Naw Theh Htoo, Maing Lone Ward Loikaw; and
5. Naw Angela, Maing Lone Ward Loikaw.¹⁷⁶

Mon State

On 1 February 2006, there was an explosion on the gas pipeline near Kwan Hlar village, Mudon Township. Shortly after this, the South East Command of the SPDC army arrested 11 village leaders including the chairman and secretary of the Kwan Hlar Village. All were released in mid-May 2006, after payment of 1,000,000 kyat each and each having signed a declaration that New Mon State Party (NMSP) member, Nai Ong Janah, caused the explosion. The junta's relationship with the NMSP soured after the opposition group refused to participate in the NC.¹⁷⁷

On 9 November 2006, 5 villagers from Khaw-Zar Sub-Town, Ye Township, including a 14 year old boy, were detained and tortured for two days by SPDC troops from IB #31, in connection with the activities of a Mon Splinter armed group.¹⁷⁸

On 15 November 2006, another two villagers from Yin-Yae village, Khaw-Zar sub-Township were tortured by the same troops because they had not advised the SPDC of Mon rebel groups who had been in their village, whilst on forced sentry duty.¹⁷⁹

On 4 December 2006, after a military battle between SPDC troops and a Mon splinter group in an orchard plantation near Khaw-Zar sub-town, troops from SPDC IB #31, led by Lt. Col. Myo Swe arrested, detained, interrogated and tortured approx. 100 civilian villagers, half of whom were women and 15 of whom were children. The torture included electric shock treatment of the men and assaults upon the women. Approx. one to two weeks later, following the interrogation, SPDC officers extorted large sums of money for the release of the villagers. On 13 December 2006, San Shay, a plantation owner who had been arrested near where the battle had been held, was released after he paid 500,000 kyat. Villagers reported that he had suffered terrible injuries, and he fled the area after his release. On 18 December 2006, Ko Kyaw Naing, who had been arrested in Ye Township, was released upon payment by his family of 1,000,000 kyat. Other villagers were released after payment of between 300,000 and 500,000 kyat. Those who could not pay were accused of supporting Mon rebels. Upon their release, SPDC troops banned the villagers from going to plantations and farmlands outside Khaw-Zar and Ye Townships.¹⁸⁰

Pegu Division

On 27 June 2006, 6 villagers including Pastor Saw Tun Ni from Bo Kone Village, Khintanggyi hamlet in Tawkywe-inn Township, eastern Pegu Division, were arrested in their homes and detained in Toungoo Jail, then transferred, first to Mandalay Prison and then Khamti Jail. It is unclear for what they were arrested, save for it is understood that they may have been accused of being KNU supporters.¹⁸¹

On 13 July 2006, SPDC troops forcibly gathered villagers in the Maw-nay-pwa area, in Tantabin Township and sent them to Tat-pu army camp near Tat-pu village, forced to carry food supplies for the army.¹⁸²

Shan State

On 2 January 2006, 40 soldiers of the Shan State Army South (SSA-S) Brigade #241 and its commander, Sa Khun Kyaw, surrendered to the SPDC army near the village of Namtee, Nam Kham Township in northeast Shan State. On 4 March 2006, Sa Khun Kyaw and 24 soldiers were sentenced to death at a trial in Lashio Prison in northern Shan State. They were accused of being involved in drug trafficking, murder and use of child soldiers. An SSA-S spokesperson refuted those accusations.¹⁸³

On 12 January 2006, a Kachin Independence Army liaison officer, Lt. Laphai Yaw, was on his way to attend a funeral of his colleagues killed by SPDC soldiers at Mu-Se in northern Shan State, and was detained for a night, before he was permitted to continue.¹⁸⁴

On 17 January 2006, Ti-Ma and Naang Poi, a husband and wife from Ka Li Village, in Ka Li Village tract, Kun-Hing Township, disappeared after being arrested by a patrol of SPDC IB #246. Other villagers observed their arrest and interrogation in the forest where the troops had come across them. They were reportedly beaten during the half hour interrogation, before being taken away by the troops. They were not seen again.¹⁸⁵

In early 2006, rice traders at the Kaeng-Tung Township were arrested after being accused of trading in rice without permission, even though permission had been obtained from the very same troop arresting them; SPDC troop LIB #314. Their rice and trucks were seized at the Ta Ping village checkpoint and they were arrested despite paying money extorted from them to avoid arrest. They were then required to pay more money for their release and it was expected at the time of this report that further money would be needed to get their trucks back.¹⁸⁶

On 18 April 2006, 38 persons returning to Shan State from a Christian congregation held in northern Thailand were detained by Wa troops in Monmai, north of the Wa capital Panghsang. Charges brought included giving sermons and distribution of papers without official permission. Nineteen of the group, mostly in their teens, were released not long after, but others were still in custody a month later.¹⁸⁷

On 3 May 2006, SPDC troop LIB #574 arrested 55 year old Lung Ma-La, at his sesame farm in Ton Hung Village tract, Kaeng Tawng Sub-Township. He was beaten and interrogated until the village leaders pleaded for his release, but his mental health had already been permanently damaged. The reason for his arrest is unknown.¹⁸⁸

On 9 June 2006, Zaai Awng, a Palaung villager of Ho Ha in Kun Mong Village tract, was arrested and interrogated by SPDC troops. He already suffered from a mental condition prior to the attack. He was taken with the soldiers when they left. As of November 2006, his whereabouts were unknown.¹⁸⁹

On 28 June 2006, a car travelling towards Murng-Ton Township was stopped by SPDC patrol LIB #332 to check the passengers ID cards. A 19 year old novice monk, from Wan Naa village in Kaaad Phui Village tract in Murng-Kerng Township did not have any ID, but was found to be in possession of 1,000,000 kyat. Upon finding the money, the soldiers accused him of carrying a gun, and being a deserting Shan soldier. His fellow passengers, who reported the event, do not believe this to be the case, asserting that they knew him to be a genuine monk. He was detained and as of December 2006, he had not been seen since.¹⁹⁰

On 7 July 2006, the village headman of Nam Lawd Village in the Mawk-Mai Township was arrested by SPDC LIB #322. He was accused of recruiting Shan resistance soldiers and sentenced to two years' imprisonment. Similarly, the village tract headman from Kaa Ha Village and Paaung Zurng Village, Lung Haeng Pan-Ta, was accused of collecting money for the Shan resistance and detained at the military base.¹⁹¹

On 8 July 2006, Zaa Ti, 19 years of age, was arrested by soldiers from SPDC IB #99. He was interrogated about the presence of Shan troops in the area, then tied up with a rope and beaten until he was unconscious. He was released after his father and community leaders spoke to the troops.¹⁹²

Also on 8 July 2006, a couple and their 2 daughters from Laai Paang village in Ho Yaan Village tract, in Kun-Hing Township, were travelling on a bus from Murng-Pan to Murng-Ton. They were arrested by SPDC troops LIB #519 in transit at Saa-Laa Village in Murng-Ton Township and detained in a Buddhist monastery for 4 days until they paid a 220,000 kyat fine, on the basis that their daughters were underage and ought not to be travelling with them to the Thai border.¹⁹³

On 9 July 2006, SPDC troops from LIB #524 led by Capt. Naing Kyaw Oo, entered Loi Khu Village in Wan Paang Village tract, Kun-Hing Township and surrounded the temple, where the villagers were gathered to observe the first day of Buddhist Lent. The troops interrogated the villagers, and beat them, on the basis that Shan soldiers went through the village that day. Ten villagers, 7 men and 3 women, were seriously injured. The troop continued on to Wan Paang Village, and asked more villagers about Shan soldiers. There, the villagers reported sighting the soldiers. The troops then returned to their base.¹⁹⁴

Also on 9 July 2006, a different set of SPDC troops from the same battalion, LIB #524 led by Lt. Hpyu Myint, went to Naa Khu Naa Pe village in Wan Paang Village tract, Kun-Hing Township and interrogated and beat upon villagers who had been gathered in the temple, on the basis that some Shan soldiers had gone through the village. After doing this, and seriously injuring approx. 5 persons, they conscripted 5 women as porters. The women were released when they reached the Nam Khaam village. On 19 July 2006, the village tract headman of Wan Paang tract, Lung Mae-Tha, 56 years, was arrested and detained by the troop. On 21 July 2006, secretary Lung Tin Awng, 55 years, and village headman of Nam Khaam village, Lung Pan-Nya, were also arrested and detained by the same troop. On 22 July 2006, the village headmen of Waeng Naang Village, Lung Lung, and of E-Kaw Village (name unknown) were also arrested and detained. The men were detained, interrogated and tortured at the troop's base for a number of days before most were released. However, the fates of Lung Pan-Nya and the headman of E-Kaw village are unknown.¹⁹⁵

On 17 July 2006, soldiers from SPDC LIB #363 arrested 6 villagers from Loi Kok, a Lisaw Village in Ho Loi village tract, Mawk-Mai Township. They were detained at the Murng-Nai Township and a fine of 1,000,000 kyat each was demanded and paid. Their 3 motorcycles which had been seized were returned, although 10 pigs and 1½ baskets of opium seeds were not.¹⁹⁶

On 24 July 2006, SPDC troops from IB #248 arrested and detained the headman of Tawng Gyi village, Lung Wi-Sa, after they found some opium seeds in his house. He was tied up for one night and released, his opium seeds seized.¹⁹⁷

On 5 August 2006, a patrol of about 40 SPDC troops from IB #246, led by Commander Zaw Lwin, arrested 5 villagers of Nam Khaam village, Wan Paang village tract, Kun-Hing Township. The five men arrested and their ages were;

1. Lung Pan-Nya, 58;
2. Lung Ta, 59;
3. Lung Zit-Ta, 53;
4. Lung Kaw-Wi, 62; and
5. Pi Saang Aw, 49.

The villagers were detained in a lockup in the military base and were taken out at night to be interrogated about the activities of Shan soldiers in the area, with their interrogators often inebriated. During interrogations, the villagers were beaten with sticks and even shocked with electricity, sometimes leading them to lose consciousness. The interrogations continued right through August. On 1 September 2006, Lung Pan-Nya, was accused of being an agent of Shan soldiers and taken to the Nam Pang river at night where he was beaten to death and dumped into the water, about 2 miles southeast of Kun-Hing town. The four other men have since disappeared, and are also believed to have been killed.¹⁹⁸

On 13 August 2006, 42 year old Zaai Yaw of Huay Lin Lam village in Murng Phong village tract, Tachilek Township, was stopped by police at a checkpoint outside of Tachilek town. The police fined him 3,000 Thai baht as he had no tax certificate and attempted to confiscate his motorcycle. Zaai Yawd disputed the confiscation of his motorcycle with the police, claiming that there were no known designated places in which to pay vehicle tax in the area. In response the police officers accused him of defying their authority. He was arrested and subsequently sentenced to 10 years imprisonment. Community leaders managed to secure his release with a payment of 200,000 Thai baht to the authorities, whereby his sentence was reduced to 10 years' probation.¹⁹⁹

During September 2006, a number of villagers in the northern Shan state were arrested for tending poppy farms, by police and SPDC soldiers from LIB #130, led by North Eastern Division Strategic Comm. Lt. Col. Myo Hla. On 25 September 2006, Jone Ja Village head Kon San Sar and U Nyi Sen, Aik Lu and Nai Dyat were arrested; and on 27 September 2006, 10 Palaung villagers from Naw Yreang village, Manton Township were also arrested. These villagers say they are finding work in the poppy fields because there is no other way of earning money in order to buy food. They are suffering from famine-like conditions. The owners, and organisers of the farms, who they suggest are primarily Chinese, are not being arrested.²⁰⁰

On 2 November 2006, soldiers from LIB #144 led by Lt. Myo Thura arrested and beat U Nai Haing, Nai Htin, Aik Htwe, Aik Kyan and U Man Naw (Palaung and Kathin ethnic men) of Pan Khar Village, Laow Homg tract, Nam Kham Township, under accusations of using illicit drugs. After that, U Aik Ngo Kharan and his sons Long Pha and Kyar Pha were detained and beaten, U Kharan sustaining a serious eye injury. The following day, Kon Aye Htan Kyaw Min, his wife Daw Nang San and Aung Kyaw Moe were all beaten. All villagers were taken to the village headman's house, where they were interrogated and tortured, until 6 November, when all were released without charge.²⁰¹

In mid-November 2006, police based in Nam Kham led by Kaung Htut arrested and beat a man from the Nam Kham Township, Ben More new quarter, Northern Shan State, under accusation of selling opium. Police reportedly sought 1,000,000 kyat for his release from his wife Daw Aye Aie.²⁰²

3.4 Arbitrary or Politically-Motivated Arrests of Civilians

In January 2006, the Hong Kong-based Asian Human Rights Commission (AHRC) issued a damning report about the human rights situation in Burma, laying blame with the junta for its failure to provide an adequate legal system to protect its own citizens from incidents of arbitrary arrest, forced labour, torture etc: AHRC claimed “*Thuggery and coercion by local authorities and police are part of life for people throughout Burma, whether inside prisons or out.*”²⁰³

Extra-judicial beatings, killings and other abuses perpetrated by the police, army, local government officers and other officials are conducted with impunity (see for example the incidents under part 3.4 dated 14 March 2006; 19 March 2006; 25 March 2006; June 2006; 8 June 2006; 19 June 2006 and 27 June 2006). And it is not merely those facing charges of perceived political conduct who suffer from the flaws within the Burmese justice system. A December 2006 AHRC report said:

*“In Burma today it is unsurprising to hear that someone has been assaulted or killed over the alleged possession of a small quantity of drugs; supposed suspicion of petty theft; urinating in a public place, or otherwise doing anything that may cause offence to local officials. None of these are the sort of celebrated political cases for which Burma usually obtains attention. But they are the sort that affects the overwhelmingly large number of people in the country.”*²⁰⁴

Often, an ongoing dispute can be traced between the arrestee and somebody within a position of authority or close to the SPDC within the area.²⁰⁵ Ordinary persons who have cause to appeal or complain about administrative actions taken by local authorities, or governmental programs (for example, compelled growing of castor oil and psychic nut crops) which adversely affect them or their property, are frequently subjected to reprisal prosecutions, usually for making false complaints or defamation of the government, (see, for example, incidents under part 3.2 dated 23 January 2006 and under part 3.4 dated early January 2006; 18 January 2006; 25 February 2006; 8 March 2006; 14 March 2006; 29 March 2006; 5 April 2006; August 2006; 27 September 2006 and 29 December 2006.)

Furthermore, despite the well-publicised releases of Su Su Nway and Aye Myint in 2006 following pressure from the ILO, there remained at least nine other persons languishing in Burma’s prisons, serving terms for contacting the ILO²⁰⁶ Citizens also faced arrest under accusations of giving information to foreign-based, Burmese language radio stations. In February 2006, the Ponna Gyunt Township authorities were reported to have established secret agencies in local villages to look for informers feeding foreign media.²⁰⁷

Partial List of Arbitrary and Politically-Motivated Arrests and Detention of Civilians in 2006

In early January 2006, Kyi Maw, a former school teacher at Kanthaya Ward, Magwe in central Burma, was imprisoned for writing a letter of complaint to the municipal authority about the erratic water supply system. He was arrested and charged for filing false reports under Act-192, and sentenced to 6 months in prison, as the authorities said the water had been working, contrary to local residents’ reports.²⁰⁸

On 16 January 2006, it was reported that many construction workers working on the construction of Burma's new capital Nay Pyi Daw, had been arrested for taking photos of the new capital. An anonymous civil servant reported that between 4 and 6 people were being arrested per day.²⁰⁹

On 18 January 2006, Ko Aung Myint Oo was arrested in Meikhtila, Mandalay, and savagely assaulted with various objects around the roadside. Police led by Dep. Sup. Aung Than Htay, claimed that Aung Myint Oo had brandished a weapon. After Aung Myint Oo was sentenced, the judge ordered that he be treated in hospital, due to the extent of his injuries. However, police instead first took him to prison and then to an outpatient clinic. Both agencies refused to admit him, due to his serious condition. He was finally taken and registered in the Township hospital, with two broken ribs and severe injuries to his face and body. A week later, police removed him with shackles and handcuffs, against medical advice. Aung Myint Oo's family made a complaint about this treatment. Police investigators, led by Dep. Police Comm. Ko Than Htun repeatedly questioned, harassed and coerced his mother and wife, until they agreed to discontinue their complaints.²¹⁰

On 9 February 2006, two people were arrested in Moulmein, Mon State, for receiving "*suspicious*" international calls on their mobiles.²¹¹

On 25 February 2006, a member of the Rangoon Insein Township Phawkan Christian evangelical church, Yeh Zaw, who had written, together with several church leaders, to SPDC chairman Sen. Gen. Than Shwe urging the end of persecution of his church, was arrested and detained in Pa-an, Karen State. His wife Naw Sa Eh advised that on 9 March 2006, his family was finally advised that he was detained for lying and travelling without an identity card under Act-420, 406. She also said that Yeh Zaw had been interrogated on 10 March 2006 and was transferred to Pa-an Prison from the police station on 16 March 2006.²¹²

On 28 February 2006, 41 persons were arrested by authorities in connection with anti-Muslim riots in Chauk, Magwe Division. Initially, 14 people were arrested, interrogated and sentenced to 2 years in Tahyet prison. Residents in Chauk reported that they had not had access to lawyers before the trial. Another 27 persons, including a 73 year old man, remained in Magwe police custody without charge. The vast majority of those arrested were reported to be Muslim. The riots reportedly arose over the allegation that two Muslim men had raped a Burmese girl. In the result, two mosques were destroyed, houses and shops damaged and several people were injured. The riots first broke out in Ushik Kone Village in Sin Phyu Kyun Township, Magwe Division on 16 February before spreading to Salin, Pwintphyu and Chauk Townships over the next few days.²¹³

On 8 March 2006, Yeh Aung, 30 years, from Pe-kone Village, Myothit Township, Magwe Division in central Burma, was arrested for 'criticising' the government-imposed nationwide castor oil/physic nut plantation project. He was arrested after attempting to report the village authority chairman Yeh Win for misappropriating money, to higher district authorities. Local residents reported that Yeh Win directed Yeh Aung's arrest after hearing of the complaint.²¹⁴

On 19 March 2006, police officers assaulted the family of a man they were seeking to arrest for causing a noise when forced to guard a security checkpoint overnight, at Daik-U, Pegu Division. Naing Too had resisted the arrest, wounding one of the police officers, and then escaped. Police savagely and publicly beat up his family members with sticks, including his 70 year old father, Tun Shwe, his mother Yin Myint, younger brother Zeya San and his wife

Ni Ni Mar, before detaining the family. The matter was reported by neighbours who witnessed the beatings.²¹⁵

On 24 March 2006, two journalists, Thaacho (Hinthada) (a.k.a. Thaung Sein), and Moe Tun (a.k.a. Kyaw Thwin) were each sentenced to the maximum three years imprisonment, for videotaping and taking pictures of Burma's new administrative capital Nay Pyi Daw, for commercial purposes without permission, under Video Act-31A. They had been arrested on 23 December 2005 and detained at Yamethin Prison. Their appeal to the Yamethin District Court in April 2006 was rejected, as was the further appeal to the Mandalay regional court, delivered on 21 June 2006.²¹⁶

On 25 March 2006, Wai Phyo Naung, a young cart-pushing porter at Kaingdang Market in Mandalay, was arrested for loitering and beaten up by municipal officers. He was then handcuffed and handed to police officers who interrogated him. Police claimed he hung himself in the police station on 26 March 2006; however, other reports suggest he was beaten to death.²¹⁷

On 29 March 2006, U Tin Nyein, 49 years old, was jailed for two years, for complaining that his crops were destroyed after embankments on a stream were demolished by SPDC workers. He was sued for spreading "false information" and convicted in Bogalay Sub-Township Court without a hearing of his defence. He successfully defended this on appeal, but the higher court did not order his release. Rather, the court instructed that he instead be prosecuted under a different provision, which was then submitted by the authorities and of which he was duly convicted (of causing a breach of the peace and upsetting public tranquillity), despite his having 7 witnesses to support his original case.²¹⁸

On 5 April 2006, 23 members of the Booshwemaw Village, Taungup Township religious committee in Arakan State were arrested by the SPDC on the basis that they had opposed the government. The former village secretary and ex-chairman of the committee, Tun Khin, had made the complaint when he was requested by the committee to show account for the loss of 6,000 tins (bushels) of communal paddy during his chairmanship. Family members were not permitted to see those detained. Local residents report that the members of the committee are not NLD members, but rather, members of the pro-military junta party National Unity Party (NUP) and the USDA.²¹⁹

On 30 April 2006 it was reported that police had arrested and interrogated hundreds of civilians, investigating bomb blasts in Rangoon on 20 April. The bomb blasts exploded in Rangoon's Kyaktada, Lanmadaw and Dagon Townships, causing minor damage to a post and telecommunications building, but no human injuries or casualties. It is understood that up to a thousand civilians throughout the country were interrogated, although the police advised that no one had been detained. One former detainee reported that police demanded 30,000 kyat off him for his release.²²⁰

In May 2006, Nyan Tun, a farmer from Magyeesin Village, Salin Township, Minbu District, Magwe Division, was imprisoned for writing to Sen. Gen. Than Shwe to complain of corrupt practices by local authorities (namely collecting money for a generator for an SPDC water project for farmers in the Minbu District and instead using it for their own battery business, later selling batteries to farmers at 100 kyat each). He was sentenced to 3 months and released on 21 August 2006. No action was taken against the authorities.²²¹

On 8 June 2006, Ma Khin Mar Lwin, 24 years, a washerwoman from Ohbo ward, Kyimyintaing Township, Rangoon, was arrested upon allegations she had stolen some belongings. She was allegedly beaten so severely by police officer Ne Myo that her eardrums broke and her body was covered in bruises. She was reportedly offered money to stay silent about the ordeal, but she refused it, saying she would complain to higher authorities.²²²

On 19 June 2006, Ma Nyo Kyi, 23 years old, was arrested by police Dep. Sup. Zaw Lwin in Yetashe Township, Pegu Division, while on her way home from a shopping trip. The reason for her arrest is unknown. She had her 8 month old baby with her, and both stayed in custody overnight. Police delivered the baby back to her family in the morning, but when the family brought the baby back for feeding, the police on duty told them that Nyo Kyi had been sent to hospital after hanging herself in the cell. The doctors found severe injuries on the head and back of the dead woman.²²³

On 27 June 2006, Maung Maung, 40 years, from Dawpon Township, Rangoon Division, was arrested in regards to the death of his father, and was interrogated. However police later advised his family that he had to be taken to hospital under emergency, from where he had escaped. He is feared dead.²²⁴

On 5 July 2006, Awih Zan, 52 years old, from Tahan block, Kalaymyo, Sagaing Division, was arrested in lieu of her son Salai Cin Sian Mung, 16 years, who was wanted by authorities for the theft of a motorcycle. In mid-September, after 2 months in custody, Awih Zan was sentenced to a further 3 months imprisonment for her son's alleged crime.²²⁵

On 16 July 2006, ex-SPDC Sergeant, Naing Oo, from Hlegu Township, was arrested for staging a solo protest outside Rangoon City Hall against the junta's failure to increase war veterans' pensions. He carried posters bearing the slogans, 'Increase our Pensions' and 'Release Daw Aung San Suu Kyi.' The protest came in the wake of a five-fold salary increase for civil servants, which angered many citizens, because of the rampant inflation that would result.²²⁶

In August 2006, U Tin Kyi, 65 years old, a farmer of Kyaung Gone in the western delta region, was sentenced to 4 months' imprisonment for resisting efforts to turn land neighbouring his property into a plantation under a government scheme. He was charged with having threatened and abused a group of workers on the site, sued by the local council chairman, and convicted despite the allegations being hearsay only, with no other evidence. The land is being taken over by the son of a senior military officer. Further charges are apparently being prepared against Tin Kyi and other farmers in the area.²²⁷

Also in August 2006, it was reported in the *Myanmar Times* that police in Rangoon detained over 1,500 homeless people, as part of a new tough approach to street crime. The police stated that these people were connected to 157 theft cases reported in Rangoon over the two previous months. Over 300 of those arrested were homeless gypsies, nearly 350 were beggars and nearly 1,000 were rubbish collectors, most of whom were under 16 years old.²²⁸

On 3 August 2006, 10 rice merchants, including former rice merchant association chairman U Nyein, were arrested in Rangoon by authorities, allegedly for selling rice at more than 1000 kyat a *pyi*. On 23 August 2006, the men remained imprisoned, and their colleagues, other rice merchants, reported that they were being interrogated and prosecuted, contrary to public

statements by SPDC Information Minister Brig. Gen. Kyaw San, who had claimed they were there for ‘co-operation’.²²⁹

On 17 August 2006, the director and general manager of Arakanese oil company, Daung Min, Khin Maung Than and Aung Kyi Aye, along with other senior staff members of the company were sentenced to lengthy periods in jail (35 years for the executives and between 7 and 15 years for the staff). It is unclear what they were sentenced for, but it is thought that the junta wanted to control the fuel import market.²³⁰

In the first week of September 2006, U Ngai Za Than, the VPDC chairman from Cinmual block, Falam Township, was arrested and interrogated, before being sentenced to 6 months imprisonment under charges of state mutiny for failing to report in a timely manner to meetings. The role of chairman is a compulsory appointment, without a salary.²³¹

On 18 September 2006, tomato sellers were barred from selling their produce at Kaingdan Market in Mandalay, central Burma, with some vendors being arrested.²³²

On 22 September 2006, around 30 students were reportedly detained at Myingyan Degree College, Mandalay Division, after staging an impromptu demonstration. As of 24 September 2006, they remained in military custody.²³³

On 27 September 2006, Daw Khin Win, 51 years old, from Rangoon’s Kawhmu Township, was counter-sued by Win Shein, a local member of the Nyaungbintha VPDC, for “false claims” against an official. On 6 November 2006, she was released on bail. In November 2005, Khin Win had sued Win Shein for extortion, illegal land transactions of state land and acquiring diesel and fertilizer by falsifying data about the cultivation of rice. On 13 November 2006, the junta’s newspaper, *New Light of Myanmar*, reported that Khin Win, with the help of NLD members and others, filed false claims, and that local residents had criticised attempts by the NLD and Su Su Nway to influence the outcome of the case. Both of these facts are heavily disputed.²³⁴ On 29 December 2006, Daw Khin Win was sentenced to 1 year in prison for filing a ‘false suit’ against her VPDC.²³⁵

In the week of 9 October 2006, famous astrologer and novelist Min Thein Kha, was arrested for predicting that the new capital Nay Pyi Daw will last only two years, when there will be a change of government. Reports from inside Insein Jail indicated that he was being held there, although officials would not confirm or deny this. Min Thein Kha had previously been arrested during the 1988 uprising.²³⁶

On 21 November 2006, it was reported that Win Nyunt and Aye Min, both from Bogalay Township, Irrawaddy Division, were sentenced to two years imprisonment for filing a corruption complaint against local officials. They had complained that VPDC members had siphoned money from their yearly agricultural loans. Following an investigation of the claims, Phyar Pon Division authorities warned Bogalay Township VPDC and ordered that they keep better records. In retaliation, the VPDC detained the two men.²³⁷

3.5 Foreigners Arrested and Detained in 2006

On 6 May 2006, 21 Indian villagers living and working on the Indo-Burma border were arrested by the SPDC LIB #269, led by Maj. Kan Maw and Lyin Oo of the Cikha police. The villagers were arrested felling trees in Aisih village, under Cikha Sub-Township of Tonzang Township, northern Chin State. Three trucks and an estimated 5 tonnes of pine were seized and the villagers placed into custody.²³⁸

On 13 May 2006, 21 villagers were arrested at Maungdaw Township, Arakan State, including 5 Bangladeshi and 16 Burmese from Buthidaung Township, working in Maungdaw Township as wood-cutting labourers.²³⁹

On 16 August 2006, NaSaKa reportedly abducted three Bangladeshi labourers from the Naf River in Teknaf Township, Bangladesh. Teknaf Police reported that NaSaKa intruded into Bangladesh territory and shot several gunshots before abducting Faridul Alam, 34, Shabuddin, 40, and Mokter Hossain, 38. The men were held at a NaSaKa camp in Maungdaw Township until a ransom was paid. Two further Bangladeshi's were reported to have been abducted in a similar fashion on 13 August 2006.²⁴⁰

On 10 October 2006, NaSaKa forces abducted 30 Bangladeshi nationals from a border area of Cox's Bazaar district, near the Bandom border of Bangladesh, opposite Burma's new Sub-Township Taungbro, 60 miles north of Maungdaw. They had intruded into Bangladesh territory to do so. The detainees were taken to a NaSaKa border camp at Dheki Bonia. The reason for the arrests is unknown. Earlier that week, NaSaKa had also abducted three Bangladeshi citizens on extortion charges.²⁴¹ On 29 December 2006, by agreement with Bangladesh, 26 Bangladeshi prisoners were to be returned to Bangladesh. However, NaSaKa reported that three of the prisoners had died in custody, so only 23 were returned.²⁴²

On 22 December 2006, NaSaKa forces seized a Bangladeshi fishing boat and detained its crew of 12 from the Naf River in Bangladesh territorial waters, reported Koniya, from Zadi Moral Village in Teknaf. The boat was owned by a member of the Zadi Mora village in Bangladesh, Khobir Ahamed. NaSaKa were from Toinnga Duang (Ywet Nhyo Daung) camp, Maungdaw Township. The men were detained until one was released on 23 December 2006 to collect 1000 *taka* per head for the men's release. He managed to do so, and all were released, along with the fishing boat.²⁴³

3.6 Prolonged Detention

Burma's 1975 State Protection Law ('The Law to Safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts') permits 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 fact that authorities are able to order such prolonged detention on such vague grounds has been a matter of concern to the UN for some years.²⁴⁴ Regardless, the junta continued to maintain that such laws were necessary for maintaining peace and order throughout 2006. Revision of such measures, the Attorney General advised AI in 2003, will only occur once peace and order are achieved.²⁴⁵

These provisions provide the junta with unchecked power to hold senior members of the NLD under house arrest and in prison for extended periods. The political benefits for the SPDC in the effective incapacitation, or at least withdrawal from the public eye, of for example, Daw Aung San Suu Kyi, are apparent. The only avenue of appeal from Act-10A decisions is an internal government review.²⁴⁶

On 18 January 2006, the prison term of Dr Than Nyein, MP-elect of Rangoon Kyauktan Township, was extended for a further 12 months under Act-10A. He had been sentenced to seven years in 1997 for forming a NLD youth organisation and arranging a public rally for Daw Aung San Suu Kyi at nearby Mayanggone Township and had been due to be released in July 2004. His sentence has been continuously extended since that time. NLD lawyer Nyan Win advised that an appeal was lodged on 28 March 2006, however, as of May 2006, there had been no response.²⁴⁷

On 3 February 2006, the prison term of Dr May Win Myint, 56 years, MP-elect of Rangoon Mayanggone Township was extended by one further year under Act-10A, according to her husband. This was the fifth extension of her term, a seven year term originally imposed in 1997 in connection with her formation of the youth branch of the NLD at Mayanggone Township.²⁴⁸

On 13 February 2006, NLD spokesperson Myint Thein advised that the house arrest of NLD vice-chairman, U Tin Oo had been extended for another year by the SPDC. U Tin Oo has been detained since 30 May 2003, when he and Daw Aung San Suu Kyi were ambushed by thugs at Depayin in upper Burma. He was initially held at Kalemmyo Prison, northwest Burma, for a couple of months before being placed under house arrest in Rangoon.²⁴⁹ On 8 March 2006, he was permitted to briefly attend a wake for his nephew, before being returned home.²⁵⁰

On 27 May 2006, Daw Aung San Suu Kyi's house detention order was extended for a further year by the junta under the State Protection Act-10B. The Burmese police chief, Maj. Gen. Khin Yi, was reported as saying the extension was due to the fact that she poses a threat to the security of the nation. The junta-run newspaper, *New Light of Myanmar*, reported that she was being detained for her own safety as well as that of the country. It also said that her days were "*numbered*," that she and her party were heading for a "*tragic end*"; "*The restrictions will never be lifted until she abandons her practice of the liberal policy.*" Her current term of detention commenced on 30 May 2003, when she was travelling in Depayin in upper Burma and was ambushed by USDA thugs said to have been sponsored by the

military junta. She had to be treated in hospital for injuries, but has been kept under house detention ever since. This had followed earlier periods of house arrest, from 19 July 1989 to 10 July 1995, then from 21 September 2000 to 6 May 2002. She has thus been under house arrest for almost 11 years of the past 17 years. The NLD reported that an appeal would be lodged, despite the fact that appeals from the earlier extensions had been lodged and ignored.²⁵¹

Another method that is used by the SPDC to extend incarceration of opposition party members and activists is the laying of further charges whilst in prison.

On 20 February 2006, it was reported by Monywa Township NLD organising committee member Khin Than, that the sentence being served by Nyunt Aung, youth leader of Monywa Township NLD, Sagaing Division, had been extended by six years and nine months. This had occurred seemingly as a result of further charges being imposed, after Nyunt Aung was severely beaten during a riot at Kalembo Prison, despite reports from some prison officers that Nyunt Aung had not been involved in the riot. Nyunt Aung had been actively involved in organising Daw Aung San Suu Kyi's visit to Monywa in May 2003 and had been arrested, fined 30,000 kyat and sentenced to three years imprisonment for giving 'illegal private tuition classes' under the Education Law. Locals insist he was instead arrested for being an NLD member and political activist.²⁵²

On 17 May 2006, Sagaing Division NLD Organising Committee member Khin Than verified reports that the prison term of Dr Win Aung, Sagaing Division Khin-U Township NLD chairman, had been extended within the prison for a further period of seven years on the basis of new charges of inciting people under the Emergency Provision Act-5J. Dr Win Aung had been serving a 10 year sentence at Shwebo Prison, imposed jointly upon him and Khin Maun Lwin in July 2005 for distributing video tapes of Daw Aung San Suu Kyi's trip to Sagaing Division and a book about the late dictator Ne Win authored by exiled writer Kyemon U Thaung contrary to the Video and Press Act. The sentence of Khin Maung Lwin was also extended.²⁵³

3.7 Conditions of Detention

Of Burma's 39 prisons, 20 are known to house political prisoners. Those jailed for their political convictions include journalists, editors, writers and poets; parliamentarians; Buddhist monks; political activists belonging to the opposition party, the NLD; political leaders of Burma's ethnic communities; students and family members of activists. Conditions between prisons vary, but all have been described as "*generally harsh*" and "*dire*" and dangerous to the health and wellbeing of prisoners.²⁵⁴

In 2006, it was reported that the junta's prison budget had been cut dramatically. On 29 June 2006, an anonymous official from Insein Prison reported that an Interior Ministry directive in May had advised that the SPDC will no longer fund prisoners' food supplies, but instead, will only provide salaries and subsidised rice to prison staff, who must then make arrangements for prisoner meals by using prisoner labour to cultivate their own food and/or earn money.²⁵⁵ In January 2007, the AAPP reported that the junta's budget stipulates that by 2009, prisons will be entirely self-funding. As a result, prisons are increasingly hiring out prisoners for labour as well as employing some to cultivate fields and farm around the prisons (e.g. around Tharrawaddy prison, Zee Gone Township). It has been reported that some prisoners are being used instead of oxen, for ploughing. Types of work engaged in outside the prison includes factory work (e.g. working in a sugar mill in Phaw Kyuu village, Okkan Township), construction, carpentry, making scented sticks, bricks, cheroot, shoes, growing garlic, and farming.

Another consequence of the tightened budget is that prisoners are now more regularly required to make payments for basic necessities.²⁵⁶ For example, on 4 March 2006, a recently released inmate from Insein prison anonymously reported that prison staff were extorting money from inmates and bullying or torturing those who could not afford to pay.²⁵⁷

Living Conditions

Daily life usually involves three to four prisoners kept together in small cells measuring 8 by 12 ft. (2.6 by 3m) for more than 20 hours per day. There are problems of overcrowding. For example, it was reported that there are approximately 70 patients in a 15 x 20 ft. room in the Tharrawaddy prison ward.²⁵⁸ Prisoners typically eat, sleep and defecate inside the cell, making for unsanitary conditions. Mats for sleeping are sometimes provided. However, recently prisoners have been asked to pay around 15,000 kyat for this privilege. Otherwise, some prisoners are left to sleep on the floor. Mosquito nets are not provided, rendering prisoners vulnerable to disease-carrying insects. Prison cells are often infested with insects and animals; including flies, lice, leeches, maggots, mice, mosquitoes, rats, scorpions, snakes, spiders and worms. Only two uniforms are provided per year, and washing is generally only permitted once a week. Uniforms deteriorate rapidly, and warm clothing for cool conditions is rarely available. During the 88 Generation Student Group's White Expression campaign, in 2006, many prisoners were actually provided with a new uniform; a blue one, whilst handing their old white ones back to the prison authorities. Increasingly, even taking a bath, or using the toilet, requires payment of 1,500 kyat.²⁵⁹ In April 2006, Naw Gay Paw, of Kyauk Kyi Township, was imprisoned at Toungoo prison by the military for having connections with KNU. It was reported that on her arrival at the prison, police demanded 2,000 kyat from her. She was required to pay 500 kyat to use the toilet, 200 kyat to take a bath and 500 kyat to get her meals.²⁶⁰

Burma's Prison Manual (Article 670) permits the reading of books and the writing of letters in prison, however political prisoners are frequently denied these rights. Restrictions reportedly eased in 1999, such that religious books and some periodicals are now permitted. However, officials often censor materials, seizing them either permanently or with extended delays. In 2006, whilst some political prisoners were noted by the AAPP to have access to these materials, it was a minority.²⁶¹ For example, imprisoned journalist Win Tin and writer Than Win Hlaing reportedly have no access to writing materials, and sometimes not even to reading materials.²⁶²

Inadequate food and medical care are the norm. Food portions are small, and of poor quality, usually comprising of rice with bean or vegetable soups and fish paste, sometimes supplemented with a type of meat or egg once during the week. The AAPP reports that even the minimal amounts prescribed by the Burma Prison Manual for C (lowest) class prisoners are not actually provided. Former prisoners have reported that the food has little to no nutritional value, and is often rotten or filled with rubbish or stones.²⁶³ However, if complaints are made, punishment can be severe. On 18 December 2006, the Toungoo prison Superintendent asked prisoners to complain freely to him about their conditions. One prisoner complained of the prices for goods inside the prison being very high. After this he was placed into solitary confinement for 7 days.²⁶⁴

Medical Concerns

In such circumstances, it may not be surprising that the most common diseases and ailments among prisoners are those caused by the malnutrition, poor sanitation, unhealthy or partially cooked food and restrictions on water usage. For example, between December 2005 and January 2006, at least 12 prisoners died and more than 80 prisoners were admitted to the prison clinic, at Sittwe jail during a cholera outbreak. The outbreak reportedly originated from spoiled food supplies (cabbages grown on plots laced with human excrement), coupled with further poor sanitary conditions within the prison. Relatives have reported to local residents in Sittwe that burials of the dead occurred without prior notification to them.²⁶⁵ Similarly, on 30 May 2006, an anonymous prison warder from Tharawaddy Jail reported that the cause of the cholera outbreak in 2005 which killed nearly 20 prisoners was the sale, by prison authorities to prisoners, of a pig which died unnaturally, for their food. This person also reported that the decision had been made by the prison's governor, U Myint Swe.²⁶⁶ And on 23 June 2006, an outbreak of an acute stomach virus left some women inmates at Insein prison in a life-threatening condition (approx. 17), according to an anonymous staff member. The outbreak was triggered by the authorities feeding inmates with rotten fish curry and it spread throughout the jail. Many more women were affected, with less serious symptoms.²⁶⁷

On 15 March 2006, a duty doctor at Tharawaddy prison reported that at least 40 prisoners had died that year from HIV/AIDS,²⁶⁸ and on 19 August 2006, it was reported by family members, that many inmates at Tharawaddy prison were suffering from contagious diseases, such as TB and AIDS without appropriate care and treatment.²⁶⁹

There are very limited and constantly reducing stocks of medicines in the prisons for various diseases, including malaria, heart problems and diabetes, even for common ailments. The problem is worst in remote prisons, where malaria is rampant. On 15 July 2006, it was reported that severe weather in northern Burma has caused a number of illnesses for prisoners at Kale (a.k.a. Kalaymyo) and Lashio Jails. Resultant skin infections had also spread due to

lack of soap and medicine.²⁷⁰ On 7 November 2006, the AAPP reported that Kale prison in particular, due to the harsh weather, lack of mosquito nets, insufficient water and poor hygiene, was conducive to prisoners contracting malaria. Thet Win Aung contracted malaria within months of being transferred there, after which other diseases followed. Khin Maung Myint died from malaria there in July 2000. Khin Maun Lwin, who had been transferred away from there, died on 11 January 2006. Although there is a prison hospital, there is no prison doctor, only a warder who is supported by prisoners acting as nurses.²⁷¹

Many political prisoners suffer from chronic health problems caused or exacerbated by the harsh prison regime, and are reliant on families to provide supplementary food and buy medicines. Complications arise, however, because prisoners are generally prohibited from receiving visitors until they have been sentenced, and for political prisoners, the period before charge or trial is sometimes extensive. Post-sentence, visits are routinely permitted every 2 weeks, and limited to 15 minutes. They are monitored and discussion about the prison or conditions is prohibited. Additionally, as a method of punishment and psychological torture, many political prisoners are placed in correctional facilities located extremely far away from their families' homes. This compromises the family's capacity to provide necessities.²⁷² Arrangements for visits are subject to the discretion of the prison staff. On 12 August 2006, political prisoner Nyan Lin Tun (a.k.a. Nyan Gyi) was barred from seeing his family for a month, for 'talking back' to prison authorities at Insein prison. Nyan Lin Tun was actively involved in the 1996 student protests and reportedly made contact with the exiled ABFSU in 1999. In 2003 he was arrested for distributing pamphlets on the 83rd anniversary of Burma's National Day. He was indicted under the Emergency Provision Act-5J and Unlawful Association Act-7/11 and sentenced to 22 years in jail.²⁷³

Burma's Prison Manual states that if a prisoner is in bad health, he or she has the right to medical treatment. However, many reports from the prisons indicate that prisoners receive minimal to no medical treatment unless the condition has reached a critical stage. In order to be added to a waiting list for entrance to the prison medical clinic, money has to be paid to the prisoner medic. Based upon agreements between the medics and the staff in the prison hospital, the figures are approximately: 500 kyat for an examination by a prison doctor; 3,000 kyat to be added to the hospital list, but still subject to a decision by the prisoner medic and medical staff; and 30,000 kyat as a first instalment to the prison doctor, prison medic and medical staff for hospitalisation. In addition, political prisoners cannot be transferred to an outside specialist without the approval of intelligence services.²⁷⁴ Deaths which might have been avoided with proper medical care have occurred. Further, when political prisoners die in prison, their corpse is sometimes cremated and buried without the consent of the family, making the true circumstances of the death unverifiable. Reports of false autopsy reports and family members being bribed for their silence have been received. And even if funerals are permitted, there are often strict time frames set by the authorities, which leave some family members unable to attend, and the possibility of a post-mortem medical examination out of reach.²⁷⁵

Both criminal and political prisoners endure deplorable conditions which fall far short of international standards. They also breach local standards, such as those proscribed in Burma's Prison Manual.

Torture

It is clear that torture of political prisoners in Burma's prisons continues, including: the use of corporal punishment, shackling, solitary confinement in darkened cells; food, water, sleep and light deprivation; forced squatting for prolonged periods; beatings and other forms of ill-treatment.²⁷⁶ Often recent inductees will be tortured, in order to procure bribes (*line kyay*), paid to prevent them being tortured in the future. New prisoners will be taken to the 'discipline room', where beatings will occur, after which money is sought.²⁷⁷ In February 2006, a representative from U.S.-based Human Rights Watch (HRW) stated:

*"We are very, very confident that torture continues. It's an instrument of policy. This is not a country where it happens by chance, committed by a few rotten apples."*²⁷⁸

In an article published on 2 January 2006, two former political prisoners, Min Ko Naing and Myo Myint, described their experiences of torture whilst in prison. Myo Myint was held in Insein prison in the 1990s. He described being forced by prison officers to lie facedown for 7 hours during the course of a strike, while they stood on his arm and leg (he only has one of each, as a landmine blew off his other arm and leg). On some days they made him squat for 4 hours, blindfolded. Another time he was stripped, blindfolded and forced to perch on a stool, which would be kicked out from under him, and he was beaten with canes. He was also beaten and starved until he suffered rectal bleeding. Min Ko Naing spent 16 years in solitary confinement in a very small cell at Insein prison, until his release in late 2004.²⁷⁹ On 24 January 2006, a riot between prisoners and prison authorities at Kale jail resulted in the severe beating of inmates, including political prisoners. A local resident reported that a recently released inmate had asserted that 2 people died in the riot, around 80 were beaten, 17 seriously, of whom 4 were in critical condition. Teacher and Monya Township NLD youth member, Nyunt Aung, was reportedly amongst those most seriously hurt, despite the fact that he was reportedly not involved in the riot.²⁸⁰ On 7 June 2006, upon her release from Insein prison, Su Su Nway reported that whilst she had been imprisoned, her hot water bottle for taking medicine and her dried fish box had been spiked with mothballs. Further, she was aware of criminal alliances between serious criminals and prison staff.²⁸¹ In July 2006, it was reported that Naw Gay Paw, imprisoned for having KNU connections, suffered regular reprimands and torture at Toungoo prison. She soon became ill, but was not taken to hospital until her illness became severe.²⁸² In October 2006, San Myint and Myo Thura Tun, two political prisoners, were beaten by guards at Moulmein jail, after staging a hunger strike to protest being forced to share cells with mainstream prisoners. After hearing of the beatings other political prisoners demonstrated by refusing to return to their cells. In response the warden employed criminal prisoners to beat the political prisoners housed with them.²⁸³

There are also threats to physical safety from other prisoners. For example, on 2 January 2006, Ko Aung San Myat, Ko Thiha Tun and Ko Han Win Aung, three political prisoners at Insein prison, were beaten by a group of five criminal inmates after having been moved into a ward with general prisoners, according to other prisoners. Despite this occurring in front of prison guards (including Officer Win Maung) the assault was allowed to continue and Ko Aung San Myat suffered facial injuries with the others also injured. It is common for authorities not to intervene in such attacks against political prisoners and to take no action against assailants.²⁸⁴ On 18 March 2006, it was reported that 10 former MI agents were recently transferred to Pa-an Prison, causing concerns for the safety of three political prisoners there; Nanda Sit Aung, Ne Kyaw and Wunna Soe. Each of them had been

sentenced to 17 years imprisonment for distributing leaflets denouncing the junta-sponsored NC and had been transferred to Pa-an in mid-2005 for staging hunger strikes at Insein Jail to protest unfair treatment.²⁸⁵ (For more information see Chapter 4 Torture, and other Cruel, Inhuman and Degrading Treatment and Punishment)



Former political prisoner recreating the hooding and handcuffing which generally accompanies the arrest of political dissidents in Burma. These arrests are usually undertaken at night, from the person's home. They do not provide any reasons for the arrest, any legal documentation, or any advice as to where the person is to be taken or imprisoned, either to the individuals involved, or to family members. *[Photo: AAPP]*.

Deteriorating Conditions: Cessation of the International Committee of the Red Cross visits

In January 2006, and again in November 2006, the AAPP reported that conditions in the prisons were deteriorating. Since 1999, the International Committee of the Red Cross (ICRC) had been conducting visits to the prisons and labour camps of Burma. Whilst the junta's actions sometimes thwarted its efforts, it had made approximately 400 visits and had been able to conduct interviews with political prisoners and check upon living conditions and prison facilities. ICRC were accredited with providing 50 percent of the medicines held by the prison hospitals, as well as supplies to outside hospitals in surrounding villages. It also at times compelled prison authorities to refer cases to hospitals for treatment. Its scheme had been previously reported by AI to have led to improvements of conditions in the jails.²⁸⁶

However, in 2005, the SPDC insisted that officers from the junta affiliated USDA escort members of the ICRC on their prison visits. Reports also circulated that ICRC medical supplies were being diverted away from the prisoners. The ICRC refused to conduct the visits under such circumstances, and have subsequently been prohibited from attending the prisons since January 2006. The resultant loss of medical supplies, particularly in the remote northern prisons, is of grave concern. For example, on 11 August 2006, Thant Zin Oo, who had visited his father Hla Aye on 4 and 9 August, reported that the drugstores operated by authorities inside Insein prison had closed indefinitely, by order of higher authorities.

Further, donation of medicines from outside was prohibited, causing serious concern for inmates. Hla Aye himself takes daily medicines for high blood pressure. Thant Zin Oo also reported that food parcels donated to inmates were being dismantled, with most of the food being taken by each level of prison authorities, before being delivered to the prisoner.²⁸⁷ On 20 September 2006, released prisoner Lt. Sgt. Ricky Thet of the KNU, reported that healthcare at Thayet jail is almost non-existent, with no access to medicines and many ill prisoners dying for no apparent reason.²⁸⁸ His co-accused, Saw Richard, upon his release on 18 October 2006, echoed this. He also said that food supplies were dire.²⁸⁹

In late 2006, despite calls to permit the resumption of ICRC's programs, the junta confirmed that the prison visitation aspect of the ICRC's role in Burma would not be resumed.²⁹⁰ In place of the ICRC, the junta announced that the junta affiliated USDA would fulfil their former role. USDA officials are appointed by the SPDC, and the group is in truth an administrative wing of the junta. Following the dispute with ICRC in August 2005, USDA officers were reported to have visited Tharawaddy jail to write letters on behalf of prisoners. However, a prison officer reported that for this service, they collected 2,000 kyat from each cell. The visit was marked with a banquet with prison authorities inside the prison. Following the death of Thet Win Aung, in October 2006, the USDA visited political prisoners in Mandalay Jail and took photos of them to give to loved ones, and gave each prisoner 10-20,000 kyat. However, such efforts are reportedly lacking in any sort of thoroughness and seem to be mounted more as an attempt to placate the international community than out of any genuine concern for the welfare of prisoners.²⁹¹

Perhaps also prompted by the international attention that followed Thet Win Aung's death in Mandalay Prison in October 2006, on 2 November 2006, the junta held a press conference to announce that all rights afforded by the Prison Manual are enjoyed by prisoners. Later that month, the *New Light of Myanmar* also reported that an SPDC affiliated social organisation called Association of Public Relations (APR) visited inmates at Pyapon Prison and found that all rules and regulations were being enforced and medical, social and religious welfare of inmates was good.

However the AAPP rejected both claims, saying that no improvement in prison conditions had been observed. Remote transfers, lack of medical care, psychological and physical torture and deaths as a result of these conditions continue. As at November 2006, it placed the death toll of political prisoners who have, since 1988, died in interrogation, prisons, labour camps and the frontlines at 131.²⁹²

Women in Prison

According to the AAPP, as at September 2006, 56 female political prisoners remain in custody in Burma.²⁹³ The conditions set out above are equally applicable to them, although they are held separately from male inmates.

Unlike male prisoners, female prisoners also face threats of sexual harassment, assault and rape during interrogation and detention, either from officials or other prisoners. They also face additional hardships surrounding sanitation during menstruation, given the lack of extra clothing or access to washing facilities, and health and safety during pregnancy. Imprisoned pregnant women lack access to prenatal care. Women who give birth while in prison are frequently not permitted to have the assistance of a doctor, and must rely on the assistance of other prisoners, often leading to adverse health effects for both mother and child. Infants are

cared for in the same unhealthy and restrictive conditions within the prison, often leading to sickness and in some cases, death.²⁹⁴

Monks in Prison

The majority of the population of Burma is Buddhist. Thus, the monkhood plays an integral role in civil society. They have also been involved in the various political movements that have transpired. As a result, the junta put into place laws to dictate the association and activities of monks, enforced under threat of prison and/or disrobing. (For more information see Chapter 10 Freedom of Belief and Religion).

The AAPP records that as at September 2006, there were 86 monks in prison for political reasons. Monks taken into custody are disrobed and some have been ordered to renounce their vows. Both these actions are highly disrespectful and contrary to the Buddhist beliefs. However, resistance has been dealt with severely. Disrespect, including name-calling: *ka-done* ('baldy'), slapping, and other particularly degrading treatment is reported to be frequent.²⁹⁵

3.8 Political Prisoners in Poor Health

In July 2006, AAPP reported that there were over 1,000 political prisoners, approximately 100 of whom were suffering from serious health problems.²⁹⁶

On 16 January 2006, writer and political prisoner, Than Win Hlaing, at Tharawaddy Prison in Pegu Division near Rangoon, was reported by his wife Moe Moe Kyi to be suffering from a type of kidney stone. She said he was thin and dizzy, at her recent visit. The news of his deteriorating kidney condition was confirmed by AAPP Secretary Teik Naing, on 25 January 2006. Further, AAPP reported that he was also suffering from diabetes but has not received any hospital treatment. At a visit on 9 June 2006, family members observed that Than Win Hlaing's condition had continued to deteriorate, he was suffering high blood pressure and liver complaints, he looked pale and his flesh was swollen, like a TB sufferer. Than Win Hlaing had participated in the Democracy Front for National Reconstruction (Union of Burma) and subsequently came under the watch of the military regime. His book 'Historical Burmese Persons Talk through Statues,' was first published in 1997, but after its second edition was published in 2000 he was arrested and detained. On 2 August 2000, he was sentenced to seven years' imprisonment under the Printers and Publications Act-17/20.²⁹⁷

On 17 January 2006, Kyaw Khin, 69 years, MP-elect of Shan State capital, Taunggyi Township, who is imprisoned at Taung-lay-lone Prison outside Taunggyi, was reported by his wife Khin Ohn Myint, to be suffering from an eye disease, most likely cataracts. On 9 March 2006, his wife again reported that despite it causing him great pain, he had been denied treatment for his eyes and is almost blind. Kyaw Khin is serving a sentence of 14 years imprisonment for breaches of the Emergency Provision Act-5J and Act-17/20 because some pamphlets were 'found' near him in a classroom. He had earlier been arrested and imprisoned in 1996 for attempting to form the Committee Representing People's Parliament, and this second arrest came soon after his release from that term.²⁹⁸

On 19 January 2006, political prisoners Saw Win and Aye Aung, detained at Kalaymyo Prison were suffering illnesses, Aye Aung's mother Mya Yi reported. Saw Win was suffering from a severe kidney problem whilst Aye Aung had gastric complaints, a swollen face and severe back pain. On 26 March 2006, it was reported by a person who visited with Saw Win's mother, that both had been barred from receiving medical treatments, and conditions in the damp cells were not helping. There is no prison doctor at Kalemmyo, although his mother brought medicines for him. In late June 2006, Saw Win's mother reported that Saw Win's severe back pain (likely resulting from liver disease) was continuing, and he had started suffering gastric complications. He had lost weight and had lost his appetite. Aye Aung's gastric condition remained. Both Saw Win and Aye Aung were arrested in 1997 for distributing political pamphlets under Act-5J. Saw Win is serving a 10 year sentence; Aye Aung is serving a 59 year sentence.²⁹⁹

On 2 February 2006, political prisoner Tun Lin Kyaw was hospitalised at Insein Township General Hospital due to chronic tuberculosis, after he vomited blood. He was finally prescribed anti-TB medicine. On 16 March 2006, his condition remained severe, reported NLD lawyer Myint Thaung. His health had deteriorated due to severe malnutrition, and he remained hospitalised. Tun Lin Kyaw was a youth member of Rangoon Dagon NLD, and had been charged with responsibility for Aung San Suu Kyi's personal safety. He was arrested on 14 December 2004 for staging a solo protest outside Rangoon's Kyaktada

Township town hall under Act-5J, and sentenced to seven years imprisonment. An appeal submitted to the District Court was rejected.³⁰⁰

On 13 February 2006, it was reported that NLD vice-chairman U Tin Oo, 79 years, continued to suffer from urinary stone disease.³⁰¹

On 17 February 2006, Dr Zaw Mying Maung, 50 years of age, MP-elect of Mandalay Division, Amarapura Township, who is serving a lengthy jail term in Myinkyina Prison, in northern Burma's Kachin State, was reported by his wife Dr Yu Yu May, as having been quite ill for the past 15-16 days. He was suffering from severe indigestion and was unable to eat. On 20 February 2006, it was reported that he was permitted to see specialist doctors at Kyintkyina General Hospital, who had taken a number of tests, including an ultrasound.³⁰²

On 11 March 2006, it was reported that Burmese poet and journalist Win Tin's current health condition was very poor, by Maung Maung Khin, who visited him that day. He is 76 years old, suffering from high blood pressure, a heart condition and diabetes. On 2 July 2006, he reported that his conditions were being managed. Win Tin is held at Insein jail, serving a 20 year sentence, which was imposed in July 1989, for being a member of the Communist party and writing anti-government propaganda. He has suffered whilst in custody, including having been kept for 5 months in a dog kennel in 1996, and because of his advanced age and medical condition. He is the longest-held prisoner of conscience, and his term has been extended whilst in custody by a further seven years following a letter of concern he wrote to the UN. A number of international agencies, including *Reporters San Frontieres* and UNESCO, have called for his release. In 2005, he had been told he would be released, and was taken to the front gate, only to be returned into custody. His parole and/or good behaviour remissions should have led to his release already.³⁰³

On 16 March 2006, Rangoon Kyaktan Township's MP-elect Dr. Than Nyein was reported by his wife Khin Aye to be suffering from severe blood pressure, liver complaints, urinal tract problems and gastric complaints. In July 2006, Khin Aye advised that he was also suffering from potentially cancerous prostate and liver diseases. However, he had not been permitted to see specialist doctors outside the prison. His wife brings medicines to him, prescribed by doctors she sees in Rangoon. The doctor at Prome Prison, where Dr Than Nyein is being held, left earlier in the year, and no replacement had been appointed. The prison relies upon local doctors in the event of emergency. Dr Than Nyein was sentenced to seven years' imprisonment in 1997 for trying to form the Rangoon Mayanggone Township NLD Youth. He was due for release in 2004, but his detention has been administratively extended under Act-10A on five consecutive occasions since, for 60 days each time.³⁰⁴

On 7 April 2006, Nanda Sit Aung, a political prisoner serving a lengthy jail term at Pa-an Prison, Karen State, was reported, by concerned family members, to be suffering from severe degenerative nerve disease.³⁰⁵

On 12 April 2006, it was reported by her family that political prisoner and MP-elect of Rangoon Mayanggone Township, Dr May Win Myint, was taken to Rangoon General Hospital for throat disease. She is also suffering from eye, blood and heart disease, which require monthly medical checks in hospital.³⁰⁶

On 21 May 2006, political prisoner Thet Oo, detained at Insein Jail, was reported by his wife Pyone Pyone Aya, to have a stone in his urinary tract, such that his health was deteriorating.

She also reported that whilst she has been able to see her husband fortnightly, the visits are getting more difficult, as food and medicines are being confiscated from her.³⁰⁷

On 8 June 2006, Daw Aung San Suu Kyi was treated by her doctor at home with severe diarrhoea. The NLD had reported earlier, on 7 April 2006, its concerns that her family physician had not been permitted to attend upon her for more than a month and there were more concerns that on this instance, his attendance was delayed due to the need to obtain permission. On 13 June 2006, her physician confirmed that she was in good health. UN Under Secretary General for Political Affairs, Ibrahim Gambari, who met with her on 20 May 2006, also indicated that she was well.³⁰⁸

Concerns arose again that Daw Aung San Suu Kyi's doctor had been denied access to her, in November 2006. On 16 November 2006, Dr Tin Myo Win was permitted to see her, to undertake an ultrasound and general check up; however, that was the first occasion since 24 August 2006. He reported that she was well. The junta's police chief, Maj. Gen. Khin Yi, dismissed allegations that the doctor had been prevented from attending. However, Aung San Suu Kyi did say to Ibrahim Gambari when he visited her that month that she was well, but hoped for more frequent visits from her doctor, for herself, and for the woman who lives with her.³⁰⁹

On 4 July 2006, NLD MP-elect of Tantse Township, Sagaing Division, Kyaw San, 75 years, who is in prison at Insein Jail, was reported by his wife, May Nwet, to be suffering from eye and ear complaints, such that he required surgery. She also described him as becoming feeble from age-related illnesses. Kyaw San had been convicted of possession of illegal goods belonging to his son's friends, members of the Democratic Karen Buddhist Army (DKBA), in March 2005, despite evidence from DKBA leader, Col. Saw Chit Thu, that the goods had nothing to do with Kyaw San. On 7 April 2006, his appeal against the convictions had been rejected.³¹⁰

In July 2006, Nai Yekha (a.k.a. Ne Win), member of the New Mon State Party (NMSP), who is imprisoned at Insein Prison, was suffering complications with his diabetes, as well as general poor health, depression and gastric problems, according to NMSP liaison officer Nai Ong Ma-ngae. Despite this, he had not been permitted outside treatment. Nai Yekha was arrested along with 11 others for an assassination attempt in July 2003. He had originally been sentenced to death but this was commuted to life imprisonment.³¹¹

On 4 July 2006, NLD MP-elect of Toungoo Township, Aung Soe Myint, was reported by his wife, Aye Aye San, to be managing his conditions sufficiently, but requiring medication for diabetes, nerve tonic and brain tonic. He was imprisoned at the end of 2003 in connection with a motorcycle incident and sentenced to seven years.³¹²

On 15 July 2006, NLD MP-elect of Lashio Township, Than Htay, in custody in Kalaymyo jail, was reported by his son Ko Min, who had visited him in June 2006, to be frequently ill and suffering skin diseases due to lack of soap and medicines and as a result of the extreme weather conditions. Than Htay, and his eldest son Ko Too, were imprisoned in August 2004, charged with violating import/export Acts by possessing 'illegal' cordless phones. Before his charge and sentence, Than Htay had been the subject of pressure to quit the NLD, but had refused.³¹³

On 1 August 2006, political prisoner Myo Min Zaw, was reported by his mother Myint Myint Aye, to be suffering from acute skin complaints. Also, his nails were dropping off from a fungal infection. ABFSU representative, Min Naing, advised that they understood that the skin disease was caused by unhygienic water, food, toilet and lack of soap. Myint Myint Aye advised that prison authorities have been prohibiting her from bringing medicines or food into the prisons 'for security reasons', but rather, that prisoners have been advised they can buy food inside the prison or obtain medicines from the prison. AAPP spokesman Tate Naing advised that medical care and food and water supplies are far from sufficient. Myo Min Zaw is serving a jail term of 52 years in Mandalay Prison, after being sentenced in September 1998 for leading a student's demonstration in Mandalay in December 1996 and August 1998.³¹⁴

On 11 August 2006, detained Rangoon Hlaing Thayar Township NLD chairman Hla Aye, who had been imprisoned whilst in hospital, was at risk of losing access to his daily medicines for high blood pressure, his son reported, given that the drugstore inside the Insein prison had been closed.³¹⁵

On 12 August 2006, the health of both detained NLD members in Sittwe jail, U Shan Shwe Tun, President of Sittwe Township NLD and U Aung Ban Tha, General Secretary of Sittwe Township NLD, is deteriorating, a colleague reported after a visit. They are each suffering from heart, liver and kidney complications, which had deteriorated over the previous week. Whilst medicines had been delivered by relatives, it was unclear whether they were receiving them, and treatment inside the jail was insufficient. Both were arrested in 2005, accused of illegally holding Indian Rupees. However, family members say they were instead arrested because of their membership of the NLD and U San Shwe Tun's connection with Daw Aung San Suu Kyi, who stayed at his house during her tour of Arakan. Both were sentenced to 4 years' imprisonment, in July 2005.³¹⁶

On 18 August 2006, family members advised that two NLD youth members from Rangoon Thayin Township, Nyi Nyi Oo and Than Zaw, who have been detained since 1989, were suffering from troubling health conditions. Nyi Nyi Oo is detained in Toungoo Jail, and was reportedly suffering from acute high blood pressure, which was worsening. Than Zaw, in Thayet Prison in upper Burma, had 'swollen gut' disease, which is life-threatening and can only be treated by urgent surgery. Both were arrested on suspicion of planting a bomb at Tanyin. However, their co-accused have all been long released (despite having similar length sentences). It is believed these two have not been released because of their NLD membership.³¹⁷

On 22 August 2006, political prisoner Saw Min Naing, 22 years, serving a 24 year jail term in Toungoo Jail, Pegu Division in central Burma, suffered a severe stroke, paralysing him from the waist down. He was being treated in the prison clinic, his family reported. He had developed a mild form of paralysis in December 2005, as a result of vitamin deficiency and weak nerve muscle. He is also suffering from depression. He was only 15 years old when he was arrested in 1999, for participating in the foiled 9/9/99 uprising. As a result of his involvement, his father had lost his civil servant job and his sister had had to leave school and work to support the family.³¹⁸

On 23 August 2006, Kamayut Township NLD youth member Khin Kyaw, 30, was reported to be vomiting blood, despite having been hospitalised for over a month at the Insein prison clinic. His wife had requested that he be treated in a hospital outside of the prison, but did

not receive any response. Khin Kyaw had been arrested on 22 December 2005, and sentenced to life on 12 June 2006, for breaking national security laws, along with several other NLD and Democratic Party for a New Society political figures.³¹⁹

On 14 September 2006, Rev. U Zawana, the abbot of Shwepyithar religious college, who is serving a life sentence at Toungoo Jail in Pegu Division, was taken to the prison clinic for treatment for piles, for the second time in a year. Earlier he was operated on at Toungoo Hospital. Rev. Zawana was arrested for accepting former members of ABSDF into the monkhood.³²⁰

On 20 September 2006, recently released Lt. Sgt. Ricky Thet advised that the health condition of U Kyaw Thang, held at Thayet Jail, was dire. He was not able to walk.³²¹

On 17 October 2006, the treasurer of Mandalay Division, Madaya Township NLD, Nyein Maung, was reported by his son Myint Soe, as having been held in the prison clinic at Mandalay jail for a month because of his deteriorating health. He was suffering from back pain, passing blood and had severe weight loss. Nyein Maung had been imprisoned in July 2006, for charges following his refusal to resign from the NLD.³²²

On 18 October 2006, released political prisoner, Saw Richard, reported that his co-accused, Saw Tookie (a.k.a. Khin Maung Lin) was unable to walk and unable to afford to pay for operations on his legs.³²³

On 2 November 2006, teacher Aung Pe, 40 years, held at Insein prison, was reported by his wife Htay Htay Lwin, to be seriously ill, suffering acute stomach pain, gastric complaints and piles. She was not permitted to bring medicines inside with her, and was aware he was not obtaining medicines in jail. He had been arrested on 14 February 2005, and sentenced to three years' imprisonment on 23 August 2005 for saluting a photograph of Aung San, and had been beaten by Scorpion gang members in Insein Jail in October 2005. His appeal to the High Court in Rangoon was both submitted and summarily rejected on 20 February 2006.³²⁴

On 28 November 2006, it was reported that Thet Naung Soe, a political prisoner who is serving 14 years jail for staging a solo protest in August 2002 was suffering from mental problems.³²⁵

Also on 28 November 2006, it was reported that Hkun Htun Oo, chairman of the Shan Nationalities League for Democracy, who is serving a 93 year sentence, was suffering from hearing problems.³²⁶

3.9 Deaths of Political Prisoners in 2006

As at May 2006, the AAPP had documented 127 deaths of political prisoners, 90 of which were in prison, 8 in interrogation centres, 4 in labour camps and 10 shortly after having been released from prison, since the 1988 uprising. 15 activists had disappeared from prison, their whereabouts unknown. Throughout 2006, 6 political prisoners died in prison, all from preventable diseases contracted due to the dire conditions of their internment. Further, two former political prisoners also died from diseases they had contracted whilst in prison. Leading AAPP to assert “[t]he increased number of deaths in the past year is reflective of the rise in torture and ill-treatment.”³²⁷

On 11 January 2006, Khin Maung Lwin, 38 years, (a.k.a. Nay Min Aung) died in Puta-O prison. He had been in custody since 1998, when he was sentenced to 10 years imprisonment for writing a leaflet titled *Kal Daw Mu Gya Per* (‘Help’), describing the plight of the Burmese people, of which he sent copies to Daw Aung San Suu Kyi, the SPDC and senior monks of the Sangha Maha Nayaka (Top Buddhist Abbots’ Council). He had been charged under Act-17/20 (Illegal publishing and printing) and Act-124A (Disrespectful behaviour to the country). During his sentence, he had spent a brief time at Insein, and the majority of his time at Kale and Loikaw prisons, before being taken to Puta-O. Immediately prior to his death, he had been suffering from high blood pressure, hypertension, heart disease, severe piles, malaria, haemorrhoids and dysentery. A colleague reported that he died as the direct result of not being permitted treatment. AAPP secretary Tait Naing confirmed that permission for outside medical treatment had been repeatedly sought by him and his family, including through the ICRC, on the prison doctor’s recommendation and via the Prison Chief Warden five times. However, the requests had been rejected by the Prison Department. He had finally been taken to hospital the day before his death. Khin Maung Lwin had been actively involved in the 1988 nationwide pro-democracy uprising. He had led the *Kyel Sein Lu-Nge Tat Oo* (Green Star Youth’s Front) at the demonstration in front of the Rangoon General Hospital. He later stood as a Democracy Party candidate for Rangoon Koonchankone Township constituency during the 1990 election. He had also served an earlier 18 month prison term in 1995 for assisting a rape victim obtain legal protection.³²⁸

On 17 March 2006, former political prisoner Thet Naing Oo, 40 years, from Kyimyintaing (Kemmdine) Township died in a brawl in Rangoon. His mother San Yi reported that he was beaten by members of police and fire fighters in charge of nearby Thiri Mingala Market after a quarrel between he and others at the market escalated. Thus, an initial inquiry may have been required into the cause of the dispute. He was beaten, and continued to be beaten by authorities even after he was handcuffed and placed in a trishaw to go to hospital. He was declared dead at hospital.³²⁹ San Yi proceeded to request an investigation into the death, a call supported by opposition groups including the NLD, ABFSU and the AAPP. Police detained several eye-witnesses, including Thet Naing Oo’s friends, Win Myint, and Khin Maung Zaw. They were interrogated and forced to sign false statements to the effect that Thet Naing Oo was a drunk, and it was not the fault of the police that he had been killed. A special tribunal was then held at Kyimyintaing police station, on 29 March 2006, to which San Yi was invited, but then excluded. Local residents reported that police were pressuring eyewitnesses and trishaw drivers to provide false statements. Win Myint and Khin Maung Zaw were each charged with obstructing government officials and held incommunicado, until being released approx. 1 month later, on 12 April 2006. Seven trishaw drivers were also interrogated and ultimately charged. Fire brigade officers had been interrogated but released and no police officers were investigated.³³⁰ The newspaper published by the Rangoon

municipal department described Thet Naing Oo as an out-of-control drunk who needed to be contained. An anonymous officer at the newspaper reported that the paper had been ordered to publish this.³³¹ Court actions seeking to include further defendants to be held responsible for his killing were unsuccessful, and all appeals denied, according to San Yi's lawyer, Khin Aung Shein.³³² Thet Naing Oo had been a student at Rangoon University in 1988 and was involved in the pro-democracy movement there. He then joined the armed student group, the ABSDF, in the jungles but was captured in 1998 and sentenced to 14 years imprisonment. He had been released in November 2002.³³³

On 23 March 2006, U Ko Oo, 64 years, political prisoner at Tharawaddy Jail near Rangoon, died from liver failure, within an hour of being taken to Thayet hospital. Since April 2000, he had been serving a term of nine years imprisonment at Tharawaddy Jail (two years was the initial sentence, but a further sentence of seven years was added after his imprisonment) for his political activities as an active member of the NLD. He had been suffering from a liver condition, arthritis and gastritis, but had not been provided with adequate medical treatment. His liver condition had developed due to poor nutrition and insufficient health care. Ko Oo's condition had started to deteriorate seriously in February 2006 and his family members had requested the prison authorities to allow him to receive proper medical treatments at an 'outside' clinic, but this was refused. Only when his condition deteriorated beyond repair was Ko Oo sent to an outside hospital, but this was too late. Ko Oo was allowed to be buried 'freely' on 24 March, according to his former colleague Nyein Maung. Ko Oo had been the secretary of the Thayet Township NLD, Magwe Division, and had been arrested in 1998 for his active political activities. He had been arrested and detained twice. He had been an active member of the NLD from its founding, and had refused continuously, despite pressure from the junta, to resign from the party or remove party signposts from his house.³³⁴

On 24 March 2006, former political prisoner, Tin Tun, 62 years old, died 1 year and 9 months after his release from prison on 20 June 2004, from tuberculosis contracted in prison. Tin Tun had been sentenced to 20 years imprisonment in 1993 for copying and distributing *Khitpyaing Journal* ('New Era', a political news journal published by exiled Burmese activists). He had been released because of his severe coronary arteriosclerosis and other diseases. He was also a former national boxing champion.³³⁵

On 2 May 2006, Shan leader U Myint Than, 54 years old, died at Thandwe hospital, according to his lawyer Aung Then. He had suffered a stroke and been reportedly operated on 3 times over the previous month, during which time he had been hospitalised. He had been arrested on 9 February 2005 and sentenced to 79 years imprisonment *inter alia* for forming the Shan State Consultative Council, a Shan advisory group for parties attending the NC, together with 9 other Shan leaders (creating "illegal" organisations). U Myint Than had been adept in maths and was teaching at the university when he first took part in the 1988 pro-democracy uprising. His health had been good before his internment, but was reported to have deteriorated whilst at Thandwe Prison.³³⁶

On 12 August 2006, former political prisoner Than Lwin (a.k.a. Anaing) died of a HIV related illness at North Okkalapa Weibagi Contagious Diseases Hospital, less than a year after his release from prison. He had contracted the disease whilst in prison. Than Lwin had been arrested and indicted under the Emergency Provision Act-5J in 1998 for distributing copies of exiled opposition news journal, *New Era*, and sentenced to 14 years imprisonment. He spent 7 years in jail before being released in 2005. Despite his illness, he had spent his last years continuing his political work. Burmese authorities pressured his family to reject

the NLD offer to assist in arranging a memorial service for him, and to not invite any political people or non-authorised Buddhist monks.³³⁷

Around 15 August 2006, political prisoner Nyunt Yin, 60, died in Insein Jail. Originally from Pgamoeyeik Project-32 Ward, Thingangyun Township, she had been sentenced to death, which was later converted to life imprisonment, due to her role in the 8/8/88 uprising. She is believed to have died vomiting blood at the end of a lengthy illness, but the exact date of her death is unknown. She had no family, and was buried by the prison.³³⁸

On 16 October 2006, student activist and political prisoner Thet Win Aung, 34 years, died in Mandalay Prison. He had been arrested in October 1998 and in January 1999 was sentenced to 52 years imprisonment (later increased to 59 years, after further investigation) for organising peaceful student protests and associating with “unlawful associations”. Friends say he was denied treatment for several serious ailments for many years. He had suffered severe torture during interrogation in 1998, and developed health problems, including malaria, whilst in prison at Kale Prison. He became depressed, leading to a mental illness and was reported in 2005 as not being able to walk without assistance. Many national and international appeals for his release were ignored. The SPDC reported to his family that he had died from heart failure, of natural causes. “Torture is not our policy and we have strict rules and regulations which forbid abuse of prisoners, Ye Htut, an Information Ministry Official said. However, AI has called for an independent investigation.

Since 1988, Thet Win Aung had been involved in organizing student protests. He became Vice-General Secretary of the unauthorized Basic Education Student Union (BESU) and in 1989, and was dismissed from school and imprisoned in September 1991 for 9 months for his BESU activities. He was tortured immediately following his arrest and his health deteriorated, despite medical treatment. Following his release, he became a leader of the ABFSU, involved in publishing leaflets and organising demonstrations, but was forced to go into hiding through fear of arrest in 1994. He nevertheless took part in student demonstrations in December 1996, and 1998, against the poor quality of education and denial of human rights.

He was imprisoned far away from his family and when he died, only his father was able to attend to see his body before its cremation. The authorities refused to return his body to his family in Rangoon for the funeral. A hasty funeral and cremation occurred in Mandalay and a memorial service was held in Rangoon. His brother, Pyone Cho, another student leader, was in prison at the time of his death, and not permitted to attend the funeral.³³⁹

Also on 16 October 2006, former MI officer Myo Khin, 40 years, died in Paletwa Jail, southern Chin State, from heart and kidney disease. He had been arrested along with other officers when MIS chief General Khin Nyunt was dismissed as Prime Minister. He had reportedly been suffering from his diseases for several months but treatment was not provided until just before his death. His body was buried at the Paletwa graveyard the day after his death.³⁴⁰

On 26 October 2006, political prisoner Maung San died in Moulmein Prison minutes after a paramedic treated him for gastric pain. He had been denied permission to be treated by a qualified doctor.³⁴¹

3.10 Release of Political Prisoners

As noted above, most political prisoners are required to serve the entirety of their sentences. Early release or suspension of sentence is often conditioned on the person refraining from political activities, under threat of re-arrest. This renders released political prisoners more vulnerable to re-arrest, on the basis of the authorities' perceptions of their activities.³⁴² Once released, former political prisoners and their families are often subject to ongoing monitoring, questioning, harassment and interference by the authorities, especially at politically sensitive times, such as opposition or national anniversary dates. For example, on 26 May 2006, former political prisoner Shwe Maung, who in November 2005 completed a three year jail term imposed for moulding a statute of the golden *khamauk* (Burmese bamboo hat, the symbol of the NLD), advised that he had been harassed by local members of the USDA and the SB. He reported interference in his business transactions, where authorities had actively discouraged other parties from dealing with him, surveillance, and threats of further arrest and confiscation of assets.³⁴³ Some former prisoners flee the country to avoid such persecution.³⁴⁴

List of Releases in 2006

On 8 February 2006, Shan leader Shwe Ohn, 84 years, was released from one year's house arrest in Taunggyi. In an interview with DVB on 10 February, Shwe Ohn indicated that he had been detained after having formed part of an advisory group to those attending the NC (including the SSA and the National Army, Karen, Palaung, Wa and Pa-O groups), and attending a Shan State Day dinner party. He had been detained under Act-10B. Nine other Shan leaders, including Shan Nationalities League for Democracy chairman Khun Htun Oo who had also attended had been arrested and sentenced to lengthy prison terms. He stated that he had been released without condition.³⁴⁵

On 6 June 2006, Su Su Nway, who had successfully sued her local authorities in Htan Minaing and Mya Sinnai villages, Rangoon Division, for perpetrating forced labour, was released after serving almost eight months of an 18 month sentence in Insein Prison. Her sentence had been imposed on 13 October 2005 for charges of "*besmearing*" the authorities' reputation and "*criminal intimidation*", which had been brought in retaliation to her suit. Her release came three days after the ILO Governing Body convened a special sitting on forced labour in Burma, recommending that actions be taken against Burma in the International Court of Justice. Her imprisonment had been the subject of extensive international criticism. Her health had earlier been reported by her father as deteriorating, as she had become anaemic and was suffering from chronic heart disease.³⁴⁶

On 8 July 2006, lawyer Aye Myint was released from Pegu Prison after serving nearly one year of a seven year term imposed for the charge of dispersing false information, contrary to Article 5(e) of the Emergency Provisions Act. He had represented farmers from the Paungdawthi Village, of the Daik-U Township, Pegu Division, whose land had been confiscated by the authorities and redistributed to SPDC organisations, as well as assisting farmers to contact the ILO. He had been arrested in October 2005, and convicted and sentenced to seven years imprisonment in late 2005. His appeals had been summarily dismissed on the days of lodgement, and his practicing certificate cancelled, but he was released after the ILO set a 31 July deadline before it would take Aye Myint's and others' cases of imprisonment for the reporting of forced labour before the International Court of

Justice. He was required to sign a pledge that the remaining six years of his sentence would be served if he committed a crime in the future. Aye Myint had previously been arrested and sentenced to death in November 2003 (as one of the ILO three, together with Shwe Mann and Kin Kyi) for filing forced labour reports, but ILO pressure had resulted in his release in early 2005.³⁴⁷

On 28 July 2006, Rangoon Yankin Township NLD member Myo Khin was released from Promé Jail at the end of his 3 years imprisonment under Act-17/1, imposed for having unlawful contact with the ABSDF. This was his second term of imprisonment for political reasons. He is a video artist and had been actively involved in the pro-democracy movement, since 1988. In 1997 he had been arrested for forming and performing a dance troupe called *Khutdaung Ar-man* (the strength of the fighting peacock). He was released in 1999. During this term he had been incarcerated at Insein Jail, before participating in a hunger strike against unfair treatment. As a result, he was beaten by prison authorities and transferred to Promé Jail.³⁴⁸

On 20 September 2006, KNU member, Lt. Sgt. Ricky Thet, 54 years, who had been imprisoned since 1982, was released from Thayet Jail in central Burma. He had been arrested while he and other KNU members were attempting to seize control of the Burmese broadcasting building in Rangoon. He had served the entirety of his 25 year sentence, imposed when he was 29 years old.³⁴⁹

On 18 October 2006, another KNU member charged at the same time, Saw Richard, 56 years, was also released, having served just under 24 years of his 25 year sentence. His health had deteriorated, and he was suffering from a swollen lung disease. Upon his release, he said: *"I hope to resume my unfinished duty. I remember our political activists. May God bless them."*³⁵⁰

On 19 October 2006, Ohn Than and Rangoon Sanchaung Township NLD chairman Thet Wai (a.k.a. Pauksa), who had been arrested and sentenced to two years imprisonment in September 2004 for staging and assisting in a peaceful solo protest outside of the UN Development Program office demanding the release of Daw Aung San Suu Kyi and the intervention of the UN Security Council, were released. Ohn Than was released from Moulmein Jail, and Thet Wai, who had been suffering boils during his incarceration, was released from Insein Jail in Rangoon. Both had served their full sentences.³⁵¹

3.11 List of MP-Elects who remain Imprisoned in 2006³⁵²

No	Name	State/ Div	Constituency	Party	Date of Arrest	Prison	Sentence
1	Dr. Zaw Myint Maung	Mandalay	Amarapura (1)	NLD	11/90	MyitKyina	37 Yrs
2	Khin Maung Swe	Rangoon	Sanchaung	NLD	05/08/94	Myingyan	7 Yrs
3	Than Nyein Dr.	Rangoon	Kyauktan (1)	NLD	28/10/97	Pyey	8 Yrs
4	Dr. May Win Myint (F)	Rangoon	Mayangone (2)	NLD	28/10/97	Insein	7½ Yrs
5	Yaw Hsi	Kachin	Putao	NLD	02/10/98	Myitkyina	5 Yrs
6	Naing Naing	Rangoon	Pazundaung	NLD	08/00	Insein	21 Yrs
7	Aung Soe Myint	Pegu	Taungoo (1)	NLD	31/08/03	Thayet	7 Yrs
8	Khun Tun Oo	Shan	Thibaw (1)	SNLD	09/02/05	Rangoon	93 Yrs
9	Kyaw Khin	Shan	Taung-gyi (1)	NLD	25/02/05	Taung-gyi	14 Yrs
10	Kyaw Min	Arakan	Buthetaung (1)	NDPHR	17/03/05	Rangoon	47 Yrs
11	Kyaw San	Sagaing	Tantse	NLD	17/03/05	Rangoon	7 Yrs
12	Saw Hlaing	Sagaing	Inndaw	NLD	30/03/05	Kathar	12 Yrs
13	Khin Maung Win	Pegu	Oaktwin (2)	NLD	31/03/06	Insein	---

Endnotes

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

4.1 Background

“Burma’s prisons have become institutions whose primary function is to deliberately and systematically shatter the identity of political activists and other civilians deemed threatening to the rule of the regime.”¹

“Four (villagers) were used to pull an ox-cart as part of a torture, and like an ox, a small piece of wood with nails was used to make the men walk. Nai Agoh, Nai Apin and two others were tortured in this manner. Many were tortured simply because they could not speak Burmese and they could not explain where the rebels were hiding.”²

History’s testimony is riddled with examples of torture, and whilst much progress has been made, torture, as a severe form of state sanctioned violence, continues to be utilised around the world. Nowhere is this more real than in Burma where authorities employ a spectrum of techniques, on a cross section of society, in order to exploit and suppress its victims and establish its position as the dominant state administration.

The United Nations (UN) has gone a long way towards establishing a definition of torture via Article 5 of the Universal Declaration of Human Rights (UDHR), Article 7 of the 1966 International Covenant on Civil and Political Rights (ICCPR) and the 1985 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Article 1.1 of CAT 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.”³

Although Burma is a signatory to the UDHR it has failed to sign both the ICCPR and CAT. Regardless, the widespread recognition of torture as a cause of extreme human debasement has meant that the prohibition of torture has attained *Jus Cogens* status in international law. As such each country is compelled to respect this fundamental right regardless of treaty ratifications.

Domestic legislation does, the authorities claim, prohibit the grievous hurt of citizens by officials and as such, it is argued, ratification of CAT would be superfluous. Articles 330 and 331 of the 1957 edition of the 1861 Burmese Penal Code, which remains in force, outlaw “hurt” or “grievous hurt” for the purpose of extorting a confession or information for the detection of an offence, but not specifically ‘torture’, inflicted during interrogation. These

articles provide for up to seven or 10 years imprisonment respectively. Articles 323 and 325 of the Penal Code would appear to prohibit “hurt” or “grievous hurt” of detainees and prisoners outside the context of interrogation, with penalties of up to one year and seven years respectively. In addition, Article 166 of the Burmese Penal Code prohibits public servants from unlawfully injuring anyone while discharging their duties, and provides a penalty of up to one year for this offence.

Throughout 2006, countless reports from inside Burma continued to demonstrate torture to be a widespread, state-sanctioned, and unchecked reality of everyday Burmese life, both inside and outside of SPDC prisons.



Photo taken by a Free Burma Rangers' relief team showing the dead body of a Karen man tortured and subsequently killed by the SPDC in northern Karen State in 2006 [Photo: FBR].

4.2 Torture during Detention

Whilst it is often difficult to obtain up to date information regarding the treatment of detainees, at least until the time that they have been released, and feel confident enough to talk about their experiences, it is clear that torture in Burma's prisons remains rife. In February 2006, a representative from Human Rights Watch (HRW) asserted as much in stating: *"We are very, very confident that torture continues. It's an instrument of policy. This is not a country where it happens by chance, committed by a few rotten apples."*⁴ In the same month, Paulo Sergio Pinheiro, the UN Special Rapporteur on the situation of Human Rights in Myanmar, reiterated concerns raised in previous years, regarding the continued *"reports of torture and ill treatment of those held in pre-trial detention and of political prisoners"*.⁵

Based upon countless interviews, the Assistance Association for Political Prisoners (AAPP) issued a report in December 2005, which found that political prisoners in Burma are generally arrested in the night by members of the SPDC's military intelligence apparatus. The suspects are not informed of the charges against them, but hooded and handcuffed before being removed to an interrogation centre, the location of which neither they nor their family are informed of. Prisoners are then held incommunicado for a period ranging from days to months, creating a situation in which the detainee can be tortured without fear of repercussions on the part the authorities. AAPP assert that the majority of torture which political prisoners endure occurs during this period.⁶

The Burmese police force is also reported to frequently torture detainees during pre trial detention. In 2006, numerous persons arrested on petty offences have been reported dead or missing only a few days later, with the police often citing suicide as the cause of death and the victim's relatives denied any redress or even a post-mortem. In light of such practices, the Asian Human Rights Commission asserted, in 2006, that, in Burma, *"the only techniques known are to arrest, detain and beat up."*⁷ In one instance, on 14 March 2006, Maung Ne Zaw, was stopped, illegally detained and beaten on the side of the road in Kachin State by Special Anti-drug Squad police. He died in detention on 2 May, because, according to his mother, he had failed to obtain proper medical treatment, following the assault. The authorities denied requests for a post mortem, and the doctor on duty vaguely asserted he had died of either cerebral malaria or HIV or some other disease. Maung Ne Zaw's mother faced constant harassment from officials for attempting to pursue the case and was eventually forced to flee her home for the Thai border.⁸

Meanwhile, the junta remains of the position that torture does not occur in interrogations or imprisonment. When Amnesty International raised these concerns in December 2003, the Attorney General insisted, without a hint of irony, that such complaints could not be taken seriously as there would be no witnesses, given that the detainees are held incommunicado. When AI asked about complaint procedures, they were informed that officers higher up would investigate, and the Chief Justice confirmed that at least in principle, Section 342 of the Penal Code which provides offences for those engaging in *"wrongful confinement"* could be used by the courts. However, in practice, these protections are not made available.⁹

Whilst the majority of torture is carried out during pre trial detention, it is not unusual for prisoners to be assaulted and tortured throughout their sentence. Furthermore, reports suggest that the SPDC is continuing to utilise a strategy of torture by proxy in employing 'criminal' prisoners as thugs to beat political prisoners.¹⁰ International law is very specific on the fact that the State is still implicated in torture regardless of whether it physically carries out the treatment. Article 1 of CAT makes the point that torture is still relevant to those incidents

where the “suffering is inflicted by or at the instigation of, or with the consent or acquiescence of, a public official”.¹¹ On 2 January 2006, three political prisoners, Ko Aung San Myat, Ko Thiha Tun and Ko Han Win Aung, were attacked by a gang of five non-political prisoners in Insein Prison and, according to sources, the prison authorities made no effort to intervene, punish the gang, or put systems in place to prevent such incidents taking place in future.¹² Gangs such as the ‘Scorpion Gang’ in Insein Prison reportedly receive privileged status and have strong connections with SPDC officials.¹³



These two photos show former political prisoners recreating forms of torture which they have been forced to endure in SPDC prisons. Tying or hanging people during physical torture creates a sense of helplessness and degradation. Hooding of detainees is also common and again creates a heightened sense of vulnerability. Often those in custody are forced to remain in strenuous positions without adjustment, or act out specific actions. Some of these positions include various squatting stances, simulated motorcycle riding, and mimicking an airplane. (For more information see Section 4.5: Methods of Torture). [Photos: AAPP]

4.3 Torture of Villagers in Ethnic Minority Areas

Members of ethnic minorities, in Burma, continue to be particularly at risk of torture, inhuman and degrading treatment, living as they do in areas of heightened militarization. In areas where armed ethnic groups remain active, the SPDC often targets villagers as a component of their campaign to suppress such resistance. In May 2006, the UN raised serious concerns about such targeting of ethnic minority civilians, via a joint statement released by six Special Rapporteurs, stating that they were “*deeply concerned about the widespread violence that has continued to spiral for the last six months in the Thandaung and Papun Townships of Karen State as well as Kyaukgyi and Shwegyin Townships of Pegu Division.*” where “*unlawful killings, torture, rape and forced labor*” occur with alarming regularity.¹⁴ During 2006, there have been instances of entire villages being rounded up in town halls or temples,¹⁵ subjected to electric shock treatment,¹⁶ made to crouch in stress position in the sun¹⁷ or forced to watch as the village headman is tortured,¹⁸ as well as numerous reports of villagers being assaulted and mistreated whilst detained at army camps.

The use of torture by the SPDC in ethnic areas serves a variety of interconnected purposes. It is utilised to garner compliance with military orders and generally cow the population, to interrogate or punish suspected insurgent supporters and sympathisers, and also as a means to extort goods, funds, and services from villagers.¹⁹ As the SPDC encourages its soldiers to be self sufficient; the arbitrary arrest of villagers, alongside the threat of torture, provides an easy means for soldiers to extort funds in return for the individual’s release. This is particularly acute in areas in close proximity to military barracks or fighting, where soldiers will often carry out raids on villages for the purpose of extortion. Although such acts will often be undertaken in the name of intelligence gathering for the purpose of counter insurgency, the frequency with which the raids terminate after the acquisition of a commodity, cash or even forced labour, indicates the more likely motivation.

As such, the cessation of counter insurgency operations in an area does not ensure a reduction in such abuses. In ethnic areas where ceasefire agreements are in place and the SPDC asserts near total control of the local population, torture remains prevalent. Whilst Thaton District, under the strongest SPDC control of all seven Karen Districts, has seen a decrease in shootings, villagers remained vulnerable to arrest and torture by both the SPDC and the SPDC aligned Democratic Karen Buddhist Army (DKBA) throughout 2006. In areas such as this, the village head occupies a particularly precarious position serving as a conduit for the demands of the SPDC. Village heads are required to go to army camps when summoned, thus increasing their vulnerability, and are held directly responsible when demands are not met; frequently detained at the camp until a ransom is paid for their release. They are oftentimes beaten or more severely tortured. Their torture is then held up as an example to their peers.²⁰

4.4 Torture during Forced Portering and Forced Labour

Forced labour in Burma continued unabated throughout 2006, particularly in rural areas, with villagers conscripted for tasks such as the construction and maintenance of army camps, building of roads and clearing of bushes along the sides of these roads, as well as the portering of military equipment. (For more information see Chapter 1 Forced Labour and Forced Conscription). In 2006, reports from inside Burma continued to indicate a widespread correlation between such forced labour and torture. The U.S. Department of State reported that, in 2006, “*Persons forced into portering or other labor faced extremely difficult conditions, beatings, rape, lack of food, lack of clean water, and mistreatment that at times resulted in death.*”²¹ The Karen Human Rights Group (KHRG) supported such an assertion in their 2006 report on the effects of militarization on Karen Women, stating “*Women taken for forced labour are...subject to increased likelihood of abuse. Women forced to work as messengers, guides, sentries or porters, or labour on construction projects, are beaten, mistreated, and sometimes raped.*”²²

The situation for porters and guides is particularly difficult; often isolated from their community and regularly required to carry heavy loads, deprived of food and water, and beaten. As an instance, on 19 June 2006, a patrol from SPDC LIB #516 conscripted three villagers from Tin Paet village, Nawng Hee village tract, Nam Zarng Township to serve as the patrol’s guides. After three days of patrol, they were interrogated about the movements of Shan soldiers in the area, during which time they were assaulted, and cruelly tortured, with burning plastic sheet dripped on their head. The following day, a Pa’O ceasefire group negotiated for the release of the villagers.²³ Furthermore, porters are frequently employed as human minesweepers walking in front of SPDC troops to ensure the path is safe.

In addition, human rights organisations have reported an increase in the use of forced prison labour in Burma in 2006. KHRG report that thousands of prisoners have been brought from prisons around Burma to carry supplies and act as minesweepers as part of the large scale offensive in the northern Karen areas which began in November 2005.²⁴ Their legal entitlements are less clear than other types of porters and the junta seemingly believes that abuse of their rights will draw less condemnation. The living conditions, food supplies and general treatment of forced prison labourers are widely reported to be far worse than those for their ‘free’ civilian counterparts. It is common for convict porters to carry loads of between 33 and 44 kgs. The work is more dangerous and health provisions are non-existent. The military view the prisoners as expendable labour and there were countless reports of their torture, beating and killing in 2006.²⁵ As a consequence of overwork and poor conditions, prison labourers frequently fall ill and suffer injury. Neither illness nor injuries are treated by the army medics, who state explicitly that medical care and medicine is only for soldiers.²⁶ Instead, escaped porters report that soldiers will torture and kill convicts when they become tired and weak, often doing so in front of others as an example.²⁷

The forced employment of villagers as sentries also leads to a heightened risk of torture. Forced to watch over their village at night whilst sustaining their livelihoods during the day; sentries are severely punished if they fall asleep, or fail to notice insurgent activity in the area. On 19 January 2006, a Buddhist shrine was vandalised near Maungdaw, Arakan State, which led to a mass arrests of Rohingya villagers, particularly those who were on sentry duty that night. Many were assaulted and some were badly tortured, including having hot water poured down their nostrils.²⁸ The ILO has also highlighted the link between people who have complained about being subjected to forced labour and consequently counter sued and tortured.²⁹

4.5 Methods of Torture

Physical Torture

Although torture always maintains a fundamentally psychological character, certain methods are designed primarily to inflict pain and discomfort upon prisoners. The most common form of torture used in prisons and interrogation facilities in Burma is physical beating. According to former political prisoners interviewed by AAPP in 2005, victims of such practices “*are punched, slapped, kneed and beaten with a variety of implements including rubber or wooden batons, truncheons, rifle butts, rubber cords, bamboo sticks and plastic pipes. Political prisoners have also been beaten with thick books, chair legs, broomsticks, sandals, belts and other common objects.*” Other forms of physical torture include deprivation of “*food, water, sleep, light and the use of the toilet.*” Prisoners are also placed in various types of constraints over prolonged periods of time. Often those in custody are forced to remain in strenuous positions without adjustment, or act out specific actions. Some of these positions include various squatting stances, simulated motorcycle riding, and mimicking an airplane. Torture victims have also reported being suffocated. Repeated tapping on a specific location on the victim’s head, known as ‘tick- torture’, is also used by the SPDC. Prisoners have also been burned with cigarettes, hot wax, lighters and electric rods, and the SPDC has used electric shocks of increasing intensity against prisoners. Pencils or bullets are placed between victim’s fingers, which are then squeezed. The regime also employs a technique known as the ‘iron road’ where an iron or wooden bar is run firmly up and down the victim’s shins in order to shear off flesh often leaving deep wounds and lasting scars.³⁰

Reports emanating from 2006 suggest not much has changed, since AAPP issued their report. Beatings remain frequent, often involving the use of bamboo sticks,³¹ electric torches³² and gun butts.³³ During such beating, victims will often be tied up, in some cases upside down, leaving them unable to protect themselves from blows.³⁴ Evidence also demonstrates the use of shackling³⁵ and leg stocks³⁶ that can leave physical damage. Electric shock treatment also appears to remain prevalent.³⁷ Reports also indicate the covering of victim’s heads with plastic and/or submersion in water to temporarily cause suffocation.³⁸ In ethnic border regions, the removal of body parts,³⁹ being set on fire, and the insertion of lit objects into the victims’ body,⁴⁰ have also been reported in 2006.

To compound the effects of physical torture few incidents conclude with the victim receiving medical treatment for their injuries and in some cases, both inside and outside of prisons, they are physically restricted from visiting a hospital.⁴¹

Psychological Torture

Immediately upon being taken into custody, political detainees are often blindfolded causing disorientation and distress. Keeping political prisoners in incommunicado detention heightens their sense of vulnerability often impacting the mental health of the prisoner, as they fear the authorities are able to do to them as they wish. Whilst in detention, psychological torture normally comes in the form of continual threats not just upon their person but also threats made against friends and family members.⁴² In some instances, prisoners are made to watch the torture of other prisoners, serving as an example to utilise compliance,⁴³ a technique also applied in the ethnic border regions of Burma. As a result, prisoners and ‘free’ villagers alike, live in a continual terrorised state with daily threats and fear of violence.

Solitary confinement in dark and damp cells is a further form of psychological torture whilst *“food and water deprivation and other forms of ill treatment have continued to be regularly used by SPDC authorities”*.⁴⁴ Tying or hanging people during physical torture creates a sense of helplessness and degradation that are as devastating psychologically as they are physically. Torturers also play on the specific phobias of detainees as a means to inflict psychological distress.⁴⁵ In some cases psychological torture will be met with resistance that can then result in physical punishments. On the 24 January 2006, prisoners staged a protest in the Kalaymyo Jail in Sagaing Division against a prolonged water shortage and the authorities reacted by severely beating 80 prisoners and killing two.⁴⁶

One particularly malicious form of psychological torture is that of informing prisoners of their impending release before rescinding the offer on the day they are due to be free. Political prisoners have at times been brought to the prison gate, sometimes in view of their family, where they are then rearrested.⁴⁷

Sexual Torture

The SPDC has been reported to have used various means of sexual torture against both men and women. The use of rape as a means of torturing detainees is rare and no incidences were reported in 2006. However, the threat of rape has in the past been reported to be frequent. In addition, victims have been forced to strip naked in front of others whilst being taunted and threatened. Prisoners’ genitals may also be burned, beaten or electrocuted.⁴⁸

4.6 Prison Conditions

After continued interference in its operations by the junta, throughout 2005, the International Committee of the Red Cross (ICRC) made the decision, in December 2005, to suspend its prison visits within Burma. The ICRC became increasingly wary of the presence of the junta affiliated Union Solidarity and Development Association (USDA) who insisted on accompanying ICRC staff during their prison visits.⁴⁹ (For more information see Chapter 12 Freedom of Movement, Association and Assembly). In their absence, the USDA has made efforts to present it self as assuming the functions of the ICRC: visiting political prisoners as well as their families and donating supplies to prisoners, in moves which it presents as steps towards national reconciliation. However, their assistance programs have not been systematic, and it has been reported that conditions and the standard of healthcare deteriorated in 2006. The ICRC had previously provided 50 percent of medicines within Burmese prisons.⁵⁰ A lack of adequate healthcare and close proximity to illness and disease means outbreaks of fatal disease remained a serious issue. Between December 2005 and January 2006, 12 prisoners in Sittwe Prison, Arakan State, died as a result of a cholera outbreak reportedly associated with spoiled food supplies and poor sanitary conditions within the prison.⁵¹ Likewise prisons deaths occurred as a direct outcome of being denied medical treatment. On the 11 January 2006, political prisoner, Khin Maung Lwin, 38, who had been in jail since 1998, died a day after arriving at Putao hospital. Had SPDC authorities allowed him to move when he first made the request then his death would likely have been averted.⁵²

The prison health care system and the general condition of prisons in Burma patently qualify as ‘other cruel, inhuman or degrading treatment or punishment’. AAPP have gone further and asserted that conditions actually meet the legal criteria for torture, due to their purposeful aggravation, and the degree of suffering arising from this aggravation, stating, “*Burma’s prisons have become institutions whose primary function is to deliberately and systematically shatter the identity of political activists and other civilians deemed threatening to the rule of the regime.*”⁵³ (For more detailed information on Conditions of Detention see Chapter 3 Arbitrary Detention and Enforced or Involuntary Disappearances).

4.7 Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment – Partial List of Incidents for 2006

Arakan State

Buthidaung Township

In April 2006, the young son of a villager from South Buthidaung passed away. The father was unable to afford the fee charged to remove a person from the SPDC's family lists. As a result he was detained for two days during which time he was assaulted. His wife was eventually forced to pay a fine of 20,000 kyat in order to secure his release.⁵⁴

Maungdaw Township

On 19 January 2006, a Buddhist shrine was vandalised in Nga Khu Ya near Maungdaw. As a result, NaSaKa arrested local Rohingya villagers en masse. Detainees were assaulted with some severely tortured whilst in the NaSaKa camp. Hot water was poured down the nostrils of some of the villagers.⁵⁵

On 9 February 2006, Mohammed Ibrahim, 35 and Noor Boshor, 30, two sentries (forced), from Wabag village of Kyi Kan Pyin village-tract (Khawarbill), were arrested by a NaSaKa patrol after allegedly sleeping whilst on duty. That night they were taken to NaSaKa headquarters, locked up and severely beaten. They were subsequently forced to pay 6,000 kyat to secure their release. A village elder commented that NaSaKa takes it for granted that if they don't beat up the accused, they won't get money from them.⁵⁶

On 18 May 2006, a teacher, Mohamed Khalek, 35 years old, was arrested by the junta on charges of smuggling rice to Bangladesh. He was severely tortured in front of his family members, so as to extort money from them. They subsequently paid 150,000 kyat in order for the torture to stop. He was then taken to the NaSaKa camp at Aley Than Kyaw, Maungdaw Township for questioning where he underwent medical treatment. He had been distributing rice with the UNHCR and it is thought that the Bangladesh charge is false.⁵⁷

On 3 October 2006, it was reported that NaSaKa forces from Nga Ran Chaung Outpost under NaSaKa Area #2, in the north of Maungdaw Township, intruded into Bangladesh and conscripted a group of Bangladeshis to carry fruit and vegetables picked from the area back to their camp stationed near the border. After arriving at the camp they were then struck ten times each with a stick, as "wages" for their portering, before being returned back across the border.⁵⁸

On 9 October 2006, Maulana Mohammed Shafique, 27 years old, principal of a Madrasah (religious school) and a religious leader, from the KhanYaung Chaung (Khayoung Khali) village of Maungdaw Township, was arrested by NaSaKa, on the allegation that he had been communicating with villagers working in foreign countries and receiving financial support from them for the school. He was detained at NaSaKa Camp #6 for three days, and reportedly endured mental and physical torture, before being sent to the Maungdaw police station on 12 October 2006. He was later sentenced to two years imprisonment by the Maungdaw Court.⁵⁹

Ponna Kyunt Township

On 4 October 2006, 14 villagers from Ponna Kyunt Township, were arrested after they assaulted a soldier who they had caught stealing a cow. Villagers reported that those charged had been tortured whilst detained by the military.⁶⁰

Rathidaung Township

On 1 July 2006, Obiadullah, from Koe Tan Kauk village tract was put to work on the construction of NaSaKa camp #18, and was not permitted any rest period whilst working. On 10 July 2006, his relatives received information from other local people, who were also working in the camp, that Obiadullah had died. Villagers believe that he died as a result of injuries sustained from torture as his body was heavily scarred. NaSaKa subsequently handed over the body to his relatives claiming he died of a mysterious disease. NaSaKa ordered the relatives to bury the body immediately and also warned the villagers not to talk about the death to other authorities.⁶¹

Sittwe

On 27 July 2006, in the Owan Ta Bin Quarter of Sittwe; Ko Tun Lin Kyaw and his friend (unnamed) gave themselves up to the Sittwe Police at Police Station #1. They had been on the run since the 25 July, following a quarrel with the police that resulted in one police officer sustaining a serious eye injury. The police had subsequently held their family members hostage in order to secure their surrender. From the time that they submitted themselves, military personnel were reportedly taking them from the police lock up, on a daily basis, to IB #20 base for interrogation. It has been reported that they were being subjected to severe forms of torture. The police refused to deny these allegations when questioned.⁶²

Around 18 September 2006, Ko Maung Shwe, arrested for theft, died at the police station in Sittwe following interrogation. He was from Renar Byin Block under Wra Gri Mrauk Tract in Akyab. Police officials reported that they found his body in the custody room on 18 September and announced he had hung himself. The Arakan State High Court ordered a report by the second in charge at the station, Aung Kyaw Oo, into the cause of death.⁶³

Chin State

On 17 January 2006, it was reported that U Haakha, the brother of a member of the Chin National Army (CNA), continued to live under the constant threat of torture at the hands of the SPDC. For the previous 30 months he had been the target of regular torture, captivity and extortion by Burmese SPDC troops based in southern Chin State. During the first week of June 2004, under orders from Captain Aung Kyaw Than of LIB #34, U Haakha was visited by an SPDC Corporal and Private (both names unknown), Police Corporal Sein Kyaw Hla and Constable Hla Shwe Maung. U Haakha was repeatedly tortured with a round bamboo stick suffering severe trauma to the head. The soldiers then tied him to a pole in his house and he was left there overnight. In the morning the corporal demanded 150,000 kyat from the victim, claiming he would be shot dead otherwise. Relatives and villagers gathered 50,000 kyat, falling short of the amount demanded. The corporal accepted the money on condition U Haakha pledged in writing that the rest of the money would be handed to him the next month. The corporal returned the next month and confiscated newly harvested paddy from the victim as a substitute for the remaining 100,000 kyat. Then, again, in August 2005, U Haakha was picked up by Captain Aung Kyaw Than and taken to the military camp in Sami village, where he was punched three times in the jaw, resulting in the loss of a tooth, and locked up

for a further 7 weeks. A further 300,000 kyat was demanded but U Haakha was only able to pay 100,000. Since being released U Haakha has been obliged to report to the camp every 2 months and on the 7 December was told to return with his brother or otherwise face the consequences. At the time, U Haakha explained to the Chin Human Rights Organisation that he did not know what to do.⁶⁴

On 21 May 2006, troops from the SPDC LIB #268, led by Lt. Colonel Win Bo, entered the village of Thlanrawn and seized the village headman, Mr. Sial Hre, 52, Mr. Bawi Nawl, the 18 year old son of the village headman, Mr. San Lian, 44, and Van Nei Thang. They were accused of failing to report the presence of the CNA after they had entered the village. Mr. Sial Hre was hung upside down from his house and severely punched and beaten with the butts of the soldiers' guns. The other three villagers were tied up with their hands behind their backs and beaten in a similar manner. The torture lasted two hours, after which time the remaining villagers were rounded up into a nursery school and detained. The following day, SPDC Colonel Tin Hlah arrived and warned the villagers that unless they told him what he wanted to hear, the four men would continue to be detained and come to more harm. In addition, he threatened that if in the future the villagers failed to disclose the activities of the CNA they would all be killed and the village burned down. The tortured villagers were eventually released and it was left to their families to pay their hospital expenses. All four were later discharged from hospital, although Mr San Lian, after suffering an internal blood clot, was unable to eat and Mr Sial Hre continued to suffer from severe nerve pain.⁶⁵

On 24 May 2006, Mr Lalkaithianga, a cross border trader en route from Lentlang village, Falam Township, northern Chin State, was arrested after allegedly selling cattle illegally in Mizoram, India. He was taken into custody by Myint Myint Lin and Kyaw Chin Lun, police officers from Rih Town #2 police station. During detention he was tied and hung upside down and beaten. In addition, Myint Myint Lin reportedly forcefully tore the victim's jeans, put the torn pieces into the victim's mouth and then set fire to the material. After two days, Mr Lalkaithianga was bailed by two friends for 30,000 kyat. Mr Lalkaithianga injuries meant he would be out of work for a long time despite having to support three children.⁶⁶

Irrawaddy Division

On 16 July 2006, Saw Stin Pho of Ta Khun Seik Village, Einme Township, was one of 17 people arrested and detained at Pathein Military Headquarters on suspicion of being connected to an alleged sympathizer of the Karen National Union. He died three days later, on 19 July, from injuries resulting from torture during interrogation by Military Security Affairs (MSA). MSA are reported to have given 400,000 kyat in compensation to his wife, Naw Htoo Bae Sae, and their six children. MSA later released the other 16 persons, all of whom were said to be severely traumatized as a result of the harsh interrogation methods.⁶⁷

Kachin State

On 14 March 2006, Maung Ne Zaw, was stopped, illegally detained and beaten on the side of the road in Kachin State by Special Anti-drug Squad police. He died in detention on 2 May, because, according to his mother, he had failed to obtain proper medical treatment, following the assault. The authorities denied requests for a post mortem, and the doctor on duty vaguely claimed he had died of either cerebral malaria or HIV or some other disease. Maung Ne Zaw's mother faced constant harassment from officials for attempting to pursue the case and was eventually forced to flee her home for the Thai border.⁶⁸

On 2 November 2006, SPDC Lieutenant Myo Thura, along with 10 soldiers from LIB #144, arrested and assaulted a number of villagers from Pan Khar village, Laow Homg tract, Namkham Township, in relation to drug production in the area. Long Pha, Kyar Pha and U Aik Ngo Kharan of Lishawl, were also arrested in conjunction with the case; the latter receiving a serious injury to his eye whilst in detention. All suspects were brought to the Laow Homg village head's house and interrogated and tortured. The following day, Kon Aye Htan (a.k.a. Kyaw Min), his wife Daw Nang San and Aung Kyaw Moe were also arrested, beaten and likewise brought to Laow Homg. After days of interrogation during which time various forms of physical torture were reportedly employed, all were released on 6 November.⁶⁹

Karen State

Mergui/Tavoy District

On 8 August 2006, troops from SPDC IB #561, under Sergeant Tin Htun, seized and questioned Ta-kweh-swhe-plaw village head, U Bi Bay, near Tone-ma-kha village, after finding him in possession of 100,000 Thai baht. He was severely assaulted by the troops during his interrogation.⁷⁰

Nyaunglebin District

On 13 March 2006, a 30 year old male Karen villager was arrested by SPDC troops while he was returning from his hill farm in Nwar Lay Koh village, Mone Township. Other soldiers heard gunfire, but dared not risk going to see what was happening. When his body was found, it had had its eyes, ears and mouth removed.⁷¹

On 28 April 2006, Warrant Officer Than Htay and Sgt. Yeh Min went to arrest villagers from Way Sweh, Gko Nee and Noh Nya Lah Villages in Mone Township pursuant to orders issued by LIB #599 Battalion Commander Yan Naing to all Kyun Bin Seik camp officers. A number of villagers were arrested purportedly upon suspicion of having contact with the KNU, detained and then severely tortured, being heavily beaten on the back and head. On 30 April 2006, the soldiers demanded a 2,500,000 kyat ransom for the villagers and released all upon payment, apart from Maung Htay who was sent instead to Kyaw Pya army camp. The other villagers arrested were:

1. Nay Lay, Way Sweh village;
2. Sho L'Moh, Way Sweh village;
3. Saw Maung Htay, Gko Nee village;
4. Naw Kri Heh, Gko Nee village;
5. Nay Ger Htoo, Gko Nee village;
6. Naw T'Kaw Paw, Nga Pway Taw village;
7. Saw Bpin Tun Pa, Nga Pway Taw village;
8. Blaw Wah, Nga Pway Taw village; and
9. Saw Pway Moo, Noh Nya Lah village.⁷²

On 3 August 2006, LIB #351 Battalion Commander Than Tate arrested Saw P--- in the Hteh Htoo relocation site. He was tied up and accused of having contact with the KNU. SPDC soldiers not only beat him up but they kept him in water overnight, where he was bitten by leeches. He was then placed in a cell for a month, before the SPDC demanded 300,000 kyat for his release, which was gathered by the village head.⁷³

On 10 September 2006, LIB #351 Battalion Commander Than Tate arrested Maung Min Oo from Hteh Htoo relocation site, reportedly telling him *"I am arresting you because you came back late and the time is over according to a specific time I set up."* He had failed to return to the village when the time stipulated on his recommendation letter had expired. Than Tate then locked him in mediaeval-style leg stocks for a week and fined him 10,000 kyat before releasing him.⁷⁴

Papun District

On 26 February 2006, in reprisal to a KNU attack upon the Democratic Karen Buddhist Army (DKBA) camp based in Meh Mweh Hta, SPDC soldiers threatened the villagers of Wah Klu Ko and arrested a 17 year old girl along with the village head. The soldiers covered the two villagers' faces with a plastic sheet and tied their hands behind their backs. They were then detained incommunicado for the next three hours.⁷⁵



In this photo, a local village head prepares a stack of money he has gathered from his villagers to comply with another DKBA extortion demand in May 2006. After this photo was taken he took the money to the camp; when he returned his face was swollen, and he told the villagers he had been beaten five times in the face by the DKBA non-commissioned officer because he delivered the cash two days later than ordered. [Photo and Caption: KHRG]

Thaton District

In early 2006, DKBA Battalion Commander Boh Lweh, of Brigade #333 shot 25 year old Saw B--- 30 times in the head with a slingshot before demanding he porter for the DKBA.⁷⁶

On 29 January 2006, troops from DKBA Brigade #666, led by Bo Than Tun entered Noe-ta-la-aw village and arrested 39 year old villager Saw Par Bu. He was interrogated for information concerning the KNU and afterwards beaten with a rifle butt. The same troops later visited Naw-ka-toe village and interrogated Naw Nor Ket, aged 50. When she was unable to provide them with any information she was struck five times by the soldiers' rifles. Following this, DKBA troops interrogated the village head, Naw Aye Aye, 40 and Naw Mu Lay, who were forced to stand in baskets, and repeatedly squat and stand up again. They were beaten when unable to continue.⁷⁷

On 8 March 2006, U Kyaw, from Kyauk-kaw Pagoda road, Thaton Township, was badly beaten by Company Commander Thein Aung of SPDC IB #255, whilst on his way to the Naw-ka-to market. No justification was forthcoming for the attack.⁷⁸

On 11 March 2006, SPDC LID #66, led by Commander Aung Soe, captured Saw Ah Poe and Saw Dah from Ker Der Kah village before torturing and killing the pair as punishment for leaving their village.⁷⁹

On 31 March 2006, a convict porter was tortured and killed after fleeing an SPDC patrol he was serving. He was initially tortured by IB #255 troops who discovered him and later by soldiers under the command of Commander Aung Lwin Oo. He was eventually killed and buried at 8 pm outside the village of Dt'Maw Daw.⁸⁰

During June 2006, DKBA forces entered Gk'Wah Htah village and accused Saw T--- of involvement with the KNU. Saw T--- and three other villagers were detained and beaten heavily, causing severe swelling to their faces.⁸¹

On 6 June 2006, DKBA troops led by Pa Ker Ler came to Kwee-lay village, Bilin Township, and tied up villagers Pa Ta Kwee and Maung Soe Naing, while another, Pu Loe Pa, was beaten.⁸²

On 14 June 2006, SPDC battalion commander Kyaw Min arrived at Ta-eu-ni village calling for Seik-ywa-shwin villager Saw la Noe, who promptly ran away. The troops responded by beating Naw Peh Say, 15, around the head with the butt of a pistol and consequently broke two of her teeth. The troops then looted her house.⁸³

On the night of 2 July 2006, DKBA troops led by Tin Win came to upper Naung-ka-ton, lower Noh-ta-lar-aw, Ta-maw-daw and Ta-roi-wah villages in Pa-an Township to question Saw Ta Ku, Saw Myint Kyaw and Naw Kru Kyi of upper Naung-ka-ton village regarding KNU activity. Unable to answer their questions the troops proceeded to kick and tread on the heads of the villagers. Another villager, Naw Thein May, was slapped a number of times and her head was smacked against the post of a house before the soldiers looted belongings from her house.⁸⁴

On 3 July 2006, DKBA troops assaulted 10 villagers from Pa-paw villagers, punching and kicking them, when they were unable to answer questions about the KNU. The villagers assaulted were:

1. Saw Maung Di, 30 years old;
2. Saw Pa Ta Lay, 60;
3. Saw Thway Kyaw, 40;
4. Saw Nga Lone, 25;
5. Saw Sein Win, 40;
6. Saw Htoo Hla, 45;
7. Saw Po Pay, 25;
8. Saw Pu Ya;
9. Saw Jorry, 42; and
10. Saw Htun Thaung, 50.⁸⁵

In July 2006, Saw K---, 42, from G--- village, Bilin Township, was captured after fleeing DKBA soldiers who had arrived at his village. He was accused of having knowledge of a KNLA camp and consequently bound to a post under his house. Whilst being interrogated the victim was punched and kicked in the face and chest.⁸⁶

In July 2006, Naw K---, 50, from K--- village, Bilin Township, reported to KHRG, how five of her fellow villagers had been interrogated by DKBA soldiers and then punched and beaten

after not being able to answer questions. She also reported how they wrapped the head of a Gkwee Lay Bpoo villager in plastic and tortured him.⁸⁷

On 14 September 2006, DKBA troops led by Saw Moo Hta interrogated 20 year old Saw Joe Joe in Thoo-ka-bee village. During the interrogation, Saw Joe Joe was slapped and kicked by the troops.⁸⁸

Toungoo District

On the evening of 11 January 2006, troops from SPDC LIB #48, led by Bo Htun Nay Lin, arrested and beat 26 year old Saw Poe War, and his wife, Naw Seh Heh, 22, both from Mar-lar-gon village.⁸⁹

On 15 February 2006, the mutilated body of an unidentified person was found in Bla Khi area. According to the Committee for Internally Displaced Karen Persons, the victim's throat had been slit and left hand cut off, suggesting the victim had been tortured prior to their death.⁹⁰

In March 2006, a villager from Play Hsa Loh, Tantabin Township, was killed by SPDC troops in revenge for the fact that an SPDC soldier had been injured by a landmine. SPDC troops reportedly cut off his arms and legs and left him by the roadside to bleed to death.⁹¹

Karenni State

On 4 January 2006, Saw Naw Gay, aged 29, was found beheaded in the jungle. He had been arrested along with 8 other villagers by SPDC and Karenni National Solidarity Organisation troops in Pahawkoe village, western Pasaung, on 17 December 2005. The villagers had reportedly been tortured and used as human mine sweepers. There were no reports on the whereabouts of the other villages.⁹²

On 20 February 2006, troops from IB #102 and #54 arrested four villagers from Kaylyar including the village secretary. They were accused of giving information to insurgents whom had attacked the troops the previous day. The troops masked the village secretary's head with a plastic bag then tied his hands behind his back and beat him with the butt of a gun.⁹³

In the last week of March 2006, troops from SPDC IB #102 arrived at Lawkukhu, Prusoe Township, and arrested the village's fire-watch guard. Each family in Lawkukhu is required to take fire-watch guard duty during the summer in order to regulate fires in the village. The guard on duty had struck a piece of iron used to inform villagers not to make any fires after that time. As the signal coincided with the SPDC troops arriving in the village, it was interpreted as a signal to insurgents. The troops severely beat the villager before removing him to their camp where he was detained for one night.⁹⁴

Mandalay Division

On 18 January 2006, Ko Aung Myint Oo suffered severe injuries after being assaulted by the police, in Meikhtila, Mandalay. Deputy Superintendent Aung Than Htay and around 13 other officers are reported to have savagely assaulted the young man using objects they found lying along the roadside, including sticks, rakes and bricks. He was beaten until he fell unconscious. The victim had suffered a stroke three months prior to the incident. The judge in the local court instructed the police to admit the victim to hospital. The officers ignored his

instructions. However, the prison warder was also so shocked by his injuries that he refused to accept Aung Myint Oo. The police then took him to an out patient clinic, where they referred him onto a hospital as his injuries were so severe. He was finally admitted to hospital where he was treated for broken ribs and severe injuries to his face and body. The police forcibly removed him from the hospital a week later despite the protestations of the hospital staff. When his family attempted to pursue the case, they were harassed and intimidated until they agreed to drop the action.⁹⁵

On 25 March 2006, Wai Phyo Naung (a.k.a. Naung Nuang) a 19 year old porter at Kaingdang market, Mandalay, was arrested. It was originally reported he was arrested for loitering, but later it was said to be under allegations of drug trafficking. He was taken to Police Station #6 where he died in custody the following day. The police initially refused to comment on the case, but later claimed that Naung Nuang had committed suicide. However, a post mortem report revealed signs of torture and beating.⁹⁶

On 18 July 2006, Phyo Wai Win, 20, a first year science student at Myingyan College was reportedly attacked by a gang of more than 10 men brandishing rods and swords and later received 25 stitches in hospital. The All Burma Federation of Student Unions has alleged that the victim's attackers were hired by relatives of the chairman of the Myingyan District Peace and Development Council, Major Tun Win, who had fought with Phyo Wai Win in 2005. The authorities failed to take any action against his attackers. Furthermore, the Myingyan College rector ordered students not to demand legal action over the incident.⁹⁷

Mon State

Following a gas pipeline explosion on the 1 February 2006, the secretary of Kwan-Hlar village, Nai Rae Jae, was arbitrarily arrested and heavily beaten by military officers in the Southeast Region Command detention centre, Moulmein. According to *Kaowao News*, Nai Rae Jae was subjected to electric shocks, with unconfirmed reports that he lost his memory as a result. One family member who visited him in detention, in April, stated at the time that Nai Rae Jae is often *"dizzy and disorientated due to his beatings and torture... all of his face and some parts of his body have turned black and blue, and he is covered in bruises"*. He was also reported to be very unresponsive. The source added that the victim had not been questioned about the pipeline, but instead asked about his relations with Nai Yekha, a Mon political prisoner, who was serving a sentence of life imprisonment in Insein prison.⁹⁸

In March 2006, it was reported that Nai Awin, aged 40, and Nai Azan, aged 49, from Kabya-Kyi and Kywe-Thone-Nyi-Ma villages, Yebyu Township, were killed by SPDC troops in Tin-Tha new village, Khaw Zar sub-Town. They were accused of supporting a Mon splinter group, ordered to lead the troops to the rebels and severely tortured through beatings and electric shocks. Unable to locate the rebels, the soldiers then shot them dead.⁹⁹

On 6 September 2006, in three separate instances, two families and a youth leader were detained and tortured by LIB #31 of Khaw Zar sub Town in connection with the Mon Splinter group led by Nai Chan Dein. Captain Tint-Lwin arrested and tortured Mi Ei-Mart, a 52 year old woman, and four of her family's members from Dot-Pound. Mi Ei-Mart and her son had to be admitted to hospital when they were eventually released the following day. On the same day, Nai Moe Aye, a youth leader, was arrested, beaten and tortured resulting in severe head injuries. Later that day troops from the same LIB led by Captain Tint Lwin raided Kyone-Ka-Nya village and arrested Nai Nya-Saung, the village headman, his wife and three children. During questioning they wrapped Nai Nya-Saung's head in a plastic bag before assaulting him.¹⁰⁰

In October 2006, two political prisoners in Moulmein Prison staged a hunger strike in protest at being housed with the criminal prisoners. In response, the prison warden beat the two political detainees. After other political prisoners heard of the beatings, they staged their own protest, refusing to return to their cells. The warden then employed criminal prisoners to beat the political prisoners housed with them.¹⁰¹

On 2 October 2006, soldiers from the LIB #31 entered the village of Kwan Tamaung (also reported as Yin-ye)¹⁰², Khaw Zar Sub-Township and beat two villagers for failing to report the presence of Mon rebels inside the village, on the night they were forced to work as sentries. They were beaten with bamboo sticks and kicked in the face. The back, hands and ribs of one villager, Mai Yein, were broken, leaving him unable to work.¹⁰³

On 9 November 2006, in Khaw-Zar sub Town, southern Ye Township, four villagers on guard duty along with a 14-year old villager were reportedly arrested by soldiers from LIB #31 and subsequently detained for two days, during which time they were reported to be tortured. They had been accused of stealing a soldier's gun.¹⁰⁴

On 23 November 2006, SPDC LIB #31 troops, seized five villagers from a plantation near Yin-ye village, Khaw Zar sub Township, southern Ye Township. Those persons were;

1. Nai Wan Tin, aged 45;
2. Nai Tin, 70;
3. Nai Win Khaing, 30;
4. Nai Khon Bhar, 40; and
5. Nai Tun Myint, 40.

It was reported that each of the five were assaulted, with Nai Wan Tin being stabbed in the neck. All were prevented from visiting the hospital.¹⁰⁵

Following a military battle, on 4 December 2006, between SPDC troops and a Mon splinter group in an orchard plantation near Khaw Zar sub town, SPDC LIB #31, led by Lt. Col. Myo Swe, arrested, detained, interrogated and tortured approximately 100 civilian villagers, half of whom were women and 15 of whom were children. The torture included electric shock treatment of the men and assaults upon the women. Approx. one to two weeks later, following the interrogation, SPDC officers extorted large sums of money for the release of the villagers. On 13 December 2006, San Shay, a plantation owner who had been arrested close to where the battle had taken place, was released after he paid 500,000 kyat. Villagers reported that he had suffered terrible injuries, and that he fled the area after his release.¹⁰⁶

Pegu Division

On 5 February 2006, Aung Cho Oo, 27, was arrested by the SPDC in respect of the May 2005 bombings in Rangoon. On 21 February 2006, SPDC Information Minister Brig. Kyaw San announced that Aung Cho Oo was a member of both the ABSDF and the Network for Democracy and Development (NDD) and that he had confessed to providing security information to Thein Win, an exiled labour rights activist, to carry the bombings out. Both organizations denied any involvement in the bombings and whilst Aung Cho Oo had previously been a member of NDD, he had never been a member of ABSDF. In August 2006, Naing Ko, of the Bangkok-based Federation of Trade Unions Burma (FTUB) reported that 15 people, including the parents, other family members and friends of Thein Win, had been arrested on charges of maintaining unlawful contacts with exiled organizations and tortured with the use of electric shocks. They included Chaw Su Hlaing, Thein Win's

pregnant sister. Chaw Su was released after hospital treatment, along with her father, one brother and three others, whilst the other nine persons remained in Toungoo prison, Pegu Division. International labour rights groups have accused the junta of torturing Thein Win's family and associates for the purpose of extracting confessions about his illegal activities, in his absence.¹⁰⁷

On 2 March 2006, it was reported that SPDC LID #99 troops guarding railway tracks in Nyaunglebin Township had assaulted local villagers who crossed the tracks after 6 pm. *"They decreed that no one must cross the tracks between 6 pm and 6 am. Within Nyaunglebin Township at Madauk, they told people with loud speakers not to cross and those who do will be shot on sight without question. But they didn't say that at other places and when people crossed the tracks they were beaten up by the soldiers."* reported one local resident.¹⁰⁸

On 19 March 2006, police officers assaulted the family of a man they were seeking to arrest for causing a disturbance when forced to guard a security checkpoint overnight, at Daik-U, Pegu Division. The accused, Naing Too, had played the guitar to entertain his fellow forced sentries and to keep them awake. He had later resisted attempts to arrest him, wounding one police officer in making his escape. As a result, the police savagely and publicly beat up his family members with sticks, including his 70 year old father, Tun Shwe, his mother Yin Myint, younger brother Zeya San and his wife Ni Ni Mar, before detaining the entire family. The matter was reported by neighbours who witnessed the beatings. *"The old man was handcuffed and his longyi fell off and he was dragged out onto the street stark naked,"* one local resident told DVB, *"Then, they all beat him up mercilessly with sticks, kicked him with their feet. There is nothing to salvage from his face...they then arrested four of them and like kidnapping they said that they will be exchanged with Maung Naing Too".*¹⁰⁹

During early June 2006, soldiers responsible for railway line security in the Yetashe Township reportedly beat Maung Soe Lin Aung, 23, to death. In May another man had been hospitalized after being heavily assaulted by the troops when found on the wrong side of the tracks.¹¹⁰

On 19 June 2006, Ma Nyo Kyi, 23, from Shwemyaing ward of Myohla town, Yetashe Township, was arrested by Police Deputy Superintendent Zaw Lwin and another officer whilst returning from a shopping trip. Both she and her eight-month-old baby were taken into custody for the night. When her family visited Ma Nyo Kyi, the next morning, the police explained that she had been found hanging in her cell. However, the doctors who had declared her dead reported finding severe injuries on her head and back.¹¹¹

On 10 August 2006, it was reported that SPDC troops responsible for security of railway tracks in Daik-U had assaulted a university student forced to do sentry duty throughout the night. The student had refused to clear rubbish and brushes from around the tracks whilst on guard duty. As a result he was assaulted by the troops.¹¹²

On 1 September 2006, Mya Thein, along with his wife and daughter, all active supporters of the NLD, from Phaungweh Village, were arrested; purportedly for being well known gamblers. The police demanded 350,000 kyat for their release but the family were only able to pay enough to secure the release of Mya Thein's wife and daughter. Subsequently, Mya Thein was assaulted, being kicked in his ribs which broke and pierced his liver. He was admitted to Daik-U hospital, and later transferred to Pegu Hospital as his condition failed to improve.¹¹³

Rangoon Division

On 2 January 2006, three political prisoners interned in Insein Prison; Aung San Myat, Ko Thiha Tun and Ko Han Win Aung, were beaten up by a group of five criminals in view of prisoner officer Win Maung and other prison guards.¹¹⁴

On 4 March 2006, a recently released inmate, from Insein Prison, anonymously reported that prison staff were extorting money from inmates and bullying or torturing those who could not afford to pay. Furthermore, payment was required to receive medical treatment at the clinic, to be allowed to shower, and to access the toilets regularly.¹¹⁵

On 17 March 2006, Ko Thet Naing Oo, a former political prisoner, was beaten to death in a Rangoon market by police and members of the auxiliary fire brigade.¹¹⁶ (For more information see Chapter 2 Extra-judicial, Summary and Arbitrary Execution.)

On 8 June 2006, Khin Mar Lwin, 24, from Ohbo Ward, Kyimyintaing (Kemmdine) Township, Rangoon, was arrested and tortured by the local police chief, Nay Myo, after being accused of stealing by a local house wife. Khin Mar Lwin was severely beaten and according to a family member suffered a broken eardrum and bruising over her entire body. Another relative claimed she had been sexually assaulted. She was released after it became apparent she was innocent. Nay Myo, SPDC officials and members of a junta affiliated women's organisation reportedly attempted to cover up the incident by offering Khin Mar Lwin 200,000 kyat. The police denied any wrongdoing.¹¹⁷

On the 21 August 2006, Moe Zaw Htet was arrested whilst on his way to work and subsequently detained at Ywama police station, Insein. The charges against him were not declared. Moe Zaw Htet was reported to have suffered severe head and hand injuries whilst in the care of the police. He informed his wife that he was being tortured during interrogations.¹¹⁸

Sagaing Division

On 24 January 2006, five prisoners in Kalaymyo Prison, Sagaing Division, reportedly took the prison director hostage. In response, prison guards overpowered the prisoners, severely beat them, and placed them in solitary confinement. Two died of injuries in their cells and two days later the other three prisoners died despite belatedly receiving medical treatment. Twenty seven other prisoners not directly involved in the hostage taking were also beaten, many severely.¹¹⁹

On 20 February 2006, Nyunt Aung, an NLD Monywa Township youth leader, was severely beaten whilst serving a jail term in Kalaymyo Prison, resulting in his arm being broken. The incident happened during a jail riot, which, according to staff, he was not even involved in. Seventeen other prisoners were also left seriously injured and 2 reportedly died in the incident.¹²⁰

Shan State

In June 2006, Ah Meu, responsible for collecting taxes for the SPDC and a Lahu militia group, heavily assaulted an Akha woman. The woman had told him that she had paid her taxes the day before and was consequently beaten with his gun and kicked once she was on the floor. She reported the incident to the police, who referred the case to the militia leaders. No action was taken against Ah Meu who was merely ordered to pay her medical bills, orders he subsequently ignored.¹²¹

Murng Kerng Township

On 3 March 2006, Zan-Da, a 20 year old villager from Nawng Khio village in Murng Khun village tract, was shot in his leg at point blank range by an SPDC soldier from LIB #514. He had been sleeping outside his house in order to guard his rice sacks which were to be moved in the morning. When he heard someone approaching he shone a torch in the direction of the footsteps. An SPDC soldier then ran at Zan-Da, and shot him in his right thigh at point blank range, breaking the bone in his leg. The soldiers refused the villagers permission to leave the village and his wound had to be treated on the spot by his fellow villagers.¹²²

Murng-Nai Township

On 3 May 2006, SPDC troops from LIB #576 arrested Lung Ma-La, 55, at his sesame farm in Ton Hung village tract, Kaeng Tawng Sub-Township. He was detained, interrogated and severely beaten whilst at the base of LIB #576 at Pa Saa village in Nawng Hee village tract. Village elders subsequently secured his release but his ordeal reportedly left long term internal and external injuries and he is thought unlikely to recover to normality again.¹²³

On 24 May 2006, SPDC troops entered Paang Khaw village in Ton Hung village tract and seized a villager tending his farm. Zaai Thaak, 20, was taken into a hut on the farm, accused of being a Shan soldier and forced to answer questions about the Shan soldiers in the area. Unable to provide information, Zaai Thaak was then beaten on his back with a stick resulting in him losing consciousness. Zaai Thaak was only relieved of this torture after an SPDC soldier, who had arrived late, confirmed that Zaai Thaak was not a Shan soldier, but a farmer whom he occasionally drank with.¹²⁴

On 9 June 2006, SPDC troops from LIB #576 arrived at Long Sur village in Ton Hung village tract and shot at 2 villagers, Mae-Tha and Ma-La, both 40, who were working on their paddy fields. Whilst Mae-Tha was able to escape to a nearby forest, Ma-La was captured by the troops. He was interrogated about Shan soldiers and beaten by the SPDC troops for some time until he lost consciousness. The troops then left the unconscious body of Ma-La at the farm and continued on their patrol.¹²⁵ Upon reaching the Ho Ha village in Kun Mong village tract, the same patrol arrested Zaai Awng, 30, a Palaung villager, who was said to be slightly mentally disabled and did not respond to the soldiers when they interrogated him. He was assaulted by his interrogators before being tied up and taken away by the troops. At the time of this report (August 2006) no one in the village had heard any information on the whereabouts or condition of Zaai Awng.¹²⁶

Nam Zarng Township

On 19 June 2006, a patrol from SPDC LIB #516 conscripted 3 villagers from Tin Paet village, Nawng Hee village tract, Nam Zarng Township to serve as the patrol's guides. The 3

male villagers were: Zaai Kyan, aged 37; Zaai Sa, aged 20; and Kaw-Ling, aged 30. After three days of patrol, they were interrogated about the movements of Shan soldiers in the area, during which time they were assaulted, and cruelly tortured, with burning plastic sheet dripped on their head. The following day, a Pa-O ceasefire group negotiated for the release of the villagers. The villagers were threatened with death if they informed anybody what had happened.¹²⁷

Kae See Township

On 6 August 2006, SPDC IB #131 troops apprehended a 20 year old man in Kung Mong village, Mung Khun village tract, Kae-See Township, and questioned him about the movement of Shan soldiers in the locality. Unable to answer their questions he was forced to walk around the village with a cow bell tied to his neck whilst being beaten with a stick. He was beaten and interrogated in this way for half an hour, leaving him with heavy bruising and sprains when the soldiers finally left.¹²⁸

Kunhing Township

On 17 January 2006, Ti-Ma and Naang Poi, husband and wife, from Ka Li village, Kun-Hing Township, searching for their cattle in the forest, encountered a patrol of approximately 30 SPDC troops from IB #246, led by Commander Min Kyaw. Villagers from Ka Li, claimed to have witnessed the couple being interrogated and repeatedly beaten for half an hour. The incident culminated with the couple being taken away by the soldiers and they have been missing since (as reported in mid 2006).¹²⁹

On 9 July 2006, SPDC LIB #524 troops, led by Capt. Naing Kyaw Oo, entered the temple of Loi Khu village in Wan Paang village tract, Kun-Hing Township. Unable to answer the soldiers' questions as to the whereabouts of Shan soldiers, the villagers were beaten with sticks, with 7 men and 3 women in particular suffering severe injuries.¹³⁰

Also on 9 July 2006, another patrol of 12 SPDC troops from SPDC LIB #524, led by Lt. Hpyu Myint, came to, and assaulted several villagers of Naa Khu Naa Pe village in Wan Paang village tract, whilst interrogating them about Shan insurgents. Villagers were slapped, beaten and kicked by the troops for not answering their questions. Four villagers were particularly severely beaten and Lung Laai Kham, 56, was beaten so severely around the waist that he could not stand up for several days.¹³¹

Between the 19 and 22 July 2006, the village headman of Wan Paang tract, Lung Mae-Tha, 56; the secretary of Wan Paang tract, Lung Tin Awng, 55; the village headman of Nam Khaam, Lung Pan-Nya; the village headman of Waeng Naang, Lung Long; and the village headman of E-Kaw village; were each arrested and detained at the base housing SPDC troops of LIB #524. All were reportedly tortured during their interrogations. Lung Pan-Nya and the village headman of E-Kaw village had not been seen by their fellow detainees and are believed to be dead. All others have now been released.¹³²

On 5 August 2006, a patrol of about 40 SPDC troops from IB #246, led by Commander Zaw Lwin, arrested 5 villagers of Nam Khaam village, Wan Paang village tract, Kun-Hing Township. The five men arrested and their ages were:

1. Lung Pan-Nya, 58;
2. Lung Ta, 59;
3. Lung Zit-Ta, 53;
4. Lung Kaw-Wi, 62; and
5. Pi Saang Aw, 49.

The villagers were detained in a lockup in the military base and were taken out at night to be interrogated about the activities of Shan soldiers in the area, with their interrogators often inebriated. During interrogations, the villagers were beaten with sticks and even shocked with electricity, sometimes leading them to lose consciousness. The interrogations continued right through August. On 1 September 2006, Lung Pan-Nya, was accused of being an agent of Shan soldiers and taken to the Nam Pang river at night where he was beaten to death and dumped into the water, about 2 miles southeast of Kun-Hing town. The four others have since disappeared, and are also believed to have been killed.¹³³

Larng-Khur Township

On the 8 July 2006, in Terng Kwaang village in Nawng Long village tract, Zaai Ti, 19, encountered 15 SPDC IB #99 troops when returning home from the Buddhist monastery. The troops interrogated him about the presence of Shan soldiers in the area. Unable to answer their questions, he was arrested, tied up and severely beaten until he lost consciousness. He was later discovered by his father, unconscious and still tied up.¹³⁴

On 18 July 2006 (reported as “about 10 days later” than the previous incident) Zaai Wan, 17, was assaulted by SPDC troops from IB #99 when returning home from a friend’s house. He sustained serious injuries to his head after being struck by the troops with an electric torch. SPDC troops from IB #99 are reported to have a reputation for entering Terng Kwaang village at night and assaulting any person found on the streets.¹³⁵

Muse District

On 14 April 2006, students Sai Naw Sai and Sai Than Win were beaten up by the police and hospitalised after a fight over motorcycle parking ticket in Muse. *“The police stepped and stomped on Sai Than Win’s chest and then hit him with the hilt of a sword on his head. And then they tied both of them with flag mast ropes around their necks. They released them only after protests from spectators,”* one family member reported. On 20 April it was reported that Sai Naw Sai had suffered head and chest injuries and was still unable to walk or speak, whilst Sai Than Win had a critical eye condition. On that day they were summoned by the District and Township Peace and Development Council as part of investigations into the incident.¹³⁶

On 20 July 2006, Sai Yi Kyaw, 30, Sai Yi Sai, 33, and Sai Pau, 22, three farmers from Pansine Township in northern Shan State’s Muse District were severely beaten by TPDC Secretary Tin Oo, during an inspection of their fields. One eyewitness reported, *“[The secretary] shouted at them saying ‘why aren’t your paddy fields producing good yields? You haven’t done what I told you to do.’ Then he started punching and kicking them”*.¹³⁷

Tenasserim Division

Yebyu Township

On 1 February 2006, a refugee who had recently fled the area of Wear Kwao in northern Yebyu Township reported that, *“four (villagers) were used to pull an ox-cart as part of a torture, and like an ox, a small piece of wood with nails was used to make the men walk. Nai Agoh, Nai Apin and two others were tortured in this manner. Many were tortured simply because they could not speak Burmese and they could not explain where the rebels were hiding.”*¹³⁸

During April 2006, SPDC LIB #299 troops surrounded Wear Kwao (Pauk-Pin-Kwin) village, northern Yebyu Township, and rounded up civilians suspected of being rebel sympathisers before torturing them in public. They were beaten with gun butts and kicked all over their bodies. One 68 year old man was beaten over the head and then made to crouch for a prolonged period of time in the hot sun (along with a 1000 other villagers). According to one unnamed witness, who fled the incident, several other villagers were forced to lie on their fronts before being beaten. Individuals who couldn't speak Burmese received particularly brutal beatings, especially when they were unable to answer the soldier's questions. When the soldiers became tired they forced the villagers to beat each other up. The soldiers were reportedly attempting to force the villagers to confess information regarding the whereabouts of a Mon insurgent group.¹³⁹

Unknown Location

On 14 January 2006, two Burmese students, Maung Maung Oo and Chit Thein Tun, members of the All Burma Students Democratic Front (ABSDF), were taken into custody from Moreh, Manipur in north-east India, by the SPDC, in relation to the bombing at Nanthphalon Market in Tamu on 8 January 2006, which had killed one person. Both men had escaped from Burma in 1988 after the student uprising. On 22 February 2006, the Minister for Information claimed at a press conference that the men had confessed to their involvement in the bombing. On 14 May 2006, it was reported, by a representative from the India-based Burmese Solidarity Organisation (BSO), that the two men had been held incommunicado since their arrests in places unknown, where they had been tortured and summarily sentenced to death without access to lawyers. The imposition of the death penalty was confirmed by AI on 18 May 2006.¹⁴⁰

Endnotes

- ¹ Source: *The Darkness We See: Torture in Burma's Interrogation Center's and Prisons*, AAPP, December 2005.
- ² Source: "Army Targets Villagers For Not Speaking Burmese," *Kaowao News*, 1 February 2006.
- ³ Source: UN Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, Article 1, 1984.
- ⁴ Source: "Ex-Political Prisoners in Exile Unite to Expose Myanmar Gulag," *AP*, 24 February 2006.
- ⁵ Source: *Question of the Violation of Human Rights and Fundamental Freedoms in any part of the world - Situation of human rights in Myanmar*, Report of the Special Rapporteur, Paulo Sérgio Pinheiro, E/CN.4/2006/34, 7 February 2006.
- ⁶ Source: *The Darkness We See: Torture in Burma's Interrogation Center's and Prisons*, AAPP, December 2005.
- ⁷ Source: *Bloody killings expose myth of "state stability"*, AHRC, 11 July 2006.
- ⁸ Source: *BURMA: The Human Rights Situation in 2006*, AHRC, 2006.
- ⁹ Source: *Myanmar; The Administration of Justice – Grave and Abiding Concerns*, AI, 1 April 2004.
- ¹⁰ Source: *Burma Briefing: Issues and Concerns*, Volume 3, Altsean, July 2006.
- ¹¹ Source: UN Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, Article 1, 1984.
- ¹² Source: "Three Political Prisoner Harshly Beaten again by Criminals in Insein Prison," *Irrawaddy*, 11 January 2006; "Political prisoners reportedly beaten at Insein Prison," *Narinjara News*, 12 January 2006.
- ¹³ Source: *Burma Briefing: Issues and Concerns* Volume 3, Altsean, July 2006.
- ¹⁴ Source: *UN human rights experts call on Myanmar to end counter-insurgency operations targeting civilians in Northern Karen State and Eastern Pegu Division*, UN Press Release; Statement issued by the Special Rapporteur on the situation of human rights in Myanmar, Paulo Sergio Pinheiro; the Independent Expert on minority issues, Gay McDougall; the Special Rapporteur on torture, Manfred Nowak; the Special Rapporteur on adequate housing, Miloon Kothari; the Special Rapporteur on the right to food, Jean Ziegler; and the Special Rapporteur on the right to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt. 16 May 2006.
- ¹⁵ Source: "Arrest, Detention, Severe Beating and Torture of Villagers, 2 Died of the Beating, and Forced Labour, in Kun-Hing," *SHRF Monthly Report*, SHRF, November 2006.
- ¹⁶ Source: "Villagers in Southern Mon State Given Electric Shock," *IMNA*, 11 December 2006.
- ¹⁷ Source: "Village Under Siege: Elderly, Beaten and Tortured As Rebel Sympathizer," *Kaowao News*, 1 February 2006.
- ¹⁸ Source: "Burmese Army Tortured Village Headman and 3 Villagers," *Rhododendron News*, CHRO, May-June 2006.
- ¹⁹ Source: *Dignity in the Shadow of Oppression: The abuse and agency of Karen women under militarization*, KHRG, 22 November 2006
- ²⁰ Sources: *Dignity in the Shadow of Oppression: The abuse and agency of Karen women under militarization*, KHRG, 22 November 2006; *Surviving in the Shadow of Oppression: Widespread Militarisation and the Systematic Use of Forced Labour in the Campaign for Control of Thaton District*, KHRG, January 2006.
- ²¹ Source: *Burma Country Report on Human Rights Practices-2006*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 6 March 2007.
- ²² Source: *Dignity in the Shadow of Oppression: The abuse and agency of Karen women under militarization*, KHRG, 22 November 2006
- ²³ Source: "Villagers forced to serve as guide and porters, and beaten and tortured, in Nam-Zarng," *SHRF Monthly Report*, SHRF, February 2007.
- ²⁴ Source: *Less Than Human: Convict Porters in the 2005-2006 Northern Karen State Offensive*, KHRG, 22 August 2006.
- ²⁵ Source: "Many Police Controlled Prisoners Die from Forced Labour in Burma Army," *DVB*, 22 June 2006
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5. Deprivation of Livelihood

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

- Article 25, (1), Universal Declaration of Human Rights

5.1 Introduction

Contrary to the claims of the junta, Burma’s economy remained weak and the population repressed throughout 2006. Though agriculturally fertile and rich in natural resources, Burma still suffers from widespread poverty and gross underdevelopment. Decades of economic mismanagement, corruption, and policies that directly target the food supplies and livelihoods of the civilian population have brought about conditions under which it is becoming increasingly difficult to maintain a sufficient standard of living.

Burma’s economy continues to rely heavily upon agriculture. The agricultural sector accounts for 56.4 percent of Burma’s Gross Domestic Product (GDP) and employs approximately 70 percent of the labour market. In spite of this, many of Burma’s estimated 19 million farmers must struggle to make ends meet while 25 percent of Burma’s approximately 47 million people continue to live below the poverty line.¹ Land confiscation, forced labour, state interference in domestic markets, forced rice procurement, extortion, and restrictions on the movement of people and the transport of goods have threatened farmers’ livelihoods and severely affected their ability to adequately provide for their families. Many farmers, particularly those in ethnic border regions, live at the subsistence level, harvesting just enough food to feed their families and selling or bartering what little excess they produce in local markets. State-sponsored agricultural projects such as the nationwide enforced cultivation of physic nuts have placed additional burdens on already strained resources.

A number of Burma’s ethnic border areas are still host to continuing armed insurgencies where the SPDC and their proxy armies hide behind the guise of counter-insurgency operations to destroy civilian food supplies to serve the dual purpose of undermining the resistance as well as subjugating and thus controlling the local population. The civilian population suffers the most acutely from such methods which ultimately result in a situation where many villagers and farmers are not able to acquire an adequate supply of food to feed their families. Examples of this can be seen in northern Karen State where SPDC army forces continued to mount attacks against unarmed civilian villagers and their food supplies throughout the year. (For more information, see Chapter 8: Ethnic Minority Rights).

According to Transparency International, who each year produces the *Corruption Perceptions Index*, Burma was ranked as the second most corrupt nation out of the 163 countries in the survey, down from its rank of fourth in 2005. In the 2006 survey, Burma shared its place with fellow pariah states Iraq and Guinea, each scoring a deplorable 1.9 out of the maximum 10 on the index, in which the lower scores indicate a higher level of corruption. The only country to receive a lower score was Haiti at 1.8.² Although Burma signed the UN Convention on Corruption on 2 December 2005, the SPDC has not yet ratified it.

In June 2005, Burma expressed interest in joining the Asia Pacific Group on Money Laundering (APG), to which they were finally accepted in March 2006 despite the protest of some member states. The inter-governmental Financial Action Task Force (FATF), however, which is charged with combating money laundering, declared that Burma remains the only country on its blacklist, after Nigeria was removed from the list in June 2006. The list, first drafted in 2000, was originally comprised of 23 countries that were of concern to the Task Force for implication in illicit money transfers. In an apparent attempt to compel Burma to reform, the FATF then issued a statement to call on all “*financial institutions to scrutinize [sic] transactions with persons, businesses, or banks in Myanmar [Burma]*”.³

Moreover, in the 2006 *Index of Economic Freedom* prepared by the U.S.-based Heritage Foundation, Burma was declared as having the world’s third least free economy. Citing “*pervasive corruption, nonexistent rule of law, arbitrary policymaking, and tight restrictions on imports and exports [all of which] make Burma an unattractive investment destination and have severely restrained economic growth*” as reasons for Burma’s poor performance in the survey. It was found that while Burma’s score in the poll had marginally increased in the past year, some indicators, such as the country’s fiscal burden, had further deteriorated.⁴ In another report, produced by the Asian Development Bank (ADB), Burma was accused of scoring negatively on achieving progress towards their stated Millennium Development Goals (MDG). The report, entitled *Millennium Development Goals: Progress in Asia and the Pacific 2006*, maintains that Burma has fallen even further behind in attaining their MDGs by 2015, labelling it as one of the “*countries of most concern*”.⁵

Inflation

According to official SPDC figures, Burma’s inflation rate has quadrupled over the past year and a half, from a stated 3.76 percent in March 2005 to 16.44 percent in September 2006. The official figures also claim that GDP growth had reached 13.2 percent during the 2005-2006 fiscal year.⁶ The validity of such claims, however, remains somewhat dubious. Sean Turnell of Burma Economic Watch (BEW) has maintained that, “*official statistics released by Burma’s ruling military regime, [claim] Burma’s economy grew by an astonishing 12.2 per cent in 2005. Beating even the previous year’s stellar performance of 12.0 per cent, and coupled with double-digit growth all the way back to 1999, by these measures Burma is the fastest-growing economy in the world*”.⁷ According to statistics quoted in the CIA World Fact Book, Burma’s inflation rate was estimated to reach 25 percent in 2005, thus ranking it as third highest in the world, while GDP growth stood at 5.2 percent.⁸ Some sources believe even this estimate to be generous, arguing that Burma’s GDP growth had fallen from 2.9 percent in 2005 to a forecasted 1.9 percent in 2006.⁹ Accurate figures are difficult to obtain with official statistics being unreliable.

On 6 November 2005, the regime commenced the relocation of the war office and a number of SPDC ministries from Rangoon to the new administrative capital at Naypyidaw near Pyinmana in Mandalay Division which was officially named as the new capital in March 2006. The construction of the new capital placed tremendous strain on the already struggling economy and numerous reports of land confiscation and the widespread use of forced labour quickly emerged from the region.

The official exchange rate of the kyat, Burma’s national currency, remains unrealistically fixed at six kyat to the U.S. dollar. The black market rate, however, in which most business and commercial transactions in Burma are conducted, hit an all-time low of 1,450 kyat to the

U.S. dollar in late March 2006. The slump came just days after the SPDC announced a plan to grant a salary increase to the nation's estimated one million civil servants, from Senior General Than Shwe "*right down to the country's road sweepers*".¹⁰ On 24 March 2006, the SPDC declared that effective 1 April 2006 (to coincide with the commencement of the new fiscal year), all civil servants would receive a five to ten-fold increase to their monthly salaries, presumably to make the prospect of working for the SPDC more attractive.¹¹ Under the new system, civil servants earning 3,000 kyat per month would now receive 15,000 kyat and those getting 7,500 kyat would now receive 80,000 kyat, while day labourers would now receive 500 kyat, up from 100 kyat per day. Soldiers and military officials also benefited, with rank-and-file soldiers said to receive an increase from 3,000 kyat per month to 15,000 kyat, while the monthly salary of SPDC leader Senior General Than Shwe was raised from 200,000 to 1.2 million kyat per month.¹² One Rangoon-based analyst estimates that the SPDC will need approximately 100 billion kyat to implement the salary increase and believes that they will simply raise taxes and print more money in order to come up with this amount.¹³ Critical of this approach, Alison Vicary of BEW advises that "*[n]o one with a modicum of economic understanding, would recommend this policy... It is actually one of the stupidest policies imaginable - there is no other outcome, than bigger problems*".¹⁴ Less than one month after they received their pay increases, civil servants were told that 10 percent of their salaries would be withheld and placed into the bank on their behalf, though they were not permitted to retain the bankbooks or access the money.¹⁵ Many of the perks such as free bus travel and electricity subsidies that civil servants had enjoyed in the past were also lost following the salary increase.¹⁶ (For more information, see the subsequent section on Additional Factors Affecting the Cost of Living). Whether the civil servants have benefited from the new salary system remains questionable.

In the wake of the announcement, basic commodity prices shot up almost immediately. Some reports stated that certain basic goods such as rice, cooking oil and tea had already increased by up to 30 percent within days. A 15-litre tin of cooking oil sold for as much as 16,500 kyat in Mon State in early April, while in Rangoon, the price of a 50-kilogram sack of rice jumped from 14,400 kyat to 17,000 kyat.¹⁷ In April 2006, the SPDC formed three Commodity Price Control Committees (CPCC) in Naypyidaw, Rangoon, and Mandalay ostensibly to combat rising commodity prices throughout the country. Chaired by Rangoon Mayor Brigadier General Aung Thein Lin, the committees are reportedly comprised of "*responsible personnel*" from various associations representing rice and cooking oil dealers, as well as rice millers and goldsmiths. According to reports, it appears that the primary function of these committees was to fix commodity prices for basic items such as rice, cooking oil, salt, and onion, regardless of whether or not such fixed prices reflected the true market value. One of the first tasks completed by the committee was to conduct a market survey on such items in each of Rangoon's 45 townships, and fine or revoke the license of any dealer deemed to have raised prices "*excessively*". The cost of low quality or 'broken' rice was fixed by the committee at 400 kyat per bowl (1.5 kg / 3.5 lb), approximately half its market value. In August, at least ten rice merchants, including the patron of the Myanmar Rice and Paddy Merchants Association, U Nyein, were arrested for selling rice in Rangoon for more than 1,000 kyat per bowl.¹⁸ The prices, however, refused to go down. In late August 2006, press reports claimed that rice and cooking oil prices remained inflated, prompting the SPDC to open over 100 official rice stores in Rangoon, allegedly selling their rice "*at a rate far lower than the market rate*". The report, however, did not state at what rate the rice was being sold, nor where the SPDC had acquired it from.¹⁹ (For more information, see Section 5.2: Situation of Farmers in Burma).

Fuel prices also soared, affecting transport costs and thus exacerbating the already-spiralling commodity prices. Black market rates for a gallon (3.8 litres) of diesel jumped from 3,600 kyat to 3,800 kyat.²⁰ By August 2006, the cost of a gallon of diesel had reached 5,000 kyat in markets in Buthidaung, Arakan State, while the costs of petrol (gasoline) and engine oil had skyrocketed to 4,500 kyat and 8,500 kyat per gallon respectively.²¹ (For more information, see the subsequent section on Additional Factors Affecting the Cost of Living).

Confidence in the stability of the kyat reached a record low and there was a rush of people seeking to convert their savings into gold, which is generally considered to be a far more secure form of currency and less susceptible to falling exchange rates. As a result, gold prices shot up across the country from 340,000 kyat (US\$270) per tical (0.56 ounces / 15 grams) of 24-carat gold to 450,000 kyat (US\$310).²² The SPDC quickly blamed the 25 percent increase in gold prices on the “*excessive greed*” of Burma’s gold traders, who were warned that any further price hikes may result in their licences being revoked.²³ Business along Burma’s borders also suffered with numerous reports of a marked decrease in border trade, forcing numerous small businesses to close.²⁴

According to one commentator interviewed by HRDU, the rise in commodity prices has resulted in a corresponding rise in petty crimes. The increasing costs of living have driven the costs of even the most basic goods beyond the means of most people, particularly in some of the more remote regions, and with starvation looming closer; more people are turning to theft to feed their families.²⁵

Economic Sanctions

On 1 August 2006, U.S. President George W. Bush signed the Executive Order renewing economic sanctions against Burma for a further year under the Burmese Freedom and Democracy Act of 2003. The Act, first signed by President Bush on 28 July 2003 following the USDA-led attack on Aung San Suu Kyi’s motorcade near Depayin on 30 May 2003, imposes a total ban on all imports from Burma, freezes all SPDC assets in the U.S., prohibits the issuance of visas to high-level SPDC and USDA members, and forbids all financial and technical assistance to Burma from the U.S. A Whitehouse statement announcing the extension of sanctions declared that “*President Bush has signed today a bill renewing the Burmese Freedom and Democracy Act of 2003 and extending import restrictions against the regime, as a sign of his serious concern about the Burmese regime's continuing refusal to act on its professed commitment to democratization.*”²⁶

On 27 April 2006, the E.U. announced that they were extending sanctions against Burma for another year in accordance with the E.U. Council Common Position on Burma. The sanctions, first introduced in 1996, enforce an arms embargo, a ban on all non-humanitarian financial and technical assistance to the junta, travel restrictions against SPDC officials, and a freezing of SPDC assets within the E.U. The Common Position cites the lack of democratic transition, the SPDC’s failure to allow an open and democratic National Convention, the continued detention of Daw Aung San Suu Kyi, harassment of the NLD and other political groups, serious and widespread perpetration of human rights abuses, and the increased restrictions imposed upon NGOs and international organizations as grounds for extending the sanctions.²⁷

Opinion over the effectiveness of economic sanctions is divided. Some commentators, such as U.S. Senator Mitch McConnell, believe that sanctions present the most effective means of applying pressure on Burma to reform, stating that “*Sanctions are a tremendous loss of face for the SPDC, a scarlet letter, particularly in the international arena*”.²⁸ Those from the other camp, however, do not share the same optimism. Many argue that support offered by Burma’s neighbours is helping the junta to circumvent the impact of western sanctions. In the face of growing pressure from U.S. and E.U. sanctions, Burma’s generals have been increasingly turning to their non-western allies for support. For instance, Thailand’s imports from Burma doubled during 2005 to almost US\$1.5 billion, the vast majority of which is spent on the import of natural gas.²⁹ Similarly, China’s trade with Burma had also doubled during the five years leading up to 2004 and in 2005 had reached US\$1.2 billion. To further strengthen ties with China, Prime Minister Soe Win embarked on a five day diplomatic trip in February 2006, his first to China since being appointed Prime Minister, to sign various trade agreements including deals regarding energy, information technology and agriculture.³⁰ Likewise, India and South Korea have both been vying for a stake of Burma’s abundant energy reserves and are thus also strengthening their relationships with the SPDC.³¹

Many commentators argue that Burma’s long history of self-imposed isolation and indifference to international opinion has made the current regime remarkably resistant to international sanctions. Compounding this is that sanctions are not supported by all countries, perhaps most notably by neighbouring countries China, Thailand, and India, who constitute the regime’s most ardent supporters, financially as well as politically. In the words of one observer, “*China has been the source of virtually everything Burma has been deprived of by the West - weapons, essential goods, funds for infrastructure development, investment and markets for its products*”.³² Without pressure from those countries who are supporting the junta, whose policies towards the SPDC serve to bolster the position of the military, western economic and trade sanctions are likely to produce little effect.³³

The imposition of sanctions, however, has not been completely without effect. In late March 2006, Canadian mining firm Ivanhoe Mines Ltd. was forced to temporarily close its copper mine near Monywa in Mandalay Division when the mine could not access funds held in offshore bank accounts as a direct result of the imposition of U.S. sanctions. According to a report released by Ivanhoe, “*Both the mine’s insurance broker and the offshore banking institution terminated their relationship with the mine on account of these sanctions*”.³⁴ Ivanhoe later reported that the mine was able to resume production after remaining closed for approximately one month, adding that the U.S. sanctions “*seriously impact[ed] the mine’s ability to function in a normal way*”.³⁵

The regime has responded to the sanctions throughout the year by publicly condemning those imposing them during speeches and through regular denunciations published in SPDC mouthpiece, the *New Light of Myanmar*.³⁶ Also, on 10 April 2006, a spokesperson from the SPDC foreign ministry announced that they were re-establishing diplomatic links with North Korea. This move comes after a hiatus of more than 20 years, following a failed assassination attempt by North Korea on the South Korean president on 9 October 1983 while he was in Rangoon on an official visit. Some reporters maintain that this is an attempt to muster as many allies as possible from whom to acquire additional military hardware to offset the effects of western sanctions and arms embargoes.³⁷ Then, in early November 2006, a closed-door meeting was conducted in Rangoon to attempt to come up with new strategies to bypass U.S. and E.U. trade sanctions. The meeting was attended by more than 100 SPDC officials and businessmen, including representatives of the Ministry of Commerce and

members of the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI). According to one of the businessmen in attendance, one proposal was to export Burmese goods while concealing the fact that they had originated from Burma.³⁸

Additional Factors Affecting the Cost of Living

Throughout the year the SPDC has imposed many short-sighted and erroneous economic policies upon the population that have produced pernicious effects upon people's food security, detrimentally affecting rice prices and raising the cost of living.

In October 2005, the SPDC ordered a nine-fold increase in the price of fuel and imposed a ration for consumers of only 60 gallons (227 litres) per month. This immediately resulted in higher transport costs, followed by rising commodity prices. The effects of higher fuel costs have continued to be seen throughout 2006. On 22 August 2006, the SPDC Ministry of Energy proclaimed that under new restrictions, petrol and diesel would only be sold to trucks that transported foodstuffs. Trucks transporting goods other than food could not purchase fuel, lest they bought it on the black market where prices are higher. Truck drivers from Rangoon and Mandalay had protested the order, professing the disastrous impact that such a policy would have on their livelihoods. All of their complaints, however, fell on deaf ears.³⁹ According to one truck driver, profits had dropped off to zero, causing many drivers to look for other lines of work. In August 2006, the price of a gallon (3.8 litres) of petrol in Buthidaung in Arakan State had risen to 4,500 kyat, while a gallon of diesel cost 5,000 kyat. All of these costs were then passed on to consumers. Transportation costs skyrocketed. The bus fare for the 16 mile (26 km) journey between Buthidaung and Maungdaw in Arakan State increased from 500 kyat in 2005 to as much as 2,000 kyat in August 2006.⁴⁰

In January 2006, the amount of fuel supplied to the SPDC-operated Inland Water Transport Corporation in Arakan State was drastically cut to save on fuel consumption. Boats that were previously supplied with 16 drums of diesel fuel were now only provided with seven drums to make the same journey. Routes that used to take two nights to complete now take three nights, as the pilots must rely on tides and currents in the absence of enough fuel. The trip from Sittwe to Buthidaung used to take eight hours, but now demands 14 hours with the fuel cuts. Similarly, the journey from Sittwe to Mrauk-U, which used to take only five-and-a-half hours, now requires 11 hours to complete, while the fare has been almost doubled from 300 kyat to 500 kyat. The higher costs and the longer transport times have had a negative impact upon the lives of the people of underdeveloped Arakan State where water transport remains the primary mode of transport.⁴¹ One report maintained that by August, rising costs and longer travel times had reduced demand to where ticket sellers worked only one day out of every three.⁴²

In December 2005, local authorities in Kachin State began to confiscate all unlicensed cars and motorcycles and send them to Naypyidaw where they were said to be distributed among civil servants and military officials. A resident of Myitkyina, the capital of Kachin State, reported hearing that the SPDC had ordered at least 2,000 motorcycles to be seized from Kachin State alone.⁴³ Other reports asserted that local authorities in Pa'an in Karen State were ordered to fill a quota of 300 motorcycles, while those in Three Pagodas Pass on the Thai-Burma border was under orders to produce a further 80.⁴⁴ At Bhamo in Kachin State, the SPDC declared 16 February 2006 as the deadline for an amnesty under which all unlicensed motorcycles could be voluntarily handed over to local police, despite the fact that the SPDC has not issued vehicle licenses in Bhamo since 2004. Anyone caught in possession

of an unlicensed motorcycle after the deadline would face heavy fines and arrest in addition to the confiscation of their motorcycle. Local businessmen, however, reported witnessing a number of seizures and arrests prior to the deadline. Many people, who rely on their motorcycles for transportation and who had paid up to 500,000 kyat for them had taken to hiding their bikes and only using them at night.⁴⁵ Other parts of the country were also subjected to motorcycle seizures. On 27 April 2006, five people were arrested and 14 motorcycles were confiscated during a raid in Meikhtila in Mandalay Division. A number of people abandoned their bikes and fled, however, those living in the homes where the motorcycles had been deserted were arrested instead.⁴⁶ In mid-July, a further 16 motorcycles were seized during a raid in Moulmein, Mon State.⁴⁷

In the midst of the nation-wide vehicle seizures, local SPDC authorities in Buthidaung and Maungdaw of Arakan State raised the fees charged on vehicle registration. In mid-May 2006, license registration fees for motorcycles jumped to 13,000 kyat from 8,000 kyat, while registration for cars and trucks increased from 35,000 kyat to 45,000 kyat. Similarly, the cost of a driver's license increased to 7,000 kyat, up from 5,000 kyat.⁴⁸

Extreme shortages of electricity throughout the country allegedly impelled the SPDC to implement renewed electricity rationing measures in parts of Rangoon in December 2005. Many rural areas of Burma, particularly the ethnic border areas, do not receive any electricity at all, while those parts of the country that do have been facing power cuts for most of the past decade, despite the SPDC's claims that electricity production and consumption are both on the increase. Electricity rationing continued in Rangoon and in other parts of Burma throughout 2006. In January 2006, Rangoon reportedly had a daily demand of 450 megawatts of electricity, but only possessed a generating capacity of 385 megawatts; meanwhile the total national generating capacity stood at a paltry 845 megawatts of electricity. The power cuts have caused many small factories and businesses to close down. The owner of a pet shop in Rangoon reported that his business had suffered when a number of his fish had died after his water purifiers and oxygen pumps stopped during one of the power stoppages. Many businesses have had to buy their own generators, and those businesses that could not afford these have suffered. Many people in Rangoon subjected to power cuts are unable to even fill their water tanks during the blackouts and some have reported having to get up in the middle of the night when the power comes back on just to do so. Some Rangoon residents have reported that their neighbourhoods only receive running water from 6:00 am to 12:00 pm and so *"[t]he timing of electricity supply and timing of government water supply has to coincide. Otherwise, we have to buy water to fill up our water tanks"*. Even in sections of Rangoon that do not face power cuts, residents endure regular *"brownouts"* where the voltage drops to levels that are insufficient to operate standard household appliances in the absence of special voltage regulators. However, not all parts of Rangoon experience electricity rationing procedures. Main roads, tourist areas, and affluent neighbourhoods inhabited by senior military officials and expatriates are not subjected to such rationing measures.⁴⁹

In April 2006, it was reported that Rangoon's electricity supply had suffered even further. Where previously, Rangoon's six downtown townships had enjoyed 24-hour electricity, they now undergo blackouts for six hours every day. Meanwhile, Burma's new capital, Naypyidaw, and nearby Pyinmana have benefited from a round-the-clock uninterrupted power supply. A resident of Pyinmana reported that *"Five months ago, we got power only once in two days and sometimes every alternate day if we were lucky. But now we are getting*

regular power supply. Sometimes there is no power for only half an hour or an hour. That's all". Residents from Pyi also reported power cuts.⁵⁰

Despite the electricity rationing, the SPDC Ministry of Electric Power raised electricity rates ten-fold to 25 kyat per unit on 1 May 2006. Previously, civilians paid 2.5 kyat for one unit of electricity while civil servants paid between 0.25 and 0.5 kyat. The rate increase immediately followed the massive salary increase for all civil servants that took place in April. (For more information, see the preceding section on Inflation). The sliding scale that existed in the past under which the rates of civil servants were heavily subsidised was abolished and their electricity rates were brought into line with the rest of the population. Shortly after the announcement, AFP quoted one 40-year-old woman to say that she was afraid to see her next electricity bill, expecting it to jump to 15,000 kyat from the 1,500 kyat that she typically paid.⁵¹ The electricity rate hike quickly sparked fears that spiralling commodity prices would be further affected as a result of rising production costs.

Religious buildings and Buddhist monasteries were not exempted from the rate hike either. Some of the larger monasteries in Rangoon that house several hundred monks were reported to have received monthly electricity bills of as much as 100,000 kyat. Such exorbitant bills prompted some monks to appeal to both the Ministry for Religious Affairs and the State Sangha Maha Nayaka (head monks) Committee for a reduced electricity rate for Buddhist monasteries. Their appeals went unanswered.⁵²

The tariff increase will be felt most by those living in larger urban centres. Many of the smaller towns only receive electricity two days a week, while most rural areas are still without any electricity.⁵³ According to some reports, residents of Sittwe, the capital of Arakan State, only receive electricity for two hours per day.⁵⁴ A resident from Mandalay was quoted by DVB to say *"It doesn't make any difference as the electricity cost shoots up and there is no electricity"*.⁵⁵



A 'jungle market' set up in the forest of northern Nyaunglebin District, Karen State, in September 2006. Markets of this sort represent one of the only ways for many displaced villagers to acquire food. Villagers from SPDC-controlled villages and relocation sites sneak out into the forest with whatever foodstuffs they can carry to meet IDPs at pre-arranged locations to trade with forest produce such as cardamom, betelnut and forest fruits. [Photo: KHRG]

In a purported attempt to lower local rice prices in various parts of the country, the SPDC prohibited rice traders from transporting rice or paddy from one state or division to another. Traders from Pegu Division were forbidden from carting paddy to neighbouring Mon State. Likewise, those from Mon State could not transport their paddy or rice to Tennasserim Division. Similar restrictions were also enforced in Irrawaddy and Rangoon Divisions. The order allegedly led paddy prices to drop from approximately 7,000 kyat to 5,500 kyat per (25 kg) basket in parts of southern Burma, however, rice prices in rural areas as well as in Rangoon continued to rise.⁵⁶ Similarly in Arakan State, the transport of rice is also prohibited, to the extent that rice cannot even be transported from one township to the next. In August 2006, the junta began a crackdown on rice that had been transported to Akyab in which they seized an unreported volume of rice as it was brought into the Arakan State capital. Previously traders and local merchants were able to transport their rice by paying bribes to have local authorities look the other way, but beginning in August, all such favours ceased and all of this rice was seized. Local townspeople feared that restrictions of this sort would further inflate rice prices and may spark social unrest, possibly even leading to “rice riots” such as those Akyab experienced in 1967 in which many people were killed.⁵⁷

In many parts of Karen State, where the SPDC has been leading a military offensive against unarmed Karen civilians since November 2005, many roads have been blockaded, villagers prohibited from travelling to their fields, and the transport of rice apart from that for use by the military has been forbidden. The result has been that very few villagers are able to acquire enough food. The Karen Human Rights Group (KHRG) maintained that in November 2006, most villagers in Toungoo District of northern Karen State only had a two month supply of rice left and few places where they could acquire any more.⁵⁸

Throughout 2006, Burma experienced a number of natural disasters and unusual weather patterns that had adverse impacts on people’s livelihoods and the rising costs of living. On 29 April 2006, tropical Cyclone Mala lashed southern Arakan State and the Irrawaddy Delta with winds reported to be up to 240 kilometres per hour. Hundreds of homes were destroyed, trees uprooted, and a number of fishing boats were sunk. According to one eyewitness, at least five factories were destroyed, and cars were hurled through the air in the Hlaing Thar Yar industrial zone near Rangoon, which was claimed to have endured the brunt of the storm.⁵⁹ Official figures published in the *New Light of Myanmar* claimed that 21 people were killed and a further 14 remained unaccounted for, however, the death toll may well be higher than this.⁶⁰ Local people reported that SPDC authorities failed to implement any relief or assistance for the affected communities.⁶¹ Although, according to a report by the *Narinjara News*, on 3 May, Western Regional Command Headquarters in Sittwe issued orders to the 50-odd SPDC army battalions stationed in Arakan State to provide 50,000 kyat to a special relief fund set up for the cyclone victims.⁶² What the report failed to mention, however, is that this money was probably extorted from local villagers and townspeople and that it is quite unlikely that any of this money would ever be given to the victims.

Heavy and unseasonal rains have also had an impact upon the amount of food that villagers and farmers around the country have been able to produce. Heavy rains in Mon State caused the Bee Ree River to break its banks and flood the nearby Ye marketplace in July 2006, killing six and destroying estimates of between one million and 100 million kyat worth of produce and other goods. Local environmentalists blamed the flooding on unchecked logging that has resulted in large-scale deforestation of the area. Widespread flooding was also said to have occurred in neighbouring Kyaik Mayaw, Mudon and Thanbyuzayat Townships around the same time.⁶³ Similarly, KHRG reported that flooding in nearby

Thaton District of southwestern Karen State adversely effected rice harvests and had left villagers in the region without enough food to eat throughout 2006.⁶⁴ In central Burma, unseasonal rains and heavy frosts in January 2006 destroyed many plantations along the banks of the Irrawaddy River,⁶⁵ while heavy rains and landslides had destroyed an estimated 60 percent of hill fields in northern Arakan State in September.⁶⁶ Also in September, it was reported that heavy rains falling over Sha Daw Township in Karenni State caused the Pawn River to break its banks, damaging an estimated 500 acres of sesame, corn, peanut and betelnut plantations in the region. Saw Lon village was particularly hard hit, sustaining damage to approximately 150 acres of sesame and betelnut that were planted alongside the river.⁶⁷



An SPDC-run rubber plantation in rural Pa'an District, Karen State. The land for this plantation was confiscated without compensation from local villagers, who have since been forced to do labour tending the trees and harvesting the rubber. None of the profit from this enterprise is returned to the villagers; it is probably divided between local and higher-level SPDC military officers. *[Photos and caption: KHRG]*

5.2 Situation Facing Farmers in Burma

An estimated 70 percent of Burma's labour force is employed in the agricultural sector where rice, comprising the staple diet for the nation's almost 50 million people, is cultivated extensively across the country. The SPDC, despite its claims to the contrary, has continued to interfere in domestic markets and impose centralized control over food production throughout the country.

Various different agricultural development schemes have been embarked upon in Burma over the years, ostensibly to boost the production of rice and other agricultural produce. The majority of these projects, however, have proven to be little more than misguided "get-rich-quick" schemes devised to raise revenue and export earnings for the regime at the expense of those whom they are alleged to benefit, ultimately causing untold suffering upon the farmers of Burma.

Right to Own Land

Under existing laws, farmers in Burma have, for all practical purposes, lost the right to own land. Many of the laws pertaining to land rights and land ownership reflect Burma's socialist past. Various domestic laws stipulate that farmers in Burma have tenancy rights to their land, but not actual ownership. Under these laws, ownership of the land is retained by the state. According to the Settlement and Land Records Department (SLRD), under the Ministry of Agriculture and Irrigation, *"The State is the sole owner of land. Only cultivation rights are recognized in the agricultural land and are not transferable without the permission of the authorities"*.⁶⁸ The Land Nationalization Act and Agricultural Lands Act, both promulgated in 1953, state that the right to transfer, partition or lease land can only occur with permission from regime authorities. Furthermore, rights of ownership that were initially granted to farmers under the Land Nationalization Act of 1953 were annulled with the implementation of the 1963 Tenancy Act which cancelled farmers' ownership of the land and effectively made them tenants of the state. On 18 September 1978, the Trade Ministry issued Notification No. 4/78 which granted new powers to the regime while at the same time stripped farmers of what precious few rights they retained. The notification stipulates that the junta could confiscate farmers' land for failure to plant the "appropriate" crop as determined by the military, or once harvested, for failing to sell the full crop quota at the appointed price.⁶⁹

There were numerous reported cases of land confiscation throughout the country during 2006. With 70 percent of Burma's workforce being employed in agriculture, the loss of farmland equates to the loss of livelihood. Farmers are almost never compensated for the loss of their land and in the few reported cases where they have been, it has generally been well below the market rate. (For more information, see the subsequent section on Land Confiscation below).

Further threatening the land rights of farmers in Burma have been the recent moves by the SPDC to lease sovereign Burmese soil to foreigners for development. According to reports, a number of agreements have already been reached with various Thai developers and businesses, some of whom have allegedly already signed 30-year contracts to lease "unused" farmland in southern Burma to grow sugarcane.⁷⁰ In a remarkable coincidence, the KHRG reported in January 2006 of a massive 5,000 acre sugarcane plantation in Thaton District of

Karen State, built on land that was confiscated from local villagers in 2000 without any form of compensation. Following the confiscation of their lands and livelihoods, those same villagers were then ordered to cut down all of the trees, dig up all of the stumps and sow the field with the earmarked sugarcane crop, in addition to being ordered to mill the cane following each harvest.⁷¹ Though no concrete evidence has as yet emerged to confirm it, it is possible that the “unused” farmland under development by these Thai companies is the same plantation referred to by KHRG. Similar agreements were explored with Bangladeshi businesses during the year. A verbal agreement was reached between the two countries in 2004, but broke down when they could not agree on who would work on the farms. According to reports, Bangladeshi businesses are prepared to lease farmland in western Burma for between US\$8 and US\$15 per acre.⁷² Should this venture come to fruition, it is highly likely that the land to be leased will simply be confiscated from local farmers without remuneration or recourse to justice.

Under a plan that was initially drafted in November 2003, three industrial zones are slated to be built in eastern Burma to attract more foreign investment. The three zones are to be established in Myawaddy and Pa'an in Karen State and Moulmein in Mon State, covering areas of 173, 178 and 124 hectares (427, 440 and 306 acres) respectively. The project is to be implemented in a joint venture between Burma and Thailand in 2007 and once built will be leased to foreign businessmen, who, owing to proximity, will most likely also be Thai. Local sources report that land confiscation, forced relocations and forced labour can be expected to result.⁷³ According to one report, an unnamed Thai company has already completed a feasibility study on the construction of the industrial zones which has been submitted to their Burmese counterparts for consideration. Once completed, Thai factories are expected to relocate to the zones where overheads and labour costs are cheaper. Meanwhile, another similar industrial zone, the Thilawa Special Industrial Zone in Thanlyin Township of Rangoon is expected to soon become Burma's first industrial zone operating completely on foreign investment.⁷⁴



A Karen villager from Ler Poh village in the wreckage of her rice fields in Thaton District, Karen State after these were prematurely burned off by SPDC army soldiers in April 2006. IB #235 was reported to have burned many villagers' fields in the area, claiming that the rice might be used to feed resistance groups. Prematurely burning a field when much of the scrub littering the field is still green results in an incomplete burn which, in turn, means that only that part of the field which was burned can be used for planting. To recover from this disaster, the villagers said they would have to cut and haul large amounts of wood into their fields in the hope that it will dry in time to allow a more complete burn later. *[Photo: KHRG; disregard the incorrect date stamped on the photo]*

Forced Sale of Crops

In April 2003, the SPDC declared that from the beginning of 2004, Burma's 40-year-old Paddy Procurement Policy would be abolished. The Paddy Procurement Policy, which was executed by the Myanmar Agricultural Produce Trade (MAPT), permitted the forced sale of rice and paddy to the SPDC at fixed and heavily discounted prices far below the prevailing market rates. The policy was justified by the SPDC as a means of feeding the ever-increasing armed forces, despite the fact that the SPDC has required its frontline troops to “live off the land” since the late 1990s. (For more information, see the section addressing Looting and Expropriation of Food and Possessions below). The quantity of rice that must be sold to the military is typically dependant upon the size of the farm; the larger the area of the land under cultivation, the more rice that is demanded from it.

Despite claims made by the SPDC that the Paddy Procurement Policy had been brought to an end and that they would no longer interfere in the nation's rice trade, there were numerous reports that the policy of the forced sale of rice to the military at reduced cost continued to be practiced throughout 2006. For instance, farmers in Pegu Division were ordered to sign contracts forcing them to sell between six and 15 baskets (150-375 kg / 330-827 lb) of rice per acre of cultivated land to the military for less than one third the established market rate.⁷⁵

Meanwhile, in Rathidaung in Arakan State, farmers were forced to sell two tins (31 kg / 55 lb) of paddy per acre to local village authorities (on behalf of the military) at the reduced rate of 1,000 kyat per tin rather than the market rate of 1,500 kyat.⁷⁶ One report maintained that Western Regional Command, based in Sittwe had issued orders to all Village Peace and Development Councils (VPDCs) in Arakan State that each village was expected to sell a minimum of 5,000 baskets (125 tonnes) of rice to the army following the 2006 harvest.⁷⁷ Other parts of Arakan State reported to be affected by these orders include Buthidaung, Maungdaw, Kyauktaw, Mrauk-U, Minbya, Ann, and Taungup, as well as Platwa in southern Chin State.⁷⁸

Farmers in Paung Township of Mon State, likewise, received orders from the) to sell two tins of paddy (21 kg / 46 lb) per acre to the SPDC at the rate of 1,745 kyat per tin; a little over half the local market rate of 3,000 kyat per tin. According to one farmer from the region, the paddy had to be transported to Moulmein at the expense of the farmers: “*We have to send the paddy very far, near Moulmein. We also have to pay for the cost of transporting it by car. There is nothing left for us*”. Those who failed to comply were threatened with arrest.⁷⁹ Other reports from Mon State repeat these accounts and add that in early 2006, SPDC army soldiers from Light Infantry Division (LID) #44 camped along roadsides that farmers used to transport their harvest to market so they could force them to sell their produce at half the prevailing market rate.⁸⁰ Renewed demands were issued to brokers in Mudon Township of Mon State in December 2006. At a meeting with SPDC authorities, local rice brokers were told that each township was obliged to sell as much as 30,000 baskets of rice at less than half the market rate. At that time, a basket of rice sold for 5,000 kyat, though the SPDC said that they would only pay 2,000 kyat. It was also reported that on 22 November 2006, the SPDC had announced that it planned to enforce rice purchases from 79 townships across the country.⁸¹

There were also credible reports in July 2006 that the junta-backed Union Solidarity Development Association (USDA) has been demanding seven tins (73.5 kg / 161 lb) of paddy per acre of farmland from farmers in Rangoon Division.⁸² KHRG argues that the

SPDC simply renamed the Rice Procurement Policy as a tax, known locally as *ta won kyay*, or “obligation” tax. In parts of Thaton District of Karen State, villagers must give eight baskets (168 kg / 368 lb) of produce to SPDC army soldiers for each acre under cultivation. KHRG points out that “*Even when weather conditions are favourable, which has not been the case for the past few years, and when the villagers are free to access their fields (which also has not been the case for the past few years), this amounts to being, at best, more than ten percent of their entire harvest, and at worst much more*”.⁸³ At a press conference in January 2006, a representative of the Shan Relief and Development Committee (SRDC) asserted that though the SPDC claimed to have ceased the Paddy Procurement Policy at the end of 2003, “*the Burmese army continues collecting paddy from local farmers [in Mong Nai Township of Shan State], using force if met with any resistance*”.⁸⁴

Dry Season Paddy Crops

There are two dominant types of rice cultivation practiced in Burma: irrigated flat field rice farming practiced in the plains and along the banks of rivers where the land is flat, and hill field rice farming where flat land is at a premium and rice is grown on hillsides. Irrigated flat field rice cultivation is more common in the central plains of Burma while hill field rice farming is more common in the steeper and more mountainous ethnic border regions. Irrigated rice fields are typically divided into rectangles and other regular shapes by low dirt dykes so that the level of water in each separate field can be regulated independently. The fields are generally burned in April-May to remove any stubble remaining from the previous harvest and to return much-needed nutrients to the soil. The fields are ploughed following the onset of the first of the rains which usually fall in June. The seeds are then sown in one of the fields specially prepared as a nursery, and once sprouted, are transplanted to the other fields. The paddy (unhusked rice) is then left to grow through the rainy season and is typically harvested from October to December. Hill field rice farming, also commonly referred to as ‘jhum’ or ‘swidden’ agriculture, employs a system in which a family owns a number of separate hill fields which they rotate between each year. In some areas, a family may own as many as eight to ten fields. Once a field is used, it is left to stand fallow for a number of years to allow nutrients to leach back into the soil before it is to be used again. After the villagers have decided which of their fields to cultivate, the trees and scrub that had become established in the field since its last use are cut down in February-March and are left to dry in the sun. Once it has sufficiently dried out, this brush is then burned in April-May and provides additional nutrients for the seeds which are then sown after the first rains, usually in June. Similar to the flat field cultivation described above, the rice growing season coincides with the rainy season from June to October and the crop is harvested between October and December.⁸⁵

For the past several years, however, the SPDC has been promoting the cultivation of a second rice crop each year, in an apparent attempt to increase paddy production throughout the country. This system, known as summer, or dry-season paddy cultivation, is placing tremendous strain on those farmers subjected to it. The traditional rice growing cycle described above is designed around the premise that only one crop is to be raised in the one field per year. Growing a second crop during the summer months is demanding too much from soil that is already suffering from overuse. The cultivation of rice, whether grown in hill fields or irrigated flat fields demands a lot of water to keep the paddy properly irrigated. This is typically not an issue during the rainy season, but can become a severe problem during the summer months when rain is scarce. Many farmers have been ordered to construct additional dams and irrigation canals to ensure that the summer paddy receives an adequate

water supply, all without compensation. Working on development projects of this sort at the behest of the SPDC results in less time that the farmers have available to spend tending to their crops. Many have also been forced to invest in expensive fertilizers, pesticides, and farm machinery which they would not be able to produce a second crop without. These are not offered freely to the farmers, but must instead be bought from the military, often at inflated prices. Farmers who do not buy the necessary materials are not able to partake in the summer paddy program and their land, officially designated for double cropping, is confiscated and given to a family who could afford the additional costs. (For more information, also see the section on Right to Own Land above). As a result, farmers will often take on large debts to buy the necessary fertilizers and seeds to participate in the program. In some areas though, farmers have had their farms confiscated by the SPDC when they were unable to repay loans they had taken out to buy the necessary supplies. Summer paddy production has been especially promoted in the Irrawaddy Delta region, which is rich in both land and water resources.

One farmer from Tamu District of Sagaing Division reported that even though they are struggling to yield a crop during the rainy season, local SPDC authorities continue to force them to plant summer paddy: *“Currently, they (the authorities) are collecting the identity cards of the farmers. They are threatening to confiscate their paddy fields if they do not grow summer paddy, and take actions on them”*.⁸⁶ Similarly, in Shan State, the SRDC reported that since the SPDC abolished the paddy procurement policy, villagers living in Mong Nai Township have been forced to produce a second rice crop each year. (For more information, also see the preceding section on the Forced Sale of Crops). According to the report, the farmers must plough their fields in March, transplant the seedlings in April, and then harvest the crop in July with the entire harvest going to local SPDC army battalions.⁸⁷ There were also reports that farmers in Magwe Division were ordered to produce a summer paddy crop in 2006. Magwe Division has traditionally been a region of sesame and bean plantations as the low rainfall does not lend itself to growing rice. Despite this, farmers have been ordered to not only cultivate two rice crops each year, but were also ordered to harvest their crops before they had fully ripened, ultimately ruining the entire harvest.⁸⁸ Farmers in Mudon Township, Mon State were also ordered to cultivate paddy during the summer months. According to a report by the Human Rights Foundation of Monland (HURFOM), SPDC police officer U Myo Myint ordered local farmers to grow the crop or risk having their lands seized. Farmers faced little choice but to buy water and have it delivered to their farms at great expense so they could cultivate the crop. The report spoke of how no one was willing to grow the summer crop as *“the cost of cultivation is high and the returns are low”*.⁸⁹ Similarly, villagers in the nearby Doooplaya District of Karen State also reported being forced by local authorities to plant a summer paddy crop. One villager interviewed by KHRG made the following complaint:

“The VPDC ordered us to plant paddy in [the] dry season but our villagers cannot do that yet. We think we will never plant paddy in [the] dry season because in [the] dry season all of the streams and ponds are dried up, and we cannot grow paddy without water. Another reason is that we traditionally release our livestock to graze freely in [the] dry season, so if we plant paddy we’ll have to fence in our paddy fields because we can’t expect everyone to restrain their livestock. But there’s no way we can fence all our fields”.⁹⁰

5.3 Physic Nut Agricultural Development Project

Over the years, the SPDC (and the SLORC before them), have embarked on various different grand agricultural schemes, all of which have been promoted as *"the way forward"* or as the universal solution to all of Burma's economic worries. The latest of these is the mass cultivation of physic nut as a biodiesel crop (an alternative fuel source that can be used as an additive to, or substitute for petroleum-based fuels). In reality, this project, like those before it, amounts to being little more than a get-rich-quick scheme devised by, and for the benefit of the military, which not only does not profit the population who are forced to implement it, but further deprives them of their livelihoods.

In December 2005, the head of the Rangoon Division Peace and Development Council (PDC), Lieutenant General Myint Swe, announced the SPDC's new plan to cultivate no less than 50,000 acres of physic nut in each of Burma's nine military divisions.⁹¹ Soon after, reports from around the country began to emerge of land confiscation and the enforced cultivation of physic nut crops. Despite this, the SPDC and the state-run media insisted that the project was being implemented for the benefit of the people, with statements such as *"Growing fencing castor plants is to your benefit, and moreover it will fulfil requirements for fuel for machinery. It is planned that you may also sell the surplus for extra income"*.⁹² On 16 January 2006, SPDC Minister of Industry-1, Colonel U Aung Thaung delivered a speech in which he claimed that the cultivation of physic nut and the production of biodiesel was the only way out of the oil crisis gripping Burma. Not surprisingly, he made no mention of the nine-fold increase in the fuel prices instituted by the SPDC in October 2005. Contrary to the regime's already-questionable claims that their actions were entirely benevolent, in late March 2006, the SPDC announced that they were awarding a five- to ten-fold salary hike to themselves as well as the nation's approximately one million civil servants. The already-spiralling inflation rate shot up over night, taking fuel prices along with it. (For more information, also see the section on Additional Factors Affecting the Cost of Living above). The project was later reported to have been expanded massively to cultivate a total of 8.36 million acres across the country by the end of 2009. In August 2006, the SPDC Ministry of Agriculture and Irrigation declared that 1.2 million acres of farmland had already been brought under cultivation of physic nut.⁹³

Native to Central and South American, *Jatropha curcas*, commonly referred to as the physic nut, is also frequently, yet mistakenly referred to as castor. Castor, or as it is known by its scientific name, *Ricinus communis*, is a distinct species that should not be confused with jatropha. Both species are being cultivated extensively around the country, though it appears that the terms castor, jathropha, and physic nut are being used interchangeably in local reports, making it exceedingly difficult to determine which of these two species they are referring to.

The seeds from the *Jatropha* plant are crushed to extract the non-edible jatropha oil, which can be used as an ingredient in the production of certain medicines, soap, candles, and biodiesel.⁹⁴ The press cakes remaining after the oil has been extracted can be used as a high-yield fertilizer and animal fodder. The plant itself is believed to be toxic to the soil and research is ongoing to investigate its perceived carcinogenic properties. Additional to its use as biodiesel, castor oil and its derivatives are used to make a wide assortment of products including soap, perfumes, paints, inks, dyes, plastic, nylon, lubricants, lamp oil, and also as a food additive. Castor oil is also reported to have medical applications as a laxative and in the treatment of skin disorders, cuts and abrasions, and burns. The castor seed, containing low

concentrations of ricin, is highly toxic to humans and predators alike. Some reports maintain that the ingestion of three seeds is sufficient to yield a lethal dose in children and eight seeds for adults. However, once pressed, the toxins remain with the press cake, producing an oil which is non-toxic.⁹⁵ Several children in Doooplaya District of Karen State were reported to have almost died from severe diarrhoea after eating just one of the seeds.⁹⁶ Both jatropha and castor are generally considered to be potentially dangerous crops and thus should not be grown in close proximity to homes where children and livestock may eat the seeds.

According to reports, communities in all parts of the country are under orders to plant jatropha and castor. There were numerous reports released throughout 2006 documenting the forced cultivation of physic nut from each of Burma's seven states and seven divisions. One report even spoke of suburbanites being forced to grow jatropha on the balconies of their apartments in Rangoon.⁹⁷ The vast majority of cultivation, however, has been reported to be along the flanks of roadways. Many villagers and townsfolk have also been ordered to plant physic nut in front of their homes and in their own private gardens (heightening the risk of children eating the deadly seed pods). This, presumably, is done to make it not only far easier for the junta to inspect the crops, but also so that they are far more visible to anyone travelling along those roads and making it easier for the SPDC to promote the 'success' of the project in the junta-controlled media. In other areas, such as in Karen State, the cultivation of physic nut has been described as "*fencing*", presumably to give the impression that it will present no threat to the livelihoods of the farmers being forced to grow it.

While there have been some reports of villagers in different parts of the country being told to find the seeds and seedlings themselves, the majority have been ordered to buy them directly from the authorities at exorbitant prices. In some cases, such as in Keng Tung Township of Shan State, those who were able to acquire the quota of seedlings themselves were still ordered to purchase the allotted 450 plants from the Township Peace and Development Council (TPDC) authorities at the rate of 120 kyat per plant.⁹⁸ Complicity of TPDC and VPDC (Village PDC) authorities in the forced purchase of jatropha and castor seeds and seedlings was observed across the country during 2006, many of whom relied on village registration lists to exact their demands. There was no apparent standardization dictating the cost charged for seeds and seedlings and prices were set by local authorities on an *ad hoc* basis. This accounts for the wide variations seen in the prices charged in different parts of the country. The cost of one bowl (1.5 kg / 3.5 lb) of seeds varied from 3,300 kyat in Karen State to as much as 12,000 kyat in Shan State.⁹⁹ Similarly, the prices charged for seedlings varied across the country, with prices starting around 200 kyat for three seedlings in Shan State, up to 350 kyat each in Mudon Township of Mon State.¹⁰⁰

Failure to cultivate the assigned number of seeds/seedlings would attract a fine. For instance, townspeople in Falam Township in Chin State were fined 3,000 kyat for not planting the required number of physic nut plants.¹⁰¹ Similarly, townspeople from Bhamo in Kachin State were told that they would not only be fined 3,000 kyat for not taking part in the project, but also that should they complain or criticize the project they would be arrested and prosecuted in accordance with Act 118 of the criminal code.¹⁰² In a similar vein, in July 2006, villagers from Thangtlang Township in Chin State were warned that any comments critical of the jatropha project would attract the death sentence. This, presumably, would also include reporting instances of land confiscation and forced labour related to the project. One villager from Thangtlang village ventured that "*The officer [Colonel Tin Hlah] regards a Jathropa [sic] tree more precious than human life*".¹⁰³ In February 2006, soldiers from Light Infantry Battalion (LIB) #515 instructed villagers in Lai-Kha Township in Shan State that they would

be fined 500 kyat for each plant that died. Some villagers, recognising this as a threat to their livelihoods, fled the village soon after, knowing that there is insufficient time to tend to their fields as well as ensuring the physic nut plants survived.¹⁰⁴ Reports from Karenni State maintained that TPDC authorities in Loikaw Township ordered villagers who had not yet been forced to partake in the physic nut project to grow oranges instead. The villagers had to pay for the orange seeds and seedlings at their own expense.¹⁰⁵

While climatic conditions in some parts Burma are ideal for cultivating physic nut, the environment in many regions where the project has been implemented is far from suitable. According to the Centre for Jatropha Promotion and Biodiesel, the optimal annual rainfall for the cultivation of jatropha ranges from 300 to 1,000 mm.¹⁰⁶ Much of Burma, however, receives far higher annual rainfall levels than this. According to the BBC weather service, in Akyab of Arakan State where the average annual rainfall is 5,156 mm, the optimum annual rainfall is exceeded in each of three consecutive months during the wet season. Likewise, the rainfall for Rangoon far exceeds the ideal growing conditions, receiving 2,610 mm of precipitation annually.¹⁰⁷ Other sources state that Toungoo in Pegu Division receives an average of 2,370 mm of rainfall each year, while Ye in Mon State receives 4,641 mm.¹⁰⁸ It would therefore seem ill-advised to attempt to cultivate the crop in parts of Burma experiencing annual rainfalls either in excess or short of this range and thus comes as no surprise that so many plants are dying due to the unsuitability of the climate. According to one villager from Mudon Township in Mon State, *"Most of the castor oil plants on both sides of the motor road are dying because it is not compatible with the region. [They] cannot live [grow] here because of heavy rains"*.¹⁰⁹ Likewise, conditions in Shan State are not proving conducive to the cultivation of physic nut. The Shan Human Rights Foundation (SHRF) reported in April 2006 that many villagers in Loilem Township were ordered to buy new seedlings to replace each one that had died.¹¹⁰ Similar fears were reported to be shared among Karen whose plants had also died.¹¹¹

In observing their insistence to persist with the project, one could be forgiven for believing that the SPDC is utterly oblivious of the unsuitability of the climate in different parts of Burma for growing physic nut or of the suffering that they are affecting unto their own population. A far more plausible explanation, however, would be that with their pride at stake, the regime simply refuses to concede defeat in the face of the international attention that this controversial project has attracted, particularly when neighbouring India is enjoying great success implementing an almost identical project.

According to the UN News Centre, the OPEC (Organization of Petroleum Exporting Countries) Fund for International Development (OFID) awarded a grant of US\$12.3 million to the SPDC in November 2006 *"to increase the productivity and value of oil crops and their derivatives"*.¹¹² While it was claimed that the funds were to be used primarily to develop the production of edible oil crops, namely, sesame, groundnut, sunflower and soybean, there were oblique, almost secondary, references to the funds also being used for the development of oil palm. The report added that the United Nations Food and Agriculture Organization (FAO) would provide technical assistance to the project over the next three years. While oil palm is an edible oil crop, it can also be cultivated as biodiesel, and has been developed as such in Burma on various occasions in the past. Since these announcements were made, there has been some speculation that these funds may be used towards the physic nut project.¹¹³ However, the UN Office of the Humanitarian Coordinator in Rangoon has since stated unequivocally that these funds would not be used for the cultivation of physic nut in Burma. However, given the similarities between the two projects, caution must be taken to

ensure that these funds do not find their way into the physic nut development project in that it is being implemented in much the same way as countless other projects in the past: the military pockets any money earmarked for the project for themselves and forces the villagers and townsfolk of Burma to execute the project at their own expense without reaping any of the benefits, with the success of the project being largely dependant upon the use of forced labour, land confiscation and extortion. However, should any of these funds end up being used to implement the physic nut development project (which is plausible), this would mean that, at best, the OPEC and the FAO are financially and technically supporting the regime's use of land confiscation, forced labour, and extortion to implement the project, and at worst, that they are knowledgeable of, and therefore complicit in these acts. According to Geoffrey Mrema, director of the FAO Agricultural Support Systems Division, *"The goal of this project is to increase the productivity and value of oil crops and their derivatives, while ensuring low cost edible oil supplies for consumers and assuring that sound policies are implemented and institutions are strengthened to develop a sustainable and competitive oil crop sector"*.¹¹⁴ Presumably, the "sound policies" that he refers to do not include forced labour, land confiscation, extortion, or fines and death sentences for anyone who is critical of the project.

This is not the SPDC's first attempt to produce biodiesel. In 2003, the junta ordered villagers in parts of Dooplaya District in Karen State to plant belleric myrobalan, also known by its scientific name, *Terminalia belirica*.¹¹⁵ Similarly, farmers from Sittwe in Arakan State and those from Seikphyu Township in Magwe Division have received orders to also plant the crop.¹¹⁶ The seeds of belleric myrobalan boast a high methyl-ester content, satisfying the minimum requirements enshrined in various international standards for biodiesel crops. They have also traditionally been used as an ingredient in Ayurvedic herbal medicine in India. HRDU has not been able to ascertain whether or not this project produced any tangible results, however, the fact that this project does not appear to have been widely promoted or implemented would suggest that it has not. Further supporting this is the massive scale in which the SPDC has embarked upon the cultivation of jatropha and castor oil for the production of biodiesel while apparently neglecting belleric myrobalan cultivation.



Villagers and townsfolk alike have been ordered by the SPDC to cultivate physic nut as a "national duty" in the SPDC's latest forced agricultural development program. These young seedlings were photographed in rural Pa'an District of Karen State in October 2006. [Photo: KHRG]

Various different theories as to the motives behind this project have emerged. The SPDC insists that this project is being undertaken for the good of the population; so that they will have access to cheaper and infinitely renewable fuel sources for their own use and so that profits can be made by selling any excess in local markets. This claim, however, remains highly unconvincing. The project is being forced upon farmers and townspeople against their will without so little as the opportunity to complain about it without attracting penalty. Furthermore, it is being implemented with the systematic and widespread use of forced labour, land confiscation, and extortion of local communities. It is hard to distinguish the benefit that any of this presents for the population. Other, somewhat more credible, theories suggest that in light of skyrocketing global oil prices, biodiesel is being promoted as a substitute for or additive to petroleum-based fuel sources. A number of other countries in the region, such as Thailand, India and Malaysia, among others are producing biodiesel in an attempt to offset their reliance on petroleum-based fuels. Thailand, for instance, has announced its plans to have all of its cars running on a mixture of 90 percent gasoline and 10 percent biodiesel by the end of 2007.¹¹⁷ According to reports, in 2003, Thai Prime Minister Thaksin Shinawatra had promised to waive all taxes and duties on castor and jatropha imports from Burma, suggesting that Burma was being considered as a source of biodiesel and that physic nut was being cultivated in Burma for the primary purpose of export.¹¹⁸

Another theory, popular among conspiracy theorists in Burma's teashops, is that the generals are acting on superstitious astrological beliefs to counteract support for Daw Aung San Suu Kyi. In Burmese, physic nut is known as *kyet suu*, which in astrological terms can denote Monday-Tuesday, while Suu Kyi's name can mean Tuesday-Monday. According to this theory, *"the act of planting kyet suu can neutralize Suu Kyi's powers and prevent her seeds of dissent from taking root"*.¹¹⁹ *Kyet suu* also means "noisy chicken" in Burmese, which according to another theory is reminiscent of the Burmese proverb, *"kyet suu, luu ma suu"*, which translates as "when chickens make noise, people will not". According to this theory, the mass cultivation of physic nut will, through inexplicable astrological influence, silence the people and quell all political opposition.¹²⁰

Land Confiscation, Forced Labour and Extortion – partial list of incidents for 2006

Arakan State

In mid-April 2006, NaSaKa authorities based in Kyaung Daung, Buthidaung Township issued orders to the VPDCs of several nearby village tracts to each arrange for the *"handing over"* of 5 acres of farmland for physic nut cultivation. Some farmers managed to successfully bribe the VPDC authorities not to confiscate their land. One villager from the area said *"I have only two acres of farmland which was seized for physic nut cultivation. So I have nothing now to support my family. The [junta] gave no compensation for the confiscated farms. I don't know how I will look after my family members"*. Villagers in the area believe that they would then be used as forced labour to tend what were their own fields for the military. The following village tracts received the summons:

1. Goat Pi;
2. Kyun Pauk;
3. Kyaung Daung;
4. Tin May;
5. Atta Bogoli; and
6. Panzy.¹²¹

On 9 June 2006, villagers from Kyauktaw Township were forced to attend a 30-day training workshop on the cultivation of physic nut against their wishes and at their own expense. Each of the 5 villagers ordered to attend the training had to pay 10,000 kyat to Military Operations Command (MOC) #9 to cover the cost of the training. While attending the training, these villagers were unable to tend to their own livelihoods at a crucial time when they would otherwise be out in their fields planting their paddy.¹²²

On 28 June 2006, an unspecified number of villagers from 7 villages situated along the length of the Maungdaw-Kyin Chaung motor road in northern Maungdaw Township were ordered to plant 17,600 physic nut seedlings along the sides of the road as well as in a "government plantation" owned by the NaSaKa. "Government plantation" is often synonymous for confiscated land. The following villages were those affected:

1. Aung Thabray;
2. Tet Chaung;
3. Bandula;
4. Rankha Zadi;
5. Salay Daung;
6. Don Nyo; and
7. Wailar Daung.¹²³

A report released in October 2006 claimed that members of the USDA had been extorting 500 kyat for the cultivation of physic nut from each household in Akyab. The report further maintained that SPDC authorities had recently (dates not disclosed) confiscated "a significant amount" of farmland from local paddy farmers along the Akyab-Ra Chan Byint motor road for the physic nut project.¹²⁴

Chin State

In January 2006, every household in Falam Township received orders to cultivate one acre of physic nut. Those who failed to meet their quota were fined 3,000 kyat by U Zaw Win Htay, chairman of the Falam TPDC.¹²⁵

Since April 2006, all civil servants in Chin State have been ordered to provide unpaid labour cultivating jatropha for the military. Villagers were also forced to do forced labour on the jatropha plantations. Many villagers are busy tending to their own livelihoods and are therefore not free to do the work for the regime, so they must hire daily wage labourers to go in their stead for 1,500-3,000 kyat per day. Though the labourers are hired by the villagers themselves, the SPDC demands a further 500 kyat from each household which they ironically claim is to pay the labourers. One female civil servant from Falam Township reported that, *"I am pregnant and cannot do work at the plantation. That's why I called [hired] some workers to do my job for me and am paying them Kyat 1,500 a day. My salary is only Kyat 26,000 a month. I do not have much balance after I passed on the work to others"*.¹²⁶

On 11 April 2006, *Khonumthung* released a report claiming that villagers living in Rizua were instructed to plant a 2-acre plot of land with 1,000 physic nut seedlings. One villager quoted in the report remained highly sceptical towards the project: *"[The] castor oil plantation will take up all the time and there will be no time left for other work needed to be done for subsistence. Castor oil has to be planted alongside the road, where the authorities can see. Yet the fertility of the soil for the plantation has not been tested. The project will not succeed"*.¹²⁷

In the second week of May 2006, Tactical Operations Command (TOC) #1 commander Colonel Tin Hlah and TOC #2 Commander Colonel San Aung announced the SPDC's new plan to establish 'model villages' with jatropha plantations in each of Chin State's nine townships. One villager stated that *"It is uncertain when the plan will be executed. However, the [junta] will exploit the people again and they will be forced to implement the [junta's] proposals [projects]"*.

Unofficial reports speculated that there would be 12 such model villages, including:

1. Mindat;
2. Kanpetlet;
3. Paletwa;
4. Matupi;
5. Tiddim;
6. Tonzang;
7. Falam;
8. Haka;
9. Thantlang;
10. Rizua;
11. Cikha; and
12. Rih.¹²⁸

In May 2006, SPDC authorities confiscated 8 acres of farmland belonging to Reverend Khup Hlei Thang in Bomba village of Falam Township for jatropha plantation.¹²⁹

At an unspecified time in mid-2006 (possibly in April or May), Company Commander Captain Pyi Ngaing of IB #266 ordered all villages under his control in Thantlang Township to plant no less than 50 milk tins (9.7 kg / 21.5 lb) of physic nut seeds before the end of June 2006. According to the same report, U Uk Hlei, a local police officer and member of the Thantlang TPDC, ordered every household to plant an additional 1,000 plants as well as ordering every primary school in Thantlang Township to sow 4 kilograms (10 lb) of physic nut seeds across four acres.¹³⁰

In the second week of July 2006, approximately 80 acres of farmland was confiscated from Lungrang and Lungpi villages in Falam Township by the SPDC for cultivation as jatropha and tea plantations. On villager reported *"We are not sure whether to stay or migrate. We will not be able to survive without food if the authorities force us to stop farming. We might be forced to migrate"*.¹³¹

Kachin State

Two unnamed NLD members from Kachin State were arrested in January 2006 and detained for the next two months for allegedly criticizing the physic nut project.¹³²

According to a report released in July 2006, villagers in Bhamo Township were being forced to clear scrubland on the outskirts of Bhamo for the cultivation of physic nut. Each ward of Bhamo town was ordered by Major Hla Thaung to cultivate at least one acre of physic nut. Each household was forced to purchase an unspecified number of seedlings from the authorities for 800 kyat and anyone who refused to take part in the project was fined 3,000 kyat. It was announced that anyone who criticized the project would be arrested and prosecuted under Act 118 of the criminal code, though HRDU has not been able to establish which law (if any) this is a reference to. According to the report, the people of Bhamo

*"insisted that these government projects are economically unviable and that if the junta wants to help the people and itself, it should stop its authorities from meddling in their lives which the authorities neither understand nor try to understand".*¹³³

Karen State

On 19 January 2006, Yeh Htun, chairperson of the Kya In Seik Gyi TPDC, issued a written order document to all villages in the township stipulating that each and every farmer was obliged to plant 200 physic nut bushes each year for the next three years. The order read that villagers *"must plant 83 acres of castor in 2006, 166 acres in 2007, and 166 acres in 2008, totalling 415 acres over three years under our castor planting project"*. VPDC chairpersons were summoned to purchase their village's quota of 2 bowls (3.1 kg / 6.9 lb) of seed at the rate of 3,300-3,500 kyat per bowl. One village head reported that *"the villages around Kya In Seik Gyi have to set aside 1,200 acres to plant castor, and that the acreage must increase every year"*.¹³⁴

According to a report published in March 2006, the Pa'an TPDC even forced middle school (Grades 5-8) students to participate in the physic nut project during the year. It was said that the students were given an order (at an unspecified time in early 2006) to plant 200 physic nut plants each. Forcing students to perform forced labour deprives them of their right to education.¹³⁵

On 2 June 2006, the Kawkareik TPDC distributed a written order document to all villages in Kawkareik Township demanding no fewer than 30,000 physic nut bushes be planted *"as fencing"* during 2006, with a further 70,000 plants to be cultivated before the end of 2008. Presumably, the term *"fencing"* is used to dismiss complaints from villagers that planting physic nut will impinge upon land required for growing food crops. Twice in the order was the cultivation of physic nut referred to as a *"national duty"*, emulating the words used by Senior General Than Shwe in a speech to promote the project.¹³⁶

There were also reports from Kya In Seik Kyi Township of villagers being fined for damage sustained to physic nut plantations by grazing livestock. Major Htun Htun Oo of Light Infantry Division (LID) #88 planted 500 physic nut bushes near his camp adjacent to Paya Daw village and would fine villagers 7,000 kyat each time one of their cattle strayed into the unfenced plantation.¹³⁷

Magwe Division

On 8 March 2006, 30-year-old Yeh Aung from Pe Kone village in Myothit Township was arrested by SPDC authorities for criticizing the physic nut project. Yeh Aung was detained by township authorities after attempting to report the corruption of the Pe Kone VPDC chairperson to higher authorities.¹³⁸

Mon State

Beginning in May 2006, Mudon TPDC authorities and IB #61 have been forcing every household located along the Mudon-Moulmein motor road to buy 70 physic nut saplings for 350 kyat each. The saplings were to be planted flanking the road, in front of their homes, and around their fields. One villager complained that *"It is too much for us, we already work for them. I need to work for my family on a daily basis to earn enough for us to survive. Now, I*

can't do my own job for my family income". These orders were issued to the following villages on top of the numerous other demands that the villagers already faced:

1. Mudon, 200 households;
2. Ba-Yan village, 300 households;
3. Kwan-Tar village, 250 households;
4. Kaw-Ka-Pone village, 350 households;
5. Hmaine-Ka-Naine village, 200 households;
6. Myaing-gone village, 180 households;
7. Kway-Wan village, 350 households;
8. Naing-Pa-Raing village, 320 households;
9. Tha-Yar-Gone village, 180 households;
10. Kyone-Phite;
11. Kan-Ka-Lay;
12. Wet-tae;
13. Nyoung-Gone;
14. Naing-Hlone;
15. Set-twae;
16. Taw-Gu;
17. Thagon-Taing; and
18. Kamar-Wet.¹³⁹

In May 2006, villagers from Mudon and Thanbyuzayat Townships were ordered to cultivate physic nut in front of their homes. Villagers living along any of the main roads were ordered to plant between 5 and 7 plants or face arrest. The saplings had to be bought from the TPDC for between 150 and 250 kyat. Even homes that were located far from the road had to have physic nut planted in front of them. A number of rubber plantation owners from Kamar-Wet, Taw-Gu, Thagon-Taing and Naing Hlone villages in Mudon Township were ordered to sow one bowl (1.5 kg / 3.4 lb) of physic nut seeds, which they had to first purchase for 5,000 kyat.¹⁴⁰

It was reported in May 2006 that villagers from several villages in southern Mudon Township were forced to plant physic nut along the Rangoon-Tavoy motor road. Villagers who failed to work on the project were fined 300 kyat per household by the Mudon TPDC.¹⁴¹

On 16 October 2006, one villager from every household in Paing Ka Ma, Lat Tat and Kawloh villages in Mudon Township were forced by the Mudon TPDC to plant 4 rows of physic nut alongside the motor road. Those who did not show up were fined 500 kyat.¹⁴²

Shan State

On 6 November 2005, soldiers from IB #66 ordered several villages in Nam-Zarng Township to plant 600 physic nut bushes per household by 4 January 2006. The villages (and the number of household that comprise them) which received this order included:

1. Wan Pung village, 48 households;
2. Naa Lao village, 24 households;
3. Loi Yai village, 20 households;
4. Tai Kaao village, 30 households;
5. Pet Lak Ho Oo village, 20 households; and
6. Naa Khaa village, 21 households.¹⁴³

On 16 January 2006, every household in Muse received orders to assist in planting 1,200 physic nut seedlings in and around the town. According to Sai Aung Myo Hlaing, a resident of Muse, this was unusual as *"Previously they [SPDC] didn't call the people from wards [from urban areas], only the people from village tracts [from rural areas]. Now they [also] call the people from the wards as forced labour"*. The land that was to be cultivated was reported to have been confiscated from the farmers of Muse, Kyukok and Pangsai.¹⁴⁴

On 22 January 2006, IB #32 issued orders to villagers in Mawkmai Township stipulating that each household was obliged to grow no fewer than 1,000 physic nut plants alongside all of the main roads. At the same time, SPDC army soldiers began cutting down and uprooting physic nut plants that villagers from this area traditionally cultivated as hedge fences around their farms and homes. This was presumably done to force the villagers to buy new seedlings from the military. The Township Forestry Department was furthermore ordered to cultivate 3,000 acres of physic nut, prompting the department chairperson to resign from his position and enter the monkhood.¹⁴⁵

In January 2006, villagers living in the Wan Paang relocation site adjacent to Kunhing were ordered to cultivate physic nut around Kunhing and alongside the motor road as far as Ka Li village – a distance of approximately 8 kilometres (5 miles). The seedlings had to be purchased from local SPDC authorities for 45,000 kyat per truckload. Those who could afford it were able to bribe the SPDC army soldiers 5,000 kyat to avoid having to go for labour, although those in this group were few in number. Alternatively, some villagers hired others for 1,500 kyat per day to go in their place. No one was paid for their labour and each had to provide their own tools and food.¹⁴⁶

In January 2006, every household in Mong Pan Township was ordered by LIB #332 to grow 200 physic nut plants around their homes. As a result, Paw Thao Laek, a 76-year-old villager from Mong Pan, died while returning from collecting physic nut seedlings from a nearby abandoned village. It would seem that he died from exhaustion while helping his widowed granddaughter who was unable to do the labour herself as there was no one else left at home to look after her 3 young children.¹⁴⁷

In January 2006, villagers from Ho Nam village in Loilem Township were forced to grow physic nut along nearby roads and around their village. The villagers were forced to buy the seedlings from the local SPDC army battalion at the rate of 1,500 kyat for every 1,000 seedlings. The soldiers would inspect the plantations every 2-3 days and order the villagers to *"replant those that they said had not been properly planted ... [and] replace those that had died"* at their own expense. Every village in Loilem Township had received orders to cultivate at least 5 acres of physic nut. Anyone failing to comply with the orders was ordered to do 5 days forced labour for the military. Furthermore, soldiers from IB #12 confiscated farmland from local farmers and began to grow physic nut plantations of their own. However, it is quite unlikely that they tended to these fields themselves.¹⁴⁸

In February 2006, each of the 31 houses in Paang Ae village in Lai-Kha Township were ordered by LIB #515 to cultivate 60 physic nut plants along the shoulders of roads in the area. Villagers were fined 500 kyat for each plant that died, forcing many villagers to abandon their homes and move to other areas.¹⁴⁹

In February 2006, villagers from Wan Lao village in Kunhing Township were ordered to plant physic nut alongside the motor road from Wan Lao to Kunhing. Each of the 150 houses

from Wan Lao was ordered to plant 450 seedlings which had to first be bought from the SPDC at the rate of 200 kyat for 3 seedlings. Wan Lao villagers estimated that they were compelled to do forced labour for as many as 15 days each month.¹⁵⁰

In March 2006, 8 village tracts from southern and southeastern Kunhing Township were ordered to collectively cultivate approximately 8 square miles (13 km) of physic nut in 2 separate locations. One field, covering 3 square miles was to be built on the western side of the Nam Paang River, while the other, stretching over 5 square miles, was to be built on the eastern shore. The villagers were told by soldiers from IB #246 that they could find the required number of seeds and/or saplings themselves, or else buy them from the military at the rate of 150 kyat per plant or 1,500 kyat for every milk tin (195 grams / 6.9 oz) of seeds. The villagers were only given 2 months to plant the fields, but would then still be held accountable for their maintenance until such time as they become productive (approximately 3 years). The village tracts which were affected by this order included:

1. Kaeng Lom;
2. Kaeng Kham;
3. Wan Lao;
4. Ho Yaan;
5. Saai Murng;
6. Wan Tong;
7. Wan Phaai; and
8. Waeng Phui.¹⁵¹

On 10 May 2006, SPDC army soldiers from IB #246 confiscated 25 rice fields, each covering 2-4 acres, in Kunhing Township, Shan State for use in the physic nut development project. To add insult to injury, the villagers were later ordered to buy two bowls of physic nut seeds per family at the rate of 4,500 kyat per bowl.¹⁵²

Beginning in May 2006, farmers in Keng Tung Township have been forced to buy physic nut saplings from the TPDC and plant them as fencing around their hill fields. Village heads were summoned to a meeting on 1 May 2006 where there were told that all hill farmers were under orders to plant no fewer than 450 physic nut bushes around their fields, regardless of where they were located. The saplings had to be bought from the military for 120 kyat per plant. Any plants that were acquired from sources other than the military were not counted towards the quota. All 450 plants had to be purchased from the military. Any farmers that did not comply and plant the appointed quota of bushes had their fields confiscated.¹⁵³

5.4 Situation of Labour in Burma

The conditions of labour in Burma remained poor throughout 2006. Despite the existence of various laws that supposedly protect the rights of workers, employees still found themselves subjected to inadequate pay and exploitation, and with little recourse to complaint. The 1964 Law on Fundamental Workers Rights and the 1951 Factories Act are two of the most important laws regulating the conditions of labour in Burma. These laws, however, are generally only enforced on behalf of those employed by the regime, and even then only rarely. The vast majority of the population (approximately 70 percent) is employed in rural agriculture, and as such scarcely experience these laws upheld. According to the laws, it is prescribed that workers in the public sector should work a 35-hour, five-day working week and a six-day, 44-hour workweek for those in the private sector. Everyone, regardless of which sector they work in, is entitled to payment for overtime beyond these hours. Workers are also entitled to no less than a 24-hour period of rest each week and a minimum of 21 paid days of leave per year. Although in reality, few, if any of these rights are ever provided for. Similarly, there are occupational health and safety (OH&S) regulations in place, but the regime has never provided sufficient resources to meet these needs. Besides, few workers would complain about working conditions, knowing that they would likely lose their job in doing so.

With the exception of junta employees and those engaged in a handful of traditional industries, the vast majority of Burma's labour force is not covered by minimum wage provisions. Employees therefore often find themselves the victims of exploitation and are paid salaries that are largely insufficient to meet their basic living costs.

Prior to April 2006, when the junta awarded a 500-1,000 percent salary increase to the nation's estimated one million civil servants, the minimum daily wage for a low ranking public servant was 100 kyat per day. Civil servants enjoyed various subsidies and additional allowances, although many of these were abolished with the salary hike. Even in the presence of these subsidies, the vast majority of civil servants could not earn wages sufficient to provide themselves or their families with a decent standard of living. As a result, widespread corruption and absenteeism has been reported in the public sector. (For more information, see the section on Inflation above). Meanwhile, textile factory workers in the private sector can earn between 500 and 1,000 kyat, working up to 17 hours per day, while rural farmers in ethnic areas make approximately 300 kyat per day.¹⁵⁴

The minimum legal age for the employment of children is 13; however this law is rarely enforced. Children in urban centres are commonly employed in the informal sector in food preparation, street vending, garbage collection and light manufacturing.¹⁵⁵ In rural areas, children must often work in their family's agricultural plots, assisting their parents and older siblings to bring in the harvest.

The 1926 Trade Unions Act stipulates that trade unions can only be formed following the approval of the junta, which of course is never granted. The few trade union movements that have emerged over the years have been outlawed and labelled as "*terrorist organizations*" by the regime. With trade unions criminalized, workers are unable to strike or organize and bargain collectively for better working conditions. (For more information, see Chapter 11: Freedom of Opinion, Expression and the Press).

Existing labour laws give employers the right to summarily dismiss any worker without prior notice. Whenever this occurs the 1923 Labour Compensation Act requires that the terminated employee receive due compensation. However, the Act, having never been amended to account for inflation excludes all workers earning over 400 kyat per month, which in effect constitutes the entire labour force.



Internally displaced Karen villagers from Nyaunglebin District returning from collecting some of their rice from hidden storage barns in the forest. This photo shows the KNLA escort (right) who accompanied the villagers because of the high level of SPDC army presence still in the area.
[Photo: KHRG]

5.5 Other Factors Contributing to the Deprivation of Livelihood

The people of Burma are subject to an extensive array of demands for money, food, supplies, and labour. Civil and military authorities continue to issue these demands to villagers and townsfolk with alarming frequency. In areas of armed conflict, some villages must meet daily demands from numerous different sources. Such demands are designed to deprive people of what little time and money they have.

Official figures for the 2005-2006 fiscal year maintain that the education and healthcare sectors were allocated 8.9 and 3.3 percent of Burma's national budget, respectively. However, most independent and international observers view these figures with some scepticism, believing these amounts to, in fact, be much lower. Meanwhile, the SPDC claims that military expenditures accounted for only 24 percent of Burma's national budget during the 2005-06 fiscal year; although this statistic appears to be highly conservative, with most observers estimating the defence budget to be closer to 50 percent.¹⁵⁶ Yet, despite such a high allocation for the military budget, the armed forces do not receive sufficient funding and the civilian population is typically expected to make up for the shortfall.

Villagers have faced considerable burden since 1988 when the SPDC initiated the "Self-Reliance Program", requiring SPDC army battalions and local-level civil authorities to obtain their own supplies and funding from local communities. Villagers in areas of armed conflict are fully expected to support locally-based SPDC army battalions. They are ordered to perform forced labour building and maintaining army camps, while supplying all necessary materials and using their own tools. No compensation is given for this work and they must even provide their own food. Villagers are also forced to give money, food and whatever other items military personnel demand from them. Furthermore, tens of thousands of acres of land have been confiscated from local communities without compensation. The Self-Reliance Program permits SPDC army soldiers and officials to make regular demands of villagers with impunity.

The junta has prided itself on its national infrastructure and development projects such as the building of roads, bridges, schools, and medical facilities. The SPDC maintains that these projects will benefit all and transform Burma into a "*modern developed nation*" in which the people will thrive and prosper. However, these projects are implemented at the expense and detriment of the people of Burma. The junta claims that these projects are being carried out for the benefit of the people, though in reality they serve the military far more than they do the local communities. The projects are almost invariably under-funded and the local people are often called upon to not only contribute funds and materials, but also their uncompensated labour towards the projects.

Forced Labour

Forced labour is arguably the most pervasive of all human rights violations being perpetrated in Burma today. It is not only the incidence at which forced labour is utilized, but also the way in which forced labour impacts upon every aspect of the lives of the people of Burma. Essentially, any time spent performing forced labour for the military leaves less time available to spend tending to livelihoods. The labour is almost never paid, and on those few occasions when it is, that which is paid is negligible. Furthermore, those performing it must

supply their own food, tools, and all necessary building materials. (For more information, see Chapter 1: Forced Labour and Forced Conscription).

Villagers and townsfolk are consistently ordered to pay the military an intricate system of fees and taxes under the ruse that this money will then be given to those performing labour for the military, which of course it never is, and ultimately amounts to being little more than simple extortion. (For more information, see the following section on Fees, Taxes and Extortion). Furthermore, those performing forced labour are habitually beaten, verbally abused, tortured and on occasion even summarily executed should they displease the soldiers that they are working for. In areas of ethnic conflict, where the use of forced labour is ubiquitous, the risk of encountering landmines increases exponentially as villagers are ordered to perform labour in areas suffering heavily from landmine contamination. (For more information, see Chapter 16: Landmines).

Despite the regime's insistence that forced labour is no longer exercised in Burma and the introduction of Order #1/99 and its supplemental orders banning the practice, incidences of forced labour being used throughout the country continued to be documented during 2006.

Fees, Taxes and Extortion

The people of Burma are being driven deeper and deeper into poverty by an extensive system of officially sanctioned fees and taxes as well as unofficial or arbitrary demands for money and goods. An endless array of fees exists that obliges the civilian population to pay for everything from road construction supplies to state-sponsored sport ceremonies. The constant demands are seriously threatening people's ability to provide for their families as much of their income ends up lining the pockets of corrupt officials and military personnel. Many villagers are unable to meet the regular demands and, as a result, are often forced to flee their homes to avoid punishment by the authorities.

The SPDC also often extorts money from villagers and townsfolk to cover the costs of regime-sponsored ceremonies and festivals. These can include religious and sporting festivals as well as anti-opposition rallies or pro-SPDC ceremonies, all of which are designed to ostensibly show the nation's overwhelming support of the military regime. The SPDC rarely provides enough money, if any, toward the costs and the people are expected to make up for any shortfalls. Many of these SPDC-sponsored festivals and ceremonies have been cunningly scheduled to coincide with other important events such as harvests or religious and cultural festivals which the people must forego to attend the pro-SPDC events.

Forced Labour Fees

A common practice, particularly in conflict areas, is for the villagers to pay compulsory "porter fees" to the local SPDC army battalion or any of their allied ceasefire groups. These fees are extorted from the villagers under the pretext that they are then to be given to villagers who are performing forced labour for the military. (For more information, see Chapter 1: Forced Labour and Forced Conscription). This, however, rarely happens and the money typically ends up in the pockets of the corrupt local commanding officers. The amounts demanded are set by each different officer and can vary widely from a few hundred to several thousand kyat per household per month. Despite the payment of these fees, the villagers are still ordered to do forced labour for the SPDC. Numerous other forced labour fees also exist for each of the various forms of forced labour that villagers are forced to do, including *set tha*

(“messenger”) fees, *wontan* (“servant”) fees, and *loh ah pay* (“voluntary labour”) fees. Many villages located close to more than one army camp are regularly ordered to pay a range of these fees, often in combination, to each of the nearby camps.

Arbitrary Fees, Fines and Taxes

Many SPDC army officers stationed in areas of ethnic conflict, as well as officials in central Burma, exploit their positions to advance their own personal wealth by extorting vast sums of money from local villagers with impunity. There have been repeated cases of officers who have become quite rich during their postings around the country. In addition to the range of “official” taxes, fees, and fines that civilians are subject to, they must also pay several “unofficial” or arbitrary levies. Villagers are often required to cover the cost for the construction of army camps and buildings, or at least supply the necessary materials. In such instances, the amounts demanded often far exceed that which is required to meet the costs of the building materials. Often some sort of feeble explanation is given regarding what the money is to be used for, although those paying it have few delusions and know that few, if any, of these are true. In some instances, no explanation is given whatsoever, and people are only told how much they must give.

Moreover, villagers in conflict areas are also forced to compensate the military for the cost of weapons and equipment lost whenever soldiers desert from the SPDC army. Furthermore, there have been documented cases of villages in areas of ethnic conflict who have been fined for destruction of military property when one of them was killed after stepping on an SPDC landmine.

Arbitrary Fees, Fines and Taxes – partial list of incidents for 2006

Arakan State

On 1 January 2006, 50-year-old Mohammad Kobir from Kyingthama Palley Daung village in Buthidaung Township was detained by the NaSaKa after his daughter married without official permission. Both the bride’s and the bridegroom’s parents had applied for the marriage permit, yet were met with an “*unbearable delay*” in having it awarded. Unable to wait any longer, the young couple went ahead and married without the necessary permits and ultimately had to flee the country to avoid arrest. Mohammad Kobir then had to pay a “fine” of 300,000 kyat to settle the matter.¹⁵⁷

In what the *Kaladan News* described as “[c]ontinuing with their favourite pastime of making a quick buck, police officers of Buthidaung Township are extorting money from villagers in Arakan State”, on 10 February 2006, police officers from Buthidaung arrested seven Rohingya villagers for the crime of having “*relatives in foreign countries*”. Relatives of the seven men had to pay fines of 30,000 to 40,000 kyat each for their release. Those arrested included:

1. Moulvi Baser, 50;
2. Moulvi Noor Alam, 35;
3. Baser Ahamed, 48;
4. Ulla Meah, 65;
5. Aul Kalam;
6. Moulvi Nozir, 65; and
7. Azi Rahman, 60.¹⁵⁸

On 15 May 2006, SPDC authorities began extorting money from Rohingya households in Myint Hlut village tract in Maungdaw Township who had family members abroad. The SaRaPa (military intelligence) claimed that it had learned of approximately 200 Rohingya who had gone to Malaysia to find work so they could support their families back home. Each family suspected of being in this situation was forced to pay demands of between 50,000 and 200,000 kyat for each family member abroad.¹⁵⁹

On 1 July 2006, 5 Rohingya villagers from Aley Chaung village tract in Buthidaung Township were summoned to the NaSaKa camp in Buthidaung and ordered to each provide one cow and 1,000 kyat. They were not told why they had to provide these to the NaSaKa; only that they were required to produce the requested items by the following day. The five villagers were:

1. Ali Ullah, male, 35;
2. Nazu Meah, male, 25;
3. Kafiya Ullah, male, 45;
4. Amin Ullah, male, 27; and
5. Nur Zahan, female, 22.¹⁶⁰

On 3 July 2006, 35-year-old Rohingya Ruhul Amin of Aggri village in Rathedaung Township was arrested by the NaSaKa after learning that he had just returned from working in Malaysia for the past four years. He was detained in a nearby NaSaKa camp and was only released after handing over 300,000 kyat to one of the officers.¹⁶¹

On 1 August 2006, 24-year-old Rohingya doctor Mohammed Salim was arrested by the NaSaKa for privately treating patients in his village in Phar Wup Chaung village tract in Maungdaw Township. Shortly after arriving home from treating the patient, he was arrested by the NaSaKa, detained in their camp, and tortured. He was only released after paying the soldiers a “fine” of 70,000 kyat.¹⁶²

On 15 August, 27-year-old Kala Meah of Prine Daw village in Rathedaung Township was fined 50,000 kyat by the NaSaKa for going to Bangladesh to seek medical treatment. Doctors in Rathedaung hospital were unable to treat his ulcers and referred him for treatment in Maungdaw, however, he was not able to be treated there either. He then went to Bangladesh where he received treatment in a medical college in Chittagong. He was apprehended the day after he had returned home.¹⁶³

On 11 September 2006, the NaSaKa began extorting money from local villages to fund the renovation of a primary school in Myint Hlut village of Maungdaw Township. According to local villagers, the authorities had been collecting between 1,500 and 2,000 kyat from each household though the report did not state which villages had been forced to pay. *“If they collect the money as scheduled, they will accumulate a huge amount. Will all the money be spent for the renovation of the school?”*, said one villager who said that he expected much of the money to be retained by the commanding officers. Another individual from a nearby village stated on condition of anonymity that *“The [NaSaKa’s] main goal is to extract money from the villagers of Maungdaw and Buthidaung by coming up with pretexts such as development work for the villagers”*.¹⁶⁴

At around 10:00 pm on 12 October 2006, a group of Rohingya men were talking and drinking tea in a private home in Tin May village, Buthidaung Township when a NaSaKa patrol overheard them and arrested them for gossiping. The men: Zaffar Ahamed, 40, Rahman, 32,

and Zakir Ahamed, 55 were accused of discussing “*anti-government matters*” and were “*severely beaten up in front of their family members*”. The men’s families intervened and agreed to pay a bribe of 50,000 kyat for their release. One of the villagers who had witnessed the incident said:

*“We have to do forced [labour], we are socially discriminated against, arbitrarily arrested and tortured. Money is extorted from us on false cases and our movement is restricted. Our sons and daughters are banned from marrying, our young generation is deprived of education, our land is confiscated, new Buddhist settlers are invited to Arakan to settle, our economy is crippled on a daily basis and we are politically and religiously oppressed. In such a situation, how Rohingyas will survive in Arakan is a big question?”*¹⁶⁵

On 20 October 2006, 50-year-old Rohingya Mubarak Ali of Tin May village in Buthidaung Township was fined by the NaSaKa for going to Bangladesh to seek medical treatment without official permission. Mubarak Ali had long suffered from Tuberculosis (TB) and wished to travel to Bangladesh where he could be treated, yet in spite of this, he was refused permission to travel. Then, on 15 November 2006, he went anyway and was arrested upon his return five days later and fined 50,000 kyat for travelling without permission.¹⁶⁶

On 15 November 2006, Habibur Rahaman and Hafiz Ullah, both 25-year-old Rohingyas from Maungdaw, were arrested by the NaSaKa for possessing Bangladeshi mobile phones. Habibur Rahaman was held for 4 days, while Hafiz Ullah was detained for one week. Both men were released only after they each paid a bribe of 35,000 kyat.¹⁶⁷

On 20 November 2006, 55-year-old Ramzan Ali, a Rohingya living in Akyab, was arrested by the NaSaKa for having “*the temerity to change a few poles and fences of his house without seeking permission from the authorities*”. The NaSaKa have declared it illegal for anyone to renovate their homes without first receiving permission, though this law appears to only be upheld when the transgressor is a Rohingya. Ramzan Ali was detained for 2 days and fined 250,000 kyat before being released.¹⁶⁸

Chin State

In the first week of January 2006, Major Myo Naing Oo of LIB #266 based in Lungler village demanded 1,200 kyat from every household from the 24 villages surrounding his camp. The funds were claimed to be used for the maintenance of the SPDC army camp, although much of the money ended up in Major Myo Naing Oo’s pockets. “*The army forces us to pay for the construction of their camp every year, and the amount would be around 1,000,000 kyat every year. The camp is constructed and renovated but not all the money is used. The surplus money collected from the people will go in to the pocket of the camp commander*”, said the village head from one of the villages in the area. The 24 villages that were issued this order included:

1. Tlanglo village;
2. Tlangpi village;
3. Farawn village;
4. Lungding village;
5. Vanzang village;
6. Sopum village;
7. Thangzang village;

8. Sihmuh village;
9. Bungtlang village;
10. Bungkhua village;
11. Lungler village;
12. Ralpel village;
13. Dawn village;
14. Zangtlang village;
15. Fungkah village;
16. Ruabuk village;
17. Ruakhua village;
18. Saikah village;
19. Hmunlipi village;
20. Hriangkhan village;
21. Thau village;
22. Tikir – A village;
23. Tikir – B village;
24. Banawhtlang village; and
25. Hmunhlah village.¹⁶⁹

In March 2006, members of the Chin youth organization, Mara Thyutliapy (MTP), approached Tactical Operations Commander Colonel San Aung of Tactical Operations Command (TOC) #2 seeking permission to host their annual youth conference on 8 April 2006, though their request was met with a demand for 3 million kyat which was to be paid before permission would be granted.¹⁷⁰

The “*Tazaungdaing*” festival marking the Buddha’s birthday was celebrated on 4 April 2006 in Christian-dominated Matupi, the Chin State capital. The festivities, however, were marred not only by the imposition of a Buddhist celebration in a predominantly Christian area, but also by the fact that all civil officials and “*government*” employees were forced to pay 2,000 kyat towards the festival, regardless of whether they were Buddhist or not.¹⁷¹

On 1 May 2006, Sergeant Soe Myint of LIB #140 shot and killed Chin villager Ma Heih’s pig and then had the audacity to charge her 5,000 kyat for the bullet. The sergeant then demanded that Ma Heih carry half of the carcass to his camp.¹⁷²

On 29 October 2006, Tactical Operations Commander Colonel San Aung hosted a volleyball tournament, demanding that each household in Matupi Township contribute 300 kyat towards the expense.¹⁷³

On 14 November 2006, the NaSaKa arrested Salay Ahmed of Zinbow Nyar village tract in Maungdaw Township following information that he was using a Bangladeshi mobile phone in spite of the fact that the NaSaKa had outlawed their use. He was then detained at the NaSaKa camp for three days and only released on 17 November after payment of a 1,000,000 kyat bribe.¹⁷⁴

It was reported in November 2006 that U Zaw Win Hte, chairperson of the Falam Township TPDC, demanded each of the approximately 5,000 households in Falam Township to pay 100 kyat towards a “*general fund*”. Those living in the larger urban centres such as Falam town were exempt from paying, presumably so this extortion can be conducted without the knowledge of higher authorities. Some widows and others without steady sources of income

were forced to sell their domestic animals so they could pay the demands. No reports have emerged how this money was spent, though one villager who spoke on condition of anonymity claimed that “[a]ll the money collected from the people seems to go into their pockets. No work has been done for us with the money collected. Every year they collect funds in this manner. The money is sure to be spent in their business ventures”.¹⁷⁵

Irrawaddy Division

In September 2006, it was reported that Myo Lwin, the supervising officer of the Wakhema Township fire brigade had been extorting money from local residents. It was reported that he had been extorting 1,000 kyat from every household under the guise of “fire safety”. Furthermore, Myo Lwin had imposed unofficial laws dictating that all cooking fires must be extinguished after cooking meals, or else face a fine of 2,000 kyat. According to one local housewife, “We have to extinguish fire from 5am to 11am. In the evening, from 5pm to 8pm. If guests come to our house we dare not cook rice and curry for them. ... If caught, you are taken to the fire brigade office and fined 2,000 [kyat]. If you are caught cooking rice and curry, you have to pay 2,000 [kyat] to fire fighters. As we are day labourers, we can’t afford to pay 2,000 [kyat]”.¹⁷⁶

Kachin State

It was reported that in the end of July 2006, SPDC authorities had extorted 500 million kyat from villagers in “Man-Maw” (Momaik) Township in southern Kachin State for the ongoing construction of the new capital in Naypyidaw. According to the report, every household in the township was forced to contribute, although the amount demanded from each home was not known at the time of the report.¹⁷⁷



The remains of Htee Hsa Per village in Toungoo District, Karen State. SPDC forces set fire to 16 homes in Htee Hsa Per village on 16-17 December 2006. The residents of the village had already fled into the surrounding hills by the time the soldiers had arrived. [Photo: KHRG]

Karen State

On 9 July 2006, the LID #66 division commander demanded 30 viss of pork, 3 sets of monk's robes and various other goods worth 500,000 from Kler Lah villagers in Toungoo District for a festival celebration at the Bawgali Gyi army camp.¹⁷⁸

On 25 August 2006, LIB #351 Company Commander Yeh Win arrested a Taw Koh villager on charges of having contact with the resistance after discovering two disposable alkaline batteries in his hut. The possession of batteries is prohibited in many parts of Karen State for fear that the villagers will give the batteries to members of the KNLA who may use them in their walkie-talkies or homemade landmines. The villager was fined 30,000 kyat before being released. Had the soldiers actually believed that the villager was a member of the KNLA they simply would have executed him rather than letting him go after paying a bribe. Arrest and extortion under the pretext of helping the resistance is common.¹⁷⁹

On 9 September 2006, LIB #351 Battalion Commander Than Tate demanded 23,000 kyat from fish farmers in Hteh Htoo village, Nyaunglebin District. He said that the villagers would have to purchase a travel pass for 20,000 kyat to be allowed to leave the village to tend to their fish. Furthermore, they had to pay an additional fee of 3,000 kyat that would permit them to sleep in their field huts and remain away from the village for up to five days.¹⁸⁰

On 11 September 2006, the Operations Commander based in Kyauk Kyi summoned all fishermen to a meeting where he demanded all those with fish farms to pay 100,000 kyat for each pond that they owned. There are 23 fish farms in the area so the villagers were forced to pay a total of 2,300,000 kyat to the commander.¹⁸¹

Mon State

In February 2006, SPDC authorities demanded money from Ham-Gam village in southern Mon State to cover the costs of a flood mitigation project. Each household was ordered to pay 30,000 kyat towards widening and deepening a nearby stream to prevent it from flooding during the rainy season. The money was reported to 'hire' an SPDC bulldozer and pay for its fuel, though according to a local villager, *"only the richer households [could] afford to pay the hefty sum of thirty thousand [kyat], while the poorer ones [paid] three thousands [kyat]"*. According to the report, the 45-odd members of the SPDC-affiliated USDA, *"Women Affairs Committee"* (MWAFF or MMCWA), and SPDC-appointed schoolteachers were exempt from paying, while the village-appointed teachers who receive salaries of only 5,000 kyat per month were forced to pay. The widening of the stream ate into a number of farmlands along the banks of the stream, although the 3 villagers who were affected were not compensated. Ham-Gam village is comprised of approximately 3,000 households; though official household lists only record 2,000 houses – allowing the local SPDC army officers to pocket the money extorted from the 1,000 additional undeclared households after paying his superiors.¹⁸²

Following an explosion on the gas pipeline cutting across southern Mudon Township on 1 February 2006, several villages in the local area were ordered to pay huge monthly *"security fees"* to SPDC army officers. The demands ranged from 50,000 and 100,000 kyat, depending on the size of the village.¹⁸³

In April 2006, the Independent Mon News Agency (IMNA) reported that SPDC army soldiers operating under Southeast Command had recently started to extort up to 100,000 kyat from ferryboat operators each time that they crossed under the Thanlwin Bridge stretching from Moulmein to Muttama.¹⁸⁴

Starting on 12 May 2006, each of the 2,500 households in Kyaik Kha Mi village in Thanbyuzayat Township were ordered to hand over 1,500 kyat for the purpose of upgrading roads in the area.¹⁸⁵

It was reported that in June 2006, the Kyaik Mayaw TPDC declared that they would install 15 computers in a unspecified high school in the township and that they would need a sum of six million kyat to accomplish this. The township authorities then proceeded to demand between 5,000 and 7,000 kyat from all of the approximately 2,000 households with students. By the third week of June, the TPDC had already extorted ten million kyat from the villagers.¹⁸⁶

On 15 August 2006, 119 different businessmen from Three Pagodas Pass were summoned to a meeting with the TPDC where they were told that they had to contribute 140,000 Thai baht between them. The more affluent business owners were ordered to pay 4,000 baht each, while furniture factory owners and the owners of weaving businesses had to pay 2,000 baht and 500 baht respectively. The money was said to be used towards the construction of a new artillery battalion camp at nearby Naga Taung on the Thai-Burma border. The businessmen were only given 4 days in which to pay the demands.¹⁸⁷

It was reported in August 2006 that SPDC authorities have begun to fine Mon youths for adhering to their traditions of preparing food for the elderly each week. Under the tradition, the youths cook and donate food for elderly members of their community adhering to the Buddhist precepts each week on the Sabbath during the period of Buddhist Lent. However, members of the VPDC in Nyaung Gone village have started collecting 'taxes' of 1,000 kyat from these groups of youths as they are gathered and prepare the food. Failure to pay the demands attracts a 4,000 kyat fine. Either way, the youths are forced to pay.¹⁸⁸

During September 2006, TPDC authorities forcibly collected 1,000 kyat from each household in La-mine Township for the La-mine Township Administrative Championship (LTAC) football game. The 11 Mon villages comprising the township were each required to pay 80,000 kyat, while the 5 smaller Karen villages were each ordered to pay 40,000 kyat. Ta Mok Nin, one of the Mon villages, refused to field a team and thus was fined 300,000 kyat.¹⁸⁹

It was reported in September 2006 that Min Tha, the deputy director of Customs Department, for La-mine sub-Township has begun ordering small businesses which own computers to pay an additional tax to register the fact. According to one businessman, who said on condition of anonymity, *"I just own a computer, printer, and a scanner. I have to pay 60,000 [kyat] for this year but next year I have to pay 30,000 kyat as an additional rate. ... I earn less than 10,000 kyat a month and this amount of tax will affect me badly"*.¹⁹⁰

In September 2006, villagers from Mudon Township were ordered to provide the names of family members working in Thailand, along with how much each of them earned. It was believed that upon returning from Thailand, they would be forced to pay tax to the SPDC. The villagers were also ordered to pay 200 kyat for each name that they provided to the

VPDC. The villagers were warned that anyone returning from Thailand whose name was not on the lists would be arrested.¹⁹¹

It was reported in mid-December 2006 that every household from 7 villages in Kawkareik Township were forced to pay 3,500 kyat towards the inauguration of a new high school. According to Nai Mon, a local member of the Mon Literature and Culture Committee (MLCC), *“There are over 2,000 households and each household had to pay Kyat 3,500 Kyats for the high school inaugural ceremony”*. The affected villages included:

1. Kanni;
2. Koh Kyaik;
3. Koh Layan;
4. Koh Phaik;
5. Koh Kar;
6. Ywear Kalay; and
7. Tadar Oo.¹⁹²

Rangoon Division

In August 2006, it was reported that restaurant owners in Rangoon were ordered to collect an additional ten percent tax on food from their customers. Restaurant owners, however, reported that customers had refused to pay the new tax.¹⁹³

Shan State

On an unspecified date in early 2006, 21-year-old Zaa Pan from Keng Tung was stopped by two traffic policemen at an intersection as he was riding his motorcycle to the local market. Unable to find any problem with the bike, or with Zaa Pan's license or driving, the officers demanded 3,000 kyat for failing to “look to his left and right before he turned at the junction which was a breach of the traffic law”. While Zaa Pan was arguing his innocence, an SPDC army soldier who was not even wearing a helmet turned the same intersection without indicating or even looking. When he questioned the policemen why they had not stopped the soldier, asking, *“Why didn't you stop that man and fine him like me. He just did and I did, but he didn't even care to look left and right?”*, he was simply told to shut up and mind his own business.¹⁹⁴

In early 2006, farmers in Wan Kha village tract in Kyawk-Me Township were ordered by LIB #502 to pay levies for growing crops on their own land. Rice farmers were obliged to pay 5,000 kyat for every two baskets (50 kg / 110 lb) of seed sown. The farmers were told that failure to pay the tax would result in confiscation of their farmland.¹⁹⁵

In April 2006, villagers from Pung Pa Khem village, Murng-Ton Township living in newly constructed homes were ordered to pay a ‘new house’ tax by soldiers from LIB #528. Each of the 36 bamboo homes built since the beginning of 2006 had to pay 10,000 kyat, while the 15 two-storey concrete and/or timber houses were forced to pay 50,000 kyat each.¹⁹⁶

On 1 May 2006, LIB #332 issued an order to all 150-odd households in the “new town” quarter of Murng-Pan to contribute 1,000 kyat per month towards the peoples’ militia force. Murng-Pan reportedly hosts a peoples’ militia of approximately 70 villagers who must accompany SPDC army soldiers on patrol as well as guarding a nearby pagoda.¹⁹⁷

In late-May 2006, every household in Keng Tung Township was forced to pay 400-500 kyat to cover the costs of making copies of videos of a drug-burning ceremony held on 25 May 2006. A total of 15 videos were produced, at the stated cost of 1.3 million kyat each, and were to be distributed to “*foreign dignitaries*” and journalists who had attended the ceremony. However, it was reported that only six of the videos were distributed, while the others sat in the township office collecting dust.¹⁹⁸

At the end of July 2006, SPDC authorities extorted large sums of money from Muse and Nam-Kham Townships in northern Shan State to contribute to the building costs of the construction of the new capital at Naypyidaw. Other townships were also claimed to also have suffered from extortion but the amounts demanded from them were not disclosed. The amounts reported are as follows:

Muse Township, 550 million kyat; and
Nam-Kham Township, 275 million kyat.¹⁹⁹

It was reported In October 2006 that SPDC officials at airports in Shan State had been extorting up to 3,000 kyat from every passenger who wished to fly. Those passengers who did bring additional money to pay the extortion were refused permission to board, had their tickets taken away from them and were instructed to catch the next flight, which depending on the location, could be several days away.²⁰⁰

Taxes for Development Projects

Concerned with enhancing its international image, the junta has attempted to show the world all the ways that it is developing the nation and improving the living conditions of its population. The regime has thus initiated many national infrastructure and development projects which they tout to the international media as proof of not only the good work they are doing but also their inherent benevolent nature. These have included the construction of new roads and bridges, schools and medical facilities, dams, and various agricultural projects. (For more information on the SPDC’s latest agricultural project, see Section 5.3: Physic Nut Agricultural Development Project). However, Burma’s social, education and healthcare sectors remain seriously neglected by the SPDC and suffer from an acute shortage of funding. Consequently, local people are commonly ordered to pay for the costs of many of these development projects as well as then being forced to provide their unpaid labour for the projects. (For more information, see Chapter 1: Forced Labour and Forced Conscription). Though the SPDC invariably takes credit for the various national infrastructure and development projects, it is the local people who are most often responsible for the financing and construction of such projects. Funding provided by the SPDC towards such projects is typically either grossly insufficient or misappropriated by corrupt SPDC army officers and officials, and villagers are then ordered to provide the money and supplies necessary to complete the projects. It is therefore quite difficult to believe the SPDC when they claim that their development projects are being undertaken for the sole benefit of the civilian population when so many of them involve extortion from the local populations that they are claimed to be for the benefit of.

Checkpoints

Travel in Burma involves negotiating passage through a series of checkpoints manned by the SPDC and several of their allied ceasefire groups. Passage through a checkpoint is typically only secured after payment of a toll or fee, the amount of which varies from checkpoint to checkpoint and is set by those manning it (or by their commanding officers). Most towns and larger villages have permanent checkpoints stationed at all points of access and egress. Similarly, in many areas of armed conflict, villages are enclosed within fences leaving only one or two gates through which villagers may pass, each of which is monitored by a checkpoint. Many roads are also dotted with successions of checkpoints. In some areas, civilians must negotiate at least a dozen such checkpoints, each of which exacts their toll of cash or goods from the travellers. (For more information, see Chapter 12: Freedom of Assembly, Association and Movement and the subsequent section on Restrictions on Trade, Travel and Cultivation).

Checkpoints – partial list of incidents for 2006

Arakan State

On 3 April 2006, SPDC army soldier manning “Army Outpost 18” on the outskirts of Maungdaw arrested and detained three Rohingya from Nanragoon village in Buthidaung Township as they returned from working Maungdaw Township. The three young men: Mohamed Salim, 18; Shamsul Alam, 19; and Zani Alam, 19; had acquired travel permits allowing them to travel to Maungdaw Township for work for a period of no longer than two months. Just prior to the expiry of their permits, the men returned home and were searched on reaching Army Outpost 18 where the soldiers discovered 50,000 kyat on Mohamed Salim, 60,000 kyat on Shamsul Alam and 40,000 kyat on Zani Alam. The money was confiscated and their travel permits destroyed. Two days later the three men stood trial in Maungdaw for travelling without permits and were each sentenced to three years imprisonment. Army Outpost 18 has become locally infamous for misappropriating money and goods from Rohingya. It has been reported that the soldiers also bother to stop Rohingya and allow all others to pass freely without harassment.²⁰¹

It was reported in June 2006 that Sergeant Aung Myo Lwin, an SPDC army intelligence officer based at the Maungdaw checkpoint has been extorting 5,000 kyat from each passenger before permitting them passage onwards to Bangladesh. Previously, travellers would pay a 300-500 kyat ‘toll’ at the checkpoint or up to 1,000 kyat if they were transporting goods. The tariff increased only after Aung Myo Lwin arrived, who is believed to be pocketing the money for himself.²⁰²

Karen State

In the beginning of October 2006, SPDC authorities manning the checkpoint at the Myawaddy-Mae Sot checkpoint were issued with computers, prompting the toll for those wishing to cross into Thailand to take a ten-fold leap. Previously, Burmese travellers were only charged 100 kyat at the checkpoint to go to Thailand, but since the introduction of the computers, the tariff has increased to 1,000 kyat.²⁰³

Mon State

It was reported in December 2006 that the new road linking the border town of Three Pagoda Pass with Mon State has no less than 28 checkpoints established along its 60 mile (96 km) length, despite the fact that the road has not even officially opened yet. It was reported that all armed groups operating in the area, including the SPDC, DKBA, Karen Peace Force (KPF), New Mon State Party (NMSP), and KNU all man checkpoints along the road's length. (For more information on each of these groups, see Chapter 8: Ethnic Minority Rights). Buses that ply the route are easy targets and, according to one driver, must pay at least 15,000 kyat at each of the checkpoints. During 2006, six new checkpoints were reported as having been built on the road; three of which are manned by SPDC army soldiers and three occupied by KPF soldiers. As a result of the proliferation of more checkpoints, and thus greater cost to the driver, the bus fare has increased by more than 5,000 kyat in the past year to 35,000 kyat for the journey.²⁰⁴



Photo taken in April 2006 inside of the remains of what was once a Karen villager's home. SPDC army soldiers have systematically targeted civilian villages in for destruction throughout 2006. Clearly visible is the salt container spilt by the soldiers and sheets of split bamboo which would once have been wall panels. [Photo: FBR]

Looting and Expropriation of Food and Possessions

In 1998, the SPDC launched its Self-Reliance Program, in which rations distributed to battalions in the field were drastically cut. It was announced that frontline SPDC army units would have to "live off the land" and acquire rations by their own means from local communities. This, quite obviously, resulted in a sharp increase in looting and the expropriation of food and possessions from local communities. In much the same way as all other abuses they are subjected to, the villagers and townsfolk dare not protest or speak out against the soldiers knowing that they will likely be beaten and/or be relieved of yet more of their belongings. Under the Program, the practices of extortion, looting, and the expropriation of food and possessions are not only condoned, but encouraged by the SPDC.

People are frequently ordered to provide SPDC army units with food, alcohol, clothing, cash and building materials. These demands are often issued to villages in writing in the form of order documents. The soldiers also make regular *ad hoc* demands of villagers whenever they enter a village or encounter them on a path or out in their fields.

In many parts of Burma, SPDC army soldiers order villagers and townsfolk to provide them with building materials such as logs, timber, bamboo, palm roofing thatch, and mud bricks. Payment is almost never made, and on those rare occasions when it is, it is typically well below the prevailing market rate. While some of the building materials are used to repair local army camps, most of it finds its way into Burma's commercial markets where it is sold for profit, none of which is ever given to the villagers who did all of the work.

Theft and looting by SPDC soldiers and officials is also rife. There have been repeated reported instances of armed soldiers walking into shops, taking what they please, and leaving without paying. Shopkeepers report that they are too afraid of what the soldiers might do to them to object or demand payment.

Looting and Expropriation of Food and Possessions – partial list of incidents for 2006

Arakan State

In early January 2006, 3 soldiers from LIB #564 donned civilian clothing and crept into Palay Daung village, Buthidaung Township late at night. They snuck into the home of 35-year-old Koli Mullah while he and his family slept and stole a bag of rice, some dried chillies and clothing before Koli Mullah woke up and the soldiers fled.²⁰⁵

On 20 January 2006, soldiers from LIB #564 ordered each house in Kring Tha Mar Palley Daung and all other nearby villages in Buthidaung Township to provide 6 logs measuring 12 feet (3.6 metres) in length and 4 inches (10 cm) in diameter for use in the construction of a new army camp. The villagers were not paid for their labour or the materials that they supplied and any household that failed to produce their quota of logs was fined 5,000 kyat.²⁰⁶

On 5 March 2006, NaSaKa soldiers entered Tharay Kondan village in Maungdaw Township and confiscated 12 buffaloes belonging to Haji Ahamed Kobir. The soldiers handed the buffaloes over to their superiors in Buthidaung, alleging that they were being smuggled to Bangladesh, despite the fact that they had been registered with the NaSaKa. Shortly afterwards, the villagers filled out official complaint forms and reported the matter to higher authorities. Within a matter of days, the soldiers returned to the village, detained those who had complained, tortured them, and forced them to sign confessions stating that the buffaloes were being smuggled to Bangladesh.²⁰⁷

On 16 July 2006, 30-year-old Rohingya Abdul Rahim from Koe Tan Kauk village in Rathedaung Township was obliged to pay a bribe of 400,000 kyat to the NaSaKa for permission to build a new home.²⁰⁸

It was reported that by the end of June 2006, the SPDC army battalions stationed in Arakan State under two of the three different Military Operations Commands (MOC) had deposited a more than 460 million kyat into the Myanmar Ubai Ltd. Bank. All of this money had been extorted from local communities. According to the report, the 11 battalions comprising MOC #15 operating in Buthidaung Township had deposited 252,391,415.75 into the bank by the end of June 2006. The breakdown of these deposits are as follows:

1. LIB #535, 21,594,331.08 kyat;
2. LIB #536, 15,684,374.10 kyat;
3. LIB #537, 13,691,934.36 kyat;
4. LIB #346, 32,761,032.75 kyat;
5. LIB #352, 37,531,529.76 kyat;
6. LIB #551, 11,858,898.41 kyat;
7. LIB #552, 13,480,849.73 kyat;
8. LIB #353, 25,863,920.85 kyat;
9. LIB #564, 12,446,329.43 kyat;
10. LIB #565, 14,252,872.14 kyat; and
11. MOC #15 headquarters (HQ) battalion 53,233,743.04 kyat.

Moreover, a total of 209,826,674.41 kyat was deposited by the 11 battalions making up MOC #5. The breakdown of these deposits are as follows:

1. LIB #542, 14,525,866.84 kyat;
2. LIB #543, 17,062,232.66 kyat;
3. LIB #544, 17,657,522.69 kyat;
4. LIB #562, 16,508,514.63 kyat;
5. LIB #563, 16,816,482.78 kyat;
6. LIB #364, 17,240,034.16 kyat;
7. LIB #566, 14,460,124.83 kyat;
8. LIB #371, 14,594,004.00 kyat;
9. LIB #372, 14,803,334.00 kyat;
10. LIB #373, 13,156,101.82 kyat; and
11. MOC #5 HQ battalion, 53,002,456.16 kyat.

At the time of the report, the amounts saved by MOC #9 and Western Command, both of which are also stationed in Arakan State, were not available, but could be assumed to have misappropriated similar amounts from the population of Arakan State as those quoted above.²⁰⁹

On 15 November 2006, SPDC army soldiers confiscated clothing valued at 250,000 kyat that a trader had just bought in Bangladesh because they were of the “*wrong kind*” and were not allowed to be brought into Burma. The trader, 20-year-old Rohingya Habibur Rahaman, from Nayapara village had already been granted permission from the NaSaKa to travel to Bangladesh and to return with clothing that he had bought there. However, as he was returning home, he was apprehended by SPDC army soldiers and detained for nine days. Upon releasing him, the soldiers did not return the clothing.²¹⁰

Chin State

On 4 January 2006, SPDC army soldiers from LIB #266 extorted a large sum of money from Chin traders as they were taking their pigs to market. Ral Ceu, Biak Pum and Hrang Pum, all from Ruavan village were herding their pigs to markets located on the India-Burma border where the livestock would fetch higher prices when they were apprehended by 14 soldiers who demanded 50,000 kyat before they would let them go. The villagers pleaded with the sergeant that they did not have much money although to little effect. The villagers were released and allowed to continue on their way after handing over 48,000 kyat – a reduction of only 2,000 kyat.²¹¹

On 29 April 2006, SPDC army soldiers extorted 150,000 kyat from two Chin traders as they were transporting their goods to Mizoram State in India. The two villagers were stopped by five soldiers from LIB #268 who proceeded to search the loads that they were transporting. Unable to find any fault, the soldiers demanded 250,000 kyat as an “*unofficial border tax*”. The traders beseeched the soldiers until finally they agreed to reduce their demand to the 150,000 kyat that the villagers ultimately paid. Though the soldiers used the term tax to describe their demand, it amounted to little more than simple extortion.²¹²

On 11 May 2006, Chin trader Pi Pen Cuai from Thantlang was ordered to pay a “fine” of 41,000 kyat for using an “*unauthorized land route to sell her goods in Mizoram State, India*”. Shortly after setting out from her home with her three horses laden with goods, local police chased her down and threatened her with 3 months imprisonment and the confiscation of all of her goods. In order to be allowed to continue on her way she had to pay 35,000 kyat to avoid being imprisoned and a further 6,000 kyat to retain possession of her goods.²¹³

On May 25 2006, Captain Aung Kyaw Thein of LIB #355 issued orders to a number of nearby villages demanding that they each deliver 5 chickens to his camp at Shinletwah village. Chickens cost 3,000 kyat each in local markets at the time, so each village was forced to pay 15,000 kyat each month for the soldiers’ chicken. The order was issued to the following villages:

1. Pathian Tlang village;
2. Pintia village;
3. Hemate village;
4. Hemapi village;
5. Sia O village; and
6. Para village.²¹⁴

On an unspecified date in July 2006, Daw Mang Iang was leading her 32 horses, laden with goods to Mizoram State in India when she was stopped by SPDC army soldiers and forced to pay a bribe of 200,000 kyat. Daw Mang Iang, from Cawng Thia village was passing through Nga Lang when 15 soldiers from LIB #266, led by Major Htay Aung stopped the caravan she was travelling with. They group was threatened with imprisonment lest they paid the sum.²¹⁵

On 29 September 2006, a sergeant with LIB #268 extorted one million kyat and 4 head of cattle from traders as they were travelling to India. The traders, from Daidin village in Magwe Division were herding their 29 head of cattle to better markets in Mizoram State of India. Upon seeing the traders as they passed through Lungcawipi village, the sergeant immediately ordered his men to stop them and confiscated their cattle and threatened that the cattle would not be returned lest they handed over 1,500,000 kyat. Not carrying this amount

of money, the traders arranged to borrow the money from local villagers (presumably repaying them on their return from India). However, they were only able to raise a total of 1,000,000 kyat to pay off the soldiers, so the sergeant took the money and also kept 4 of the cattle, which he later reportedly sold for 480,000 kyat.²¹⁶

In November 2006, Major Kyaw Kyaw Oo of LIB #269 demanded between 50,000 and 100,000 kyat from 19 different villages in Thangtlang Township to repair the fences encircling various SPDC army camps. The size of the village dictated how much they had to pay. The villages affected included:

1. Zangtlang;
2. Lungler;
3. Fungkah;
4. Sih Hmuh;
5. Bung Khua;
6. Rua Khua;
7. Rua Buk;
8. Thau;
9. Bung Tlang;
10. Tlanglo;
11. Tlangpi;
12. Lung Ding;
13. Far Rawn;
14. Vang Zang;
15. So Pum;
16. Dawn;
17. Ral pel;
18. Tah Tlang; and
19. Tlang Khua.²¹⁷



Karen villagers from southwestern Papun district preparing their quota of bamboo and roofing thatch demanded by a nearby SPDC army camp in July 2006. Demands of this sort are regularly made of villagers who, fearing repercussions for lack of compliance, often find that they have little choice but to provide that which is demanded. Time spent provided for the demands of the soldiers results in less time that the villagers have to work to sustain their livelihoods. *[Photo: KHRG]*

Kachin State

On 22 June 2006, it was reported that SPDC army soldiers had been charging people with loitering as they queued to buy train tickets in Myitkyina. High demand for train tickets has dictated that many commuters must begin to queue for tickets at 3:00 am though the tickets do not actually go on sale until 6:00 am. The passengers are threatened with between 8 days and 3 months imprisonment if they are unable to meet the fine. Similarly, it was reported that many trains do not arrive at Myitkyina train station until quite late at night and SPDC authorities arrest those who have just disembarked from the train, also for loitering.²¹⁸

Karen State

In January 2006, Pu Plah, a non-commissioned officer (NCO) of the DKBA, reportedly demanded 1,000 shingles of roofing thatch from Ler Kheh Khaw village in Papun District, 500 of which were to go to his camp while the other 500 were for himself. Many DKBA officers have been demanding large quantities of roofing thatch from villages all over Karen State over the past few years which they sell for their own personal profit.²¹⁹

In January 2006, the following villages were issued orders by SPDC and DKBA camps in Papun to provide them with the following quantities of roofing thatch:

1. Kler Ru Der village, 1,750 shingles;
2. Wah Mi Day village, 1,250 shingles;
3. Klaw Hta village, 850 shingles;
4. Toh Thay Pu village, 200 shingles;
5. Hto Lwee Kyo village, 1,250 shingles;
6. Day Baw Khaw village, 1,250 shingles; and
7. Ter Khaw Kyo village, 1,250 shingles.²²⁰

On January 18th, Pah Mya and Tun Kyaing, two DKBA NCOs demanded 1,000 shingles of roofing thatch and 500 lengths of bamboo from a village in Bu Tho Township of Papun District for use in the construction of their camp.²²¹

On 2 February 2006, Captain Than Htun of the DKBA Headquarters Security Force demanded that the villagers of K--- village in Thaton District send him 2,000 shingles of roofing thatch. It was reported that demands of this sort are issued to all local villages on an annual basis so that the DKBA can then sell the thatch in the commercial markets for profit.²²²

On 4 February 2006, SPDC army soldiers from LIB #341 looted the following goods from Kler Ko village in Papun District:

1. 3 ducks;
2. 1 bowl (1.6 kg / 3.4 lb) of rice;
3. half a viss (800 grams / 1.7 lb) of chillies;
4. 1 bottle gourd; and
5. 1 pig weighing 13 viss (21 kg / 45 lb).

The following day, the same group of soldiers also looted one chicken and one bowl of rice from Soe Kee Law village. The soldiers did not compensate the villagers for any of the goods that they had taken.²²³

On 13 February 2006, the Tactical Operations Commander from TOC #663 demanded 1 sack of rice from each household of Yu Loh and K'Mwee Loh villages in Toungoo District. Similar orders for fish paste, chilli and salt were also issued to villagers from Play Hsa Loh village.²²⁴

On 14 February 2006, troops from Column #1 and Column #2 of IB #14 went to Saw Mu Der village in Toungoo District and looted the villagers' belongings and livestock.²²⁵

On 14 February 2006, Bo Tun Nay Lin from IB #48 demanded 1,000 kyat from each villager in Shan Si Boh village in Toungoo District that owned a bullock cart.²²⁶

On 14 February 2006, Column commander Myint Soe from LIB #108 looted 1 pig weighing 35 viss (57 kg / 126 lb), and 3 chickens from the villagers of Play Hsa Loh village in Toungoo District. The following day, Myint Soe looted an additional eight chickens and four ducks from the same villagers.²²⁷

At midnight on 15 February 2006, three SPDC army officers from LID #44 entered a village home in Kaw Pu village tract of Papun District. The soldiers pointed their sidearms at the inhabitants and demanded that they hand over whatever money they had. The villagers said that they did not have any money, but the officers rifled through the house searching for it, ultimately finding a total of 11,000 kyat and 300 Thai baht that belonged to the house owner's cousin.²²⁸

On 16 February 2006, an unnamed DKBA unit based in Pa'an Township, Thaton District demanded 50 bamboo poles of from Meh Theh Khee village.²²⁹

On 21 February 2006, SPDC army officer San Win ordered that the following number of lengths of bamboo from villagers in Thaton District be delivered to the Pa Nwe Kla SPDC army camp:

1. Ka Taw Ni village, 1,000 bamboo poles;
2. Pa Nwe Kla village, 3,000 bamboo poles; and
3. Noe Nyar village, 300 bamboo poles.²³⁰

On 26 February 2006, KNLA soldiers mounted an attack against a DKBA camp at Meh Mweh Hta in Papun District. In retaliation for the attack, the DKBA fined the following six villages in the vicinity:

1. Meh Mweh Hta, 200,000 kyat;
2. Nay Thay Law, 200,000 kyat;
3. Ler Kheh Khaw, 200,000 kyat;
4. Wah Klu Ko, 300,000 kyat;
5. T' Per Pah, 300,000 kyat; and
6. Kler Chit Ko, 300,000 kyat.²³¹

On 5 March 2006 DKBA officer Maung Pu, issued orders to several villages in the vicinity of his camp in Papun District to each give him 300,000 kyat following a skirmish with the KNLA in which a number of DKBA were killed and their weapons captured. The villages which had received this order included:

1. Meh Ku Kee;
2. Meh Ku Hta;
3. Htee Doh Hta;

4. Toh Mu;
5. Dta Per Pah;
6. Kler Hsi Ko;
7. Wah Klu Ko;
8. Meh Mweh Hta; and
9. Nyat Tin Loh.²³²

On 7 March 2006, SPDC army officer San Win demanded that the following goods be delivered to his camp at Pa Nwe Kla in Thaton District by 26 March 2006:

1. Noh Nyar Thu village, 2,000 shingles of roofing thatch and 2,000 lengths of bamboo;
2. Ta La Aw village, 2,000 shingles of roofing thatch and 2,000 lengths of bamboo;
3. Noh Toh Day village, 2,000 shingles of roofing thatch and 2,000 lengths of bamboo; and
4. Htee Poh Thay village, 2,000 shingles of roofing thatch and 2,000 lengths of bamboo.²³³

On 13 March 2006, a column of about 50 SPDC army soldiers from LIB #599, led by Ba Thaung, demanded 500 shingles of roofing leaves and one person from each household to contribute their uncompensated labour to build an SPDC army camp. The following villages in Nyaunglebin were among those affected:

1. Kyauk Pyar village;
2. Nga Lauk Htet village;
3. Thit Cha Seik village;
4. Oak Shi Khin village;
5. Po Thaung Su village;
6. Tai Pin village; and
7. Myeik Ye village.²³⁴

On 14 March 2006, Commander Aye Chan Tha Yan from LIB #341 ordered Klaw Day village in Papun District to deliver 300 shingles of roofing thatch to his camp at T'Kun Htaing. A similar order for 150 shingles of thatch had also been issued to the village in February.²³⁵

On 16 March 2006, SPDC army soldiers from LIB #582 destroyed 15 baskets of rice, 9 cooking pots, 10 plates and 1 bag of salt belonging to villagers from Pee Htee Po Kee village in Mergui-Tavoy District (Tenasserim Division).²³⁶

On 26 March 2006, SPDC army troops from LIB #439 forcibly demanded the following goods from Noh Ghaw village:

1. 29 pairs of shoes;
2. 26 mosquito nets; and
3. 26 sarongs.²³⁷

On 30 March 2006, two columns of SPDC army troops from LIB #1 looted approximately 65,700 kyat worth of belongings from the following villagers from an undisclosed village in Toungoo District:

1. Naw Keh Lar, 3 chickens, 1 bottle of cooking oil, 16 kilograms of rice, 6 kilograms of sticky rice, 1 package of curry powder, 4 knives, and 1 pair of betelnut shears;
2. Naw Moo Mya, 1 viss (1.6 kg / 3.6 lb) of chicken;
3. Naw Ka Paw, 8,000 kyat;

4. Naw Htoo Paw, 1 viss of chicken;
5. Saw Gleh Paw, 2 sarongs and 3 chickens; and
6. 2,000 kyat from the Church donations.²³⁸

On 4 April 2006, SPDC army soldiers from IB #253, led by Bo Saung Ton Lay, ordered the villagers from Pee Htee Khee village in Thaton District to deliver 5,000 lengths of bamboo and 50 wooden posts to Peh Wah Hta monastery.²³⁹

On 13 April 2006, SPDC army troops from IB #20 demanded 1,000 lengths of bamboo and 70 long wooden poles from each of the following villages in Toungoo District:

1. New Htee Tha Saw village;
2. Upper and Lower Htee Tha Saw village; and
3. Kazen Ploh village.²⁴⁰

On 14 April 2006, SPDC army troops from IB #53 demanded 10,000 kyat from Saw Ka Lah of Taw one village in Toungoo District and each of the following villagers from nearby Shan Si Boh village:

1. Saw Maung Ne;
2. Saw Ka Na; and
3. Saw Poe Htoo.²⁴¹

On 16 April 2006, two columns of SPDC army troops operating under LIB #567 entered Plaw Baw Der and Ta Pa Kee villages in Toungoo District demanding the following:

1. 250 kilograms of rice;
2. 8 viss (13 kg / 29 lb) of cooking oil;
3. 5 ducks;
4. 5 chickens;
5. 5 viss (8 kg / 18 lb) of tobacco;
6. 4 viss (6.5 kg / 14.5 lb) of dried fish;
7. 2 cooking pots;
8. 1 blanket; and
9. 1 pig.²⁴²

On 16 April 2006, soldiers from Light Infantry Battalions (LIB) #168 and 522 under Military Operations Command (MOC) #16 entered Plaw Baw Der village in Toungoo District and stole the following goods left behind by the fleeing villagers:

1. Saw Ma Hen Sein: 2 baskets of rice, and 1 duck;
2. Saw Maw Heh Pwey: 1 tin of rice, and 3 ducks;
3. Saw Pey Key Lay: 1 tin of rice, and 1 pig (worth 35,500 kyat);
4. Saw Gay Lay: 8 viss of cooking oil;
5. Saw Ma Nu Sein: 1 viss of tobacco, 2 big pots, 2 blankets, and 1 tin of rice;
6. Naw Hser Paw: 3 chickens; and
7. Naw Ma Thu: 4 viss of dried fish.²⁴³

On 18 April 2006, SPDC army soldiers from LIB #223 entered Mae K'Dee Traw village in Nyaunglebin District and stole belongings worth 1,500,000 kyat from Kaw Hsa Mo after eating her pig. The soldiers also looted property belonging to Paw Kyi Htoo valued at 50,000 kyat and destroyed 10 baskets of paddy seed belonging to Saw Tint Soe²⁴⁴

On 1 May 2006, SPDC army troops operating in Nyanglebin District looted the following items from Bweh Deh village:

1. Saw Pho Taw, 1 large cooking pot worth 46,300 kyat, 1 homemade musket, 1 tin box, 1 traditional Karen costume, 1 rain coat, 10 baskets (250 kg / 550 lb) of rice, 4 knives, and 10 viss 160 kg / 360 lb) of salt;
2. Naw Ku Htoo, 1 large cooking pot worth 50,600 kyat, and 5 shirts;
3. Honey Moo, 1 large cooking pot worth 50,600 kyat, 3 plates, 5 shirts, 3 sarongs, 1 traditional Karen costume, 2 blankets, 15 cups, and a pair of shorts;
4. Saw Ray Htoo, 1 homemade musket worth 56,500 kyat, 2 fishing nets, 2 women's sarongs, 8 shirts, 8 children's shirts, 1 dress, 2 knives, 1 cassette recorder and 1 cooking pot;
5. Saw Peh Htoo Moe, 4 cooking pots valued at 6,000 kyat; and
6. Lah May Paw Moe, 1 homemade musket worth 20,000 kyat, and 1 fishing net.²⁴⁵

On 1 May 2006, a column of SPDC army troops operating in Nyaunglebin District found four paddy barns in Kwee Lah village tract and demanded the following:

1. Saw Di Kee Moe, 70 baskets of paddy;
2. Saw Aye Hsay, 100 baskets of paddy;
3. Pah Doh Mya, 90 baskets of paddy; and
4. Saw Hseh Lay, 150 baskets of paddy.²⁴⁶

On 5 May 2006, SPDC army soldiers from LIB #1 entered Hsaw Wah Der village in Toungoo District and demanded the following:

1. Naw Myay Thaw, 2 baskets of rice, 5 cooking pots, 5 viss of fishpaste, 2 large cooking pots, 1 plastic bottle, 10 viss of betelnut, 2 knives, 240,000 kyat and other items;
2. Naw Mu Su, 1 sack of rice, 2 viss of fishpaste, 5 viss of salt, 3 plates, 3 spoons and 1 knife; and

Saw Pi Pa, 2 homemade muskets, 10 plates, 1 large plastic bottle, clothing worth 10,000 kyat, 1 basket of rice, medicine for family use, 1 viss of chilli, 5 viss of fishpaste, 10 viss of betelnut, 1 cassette recorder, 3 flashlights (torches) and , 3 sets of batteries.²⁴⁷

On 10 May 2006, four columns of SPDC army soldiers from LIB #1 and LIB #108 burned down five homes and three paddy storage barns in Hsaw Wah Der in Toungoo District. Before leaving, the soldiers also looted the following goods:

1. 20 sheets of corrugated iron roofing;
2. 20 big knives;
3. 1 chicken;
4. 1 goat;
5. 25 viss of betelnut;
6. 5 sacks of rice;
7. 12 viss of fishpaste;
8. 10 viss of salt;
9. 1 viss of chilli;
10. 12 cooking pots;
11. 3 steel cooking tripods;
12. 120 baskets of paddy;
13. 9 big plastic bottles (for carrying water);
14. 1 cassette recorder;
15. 2 homemade muskets;

16. 1 air rifle;
17. 3 flashlights (torches);
18. 2 sets of batteries;
19. 5 pairs of flip-flops;
20. 4 large paddy baskets;
21. 3 sleeping mats;
22. clothing valued at 150,000 kyat;
23. medicine worth 70,000 kyat;
24. 24 plates;
25. 6 spoons; and
26. 2 teapots.²⁴⁸

On 12 May 2006, the commanding officer of IB #30 demanded 200 lengths of bamboo from a village in Meh Cho village tract, Papun District. The commander specified that each piece of bamboo was to be 14 cubits (6.4 metres / 21 feet) in length and two hand spans (46 cm / 18 inches) in circumference.²⁴⁹

On 16 May 2006, DKBA soldiers Pah Thu and Than Htun came to Nya Po Kee village in Thaton District and took one goat from Mu Khee Moe and three chickens from Saw Nya Ko without payment.²⁵⁰

On 2 June 2006, Saw Hla Maung, a deputy battalion commander of DKBA #777 Brigade demanded 30,000 kyat from villagers in Htaw Klaw Kee village in Thaton District.²⁵¹

On 7 June 2006, Sergeant Poe Ye Min of LIB #599 demanded 288 kilograms of rice and 2 litres of cooking oil from Noh Nya Lah village in Nyaunglebin District.²⁵²

On 8 June 2006, Moe Kyo of the DKBA Central Security Battalion extorted the following items from these villagers in Thaton District:

1. Khin Win Kyi Moe, 1 *pyi* (1.6 kg / 3.4 lb) of rice;
2. Saw Hser Paw, 3 *pyi* of rice;
3. Naw Hta Mu, 2 *pyi* of rice;
4. Naw Dah, 2 *pyi* of rice;
5. Naw Kyi, 4 *pyi* of rice;
6. Naw Baw, 4 *pyi* of rice;
7. Naw Eh Say Moo, 3 *pyi* of rice;
8. Naw Htoo Moe, 4 *pyi* of rice;
9. Paw Say Blut Moe, 3 *pyi* of rice;
10. Maung Ta Doh Moe, 4 *pyi* of rice and 11 steel plates;
11. Pah Lay Wah Moe 3 *pyi* of rice and 1 metal plate;
12. Saw Ku aye Moe, 4 *pyi* of rice;
13. Naw Mu Kyi *pyi* of rice;
14. Ma Pya, 4 *pyi* of rice;
15. Pee Thu Meh, 3 *pyi* of rice;
16. Ma Shwee Po, 3 *pyi* of rice, 2 chicken and 1 *viss* of jaggery;
17. Tu Lay Moe, 4 *pyi* of rice;
18. Eh Gay Htoo, 3 *pyi* of rice;
19. Ma Paw Moe, 3 *pyi* of rice;
20. Tee Po Lay, 4 *pyi* of rice;
21. Saw Ahro Moe, 3 *pyi* of rice;

22. Naw Hser Gay Moe, 4 *pyi* of rice;
23. Naw Kha Moe, 3 *pyi* of rice and 1 chicken;
24. Tha Mee Lay Moe, 2 *pyi* of rice;
25. Ma Pyone, 2 *pyi* of rice;
26. Kaw La Moe, 4 *pyi* of rice;
27. Naw Keh Moe, 2 *pyi* of rice;
28. Naw Tu Moe, 4 *pyi* of rice;
29. Naw Mee Wu Moe, 3 spoons and 1 plate; and
30. Naw Paw Say Moe, 2 chickens.²⁵³

On 13 June 2006, Column #1 and Column #2 of LIB #568 went out on patrol in Toungoo District on a search and destroy mission. The soldiers destroyed any IDP hiding sites or hidden food caches that they found. Moreover, the following goods were looted from the following displaced villagers:

1. Naw Doo, 1 traditional bronze Karen drum, 16 kilograms of rice, 1 flask, 2 *viss* of fishpaste, 2 *viss* of tobacco, 5 kilograms of salt, 4 sleeping mats and 1 plastic tarpaulin;
2. Saw Ta Kwee, 1 flask, 640 kilograms of rice and 24 kilograms of sticky rice;
3. Saw Ta Pau, 10 traditional Karen costumes, 1 man's sarong, 4 women's sarongs, 1 pair of pants, 4 scarves, 4 shirts, 1 homemade musket, 2 pairs of flip-flops, 3 *viss* of fishpaste, 1 clay basin, 32 kilograms of rice, 8 chickens, 2 pigs, 4 plastic tarpaulins, 2 knives, 2 kilograms of tobacco and 12 notebooks;
4. Saw Ta Poe Lah, 4 cooking pots, 6 plates, 1 flask and 6 spoons;
5. Saw Bo Hai, 2 cooking pots, 4 plates and 3 blankets;
6. Naw Mu Kay, 5 packets of soup powder, 2 tubes of toothpaste, 3 woks, 4 plates, 3 cooking pots, 8 kilograms of rice, 8 sarongs and 2 flasks;
7. Naw Dee Zel, 480 kilograms of rice, 10 *viss* of salt, 11 plates, 11 spoons, 10 sarongs and 10 traditional Karen costumes;
8. Saw Hset Koe, 1 hammock, 2 pairs of flip-flops, 5,000 kyat, 32 kilograms of rice, 1 sarong and 1 woven shoulder bag;
9. Saw Maung Nay Lah, 2 cooking pots, 3 blankets, 1 mattock, 160 kilograms of rice and 2 traditional Karen costumes;
10. Saw Ah Pau, 5 knives, 32 kilograms of rice, 4 spoons and 2 plastic tarpaulins;
11. Saw Kway Lay, 160 kilograms of rice;
12. Saw Neh Dah, 5 cooking pots and 48 kilograms of fishpaste;
13. Saw Moo Eh, 1 *viss* of cooking oil, 100 cheroots and 2 packets of soup powder;
14. Saw Poe Kay, 2 sarongs and 1 plastic tarpaulin;
15. Naw Moo Leh, 4 cooking pots, 7 plates, 6 spoons, 160 kilograms of rice, 32 kilograms of sticky rice, 1 *viss* of cooking oil, 1 *viss* of onions, 5 knives, 3 blankets, 2 canvas tarpaulins, 5 woven shoulder bags and 1 pair of gold earrings; and
16. Naw Shah, 10 plates, 6 cups, 64 kilograms of rice, 1 hammock, 1 homemade musket, 3 knives, 2 blankets, 1 woven shoulder bag, 2 plastic tarpaulins, 1 cooking pot, 1 wok, 1 water pot, 6 4 clay basins and 30 kilograms of fishpaste.²⁵⁴

On 15 June 2006, troops from LIB #567 destroyed the following items valued at approximately 500,000 kyat belonging to Saw Kah Wah of Lah Maing Pya village in Toungoo District:

1. 3 sacks of rice;
2. 5 *viss* of betelnut;
3. 1 *viss* of cooking oil;

4. 1 earthenware jar;
5. 10 viss of fishpaste;
6. 1 gallon of kerosene; and
7. 1 homemade musket.²⁵⁵

On 18 June 2006, an unnamed DKBA unit demanded large quantities of bamboo from villages in Thaton District. Those villages which received the order included:

1. Ler Kler village, 3,000 lengths of bamboo;
2. Htee Pa Doh Kee village, 1,000 lengths of bamboo;
3. Noh Ka Day village, 1,000 lengths of bamboo; and
4. Meh Theh village, 1,000 lengths of bamboo.²⁵⁶

On 21 June 2006, an SPDC army column made up of soldiers from LIB # 567 LIB #568 burned Plaw Baw Der village in southern Toungoo District to the ground and looted the following items:

1. Saw Tha Ya, 15 baskets of rice, 5 cooking pots, a number of machetes and 2 plastic tarpaulins;
2. Naw Sheh Paw, 1 wok;
3. Naw Than Kyi, 2 woks and 1 chicken;
4. Saw Maung Oo, 2 pairs of shoes and 1 flask;
5. Naw Nya Su, 2 baskets of rice, 1 plastic tarpaulin and 5 blankets;
6. Maung Kweh Tho, 2 plastic tarpaulins, 2 blankets, 3 viss of salt, 5 plates, 5 spoons and 1 earthenware jar;
7. Saw Pa Leh, 50,000 kyat and 1 gold ring; and
8. Ni Tae, 25 plastic tarpaulins and 1 packet of tea.²⁵⁷

On 24 June 2006, an SPDC army column comprised of soldiers from LIB #351 and LIB #536 looted seven pigs and 31 chickens from Saw Ka Der village in Nyaunglebin District. The livestock, claimed to have been taken in retaliation for the escape of one of the villagers that they fired upon, was reported to have been valued at approximately 200,000 kyat.²⁵⁸

On 24 June 2006, a column of approximately 150 men from IB #522 moved through Nyaunglebin District where they extorted a total of almost three million kyat from the villagers of two village tracts:

1. Saw Maung Thein, Kyauk Pya village tract, 316,500 kyat;
2. Saw Po Khet, Kyauk Pya village tract, 114,660 kyat;
3. Saw Kwah Kwah, Kyauk Pya village tract, 274,600 kyat;
4. Saw Po Law, Kyauk Pya village tract, 69,000 kyat;
5. Saw Kwa Po, Kyauk Pya village tract, 27,500 kyat;
6. Saw Pa Tuh, Kyauk Pya village tract, 576,000 kyat;
7. Saw Lay Paw, Kyauk Pya village tract, 103,500 kyat;
8. Saw Lay Yah Po, Kyauk Pya village tract, 22,500 kyat;
9. Saw Ba Aung, Kyauk Pya village tract, 427,100 kyat;
10. Saw Maung Lay, Kyauk Pya village tract, 199,000 kyat;
11. Saw Norton, Kyauk Pya village tract, 571,550 kyat;
12. Naw Paw Htoo, Thay Baw Der village tract, 23,000 kyat;
13. Naw Pleh Paw, Thay Baw Der village tract, 36,000 kyat;
14. Saw Maung Leh, Thay Baw Der village tract, 6,000 kyat; and
15. Saw Win Kay, Thay Baw Der village tract, 99,250 kyat.²⁵⁹

On 30 June 2006, DKBA troops led by Pa Ni Tho looted the following items from Khaw Po Plah villagers in Thaton District:

1. Naw Kay, 2 chickens;
2. Naw Mu Preh, 12 chickens;
3. Ma Htay Nyunt, 6 chickens;
4. Naw Mu, 2 chickens;
5. Maung Po Toe, 2 chickens; and
6. Maung Thaw Teh, 1 machete and 1 men's sarong.²⁶⁰

On 3 July 2006, soldiers operating under MOC #16 desecrated the Christian church in Mya Swa Chaung in Toungoo District and stole the following goods:

1. 2 amplifiers;
2. 1 large (car) battery;
3. 9 large woks;
4. 50 plates;
5. 45 spoons;
6. 2 water buckets;
7. a set of light bulbs;
8. 2 curtains;
9. 2 kerosene lamps; and
10. 8 bibles.²⁶¹

On 1 August 2006, LIB #351 Battalion Commander Than Tate ordered villagers from Set Set Hla Taw village in Nyaunglebin District to buy him a video camera and two sarongs. The villagers had little choice but to comply with his demands and paid 350,000 kyat for the camera.²⁶²

On 4 August 2006, Lieutenant Yeh Win, a company commander with LIB #351 demanded one *viss* (1.6 kg / 3.6 lb) of fish worth 1,400 kyat from the villagers of Hteh Htoo village, Nyaunglebin District. On the same day, Battalion Commander Than Tate also demanded 1 duck worth 2,000 kyat and 4 bottles of alcohol worth 8,000 kyat.²⁶³

On 9 August 2006, LIB #351 Company Commander Lieutenant Yeh Win forced the villagers of Hteh Htoo village, in Nyaunglebin District to build a fence around the village while he took photos of them doing it. After they were finished he demanded 2,000 kyat from the villagers to develop the film. Yeh Win presumably took the photos for propaganda purposes and to show his superiors of all the ways in which he was ostensibly working with the local community to develop the region.²⁶⁴

On 25 August 2006, LIB #351 Company Commander Lieutenant Yeh Win, based in the SPDC army camp adjacent to the Hteh Htoo relocation site in Nyaunglebin District demanded the following from Hteh Htoo villagers:

1. 600 kyat for cheroots;
2. 1200 kyat for one *viss* of fish; and
3. 700 kyat for 1 bottle of alcohol.²⁶⁵

On 26 August 2006, two columns of SPDC army troops from LIB #1 entered Khaw Po Ploh village in Toungoo District and looted the following:

1. Saw Lah Si, 3 chickens, 1 bottle of cooking oil, medicine worth 50,000 kyat, 5 *viss* (8 kg / 18 lb) of betelnut, and 1 knife;

2. Saw Kee Nay Pa, 1 *viss* (1.6 kg / 3.6 lb) of duck, 12,000 kyat, 2 knives and 1 pig;
3. Saw Hsa Moo Ro, 8 kilograms of rice, 1 chicken, 1 blanket, 1 cassette recorder, 1 sheet of plastic roofing and 7 *viss* (11.4 kg / 25 lb) of fish paste;
4. Saw Kyar Bo, 1 chicken and 1 cat; and
5. Naw Ma Chaw, 2 chickens.²⁶⁶

On 3 October 2006, Lay Htoo of the DKBA made the following demands from villages in Thaton District:

1. Naung Ka Dok, 50,000 kyat;
2. T'Ro Kee, 50,000 kyat;
3. T'Roh Wah, 20,000 kyat;
4. Htee Pu Wah 20,000 kyat;
5. Pya Po 2,000 Kyat and 1 basket of rice;
6. Kyet Chay Khat, 10,000 kyat;
7. Ta'Raw Meh, 10,000 kyat;
8. Pa Tee Gone, 10,000 kyat;
9. Bilin Kyo, 5,000 kyat;
10. Wah Paw Mon, 5,000 kyat;
11. Ywa Thit, 5,000 kyat;
12. Auk Ywa, 9,000 kyat;
13. K'Tee Pu, 9,000 kyat;
14. Lah Aw Kheh, 20,000 kyat;
15. Kya T'Raw, 20,000 kyat; and
16. Shwe Yaung Pya, 30,000 kyat.²⁶⁷

On 4 October 2006, LIB #351 Company Commander Lieutenant Yeh Win demanded the following from villagers interned in the Hteh Htoo relocation site in Nyaunglebin District:

1. 1 *viss* (1.6 kg / 3.6 lb) of fish worth 1,200 kyat;
2. 1 bottle of alcohol worth 200 kyat;
3. cigarettes worth 500 kyat; and
4. 1 bowl (1.5 kg / 3.4 lb) of rice.²⁶⁸

On 24 October 2006, LIB #599 Battalion Commander Sein Lwin demanded 150,000 kyat from Hteh Htoo village in Nyaunglebin District so the soldiers could have a new latrine built in their camp. Despite making such a large demand from the villagers for a task as small as this, the commander also ordered four villagers from Hteh Htoo to build the latrine.²⁶⁹

On 28 October 2006, LIB #599 Company Commander Win Tun demanded 100,000 kyat from Ma Taw Gone village, Nyaunglebin District so his soldiers could attend a training.²⁷⁰

On 30 October 2006, Company Commander Win Tun of LIB #599 demanded one tin (12.5 kg / 27.6 lb) of rice from an unspecified village in Thu K'Bee village tract in Nyaunglebin District to feed his soldiers.²⁷¹

Karenni State

In October 2006, police officer U Myint Thein Oo from the Loikaw police station ordered each household in Htee Sa Kha village tract, Loikaw Township to supply 300 shingles of roofing thatch. Village heads who were not able to provide their village's allotment were fined 1,000-1,500 kyat. The thatch was reported to have been used to repair the roof of the Loikaw police station; however, the amount demanded is far in excess of what likely would have been needed and much of this thatch was probably sold by the soldiers for profit.²⁷²

Sagaing Division

On 13 September 2006, Tawng Dum, a cattle trader from Kalaymyo in Sagaing Division had to pay a bribe of 2,800,000 kyat to police to have his 28 head of confiscated cattle returned. Tawng Dum was herding his cattle to Mizoram where they would fetch a higher price when he was stopped by police in Darkhai village in Chin State. The trader later reported, *"Though I begged for pardon, it was of no use. Fulfilling their demand was better than losing everything. Or else they would have confiscated my cows"*.²⁷³

Shan State

In early 2006, SPDC army soldiers from IB #248 who had accrued large debts at three shops in Naa Khaan village in Murng-Nai Township refused to pay what they owed. Every few days the soldiers would arrive and take what they pleased, instructing the shopkeepers to run a tab for everything they took and promising to pay up later. In less than two months, the soldiers had accumulated debts of over 100,000 kyat at each of the three shops. The shopkeepers complained to an officer at the nearby SPDC army camp who said that he would deduct money from the soldiers' salaries to ensure that they were repaid, although a month later the money had still not been repaid. One of the men returned to the camp to complain a second time, where despite seeing the insignia of IB #248 on the soldiers' uniforms, was told that IB #248 had recently rotated out of the area. The money was never returned.²⁷⁴

On 24 June 2006, Commander Aung Nayya from IB #296 demanded 60 viss (100 kg / 216 lb) of pork from Naa Ke and Nam Wawt villages in Kunhing Township. At local market rates of the time, this quantity of pork would have been valued at 240,000 kyat. The village leaders beseeched the commander to reduce his demand as the burden would be too great, to which the commander replied that he could not lessen the amount, but gave the villagers 40,000 kyat towards the cost of the pork. Nonetheless, the villagers still have to shoulder a burden of 200,000 kyat for the balance of the cost.²⁷⁵

Land Confiscation

Under existing domestic laws, farmers in Burma do not own the land that they work. Ownership of all land in Burma is retained by the state; farmers are granted rights to cultivation of the land only. (For more information, see Section 5.2: Situation of Farmers above). According to the Trade Ministry Notification No. 4/78, the regime reserves the right to confiscate any agricultural land should the farmer fail to sow it with the allocated crop or then for not selling the allotted crop quota to the military. However, much of the land confiscation that occurs in Burma is done arbitrarily and without compensation, and those whose land is confiscated generally do not protest for fear of reprisals. Land may be confiscated to build army camps or to make way for roads and development projects (For

more information, see Section 5.3: Physic Nut Agricultural Development Project above). Thousands more acres have also been confiscated under the SPDC's Self-Reliance Program. Once evicted, the SPDC then forces the ejected farmers to work as serfs on their former land. The farmers receive nothing for this work; the entire harvest goes to the military and they are left not only without any land to work for themselves, but also no time in which to do so. In a country where approximately 70 percent of the population is engaged in agriculture, the confiscation of farmland equates as being a loss of a peoples' primary, if not only, source of livelihood.



A Karen villager from Toungoo District pointing at the smouldering remains of his 150 tins (1,500 kg) of paddy in November 2006. Shortly before this photograph was taken, SPDC army soldiers from IB #35 had moved through the area destroying all villages and food supplies they found. Without his paddy, this villager is going to find it extremely difficult to feed his family for the coming year. [Photo: KHRG]

Land Confiscation – partial list of incidents for 2006

Arakan State

According to a report released in February 2006 by the Arakan State Land Survey Department, the SPDC army had forcibly confiscated approximately 200,000 acres of land without compensation from the people of Arakan State since 1988.²⁷⁶

A number of oil-bearing properties were confiscated from the local inhabitants of Rambree Island off Arakan State at undisclosed times during 2005 and 2006. The land was confiscated from the Arakanese villagers without compensation to make way for a joint-venture between Chinese-owned CNOOC Myanmar Ltd and the SPDC's Myanmar Oil and Gas Enterprise. Local villagers had reportedly been hand-drilling the oil on these properties as their primary source of income since British colonial rule.²⁷⁷

On 12 May 2006, police officers confiscated 60 acres of farmland from local farmers in Kyaukpyu Township for oil exploration. Police from nearby Zinchaung village reportedly arrested three men for protesting against the land seizure. According to reports, they were Maung Win, 52, Thein Ngwe, 40, and Kyaw Hla Thar, 34. According to one villager who has since fled the area, "*They designated Block A near Innpyin village, Block B near Yenantaung village, Block C in Uchay village and Block D in Mintettaung village*".²⁷⁸

On 13 June 2006, NaSaKa authorities confiscated approximately 13 acres of farmland from Rohingya villagers living in Inn Din village, Maungdaw Township.²⁷⁹

A report published in early November 2006, stated that LIB #550 had confiscated many farms in Panila village in Ponna Kyunt Township so the army could use the land as a target shooting range. As a result, those whose farms were confiscated are left without their livelihoods.²⁸⁰

Irrawaddy Division

It was reported on 8 June 2006 that SPDC army authorities had seized ownership of over 1,000 acres of farmland so the military could develop the land as cashew nut and rubber plantations. The villages reported to have been affected by this land confiscation were reported to have been:

1. Theinla village;
2. Khwaylaygyi village;
3. Moekyoepyit village;
4. Thanbyukonekyangsu village; and
5. Shiteintang village.²⁸¹

Karen State

In February 2006, soldiers from LIB #642 confiscated six farms from Meh T'Roh village in Papun District. The land was to be used for the construction of a new SPDC army camp.²⁸²

Magwe Division

In July 2006, it was reported that over 5,000 acres of paddy fields were confiscated from Burman farmers along the Pyinmana-Taungnyo highway to make way for a new SPDC army camp in early 2006.²⁸³

Mon State

In June 2006, IB #31 confiscated approximately 25 acres of farmland from local Mon villagers in Ye Township so the soldiers could build a brick baking factory on the land. The villagers were not compensated for their loss, and by the end of the month were even being ordered to work cutting firewood for the kilns.²⁸⁴

In August and September 2006, LIB #209 confiscated 307 acres of rubber plantations from 25 different local villagers in southern Mudon Township. Meanwhile, SPDC Artillery Battalion #318 had confiscated a further 200 acres of rubber plantations in the same locale.²⁸⁵

On 20 November 2006, IB #61 seized over 45 acres of farmland from local villagers in Ye township. Approximately 35 acres of the land seized were under cultivation as fruit orchards, while the other 10 acres consisted of rubber plantations. Villagers reported not being given any reason why their land was being confiscated.²⁸⁶

Shan State

In January 2006, 37,000 acres of cultivated land were confiscated from local villagers in Muse Township by SPDC army authorities. The land was to be used for rubber plantations operated by the Muse-based company, “*So So Pye Pye*”. The private company is run by Htun Aye, who is believed to be one of the region’s drug barons. The following 16 villages lost many tea plantations and fruit orchards:

1. Terng Long;
2. Ho Po;
3. Waeng Naang;
4. Khu Waeng;
5. Maan Waeng;
6. Paang Long;
7. Kawng Sa;
8. Zaan Sa;
9. Nawng Mo;
10. Paang Kham;
11. Saa Khao;
12. Nam Sim;
13. Maang Haang;
14. Nam Kat;
15. Maan Kaang; and
16. Maan Tham.²⁸⁷

On 24 May 2006, five families who had for the past 20 years been living on the Zawm Mon hill in Keng Tung had their land confiscated to accommodate the expansion of the local police station. The villagers were forcibly relocated without compensation.²⁸⁸

In June 2006, an area of land of unreported size was confiscated from villagers in Murng Laang village tract, Keng Tung Township by soldiers from LIB #314. The land was reportedly to be the site of a vast rubber plantation managed by Chinese businessmen. It was believed that SPDC authorities planned to plant up to one million rubber trees in the area by the end of 2006.²⁸⁹

On 6 October 2006, members of the police force confiscated four acres of farmland belonging to villagers from Wan Huay village in Keng Tung Township so they could grow summer paddy. The fields had just finished being harvested with the paddy still sitting in piles waiting to be threshed. The officers immediately began letting water into the fields which destroyed much of the paddy at the bottom of the heaps, and began to till the land with a tractor brought in specially for the purpose. The villager pleaded with the police officers, but they responded by saying that “*the land did not belong to the farmer but the government and they, as government officials, could choose anywhere they like*”. After that, the officers then brought in a threshing machine, saying that they should not wait for the farmer to thresh it all by hand, for which they charged 300 kyat to thresh each of the approximately 40 piles of paddy.²⁹⁰

Destruction of Property

The SPDC continues to pursue policies and engage in activities that result in the intentional destruction of people's homes, farmland and places of business. In areas of ethnic conflict, the SPDC continues to implement the Four Cuts Policy, a scorched earth campaign designed to undermine the armed resistance by targeting its suspected civilian support base. First implemented in Karen State in the 1970s, the four cuts are said to cut all alleged supply lines of food, funds, intelligence, and recruits from the civilian population to armed resistance groups. Villages located outside areas that can effectively be controlled by the SPDC are relocated to areas that are, typically adjacent to SPDC army camps and/or along roadways. Following their relocation, villages are often burned to the ground or littered with landmines to discourage villagers from returning. The food supplies and livelihoods of ethnic villagers are also deliberately targeted and destroyed by SPDC army soldiers for fear that they may otherwise supply food to the resistance. In northern Karen State, where SPDC army forces conducted a massive military offensive against civilian villagers throughout 2006, incidences of the intentional destruction of villages and villagers' livelihoods were widely documented by groups such as KHRG and FBR.²⁹¹ As KHRG aptly pointed out, deliberate attacks on the civilian population and their livelihoods is conducted in direct contravention of the Geneva Conventions and numerous other international laws.²⁹² (For more information, see Chapter 8: Rights of Ethnic Minorities).



Large sections of this rice crop at H--- village, Nyaunglebin District were destroyed when a patrol of SPDC soldiers marched indiscriminately through the field in late November 2006. This incident took place just as the villagers were preparing to harvest the rice, thereby reducing the year's crop yield. *[Photo and caption: KHRG]*

In other parts of Burma which do not experience ethnic armed conflict, SPDC army soldiers have been regularly reported to also have destroyed private property, particularly when it stands in the way of proposed national infrastructure or development projects. On the evening of 14 August 2006, the Tahan market in Kalay Myo, Sagaing Division was gutted by fire under suspicious circumstances. Eyewitnesses reported that the blaze started simultaneously at numerous different locations around the market and spread rapidly, quickly engulfing the 500-odd shops which comprised the market. Four fire trucks soon arrived at the scene but were unable to combat the fire as all of their equipment inexplicably failed at the same time. All 500 shops were destroyed, along with an estimated 100 million kyat worth of stock. None of the shop owners were compensated for their losses. However, two months later there were reports that the SPDC planned to rebuild the market, for which they

were charging shop owners 300,000 kyat per shop. Incredibly under almost identical circumstances on 17 September 2006, the nearby Letpanchaung market was also burned to the ground. Approximately one-third of the 1,000-odd shop market was destroyed in the fire. As Letpanchaung market does not receive electricity, local traders were quick to dismiss the possibility that the fire was sparked by a faulty electrical circuit as had been claimed as a possible cause of the Tahan market fire. Similar to the earlier blaze, the fire was reported to have spread very quickly from different parts of the market which all seemed to flare up at the same time. Though there was no official comment on the cause of the fires, arson was suspected. As one report stated, *"people are curious as to what would cause a fire during the rainy season"*.²⁹³

Destruction of Property – partial list of incidents for 2006

Chin State

On 26 June 2006, Sergeant Me Maung of IB #550 burned down a village headman's home and numerous field huts in Paletwa Township on suspicion that the villagers were supporters of the Chin National Army (CNA). Hen Ngaih, the village headman of Sat Shai village fled the village for fear of arrest and sent his family abroad to Mizoram in India so they would not be apprehended in his stead.²⁹⁴

Mon State

In November 2006, it was reported that vacant homes in southern Mon State were to be destroyed by SPDC army soldiers. According to one source, *"IB #31 has inquired whether three house owners in Kawn Ka Me Toa Take [village] have come back during the last three days. ... If the house owners do not come back, the IB #31 will destroy their homes"*. The area in question has received many demands for forced labour and extortion. Many killings and torture have also been reported from the region. Under these circumstances, many villagers have fled their homes for other villages or Thailand.²⁹⁵

Karen State

On 8 February 2006, an SPDC army unit led by Saya Hla Win burned down 82 field huts and plantations in Nyaunglebin District.²⁹⁶

On 9 March 2006, an SPDC army column of approximately 280 soldiers from LIB #366, #377 and #399 burned a church and the home of villager Doo K'Preh in Mone Township, Nyaunglebin District. The soldiers also burned six and a half baskets of Lah Gay Do Paw Pa's rice, five baskets of rice belonging to Wah Ler, and four baskets of rice and seven baskets of paddy belonging to Yo Taw Kaw Pa.²⁹⁷

On 15 March 2006, SPDC army soldiers burned down Tee Ko P'Hee Lu village in Nyaunglebin District. In all, 13 homes were destroyed, as was a paddy storage barn belonging to Nya Ko containing 100 baskets (2,100 kg / 4,600 lb) of paddy and another barn belonging to village head Kaw Pya containing 13 baskets (270 kg / 600 lb) of paddy were destroyed.²⁹⁸

On 23 March 2006, an SPDC army column of soldiers from LIB #522 and LIB #567 attacked Nya Moo Kee village in northern Nyaunglebin District. The soldiers burned down the Christian church along with the house beside it and “*systematically ransacked and destroyed*” all of the other homes in the village. Anything of value left behind by the fleeing villagers was stolen and whatever the soldiers could not carry off was destroyed. All of the villagers’ pots and pans were either shot or stabbed full of holes so that they could not hold water and thus rendered useless for cooking. The soldiers ate all of the chickens and four of the pigs in addition to shooting a dog and throwing its dead body onto the roof of one of the remaining homes. Two hidden food caches were also discovered by the soldiers and were also subsequently destroyed. According to reports, a total of 156 baskets of rice were lost; after being either stolen, eaten or destroyed by the soldiers.²⁹⁹

On 24 March 2006, the same SPDC army column mentioned in the preceding incident attacked Maw Lee Loo village, burning all of the houses and two paddy storage barns containing over 400 baskets of paddy. The soldiers also ate all of the villagers’ chickens.³⁰⁰

On 26 March 2006, SPDC army troops set fire to five homes in Kwee Daw Kaw village in Nyaunglebin District.³⁰¹

On 26 March 2006, SPDC army troops burned down five village houses and all of their contents of Saw Pah Ploh and his family in Mone Township of Nyaunglebin District. All of the family’s pigs, chickens, and goats were also taken by the soldiers.³⁰²

On 14 April 2006, soldiers from LIB #223 destroyed a Buddhist monastery and stole a generator, 9 baskets of rice, 20 viss (32 kg / 72 lb) of oil, 5 viss (8 kg / 18 lb) of salt, 60 steel plates and 3 big pots from the monks in Htee Nya Lay Kee village in Nyaunglebin District. The following day the same troops burned a further six houses in Klu Gaw Kee village, ate many of the villagers’ pigs, chickens, and goats and stole medicine valued at 100,000 kyat.³⁰³

On 25 April 2006, SPDC army soldiers from LIB #44 entered Taw Awk Pay Der Daw village in Nyaunglebin District and burned Saw Say Mu’s rice storage barn to the ground, along with the 70 baskets (1,470 kg / 3,220 lb) of paddy that it contained. The soldiers then proceeded to smash in the roofs of paddy barns belonging to Saw Pler Mu and Naw Eh Ro, so that the paddy stored within the barns would be soaked by the rains and thus rendered inedible.³⁰⁴

On either 27 or 28 April 2006, a column of 50 SPDC army soldiers attacked Bway Day village in Papun District. There they burned down eight homes and three field huts, containing ten baskets of paddy seed and 13 viss (21 kg / 47 lb) of salt. The soldiers also ate three pigs, shooting another to leave it to die.³⁰⁵

On 3 May 2006, SPDC army soldiers burned Htee Baw Loh village in Toungoo District to the ground.³⁰⁶

On 6 May 2006, SPDC army soldiers from LIB #108 set fire to the paddy barns of villagers from Hsaw Wah Der village in Toungoo District, burning 50 baskets of paddy in the process.³⁰⁷

On 9 May 2006, a column of soldiers from LIB #240 and LIB #364 captured Saw Nya Ko and Saw Hsa Ri, both villagers from Gha Mu Lo village in northern Nyaunglebin District and forced them to destroy two paddy barns along with the 55 baskets of paddy that they contained.³⁰⁸

On 10 May 2006, SPDC army troops burned down Ah Bwe Der village in Nyaunglebin District and destroyed 70 baskets of paddy.³⁰⁹

On 6 June 2006, SPDC army soldiers found and destroyed 4 paddy storage barns belonging to villagers from Ta Paw Der village in northern Papun District.³¹⁰

On 15 June 2006, an SPDC column made up of soldiers from LIB #362 and LIB #363, operating under TOC #2 of MOC #10 attacked Tah Law Ploh village in Papun District. Of the 40 houses which comprised the village, 13 were burned to the ground. The soldiers also poured all of the villagers' stored rice and paddy out onto the ground before setting fire to it also.³¹¹

On 15 June 2006, SPDC army soldiers set fire to the home of Po Leh Loh in P'Nah Ku Plaw village, Papun District. Three rice storage barns belonging to Po Raw Lay, Naw Boh Thay and Paw Moo Pa were also razed.³¹²

On 22 June 2006, Aung Kyaw Moe of LIB #507 ordered his men to cut down 200 betelnut trees belonging to villagers in the Klaw Mi Der Area of Toungoo District.³¹³

On 23 June 2006, an SPDC army column comprised of troops from LIB #507, #561 and #567 cut down an unspecified number of dogfruit and betelnut trees at K'Mu Loh and Mya Swa Chaung villages in Toungoo District. The soldiers also reportedly ate their fill from the villagers' mangosteen and durian orchards.³¹⁴

In June 2006, SPDC army troops under MOC #16 burned many hill fields across Toungoo District as a component of their ongoing offensive in the area. The following villages had their fields destroyed:

1. Ler Kla Der village, 6 hillfields;
2. Klaw Mi Der village, 37 hillfields;
3. Hu Mu Der village, 11 hillfields;
4. Kheh Der village, 5 hillfields; and
5. Ta Pah Kee village, 10 hillfields.³¹⁵

On 12 July 2006, an SPDC army column from LIB #567 burned down two field huts belonging to Saw Ta Po and Saw Khway Si of Mya Swa Chaung village in Toungoo District.³¹⁶

Between 15 and 22 July 2006, a column of SPDC army soldiers from LIB #368 and LIB #369 were reported to have destroyed many villagers' homes, field huts and rice storage barns in Lu Thaw Township, Papun District.³¹⁷

Mon State

In February 2006, it was reported that SPDC army soldiers cut down a three-acre betel nut plantation worth 7 million kyat in Wear Kwao village. The plantation was destroyed after its owner, Mi Min, was accused of supporting the Mon resistance. The same report maintained that villagers from the area were not permitted to work in their fields and plantations, and in the villagers' absence, SPDC army soldiers would go to the plantations and steal the crop which they would then sell back to the owners. Villagers were not able to refuse to purchase the betel nut. Wear Kwao village was forced to buy back 30,000 betel nuts that the soldiers stole from their own plantations. One villager from the area reported that *"Every household is forced to buy 200 betel nuts from the soldiers at a price they demand"*.³¹⁸

In mid-October 2006, SPDC army soldiers from LIB #31, led by Lieutenant Colonel Myo Min, began demolition of a public market in Yung Ral village in southern Ye Township. The market, built by the villagers themselves at their own expense, was to be demolished to make way for the construction of a new VPDC office. *"The market with its roof made of zinc and constructed with cement and concrete had cost a lot of money. But now it is being pulled down"*, said one local villager. The villagers were not compensated for the loss of their market.³¹⁹

Restrictions on Trade, Travel and Cultivation

In many ethnic border areas, the SPDC has imposed year-round restrictions on the movement of civilians. For people living in SPDC-controlled villages, permission must be sought and granted before leaving the village, even if only to tend to their fields. Travel passes are issued only after payment of a fee and generally only permit travel for a finite period of time. In some areas villagers are only allowed to be away from the village during the hours of daylight. This makes maintaining a livelihood extremely difficult. For those who must travel any distance to their fields or to other towns for work, much of the allotted time is spent in transit, thus limiting the number of hours they have each day to tend to their livelihoods before they must return home. In some areas, villagers have been prohibited from leaving their villages altogether. This results with fields which are neglected for lack of access, and crops which are eaten or destroyed by wild animals or wilt before they can be harvested. In some cases, entire harvests have been lost. (For more information, see Chapter 12: Freedom of Assembly, Association and Movement).

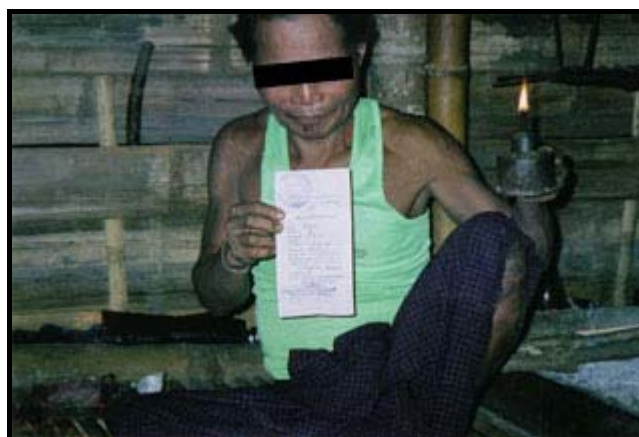
It was reported in February 2006 that in Chin State, travellers must not only acquire travel permits, but must also report which villages they intend to visit, the duration and purpose of their visit, and the name of the person that they will stay with on each leg of their journey. Spending the night in any house other than that which they reported while obtaining their travel pass, will attract a fine of between 10,000 and 30,000 kyat. Furthermore, the host who puts them up for the night also incurs a fine. According to one villager from Matupi, *"Travellers, despite proper travel permits are fined for spending a night with a family they did not intend to stay with. It boils down to sheer exploitation of the people"*.³²⁰

As was discussed above, since August 2006, the junta has imposed broad restrictions on the transport of rice from one state or division to another. This they claimed was an attempt to combat spiralling rice prices. These restrictions created hardship for rice traders who could only sell their produce in local markets where prices were lower. In areas of ethnic conflict, SPDC army units enforced blockades on many of the roads leading into the mountains where

armed resistance groups operate and that the military cannot effectively control. This was a common tactic used in Karen State during 2006, particularly in the north where the SPDC military offensive persisted throughout the year. This resulted in exacerbating what was already an extreme shortage of food in the region. Many villagers, living on the brink of starvation were forced to flee to Thailand or to IDP camps on the border when the hunger proved too great. By the end of the year, over 2,000 IDPs had assembled at a makeshift camp on the bank of the Salween River, the vast majority of whom had fled their homes when their food supplies ran out. (For more information, see Chapter 13: Internal Displacement and Forced Relocation).

Restrictions on transporting rice in Maungdaw Township, Arakan State were renewed in October 2006, where it was reported that a number of villagers had their rice confiscated for having bought it from a different village.³²¹ Townsfolk feared that such restrictions placed over the movement of rice would not only further increase the already-skyrocketing rice prices but also possibly lead to civil unrest.

Within ethnic border areas experiencing armed conflict, a terrible scourge further threatening the livelihoods of those living there is the continued use of landmines. Antipersonnel landmines have been deployed in their countless thousands in many of the regions marking Burma's borders. Some reports maintain that nine out of Burma's fourteen states and divisions suffer from landmine contamination. Incidences of SPDC army units and various ethnic ceasefire armies deploying landmines against civilian villagers have been well-documented. A common tactic employed by SPDC army units is to plant landmines in abandoned or relocated villages to dissuade the villagers from returning. Similarly, landmines are often laid in villagers' fields and plantations, thus preventing them from being able to tend to their crops. There have also been many reported incidences of villagers stepping on landmines while travelling along paths to and from local markets or while collecting water or fishing. (For more information, see Chapter 16: Landmines).



A villager from Papun District of Karen State displaying the travel pass that he was obliged to acquire from the SPDC allowing him to travel outside his village. To travel outside of one's village without proper documentation often results in being labeled as an insurgent and shot on sight. [Photo: KHRG]

Restrictions on Trade, Travel and Cultivation – partial list of incidents for 2006

Karen State

On 9 May 2006, Colonel Soe Oo of MOC #16 issued orders to villagers from Maw Keh Tha Per Koh, Baw Bee Der, Aung Chan Tha, Myaung Oo, Meh S'Lee Gone, Pa Doh Kyaw Hta, Kyaw Kyi Paw and K'Muh Loh in northern Nyaunglebin District, and Yu Loh and Tha Pyay Nyunt in southern Toungoo Township to remain within their villages. SPDC army soldiers said that if they saw anyone outside their villages they would kill them on-sight.³²²

On 15 June 2006, LIB #599 and LIB #590 banned villagers from erecting field huts along the length of the eastern side of Kyauk Kyi – Mone motor road in Nyaunglebin District. Furthermore, the soldiers demanded 3,000 kyat for every field hut constructed on the western side of the road, but then, on 25 June 2006, the soldiers threatened to destroy all of these field huts despite the fact that the villagers had just paid to allow them to be there.³²³

On 27 June 2006, the SPDC issued a ban prohibiting villagers living in the 12 villages in the immediate vicinity of Kler Lah in Toungoo District from selling their durian, mangosteen, betelnut, betel leaf, and dogfruit harvests. As a result, villagers from these 12 villages lost a total of an estimated 5,000,000 kyat in income per day.³²⁴

In July 2006, it was reported that villagers in Thaton District were restricted in the volume of rice that they were permitted to buy to feed their families. According to the report, villagers were only allowed to buy eight bowls (12.5 kg / 28 lb) of rice at any one time, *“This volume of rice is sufficient to feed one adult villager for approximately three weeks. Obviously, this decreases rapidly if they also have a family to feed, as most villagers do. Should a villager risk buying more than the allotted one tin of rice and be caught, all of the rice that they are carrying is confiscated by the soldiers and they would most probably be arrested, tortured and ordered to perform forced labour”*.³²⁵

In August 2006, it was reported that all of the villages in the vicinity of the Kler Lah relocation site in Toungoo District were under strict movement restrictions. According to the report, villagers from the following locations were not permitted to travel to other villages, even if only to buy food. As a result, many villagers ran out of food and had to resort to borrowing food from close friends who had some left:

Kler Lah;
Kaw Soe Ko;
Wa Tho Klah;
Maw Pa Der;
Ler Ko;
Ku Pwa Der;
Klay Soe Kee;
Der Doh;
Maw Ko Der; and
Gha Mu Der.³²⁶

Pegu Division

In March 2006, farmers in Nyaunglebin Township were ordered to dismantle their field huts and abandon their farms within five days. One farmer affected by the order said, *“They neither want to see (water) buffaloes nor human beings there. I heard that the villages will also be relocated. ... It would be hard for us bean/peanut farmers to finish our work within five days. You won’t even be able to harvest the beans within five days. It would not be possible to dismantle our farmhouses and return to our village within the amount of time they were reported to have given us”*.³²⁷

It was reported in early June 2006, that farmers in Pegu Division expected a diminished rice harvest for 2006 as a result of being prohibited from building huts in their fields. Throughout the growing season, farmers must spend long hours in their fields transplanting, weeding and tending to their crop. During the harvest season, the time that they are required to be in their fields increases dramatically as they need to scare off wild animals and birds that come to eat the grain as it ripens on the stalks and finally to actually harvest the crop once it has ripened. The heavy workload dictates that farmers must start early and work until very late, sleeping in their field huts. By not being permitted to build field huts and therefore not being allowed to sleep overnight in their fields, farmers must travel to and from their villages each day, drastically cutting into time that would be better spent out in their fields. Ultimately, much of the crop gets eaten or trampled by animals or turns to seed before it can be harvested.³²⁸

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6. Rights of the Child

6.1 Introduction

2006 marked the fifteenth anniversary of the Burmese military regime's ratification of the UN Convention on the Rights of the Child (CRC). The CRC affirms that every child has the right to protection, the right to life, and the right to survival and development. The CRC also specifically refers to the protection of children in armed conflict and mandates that no child under 15 should take part in hostilities; that children should not be separated from their parents except for their own well-being; that states should protect children from harm and neglect; and that all children should be entitled to the rights enshrined in the convention, without discrimination.

The military regime promulgated the new Child Law on 14 July 1993 to “*implement the rights of the child recognized in the Convention.*” According to the Child Law, Chapter 5, Paragraph 8, “*the State recognizes that every child has the right to survival, development, protection and care, and to achieve active participation in the community.*” In September 1993 the SPDC formed the National Committee on the Rights of the Child (NCRC) to implement the CRC and Child Law. During a UN review of the SPDC's second periodic report to the Committee on the Rights of the Child, in 2004, SPDC representatives claimed that the junta has been “*giving top priority to the rights of the children in our national agenda*” and cited that there had been “*significant achievements in promoting the rights of children.*”¹ Whilst the regime's decision to accede to the CRC was considered a step of progress and temporarily improved its image in the international community, widespread evidence of continuing violations against children has shown that the military regime has taken little action to enforce these laws, and that the regime's progressive rhetoric has not corresponded to a substantive improvement in the situation of children in Burma.

In 2005, the UN Committee on the Rights of the Child expressed concern for, among other issues, the significant reduction in resources allocated to health and education, inequalities between rural and urban as well as ethnic minority children, and the affects of Burma's political instability and continued armed conflict on the development of children.² The Committee noted that the regime's initiatives have done little to improve the situation of children, that “*more work needs to be done on the Child Law to put it in full compliance with the CRC,*” and that the NCRC “*is not fully operational*” with respect to implementing the CRC. Further, the Committee found that “*the general principle of ‘the best interests of the child’ (article 3) is not fully applied and duly integrated in the implementation of laws, programmes, and administrative and judicial decisions.*”³

In 2006, conditions within the country continued to deteriorate. Child mortality was a major problem, and Burma's health and education systems continued to suffer from a lack of resources, particularly in ethnic and rural areas. Annual expenditure is estimated at less than US\$1 per capita for both health and education combined. While primary education is officially provided, by the SPDC, to all Burmese citizens, the low level of SPDC investment forces local families to pay for teachers, supplies and uniforms, and often the construction of the schools themselves. These costs are prohibitively high for many families and, as the education budget has declined in terms of actual purchasing power, the financial burden has only increased.

As poverty has consumed the population, children are frequently required to contribute to their family's livelihood either by participating in family businesses, seeking external employment, or fulfilling a family's obligations to participate in SPDC forced labour projects. Children are not exempted from serving as porters for the military or being recruited to serve in the armed forces. In January 2004, amidst calls from the international community to end child conscription into the armed forces, the SPDC formed the Committee for the Prevention of the Recruitment of Child Soldiers (CPRCS). However, numerous 2006 reports affirm the regime's practice of recruiting child soldiers, often forcibly, and including those younger than 15, continued unabated. According to an August 2006 report by the Human Rights Education Institute of Burma (HREIB), *"rather than spending time aggressively fighting against the recruitment and use of child soldiers, the committee focuses on contesting allegations from the UN and international and national human rights groups about the use of child soldiers in the country."*⁴

Ethnic minority children in rural areas face the most widespread violations of their human rights, not only suffering from severe discrimination but also suffering from the consequences of protracted armed conflict. Children living in ethnic minority areas, like other members of their communities, are subject to physical injury, torture, rape, murder, forced labour, and forced relocation as the SPDC attempts to suppress any form of opposition, both armed and unarmed. Children in these areas also often witness atrocities carried out against their family and community members; endure separation from their families and communities; and suffer from extremely limited access to healthcare, education, housing, and food. SPDC offensives and abuses have displaced tens of thousands of people, further increasing obstacles to the child's right to health, education, and development. IDP children in Nyaunglebin, Toungoo and Papun Districts, on the move with their families as a result of SPDC offensives in 2006, and suffering harsh conditions, particularly during rainy season, were reported to be in urgent need of security, food and shelter.⁵



This 15 year old boy in northern Papun district says he joined the KNLA to fight back against the SPDC because SPDC soldiers had tortured his siblings. During the school year the KNLA sends him to school, but during the school holidays he accompanies an active KNLA unit and carries an assault rifle. [Photo and caption: KHRG]

6.2 Children in Armed Conflict

“States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.”

- Article 38, Paragraph 1, CRC

“In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.”

- Article 38, Paragraph 4, CRC

The CRC specifically refers to the protection of children in armed conflict and provides that every child has the right to life, survival and development; that no child under 15 should take part in hostilities; that children should not be separated from their parents except for their own well-being and protection; that states should protect children from harm and neglect; and that children of minority and indigenous populations should freely enjoy their own culture, religion and language, as well as all other rights enshrined in the Convention, without discrimination.

In an effort to defend the human rights of children in armed conflict, the United Nations Security Council Resolution 1612, July 2005, requested the Secretary-General to *“implement a monitoring and reporting mechanism that would provide a more systematic and coherent process for gathering objective, specific and reliable information on grave violations committed against children in situations of armed conflict.”* The six grave violations of children’s rights the mechanism was mandated to specifically address were:

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;
6. Denial of humanitarian access for children.⁶

The monitoring and reporting mechanism was to report on these abuses to a newly created Working Group on Children and Armed Conflict (CAAC) consisting of the 15 Security Council member states. Whilst the working group did not deliberate and report on the situation in Burma during 2006, the inclusion of Burma on the Security Council agenda does submit the SPDC to the scrutiny of the CAAC. All six violations for which the monitoring and reporting mechanism is mandated to assess have been perpetrated by SPDC forces within Burma during 2006, in the context of armed conflict, and are documented within this report.

In ethnic states troops regularly shoot at villagers and into homes, regardless of whether there are children present. Villagers in conflict areas report that SPDC commanders order their troops to kill everyone suspected of involvement with ethnic resistance, even children. One escaped porter, in northern Karen State, reported that he overheard Captain Ne Lin Oo commenting to his officers that the current military operation was very difficult because the SPDC soldiers *“were required to shoot everything – including civilians, small children and resistance.”*⁷ Within northern Karen State, in 2006, 16 year-old Saw Eh Htoo, his father and

12 year old brother- who only had one leg due to an accident when young, were fired upon whilst working on their farm. Despite being shot three times Saw Eh Htoo managed to escape. His father and younger brother were killed.⁸ Torture has also been employed against children during the offensive in Karen State,⁹ and the widespread rape of minors by military personnel continued to be reported throughout 2006. There have also been numerous reports of the abduction of children by SPDC personnel. Such abductions often result in the forced recruitment of these children into the SPDC armed forces (For more information see Section 6.3: Child Soldiers).

Furthermore, schools are deliberately destroyed by SPDC troops and humanitarian access is routinely denied to areas which the SPDC considers to be the most sensitive, leading the Office of the Special Representative of the Secretary General for Children in Armed Conflict to state that *“in some critical areas, where children are believed to be in very vulnerable situations, humanitarian assistance and protection is denied owing to Government restrictions on movement, allegedly for “security reasons”.*”¹⁰

Violence against Children – partial list of incidents for 2006

Arakan State

In the first week of August 2006, 22 Rohingya from Lake Ya village-tract (Kumir Khali) of Maungdaw Township were reportedly detained and tortured by NaSaKa (Burma Border Security Force), as punishment for repairing and rebuilding the Kumir Khali mosque roof in June 2006. NaSaKa requires that permission be obtained for repairs to be undertaken but rarely provides that permission. The men were arrested, tortured and detained in Maungdaw jail. Those detained included:

1. Molvi Mohammed Hossain, aged 40;
2. Ali Zuhar, 15;
3. Mahommed Shafi, 40;
4. Abdul Hasim, 35; and
5. Chairman Din Mohammed (a.k.a. Maung Mon Kha).¹¹

On 7 August 2006, at 10 am, a 15 year-old cowherd, named Ramauk Ali, was killed by unexploded ordinance near the ‘model village’ (village for Buddhist settlers) Ainn Grin Myin, Buthidaung Township, whilst tending to his cows.¹²

Chin State

In July 2006, two child orphans who tried to escape from being forcibly recruited into the *tatmadaw* were tortured by the SPDC military, before being sent to Kalay Wah military camp. The boys were recruited from an orphanage in Tedim town on 7 July 2006 by Major Thein Tun of LIB #365.¹³

Karen State

Nyaunglebin District

On 15 January 2006, a column of soldiers from SPDC LIB #599 indiscriminately fired mortars at civilians in Mi Yeh Hta village, causing the villagers to flee to the forests where

they remained hidden. Due to their surroundings many fell ill from diarrhoea including the two year old daughter of Eh Ler Ghay who died from her condition.¹⁴

On 1 March 2006, a column led by Deputy Battalion Commander Aung Thein Win and Company Commander Ha Win Aung from LIB #439 visited Na Peh Pa Nay Cheh. As all the adults had fled, they coshed several children on the head with their grenade launchers.¹⁵

On 8 March 2006, Saw Du Kaw and his son, Saw Peh Lu, aged 14, (also reported as Saw Eh Lah Hser, aged 12.¹⁶) were shot dead by troops from SPDC MOC #10. The troops had come from Muthay village and were patrolling the Keh Ka Koh area when they came upon the villagers near Sho Kaw Der village. The father and son had been working on their farm and were returning home for lunch. When fired upon, they were unable to flee the scene as Saw Peh Lu had only one leg. Sixteen year old Saw Heh Nay Htoo, brother and son of the two murdered villagers, was shot twice in the same incident, injuring his hip, backbone and right armpit.¹⁷

On 22 March 2006, near Ka Ba Hta village, Mone Township, a 9 year old girl was shot in the back by SPDC troops. The troops, from Ma Law Daw, Mu Thay, and Myaw Oo Army camps, had been hiding behind a hill, waiting for the villagers to approach. They opened fire on the girl's family who were on the move due to the presence of SPDC troops in the area. The grandmother and father were killed. The mother, Naw Bee Ko, carried her 4 year old daughter and 8 month old son whilst fleeing, with her 9 year old daughter running alongside her. The soldiers continued to fire hitting the 9 year old on the side of her back. After receiving superficial treatment from a local family, she was forced to walk 3 days with her remaining family to another clinic in order to obtain the necessary medicine.¹⁸ Naw Bee Ko recounted the experience to an FBR field reporter as follows:

*"My family and I were hiding in an area near Ta Kweh Wah Hta. Many other families were there as well. When we had to move to another place, no one knew where the next hiding place was. My mother in law (80 years old), at this time was sick and could not walk. My husband carried his mother on his back. My husband, his mother and my 9 year old daughter went ahead of our main group. When we were walking up a ridgeline, Burma Army soldiers began to shoot at us. My husband's mother fell off his back in the shooting. His mother called him and he went back to help her. The Burma Army then shot my mother in law in the neck and my husband in the chest. Both fell down and all of our group scattered. My 9 year old daughter ran to me and I saw that she was shot. At first she was able to walk on her own, but later she was not able to. I asked a friend that was with us to help me. My friend had two sick children that she and her husband were carrying. But my friend's husband still helped and carried my daughter while my friend carried her children. We arrived at Thet Baw Der and asked for help. They sent us to Ka Hsaw Kaw and a nurse treated my daughter there. The nurse was worried about security because we were on the front line. If something happened it would be difficult for us to help each other. So the nurse advised us to move to a higher place. My brother in law came and treated the bullet wound to my daughter's stomach. We then started moving again and have arrived where we are now."*¹⁹

On 25 October 2006, three villagers from Malagone were shot and killed by troops from SPDC IB #37 led by Aung Ka. Those killed were Saw Mg Mg, aged 40, Saw Chit Chit, aged

16, and Saw Ah Cho Moo, aged 15. Saw Kwa La Moo, 15, was also injured in the shooting. Whilst villagers were allowed to travel to their farms between the hours of 6 am and 4 pm each day, the four villagers were shot in their farm huts at 3 pm.²⁰

Papun District

On 26 February 2006, in reprisal to a KNU attack upon the Democratic Karen Buddhist Army (DKBA) camp based in Meh Mweh Hta, SPDC soldiers threatened villagers from Wah Klu Ko and arrested a 17 year old girl along with the village head. The SPDC soldiers covered the two villagers' faces with a plastic sheet and tied their hands behind their backs, before detaining them for three hours.²¹

On 20 April 2006, SPDC troops from LIB #316 (also reported as LIB #366²²) shot dead villager Saw Ray Kyay (Saw Hsa Rae Sae²³), aged 17, of Paw-mu-doe village, whilst he was in his rice field.²⁴ His friend, Saw Kyay Nu Wah, 18, was also shot in his right leg.²⁵

Thaton District

On 14 June 2006, SPDC Battalion Commander Kyaw Min visited Ta-eu-ni village in his attempts to find Seik-ywa-shwin villager Saw la Noe, who promptly ran away. The troops responded by beating Naw Peh Say, 15, around the head with the butt of the pistol, breaking two of her teeth, before looting her house.²⁶

On 10 July 2006, Than Htun and Kyaw Min of the DKBA shot at a mother and her 2 children, at Pa-htaw-kho-khee-plaw, near Ta-eu-khee village. Saw Maung Maung, aged 16, was wounded, and lost a significant amount of blood. All three managed to escape.²⁷

On 16 July 2006, Commander Aung Tha of SPDC TOC #663, based in Tantabin Township fired 20 rounds from Naw Soe camp into Hsaw-wa-doe village. Villagers including children were forced to flee although none were injured.²⁸

Toungoo District

In October 2006 soldiers from SPDC LID #66 operating in areas of Kler La Township, were conducting search and destroy missions targeting displaced villagers covertly harvesting their rice. They came cross a group of farmers and opened fire. All the farmers save for Saw Bpin K'Nay, aged 16, were able to escape. Saw Bpin K'Nay was detained at the camp, regularly tortured, and not provided sufficient food. He was able to escape, despite plans for his execution.²⁹

Mon State

On 4 March 2006, SPDC soldiers shot and killed two 16 year-old DKBA soldiers. The DKBA, an official ceasefire group, reported that the two boys had been asleep along the Makatha natural road when they were killed. The SPDC claimed they had been mistaken for KNU troops.³⁰

On 9 November 2006, in Khaw Zar Sub-Town, southern Ye Township, SPDC troops from IB #31 reportedly tortured five villagers, including a 14 year old boy. Whilst the soldiers

claimed the villagers had stolen their guns, witnesses testified that the troops were heavily intoxicated and had been firing their weapons recklessly.³¹

Shan State

On around 18 July 2006, Zaai Wan, 17, was assaulted by SPDC troops from IB #99 when returning home from a friend's house. He sustained serious injuries to his head after being struck by the troops with an electric torch.³²

Abduction of Children – partial list of incidents for 2006

Magwe Division

On 16 February 2006, a 16 year-old schoolgirl named It It Tun from Myothit, Taungdwingyi District, was kidnapped by a Burmese soldier from KaPaCa #17 (arsenal base). The girl's family reported the case to the authorities, who allowed the girl to see her family, but then took her away again. During the meeting, in which It It Tun was reportedly shaking uncontrollably, the authorities informed her parents that she followed the soldier of her own free will, and as such there was nothing they could or would do about the situation.³³

Karen Areas

Thaton District

On 25 October 2006, Company Commander Aung Ko Ko and troops from SPDC IB #235, under LID #101 based in Pa-an Township, reportedly tried to abduct 2 young school girls, Mu Lay Paw aged 9, and Naw Say Moo aged 10, of Kru-see village, while they were returning from school at 4 pm.³⁴

Toungoo District

On 22 November 2006, SPDC LID #66, TOC #662, attacked Klay War Moh Taung village and captured a group of villagers on their way to Kler Ler village. All the villagers but two children were released. Naw P'Lay Way, a 5 year old girl, and Saw Taw K' Loh Mu, a 3-year-old boy, were still being held captive at the time of this report (12 December 2006).³⁵

On 2 December 2006, Saw Thaw Thi Htoo, 17 years old, from Taw Ku village, Tantabin Township, was captured by the Burma Army and taken to Taw Ku IB #48 camp. He had not yet been released at the time of this report (12 December 2006).³⁶

(Further incidents of abduction are listed under Section 6.3: Child Soldiers)

6.3 Child Soldiers

“...the Council reaffirms its strong condemnation of the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them and of all other violations and abuses committed against children in situations of armed conflict. It urges all parties to armed conflict to halt immediately such intolerable practices.”

-Statement by the President of the UNSC, S/PRST/2005/8, 23 February 2005

As a signatory to the CRC, the SPDC is obligated to “ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities,” and to “refrain from recruiting any person who has not attained the age of fifteen years into their armed forces” (Article 38). Whilst the SPDC has failed to ratify the International Labour Organisation’s (ILO) Convention 182 against the worst forms of child labour, as a member of the ILO it is automatically bound to the Organisation’s core conventions.³⁷

In 2005 the UN Security Council passed Resolution 1612, which calls for an immediate stop to the use and recruitment of child soldiers, and 2006 marked the International Criminal Court’s (ICC) first prosecution of a defendant charged with the use of child soldiers.³⁸ The Rome Statute of the ICC includes the conscripting or enlisting of children under the age of 15 years, or using them to participate actively in hostilities, in both international and non-international armed conflicts, as a war crime. Burma has not ratified the CRC Optional Protocol, 2002, seeking to regulate the use and recruitment of child soldiers under the age of 18 years old. However, the Myanmar Defense Services Act of 1974 and War Office Council Instruction 13/73 declare that military recruits must be at least 18 years of age.

Despite the fact that both international and Burmese national law prohibits the use of child soldiers, it is well-documented that the SPDC perpetrates forced military recruitment, training, and deployment of children as young as 11 years old, as it zealously attempts to enlarge its armed forces. (Following the 1988 pro-democracy demonstrations, the junta decided to expand the army significantly, increasing its numbers from around 180,000 at that time to a force now widely estimated to be 400,000). The most recent comprehensive figures regarding child soldiers in Burma were produced by HRW in 2002 which estimated there to be around 70,000 children under the age of 18 serving in the *tatmadaw*. This figure roughly equates to 25 percent of all child soldiers deployed worldwide, giving the country the dubious honour of having more child soldiers than any other nation.³⁹

On 5 January 2004, the SPDC created the Committee for the Prevention of the Recruitment of Child Soldiers (CPRCS), chaired by SPDC Secretary 2, Lt. Gen Thein Sein, ostensibly to reduce child enlistment. In October 2004, the Committee adopted a Plan of Action for the Implementation of the Objectives of that Committee, which affirmed the necessity of:

*“strengthened control of the recruitment process to ensure that no one under 18 years of age enters the armed forces; the discharge from military service and return to their parents or guardians of those found to be under 18 while training or in service; the provision of vocational training or other educational options and livelihood support, in particular for orphans, vulnerable children and those without guardians; an improved birth registration system; and the dissemination of information to recruitment centres and the general public on the prohibition of recruitment of persons under 18 years.”*⁴⁰

However, rather than taking steps to curtail child recruitment, the regime has employed the Committee as a forum to deny the practice altogether. On 3 February 2005, during the televised fourth meeting of the CPRCS, Lt. Gen. Thein Sein stated its task as being to “refute” the “baseless allegations” that there are child soldiers, saying these were “false statements” made by “unscrupulous people.” Committee members reported on measures already taken to “reject the allegations of destructive elements” internationally.⁴¹ In 2006, Human Rights Watch asserted, “the Burmese government’s high-level committee to end child soldier recruitment has had no impact on the problem,” adding, “Until the government takes genuine steps to implement its laws, children will continue to be snatched off the streets and forced into military service.”⁴² Similarly, a 2006 report by the Human Rights Education Institute of Burma (HREIB) found no evidence of the regime punishing officers for illegal recruitment practices. HREIB director Aung Myo Min stated that “This committee has done little to protect children from being recruited into the military.”⁴³ The Coalition to Stop the Use of Child Soldiers has also rejected the regime’s claims that child recruitment has been curtailed, particularly noting the regime’s lack of cooperation with NGOs and children’s rights organisations working to stop the use of child soldiers in the region.⁴⁴

In fact it was not until 2006 that the SPDC explicitly acknowledged the presence of child soldiers in the *tatmadaw*, whilst maintaining its denial of any intentional recruitment of children under 18 years of age. Thein Sein alleged that child soldiers lie about their age, and stated that underage recruits were returned to their parents by the military.⁴⁵ According to a letter sent by the SPDC to the UN Security Council, “The Myanmar Armed Forces is an all volunteer force and those entering military service do so of their own free will... Forced conscription by the Government is strictly prohibited.”⁴⁶ A November 2006 report by the Ministry of Foreign Affairs claimed that up until September the army had discharged 16 new recruits, four of whom were underage, since the start of the year. In addition, on 24 October 2006, the SPDC informed the International Committee of the Red Cross (ICRC) that 17 complaints regarding recruitment of underage soldiers had been resolved.⁴⁷

Despite these claims, numerous reports surfaced in 2006 of military authorities ignoring or refusing parents’ requests to release their children from service. HREIB reported incidents of parents appealing unsuccessfully to SPDC authorities, both through established institutions and extra-legally. Requests sent through the ILO to the CPRCS, to the Committee directly, and to individual military officials were ignored.⁴⁸ In 2006, the SPDC invited UNICEF to visit its military recruitment centres. The offer was declined due to the lack of insight provided by government organised tours. UNICEF did, however, offer to assist the SPDC in the reintegration of discharged child soldiers into society and to conduct awareness workshops for trainers of military recruiters in international and domestic law. The SPDC failed to formally respond to this offer.⁴⁹

In September 2006, Christian Solidarity Worldwide (CSW) reported that over 30 children, aged between 15 and 16, had been forcibly recruited into the *tatmadaw* from one Township alone in the previous two years, within Mong Ku District, northern Shan State.⁵⁰ Similarly, HREIB’s 2006 report, for which the group used interviews with over 50 current or former child soldiers, found numerous cases of child recruitment by SPDC forces since the formation of the CPRCS. These child soldiers reported the SPDC’s recruitment practices to be systematic, intentional, and coercive. While some children join the *tatmadaw* out of economic hardship, most interviewees had been forcibly recruited by military officials.⁵¹

The most frequent tactic used by SPDC recruiters is to give children the option “*join the military or go to jail.*” Recruiters often “*lurk in train stations and other places where impoverished children not attending school during the day can be found,*” luring children with the promise of good salaries and opportunities.⁵² Often, recruiters ask a child if he has a national I.D. card. If, as is often the case, he does not have an I.D. card, the recruiters threaten the child with arrest if he refuses to join the military.⁵³ Homeless children, orphans and street traders are particularly vulnerable to the threat of arrest for ‘loitering’ or trading without a license. A report in June 2006 suggested that as many as five children were recruited each day at Rangoon’s main railway station, alone, through such tactics.⁵⁴



Z--- is 15 years old but was forced into the SPDC Army and assigned to Light Infantry Battalion #349 in Shwegyin Township before escaping in February 2006. He now has to decide what to do, knowing that if he tries to return home he may be arrested for desertion, imprisoned and then forced back into the Army. [Photo and caption: KHRG]

There have been numerous reports describing the practice of military officials intentionally obscuring the age of recruits, despite SPDC claims to the contrary. SPDC officers order recruits to lie about their age, sometimes under the threat of violent reprisals.⁵⁵ In one case reported by a child soldier to the HREIB, the officer who recruited the child first ordered him to lie to the examining doctor about his age. After the doctor initially refused to accept the boy, based on his obvious physical immaturity, the recruiting officer bribed the medical examiner in exchange for the child’s medical approval.⁵⁶

Whilst the upper echelons of the SPDC command may not proscribe the recruitment of child soldiers, they have created a system whereby such recruitment is indirectly encouraged and allowed to go unchecked and unpunished. A former member of the *tatmadaw* who defected to the Kachin Independence Organisation (KIO), told CSW how each battalion is ordered to recruit at least five new recruits each month, or else face a fine.⁵⁷ This onus is passed on to recruiters who may be fined for failing to reach their quota, while they receive bonuses for bringing in soldiers over their quota.⁵⁸ High recruitment figures are also said to be concomitant with rapid promotion within the SPDC ranks. In December 2006, a recruitment

drive by Colonel San Aung, operations commander of TOC #2, led to youths being arrested and detained in the recruitment camp in Matupi Township, and meant children were afraid to go out of their houses at night.⁵⁹

Officers at recruitment camps sell recruits to individual battalions. The use of child soldiers is institutionalised to the extent that separate prices have been established for underage recruits, with a cost of 50,000 kyat for adults and 30,000 kyat for children.⁶⁰ In some instances, Burmese police sell young offenders directly to military recruitment camps. On 22 August 2006, three 15 year old boys, Than Naing Aye, Lin Lin and Yan Lin Maung, were sold in such a way by Police Lt-Sgt Min Aung Thein from No.1 Police Station Meikhtila, Mandalay Division. They were sold to Mandalay Taung Thone Lone Army Recruitment Camp for 65,000 kyat. They had been arrested on 3 August and charged with theft.⁶¹

In 2006, a 16 year-old soldier with the LIB #106 based in Mawkanin of northern Ye Township, whom had deserted his post, reported that, during his training at Yeni military training school in Pegu Division, of his 200 fellow trainees, *“half of us were child soldiers.”*⁶² During training, child recruits are beaten, receive insufficient or poor quality food, and often have their money taken by higher-ranking officers. The barracks are overcrowded and facilities are insufficient. Children who are caught attempting to escape are severely punished often by beatings, forced labour, or detention. Sometimes these punishments extend to the entire unit. If a soldier escapes from a unit, the entire group may be beaten. If an escapee is apprehended, any member of the unit who does not participate sufficiently in the punishment will be beaten themselves.⁶³

When children are deployed as soldiers in the *tatmadaw* and assigned to duty with various military units, they are generally treated as adults. They are often forced to engage in armed conflict, perpetrate human rights abuses against ethnic minority civilians, participate in the destruction of villages suspected to support ethnic insurgency groups, and commit extrajudicial killings.⁶⁴ Child soldiers may also be forced to serve as human minesweepers or as human shields for adult soldiers.⁶⁵ A former SPDC Major reported in 2006, that some improvements in this situation had occurred; *“As a result of international pressure, the SPDC does not let children who are very young go to the front-line anymore. They tell commanders instead to use the children for domestic work in the army camps. But some commanders ignore this and still send young children to the front-line,”* he stated.⁶⁶

Like adult soldiers, child soldiers are not provided with adequate food, money or supplies. They are subject to harsh conditions, and treated badly by commanding officers. One child soldier who reached Thailand in October 2006, after fleeing his Division, told how when he fell ill with malaria he asked his Commander Nyi Nyi Htwe for leave, but was instead scolded and told to put up with it.⁶⁷ Many other child soldiers attempt to desert the army but have few choices of where to go. If they return to their homes or remain in Burma, they fear arrest, punishment and being forcibly re-recruited; if they flee to neighbouring countries they are forced to work and live illegally, without rights, documentation, or access to assistance programs.⁶⁸

Former child soldiers seeking protection in Thailand also face the threat of forcible return to Burma, as dictated by Thai policy. When the Thailand Working Group of the Security Council on Children and Armed Conflict sought clarifications on this practice, Thai officials stated that they were not aware of the situation. Since that time, the Thai Government has

agreed to cooperate with the UN and address the problem of child soldiers through a common strategy with the Thailand Working Group.⁶⁹

Child Soldiers in Armed Ethnic Groups

In 2002 Human Rights Watch estimated there to be approximately 6,700 children serving in non state ethnic armed groups within Burma, including those aligned with the junta, as well as those resisting SPDC control.⁷⁰ Ethnic minority children often join armed resistance groups as a result of the ongoing armed conflict within their regions, sometimes in response to human rights abuses perpetrated against them or their families and communities. Whilst HRW's figure represents the most recent reliable estimate, certain factors suggest that the number of child soldiers, at least in those forces resisting SPDC control, have since dwindled.

In 2006, two of the largest resistance forces, the Karen National Union (KNU) and the Karenni National Progressive Party (KNPP), continued to make concrete moves to be removed from the UN listings of countries and organisations engaged in the use of child soldiers. In June 2006, leaders of both groups met with officials from UNICEF and UNHCR in Thailand to assure them that they no longer recruit child soldiers. KNU General Secretary Mahn Sha stated that although the KNU had not recruited child soldiers since 2000 it was possible that "*low-level leaders*" were not following orders from the top. KNPP General Secretary Raymond Htoo said if any children applied to serve with KNPP forces they were sent to school.⁷¹

On 31 July 2006, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict received a letter from the KNU stating that it would no longer use or recruit children; would monitor its units and take action to ensure that no children were within its ranks; and would cooperate and allow unhindered United Nations access to monitor and verify compliance to non-recruitment.⁷² The Southeast Asia Coalition to Stop the Use of Child Soldiers asserted that "*the number of child soldiers in KNU and KNPP have dropped compared to three years ago. There were less than 50 child soldiers in KNU and KNPP in 2006, according to dialogues with these groups.*"⁷³ By the end of the year, the Office of the UN Secretary-General for Children and Armed Conflict was liaising with the UN Country Team to finalise a deed of commitment and action plan to address the Karen National Liberation Army's (armed wing of the KNU) indications.⁷⁴

The Shan State Army-South (SSA-S), whilst not listed by the UN, was reported to continue to recruit child soldiers in significant numbers in 2006,⁷⁵ with both HREIB and the Coalition to Stop the Use of Child Soldiers documenting the use of child soldiers by the SSA-S.⁷⁶ In February 2006 the SPDC began a trial for captured members of the SSA-S, under charges which, hinting at hypocrisy, included the use of child soldiers. The state-appointed lawyers reportedly advised the defendants to plead guilty, to avoid lengthy jail terms or suffering for their families.⁷⁷ SSA-S commander Sai Htoo, who led the surrendering group, subsequently testified that the SSA-S "*generally recruited fighters aged between 18 and 40, but boys in their early teens were enlisted if older conscripts were unavailable*" adding that "*depending on the size of villages, each village has to send four or five recruits*". The SPDC used one of the captured fighters, a 13 year-old, as proof that the SSA-S continued to recruit child soldiers, and told the media that the boy had confirmed that SSA-S troops were murdering families of recruits to prevent desertion.⁷⁸ The leader of SSA-S, Col. Yawd Serk, denied the reports, saying that the boy was not a Shan but a Burmese boy. He also asserted that the SSA-S does not use force to recruit new soldiers, because it is not practical.⁷⁹

Of those armed groups aligned with the SPDC, the Democratic Karen Buddhist Army and the United Wa State Army (USWA) are reported to have the largest numbers of children within their ranks.⁸⁰ IN 2006, the U.S. State Department cited the UWSA as the worst offender of all armed ethnic groups in Burma. The USWA is one of the most powerful armed groups in Burma, and is a major ally of the SPDC. In return for attacking armed resistance groups and supporting SPDC led military operations, the UWSA receives substantial material benefits, and the SPDC turns a blind eye to its heavy involvement in the opium trade.⁸¹



In February 2006 the KNLA attacked the DKBA camp at Meh Mweh Hta. During the attack they captured 16 year old DKBA soldier N--- (left). N---'s father had already died, and he was living with his mother, grandmother and two siblings when the DKBA ordered him to join them or pay 50,000 Kyat. He had no money, so he joined. They told him he would receive 50,000 Kyat per month as salary, but he never saw any money at all. *[Photo and Caption: KHRG]*.

Conscription of Child Soldiers – Partial List of Incidents 2006

Chin State

On 2 February 2006, it was reported that a 14 year old boy from Tone-kalay village, Bogale Township, Irrawaddy Division, had been kidnapped by a soldier from IB #18. Aung Thu was abducted on 25 October 2005, and has reportedly been forcibly conscripted into the army. His family were ignored in their pleas to have him returned.⁸²

On 21 March 2006, SPDC troops detained 17 year old Maung Han Zaw of Tharkayta Township, Rangoon Division, placing him in Military Training School No. 5 at Yai Ni, near Pyinmana. When his parents travelled to the training school, to retrieve their son, the commanding officer, Captain Aye Thit, whilst allowing them to speak to their son, would not allow him to leave.⁸³

On 7 July 2006, (also reported as being in May⁸⁴) SPDC LIB #365 recruited 11 child soldiers from an orphanage in Tedim town, Chin State. The soldiers, who were reportedly under the command of Sergeant Major Thein Tun, first forced them to work at Kalaymyo airport,

before taking them to the Kalaymyo military camp. Two of the older boys attempted to escape but were caught, punished and transferred to Kalewa military camp. One of the “older boys”, Vung Ki Thang, was reported to be only 15 years old.⁸⁵

On 22 August 2006, three children were sold to the SPDC military by local police at Meikhtila. Police Lt-Sgt Min Aung Thein reportedly sold 15 year-olds Than Naing Aye, Lin Lin and Yuan Lin Maung to Mandalay Taung Thone Lone Army Recruitment Camp. Min Aung Thein received 65,000 kyat for the boys, who are all from Nangdawkone Zone, Chan Aya Thar Zan Ward.⁸⁶

On 6 November 2006, four youths, including a high school student, were arrested by soldiers from the LIB #104 in Matupi, Chin State. The student was released after his teacher reportedly bribed the authorities an undisclosed amount. The three other youths were on their way to a nearby training centre when their vehicle overturned and the children escaped. The fate of the three youths after this point was not documented at the time of the report.⁸⁷

KHRG Child Soldier Interview ⁸⁸

Source: KHRG.
 Name: Ko Z---
 Sex: Male
 Age: 15
 Ethnicity: Burman
 Religion: Buddhist
 From: Mandalay Division
 Occupation: Student (5th Standard); also helps his parents in the ricefields.

While I was going to sit for my [5th Standard] examinations I met NCO (non-commissioned officer) Tin Soe from *Su Saun Yay [recruit camp] #3* in Meiktila. He asked me, “Do you have an I.D. card?” I answered that I didn’t. He told me, “Then you must join the army, for you have no I.D. card and you cannot come to town without an I.D. card.” I refused to join the army but he threatened me that he would send me to court. That made me afraid, so I told him I would join the army. The SPDC is using many tricks to recruit their soldiers. One of my friends named Ko P--- is about 30 years old, and one time while we were waiting for a car we were sitting drinking tea in a teashop. Some SPDC soldiers started calling people to jump on their truck and they would send them for free to their villages without payment. Many people were happy and jumped on the truck. But the soldiers drove their truck to the Army camp. Then they demanded money to let the women go, and forced the men to become soldiers.

My mother has passed away. I was her only child. I was staying with my aunts, not with my father. My father took another wife and got two more children, and his wife was pregnant again when the soldier arrested me. When I informed my father I’d been arrested he told me I could join the army. He was staying with his second wife.

I was arrested on May 1st 2005 and they kept me in the *Su Saun Yay [recruitment camp]* for 15 days. There were many recruits under 16 years old in the recruiting camp. The NCOs at the recruiting camp sold recruits for money to Battalion companies who needed more

soldiers. If a soldier runs away from his company, the Company Commander can go and buy a soldier from recruiting camp to replace him. The Battalions paid 50,000 Kyat for a fully aged recruit or 30,000 Kyat for an underage recruit. Underage recruits at the recruiting camp who wanted to attend training also had to give a bribe to the recruiting camp NCO. So the NCO was paid 30,000 Kyat *[by a Battalion]* for each new underage recruit, and if you are underage you must also pay the NCO another 2,000 kyat and you can attend training.

On May 17th 2005 they sent me to #7 Army Training Camp at Taung Dwin Gyi, and I was in training there for four months. The NCO *[at the Su Saun Yay]* assigned me to Light Infantry Battalion #378 but when I arrived *[at training]* they assigned me to LIB #349. My weight wasn't enough, but I put some mud in my uniform pockets when they weighed me. The minimum weight is 80 pounds but I weigh under 70 pounds.

There were 250 recruits attending the training, including 10 child soldiers. The recruits were divided into four companies at the Army Training Camp. I saw three child soldiers in other companies who were younger than I am. They were about 13 years old. During my training time I heard that General Kyaw Win was coming to visit our training camp, and my Sergeant Kyaw Oo asked me, "*How old are you?*" I answered that I am 15 years old and he slapped my face. He told me I must answer 18 years old, because if General Kyaw Win asks me I must answer that I am 18 years old.

During my training we had to run in the morning, and we practiced parade drill, ploughed and harvested paddy, and studied about small arms. To plant the paddy we had to pull a plough through the flat field like bullocks. We also had to pull a tractor with rope *[to turn the soil]*, with some recruits pushing and others pulling it *[so the officers didn't even have to spend for fuel]*. We worked hard and got tired but did not get enough food. We got one egg and one handful of rice in the morning, bean soup in the afternoon, and in the evening we got two pieces of meat with a little rice. The paddy that we grew was sold and all the money went to the Light Infantry Division Commander, so he became richer and richer.

During training I also learned the *kyin wut chao she* ["sixty rules of conduct"]. There are 20 rules for soldiers, ten about how to deal with civilians, five about dealing with enemies, and I don't remember exactly how many about dealing with fellow soldiers, maybe 5 or 10. During training ten recruits tried to escape, but only four of them got away and six were recaptured. They were tortured seriously, nearly to death. They were kept locked in leg stocks, handcuffed, tied with chains, and beaten again and again every time the NCOs got drunk. The NCOs ordered them to lie down on their faces and then beat their backs in front of all the recruits. I was afraid of that so I didn't dare to run away.

Seven of us were sent to LIB #349 as soldiers: Ko Z---, M---, Z---, Z---, W---, T---, and A---. Of the seven, Z---, W--- and I have already run away.

There were over a hundred soldiers in LIB #349. My Captain was Soe Win, the Battalion Commander was Soe Tint, and the 1st Lieutenant was Thet Khaing. The Battalion Commander liked to choose soldiers who could speak Karen language and who were skilled in defense. This was the first time for me to come to the front line. We started by travelling from Ma Ta Ba to Shwegyin. We came by boat on the Sittaung River from Shwegyin to Shan village. From Shan village we walked for three days to Win Maw. The Battalion Commander demanded six porters from every village along the way. He took six villagers, then when we arrived at the next village he demanded six more villagers and released the previous six

villagers. LIB #349 controls the area around Per Lah Daw, Myeik Way, Kya In Gone and Win Maw. LIB #349 arrived about two and half months ago to replace LIB #587. The LIB #349 Commander is Soe Tint, the 1st Lieutenant is Thet Khaing, Company #1 Commander Bee Tah [*transliteration of 'Peter'*] , Company #2 Commander Yeh Htun, Company #3 Commander Zin Oo and Company #4 Commander Kyaw Zin Htaik.

The salaries for ordinary soldiers are 8,000 Kyat to 9,500 Kyat [*per month*] . The Battalion Commander cut out 200 Kyat of that for himself and also took money for festivals, for example K'Htain fees [*the festival of giving new robes to the monks, which occurs around October-November*] , of 2,000 or 3,000 Kyat from our salaries many times. We received only 6,000 or 7,500 Kyat for one month. The Lance Corporal received 11,000 Kyat, Corporals got 12,000 Kyat, and Sergeants got 13,000 Kyat. The Warrant Officer Class 2 got 15,000 Kyat.

When we were based at Win Boe village, the soldiers shot two of the villagers' pigs and brought them into our camp. Then they ordered their owners to come to meet with them to pay double the value of those pigs if they wanted them back, but the villagers didn't dare come. The soldiers accused those pigs of destroying their plantations, but the soldiers hadn't planted anything near their camp. They just want to eat pork, so they do silly things to the villagers. The soldiers did not follow their moral duties [*as specified in the 'sixty rules of conduct'*] toward the civilians.

The NCOs bullied and forced the ordinary soldiers to do work all the time. They were so cruel to us. We never had time to rest, whether in the back lines or at the front line. I am angry at the SPDC's NCO soldiers and I want to kill them.

The reason I ran away from the SPDC Army is that one day when I was cooking [*for his unit*] Corporal Kyaw Thu called me and ordered me to carry water. I replied that if I went my rice would go soft [*from overcooking*] and asked someone else to carry the water. The Corporal said I was disobeying him and he punched me. I reported it to Company Commander Bee Tah, and he punched me too. The other reason I fled is that I never wanted to join the army, but if I had run away when I was still in the back lines I surely would not have escaped. When I arrived at the front line I decided to run away. I ran away on February 4th 2006. Now I hope I can continue to carry arms, but if that's not possible I will attend school again.

6.4 Sexual Assault against Children

“The Security Council...

10. 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;

11. Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls, and in this regard stresses the need to exclude these crimes, where feasible from amnesty provisions”.

-UN Security Council Resolution 1325 (2000)

The perpetration of sexual violence against women and girls by members of the military and other junta-sanctioned actors has been well documented by a range of human rights organisations. However, reports also suggest that most sexual abuse goes unreported, either from fear of social isolation or as a result of the regime’s policies. According to the Committee on the Rights of the Child, cases of sexual abuse, torture, and ill-treatment of children by military and police forces occur frequently, but most are not documented. The Committee cited SPDC policies discouraging reporting, and a lack of access to judiciary services, as reasons for under-reporting. In 2004, the Committee also expressed concern over the *“increasing number of child victims of sexual exploitation, including prostitution and pornography.”*⁸⁹ The U.S. State Department Country Report offers similar criticism, noting that in Burma *“laws specifically against child prostitution and pornography... were not effectively enforced.”*⁹⁰

The SPDC has repeatedly denied the occurrence of rape by soldiers and personnel under its command, despite numerous accounts to the contrary. A statement to the UN Secretary-General made by Jackie Sanders, Alternate U.S. Representative to the UN for Special Political Affairs, noted the *“systematic rape of women and girls, particularly of the Shan, Karen, Karenni, and other ethnic minorities, as an instrument of armed conflict.”*⁹¹ KHRG reports that *“rape, including gang rape, of civilian women and girls by SPDC military personnel is common in Karen State and though it is not a daily or weekly occurrence the structures of power connected to militarization do heighten the villagers’ vulnerability to such abuses,”* adding that this heightened vulnerability and concurrent fear *“serves the military as a tool for intimidation and control of women and entire communities.”*⁹²

Sexual assault by SPDC personnel is invariably conducted in a climate of total impunity. There were numerous reports in 2006 of SPDC officials denying victims’ allegations, refusing to report accounts of sexual violence, and offering bribes to the victims and their families. According to the Asian Human Rights Commission, whilst *“reliable information...indicates that acts of rape by government agents in Burma are widespread and increasing in frequency. Very rarely are the perpetrators ever brought to justice, as invariably they are able to pay money to silence the victims and other concerned persons, and because of their influence among other local officials.”*⁹³. (For more information see incidents below and the Chapter 7 Rights of Women)

Children in ethnic conflict areas face the greatest risk of sexual violence. Children in these areas may be displaced or orphaned by ongoing SPDC offensives and the resultant violence. Heightened troop levels expose them to a greater number of soldiers, who may be given license to commit atrocities by their commanding officers. According to reports, an SPDC colonel visiting central Shan State told the soldiers of IB #243 to “*do anything you like, whether it be stealing, robbing, raping, or dealing in drugs. The only thing is to be careful it doesn’t come out on one of the foreign radios.*”⁹⁴ The risk of rape has knock on effects in the lives of the girl child within these ethnic rural areas. It has been reported that such a threat has prevented girls from attending school particularly if they would have to walk long distances on their own in order to get their.⁹⁵

Sexual Assault against Children – Partial List of Incidents for 2006

Arakan State

On 10 October 2006, three naval cadets raped a 14 year-old girl, Khaing Thin Kyi at Yaysinpyin Village, Sittwe Township. None of the cadets were punished and the girl was later forced to marry one of her rapists, for which she was forced to lie about her age.⁹⁶

Irrawaddy Division

On 25 January 2006, a 15 year old girl (name withheld) was raped by Aung Myo Min, Executive of the Union Solidarity and Development Association in Wakhema Township. Although he threatened to kill the girl if details emerged, the case came to light following a doctor’s appointment. At this point, he offered money to the girl’s aunt to keep the incident quiet and pay for an abortion if necessary. Her aunt refused the money. Aung Myo Min then managed to get the girl’s grandfather to accept 70,000 kyat. The girl’s aunt, nevertheless, continued to pursue the case. The police, however, refused to record the case claiming too much time had passed since the incident. The local government’s women’s committee also refused to take up the case.⁹⁷

Karen State

Pa’an District

On 9 April 2006, 14 year old Ma M--- from Htee Chwa village was attacked by a soldier from SPDC LIB #547 when returning home with two female friends from a tutorial session at her teacher's home. Her two friends ran away and informed a man from the village who rushed to the scene causing the soldier to flee. Ma M--- reported that the soldier had attempted to rape her. He had pushed her to the floor and punched her in the face twice forcing her to pass out. Whilst her injuries healed, she told her parents that she dared not go to school and wanted to commit suicide. The villagers informed SPDC LIB #547 Commander Khaing Maung Htway of what had happened, who discharged the guilty soldier.⁹⁸

Thaton District

On 25 October 2006, Company Commander Aung Ko Ko alongside troops from SPDC IB #235, based in Pa-an township, reportedly tried to abduct and rape 2 young school girls, while they were returning from school at 4 pm. They were Mu Lay Paw, aged 9, and Naw Say Moo, aged 10, of Kru-see village.⁹⁹

Magwe Division

On 13 September 2006, Pt Zaw Win Soe, a Burmese soldier from Taungdwinggyi based Battalion #103, raped a 14 year old local school-girl. The girl's parents reported the assault to the local police station but the police refused to accept the report. On 18 September the soldier's commanding officer, Hla Myo Kyaw, came to see the parents to warn them not to pursue the lawsuit.¹⁰⁰

Mandalay Division

On 22 August 2006 a Burmese military officer raped a seventeen year-old girl at gunpoint while on security duty near Tada-U International Airport. Lt-Col Thiha Maung Maung pointed a gun at Ma Moe Moe Myint of Sipinkwayh village, and took her away. Although the villagers reported the case to military superiors and the local police, no action was taken. The villagers were warned that they would be punished if details of the case were made public.¹⁰¹

Shan State

On 16 March 2006, two women (names withheld), aged 15 and 19, were gang raped by SPDC soldiers from IB #13 at Wan Khaam Phurk (a small camp where a few villagers were staying whilst working on their farms) in Wan Hai village tract, Kaa-See Township. When more than 30 troops searched the camp, all the males had already fled. The troops detained the two women in their hut, and a procession of troops took turns raping the girls before leaving the next morning.¹⁰²

On 6 October 2006, a 13 year old Akha girl was sexually assaulted during an attempted rape by a soldier from LIB #331 in Pung Lo village, Hawng Lerk village tract, Tachilek Township. The girl (name withheld) was travelling from her village, Paang Sali, to market at Waeng Keo village, when she was accosted by the soldier. When the girl was attacked she screamed for help, and many villagers came to her aide. The villagers apprehended the soldier and took him to his base to inform his commanding officer of what he had done. The commander responded by immediately freeing the soldier, refusing to take any action against him and telling the villagers not to pay him any attention as he was mentally unstable.¹⁰³

On 9 October 2006, three Palaung women: Daw Nan Man, 52; Ma Aye Sein, 32; and Ma Aye Kyaing, 14, were raped by SPDC troops outside Wan Pan Village, of Ho Pong village tract in the Loi Lem District. Two of the women, Daw Nan Man and Ma Aye Kyaing, escaped from the Burmese soldiers after being raped, but they suffered several injuries from the attack. The third woman, Ma Aye Sein had her skull cracked open, was stabbed four times in her left breast, and suffered three broken ribs. On 13 October, at Lwe Lin Hospital, she died from her injuries, which had been complicated by delays in getting her to the hospital. Whilst Wan Pan villagers went to the battalion to complain of the incident to commanders, there was no action taken against the rapists. The rapists, from LIB #9, were identified as:

1. Thet Pine
2. Thet Lwin Oo
3. Myo Thein
4. La Min Htwe
5. Kyaw Soe
6. Win Ko.¹⁰⁴

6.5 Right to Education

“States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- Make primary education compulsory and available free to all*
- Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need.”*

- Article 28, Paragraph 1, UN Convention on the Rights of the Child

Burma's Child Law stipulates that *“Every child shall have the right to free basic primary education in state schools and that the Ministry of Education shall implement a system of free and compulsory primary education,”* and the SPDC maintains that it has endeavoured to *“facilitate children's accessibility to education even in the remote regions of the country”* as part of the 'Education for All' National Action Plan.¹⁰⁵ Despite these claims, the state of education in Burma remained deplorable throughout 2006, particularly in rural and conflict areas.

Burma's deteriorating education system is a direct result of disproportionately low investment by the SPDC regime. The SPDC's own figures for the fiscal year 2006 to 2007 (April through March), claimed expenditure allocated to the Ministry of Education to be 1.9 percent of the total national budget. However, even this low figure can be questioned. The British Government's country report for Burma estimated SPDC expenditure on education to be only 0.3 percent of the country's GDP in October 2005, during a period when the SPDC claimed it allocated 8.9 percent of its national budget to education.¹⁰⁶

As a result, the SPDC's assertions regarding free education for all have little grounding in reality. Families are forced to shoulder the financial burden of buying school supplies, paying for teachers' food and travel expenses, and funding the construction and repair of school buildings. They may even be coerced by SPDC forces into providing the labour for school construction themselves. Frequently, local residents must hire additional teachers to supplement the inadequate number of teachers appointed by the SPDC, with local families paying the entirety of their salaries.

Many families simply cannot afford the rising costs associated with educating their children. At the beginning of the 2005-2006 school year, on average, students faced an enrolment fee of 6,000 to 9,000 kyat in rural areas and between 10,000 to 15,000 kyat in urban zones.¹⁰⁷ In the area around the Yadana gas pipeline in northern Yebyu, tuition fees for 2006-2007 rose to 15,000 kyat for middle school and 17,000 kyat for high school in order to supplement inadequate government funding. The money went to finance basic supplies, such as chairs, bookshelves, and even cement and bricks to repair old buildings and construct new facilities.¹⁰⁸ Tuition fees also increased around the Three Pagodas Pass border town of the Thai Burma border, and in southern Chin State it was reported that many poor families were unable to afford new tuition fees and the costs of supplies, which together were estimated at 20,000 kyat per child per year.¹⁰⁹

After heavy rainfalls in Arakan State, at least ten primary schools were forced to close due to a lack of funds. The regime has not provided financial support to any of the schools in the area, despite the fact that some have been shut down for extended periods of time, and the Township education authority ordered all of the villages to repair the facilities with their own funds. Concurrently, illiteracy rates within Rathidaung, Ponna Kyunt and Buthidaung Townships, Arakan State, are said to be increasing on a yearly basis.¹¹⁰

As tuition fees and associated costs rise, poor families are forced out of the educational arena in increasing numbers. Children whose parents are farmers frequently subsidise their education through a combined payment of money and agricultural produce. In urban areas, inflation and low salaries inhibited parents from meeting the high costs of their children's education.¹¹¹ In a three Township survey conducted in 2005 by Save the Children (UK), more than half of out-of-school children reported 'cannot afford schooling costs' as their reason for leaving school.¹¹² Many families in Burma support multiple children, and often cannot pay all of the school fees simultaneously, forcing them to rotate children in and out of school, withdrawing them from school after the fourth Standard and then sending a different child through the education system.¹¹³ There are very few schools that provide an education to children from poor families, or children with special developmental needs. Whilst the SPDC claims 90 percent of children are enrolled within the education system, UNICEF places this figure at closer to 55 percent.¹¹⁴

Systematic and unchecked corruption interferes with many students' desires to continue their education. One Karen district official said that in order to receive a national I.D. card, a document needed to take the 10th Standard exam and continue to university, students must 'develop an understanding' with an SPDC official. This involves the student bribing the official with roughly 10,000 kyat to issue the I.D. card. According to another official, students who want to transfer schools must pay a bribe of 4,000-5,000 kyat to the administration of the new school, or they will be denied entry.¹¹⁵ In areas of Karen State under SPDC control, families have reported being forced to pay an additional tuition fee of 6,000 kyat per child per month, forcing many children out of the education system. The fee was said to have been imposed not only due to a lack of funding but also as a result of local-level SPDC corruption.¹¹⁶

Education in Burma is also compromised by the low wages provided to teachers. The U.S. Department of State reported teachers' salaries to be 5,300 kyat per month in 2006 and noted that this amount was "*far below subsistence wages*".¹¹⁷ KHRG reported lower salaries in Karen State, ranging from 40,000 to 50,000 kyat per year.¹¹⁸ As a result of such low wages, teachers cannot support themselves by teaching in classrooms. Some work another job, others are forced to quit. There were reports in 2006 of SPDC-appointed teachers deserting local schools and then bribing local officials to continue paying their salaries as if they were still working.¹¹⁹ Most, however, support themselves by giving private lessons. This has become a major issue in Burmese education, as many Burmese allege that teachers intentionally cut lessons short and omit necessary information from classroom sessions in an effort to force pupils to pay for private tutoring in order to pass their exams.¹²⁰ The cost of these private sessions was reported to be around 10,000 kyat per month in Karen State in 2006; a prohibitive amount for the vast majority of pupils.¹²¹ In March 2006, 36 students were prevented from taking their matriculation exams due to a regulation regarding the number of missed classes. Local residents reported that the students missed these classes because they were being taught improperly by teachers, and were unable to understand the lessons if they did not attend private tutoring sessions organised by the teachers.¹²²

In response, the SPDC has introduced new legislation to limit private tuition sessions, claiming that increased teacher salaries render the practice unnecessary. In May 2006 six teachers from the Rangoon area were arrested for violating the new law. Some parents welcome the legislation, hoping that it will improve classroom lessons and lessen the cost of education. However, many remained sceptical as to the impact of such reforms; *“The government forces teachers and students into the underground,”* said a Rangoon university lecturer, adding *“The law scares people, but what can they do? The present education system is under-funded and needs radical reform before it will work.”*¹²³



Kheh Der village primary school in the hills of southwestern Toungoo District, taken in September 2005. This school, which was built and operated by the villagers themselves, and the entire village have now been destroyed and abandoned as part of the ongoing SPDC offensive against all hill villages in Toungoo District. [Photo and Caption: KHRG]

Lack of teacher training and experience has further eroded the quality of education in Burma. According to the All Burma Federation of Student Unions (ABFSU), teachers who receive their training through the University of Education are taught teacher-centred teaching methods and rote learning that fail to embrace independent, creative or critical thinking. Similarly, textbooks and education standards are reported to have remained static since the current education system was founded in the early 1970s. As a result, the education children in Burma receive fails to encourage students to participate in discussion, to critique material, or to offer their own knowledge or experiences.¹²⁴

Schools are also subject to un-announced, unexplained closures by SPDC officials. In Hakha Township, Chin State, three separate closures were ordered in 2006 by Commander Tin Hla. These closures included two schools for orphans, which together provided services to over 400 students, and a self-supported middle school. No reason was given for the closures. According to reports, local residents and school officials were outraged, but complied out of fear of the SPDC authorities.¹²⁵

The situation is somewhat different for the establishment. In 2006, in response to rising tuition costs, education stipends were granted to the children of armed forces personnel. Members of the Arakan State police department, NaSaKa border security, and army battalions stationed in Arakan were awarded money to assist in paying for their children's education. The awards ranged from 2,500 to 8,000 kyat per month for primary students, 3,000 to 11,000 kyat for middle school students and 5,000 to 15,000 kyat for high school

students. University and post-graduate students received even larger stipends. The funds for the military stipends are reported to include money forcibly collected from local residents, many of whom are unable to afford education for their own children.¹²⁶

Children of the military elite attend exclusive primary and secondary schools with access to modern equipment and amenities such as computers, computer training, school trips and sports. According to the ABFSU, registration fees for these schools can range from US\$100 to 200 per year, which is beyond the means of most civilians. Children who attend these schools are indoctrinated by military ideology. Students from these schools are more likely to receive highly-coveted opportunities for study abroad, which are awarded based on the student's connections with regime officials rather than academic competence.¹²⁷

Education in Ethnic Minority and Conflict Areas

Ethnic minority children, particularly those in areas of active armed conflict, suffer disproportionately from Burma's failing education system. A study by KHRG in Thaton District, Karen State, found that only 7 percent of students who complete primary school enrol in middle school, and of those only 14 percent go on to high school.¹²⁸ Children in these areas endure an environment of ongoing human rights abuses, including forced labour, sexual violence, torture, extra-judicial killing and restrictions on movement. In 1999, UNICEF reported that 84 percent of all children who drop out of primary school in Burma come from ethnic border areas. Only 10 percent of children in Karen, Karenni, and Shan States attend school, while in other areas such as Arakan State and the Wa areas of Shan State, the percentage is even lower.¹²⁹ As a result of continuing violence, many families have moved or sent their children to refugee camps in Thailand in order to access a better education and escape the constant abuse of local SPDC and SPDC aligned soldiers.¹³⁰

The SPDC bans the study of ethnic languages in all public schools. Independent village-run schools, prevalent in ethnic conflict zones, where villagers have little or no SPDC funding, often teach two curriculums: their own, including classes in ethnic languages, and the SPDC official curriculum. If SPDC forces enter the village, they switch to the official curriculum for fear of reprisals from the military.¹³¹ There are reports of the SPDC taking control of established locally run schools and renaming them Government Schools. After a school has been appropriated by the regime, the curriculum must conform to the SPDC agenda and instruction in ethnic languages is no longer permitted.¹³² Although continued teaching of Mon language was part of the 1995 Ceasefire Agreement, the government reneged on this in 1997 and banned the teaching of both Mon language and literature in government schools. The following year they declared the teaching of Mon to be illegal. During the year 2005/06 the New Mon State Party had a total of 376 schools providing Mon language education for around 50,000 Mon students. SPDC interference in these schools has ranged from poaching teachers by offering them more money to work in government schools, to sending the military to forcibly close the schools down. Teachers and village leaders are routinely threatened.¹³³ In Khaw Zar Sub-Township, Ye Township, Mon State, an SPDC commander forced a teacher at the Khaw Zar Mon National School to stop giving classes on the Mon language, and also forced her students to work as labourers on the building of the SPDC high school. The teacher eventually left the area, stating *"the continual threats on us to report on our activities including staff meetings have forced me to leave the area."*¹³⁴

The SPDC frequently appoints Burman teachers with no knowledge of ethnic culture, language, or history to teach in ethnic areas. A large percentage of these teachers graduate

from the University for Development of National Races, which offers a masters degree in philosophy and education. These teachers are taught by members of the regime to perpetuate SPDC ideology through their lessons.¹³⁵ Residents of ethnic minority communities perceive SPDC schools and curriculum as a tool used by the regime to further 'Burmanise' ethnic communities. As one Karen villager said, *"If we cannot read or write our own language, it means the same as if we kill our nation."*¹³⁶

In the predominately Chin and Kachin States, the SPDC has established military run schools ostensibly for the purpose of offering local children from poor families the opportunity of a completely free education. However, these schools have not permitted freedom of worship, despite promises in Chin State to the contrary. Christian children are forced to recite Buddhist prayer, and reportedly beaten if they refuse. Kachin girls in one school in Bhamo are forced to dress as Buddhist nuns. Such practices are often carried out without the parents' knowledge. Other times the SPDC is more candid in its approach.¹³⁷ In 2006, Christian Chins reported that an SPDC high school in the area, which promised graduates government jobs, only permitted the enrolment of Buddhist children, forcing Christians to convert in order to benefit from such an opportunity of education and employment.¹³⁸ Such practices are supportive of claims that the SPDC continues in a policy of Burmanisation, attempting to assimilate ethnic races and create a Burma of one race, one language and one religion. Concurrently, Christian teachers may be subject to harassment and abuse by SPDC or pro-SPDC forces. In Thaton District, Karen State, officers from the SPDC-aligned DKBA threatened Christian teachers during 2006, as a result of their religion. According to KHRG reports, *"If the teachers are Christian, the soldiers have accused them of having KNU (Karen National Union) connections and of coming to destroy the Buddhist religion, and in some cases threatened to kill them. Through such harassment the DKBA has attempted to ensure that all teachers in Karen State are Buddhist."*¹³⁹



The village school of Kay Pu village in Lu Thaw Township, Papun district, which local villagers were rebuilding when this photo was taken in April 2006 after their former school had been burned by an SPDC column. [Photo and Caption: KHRG]

SPDC offensives continued to disrupt education in ethnic areas throughout 2006. In Khaw Zar sub-Township, Ye Township, Mon State, considered a “black area” by the regime due to continued insurgent activity, it was reported that students were often unable to attend school due to an inability to get home before the regime-imposed 5 pm curfew. The restriction stated that villagers had to be back in their village by this time or risk being shot or tortured. According to one teacher, *“I have a total of 70 students, but only 50 attend the class because they are afraid of the Burmese authorities and their restrictions.”*¹⁴⁰

Similarly, in areas of Karen State where the SPDC mounted a continual offensive throughout the year, children in the mountain areas found it impossible to attend school due to the high levels of military activity, through which any civilian was liable to be shot.¹⁴¹ KHRG reported that many schools in Toungoo District were forced to close, in February 2006, leaving students unable to sit their exams.¹⁴² The Federation of Trade Unions-Kawthoolei asserted, in May 2006, that it is *“highly likely”* that all of the 126 schools in Toungoo and Nyaunglebin Districts will be forced to close as a result of the violence, leaving the current 3,659 pupils without access to education.¹⁴³ In Papun District, KHRG reported that *“the SPDC has been burning school buildings along with houses and field huts. As villagers must constantly flee, displaced communities have had to close their schools and many have not been able to reopen since the current attacks began in November 2005.”* Soldiers also reportedly place landmines around abandoned schools in order to maim or kill returning villagers.¹⁴⁴

Children who live as Internally Displaced Persons (IDPs) have the least access to education. Many children must commit their time to foraging for food or child rearing, and others become too ill to continue their studies.¹⁴⁵ Nevertheless, IDP communities often try to continue their children’s education in hidden sites, using makeshift supplies. However, continuing violence prevents them from maintaining an effective education system, especially at the post-primary level. A KHRG report on the situation in Toungoo District found that *“There are many children who have passed 5th standard but cannot continue their studies because they are constantly fleeing from their homes and no higher education is available locally any more... Some students have fled to the jungle, while others have moved to other districts or refugee camps in order to continue their schooling.”*¹⁴⁶

The Muslim Rohingya in Burma are subject to particular discrimination in their education. As they are not recognized as citizens, they have no access to public education beyond the primary level.¹⁴⁷ Their lack of citizenship also means they are excluded from most civil service positions.¹⁴⁸ As a result of this exclusion, there are no Rohingya teachers. The majority of teachers in Rohingya areas are Rakhine, and are reportedly *“not inclined to work in rural areas dominated by Muslims.”*¹⁴⁹ In 2006, Rohingya students in Northern Arakan who applied for higher studies in Sittwe were denied permission to travel and unable to attend university, with the exception of some students in Maungdaw whose parents paid an exorbitant bribe to the authorities. On 16 January 2006, the DPDC Chairman Major Ran Myu Aung, and immigration officers in Maungdaw District, failed to grant 270 prospective students their necessary travel permits, despite previously soliciting money from them under the promise of forthcoming passes. Eventually, the Rohingya students were told that they would not receive travel passes as they were not citizens of Burma.¹⁵⁰

In 2006 the World Food Program (WFP) operated a largely successful effort, supplying rice to students in Northern Arakan State, where rice prices continued to increase exponentially creating concerns for food security. As part of its efforts, the WFP had instituted a food for education programme in Buthidaung, Maungdaw and Rathidaung Townships in 1996

specifically targeting girls in order to reduce the gender gap in school enrolment figures. The programme was subsequently expanded to include boys.¹⁵¹ However in early 2006, the WFP was prevented from implementing its plans in areas of Buthidaung Township. The Commander of the Western Command prohibited the import of rice into this area and the WFP was unable to find a company from which to procure rice in the village tract.¹⁵² It is thought that the SPDC attempted to control the rice trade within the area in order to manage the state's rice markets. In March 2006 it was reported that 126 orphans from a school affected by this prohibition were facing starvation in the absence of these supplies.¹⁵³ The situation in Northern Arakan improved somewhat with the arrival of a new Western Commander in May 2006.¹⁵⁴

Gender Equality

A report by Save the Children U.K. (SCUK) found that *"there does not appear to be a significant difference between boys' and girls' access to education."* According to official figures, overall enrolment in 2002-2003 was 84.3 percent for boys and 83.6 percent for girls, with primary school enrolment being marginally higher for girls.¹⁵⁵ However, these figures do not include other measures of school attendance, and the regime has failed to produce any sex-disaggregated data on rates of retention or dropout.

According to KHRG, the expanding military presence in Karen State has severely damaged girls' educational prospects. As mothers are increasingly occupied with subsistence work, daughters are often forced to devote their time to taking care of younger siblings. Sons are also asked to work, but their duties are generally more short-term tasks, such as gathering firewood or foraging for food, and as such they are more likely to be able to attend school, where there is a school available. In areas without a school in the immediate vicinity, daughters are less likely to be allowed to travel to school. This is a result not only of traditional stigmas against girls travelling far from home, but also the immediate fear of young girls being attacked and sexually assaulted whilst travelling to school in rural areas, with a large military presence.¹⁵⁶

The WFP 'food for education program,' which has been operating in Arakan State since 1996, has been associated with rising rates of female enrolment in the area. When the programme was introduced, 12,767 girls were enrolled in the 271 schools included in the project, as compared to 26,928 boys. The WFP provided 15 kg of rice a month to any female students with an attendance rate of 80 percent, and by 2004-2005 there were 61,456 girls enrolled in 345 schools, compared with 25,856 boys. The programme's success prompted the WFP to balance gender participation in their programme, resulting in a 2005-2006 enrolment of 43,205 female and 43,058 male students in the 340 schools for which information was available. The WFP has recently extended its efforts to Shan State and Magwe Division.¹⁵⁷

6.6 Right to Health

“States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such healthcare services.”

- Article 24, Paragraph 1, UN Convention on the Rights of the Child

The national healthcare system in Burma remains chronically under funded, and children in Burma continue to endure a healthcare system devoid of skilled health practitioners, proper medical facilities, and adequate information. Even according to SPDC statistics only 0.8 percent of the national budget was allocated to the Ministry of Health for the 2006-2007 fiscal year.¹⁵⁸ Hospitals are few and far between and sometimes understaffed, facilities are rudimentary, and medicine is in short supply. As an illustration, from mid-November to early December 2006, about 300 children were hospitalized in Sittwe Hospital, Arakan State, due to malaria, dengue fever, and jaundice caused by complications of malaria. The children were brought from outlying areas, where hospitals faced severe medicine shortages. However, doctors at Sittwe Hospital reported that they also faced under-staffing and a shortage of supplies, and that the SPDC had ignored their appeals for assistance.¹⁵⁹ What medicine is available is very expensive. In addition, families are often required to pay bribes to poorly paid hospital staff in order to receive treatment.¹⁶⁰ With a quarter of all households living below subsistence level, healthcare is beyond the financial means of much of the population.¹⁶¹ (For more information see Chapter 9 Right to Education and Health).

Consequently, many children die from treatable diseases.¹⁶² According to a 2005 report by Save the Children (UK), acute respiratory illness and diarrhoea are the leading causes of death in children under five, which is *“a clear indication that the health system is in crisis. This is primarily due to consistently low government expenditure on health, which is now estimated at <\$0.20/person/year, a fraction of the \$40-60 /person/year that WHO estimates is required to fund a minimally functional health system in developing countries.”*¹⁶³

A lack of public health information and education also greatly contributes to the prevalence of diseases and children’s susceptibility to them. During August 2006, in Moulmein, Mon State, as many as three children a day were dying at the local hospital, as a result of dengue and hemorrhagic fever. The inherent risks of the disease during rainy season were exacerbated by the total absence of public health information and education. In its absence, parents from rural areas continued to believe they could nurse their children at home after they became infected, allowing the disease to progress. Children were generally only taken to hospital after their condition became serious, often to the point of being untreatable.¹⁶⁴

Many individuals and organisations suspect that bird flu has been active in the country for the past two years, based on migratory patterns in infected birds. However, until February 2006, the regime had denied these claims.¹⁶⁵ At this time, an outbreak was in fact confirmed to the UN Food and Agricultural Organization (FAO), by the Ministry of Health, however, the SPDC did not disseminate information to the public. The official newspaper, *The New Light of Myanmar*, refused to publish reports of the outbreak more than a week after it was confirmed. After the bird flu-related deaths of many Thai and Vietnamese children, it is feared that Burmese children may be particularly at risk, as there has been little or no education about disease prevention.¹⁶⁶ In April 2006, the FAO admitted that the outbreaks

were “*more serious than we imagined.*” At the time of its announcement, the organisation said it was tracking over 100 distinct sites of bird flu infection.¹⁶⁷

In 2006, the SPDC initiated a nationwide campaign forcing villagers to buy, plant, tend to and harvest castor oil plants (for more information see Chapter 1 Forced Labour and Forced Conscription, and Chapter 5 Deprivation of Livelihood), for the profit of the SPDC. The seeds of the castor plant are highly toxic, containing ricin, whilst being colourful and attractive to children.¹⁶⁸ If eaten, a raw castor bean can cause abdominal pain, vomiting, and severe, sometimes bloody diarrhoea within hours. Ingestion can even lead to death. In other countries the plant is grown under controlled conditions. The SPDC has provided villagers with no information on the dangers of the plant. There have been reports of villagers, including children, whom are conscripted to work on the plantations, alongside adults, experiencing dizziness, nausea and severe illness after simply placing the bean in their mouth.¹⁶⁹



During her flight to the Thai border in April 2006 with a group of other people from her village, this schoolgirl from Toungoo district fell seriously ill and had to be carried through the hills of Papun district. This photo (left) was taken during a rest stop while she was being carried several days' walk to the nearest clinic in a KNU-controlled area. The group soon set off again through the fields (right). [Photo and caption: KHRG]

Children in ethnic border regions, often experiencing high levels of conflict and militarization, are particularly susceptible to poor health. A 2006 report on the health situation in eastern conflict zones by the Backpack Health Worker Team (BPHWT) reported infant mortality rates in 2004 about 20 percent higher than the national average, with under 5 mortality rates over twice the average.¹⁷⁰

High rates of child mortality in ethnic minority border areas can, to a large degree, be explicitly traced to SPDC policy and practice within these areas, beyond the chronic lack of funding discussed above. BPHWT found that conditions conducive to poor health “*often have their basis in misgovernance and abrogation of the rule of law.*”¹⁷¹ In 2006, 126 children faced starvation in Buthidaung Township, Northern Arakan State, when SPDC authorities refused to allow rice to be transported to their orphanage, providing an explicit exemplar of the cause-effect nexus between SPDC policy and child health.¹⁷² Similarly, an outbreak of diarrhoea in Arakan State, during October 2006, which claimed the lives of 41 children under 10 years old, over a 10 day period, was attributed to the consumption of unclean foods which the children had foraged for. The families of the children had been unable to afford to feed them since the SPDC’s banned the travel of residents to the local forest. Previously, roughly 90 percent of villagers in the Tawphyachaung area of Ponna Kyunt Township were employed as bamboo cutters.¹⁷³ (For more information on the effects of movement restrictions on food security see Chapter 12 Freedom of Movement, Assembly and Association)

Children of internally displaced families are particularly vulnerable to health risks, as a direct result of ongoing SPDC military campaigns in ethnic areas and human rights abuses by the *tatmadaw*. BPHWT found over a quarter of IDP families reported food destruction or theft by *tatmadaw* forces in the twelve months preceding the survey. In these households, rates of moderate child malnutrition were 4.4 times higher than the rest of Burma, and rates of severe child malnutrition were twice as high as the national average.¹⁷⁴ BPHWT also found that families who had been forced to flee in the past year faced under 5 mortality rates 2.4 times that of the national average, malnutrition rates 3.1 times higher than the average, and women were over six times more likely to die from childbirth in their lifetime.¹⁷⁵ A BPHWT medic explained the chain of causation; “*displacement can lead to malnutrition, because people have to leave their villages. They can carry only small amounts of food and other personal needs, and the lack of food can cause malnutrition especially in children.*”¹⁷⁶

High rates of malaria in eastern Burma have also been directly linked to SPDC abuses, and the resulting displacement of communities, as they are forced to live in jungle areas without proper shelter or mosquito nets and lack access to adequate treatment.¹⁷⁷ Malaria is a chronic problem in Burma, which records 7.3 percent of infections in Southeast Asia but 53.6 percent of malaria deaths.¹⁷⁸ Children under 5 years of age, particularly those living in eastern border zones, are most vulnerable to the disease. The BPHWT survey of over 1,800 households found malaria to be the cause of nearly 50 percent of deaths in children under 5.¹⁷⁹

The health situation of children in conflict areas is worsened due to the difficulties international aid agencies have in reaching them. Due to the SPDC’s limited investment in healthcare, most of the aid provided to children in Burma comes from external agencies and governments. However, throughout 2006, conflict-affected areas along the Thai border remained largely inaccessible with no aid able to reach villagers in areas where there was large scale food scarcity.¹⁸⁰ Whilst insecticide-treated mosquito nets (ITNs) have been shown to be particularly effective in reducing childhood mortality, their use remains low, especially

340in border areas. Medicines Sans Frontieres- France had previously been refused permission to distribute these nets in the eastern border areas. This restriction was one of many that forced the group to end its operations in Burma in 2006.¹⁸¹

Furthermore, when the SPDC does initiate health programmes those in rural areas are often simply overlooked. Burma will vaccinate a total of more than 7 million children against measles under a measles control strategic plan for 2007. However, the initial vaccination plan failed to include those children in ethnic rural areas.¹⁸²

Children and HIV/AIDS

In 2004 the Global Fund announced that over 2 percent of pregnant women in Burma were suffering from HIV/AIDS,¹⁸³ and the level of HIV-positive women receiving antenatal care was high enough in 2005 for the World Health Organisation to conclude that HIV/AIDS infection rates in Burma had reached the status of a general epidemic. In 2005, UNAIDS estimated that over 3,000 to 4,000 HIV-positive babies were born each year in Burma, and at least 16,000 children under 15 were living with HIV or AIDS. According to UNICEF, mother-to-child transmission is the most common mode of infection for those under 15.¹⁸⁴

In response, UNICEF launched a new programme, in 2005, to provide preventative treatment to mothers and children in Burma's 10 largest major hospitals.¹⁸⁵ Whilst the number of Townships offering HIV testing and prevention of mother to child transmission treatment have increased through such work by INGOs and UN agencies, in 2006 these efforts remained limited and those in rural and conflict areas were particularly out of the reach of current capabilities.¹⁸⁶

Aside from mother to child transmission, Burmese children are also increasingly vulnerable to contracting HIV/AIDS due to the rising number of children either being trafficked into the sex industry, or resorting to it as a result of economic hardship. Girls, as young as eleven, have been forced to turn to prostitution, and using contraception in the sex industry is said to be rare. UNAIDS have reported that 27% of sex workers, tested in Burma in 2004, were found to be HIV positive.¹⁸⁷ The AIDS epidemic has fuelled the demand for young prostitutes who are mistakenly believed to be less likely infected. The demand, both within Burma and in neighbouring countries, for young "virgin" girls has increased the likelihood that children trafficked will be sold multiple times to customers intending to have unprotected sex with them.¹⁸⁸ (For more information see Section 6.7 Child Trafficking and Chapter 9: Rights to Education and Health).

Like adults, children with HIV/AIDS not only face difficulties in obtaining adequate healthcare, but they also face difficulties accessing other social services because of the stigma associated with the disease.

In an encouraging move, in January 2006, the SPDC announced plans to add an HIV/AIDS prevention and education program to its national school curriculum, targeting children aged from seven to sixteen, although low attendance rates in schools, a lack of funding and poorly trained teaching staff will likely mitigate the impact of this measure.¹⁸⁹

6.7 Arrest and Detention of Children

According to the 1993 Child Law, the minimum age for legal accountability in Burma is just 7 years old, though it allows for the immaturity of children less than 12 years. The law also defines persons between the ages of 16 and 18 as “*youths*,” rather than children, to be treated as adults under the penal code.¹⁹⁰

There are two juvenile courts in Burma, in Rangoon and Mandalay. For those outside these cities, the Child Law has conferred the powers of a juvenile judge on judges who preside in Township courts. If found guilty, the law only provides for children to be imprisoned if their offence is one that for adults would normally be punished by death or transportation, or if the child is considered a particularly “*unruly or depraved character, or absolutely uncontrollable*”.¹⁹¹ Instead, most convicted children are remanded to reformatories jointly managed by the Prison Department and the Department of Social Welfare. Those who are sentenced to jail are held separately from adults, with one jail in Meiktila, Mandalay Division, specifically assigned to juvenile offenders.¹⁹²

The Child Law makes no provisions for ensuring juvenile offenders have access to legal assistance. In October 2005, UNICEF conducted trainings to demonstrate how to contend with cases of juvenile offenders without causing negative physical or mental consequences. Following the trainings, the National Committee of the Rights of the Child was reportedly formulating a plan to utilise these trained officers as a special task force for juvenile offenders.¹⁹³ However, in its 2006 report on Burma, the U.S. Bureau of Democracy, Human Rights, and Labour found there to be “*no adequate child protection or juvenile justice system*,” and that “*Efforts in this regard were severely constrained by lack of resources*.”¹⁹⁴ Like adults, children who are held in detention are often subject to prolonged periods of detention in poor conditions prior to their trials.¹⁹⁵

According to official figures, in 2004 there were 323 males and 81 females under the age of 18 detained in Burma’s prisons. In the past, the ICRC visited children in prison and provided them with assistance, as well as maintaining a confidential dialogue with prison authorities concerning the children in their care.¹⁹⁶ However, the cessation of ICRC prison visits in Burma in December 2005 has prevented them fulfilling this function. In December 2005, the junta affiliated Union Solidarity and Development Association interfered with the work of the ICRC when it demanded that it be able to accompany ICRC delegates during prison visits. As the ICRC operates as a neutral, independent and impartial humanitarian organisation, these conditions were unacceptable. As a result, the only independent organisation with the ability to monitor Burma’s 90 prisons and labour camps, suspended visits.

Children in ethnic minority areas are particularly susceptible to arrest, often arbitrary, at the hands of the SPDC army. It is not unusual for children who are arrested to be kept in unspecified locations with their parents either not informed of their arrest or not allowed any communication with them. On 17 January 2006, two high school students from Auk Pin Ti Village of Paletwa Township, southern Chin State were arrested by SPDC soldiers from LIB #140 stationed in Matupi Township on suspicion of being sympathetic to Chin rebels. Parents of 9th grader Pa Pa Tha and a 10th grader Maung Shwe were told to bring 350,000 kyat in exchange for the boys’ freedom. When the parents returned with the money they were told that their children had already been sent to Tactical Operation Command Headquarters in Matupi and there was nothing they could do to help free the boys.¹⁹⁷ Whilst many children are seemingly arrested as a means of extortion, with authorities demanding money for their

release, others are arrested on petty charges, such as a lack of I.D. in order that they can be coerced into the armed forces. (For more information see Section 6.3 Child Soldiers).

Similarly, homeless children are susceptible to arbitrary arrest, and potentially conscription into the armed forces, due to large scale crackdowns mounted to 'clean up the streets'. In August 2006, it was reported in the *Myanmar Times* that police in Rangoon detained over 1,500 homeless people, as part of a new tough approach to street crime. The police stated that these people were connected to 157 theft cases reported in Rangoon over the two previous months. Over 300 of those arrested were homeless gypsies, nearly 350 were beggars and nearly 1,000 were rubbish collectors, most of whom were under 16 years old.¹⁹⁸

Children in Prison with Their Mothers

Children under five may be found in prison with their mothers for 3 reasons; they have no relatives to care for them, their mothers have requested that they stay together; or they are born there. These children endure the same poor treatment and living conditions as their mothers, despite the fact that they are innocent of any criminal charges. In prison, women and their children suffer from the inadequate healthcare, unsanitary conditions and lack of nutritious food. Children in prison have no access to medicine, besides that provided by family members. The majority of children suffer from malnutrition. Furthermore, no provisions are made for children's mental and physical development. There are no books or toys for children and movement is restricted to inside the cells. According to one former political prisoner, "*Children who lived in prison with their mothers knew nothing of the world. Sometimes we met children who did not know what dogs were. They were the children who did not know what a motorcar was, and didn't know people outside of the wall were free.*"¹⁹⁹

Furthermore, imprisoned pregnant women are denied access to proper pre-natal care and during birth they are usually forced to rely on the assistance of fellow prisoners, who may or may not have relevant skills. As a result, a high number of children born in prison die during childbirth due to complications. After giving birth, female prisoners are forced to care for their new born babies under the same restrictions and harsh living conditions, adversely affecting the health of both mother and child.²⁰⁰

Upon reaching the age of five, children are taken away from their mothers and put into the care of social services if there are no relatives to take responsibility for them. Some reports indicate that children are sent to orphanages, while others are sent to military training schools and later forced to become child soldiers. Many children run away from social services, adding to the number of street children in urban areas.²⁰¹

Ei Po Po: A Four Year Old Political Detainee

The SPDC's incarceration policies attracted international attention in 2006, after the regime arrested four year-old Ei Po Po along with her mother, in January 2006.

On 14 January 2006, two Burmese students, Maung Maung Oo and Chit Thein Tun, members of the All Burma Students Democratic Front (ABSDF), were taken into custody from Moreh, Manipur in north-east India, by the military junta, in relation to the bombing at Nanthphalon Market in Tamu on 8 January 2006, which had killed one person.²⁰² Chit Thein Tun's wife, Ma Hnin Hnin, and his four year old daughter Ei Po Po and two others, Ko Po Zaw and his wife Ma Aye Myint Ma, were arrested two days later in Yan Lem Phai village, Sagaing Division whilst visiting relatives in Burma.²⁰³

On 22 January, Amnesty International issued a statement condemning the abductions. The group was particularly concerned that Ei Po Po was being held separately from her mother, and urged the Burmese authorities to adhere to international agreements on children's rights to which Burma is signatory.²⁰⁴ Ei Po Po's mother was reported to have been moved to a prison in Monywa, Sagaing Division, and her father sentenced to death.²⁰⁵

In mid-February, Ei Po Po was placed into the care of her grandmother in Yan Lem Phai Village. However, the SPDC refused to allow her aunt to bring the girl back to India, where she could resume schooling.²⁰⁶ According to the aunt, Ma Cho, *"I could not even enter Yan Lem Phai. From friends in a nearby village, I knew that outsiders visiting the house [of Ei's grandparents] needed permission from the local military authority. Fearing for my own security I returned to India."*²⁰⁷ Following this time, Ei Po Po continued to be held under virtual house arrest, and the close surveillance of the SPDC.²⁰⁸

6.8 Child Labour

“States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.”

- Article 32, Paragraph 1, UN Convention on the Rights of the Child

As Burma's economy continues to deteriorate, many families rely on all family members, including young children, to obtain sources of income. Children who leave their homes to live and work in urban areas forfeit their educational opportunities, and are exposed to overwork and abuse by employers, as well as predation from human traffickers. While the Child Law prohibits the employment of children under the age of 13, these restrictions are rarely enforced. Burma has not ratified ILO Convention 138 regarding minimum age standards for labour or ILO Convention 182 regarding the worst forms of child labour. According to the U.S. Department of State, children's presence in the work force was a “prevalent and visible” phenomenon in 2006.²⁰⁹

While children in Burma have traditionally contributed labour for their family farms or household duties, they are increasingly engaged in a variety of industries. Children are employed in the agricultural, fishing, service, domestic, manufacturing, sex and construction sectors. Conditions are particularly harsh in manufacturing, tea shops, and food processing, where children are expected to work 9-12 hours per day, 7 days a week. Children generally earn only half of adults' salaries, with children working in service jobs sometimes receiving no payment. Children working in informal sectors in urban areas also tend to be more exploited than rural child labourers, who are often unpaid assistants to family work. Although rural children are more vulnerable to demands for forced labour.²¹⁰



Primary school students in Kwih Dt'Ma village of Papun District carry coconuts on a weekend in September 2006 for a coconut merchant. Their parents have no money to pay their school fees at the SPDC-controlled primary school, so they have to look for jobs like this whenever they can to make some money to pay the fees. [Photo and caption: KHRG]

Due to the economic plight of children in Burma a growing number are resorting to begging as a means of survival, a trend which the Women and Child Rights Project also attributes to a lack of family planning in the country. Child beggars are found in shopping and transport centres throughout the country either individually or alongside their parents. Child beggars are also coordinated by gangs who compel them to solicit money or sell flowers and the like.²¹¹

Many young girls turn to the sex industry as an alternative to Burma's failing economy, with those girls who have a broker able to earn around 5,000 kyat per client. According to a Rangoon based journalist who conducted interviews for a survey on sex workers, *"Most of them are uneducated and want to earn more money. They are between the ages of 15 to 25 because at this age they can sell themselves for a better price."*²¹² According to the U.S. Department of State 2006 Country Report on Burma; *"In Rangoon and Mandalay, diplomatic representatives noted widespread employment of female prostitutes who appeared to be in their early teens and for whom there was reportedly a high demand."* Karaoke bars which were opened for entertainment purposes in the past were, in 2006, frequently converted to brothels, some of which advertised young, *"first time"* prostitutes. The demand is thought to be fuelled by increasing concerns of HIV/AIDS infections and the misconception that the younger sex workers are less likely to be infected.²¹³ According to local residents, SPDC authorities are not only failing to tackle the problem, but are themselves complicit.²¹⁴

Many Burmese children – over 300,000 by some estimates – are also working in Thailand. Those working in the manufacturing, domestic, agriculture and fishing industries are subjected to excessive working hours, lack of time off, unhealthy proximity to dangerous machines and chemicals, situations of debt bondage, confiscation of their identification documents, and systematic restrictions on their freedom of movement. In addition, the number of young Burmese forced to vend or beg in Thailand is reported to be rising.²¹⁵ Due to their illegal status, these children are an easy target for exploitation, and may be lured or coerced into the sex trade.²¹⁶ (For more information see Chapter 15: Situation of Migrant Workers).

Children and Forced Labour

Although the SPDC passed Order 1/99 in 2000 banning forced labour practices, reports of forced labour, including the use of children, persisted through 2006. Children as young as eight are subject to conscription for forced labour projects including portering, road construction, military camp maintenance, construction projects and sentry duty. Children are also forced to serve as human shields or human mine sweepers by being forced to walk in front of troops. As porters, children are exposed to the same harsh treatment as adult porters, including beatings, lack of food, and exposure to the elements.²¹⁷ Whilst performing forced labour, these children are typically unable to attend school.²¹⁸ According to KHRG, *"If orders state a preference for adults or able-bodied men to do the work, it is merely out of a desire to get the heavy work done more quickly rather than any sense of morality."*²¹⁹

When the SPDC makes demands for forced labour through village heads, the village heads generally try to avoid sending children for forced labour projects. However, a range of factors contribute to their continued employment in such situations. Children often participate in forced labour projects in place of their parents, who may be busy in the fields, working on another forced project, or simply unable to afford to lose a day of work. In addition, SPDC-

imposed deadlines on their projects often necessitate entire villages to contribute their labour, or else there simply may not be enough people in the village to fulfil the requested number of workers, without the inclusion of children.²²⁰ Alternatively, children are often forced to carry out their parents duties whilst their parents fulfil the demands placed on them by the SPDC. In cases where women are forced to work, small children may accompany their mothers, although in many cases the soldiers do not allow this, and the children must be left at home alone.²²¹

Forced Labour Involving Children – Partial List of Incidents for 2006

Arakan State

In early May 2006, 12 SPDC troops visited a Madrasah (Koranic School) in Buthidaung Township and abducted 16 orphans, all between the ages of 12 and 18. They forced the pupils to carry their loads from Panjee to Katella, a distance of 5 miles, before releasing them. (see interview below).²²²

In June 2006 it was reported that SPDC LIB #289 ordered the following villages in Palawa Township to each send 20 labourers every day to the SPDC camp:

1. Nharmatar,
2. Mondawn,
3. Loundkadu,
4. Palawa,
5. Ruwa,
6. Kethar,
7. Panetapan,
8. Jalay,
9. Chindawn,
10. Nupu,
11. Kuwa.

The villagers, aged between 15 and 40, were forced to bake brick, clean the camp, make fences, and build a temporary building and do general work in the camp. Each person was forced to bring rations and firewood for three days. They also had to bring tools such as hoes, pickaxes, and knives to use during their work.²²³ Villagers had to arrive at six in the morning and work eight hours a day without payment.²²⁴

Chin State

On 8 January 2006, troops from LIB #30 came to Satu village, Matupi Township, southern Chin State, and stopped a Sunday church service in order to commandeer 20 persons to porter for their unit. The church president, Mr. Vansen, was given an hour to select 20 people. Those who subsequently portered for the SPDC troops included 2 church elders and a 15 year old girl called Ma Yin.²²⁵

Karen State

Nyaunglebin District

On 7 September 2006, SPDC MOC #2 reportedly forced villagers from Shwe Dan, Tha Pyay Gone and Aung Soe Moe to repair the road between Ler Doh and Than Bon. It was about 800 metres in length but the villagers were required to complete their task within one day. Over 70 villagers, including 20 women, and a 13 year old girl were forced to work on the road.²²⁶

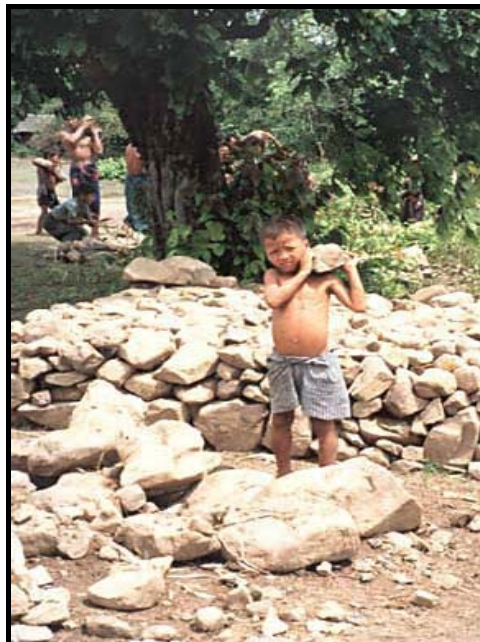
Papun District

In December 2006, it was reported that, in Papun District alone, over 20 boys, under the age of 16 years old, had been conscripted from Insein Prison to work as SPDC porters.²²⁷

Thaton District

On 26 March 2006, it was reported that the SPDC in Pa'an Township was implementing a castor oil plantation project by forcing the local population to grow the plant. Local middle school students were included in this order and were forced to grow 200 plants each.²²⁸

On 13 July 2006, SPDC troops forcibly gathered villagers in Maw-nay-pwa area, in Tantabin Township and sent them to Tat-pu army camp near Tat-pu village. The 60 villagers commandeered by the troops included some children, who were forced to carry food supplies up to Ta-pa-khee village for the army.²²⁹



This young boy from Bilin Township - who looks to be no older than ten - is doing forced labour for the SPDC, collecting stones that are to be used in the restoration of the old colonial road from Kyaik Khaw to Lay Kay and on into Papun District. Each village in the area was ordered to assemble 30,000 cubic feet of stone. Many parents send their children to do the work while the adults are busy tending to crops or doing other work to ensure the family's survival. *[Photo and caption: KHRG]*

Toungoo District

On 7 January 2006, troops from SPDC IB #48, led by Bo Htun Nay Lin, forced local villagers to work at the Shar-si-bo army camp. The villagers and their ages were:

1. Saw Ako, aged 45;
2. Saw Heh Nay Htoo, 27;
3. Saw Toe Nay, 70;
4. Saw Tay Nay, 42;
5. Saw Htoo Hla Say, 35;
6. Saw Leh Meh, 40;
7. Saw Naing Oo, 23;
8. Saw Say Doe Htoo, 15;
9. Saw Say Poe, 7;
10. Saw Theh Thaw, 30;
11. Naw Li Paw, 53;
12. Naw Mya Paw, 30; and
13. Naw Julia, 23.²³⁰

On 25 February 2006, Bo Aye Kyaw from SPDC IB #53, based at Htee-lo camp in Tantabin Township, forced Per-taw-tay villagers to work for Htee-lo army camp. Those villagers were:

1. Naw Ka Neh Paw, aged 15;
2. Saw Thein Lwin, 15;
3. Saw Wae Waw Htoo, 15;
4. Saw Kaw La Htoo, 15;
5. Saw Heh Say, 22;
6. Saw Poe Say Mya, 36;
7. Saw Aye Poe, 34;
8. Saw War Thoo Bay, 30;
9. Saw Kyaw Lay, 32;
10. Saw Tha Soe, 35; and
11. Saw Say Poe, 30.²³¹

On 11 March 2006, the SPDC TOC #663 Commander Tin Aung, under LID #66, based at Play-hsa-lo camp in Tantabin Township, forced Ya-lo and Plaw-baw-doe villagers to carry army rations from Paw-per-lay-la to Play-hsa-lo. Those persons requisitioned for labour from Plaw-baw-doe village were:

1. Saw Ta Kaw Raw, 46 years old;
2. Saw Ta Ma Taw, 17;
3. Saw Ywa Heh, 15;
4. Naw Si Wae, 34;
5. Naw Wa Doe, 21;
6. Naw Ker Lay, 20;
7. Naw Heh Klu, 18; and
8. Naw Kler Paw, 18.²³²

On 3 April 2006, the SPDC military forced villagers from Ger Mu Loh to serve as their porters. The villagers had to go to Hti Lo, pick up rice, and take it back to Play Hsa Loh camp. The villagers were:

1. Saw Htee Moo, 35 years old;
2. Saw Khu Heh, 30;
3. Saw Hee Paw, 30;
4. Saw Thu, 12;
5. Saw Maw Plo Gaw, 16;
6. Saw Tha Way, 50; and
7. Saw Kyaw Soe, 17.²³³

Karenni State

On 5 December 2006, it was reported that residents of Loikaw Township, including women and children, were being forcibly employed in the construction of local police stations and military camps. Reports stated that villagers were forced to carry water, build fences and collect wood for police and military personnel. Twenty villages were reportedly ordered to send roofing materials, including large dried leaves, to the Loi Linlay police station in Loikaw Township. In addition, SPDC LIB #530 was reported to have forced villagers to help build a new military camp. Whilst the Loikaw TPDC denied the allegations, one resident reported that the authorities *“demand one person from each household. Some widowers and old people are not able to go so their children, who are students, have to be absent from school while they work at those places.”*²³⁴

Mon State

On 12 February 2006, it was reported that SPDC commanders forced school children in Khaw Zar sub-Township to work as unpaid labourers on the construction of a new SPDC high school. The students were forced to carry food and water to the military camp, feed the camp's pigs, clean latrines and collect refuse. The children's classes had to be suspended while they carried out the labour, as they were taken out of school in order to fulfil their duties.²³⁵

On 1 August it was reported that the SPDC was forcing villagers in Kwan-hlar village, Hneepada-daw village, Kalort-tort village and Yaung-daung village along the Kanbauk-Myaingkalay gas pipeline to send five people from each quarter of the village for day or night patrol on rotation. According to 13 year old Min Tu, *“I have to patrol the railway route from 6 pm to 6 am which means the whole night because my parents are busy with farming.”*²³⁶

Pegu Division

On 8 January 2006, it was reported that schoolteachers at the state middle school in Myochan Village, Nattalin Township, Pegu Division had been employing their pupils as forced labourers. 13 year-old Thein Aung's legs were crushed after he was forced to carry heavy logs, and Ni Ni, a 10 year-old girl, broke her arm and lost consciousness after she fell off the school clinic's roof which she had been forced to clean.²³⁷

During March 2006, U Sein Myint, 60 years old, from Wayonkone village, and a 17 year old from Myoma High School No.2 were killed by oncoming trains whilst being forced to guard railway tracks in Nyaunglebin Township, Pegu Division. Local residents said that the two

victims were too poor to pay the 880 kyat fees to exempt them from sentry duty and died after falling asleep.²³⁸

Shan State

On 14 June 2006, it was reported that farmers and their children in Lashio Township, northern Shan State, were being forced to work on a castor oil plantation owned by the SPDC. It could take villagers as long as two and half hours to reach the plantation. Nevertheless, one person per household was required to work from 11 am to 5.30 pm planting trees and clearing the grass/weeds in the surrounding areas. Workers had to provide their own food and water. There were reported to be more than 1,000 people affected by the order.²³⁹

Tenasserim Division

In February 2006, it was reported that children as young as ten were being forced to work as labourers for SPDC troops in Wear Kwao village, northern Yebyu Township, Tenasserim Division.²⁴⁰



Teenage girls from Khaw Po Pleh village in Bilin township of Thaton district working in the fields in January 2006. These girls told KHRG they would prefer to be in school, but they have to work in the fields instead because their parents have to spend much of their time doing forced labour for the SPDC and DKBA. *[Photo and caption: KHRG]*

6.9 Child Trafficking

“States Parties shall take measures to combat the illicit transfer and non-return of children abroad.”

- Article 11, Paragraph 1, CRC

“States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.”

- Article 35, CRC

Throughout 2006, children in Burma continued to fall victim to human trafficking. The Burmese Penal Code prohibits kidnapping, and the Suppression of Prostitution Act and the Child Law include provisions against the sale, abuse or exploitation of children, but these laws are not effectively enforced. Since 2001, the U.S. Department of State has ranked Burma as a Tier 3 country, the lowest of the U.S. government’s standards, for failing to fulfil the minimum requirements of the 2000 Trafficking Victims Protection Act. In its 2006 Trafficking in Persons Report, the U.S. Department of State characterised Burma as a “source country” for human traffickers and asserted that “*the military junta’s economic mismanagement, human rights abuses, and its policy of using forced labour are driving factors behind Burma’s large trafficking problem.*” The report concluded that “*the Government of Burma does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so.*”²⁴¹

Children in Burma often fall prey to traffickers as a direct result of the deteriorating economy. As many children are forced to seek an income in order to contribute to their family’s survival, they become easy targets for traffickers who offer false promises of good salaries and jobs. Children may also be sold to traffickers by friends or family members, either for the money received or in the hope of a better life for the child. In addition, ongoing military conflicts drive children from Burma, many of whom flee to Thailand to escape the violence.²⁴² Because there are no official paths for the safe migration of labour, children who want to find work in Thailand can become subject to abuse and exploitation from the traffickers to whom they may be forced to turn.²⁴³

Children trafficked across international borders most frequently end up in Bangladesh, China, India, Korea, Macau, Malaysia, and Thailand where they are often forced into domestic servitude, sex work, factory work or begging.²⁴⁴ According to ILO-IPEC, around 80,000 women and children have been trafficked to Thailand for use in the sex trade between 1990 and 2005, with most of the victims coming from Burma.²⁴⁵

Children trafficked within the country are often transferred from rural to urban areas or to areas where sex work is prevalent such as trucking routes, military bases, fishing ports and mining areas.²⁴⁶ Recruiters reportedly travel around rural areas, particularly in northern Burma, to procure children as domestic labourers in urban areas.²⁴⁷

Ethnic children from rural areas are the most vulnerable to trafficking, particularly those who are homeless, orphaned, or displaced. According to a 2006 NGO conference, examining trafficking from all over South East Asia; Akha and Lahu children from Burma were the highest risk groups, with Burmese Shan also particularly vulnerable.²⁴⁸ The U.S. Department of State concurred that Shan girls are vulnerable to being sent or lured into prostitution in

Thailand.²⁴⁹ The number of Shan children forced to beg or work as street vendors in Chiang Mai, Thailand, was also said to be increasing in 2006.²⁵⁰ There also remained significant numbers of Burmese children trafficked into situations of forced and bonded labour in the fishing, domestic and manufacturing sectors of Thailand throughout the year. (For more information see Chapter 15 Situation of Migrant Workers).

In response to international criticism of trafficking violations in Burma, the SPDC has instituted several widely publicised measures against trafficking. In 1998 the regime established a National Plan of Action for Trafficking Women and Children as well as a National Task Force. In July 2002, a Working Committee for Prevention against Trafficking in Persons was established. On 30 March 2005, Burma also became a signatory to the UN Convention against Trans-national Organized Crime, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. In September 2004 and March 2005, the SPDC participated in the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), and in January 2006 Burma signed the Treaty on Mutual Assistance in Criminal Matters. The treaty coordinates countries in the region in an attempt to fight international crime, including trafficking.²⁵¹

On 14 September 2005, the SPDC announced the enactment of its new anti-trafficking law, which imposes punishments ranging from 10 years to life imprisonment for those found guilty of trafficking.²⁵² The SPDC claimed that, in 2005, they prosecuted 426 traffickers in 203 cases and identified 844 victims. The U.S. Bureau of Democracy, Human Rights, and Labour criticised the new legislation, however, alleging that it is “*not used effectively...because the Burmese judiciary lacks resources and independence,*” and added that “*although local and regional officials, primarily along the borders, were suspected of complicity in trafficking, the government reported no prosecutions of corrupt officials related to trafficking.*”²⁵³

Concurrently, the SPDC strictly limits the movement of women and girls under the age of 25 both within eastern Shan State and in crossing the border to Thailand. As such, young women and girls have been made more vulnerable to trafficking as they are forced to rely on traffickers in order to avoid the authorities when making such journeys. (For more information see Chapter 12 Freedom of Movement, Assembly and Association). The system of restrictions leaves children and their families open to extortion at the hands of local officials. On 8 July 2006, a couple and their 2 daughters from Laai Paang village Kun-Hing Township were travelling on a bus from Murng-Pan to Murng-Ton. They were arrested by SPDC troops from LIB #519 in transit at Saa-Laa Village in Murng-Ton Township and detained in a Buddhist monastery for four days until they paid a 220,000 kyat fine. They had been arrested on the basis that their daughters were underage and ought not to be travelling with them to the Thai border.²⁵⁴

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7. Rights of Women

7.1 Introduction

Both the 1947 and 1974 constitutions of Burma codify principles of sexual equality, and the ongoing State Peace and Development Council (SPDC) controlled constitution drafting process maintains the right to equality as a guiding principle. Furthermore, Burma became a signatory to the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1997. By acceding to the Convention, Burma is bound under international law to “*pursue by all appropriate means and without delay a policy of eliminating discrimination against women,*” with Article 1 defining discrimination against women as:

“Any distinction, exclusion or restriction made on the basis of sex which has the purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of the marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

CEDAW further establishes criteria on the promotion, fulfilment, respect and protection of the rights of women, which States Parties are obliged to adhere to.

In 1995, the UN Commission on the Status of Women put forth the Beijing Declaration and developed a Platform for Action at the Fourth World Conference in Beijing, China. The Platform for Action is “*an agenda for women's empowerment*” by both supporting CEDAW as well as furthering the Nairobi Forward - Looking Strategies for the Advancement of Women along with other related UN resolutions. The Platform for Action prescribes specific action to be taken by governments and civil society in “*areas of critical concern,*” which include poverty, health, education, violence against women, women in armed conflict, women and the economy, power and decision-making, institutional mechanisms for the advancement of women, human rights, media, the environment and the girl-child.¹ Whilst the SPDC signed the Platform for Action, it initially only acknowledged five of the twelve areas in developing a national plan for action while adding a sixth, culture, which was not included in the Platform for Action. The junta's initial five areas of concern included economy, education, the girl-child, health and violence against women. The SPDC later included environment and media in 2000.²

Despite its domestic and international obligations, the ruling military junta in Burma has consistently failed to secure the rights enumerated in these instruments for its female population, regardless of assertions from the regime that “*Myanmar women have been enjoying equal rights from the beginning of civilisation*”.³ In September 2005, Burma was ranked 129th out of a total of 177 countries evaluated for the United Nations Development Program's *Human Development Report 2005*'s Gender Empowerment Measure (GEM). The GEM calculates gender inequality by analysing economic participation and decision-making, as well as political participation and decision-making and power over economic resources.⁴

2006 was marked by continuing gender inequality as well persistent and serious human rights violations perpetrated against Burmese women, primarily by agents of the state, including; political harassment, forced labour, arbitrary execution, torture, systematic sexual violence,

and trafficking. Whilst women have been the specific targets of particular abuses, such as rape, the effects of abuses traditionally directed at men, or other indiscriminate abuses, necessitate examination in relation to women, as traditional gender roles coupled with community responses to such abuse have led to specific and changing effects of such practices on women.⁵

Women in Burma are particularly affected by the regime's disproportionate spending on the military and its economic mismanagement. The SPDC's inadequate spending for infrastructure, healthcare and education has lent to reinforcing traditional female roles while preventing them from accessing avenues through which they would be able to change their status, such as education and political participation. Poverty continues to disproportionately affect women within Burma. Those who do work do not receive equal pay for equal work on a consistent basis, and though they are legally entitled to receive up to 26 weeks of maternity benefits; this right was frequently not granted throughout 2006. Women continued to be underrepresented in traditional male occupations, and were effectively barred from some professions including the military which is all pervasive within Burmese society. As all roles of political importance are assumed by the military, the opportunities for women to gain positions of influence are thus largely restricted.⁶

Healthcare and health information is frequently inadequate or unattainable, particularly in rural and ethnic areas, exacerbated by the squeezing of funding to pay for increased militarization. These shortcomings have led to problems during pregnancy and childbirth due to the inability to attain or afford pre- and post-natal care. Women are left vulnerable to unwanted pregnancies, unsafe abortions, maternal mortality, as well as sexually transmitted diseases, a problem further compounded by increasing occurrences of trafficking in women, rape and prostitution.

Women of ethnic minorities continue to be the most vulnerable to human rights abuses and discrimination at the hands of the SPDC. In ethnic minority regions; healthcare and education are severely under funded and underdeveloped, and ethnic minority women are subject to forced relocation, labour, and portering in war zones, as well as physical, psychological, and sexual abuses. Forced marriage has also been reported, often following the rape of that woman by the soldier she is then forced to marry. Furthermore, the military's offensives and abuses have led to the large scale displacement of the population, leaving access to basic services, food security, and security of the person even more unattainable for rural women.

7.2 Women in Politics

“States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.”

-Article 7, CEDAW.

Burma, as a State Party to CEDAW, has an obligation to ensure women's ability to participate in the political process. However, 2006 marked a continuation of the SPDC's failure to comply with their international obligations and secure these rights for Burmese women. In reality, the entire population of Burma continues to be denied access to a genuine democratic process. Nevertheless, Burmese women remain particularly disenfranchised and discriminated against. Whilst traditional cultural norms have tended to regard women as less capable than men, and have always created barriers against women in the public sphere, the militarization of society has had a weighted effect on Burma's female population. Women are precluded from joining the military, and as such prevented from rising to positions of influence within the country.⁷

The junta's tight control over civil society means that female participation in non governmental organisations (NGOs) is also severely curtailed. The Beijing Declaration and Platform for Action, adopted in 1995, emphasises that:

“The participation and contribution of all actors of civil society, particularly women's groups and networks and other non-governmental organizations and community-based organizations, with full respect for their autonomy, in co-operation with Governments, are important to the effective implementation and follow-up of the Platform for Action.”⁸

However, in 2006, there remained no independent women's rights organisations within the country.⁹ In their place the junta has instituted a number of Government Organised NGOs (GONGOs) to approximate the functions of such independent groups. Membership of these groups is coerced, with towns and villages often having quotas imposed upon them, and individuals having to pay for the privilege of membership. (For more information see Chapter 12 Freedom of Movement, Association and Assembly.)

One such group, the Myanmar Women's Affairs Federation (MWAF) boasts of possessing over 2.6 million members.¹⁰ However, the organisation is widely considered to be little more than a propaganda mouthpiece for the policies of the ruling junta. Most of the leaders of the MWAF are the wives or family members of top SPDC officials, and it is notable how often

the rhetoric of the MAAF mirrors that of the regime. On Women's Day in July 2006, MAAF President, Than Than Nwe, the wife of Prime Minister Gen. Soe Win, claimed that:

*"Myanmar women have achieved the momentum of advancement and security of life under the peace and tranquillity of the State [and] prevalence of law and order due to economic development and improved communication."*¹¹

The MAAF has also condemned the decision to refer Burma to the United Nations Security Council, which they stated would have a negative impact on Burmese women; accused exiled women's rights groups of "dancing to the tune of western nations" when reporting incidents of rape; and profited from draconian movement restrictions placed on women in Shan State through a system of payments required to circumvent such restrictions.¹² (For more information see below sections on Trafficking and Violence against Women).

Despite the obstacles facing women in participating freely in the political sphere, many have played a significant role within the Burmese democracy movement, leading to hundreds being gunned down during the brutal repression of the 1988 uprising. Subsequently, several women raised to prominent leadership positions in the newly formed independent political parties, including Nobel Laureate, Daw Aung San Suu Kyi, of the National League for Democracy (NLD). Sixteen women were elected to Parliament in the 1990 elections and, like their male counterparts, continue to be denied the opportunity to carry out their mandate by the SPDC.



On 31 August 2006, Su Su Nway of Burma was awarded the 2006 John Humphrey Freedom Award by the Canadian NGO Rights & Democracy. She was chosen from a field of 100 candidates nominated by human rights groups around the world. She had been released from SPDC detention in 2006 following strong pressure from the ILO, after originally being arrested for filing "false complaints" against SPDC officials for their role in forced labour practices. [Photo: DVB]

Women's continued participation in political movements leaves them open to harassment, intimidation and detention by the authorities. Since 1988 there have been around 200 female political prisoners in Burma. Whilst 2006, saw the release of Su Su Nway, in the face of

increasingly strong pressure from the ILO, (for more information see Chapter 1 Forced Labour and Forced Conscription and Chapter 2 Arbitrary Detention) Su Su Nway herself cautioned that *“there are many still struggling for justice who remain in detention.”*¹³ Included in this number is Burma’s most prominent political prisoner, Daw Aung San Suu Kyi. Her third term of house arrest was again extended by another year in May 2006.¹⁴ As a result, 2006 marked the tenth year out of the last 17 that Daw Aung San Suu Kyi has remained in detention.

At the village level, the Karen Human Rights Group have documented an increase in the participation of Karen women in the public sphere as a direct result of SPDC abuses, with many women now taking on the role of village head. Within such a heavily militarised zone, one of the key responsibilities of this role is to conduct negotiations with the military on behalf of the village. Men are considered more vulnerable in this role, and are frequently harassed, intimidated or attacked by the military. Women are considered less likely to suffer violence, and the traditional Burmese cultural practice of displaying respect for older women often puts them in a stronger negotiating position vis-à-vis the military, than a male counterpart. As a result, in some villages the position of village head is rotated around the women in the village. In this way, some Karen women have become empowered and more confident, and have subverted many traditional cultural perceptions of the role of women. In response, the SPDC has at times forced villages to reinstall a man in the position of village head, and increased pressure on its officers to ensure that they assert their authority over female village heads. Furthermore, less risk does not mean no risk, and the position of village head remained one vulnerable to persecution and targeting by the authorities. In 2006, village heads were frequently detained by the *tatmadaw* (SPDC armed forces), and sometimes beaten for failing to comply with their demands. The position of village head has, also, often resulted in the amassing of a large personal debt, as liability for SPDC demands is placed upon the incumbent of this position.¹⁵

The National Convention, the military run constitution drafting process, has been on going for many years now and is heavily controlled and manipulated by the SPDC, who seek to reserve 25 percent of future parliamentary seats for the military, leading Christian Solidarity Worldwide to describe the process as *“simply a rubber stamp for the SPDC’s own agenda”*.¹⁶ Whilst the drafting process maintains the right to equality as a guiding principle, it is unknown whether anything more than a nominal acknowledgment of women’s equality will be legislated for. However, it seems unlikely, given the regime’s continued assertions that such measures are unnecessary as Burmese women *“have no need to demand their rights for they can enjoy their rights on equal terms with men.”*¹⁷ As recently as the 30 November 2006, Chief of Police, Brig-Gen Khin Yi, stated that *“53% of its (Burma’s) total population are women and our traditional norms and culture place them on an equal footing with men.”*¹⁸ Currently, only five percent of the delegates to the National Convention are women.¹⁹ Thus, the drafting process itself can be seen to both mirror and reinforce gender discrimination within Burma.

Burmese women’s organisations in exile have long argued that the interests of women must be a central element in any process of drafting a new constitution. Women should therefore be involved at every stage of the drafting process. A broad-based movement of opposition groups is currently involved in the drafting of a constitution, separate from the SPDC-controlled process, and based on a federal democratic system. The Women’s League of Burma (WLB), an umbrella organisation of Burmese women’s rights groups in exile, is serving as the principle women’s representative in this alternative process, and seeks to

encourage the “*acceptance of principles and practices of gender equality as well as the meaningful participation of women in decision-making processes*”.²⁰ As part of their constitution-drafting process, the WLB have established a number of criteria that they believe would improve the status of women in Burmese life. They stress:

- The importance of any government in Burma recognising the principle of the advancement of women, and making a commitment to the removal of all barriers hindering women from achieving equality with men.
- Adopt a minimum 30 percent quota for women at all levels of government. The WLB believe that this is the most effective strategy to immediately bring about women’s representation at the levels of government where, traditionally, their advance has been prevented.
- Adopting a proportional representation system of government within a federal, democratic Burma, which would swiftly increase women’s and minority group’s representation in government, where they have been traditionally marginalised.
- A Ministry for Gender Equality should be formed to provide support for women, by ensuring that gender equality policies are followed and that women have a venue to pursue their grievances.²¹

It is the belief of the WLB that the historical traditions of gender inequality are so entrenched in Burmese cultural belief that the establishment of legal equality will be a nominal triumph only, and carry little weight in ensuring that women assume their rightful place as equal citizens. Only through a campaign of positive discrimination and affirmative action can women be quickly advanced to the higher levels of policy-making, where they can make the necessary changes to ensure true equality, and a state of genuine democracy in Burma.²²



This 44 year old village headwoman in Pa’an Township of Thaton District was detained by local DKBA Brigade #333 forces in February 2006. They slapped her in the face, extorted 100,000 Kyat in cash from her, and ordered her to show them the houses of people connected to the KNU.
[Photo and caption: KHRG]

7.3 Health of Women from Burma

“States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.”

- Article 12, Paragraph 1, CEDAW.

Healthcare continued to be considered a low priority by the SPDC in 2006, resulting in serious deficiencies in the provision of services contrary to Burma's obligations under CEDAW. The World Health Organisation (WHO), using figures provided by the SPDC, estimates Burma's funding on health services to be just 2.8 percent of GDP²³, an SPDC statistic, that even if accepted, pales in comparison with the more than 40 percent of GDP that the regime spends on its military and defence. This figure, combined with that for education, roughly equates to a total spend of US\$1 per person per year on health and education, and substantially explains the WHO ranking of Burma at 190th out of 191 countries for the standard of overall healthcare provision.²⁴ The under funding of medical services is particularly apparent outside of Burma's main urban population centres, where staff are often poorly trained and lack the equipment and resources to operate effectively.²⁵ The continued militarization of many rural areas, with concomitant human rights abuses and oppression, serves to greatly exacerbate the consequences of this lack of funding. (For more information see Chapter 7 Right to Health and Education)

Women frequently face health problems during pregnancy and childbirth, with those living in rural areas and conflict zones disproportionately affected. Those far from clinics, or IDPs in hiding from the military, are often forced to give birth in unsuitable, unhygienic conditions. One 20 year old Karen villager, Naw Wah Ye Paw, who fled her village in Mone Township, Nyaunglebin District, told of how she miscarried whilst in the jungle hiding from the SPDC army. She was four months pregnant when she was forced to leave her village in October 2006 through a fear of abuse at the hands of the *tatmadaw*. Despite hopes that they would be able to return to their village, the continuing offensive and the planting of landmines around the village meant they were forced to continue to live in hiding, with a shortage of food and water. One day, Naw Wah Ye Paw slipped on the ground whilst moving through the jungle and lost her baby three days later. There were no medicines available. Later they met with a Karenni nurse who was endeavouring to give aid to IDPs in the region and was able to give her some medicine (although there was no water to swallow it with). It took Naw Wah Ye Paw five days to recover. Without the medicine, Naw Wah Ye Paw believes she would have died in the jungle.²⁶ Medics operating in this area and assisting IDPs do so against the wishes of the SPDC, and place their own lives in danger in so doing. (For more information see Chapter 12: Freedom of Movement, Assembly and Association).

A 2006 report, by Back Pack Health Worker Teams, suggests that as many as one in twelve IDP women in the conflict zones of eastern Burma will die as a result of complications during pregnancy, a figure far above the national average and comparable to figures from countries acknowledged to be suffering the worst humanitarian crises in the world.²⁷

Region	MMR*	Lifetime Risk of Maternal Death
Eastern Burma Conflict Zones	1,000-1,200	1 in 12
Burma	360	1 in 75
Thailand	44	1 in 900
Democratic Republic of Congo	990	1 in 13
Somalia	1,100	1 in 10
Rwanda	1,400	1 in 10

Maternal Mortality Ratio among IDPs of eastern Burma, with Comparator Countries²⁸

*Maternal Mortality Ratio (MMR) is the ratio of deaths among women after 28 weeks gestation and before 6 weeks postpartum to 100,000 live births.

Most causes of maternal death are preventable within a functioning health system, and as such this indicator clearly highlights the unavailability of reproductive health-related care and services. Furthermore, BPHWT found that approximately 80% of respondents had never used contraception, while only 40% received any iron supplements during pregnancy. Both findings are indicative of the unavailability of reproductive health services. Taken together, these figures indicate that access to critical reproductive services is severely restricted in these settings. The risk is aggravated by the frequent contraction of other diseases and malnutrition, often brought on as a consequence of fleeing military attacks, or oppression at the hands of the SPDC. Aside from the direct risk to the mother, the baby is also placed in danger. Many are stillborn. Those that survive birth remain susceptible to early death, with the infant mortality rate in Karen areas being 106 per 1,000 births, or more than ten percent.²⁹

Similarly, a 2006 report by the Palaung Women's Organisation, described how there were no reproductive health services in rural Palaung areas, meaning that the vast majority of women give birth at home without a midwife present. It added that UNICEF books and pamphlets concerning reproductive health, whilst distributed in the cities and towns, had not reached rural areas. In reality very few Palaung women used contraception and had no conception of family planning. As a result of these factors, women often resorted to unsafe abortions including inserting sticks into the uterus.³⁰

Even in cases when women in Burma were able to access medical services, the culture of corruption within the health service often placed the price of securing a doctor beyond their reach. In one incident in 2006, in Buthidaung Township, Northern Arakan State, a pregnant woman, Nur Fatema, 21, was denied an urgent caesarean section because her family was too poor to pay the doctor the requisite bribe. The woman and her unborn baby died as a result.³¹

Within northern Arakan State, the Rohingya are not only required to obtain permission to get married, a lengthy and costly process, but are also restricted in the number of children they are allowed, with those unmarried not even permitted to rear children. As a result, a number of abortions, carried out illegally and therefore under unregulated conditions, were reported in 2006.³²

HIV/AIDS

The proliferation of HIV/AIDS remains a significant problem in Burma, and the numbers of infected persons continued to rise through 2006. Estimates by the United Nations put the amount of sufferers at anywhere up to 610,000 people – approximately two percent of the population.³³ In consideration of such figures, UNAIDS has characterised Burma as having a “*generalised epidemic*”. The UN agency has warned that the situation is nearing a tipping point whereby the epidemic will become self-sustaining in the general population, even in the event of a significant reduction in risk behaviour amongst the most vulnerable sub-populations, such as intravenous drug users, and sex workers.³⁴

Ensuring that the population is educated about HIV/AIDS is an essential part of stemming the tide of the virus. HIV/AIDS and sex education have not commonly been discussed in schools or in the family and the consequential ignorance regarding transmission and the importance of safe sex has directly contributed to the disease’s proliferation. Those groups working with Burmese migrants in Thailand have frequently bemoaned the fact that migrants arrive in the country with very little knowledge about sexually transmitted diseases, often holding traditional beliefs about condoms, and means of discerning if a person has HIV, which have a negative impact on their chances of avoiding infection. (For more information see Chapter 15 Situation of Migrants). In an encouraging move, in January 2006, the SPDC announced plans to add an HIV/AIDS prevention and education program to its national school curriculum, targeting children aged from seven to sixteen, although low attendance rates in schools, a lack of funding and poorly trained teaching staff will likely mitigate the impact of this measure.³⁵

The prevalence of prostitution, exacerbated by the precarious economic situation which drives women to the profession, is also a contributing factor to the proliferation of the virus. Girls, as young as eleven, have been forced to turn to prostitution, and using contraception in the sex industry is said to be the exception rather than the rule (for more information see below section on trafficking and prostitution). UNAIDS have reported that 27% of sex workers, tested in Burma in 2004, were found to be HIV positive.³⁶ Sexual violence perpetrated against women by the military, also places women at risk of contracting the disease.

In addition, women are often exposed to the risk of HIV/AIDS due to the high risk behaviour of their husbands, and a lack of empowerment to escape such situations. Traditional Burmese cultural beliefs hold that use of contraception within marriage is taboo, and marital rape is not illegal in Burma. Particularly in Shan, Kachin and Palaung areas, prevalent intravenous drug use amongst men combines with the aforementioned factors, leaving women particularly vulnerable to the spread of HIV/AIDS.³⁷

In recent years the number of Townships offering HIV testing and post test counselling as well as prevention of mother to child transmission have increased through the work of INGOs and UN agencies. However, these efforts remain limited and those in rural and conflict areas are particularly out of the reach of current capabilities.³⁸

7.4 Women and Forced Labour

"Burmese soldiers are setting up their camps on the hilltops and ordering the villagers to work in the camp every day. We have to prepare their food and carry water by rotation every day. In addition, when the SPDC soldiers are preparing to go to the front line [into the hills to burn villages], they usually order the villagers to carry things such as weapons and food. Sometimes, when 15 villagers are forced to go as porters, only 8 of them come back. I always have to do this as well."

-Testimony of a 67 year old female Karen Villager from Toungoo District.³⁹

Burma is a signatory to the 1930 ILO Convention No. 29 on Forced Labour, which explicitly prohibits the employment of women in forced labour. CEDAW, to which Burma is also a signatory, requires States Parties to eradicate government policies that hinder the development and advancement of women. Despite these obligations under international law, forced labour is arguably the most widespread human rights violation being committed in Burma today, against both men and women. Village heads regularly receive orders from the military to send villagers to conduct labour on behalf of the SPDC, including digging trenches, cutting firewood, fetching water, building huts for the soldiers and other menial tasks. In addition, they may be asked to repair the roads or to work on SPDC profit-making concerns like rubber plantations or logging operations, and porters are often conscripted to carry rations or equipment for the military. Village heads have reported that the labour is almost constant, and that an individual village may be required to provide labour for multiple SPDC commands in the area at any one time.⁴⁰ (For more information see Chapter 1 Forced Labour and Forced Conscription).

Traditionally men have been required to carry out the more physically demanding forced labour tasks, while women have been required for lighter tasks, such as collecting water or cooking. However, women are increasingly being called upon to conduct more arduous tasks, including clearing brush, portering the military's equipment, or working as messengers. One such role in which women are increasingly being employed is in the removal of landmines, including acting as human minesweepers walking in front of military patrols.⁴¹



Women from Bilin township, Thaton District doing forced labour cutting back the scrub from beside the Bilin – Papun vehicle road. Landmines are a constant threat in this work. [Photo and Caption: KHRG]

There are numerous factors which have combined to account for the increased employment of women in such tasks. The man's traditional role of working in the fields is often perceived as more important than the woman's household duties, and as a result they may choose to continue in their roles leaving women to fulfil the families forced labour duties. Alternatively, men in the village may already be answering a call for forced labour from an alternative SPDC battalion, including serving as porters for frontline units. Furthermore, men are generally the first to flee their villages when the military moves in to the area as they are perceived to be the most vulnerable to abuses at the hands of the military, often accused of collaboration with rebels. In other cases, the men have been killed by the military or died from other causes.⁴²

Moreover, whilst conducting forced labour for the SPDC, women are left more vulnerable to abuse at the hands of troops including sexual assault. The U.S. Department of State stated that in 2006 *"Persons forced into portering or other labour faced extremely difficult conditions, beatings, rape, lack of food, lack of clean water, and mistreatment that at times resulted in death,"*⁴³ KHRG supported such an assertion in their 2006 report on the effects of militarization on Karen Women, stating *"Women taken for forced labour are...subject to increased likelihood of abuse. Women forced to work as messengers, guides, sentries or porters, or labour on construction projects, are beaten, mistreated, and sometimes raped"*.⁴⁴

Requests for forced labour are particularly problematic for women with young children, who may be forced to bring their child along with them. Often SPDC troops refuse permission for their children to accompany them and the only option for mothers in such a situation is to leave their children at home alone. Even if women are not themselves required for forced labour duties, the demand placed on their family members who are taken away from their traditional roles means that the overall burden of the family is increased. Surplus to their traditional responsibilities for keeping the home, cooking, and looking after children, they are called upon to assume further tasks in the fields or in terms of other labour, placing a disproportionately heavy burden on their shoulders.⁴⁵

Women and Forced Labour - Partial List of Incidents for 2006

Chin State

In the third week of February, TOC #2 commander, Colonel San Aung, ordered the construction of a four mile motor road between Valangte and Leisin village, Matupi Township. The project was carried out under the command of Sergeant Aung Myo Thun. Around 200 local villagers were forced to work on the construction of the road, including roughly 30 women, with each village in the vicinity charged with constructing 3,000 feet of the road. The villagers had to supply their own food and tools. Some of the villages affected were:

1. Luivang, Pa Mai,
2. Daihnan,
3. Boi Ring,
4. Khua Hung,
5. An Thaw,
6. Thang Ping,
7. Lei Ring,
8. Tin Lawng, and
9. Kho Bal.⁴⁶

On 26 September 2006, it was reported that SPDC IB #226, in charge of border security at northern Chin State's Tunzan Township, forced local women to serve as military porters and landmine sweepers, and subjected them to physical and verbal abuse whilst they served them. *"I told them I have (young) children and that I could not go but they would not accept it,"* an unidentified woman from Heinkyin Village in Tunzan Township told DVB, adding *"If we didn't go they beat us from behind."* A female porter who fled into India told DVB that there were eight people in her group of porters and they each had to carry military rations weighing up to 20 kilos. As Christians they were not allowed to worship freely and in returning from their ordeal were forced to beg villagers for food.⁴⁷

Karen State

Nyaunglebin District

On 2 August 2006, MOC #16 Commander Than Soe ordered that a fence be built around a military camp to enhance security. One person from each household was forced to go from Mu Theh village. Half of those forced to participate were women. It took nine days for the villagers to construct the fence. After that they were forced to fence the village. It took the villagers one month to complete these tasks, during which time they were responsible for supplying all of their own tools and food.⁴⁸

On 7 September 2006, SPDC MOC #2 under Southern Command, led by Khin Maung Oo, forced villagers from Shwe Dan, Tha Pyay Gone and Aung Soe Moe to repair the road between Ler Doh and Than Bon. It was about 800 metres in length but the villagers were required to finish it in one day. Over 70 villagers, including 20 women began work at 7 am and worked through to 3 pm. Villagers had to supply their own tools and food.⁴⁹

On 31 October 2006, SPDC soldiers from LIB #599, under Battalion Commander Lieutenant Colonel Win Tun, demanded ten porters from Thu K'Bee village to carry their food rations. Most of the villagers were busy at the time, so only six villagers, three of whom were women, could go as porters. They carried the food from Htaw Lu Koh to Hteh Htoo – a distance of about three miles.⁵⁰

Toungoo District

On 7 January 2006, troops from SPDC IB #48, led by Bo Htun Nay Lin, forced villagers to work at the Shasibo army camp. The villagers and their ages were;

1. Saw Ako, aged 45;
2. Saw Heh Nay Htoo, 27;
3. Saw Toe Nay, 70;
4. Saw Tay Nay, 42;
5. Saw Htoo Hla Say, 35;
6. Saw Leh Meh, 40;
7. Saw Naing Oo, 23;
8. Saw Say Doe Htoo, 15;
9. Saw Say Poe, 7;
10. Saw Theh Thaw, 30;
11. Naw Li Paw, 53;
12. Naw Mya Paw, 30; and
13. Naw Julia, 23.⁵¹

On 10 January 2006, troops from SPDC IB #48, led by Bo Htun Nay Lin, forced the following villagers to work in Shasibo army camp:

1. Saw Tun Oo,
2. Saw Tun Tun,
3. Saw Dee Kweet,
4. Naw Ma Kaw,
5. Naw Taw Nor Naw,
6. Naw Mu Ye,
7. Naw Leh Ler,
8. Naw Dalia, and
9. Saw Peter.⁵²

On 16 January 2006, SPDC Southern Command Headquarters, Strategic Command #1 Commander Thein Htun, based at Baw-ga-li-gyi, Tantabin Township, arrested the following Wa-tho-kho villagers, who were forced to clear landmines and work on road construction:

1. Saw April, age 42;
2. Saw Poe Keh, 41;
3. Saw Arkari, 53;
4. Saw Derdar, 54;
5. Saw Ngway Ngway, 29, village pastor;
6. Naw Peh, 18,
7. Naw Kwar Kwar, 19; and
8. Naw Poe, 50.⁵³

On 4 February 2006, Bo Zaw Aung from SPDC IB #48, based at Htee-lo camp, forced Pler-daw-day villagers; 17 men and 11 women, to work in Htee-lo army camp.⁵⁴

Also on 4 February 2006, troops from SPDC LIB #440, based at Kaw-thay-doe camp in Tantabin Township, forced 4 men and 7 women from Kaw-thay-doe village to carry 3 sacks of rice to Naw-soe and then on to Kaw-thay-doe camp.⁵⁵

On 8 February 2006, Bo Zaw Aung of SPDC IB #48, based at Htee-lo camp, Tantabin Township, forced Ka-ser-doe villagers, 13 men and 13 women, to work on the construction of Htee-lo camp.⁵⁶

On 25 February 2006, Bo Aye Kyaw from SPDC IB #53, based at Htee-lo camp in Tantabin Township, forced Per-taw-tay villagers to work on the Htee-lo military camp, including, Naw Ka Neh Paw, a year old girl.⁵⁷

On 11 March 2006, SPDC TOC #663 Commander Tin Aung, based at Play-hsa-lo camp in Tantabin Township, forced Ya-lo and Plaw-baw-doe villagers to carry army rations from Paw-per-lay-la to Play-hsa-lo. The victims from Ya-lo village were:

1. Saw Maung Pweh, 42;
2. Saw Maw Lay Htoo, 52;
3. Saw Heh Pweh, 42;
4. Saw Soe Myint, 20;
5. Saw Toe Per, 30;
6. Saw Taw Bo, 28; and
7. Naw Ka Mu Tu, 21;

And Plaw-baw-doe villagers:

1. Saw Ta Kaw Raw, 46;
2. Saw Ta Ma Taw, 17;
3. Saw Ywa Heh, 15;
4. Naw Si Wae, 34;
5. Naw Wa Doe, 21;
6. Naw Ker Lay, 20;
7. Naw Heh Klu, 18; and
8. Naw Kler Paw, 18.⁵⁸

On 12 March 2006, SPDC TOC #3, IB #35, Column #2 commander, Bo Nay Myo, based at Klaw-mee-doe in Tantabin Township, forced the following persons to carry their military rations from Paletwa to Klaw-mee-doe military camp, taking them three days to complete:

1. 8 women and 22 men of Ler-ka-doe,
2. 10 women and 17 men of Hu-mu-doe,
3. 18 women and 60 men of Klaw-mee-doe villages.⁵⁹

Also, on 12 March 2006, in Tantabin Township, SPDC TOC #663 Commander Tin Aung forced the following villagers to carry military rations from Lay-lar-taw to Play-hsa-lo military camp:

1. 9 Yer-lo villagers;
2. 9 Paw-per villagers;
3. 8 Ka-mu-lo villagers;
4. 5 women and 13 men of Play-hsa-lo village.⁶⁰

On 13 March 2006, troops from SPDC LIB #80, led by Bo Kyaw Thura, in Thandaung Township, arrested:

1. 13 men and 7 women of Ku-thay-doe village
2. 10 Sbar-law-khee villagers
3. 10 Ler-gi-kho-doe-kar villagers

The arrestees were forced to cut timber, bamboo and clear bushes for the new military camp at Ku-thay-doe.⁶¹

On 13 May 2006, troops from SPDC IB #53, led by Major Thein Naing Tun, forced 90 villagers of Zi-pyu-gon (Male 62, Female 28) and 31 villagers of Taw Gone (Male 23, Female 8) to work on the construction of new military camp located between Ye-shan and Sha-zi-bo in Tantabin Township.⁶²

On 19 May 2006, troops from SPDC LIB #53 based in Sha-zi-bo camp forced 20 men and 41 women of Zee-pyu-gon village, Tantabin Township, to work on the construction of their army camp.⁶³

On 25 May 2006, SPDC LID #66 forced 850 villagers, including many women, from Kaw They Der village area to carry military supplies from Kaw They Der Village to Naw Soe army camp.⁶⁴

On 30 and 31 May and 1 June 2006, SPDC IB #1, IB #5 and LIB #180 captured villagers from Kler La and Kaw They Der, including women, one of whom was breast feeding, for use in the movement of supplies from Kler La to Naw Soe army camp.⁶⁵

On 27 June 2006, Bo Aung Than, based at Sha-zi-bo SPDC military camp, ordered villagers from Zee-pyu-gon village (41 male, 50 female) and Taw-gon village (15 male and 25 female), to fence Sha-zi-bo military camp.⁶⁶

On 29 July 2006, troops from SPDC IB #73 ordered 38 villagers, including 8 women, from Zee-pyu-gon village to clear bushes at a boat station located between Yan-she and Pyin-gon.⁶⁷

On 4 October 2006, Bo Zaw Win of SPC LIB #5 ordered villagers, including 12 women from Ler-gi-kho village to carry food supplies from Thandaung to Kher-weh camp.⁶⁸

On 24 October 2006, SPDC MOC #16 troops ordered men and women from Play-hsa-lo to carry food supplies from Tha-byay-nyunt camp to Play-hsa-lo.⁶⁹

Shan State

Throughout 2006, the SPDC forced residents of Kun Hing Township to plant and then maintain SPDC physic nut plantations, on land confiscated from local farmers. Most villagers worked on rotation, required to be at the plantation every five days. Those unable to work were fined 6,000 kyat. Those villagers who lived far from the plantations were transported there by the SPDC, who then required a payment of 500 kyat for the transportation costs. Naang Naang of Wo Long village, a single woman supporting her elderly mother, was forced to flee along with her mother to Thailand, as she was unable to maintain a livelihood alongside the demands of forced.⁷⁰

In April 2006, SPDC Artillery Unit #909 led by Maj. His Tung Soe along with LIB #244 under the command of Maj. Soe Win Maung, based in Mai Khu area, ordered the villagers to move their cemetery so as the plot could be used as a physic nut plantation. The family members and relatives were forced to remove the corpses from the tombs. As the orders coincided with the planting of paddy, it was the women and children who were made to work in clearing the cemetery and subsequently on the physic nut plantation. Usually they would have assisted in planting the paddy fields, but were instead prevented from assisting in the important task of sustaining their livelihoods. SPDC troops simply looked on as the women and children laboured for their eventual profit.⁷¹

On 9 July 2006, twelve soldiers from SPDC LIB #524, led by Lt. Hpyu Myint, visited Naa Khu Naa Pe village in Wan Paang village tract, Kun-Hing Township, whilst on patrol. Villagers were gathered in the temple compound and interrogated. They were slapped, and kicked by the troops when unable to give them information about Shan armed resistance units. The SPDC troops then conscripted five female villagers to serve as porters on their patrol. When the patrol reached Nam Khaam village, in the same village tract, the women were released.⁷²

Forced Labour Interview

Source: FTUK
 Ethnicity: Karen
 Sex: Female
 From: Mu Theh village (relocation site), Nyaunglebin District
 Age: 20

On 1 August 2006, MOC #16 Operations Commander Than Soe ordered LIB #323 Battalion Commander Kyaw Kyaw Oo to inform the (Mu Theh) village headman that his soldier was wounded because of him. The village head said he knew nothing about it, but the commander argued and continued to blame the village head. He then told him that the villagers must build a fence (alongside the road) from the (army) camp to relocation site for their (SPDC) security. On 2 August 2006, the villagers began to fence the car road for SPDC MOC #16 Operations Commander for the distance of about one mile. We had to build the fence on both sides of the road, so to finish it one person from each house had to go. For the families who are free, two people or three people could go. There are a total of 72 households in the village and 60-70 went to do that (build the fence) every day. Half of them were women. It took us nine days to fence the road. I myself went for three days, my mother went two days and my younger brother went four days.

During the three days of labour, I had to slice bamboo, cut down small trees and carry small logs. I had to cut down over 200 small trees that were about as round as my wrist, and five cubits (2.3 metres / 7.5 feet) long. Some of the trees that I had to cut were an hour away, but some of them were half an hour away. After we cut down the trees we had to carry them where we had to make the fence. We had to put in posts for the fence. The space between the posts had to be one hand span (23 cm / 9 inches). Then we had to weave four small pieces of split bamboo (between the posts). Then we had to tie the split bamboo with sliced bamboo strips [filaments] and then tie in four more pieces of dried split bamboo one cubit (46 cm / 1.5 feet) in length between each space [this last piece becomes a spike]. There were different types of bamboo that we had to cut down, three different kinds of small size of bamboo (in Karen: Wah Thaw Keh, Wah Min, and Wah Bway) and one type of big bamboo [in Karen: Wah Klu). They didn't give us any of the tools to do it.

We had to take our own food, so do not think that they ever pay us for this. We didn't want to do it but we had to because we afraid of them and so we had to go. When we went to work there were two or three people (soldiers) who came to guard us every day. On the days that I had to go to work, there were five or six people guarding us. If we didn't make the fence as they liked, they would get angry and shout at us and force us to pull it down and build it again. I had to do that one time, and although I was angry I could not do anything.

We had to make the fence for nine days and after that we prayed to the (animist) spirits for two days. After that they forced us to also fence the village. They came and measured it and said that each house must build 20 cubits (9 metres / 30 feet) of the fence. I did that with my older brother and we finished it in one day. Small families could not finish it in the same day. It took them one or two days longer to finish it. After that, they forced us to build a new fence next to the first one. They measured it and said that each house has to build 30 cubits (13.7 metres / 45 feet) of the fence.

When we finished making the fence for the village, we had to go to make the fence for their military camp inside our village and they build three (concentric) fences. I had to go to do that for three days and my younger brother and my mother had to go to do that also but I forget how many days they had to go for. For the military camp above our village they forced us to cut bamboo for them and to carry it to the camp. They forced us to cut logs that were three hand spans (70 cm / 27 inches in circumference) and seven cubits (3.2 metres / 10.5 feet) long. Each house had to cut two logs for them to build their bunkers. If the logs were not enough, they forced us to go and cut more. We had to cut them three (separate) times. Doing labour for them doing fencing, cutting bamboo and logs and carrying them, took more than one month. All of the tools we used and the food we ate had to be supplied by ourselves.⁷³

7.5 Trafficking and Prostitution

“States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”
- Article 6, CEDAW.

As a signatory to CEDAW, the SPDC is obligated to “*take all appropriate measures... to suppress all forms of traffic in women*”. However, trafficking of persons in Burma remains a serious problem. Not only is Burma a source country for trafficked persons dispatched around the region for purposes of forced labour and/or sexual exploitation, but internal trafficking within Burma, principally for forced labour, remains rife. The U.S. Department of State’s 2006 report on Trafficking in Persons ranks Burma as a Tier 3 country (the worst possible ranking) due largely to the regime’s own involvement in internal trafficking for use as forced labour, and the inadequacy of the regime’s attempts to eradicate the problem of international trafficking.⁷⁴ This ranking has remained unchanged since 2001, despite a string of high profile policy announcements made by the regime.

The major destination countries for those women trafficked from Burma are Thailand, Bangladesh, Malaysia, Korea, China and Macau. Upon arrival they frequently face forced labour, domestic service and/or sexual exploitation. Some are economic migrants lured by false promises of good jobs and better opportunities. Other cases involve the forcible movement of persons across borders. Burma remains desperately poor following years of economic mismanagement by the military junta, and friends and family members of the victims can often be tempted by the ‘agent’s fees’ offered by the traffickers.⁷⁵ In 2006, the Palaung Women’s Organisation documented the case of a father selling his two daughters to traffickers in order to support his opium addiction.⁷⁶

According to ILO-IPEC, around 80,000 women and children have been trafficked to Thailand for use in the sex trade between 1990 and 2005, with most of the victims coming from Burma.⁷⁷ Whilst Suriya Kasemsirisawat of the Anti-Trafficking Coordination Unit of Northern Thailand claims that the number of ethnic migrants entering the sex industry in Thailand had dropped recently,⁷⁸ the Chiang Rai based, Development Education Program for Daughter and Communities Centre, asserts that within the whole of South East Asia: “*Akha and Lahu women and children from Burma are the highest risk group, followed by Burmese Shan and Lue from Yunnan (China). They (are) taken as forced labour or to be sex workers in Thailand, Malaysia and Singapore.*”⁷⁹ (For more information see Chapter 15 Situation of Migrants)

The SPDC is ostensibly addressing the international trafficking of its female population to neighbouring countries. However, under the auspices of such measures it has placed draconian restrictions on the movement of women, which are not only an infringement on their human rights but potentially make them more vulnerable to criminal trafficking operations. CEDAW Article 15 (4), which states that “*State Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.*” In direct contravention of Article 15 (4); the travel of women under 25, in eastern Shan State, to and across the Thai border has been prohibited since 1997.⁸⁰

Within this region, the MWAFF has been trumpeted by the regime as a crusader against trafficking. The organisation is said to distribute information on the nature and modes of

human trafficking as well as organising trainings, discussions and educational sessions. They also play a role in rehabilitation programs for repatriated victims of trafficking.⁸¹ The ban on the travel of young women is avoided if they are able to obtain a recommendation letter from the local MWAFF chapter. The sole criteria for obtaining such a letter: a substantial payment. The Kengtung MWAFF chairwoman, who personally has to sign these letters of recommendation, is the wife of the SPDC Regional Military Commander.⁸²

On 13 September 2005, the SPDC won acclaim from relevant international agencies when it enacted the 'Anti-Trafficking in Persons Law,' which delineates harsh sentences up to life imprisonment against human traffickers.⁸³ The new legislation was actively supported by the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region (UNIAP) together with the UN Office on Drugs and Crime (UNODC) and the Asia Regional Cooperation to Prevent People Trafficking (ARCPPT), and has been described as a "*success story*" by UN staff in Rangoon.⁸⁴ Following the introduction of the new law, the SPDC issued plans to create nine further police units tasked with the suppression of trafficking.⁸⁵

However, the introduction of the new law, with its associated lengthy penal sentences, has been, unsurprisingly, accompanied by an increase in the cost of MWAFF letters of recommendation. They are reported to have risen from 150,000 kyat to 200,000 kyat following the enactment of the law.⁸⁶ Furthermore, immediately following the introduction of the legislation, there were reports of local authorities totally barring people from travelling to Thailand; households in many areas were ordered to re-register their family members and apply for new national identity cards with associated costs; authorities also reinforced restrictions on the registration of guests staying overnight, in order to monitor people's movement more closely.⁸⁷ In addition, anti trafficking legislation has been absurdly misapplied against the regime's political opponents. On 15 January 2006, NLD youth official, Aye Thein, was charged with trafficking for eloping with his long term girlfriend. He was sentenced to five years imprisonment. Four of his friends were charged with abetting the act and given three year jail sentences.⁸⁸

The authorities also restricted the international travel of women through the discriminatory pricing of passports. Under the justification of providing protection against trafficking, it has been reported that women have been charged 250,000 kyat for a passport compared to 10,000 kyat for a man.⁸⁹ A further 'anti trafficking measure' saw the continued ban on marriages between female citizens and foreigners during 2006, although this was rarely enforced.⁹⁰

Not only have these measures failed to address the root causes of the trafficking of Burmese women, namely: the economic situation in the country; the use of forced labour; and other human rights abuses committed by the regime⁹¹, but they are actually being used by the SPDC as a means to garner international support and legitimacy for the continuation of its rule.⁹² Furthermore, and perhaps most alarmingly, such impediments to travel through official channels potentially force many women, fleeing oppression and abuse in Burma, to rely on the criminal trafficking trade. Lacking permission, sufficient funds or the necessary documentation, women are made more vulnerable to the exploitation, abuse and financial hardship associated with being trafficked.⁹³ Moreover, SPDC officials continue to operate amid a climate of impunity that offers little disincentive to cease their apparent collusion with human traffickers. In many cases, corrupt Burmese officials have been reported to be complicit in the international trafficking of women, particularly in border regions, although no prosecutions have been made against any state official in this regard.⁹⁴

Women Trafficked to China

China's 'one child policy' means that female children born to poor families within the country are frequently aborted. The population, particularly in poor rural areas, is therefore dramatically skewed, with as many as seven men to every woman. As such there is a dearth of options for men in these regions looking for a wife. In such cases it is common for a fee to be paid to a 'broker' who effectively sells a woman to the man. As a result, a burgeoning trafficking network has developed taking women from Burma to China for sale as brides. On 21 June 2006, the Democratic Voice of Burma reported that Chinese police had rounded up 69 Burmese women whom had been sold as brides in this way, whilst conducting an operation in Henan Province. The cost of a Burmese bride is reported to range between 4,000 and 20,000 Yuan (US\$2,500).⁹⁵ Some women are simply sold to the traffickers by friends or family. Others are lured by the promise of a good job and financial incentives. Only upon their arrival do they realise that they are to be subjected to forced marriage or sexual exploitation. A young woman forced to become a Chinese wife stated *"I was taken here by means of deception from the people in Rangoon. I was told that I have to look after children in a Chinese house. 1,000 Yuan a month. I came because I was told thus. He left me at a house, took the money and disappeared."*⁹⁶

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In terms of repatriation, the SPDC insists that repatriated victims stay for one month in one of their vocational training centres or shelters upon their return to Burma, a procedure which stands in contravention of international norms of victim protection.⁹⁹ Further, the placing of restrictions on NGOs that assist trafficked women, directly contributed to the difficulties trafficked women faced when attempting repatriation.

Official deportations of arrested and rescued undocumented migrant sex workers in Thailand resumed in 2004, after a 12 year hiatus instituted by the Thai Government due to a fear for the sex worker's safety upon their return to Burma. Currently, an MoU on Human Trafficking between the two countries means that the details of those women believed to have been

trafficked are sent to the Burmese authorities, who subsequently assess the suitability of their families and homes for their return.¹⁰⁰ A 2006 report by the Open Society Institute (OSI) asserted that, beyond the social sanctions such a move could bring about by exposing the activities of the women to those back home, such information can further result in the arrest of family members.¹⁰¹ In addition, the Shan Women's Action Network stress that their deportation can result in arrest, mandatory HIV testing, as well as returning victims to a generalised risk of human rights abuses.¹⁰²

Whilst internal trafficking chiefly occurs for labour in industrial zones and on agricultural estates, women and girls continue to be trafficked within Burma for the purposes of sexual exploitation and forced prostitution. Internal trafficking of women and girls for sexual exploitation generally occurs from rural to urban centres as well as to truck stops, fishing villages, border towns, and mining and military camps.¹⁰³

Aside from those women trafficked into the sex industry, increasing numbers of women and girls are 'voluntarily' turning to the sex trade as a result of the dire economic situation within Burma. OSI found that female sex workers from Burma working in Thailand often do so to support their families back home, including covering the cost of extortion at the hands of the SPDC and the loss of traditional family livelihood brought about through the junta's policies.¹⁰⁴

Similarly the vast majority of those working in the sex industry inside Burma claim that they have been forced to do so due to the current economic climate in the country. Reports in 2006, state that the number of prostitutes has been increasing in Rangoon and other major cities, as well as border towns and new towns, with karaoke bars frequently converted into brothels. One local resident in Rangoon stated that "*the authorities are not only failing to tackle the problem, they themselves are deeply involved in it.*" Whilst reports suggest that those in authority are involved in the trade there were no reports in 2006 of those from, or affiliated to, the SPDC being prosecuted for such complicity. However, crackdowns did target the sex workers themselves. Prostitutes travelling at night had to pay substantial bribes to taxi operators in order to guarantee that they would not be raped, robbed, or turned over to the police. There have also been credible reports from NGOs and diplomatic sources that prostitutes taken into police custody had been raped or robbed by the police.¹⁰⁵

7.6 Violence against Women

United Nations Security Council resolutions 1325 (2000) and 1674 (2006) assert a duty on all states to prevent sexual and other violence against women in situations of armed conflict. 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.”

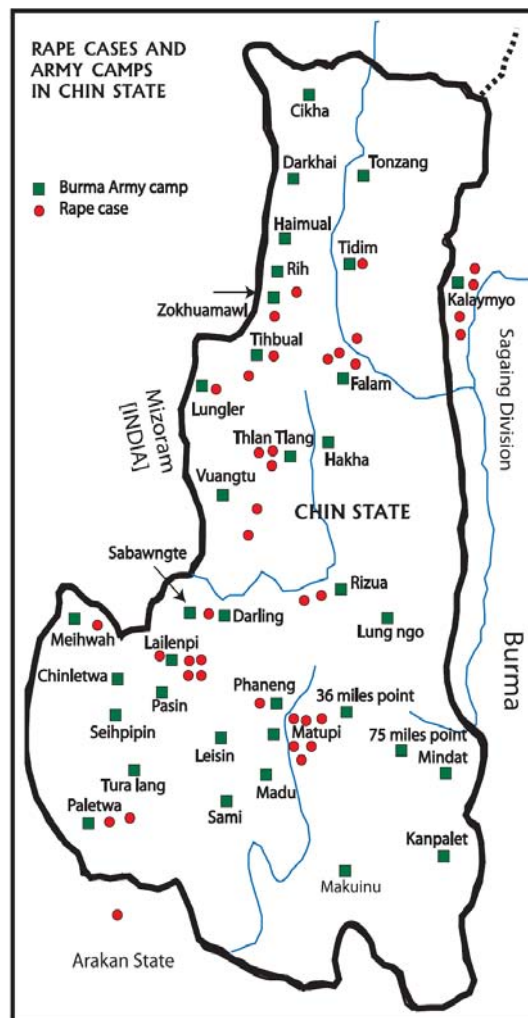
Through Resolution 1674 the Security Council:

“Recalls that deliberately targeting civilians and other protected persons as such in situations of armed conflict is a flagrant violation of international humanitarian law, reiterates its condemnation in the strongest terms of such practices, and demands that all parties immediately put an end to such practices,” and “Reaffirms also its condemnation in the strongest terms of all acts of violence or abuses committed against civilians in situations of armed conflict in violation of applicable international obligations with respect in particular to...” abuses including torture and other prohibited treatment, and gender-based and sexual violence.

Regardless, women from Burma remained highly susceptible to violence at the hands of the State throughout 2006. The perpetuation of Burman male dominated military rule has fostered a climate whereby acts of violence against women are allowed to go unchecked in a climate of impunity. As such rape, torture and killing of women by the State has continued unabated throughout the year. In rural ethnic areas, KHRG assert that the dehumanising effects of such abuses are, *“necessary if the SPDC’s vision of a hierarchical society controlled by an all male military is to be achieved.”* They forward that the power differential between men and women is further entrenched by that between the military and the villagers, facilitating such a dehumanisation of women, and creating a climate conducive to violence against women.¹⁰⁶

In 2006, SPDC forces *deliberately* targeted and killed civilians with impunity. In areas where villages were not under direct military control, the military often shot on sight anyone they came across, including women and children. Under the SPDC’s policy of systematically depopulating areas, they frequently set deadlines for people to leave their village and to report to a new area for ‘resettlement’. Anyone remaining in the area following such a deadline, including women and children, was designated an enemy, and shot on sight. Similarly, in those areas where the military has established control, orders are enforced under threat of death, so as women found outside of their village will be assumed to be the enemy and shot. It is clear that in many cases, the soldiers are well aware that their victims are female civilians. Women are also often killed after being raped, presumably to maintain silence about such abuses.¹⁰⁷

Numerous cases of the torture of women were reported during 2006. Often women are arrested and tortured in the absence of their male relatives whom have been accused of insurgency. Frequently, the sole criterion for such an accusation is their absence. On 5 June 2006, it was reported that pregnant women were being tortured in a jail under the control of SPDC Regional Control Command in Loikaw, Karenni State. According to Berresel, a pregnant woman who had been detained and assaulted; troops arrested, jailed, and assaulted pregnant women and abandoned wives because they find it difficult to catch the men of the family suspected to have contacts with the Karenni National Progressive Party (KNPP). *“There was a woman seven months into pregnancy beside my cell. She was beaten unconscious like I was,”* said Berresel. Berresel was released after being tortured for 15 days. After her release, she fled to the Thailand to escape persecution. She told the *Kantarawaddy Times* that there were at least five pregnant women, an unknown number of other women and several children under the age of 10 remaining in the jail when she was released.¹⁰⁸



Unsafe State, a report produced by the Women's League of Chinland in 2006 starkly illustrates the correlation between the site of SPDC army camps within Chin State and the rape of Chin women.

Rape and sexual assault are common in ethnic areas under the control of the military, particularly in villages near military camps or bases. Soldiers and officers frequently wander into villages to loot property and to look for women, oftentimes drunk when they do so. In cases where women are isolated from their village, either because they are conducting forced labour or are simply working in a remote area, the risk is increased.¹⁰⁹

Whilst incidents of rape rarely stem from a direct order, they are generally carried out in a climate of total impunity and serve to maintain and deepen the culture of fear that exists in areas under military control, further subjugating local people to the will of the military. As stated by KHRG, *"the fear of potential rape serves the military as a tool for intimidation and control of women and entire communities"*.¹¹⁰ In keeping with such an analysis, in September 2006, the SPDC redeployed Colonel Myo Winn to a command post in Ye Township, Mon State, where there had been a marked increase in Mon resistance throughout 2006. The colonel is well known in the area for his habit of what locals refer to as 'fashion shows'. Between 2003 and 2005, when Myo Winn previously operated in the area, hundreds of local women were forced to provide massages, entertainment and sexual services to him and his troops. The SPDC will be fully aware of Myo Winn's record and his deployment to an area where the junta is desperate to reassert its control tacitly supports claims that rape is being employed as a weapon of war, even if not stemming from central directives.¹¹¹

Concurrently, continuing high numbers of rape in central Shan State, during 2006, led SWAN to assert, *"Regardless of occasional token punishment of military rapists, it is evident that the Burma Army is continuing to endorse any tactics, including sexual violence, to subdue the local population."* One colonel, visiting IB #243 command post in Namlan, north of Mung Kerng, was even reported to have told the soldiers: *"Do anything you like whether it be stealing, robbing, raping or dealing in drugs. The only thing you have to be careful about is it doesn't come out on one of the foreign radios."*¹¹² A BBC interview, on 10 April 2006, described how in Mung Kerng Township, several SPDC units had been raping women at each village they visited. These units were later revealed to be LIB #514, LIB #515, LIB #518 and IB #64. The battalions were said to be ordering village headmen to provide their troops with between five and seven 'comfort women' at a time. One mute villager taken to serve as a comfort woman was found outside her village, beaten to death. A SWAN interviewee told how, *"One unit of about ten soldiers from LIB #515 went from village to village around where I live - altogether about 10 Palaung villages. At each village they ordered the headmen to provide women as "guides" for their troops and then gang-raped them along the way. If the headmen couldn't provide any women, they were fined 200,000 kyat."* Another told of how a Palaung man was beaten to death after he protested against the troops taking his daughter. Subsequent protestations by the villagers led to the apprehending of some men within LIB #515 under the orders of a senior military commander in Loilem. No action was taken against troops from other battalions.¹¹³ The state sponsored 'women's rights organisation', the MAAF, claimed that SWAN was *"dancing to the tune of western nations"* for reporting these incidents, and called on the military to take action against the group.¹¹⁴

SWAN has also discerned trends of increased sexual violence in areas where troops have been deployed around the Tasang Dam project sites and subsequently lobbied the Thai government and investors in the Tasang Dam project that their involvement in the projects was helping to perpetuate violence against women. No investment was withdrawn in 2006 as a result of these findings.¹¹⁵

The number of rapes actually reported is likely to be far fewer than in actuality occur, owing not only to difficulties in documenting human rights violations in a military controlled state but also the reluctance of victims to come forward, even to their families and community. Rape victims are often stigmatised and can be shunned by their husbands or find it more difficult to find a husband in the future. The fact that it is highly unlikely any action will be taken against the assailant means that many victims are reluctant to face such ostracism for no apparent benefit.¹¹⁶

However, there are increasing numbers of victims coming forward often with the support of their community and reporting cases to the SPDC authorities. KHRG report that the anger of villagers at such continuing abuses being perpetrated against their women has on occasion led to the summary lynching of perpetrators, despite the overwhelming likelihood of retaliation. As a result, some SPDC battalions have sought transfers for their men or entire unit following the rape of a villager at the hands of one of their troops.¹¹⁷

The Rome Statute of the International Criminal Court defines rape and sexual violence as a crime against humanity if part of a widespread and systematic practice, which is either part of government policy or condoned or tolerated by that government. Furthermore, UN Security Council Resolution 1674, adopted on 28 April 2006, *“reaffirms the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity”*. The resolution therefore commits the Security Council to take action to protect civilians from crimes against humanity.

Domestic Violence in Burma

Whilst the SPDC does not release any statistics regarding domestic violence, domestic abuse of women including physical, emotional and sexual abuse, is reported to be prevalent throughout the country. The patriarchal tradition running through the majority of Burma's cultures assumes women's secondary status to men, and discourages official involvement in the 'private' sphere of domestic life. Spousal rape is not a crime in Burma, unless the wife is under 12 years of age.¹¹⁸ Cultural taboos also frequently prevent women from coming forward to report incidents of domestic violence. Divorce or separation remains against the norm in Burmese society, and such women may face social ostracism as a result of the stigma attached to a failed relationship. A 2006 report by the Palaung Women's Organisation detailing the toll opium is taking on Palaung women found that those married to drug addicts were reluctant to divorce them, despite being susceptible to domestic violence, as under Palaung customary law, they would have to forfeit custody of their children, and face the social stigma attached to divorced women within their communities.¹¹⁹ Furthermore, women's lack of access to education frequently leaves them financially dependent on their husbands, and unable to leave even if they wanted to.

Violence against Women - Partial List of Incidents for 2006

Arakan State

On 29 June 2006, the bodies of two young women aged 18 and 20 were discovered by Bangladeshi officials (BDR) on the banks of the Naf River in the border town of Teknaf. According to villagers of the border area, on June 26, a motor boat carrying 12 men and women was attacked by NaSaKa (Burma's border security force) while crossing the river at night. A man sustained bullet injuries and died on the spot whilst the remaining passengers were arrested. The man's body was thrown into the river. The next day, on 27 June, the man's body was found on the Bangladesh side and handed over to police in Teknaf. On 29 June 2006, the BDR in Teknaf found the bodies of the two women, with their clothes partially removed and bearing signs of sexual assault. Their hands had been tied with rags. At the time of this report, the bodies had not been identified and the whereabouts of the nine missing persons was still unknown.¹²⁰

Chin State

In August 2006, a married lieutenant commander from SPDC TOC #2 based in Matupi Town reportedly forced his Chin girlfriend to terminate her pregnancy. She had been pregnant for 5 months at the time.¹²¹

Karen State

Nyaunglebin District

On 13 March 2006, Naw Beh Bay Paw, an 18 year old female, from Ler Klah Village, was killed by SPDC troops from LIB #599.¹²²

On 9 March 2006, troops from LIB #366, #377 and #399 under the control of LID #55 began operations around their base camp at Maladaw village, Mone Township. They were reported to have killed an unidentified mother and daughter.¹²³

On 27 March 2006, SPDC soldiers shot and killed Saw Maw Keh and his 80 year old mother while they were fleeing military attacks near their village of Ka Ba Hta, Mone Township. His nine year old daughter, Naw Eh Ywah Paw, was also shot in the back and injured. A group of villagers had been hiding in a gully, but began to climb to higher ground where they thought they would be safer. SPDC soldiers were waiting in ambush in a clearing, and opened fire from 10-15 yards. Saw Maw Keh and his mother were shot dead. Naw Eh Ywah Paw was shot in the back as she fled with the other villagers. A relief team recovered the bodies some weeks later.¹²⁴

On 29 May 2006, a Karen woman, who was five months pregnant, died when she stepped on an SPDC landmine.¹²⁵

Papun District

On 26 February 2006, in reprisal to a KNU attack upon the Democratic Karen Buddhist Army (DKBA) camp based in Meh Mweh Hta, SPDC soldiers threatened villagers from Wah Klu Ko and arrested a 17 year old girl along with the village head. The SPDC soldiers

covered the two villagers' faces with a plastic sheet and tied their hands behind their backs. They were detained incommunicado for three hours.¹²⁶

Thaton District

On 29 January 2006, troops from DKBA MOC #666, led by Bo Than Tun visited Naw-ka-toe village and interrogated Naw Nor Ket, 50. When she was unable to provide them with any information she was struck five times by the soldiers' rifles. Following this, DKBA troops interrogated the village head, Naw Aye Aye, 40 and Naw Mu Lay, who were forced to stand in baskets, and repeatedly squat and stand up again. They were beaten when unable to continue.¹²⁷

On 14 June 2006, SPDC Battalion Commander Kyaw Min came to Ta-eu-ni village in search of Saw La Noe, who had already run away. In his absence, the troops assaulted 15 year old Naw Peh Say, hitting her with the butt of a pistol, causing two of her teeth to break. The troops then looted from her house, taking two shirts, two sarongs, two chickens and two *pyis* of rice.¹²⁸

On the night of 2 July 2006, DKBA troops led by Tin Win came to upper Naung-ka-ton, lower Noh-ta-lar-aw, Ta-maw-daw and Ta-roi-wah villages in Pa'an Township to question Saw Ta Ku, Saw Myint Kyaw and Naw Kru Kyi of upper Naung-ka-ton village regarding KNU activity. Unable to answer their questions, the troops proceeded to kick and tread on the heads of the villagers. Another villager, Naw Thein May, was slapped a number of times and her head was smacked against the post of a house before the soldiers looted her belongings.¹²⁹



After her husband was tortured and killed by the Burmese military along with her 3 year old son, Re May Paw spent two years as an SPDC army officer's house slave in Rangoon. The soldier 'legally' adopted her daughter, although she was given no choice in the matter. Re May Paw escaped two years later in 1999, and now lives in a Thai refugee camp, estranged from her daughter. *[Photo: Phil Thornton]*

Toungoo District

On the evening of 11 January 2006, troops from SPDC LIB #48, led by Bo Htun Nay Lin, arrested and beat 26 year old Saw Poe War, and his wife, Naw Seh Heh, 22, both from Mar-lar-gon village.¹³⁰

On 8 August 2006, SPDC soldiers shot and killed 75 year old Naw Ta Kee Lee, of Ler-Kla-doe village, Tantabin Township, whilst she was in her plantation hut.¹³¹

Karenni State

On 5 June 2006, it was reported that pregnant women were being tortured in a jail under the control of SPDC Regional Control Command in Loikaw, Karenni State. According to Berresel, a pregnant woman who had been detained and assaulted; troops arrested, jailed, and assaulted pregnant women and abandoned wives because they find it difficult to catch the men of the family suspected to have contacts with the Karenni National Progressive Party (KNPP). *"There was a woman seven months into pregnancy beside my cell. She was beaten unconscious like I was,"* said Berresel. Berresel was released after she was tortured for 15 days. After her release, she bore her child and fled to the Thai-Burma border to escape persecution. She told the *Kantarawaddy Times* that there were at least five pregnant women, an unknown number of other women and several children under the age of 10 remaining in the jail, when she was released.¹³²

Mon State

On 6 September 2006, in three separate instances, two families and a youth leader were detained and tortured by LIB #31 of Khaw Zar sub town in connection with the Mon Splinter group led by Nai Chan Dein. Captain Tint-Lwin arrested and tortured Mi Ei-Mart, a 52 year old woman, and four of her family's members from Dot-Pound. Mi Ei-Mart and her son had to be admitted to hospital when they were eventually released the following day. On the same day, Nai Moe Aye, a youth leader, was arrested, beaten and tortured resulting in severe head injuries. Later that day the same LIB #31 led by Captain Tint Lwin raided and ransacked Kyone-Ka-Nya village and arrested Nai Nya-Saung, the village headman, his wife and three children. During questioning they wrapped Nai Nya-Saung's head in a plastic bag and beat him.¹³³

On 4 December 2006, after a military battle between SPDC troops and a Mon splinter group in an orchard plantation near Khaw Zar sub-town, troops from SPDC IB #31, led by Lt. Col. Myo Swe arrested, detained, interrogated and tortured approx. 100 civilian villagers, half of whom were women and 15 of whom were children. The torture included electric shock treatment of the men and assaults upon the women. Approx. one to two weeks later, following the interrogation, SPDC officers extorted large sums of money for the release of the villagers.¹³⁴

Pegu Division

On 19 June 2006, Nyo Kyi, a 23 year old mother from Myo Hla, Yedashay Township, was tortured to death by local police. She was arrested by deputy commander Zaw Lwin and another officer on her way home from a shopping trip. Her family were not informed, but her husband suspected she had been detained and went to the police station. He was not allowed

to see her, but the next day was allowed to take their baby home, who had also been held at the police station. That evening, when he returned to the police station with the baby to be fed, he was informed that Nyo Kyi had died, and told to go to the hospital. The police had secretly transferred her body there on a truck. Despite doctors finding signs of violent beating, the police claimed she committed suicide by hanging herself.¹³⁵

Rangoon Division

On 8 June 2006, Khin Mar Lwin, a 24-year old woman from Ohbo Ward, Kyimyintaing Township, was arrested by local Police Chief Nay Myo and subsequently sustained life threatening injuries. A washerwoman by trade, she was arrested after a customer made an accusation that things had disappeared from her house. Khin Mar Lwin was so badly beaten that her eardrums burst and her body was covered with bruises. Her family also alleged that she was sexually assaulted whilst in custody. She was later cleared and released. Nay Myo, local authorities and women's organisations gave her money (200,000 kyat, or US\$150) to try and silence her. When DVB contacted the police station, the report was denied.¹³⁶

Shan State

In June 2006, it was reported that an Akha woman (name withheld) was beaten by Ah Meu, who was responsible for collecting taxes for the SPDC and a local Lahu militia group. When he ordered the woman to pay taxes to the SPDC, she replied that she had already paid, and had no more money to give. He beat her with his gun and kicked her on the ground. She complained to the police who passed the case on to the Lahu militia group, who merely gave him a warning and ordered him to pay healthcare costs. No money was paid.¹³⁷

On 9 July 2006, roughly 45 SPDC LIB #524 troops, led by Capt. Naing Kyaw Oo, entered Loi Khu village, Wan Paang village tract, Kun-Hing Township, at around 9 pm. As it was the first day of the Buddhist Lent, about 25 village elders, both men and women, were gathered in the temple. The troops questioned those in the temple about the presence of Shan soldiers. Unable to answer their questions, the SPDC commander ordered the beating of the elders. All 25 merit makers were assaulted including being beaten with sticks. Seven men and three women suffered severe injuries and heavy bleeding as a result.¹³⁸

Rape, Attempted Rape and Sexual Violence - Partial List of Incidents 2006

Arakan State

On 26 May 2006, four SPDC soldiers, under the Western Military Command, reportedly raped and murdered a woman in the town of Ponnarkjun. In an open letter to Brigadier General Maung Shin, the Rakhaing Women Union accused Sergeant Tint Thun and three privates from LIB #520 of raping and murdering Than Nu from Ganantaung village, Ponnarkjun. According to the group, witnesses saw Than Nu being raped by the men in a cow shed. Officials from LIB #520 have rejected the claims saying there were no military personnel in the area when Than Hu died. They said they had arrived quickly after to help arrange her funeral.¹³⁹

In July 2006, it was reported that two women, Ma Nin Nin and Ma Yin Nu, from Mrauk U, who claimed to have been raped in May 2006, continued to have their complaints ignored by local police. They reported that Mr. Waiyu, a wealthy Chinese businessman, had raped them

whilst they were working at his company as day labourers. They informed U Kyaw Than, who was in charge of the police in Thet Taung Village, who refused to file a complaint or register the case. It is reported he received a large bribe from the businessman to keep the case quiet. According to family sources, relatives of the two women have also complained about the attack to Mraybon Township authorities and called for a fair trial, but up until the date of this report (16 July 2006) there had been no response.¹⁴⁰

On 6 October 2006, a 13 year old Akha girl was sexually assaulted during an attempted rape by a soldier from LIB #331 in Pung Lo village, Hawng Lerk village tract, Tachilek Township. The girl (name withheld) was travelling from her village, Paang Sali, to market at Waeng Keo village, when she was accosted by the soldier. When the girl was attacked she screamed for help, and many villagers came to her aide. The villagers apprehended the soldier and took him to his base to inform his commanding officer of what he had done. The commander responded by immediately freeing the soldier, refusing to take any action against him, and telling the villagers not to pay him any attention in regard of the fact that he was mentally unstable.¹⁴¹

On 10 October 2006, three naval cadets, from Naval Unit 18 of Ran Chan Byint Naval Base, raped a 14 year old girl, Khaing Thin Kyi from Yaysinpyin Village, Sittwe Township. None of the cadets were punished and the girl was forced to marry one of her rapists by lying about her age.¹⁴²

On 14 December 2006, a Rohingya woman was kidnapped and raped by a VPDC Chairman, VPDC Secretary and a NaSaKa captain. The woman, 20 years old, is the daughter of former Chairman of Baggunah village tract residing in Nurullah Para village. She was returning home at 9 pm with her younger brother from a nearby village. The VPDC Chairman, Anwar, and Secretary, Mohamed Yonus, were entertaining the NaSaKa Captain Win Myint Aung when they were informed that the two young Rohingya were passing nearby. They beat up her brother and left him on the roadside, taking the girl with them. She was not found till the following morning. Her father and some village elders went to the Maungdaw police station to lodge a complaint. The police station filed the case but no action was taken.¹⁴³



Naw B---, 31, lives in a village of Dweh Loh township, Papun district adjacent to an SPDC Army camp. On 3 February 2006 at 10 p.m., her husband was away attending a wedding. SPDC non-commissioned officer S--- from the adjacent army camp came to her house, wrestled her to the floor and raped her. No action was taken to punish the soldier. *[Photo and Caption: KHRG]*

Chin State

On 9 April 2006, three SPDC soldiers raped Daw---, a mother of four children, at her home in Lailenpi village, Matupi Township. The soldiers were members of LIB #304, under the command of TOC #2 Captain San Myint. The rapists were inebriated, and caught their victim at home alone, shouting “*We will kill you if you move or shout for help*”, and using sharpened bamboo sticks as weapons. The next morning, the victim went to the commander and reported the incident. The commander formed his troops into a line, and asked the victim to identify the perpetrators. The victim was unable to do so, due to the darkness at the time of the rape. The captain threatened the victim with prosecution if she could not identify the perpetrators. The rapists have still not been identified.¹⁴⁴

Irrawaddy Division

On 25 January 2006, a fifteen year old girl (name withheld) was raped by Aung Myo Min, Executive of the USDA in Wakhema Township. Although he threatened to kill the girl if she told anybody what he had done, the case came to light following a doctor’s appointment. At this point, he offered money to the girl’s aunt to keep the incident quiet and pay for an abortion if necessary. Her aunt refused the money. Aung Myo Min then managed to get the girl’s grandfather to accept 70,000 kyat. The girl’s aunt, nevertheless, continued to pursue the case. The police, however, refused to record the case claiming too much time had passed since the incident. The local government’s women’s committee also refused to take up the case.¹⁴⁵

Kachin State

In January 2006, a soldier from LIB #37 in Shegwu, eastern Kachin State, reportedly raped a Kachin woman at gunpoint. He forced her into the jungle holding a gun to her head, raped her and attempted to strangle her. She survived and the local commander gave her family 50,000 kyat not to report the case. She later became pregnant and had an abortion.¹⁴⁶

Karen State

Doooplaya District

In April 2006, SPDC soldiers from IB #61 demanded cigarettes and other goods from shops in Tee Ler Baw village without paying. After a complaint by the village headwoman, they were questioned by their superior. Angry, three of the soldiers returned to the village and raped one of the shopkeepers (name withheld) at knifepoint. Instead of returning to camp, they then went to another village and demanded money from another villager, Saw Dee Htoo. When he could not give them anything, they killed him. The news reached Ko Kwa army camp where the soldiers had been stationed and a patrol was sent after the soldiers. They were eventually captured and summarily executed. Subsequently, IB #61 troops were moved to Kyaikdon in central Doooplaya.¹⁴⁷

On 29 November 2006, SPDC IB #96 second in command, Myo Min, raped a 25 year old mother of four in Waw Raw Township. He is said to have threatened her with a gun and taken her outside of the Karen Peace Force camp where he raped her. The attack took place between 8.30 pm and 10.30 pm.¹⁴⁸

On 7 December 2006, a sergeant from LIB #586 reportedly tried to rape a 41 year old woman in the Ta Ku Ki area of Dooplaya District. He and two other soldiers went to the woman's home under the guise that he was a medic and would help with her injured leg. When he tried to force himself upon her, she kicked him off, before her mother returned to the house and the soldiers ran away.¹⁴⁹

Pa'an District

On 9 April 2006, at around 8 pm., a soldier from SPDC LIB #547 attempted to rape a 14 year old girl from Htee Chwa village when she was returning home with two friends from a tutorial. When the soldier attacked her, her two friends ran for help. Some men from the village then ran to scene and her assailant ran away. He had punched the girl in the face repeatedly during the attack leaving her face badly swollen. Furthermore, she was psychologically damaged by the incident, telling her parents that she dared not go to school and wanted to commit suicide. The villagers complained to SPDC LIB #547 Commander Khaing Maung Htway who discharged the soldier responsible.¹⁵⁰

Papun District

On 3 February 2006, a 30 year old woman from Ee Kyu Kee village, Wa Mu village tract, Dweh Loh Township, returned home early from a wedding in her village as she was feeling tired. When she returned home, she heard someone calling to her and asking where her husband was in the Karen language. When she replied that he was still at the wedding, an SPDC soldier entered her house. He overpowered the woman and raped her on the floor of her house. The woman reported that he was a Sergeant as he had three stripes on his uniform. The assailant has since been reported as being NCO San Aung of IB #349. When the woman and her husband reported the incident to the village head he advised them not to take it any further. No action was taken to punish the offender.¹⁵¹

Thaton District

On 25 October 2006, SPDC IB #235 Company Commander Aung Ko Ko and a number of his troops based in Pa'an Township, reportedly attempted to abduct and rape Mu Lay Paw, aged 9, and Naw Say Moo, aged 10, while they were returning from school.¹⁵²

Toungoo District

In late January 2006, it was reported that during the SPDC offensives in Toungoo District Naw Bey Bey, a 22 year old medic, was captured by SPDC troops in Shazebo village, and sentenced to eight years in prison. Subsequent reports suggest that she was then conscripted to serve as a medic during the SPDC offensives, during which time she was raped. Following the conclusion of the military operation, she was returned to Toungoo prison.¹⁵³

Karenni State

On 6 February 2006, Naw Say Paw, the wife of a former SPDC soldier was raped and murdered by SPDC LIB #337 1st Lieutenant Win Naing, in Bawlake Town, northern Karenni State. After raping Naw Say Paw, Win Naing stabbed her three times in the chest and slit her throat. Her husband, Sergeant Aung, was away at the time at a teaching camp for new recruits in Rangoon. When he returned and heard of the incident he fled to the Karenni resistance.¹⁵⁴

Magwe Division

On 16 February 2006, It It Tun, a 16 year old schoolgirl from Myothit, Taungdwinggyi District, was kidnapped by a soldier from the nearby KaPaCa (military arsenal/weapon production batallion) #17. The case was reported to local police and to the military base.¹⁵⁵ On the 18 February, It It Tun was allowed to see her parents at a local authority office. The officials claimed that she had gone with the soldier of her own free will, contradicting the claims of her best friends who saw her dragged off. During the meeting with her parents, she shook uncontrollably and they were unable to communicate freely. At the end of the meeting, she was again taken away.¹⁵⁶

On 13 September 2006, Private Zaw Win Soe of LIB #103, based in Taungdwinggyi, reportedly raped a 14 year old girl. When the girl's parents reported the incident to the local police station, they refused to investigate as the case involved a member of the army. On 18 September, Captain Hla Myo Kyaw, the private's commanding officer, threatened the parents not to go ahead with the lawsuit.¹⁵⁷

Mandalay Division

On 22 August 2006, a Burmese military officer raped a seventeen year old girl at gunpoint whilst on security duty near Tada-U International Airport. Lt-Col Thiha Maung Maung abducted Ma Moe Moe Myint of Sipinkwayh village at gun point. Although the villagers reported the case to military superiors and the local police, no action was taken. Moreover, the villagers were warned that they would be punished if details of the case were made public.¹⁵⁸

Mon State

On 21 June 2006, a fifteen year old girl gave birth after being raped by Nai San Thin, the former secretary of the village headman in her Nainghlone Village, Mudon Township. She was working in a rubber processing unit in his house, when he raped her. He threatened to kill her and her family if she told anyone. Her family only became aware when she gave birth to the child, after previously thinking she was merely putting on weight, assuming she was too young to be pregnant. Nai San Thin and village officials offered the girl money to keep silent, but she refused. Instead, he offered money to organisations with ties to the government, such as the Myanmar Maternal and Child Welfare Association and the Myanmar National Committee for Women's Affairs, who have since appeared reluctant to pursue the case. Villagers report that this individual is known to have raped other village girls.¹⁵⁹

On 25 June 2006, SPDC LID #31 Lieutenant Thein Ka Hlaing raped, 27 year old, Mee War from Kaw Za village, Yay Township. Her father had been arrested by troops from LID #31 on 20 June 2006, on suspicion of supplying food to a local insurgent group, the Mon Pyithit Party, and was repeatedly assaulted. On 25 June, at 9.30 pm, 5 soldiers came to the village and summoned Mee War, under threat of being killed if she refused to go with them. Once inside the barracks she was made to wait on the soldiers, as well as being forced to sing and dance for their amusement. Lieutenant Thein Ka Hlaing then raped her three times in his quarters. When Mee War screamed for help, she reported that the soldiers outside simply laughed. Lieutenant Thein Ka Hlaing threatened to shoot her if she told anybody what had happened to her.¹⁶⁰

Sagaing Division

On 8 June 2006, five SPDC soldiers from LIB #268 raped two Chin women in S—village, Kalaymyo, who were returning from Mizoram. The soldiers stopped the 2 women at a checkpoint in the village, and demanded that they stay the night at the village. During the night the five soldiers gang raped the women, before allowing them to leave the next morning. The women subsequently left their village, feeling unable to tell anyone what happened to them.¹⁶¹

Shan State

On 16 March 2006, two women (names withheld), aged 15 and 19, were gang raped by SPDC soldiers from IB #13 at Wan Khaam Phurk, a small camp where a few villagers were staying whilst working on their farms, in Wan Hai village tract, Kaa-See Township. When more than 30 troops searched the camp, all the males had already fled. The troops then detained the two women in their hut, and a procession of troops took turns raping the girls before leaving the next morning.¹⁶²

In late March 2006, 11 women, 6 from Hwe Hsem and 5 from Mark Khinok, of Tonglao village tract, were raped by soldiers from IB #515. The headman of Mark Khinok village reported the incident to Captain San Hlaing of IB #292, who replied that *“There’s nothing I can do, as we are not from the same unit”*. The case was then reported to Win Tint, the District Peace and Development Council chairman in Loilem, to the anger the local military authorities. The victims from Mark Khinok were identified as:

1. Nang Noan, 25 years old;
2. Nang Zom, 18;
3. Nang Pueng, 19;
4. Nang Goi, 20; and
5. Nang Awng, 22.¹⁶³

On 3 April 2006, a girl (name withheld), from Look-kang village, was beaten to death by soldiers from LIB #514, based in Mongkerng. She was one of seven women forced to ‘comfort’ a 60-member patrol from the battalion. Her battered remains were dumped outside her village. The selection of ‘comfort women’ is commonplace, one woman saying that *“The village headman is forced to select female members of his village to sleep with the soldiers every time they turn up there”*.¹⁶⁴

On 18 May 2006, 18 year old Naang Ho Ling, from Paang Nim village, Laai Kaam village tract, Kung-Hing Township, was raped by an SPDC soldier from IB #246, at the nearby village of Laai Kaam, whilst tending to her families buffaloes. Moe Tint, the commander of a group of soldiers who came across Naang Ho Ling forced her into the nearby cemetery where he raped her. Subsequently, the troops detained her at Kho Laek village. After escaping she informed her family and village leaders of the incident but no complaint was filed due to a fear of reprisals.¹⁶⁵

On 4 October 2006, 50 troops from SPDC LIB #327, along with roughly 15 Lahu militia men, came across two girls, aged 15 and 16, in a rice field, near Murng Ong village, Murng Phur village tract, Kengtung Township. The girls were taken to the troops commander who accused them of being the wives of Shan soldiers. He forced them to work as porters on a patrol. During the two day patrol both girls were raped each night. The girls were subsequently released, but told not to inform anyone of their ordeal.¹⁶⁶

On 9 October 2006, three Palaung women: Daw Nan Man, 52; Ma Aye Sein, 32; and Ma Aye Kyaing, 14; were raped by SPDC troops outside Wan Pan Village, of Ho Pong Village Tract in the Loi Lem District of southern Shan State. Two of the women, Daw Nan Man and Ma Aye Kyaing, escaped from the Burmese soldiers after being raped, but they suffered several injuries from the attack. The third woman, Ma Aye Sein had her skull cracked open, was stabbed four times in her left breast, and suffered three broken ribs. On 13 October, at Lwe Lin Hospital, she died from her injuries, which had been complicated by delays in getting her to the hospital. Whilst Wan Pan villagers went to the battalion to complain of the incident to commanders, there was no action taken against the rapists. The rapists from LIB #9 were identified as:

1. Thet Pine,
2. Thet Lwin Oo,
3. Myo Thein,
4. La Min Htwe,
5. Kyaw Soe, and
6. Win Ko.¹⁶⁷

Rohingya Villager's Testimony Concerning Rape of Neighbour

Source: Arakan Project
 Ethnicity: Rohingya
 Religion: Muslim
 Age: 47
 Village: K--- Village Tract, Rathedaung Township South
 Date of interview: 27 August 2006 - Bangladesh

Last year, one of my young neighbours named N. had married a girl named T. That was during the period when all marriage permissions for Rohingya were completely withheld by the NaSaKa and the Immigration. But soon after their marriage, it came to the notice of the NaSaKa officer that many young men, including N., had married without permission. As a result, some of them were sent to jail for two years or more. A few managed to get released after paying a huge bribe to the NaSaKa. But N. is one of those who have been imprisoned for the last six months and he will have to stay for another 18 months in jail.

The current local NaSaKa commander lives here without family and he drinks every evening.

N.'s wife, T., is a beautiful young woman living alone in a house near her parent's residence (since her husband has been jailed). T. visited the NaSaKa office a couple of times after the arrest of her husband in order to find a way to release her husband and to know the situation of his case. So, the NaSaKa commander saw her.

About one month ago [around end of July 2006] the NaSaKa commander went to T.'s house in the dark of the night and raped her. She did not scream because she was too afraid, but, as soon as the officer left her house, she rushed to her parents' house and told her mother what happened to her. The following morning her mother took her to the local VPDC office and explained the matter to the VPDC Secretary. The Secretary and the Chairman of the VPDC helped T. and her mother to write a complaint against the NaSaKa officer and advised her to go to Rathedaung town to submit it to the Head of Police of Rathedaung Township.

The NaSaKa officer learnt about T.'s complaint and he also sent a messenger to the Head of Police of Rathedaung Township with a letter claiming that the woman's accusation was false and fabricated.

In Rathedaung the police officer interrogated T. and sent her to undergo a medical examination. The medical results confirmed she had been raped and confirmed her accusation.

The police officer then summoned the NaSaKa officer to the police station to settle the matter. He also mentioned that the medical examination of T. confirmed her accusation. The police told T. to return to her village and assured her that the NaSaKa commander would be punished according to the law.

I just got informed that the NaSaKa commander managed to settle the matter last week by paying 500,000 kyat to the Rathedaung police. But, T., the rape victim, did not get justice. The police officer took advantage of her complaint to make money for himself.¹⁶⁸

7.7 Forced Marriage

Sometimes, a rape victim may be forced into marrying the soldier whom raped her. Oftentimes his battalion is then redeployed and the soldier abandons his wife, leaving her isolated from her community who may stigmatise her for her sexual relations with an SPDC soldier.¹⁶⁹ When cases of such forced marriages have been reported to SPDC Division Commanders and Military Operations Commanders in Doooplaya District, no action has been taken.¹⁷⁰ On 10 October 2006, three naval cadets, from Naval Unit 18 of Ran Chan Byint Naval Base, raped a 14 year old girl, Khaing Thin Kyi from Yaysinpyin Village, Sittwe Township. None of the cadets were punished and the girl was forced to marry one of her rapists by lying about her age.¹⁷¹

There have also been claims that marriages between ethnic women and SPDC soldiers are being encouraged by the upper echelons of the military hierarchy in certain areas. The Women's League of Chinland has reported that soldiers were being offered 100,000 kyat each to marry educated Chin women. It claimed such incentivising to be "*part of a program to slowly eradicate the Chin race.*" Chin women whom do marry SPDC soldiers are frequently encouraged to convert from Christianity to Buddhism. Perversely, in the case of those Chin women who have married the man who raped them, they have often done so in an attempt to adhere to their religious beliefs.¹⁷²

In Mon State, one villager, who was interviewed in 2006 after fleeing to the Thai border, reported how Kee They Oo, a Mon high school teacher from her village, was forced to marry SPDC Colonel Myo Winn, under threat that if she refused all of her village would be killed.¹⁷³

Recent jurisprudence has established the potential for such practices of forced marriage, in the context of armed conflict, to be defined as a crime against humanity, with perpetrators liable to prosecution under international law. The International Criminal Tribunal for the Former Yugoslavia (ITCY) in *Prosecutor v. Kvočka et al.* was the first to recognise forced marriage as a prosecutable crime during periods of armed conflict. Since that time, the Office of the Prosecutor (OTP) of the Special Court for Sierra Leone (SCSL) has presented the first explicit arguments regarding the crime of forced marriage, charging it as a crime against humanity.

7.8 Detention in Lieu of Men

In Burma, women are frequently subject to punishment by SPDC personnel in situations where their husbands or sons are suspected of a crime, such as supporting or being a member of an armed resistance group, and are unable to be found. Often the fact that their husbands are unable to be found is taken as sufficient evidence that they are resistance fighters. Frequently women are arrested under such charges against their husbands. In most cases they are released upon payment of a ransom. In other cases, freedom is harder to come by, and these women can serve as hostages, or face exemplary punishment.¹⁷⁴ Even in criminal cases such as theft, outside of conflict zones, women have been imprisoned in absentia of male relatives.

On 5 June 2006, it was reported that pregnant women were being tortured in a jail under the control of SPDC Regional Control Command in Loikaw, Karenni State, because they find it difficult to catch the men of the family suspected to have contacts with the KNPP. According to one pregnant woman who was released after 15 days in custody, *"There was a woman seven months into pregnancy beside my cell. She was beaten unconscious like I was."* Berresel claimed that there were at least five pregnant women, an unknown number of other women and several children under the age of 10 remaining in the jail, when she was released.¹⁷⁵

On 5 July 2006, police in Kalaymyo, Sagaing Division, arrested Awih Zan, a 52 year old woman, whose son had been accused of stealing a motorbike but could not be found. In mid-September, after 2 months in custody, Awih Zan was sentenced to a further 3 months imprisonment for her son's crime.¹⁷⁶

On 15 July 2006, it was reported that the wife and two month old child of a village headman had been arrested by the *tatmadaw* in La Lui village, Matupi Township, Chin State, as the headman had failed to report the presence of the Chin National Army in the area. Sun Par, and her two month old son were arrested in the last week of June, as her husband, Lawng Thui had fled the village after receiving information of his impending arrest. They were arrested by Nyunt Soe, Chairman of Matupi Township Peace and Development Council and Captain Aung Kyaw of LIB #140. She has four other children.¹⁷⁷

On 27 July 2006, in the Owan Ta Bin Quarter of Sittwe; Ko Tun Lin Kyaw and his friend (unnamed) gave themselves up to the Sittwe Police Station #1. They had been on the run since the 25 July, following a quarrel with the police that resulted in one police officer sustaining a serious eye injury. The police had subsequently held their family members hostage in order to secure their surrender.¹⁷⁸

On 22 September 2006, Hla Shwe and Yeh Myint, both NLD members at Nattalin, Pegu Division, were arrested over the stabbing of the former local authority chairman. A local resident reported that the former chairman Yeh Win Tun, had often blamed Yeh Myint with crimes committed in the local area and it is believed that these arrests were politically motivated. The stabbing had occurred on 30 August. On that day, Yeh Myint's wife was arrested in lieu of him, with Hla Shwe's wife being arrested on 10 September, before their husbands were arrested on 22 September 2006.¹⁷⁹

Endnotes

- ¹ Source: *Beijing Declaration and Platform for Action*, 1995.
- ² Source: *Any Progress for the Lives of Women in Burma since Beijing?* WLB, February 2005.
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- ⁴ Source: *Human Development Report 2005*, UNDP, September 2005.
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- ⁶ Source: *Burma Country Report on Human Rights Practices-2006*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 6 March 2007.
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- ¹⁵ Source: *Dignity in the shadow of oppression*, KHRG, November 2006.
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- ¹⁷ Source: HRDU, 1999.
- ¹⁸ Source: "Myanmar can never condone human trafficking and will continue to cooperate with neighbours, other humanitarian organizations, in combating the threat" *New Light Of Myanmar*, 1 December 2006.
- ¹⁹ Source: *Looking through the Gender Lens; Position Paper on Gender Equality*, WLB, September 2006.
- ²⁰ Source: *Ibid.*
- ²¹ Source: *Ibid.*
- ²² Source: *Ibid.*
- ²³ Source: *Dignity in the Shadow of Oppression: The Abuse and Agency of Karen Women under Militarisation*, KHRG, 22 November 2006.
- ²⁴ Sources: *Women demand an immediate end to war crimes in Burma*, WLB, October 2006; "Health Crisis for 'Internally Displaced Persons' and Civilians in Mon Territory," *The Mon Forum*, HURFOM, 31 July 2006.
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- ²⁷ Source: *Chronic Emergency: Health and Human Rights in Eastern Burma*, BPHWT, September 2006.
- ²⁸ Source: *Ibid.*
- ²⁹ Source: *Ibid.*
- ³⁰ Source: *Poisoned Flowers: The Impact of Spiralling Drug Addiction on Palaung Women in Burma*, PWO, 2006.
- ³¹ Source: "Doctor's Avarice Leads to Death of Pregnant Woman in Arakan Hospital," *Kaladan News*, 18 August 2006.
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8. Rights of Ethnic Minorities

8.1 Background

Before the British occupation and annexation of the Burmese territories, the area we know 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, resulting in sharp linguistic divides and a large number of distinct ethnic groups in a small territory. Burma officially has over 134 different ethnic groups, speaking more than 100 distinct languages and dialects. (See Section 8.5: Official List of Ethnic Minority Groups in Burma). Approximately 68 percent of the population belongs to the predominantly Buddhist Burman ethnic group, over 20 million people, or approximately 32 percent of the total population belong to an ethnic minority group. Although all together, they occupy approximately 55% of the land in Burma, this land is mainly located along the border regions. The geographical marginalization of the ethnic minorities of Burma is also paralleled in the country's politics and history.

For the purposes of Colonial administration, Burma was divided into two zones: the centrally located "Ministerial Burma", a predominantly Burman region, and the "Frontier Areas", located in the mountainous regions situated along Burma's present-day international borders where most of the ethnic minorities were based. On one hand, the local systems of governance in Ministerial Burma were destroyed. The British imposed their own administration and system of governance in the area. However, they also invested resources there. While the Frontier Areas retained their systems of governance and some autonomy, they were exploited by the British for their natural resources and given very little in return, particularly in terms of health, education, economic development, or political voice at the national level.¹ This legacy endures 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 General Aung San, a prominent Burman leader, and 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 attempting to build this unified nation and in creating a federal Burma. The constitution which emerged after Britain granted Burma independence on 4 January 1948 fell short of the expectations of many. The territories of four ethnic groups, the Karen, Karenni, Shan and Kachin, were recognized and each was designated a separate state. Each recognized ethnic group was represented at the national level and two groups, the Shan and the Karenni, were allowed the choice to succeed after 10 years. Other groups, however, continued to feel marginalized. Perhaps these issues could have been resolved in the Chamber of Nationalities, had the Federal Union of Burma been

given a fair chance. However, a military regime took power in 1962 and the new constitution in 1974 stripped all ethnic minority groups equally of any autonomy. (For more information, see the Historical Background).

Fast-forward to the present: over the past decade, the State Peace and Development Council (SPDC) has come under increasing international attention, particularly due to its treatment of ethnic minorities, but also due to its non-democratic rule, the continued detention of Aung San Suu Kyi, economic mismanagement and its effect on the region, particularly in regards to the spread of HIV/AIDS and illegal drugs. In an apparent attempt to deflect some of this international criticism and regain some international credibility, particularly in the eyes of their fellow members of the Association of Southeast Asian Nations (ASEAN) and United Nations (UN) officials, in 2005 the SPDC launched its “Seven-Point Roadmap to Democracy” and resumed the National Convention and the constitution drafting process. The National Convention (NC) had been operating since 1993 but was often suspended until it finally adjourned in 1996, having accomplished very little and certainly nothing concretely democratic.³ The resumption of the National Convention is not the first time the SPDC has used the NC and the pretence of democratic principles to assuage international condemnation. The NC was last revived in 2004, following the Depayin massacres. Only ethnic minorities who had signed ceasefire agreements with the SPDC were invited and their concerns were not allowed on the agenda. Delegates were only permitted to discuss the agenda that was set by the SPDC and discussion of any matters outside this agenda was not tolerated. (For more information on the National Convention, see Chapter 11: Freedom of Opinion, Expression and the Press).

Prior to NC sessions in 2005, the SPDC arrested leaders of several ethnic groups and increased military offensives in the border areas.⁴ Before the Convention opened for the year, the leaders of 11 ethnic political groups had signed a statement indicating their lack of faith in the NC process. There were two sessions of the NC in 2005 and during both, it was expected that representatives from ethnic political parties under ceasefire agreements would be present and remain silent, following the SPDC’s prearranged agenda. The SPDC arranged for rallies in support of the NC, threatening civilians with fines for failure to attend.⁵ In response an Ethnic Nationalities Conference was held in 2005 to commence work on drafting an alternative constitution.

There have been a number of meetings to draft alternative constitutions over the years, particularly along the Thai-Burma Border. 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) has been helping ethnic groups draft their own state constitutions in the event that federalism is realised in Burma. Arakan, Chin, Kachin, Karen, Karenni, Mon and Shan groups have reportedly commenced work on the drafting process.⁶ In July 2006, the Chin Community in Germany (CCG), and the Chin Forum, organized the Chinland Constitution Consultative Meetings in Frankfurt. Over 100 representatives attended including guests from Germany, Thailand, the United States, Sweden, India, Canada and Japan. One of the main issues discussed was the fifth draft of the Chinland Constitution.⁷

National Convention proceedings in 2006 followed the same pattern as previous years. The SPDC ‘invited’ several ethnic groups and exerted pressure for them to attend so they could show the international community they had the support of the ethnic minority groups. Ironically, some of the delegates chosen did not even have the support of their own ethnic groups. For instance, P’Doh Aung San, a former member of the KNU who has not only faced numerous allegations of corruption, but has also been implicated as having been closely involved with the *Dam Byan Byaut Kya* (Guerrilla Retaliation Units) execution squads, was invited as a representative of the Karen ethnic minority.⁸ Needless to say, very few Karen support Aung San and he cannot be considered representative of the Karen people.

Meanwhile, those who did partake in the NC were barred from contributing anything of substance. In 2006, the NC worked on drafting a new constitution, though many groups gave up any hope of a democratic constitution emerging from it, let alone one that responds to the needs of the ethnic minorities. Ethnic leaders and international actors, most of whom have dismissed the NC as a sham, continued to call on the SPDC to engage in tripartite dialogue with members of the National League for Democracy (NLD) and ethnic minority groups but there was no move in this direction by the SPDC in 2006.

The SPDC’s attempts to placate the international community with the democratic motions of the National Convention seem to have failed. In September 2006, the United Nations Security Council (UNSC) voted to have the issue of Burma placed on the permanent agenda. The SPDC protested, as did long-time supporters of the regime, China and Russia. In an effort to appear to have the support of both the government and the opposition, the SPDC demanded that ceasefire groups also issue formal protests to the UNSC resolution. The SPDC exerted pressure, often in the form of direct violence, against those ceasefire groups who refused to make such international statements and even went so far as to fabricate new groups to bolster the appearance of having the support of the country’s ethnic minority groups. For instance, on 7 October 2006, the “Rakhaing Peace Organization” (RPO) published a statement opposing the debate of Burma in the UNSC. The signature on the statement was that of Saw Tun Oo, the former chairman of the Communist Party of Burma in Arakan State (CPB-Arakan) who surrendered to the junta in 1997.⁹ It would thus seem that Saw Tun Oo acted at the behest of the SPDC.

8.2 Ethnic Politics, Armed Resistance, and Ceasefire Agreements

The groundwork for armed ethnic resistance was first laid by the British during World War II. The British used various ethnic groups in their campaign against the Japanese in the region, giving many groups their first formal military training. Ethnic minority groups were preferred for recruitment into the British armed forces, especially the Karen, Kachin and the Chin and it could be said that some of these groups never fully disarmed following the War.

When Burma was granted independence in 1948, the political structures they left in place left a bad taste in the mouths of many. The Karen ethnic group, who had been fiercely loyal to the British during the War, were among those disappointed. They had expected a reward for their loyalty; a reward that was never conferred. Thus the Karen's resistance began shortly afterwards. Certain other ethnic groups initially only began organising in order to defend their interests in the newly independent state and they only became militarised following the military coup in 1962.

The Burmese military regime has adopted a number of strategies to deal with these groups over the years. One such strategy, reportedly devised in the mid-1960's but not employed until the early-70's in the Shwegyin hills of Karen State, was dubbed the 'Four Cuts Policy' (*Pya Ley Pya* in Burmese).¹⁰ The four 'cuts' are said to cut off all lines of supply of food, funds, recruits, and intelligence to resistance groups from their supposed civilian support base. The direct and immediate result of this policy was state-directed violence against the civilian population. The SPDC has continued to employ the Four Cuts Policy as its principle instrument in its ongoing struggle against resistance groups. However, while the Four Cuts Policy was initially conceived to undermine armed resistance groups, the same tactics are still being employed, not to weaken insurgent groups, but rather to dominate and exploit the civilian population.

Throughout this report, and all previous editions of the *Burma Human Rights Yearbook* (and indeed the vast majority of other reports documenting human rights abuses perpetrated in Burma), this state-directed violence has been categorized thematically, however, it must be noted that these abuses are by no means discrete. It needs to be remembered that many of these abuses are closely related. For instance, forced relocation is intimately linked with forced labour, extortion, destruction of property, deprivation of livelihood and the denial of fundamental freedoms. By way of example: remote ethnic villages that are situated in areas beyond direct SPDC-control are often forcibly relocated by SPDC army units to areas that can effectively be controlled by the military. Once relocated into SPDC-administered relocation sites, these villagers are regularly exploited as forced labour and as a source of extortion. Their former villages are typically burned to the ground or sewn with landmines. Many are denied permission to return to their fields and plantations and are thus not only denied the freedom of movement but are also deprived of their livelihoods. For the purposes of clarity and ease of understanding, these abuses have been dealt with separately throughout this report, though the web-like and inter-related nature of human rights abuses in Burma must be kept in mind. Regardless of whether the regime employs direct violence, indirect economic deprivation or strategies of cultural assimilation, their effects remain the same: the repression of ethnic minority villagers and the manipulation and destruction of ethnic identity.

Public services to ethnic minority areas, such as health and education, are the lowest priority in a country which does not prioritise health and education at all. (For more information, see Chapter 9: Rights to Education and Health). For those who can withstand the economic pressures, the SPDC continues to enact laws and policies aimed at denying ethnic groups the rights of cultural expression and assimilating them into the mainstream Burman Buddhist culture. (For more information, see Chapter 10: Freedom of Belief and Religion). Economic and infrastructure development in ethnic minority areas almost invariably benefits the junta far more than it does the minorities living in those areas. In many cases, such development projects are conducted to the detriment of local peoples. (For more information, see Chapter 5: Deprivation of Livelihood).

Employing their strategy of divide and rule, the regime has actively encouraged minority groups to compete amongst themselves for available resources. In 1989, the former head of Military Intelligence, General Khin Nyunt began exploiting this advantage by offering ceasefire agreements to various armed ethnic resistance groups. The so-called ‘ceasefire groups’ are permitted to retain their arms but enter truce agreements with the regime whereby both parties agree to cease hostilities against one another. However, these agreements do not extend to cover the civilian population that happens to live in those areas, and the SPDC continues to use violence against them, often with the complicity, and in some cases, the assistance of the newly formed ceasefire group. To sweeten the deal further, the ceasefire groups are offered certain economic concessions and permitted some degree of limited autonomy within territories they are granted authority to control. However, no ceasefire agreement in Burma's recent history has ever led to a political settlement, and in the majority of cases, the ceasefire groups quickly adopt the same practices employed by the SPDC and also commit widespread human rights violations against the very people whom they claim to represent. For example, in Thaton District of Karen State, local Karen villagers have reported that they suffer far worse abuses at the hands of the Democratic Karen Buddhist Army (DKBA), who entered into a ceasefire pact with the regime in 1994.¹¹

The SPDC maintains that as many as 17 armed ethnic groups have forged ceasefire agreements and “*returned to the legal fold*”. However, a number of these pacts have broken down and some of these groups have once again taken up arms against the regime. Perhaps the most striking example of this was the March 1995 ceasefire agreement between the SPDC and the Karenni National Progressive Party (KNPP) which the SPDC violated within three months with fresh attacks in June 1995. By December that same year, the KNPP announced that they considered the ceasefire null and void. (For more information, see Section 8.6: Ceasefire Status of Ethnic Groups).

Please note that the pages which follow do not represent an exhaustive list of ethnic ceasefire and ethnic resistance armies. The list includes only some of the major and more influential groups or those that were active during 2006.

Arakan State

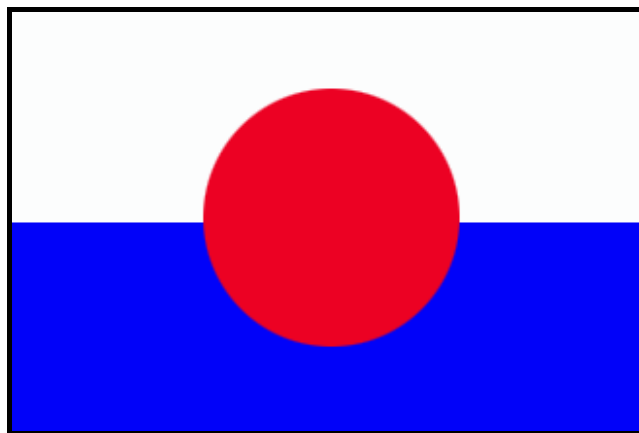
The Arakan Liberation Army (ALA) is the military arm of the Arakan Liberation Party (ALP) and has been fighting the regime since 1968. On 22 October 2006, ALA troops opened fire on and burnt down the SPDC army camp manned by Light Infantry Battalion (LIB) #55 in Paletwa, Chin State while troops were away from the camp on patrol. There were no casualties. However, as a result, the SPDC troops harassed and interrogated nearby villagers. Villagers in the region are also worried that when the army rebuilds their camp, they will be called upon to supply forced labour.¹²

On 13 December 2006, ALA blockaded the road connecting Paletwa in Chin State to India's border. One trader heard that the ALP would shoot anyone who tried to use the road. In response, the SPDC set up their own roadblock, promising to stop traffic on the road for a longer period. SPDC army troops stationed in the Shinletwa army camp in Paletwa Township began blocking the road in December 2006 and threatened to arrest anyone on it until March 2007. The blockade affected trade to the area and primarily impacted upon the civilian population.¹³

Chin State

The Chin National Front (CNF) formed in 1988 following the country-wide pro-democracy uprising. Ceasefire negotiations between the CNF and the SPDC started in 1995 but did not lead to a signed agreement. In April 2006, the CNF sent a message to the regime indicating that they were willing to discuss ceasefire negotiations,¹⁴ though little progress was made during 2006.

In May 2006, authorities in Matupi used family lists and house registration information to attempt to identify local members of the CNF and to extort money from villagers. Families with absent members at the time were fined between 200 and 2,000 kyat. As their children were absent and fearing arrest, Mr. Cahlui and his wife Mrs. Namel fled the town and sought refugee status in India. SPDC army soldiers arrested Mr. Bi Khaw, Mrs. Khin Gwei and her mother, Mrs. Tlungluai, and Mr. Anthaw on the suspicion that they had connections with or were family of CNF members.¹⁵



The Chin national flag. [Photo: Jaume Ollé, 1996]

On 17 May 2006, three Chin National Army (CNA) soldiers were fired upon and pursued by 17 SPDC soldiers of LIB #266 and 15 police personnel from the Hakha police station in Siarpi village area, Hakha Township. The CNA collects an annual tax on the Chin people and was collecting the tax from the village when they were fired upon. No one was killed; however, the Village Peace and Development Council (VPDC) chairman of the village was tortured by the SPDC soldiers for providing the CNA troops with a meal while they were in the village.¹⁶

Kachin State

Kachin Independence Organization (KIO)

The Kachin Independence Organization (KIO) and their armed branch, the Kachin Independence Army (KIA), signed a ceasefire with the SPDC in 1994 and went from being considered one of the most powerful ethnic resistance groups in the country to being a group who submitted to the regime. In 2005, encouraged by the SPDC, a small group led by Colonel Lasang Awngwa calling themselves the Kachin Solidarity Council (KSC), broke away from the KIO and surrendered to the SPDC, accepting the junta's offer of security and territory. In return they promised to refrain from joining with other armed groups against the SPDC. By November 2005, some members had returned to the KIO.¹⁷

In return for signing the ceasefire agreement, the KIO was given control over significant areas in Kachin State including the border area with China, and was permitted to engage in certain areas of economic activity including jade mining operations and the leasing of part of Mai Ja Yang town to Chinese businessmen for casinos.¹⁸ In August 2006, tests on the Malii Hka hydroelectricity power plant concluded. The plant was a joint project between the KIO and the SPDC and touted to provide more electricity to Myitkyina, the capital of Kachin State, at a lower rate.¹⁹ In 2006, the KIA was reported to have signed an agreement with a Chinese company named Hai Nan Chang for 20,000 acres of sugarcane plantation.²⁰

On 15 June 2006, the 77-year-old president of the KIO, Lamung Tu Jai, was reported to have died of "*natural causes*".²¹



The flag of the Kachin Independence Organization (KIO). [Photo: Jaume Ollé, 1996]

The KIO sent observers to the first National Convention in 1993, and was a full participant in when it resumed in 2004. The Kachin National Organization (KNO), a group of Kachin's in exile, has denounced the participation of Kachin ceasefire groups in the NC proceedings.²² In October 2006, however, the KIO did take a stand against the SPDC, refusing to condemn the move to place Burma on the agenda of the United Nations Security Council (UNSC), and taking a neutral stance on the issue. As a result, the regime cracked down, focusing mainly on restricting the KIO's economic activity and freedom of movement. KIO vehicles were not permitted to enter SPDC-controlled areas of Kachin State. Timber, gold and other trade from KIO areas was restricted through a blockade on the KIO's major trade route, cutting off supplies of things like fresh produce, rice and fuel to KIO markets in Laiza. KIO members were reportedly telephoned and harassed, their vehicles detained and their movements restricted.²³ By the end of October, half of the 30 or so gold-mining operations in the N'Mai Hku area had to shut down and many businesses were suffering.²⁴

On 2 January 2006, troops from IB #68, led by Hla Myo Aung, killed six KIA members while they were eating dinner in Muse in northern Shan State. Following the incident, Commander Hla Myo Aung was awarded a hero's medal for his actions.²⁵

In January 2006, SPDC troops shot and killed 20 KIA soldiers in the KIA's 4th Brigade area.²⁶

On 11 February 2006, SPDC troops arrested four KIA members for crossing a junta-controlled area in Mansi Township, Kachin State. KIA members had routinely travelled in this area in the past without incident.²⁷

In April 2006, SPDC troops attacked the KIA's 2nd and 8th Brigades. On 20 April 2006, SPDC soldiers stormed four KIA 4th Brigade outposts near Mongko in northern Shan State.²⁸ A total of 13 KIA soldiers were captured in the raid. On 21 April 2006, a further 14 KIO members were detained by SPDC troops in the Maijaya region of northern Shan State.²⁹

On 29-30 June 2006, KIO bases near Wine Maw were attacked by SPDC army forces. Two KIO soldiers were injured and five were captured. Both bases are close to the area under the control of the SPDC-allied New Democratic Army-Kachin (NDA-K) faction led by Zahkung Ting Ying.³⁰ Another report claimed that 4 KIO soldiers were killed and nine, including Deputy-Commander 2nd Lieutenant Loon Swe, were captured. On 6 July 2006, the KIO met with the NDA-K in Myikyina, to discuss the return of the prisoners, however the NDA-K had already handed them over to the SPDC.³¹

In December 2006, the regime caused local residents even more concern when it launched an extensive 12-battalion military exercise in the KIA-controlled Samar region. Ten battalions under Military Operations Command (MOC) #3 and two battalions stationed at the #904 gun station practised artillery firing drills with 120 mm, 105 mm and 76 mm field guns from 14 December 2006 until 22 December 2006. Five days into the exercise, the KIO submitted a formal complaint with the SPDC and requested that the military exercise be ceased. Exiled Kachin groups expressed concern over the potentially destabilising impact of the military exercises.³²

New Democratic Army-Kachin (NDA-K)

The KIO has suffered a number of splits over the years. In 1989, the New Democratic Army-Kachin (NDA-K) was formed when two KIO officers, Zakhung Tingying and Layawk Zelum, broke away and signed a ceasefire pact with the State Law and Order Restoration Council (SLORC; the junta as it was known prior to 15 November 1997). The NDA-K is based in Pang Wa, on the Sino-Burma border, where they control the area known as Kachin State Special Region-1. In 2005, there was an internal coup among the leadership of the NDA-K. The coup leaders were quickly overthrown and the group soon went back to supporting the SPDC.³³

On 24 May 2006, fighting between two NDA-K factions occurred in Kanpaite, Kachin State. The faction led by Layawk Zelum launched a surprise attack on Zakhung Tingying's opposing faction. Zakhung Tingying and Layawk Zelum are reported to command 300 and 200 troops respectively. The small scale fighting was thought to be an attempt to seize Kanpaite, then under the control of Zakhung Tingying. The fighting drew SPDC Infantry Battalions (IB) #74, 121 and 236 into the area.³⁴

In October 2006, NDA-K members attended the National Convention.³⁵

Karen State

Karen State has endured a long and turbulent history of ethnic resistance. The Karen first took up arms against the regime in 1949, less than two years after the country gained independence. The Karen's struggle for self-determination has continued, largely unabated for almost 60 years. This has placed the Karen in the esteemed position of waging one of the longest continuously running insurgencies in history. The main Karen opposition group is the Karen National Union (KNU), with its armed wing the Karen National Liberation Army (KNLA). The KNU has been widely considered as one of the stronger resistance groups opposing the military regime, which had, at one point in its history, advanced as far as Insein on the outskirts of Rangoon and seriously threatened to take the capital. However, over the years, the KNU has suffered a number of splits, the most devastating of which came in December 1994 with the formation of the splinter group, the Democratic Karen Buddhist Army (DKBA).

Almost immediately following the split, Lieutenant General Khin Nyunt, Secretary-1 of the SLORC, forged an alliance with the DKBA, granting them financial and material support in exchange for their help to destroy the KNU. Less than a month later, a joint force of hundreds of SLORC and DKBA soldiers launched a major attack on the KNU headquarters at Manerplaw. The DKBA soldiers knew the way through the extensive minefields surrounding the headquarters and the weaknesses of key defensive positions, and ultimately, Manerplaw fell. Less than a month after that, another KNU stronghold at nearby Kaw Moo Rah, was also overrun.

The DKBA went on the offensive, launching at least 12 significant attacks on KNU territory over the next three years, including attacking refugee camps in Thailand where they killed more than 20 people. It would seem that their deal with the junta has paid off, for since that time, the sphere of DKBA influence has expanded to the point where they now have a presence in six of the seven Karen Districts, and are mostly free to conduct their business without interference from the military. They have, however, embraced many of the same

policies used by the junta and are also guilty of committing widespread violations of human rights against the same people that they claim to be working for the benefit of. (For more information see Section 8.4 Abuse of Ethnic Minorities by Ceasefire Groups below).

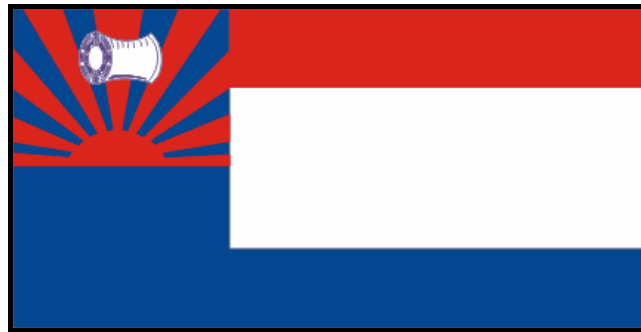
Karen National Union (KNU)

In January 2004, the KNU established an informal verbal ceasefire with the SPDC, referred to as a “*gentleman’s agreement*”. However, despite this ceasefire, sporadic clashes still occurred between the SPDC and KNLA soldiers. Moreover, the SPDC continued to use violence against Karen villagers. Many KNLA soldiers reportedly could not bear to stand by and do nothing as their people suffered under the widespread perpetration of human rights abuses, yet their hands were tied by orders to observe the ceasefire and not to engage with SPDC forces. The SPDC thus used this opportunity to strengthen their grip on the areas they controlled in addition to expanding their influence and establishing new camps in areas that they were never previously able to access without coming under attack by the KNLA. Then, in November 2005, SPDC army units commenced launching military assaults on undefended Karen villages in northern Karen State, shelling them with mortars and firing upon them with machine guns and assault rifles.³⁶ Within months, the offensive spread from Toungoo District into adjacent Nyaunglebin and Papun Districts.³⁷ According to the independent aid organization, the Free Burma Rangers (FBR), approximately 25,000 villagers were displaced by the attacks and the human rights abuses that accompanied the increased militarization of the region.³⁸ Some groups have argued that the SPDC used the ceasefire as the vehicle from which they launched the continuing Karen offensive.³⁹

This offensive, unlike so many of those in previous years, continued throughout the rainy season. The pattern observed in previous offensives is that ordinarily, the SPDC army soldiers withdraw from the hills at the onset of the rains which typically commence around May each year. Travel in the hills becomes exceedingly difficult as the steep hillsides are quickly turned into slippery and treacherous slopes. The SPDC army soldiers thus return to their bases in the plains and along roadsides from where they continue to demand extortion and forced labour from local villages. Not long after the rains stop around October, the soldiers return to the hills where they resume hunting the internally displaced to force them out of the hills and into areas where the military can maintain a presence and therefore control. This cycle has repeated itself almost annually over the past decade, particularly in northern Karen State where the topography is more mountainous and more heavily forested. In southern Karen State, where the terrain is much flatter and far more open, the SPDC has been much more successful in exerting their control over the population, and as such major military offensives are less common. This is in spite the fact that the KNLA also operates in these areas. It must be noted that the primary target of the current offensive, like the vast majority of those before it, is not the armed resistance of the KNLA, but rather unarmed civilian villagers.⁴⁰

Dozens of additional SPDC army battalions were moved into northern Karen State to reinforce battalions already stationed there. In October 2006, the Free Burma Rangers (FBR) estimated there to be 60-70 SPDC army battalions operating in the offensive area covered by Toungoo, Nyaunglebin and Papun Districts.⁴¹ Meanwhile, the Karen Human Rights Group (KHRG) stated in November that their field researchers had identified 27 SPDC army battalions operating in Toungoo District alone. These were organized into 54 operational columns and comprised of an estimated 3,780 SPDC army soldiers. Ordinarily, there are only 12 SPDC army battalions stationed in Toungoo District at any one time.⁴²

SPDC army forces mounted regular patrols through the hills of northern Karen State in search of internally displaced persons (IDPs), their settlements and their food supplies. Any IDPs that they found have been either captured and forcibly relocated to SPDC-controlled relocation sites, or simply shot-on-sight, while any IDP hiding sites or hidden food caches discovered by the soldiers have been ransacked and then destroyed. The soldiers eat what they can, carry off what they are able, and destroy the rest. Few villagers have much left in the way of food and starvation hangs ominously over the heads of many. Moreover, fields and plantations and IDP sites alike have been sown with landmines for the purpose of discouraging the villagers from returning lest they step on one. Many villagers from the region have reported that aside from threats to their physical security, their greatest concern is the lack of food.⁴³ (For more information, see Chapter 5: Deprivation of Livelihood). Facing the very real possibility of being shot if seen, IDPs therefore do what they can to avoid all contact with SPDC army units. Many must regularly move from place to place whenever an SPDC army patrol draws near, fleeing deeper into the forest to avoid detection.⁴⁴ (For more information, see Chapter 13: Internal Displacement and Forced Relocation). The ongoing offensive in northern Karen State has expanded to become the largest military offensive in the region for the past decade.⁴⁵



The Karen national flag. [Photo: Jaume Ollé, 2001]

However, in spite of the continuation of heinous abuses of human rights, the somewhat obvious dissolution of the ceasefire and the insincerity of the SPDC, the KNU leadership insisted on attempting to reopen negotiations. Finally, in July 2006, in the face of increasing atrocities committed by the SPDC in Karen State, the KNU declared they would make no agreement with the junta until the attacks against Karen civilians ceased.⁴⁶ However, in late September 2006, the KNU sent a four-person delegation of military officers to resume talks with the junta.⁴⁷ The delegation travelled to Rangoon and met with Major General Ye Myint of Military Affairs Security. At the meeting, the KNU was told that the “gentleman’s agreement” had been nullified and a new round of negotiations would be required, albeit this time with military personnel from the KNLA, rather than with officials from the KNU leadership.⁴⁸ In late December 2006, Thai military officials agreed to mediate talks between the junta and members of the KNU Central Committee in Rangoon,⁴⁹ however no formal agreement was reached and the offensive in Karen State continued into 2007.

In July 2006, Brigadier General Htain Maung, commanding officer of the KNLA 7th Brigade and the Tactical Commander of General Headquarter (GHQ) Battalions, Colonel Ner Dah Mya, son of General Bo Mya, declared they would not heed the commands of certain KNU leaders, whom they accused of corruption.⁵⁰ Many worried the disagreement would lead to another split in the KNU and some speculated the discord came as a result of the SPDC’s

attempts to cause internal divisions. The KNU issued a statement confirming that the SPDC had made overtures towards certain group members, urging members to remain united.⁵¹ On 21 August 2006, the KNU and the two dissenting commanders held a formal meeting to resolve their differences.⁵² However, it would seem that these matters were never fully reconciled (see below).

Signalling what many have referred to as the end of an era, on 24 December 2006, General Bo Mya, former KNU president and commander of the KNLA, died at the age of 79 from complications arising from diabetes.⁵³ KNU officials stated that their cause would not die with their leader.⁵⁴ Bo Mya was widely respected and many groups from both sides of the conflict expressed their condolences, including members of the DKBA, the SPDC and the Royal Thai Army (RTA) who attended his funeral service at the KNLA #202 battalion headquarters in Pa'an District.⁵⁵ Some reports maintained that as many as 10,000 people attended the funeral,⁵⁶ though those in attendance put this number closer to approximately 5,000 mourners.⁵⁷ Controversy arose when Colonel Ner Dah Mya, son of the late leader, invited the SPDC to attend his father's funeral. Colonel Myat Htun Oo accepted the invitation, upsetting many high-ranking KNU officials who, in protest, boycotted the service.

Within days of the death of General Bo Mya, Htaing Maung led a number of KNLA officers in ceasefire negotiations with the SPDC without prior consent from the KNU Central Committee. Htain Maung and his followers were warned repeatedly to cease all negotiations, and failing to comply were ultimately ejected from the KNU on 30 January 2007. The following day, Htain Maung announced the creation of the newest Karen splinter faction, dubbed the Karen National Union / Karen National Liberation Army Peace Council (KNU/KNLAPC), of which he is chairman. On 11 February 2007, a peace ceremony is held in Kawkareik, Karen State to celebrate the ceasefire agreement reached with the KNU/KNLAPC and their "*return to the legal fold*".⁵⁸

On 2 March 2006, a bomb exploded near an electrical transformer in Ward 20 of Toungoo town. On 8 March 2006, another bomb exploded near No. 1 Basic Education High School in Ward 19, also in Toungoo. There were no casualties in either explosion. The state-controlled *New Light of Myanmar* declared that the bombers were Saw Gay The Mu, Saw Nay La and Saw Baw Shwe He. The report maintained that Saw Baw Shwe He is a private in the KNLA 5th Brigade (operating in Papun District). KNU officials denied any involvement in the bombings, claiming that they were observing the ceasefire. Local villagers also doubted the reports. One villager was reported to say: "*I think it is a plot by them [SPDC]. I think they want to propagandise that the KNU did it ... Outsiders could never enter [Toungoo]. ... There are so many checkpoints, which are saturated with members of the police, USDA (Union Solidarity Development Association) and the intelligence*".⁵⁹ Other groups supported this speculation. In June 2006, KHRG stated that "*It appears far more likely that the SPDC are planting the bombs themselves in order to strike terror into the hearts of the people living there so that they may be lulled into the belief that continued military rule is necessary for the stability of the nation, and to justify offensives against villagers in Karen State*".⁶⁰

Between 1 January 2006 and 31 December 2006, the KNU reported a total of 1,383 clashes with the SPDC and their allied ceasefire proxy armies, in which they killed a total of 372 soldiers and wounded 1,098. Over the year, 39 soldiers surrendered to the KNU,⁶¹ including two ethnic Arakanese who surrendered in March 2006, who cited discrimination as the cause of their desertion from the SPDC ranks.⁶² Over the year, the KNU reported 24 of their own troops killed in battle and a further 20 wounded.⁶³

Democratic Karen Buddhist Army (DKBA)

In May 2005, the SPDC began pressuring the Democratic Karen Buddhist Army (DKBA) to disarm and completely surrender to the SPDC.⁶⁴ However, the group continued to cooperate with the regime and retain its arms. An unnamed DKBA official was reported as saying that the group was, “*very likely to merge with the KNU if the junta keeps pressuring it to disarm*”.⁶⁵ Despite some statements made by certain DKBA leaders, who expressed their concern over division among the Karen, 2006 did not see any reconciliation between the two main Karen groups. The year 2006 saw a continuation of hostilities between the DKBA and the KNU, which on occasion resulted in armed clashes. The DKBA also continued to act on behalf of the SPDC and was responsible for committing a large number of human rights abuses in Karen State (For more information, see Section 8.4 Abuse of Ethnic Minorities by Ceasefire Groups).

In many cases, the DKBA operates in the same manner and to the same end as the SPDC, controlling and manipulating villagers through detention, interrogation and torture. The DKBA takes Karen villagers as porters and extorts funds from villages and farmers, as well as using them to obtain information about the movements and activities of KNU and KNLA members.⁶⁶

On 4 March 2006, Chan Naung and Yer Phoo, both 18-year-old Privates from DKBA #901 Battalion were both shot in the head by SPDC army soldiers from IB #18 near Three Pagoda Pass. The M-16's and pistols of the two dead men were reportedly taken from their bodies after the incident, though why two 18-year-old privates were armed with pistols is unclear; it are normally only officers who are issued with sidearms. SPDC Southeast Command ordered Major Hla Min, commander of IB #18 to pay compensation to the DKBA for the deaths. The SPDC reported the incident to be a case of mistaken identity, claiming that they were fighting KNU troops at the time, however, the area is heavily controlled by the DKBA and the KNU does not have any troops in the area.⁶⁷ Lieutenant Colonel Soe Moe, DKBA #901 Battalion commanding officer, also found the event highly suspicious and doubted it was a case of friendly fire. According to him, it seemed clear that the SPDC troops were attacking DKBA positions.⁶⁸

Despite these tensions, in June 2006, DKBA Brigades #333, #777 and #999 in Thaton District and in parts of southern Papun District were operating together. According to KHRG, the SPDC had given the DKBA 200 million kyat to participate in joint operations in the area.⁶⁹ In December 2006, the highest concentration of DKBA troops was found in Thaton District, which has allowed the SPDC to redeploy its troops to greater effect elsewhere. During 2006, units from 11 different DKBA battalions were reported as having been active in Thaton District with a total of approximately 650 soldiers.⁷⁰ The close relationship between the SPDC and the DKBA was particularly evident in December 2006, when SPDC officials for the first time joined approximately 5,000 people attending Karen New Year celebrations in DKBA #999 Brigade Special Battalion headquarters at Shwe Ko Ko in Pa'an District.⁷¹

Karen Peace Force (KPF)

One of the more marginalised groups of armed Karen, the Karen Peace Force (KPF), was formed in 1997 and operates out of the Three Pagoda Pass Township in southeastern Karen State where it is reported to have several profitable business ventures. The KPF is believed to field approximately 300 soldiers.

In 2005, the KPF obtained permission from the SPDC Southeast Command, which operates in the area, to operate gambling halls in Three Pagoda Pass Township. It was estimated in October 2006 that the KPF was able to collect up to 300,000 baht per month, even after paying kickbacks and bribes to SPDC township officials. It was speculated that the junta approved the operation not only to secure cooperation from the KPF and a good income through taxation, but also to occupy people so that they don't turn to politics. According to one local resident:

"The regime does not care what happens to the residents. ... They have allowed residents to gamble so that they do not get interested in politics. ... Moreover, food, health and education of children are at stake when daily workers spend money on gambling. It is not good for the residents. ... In reality, it is not improving the life of residents'. They are getting sucked deeper into gambling".⁷²

God's Army

God's Army was originally formed and led by Saw Shaw Pyar, a former KNU official. Though, in 1997, the group came under the leadership of twin boys Luther and Johnny Htoo. Legend has it that when their village was under attack by the military, most of the Karen soldiers defending it fled in fear. This roused the twins, said to be nine-years-old at the time, to rally a few villagers to stay and fight, armed with little more than a few pistols and grenades. The legend states that though they were hopelessly outnumbered and outgunned, the boys led the villagers to victory, killing many SLORC soldiers in the process. Rumours quickly spread of their supernatural powers, which among things, maintained that they were impervious to bullets.

In 1999, the group joined forces with the Vigorous Burmese Student Warriors (VBSW) and seized control of the Burmese embassy in Bangkok. Not long after, in January 2000, God's Army troops took over a hospital in Ratchaburi, Thailand. A siege ensued and all ten of the God's Army soldiers were killed by Royal Thai Army (RTA) commandos. After that, the group has had a rather low profile and the twins moved to live in refugee camps in Thailand.

The State-run *New Light of Myanmar* reported that on 17 June 2006, Johnny Htoo surrendered to SPDC army officers of the Coastal Military Command in southeastern Burma along with eight of his comrades and all of their weapons. Many, however, doubted the report, labelling it as "*just a story made by the military junta*".⁷³ Nothing has been reported of him since his alleged surrender.

Karenni State

The Karenni National Progressive Party (KNPP)

The Karenni National Progressive Party (KNPP) was formed in 1957 and has survived a number of separations and splits in the years since. Those who left the party in 1995, 1999 and 2002, formed various splinter groups and signed ceasefire pacts with the SPDC.⁷⁴ On 21 March 1995, the KNPP itself signed its first ceasefire pact with the regime, although it lasted only three months. In June, the SLORC used the ceasefire to move more troops into the region which they then used to launch a new offensive against the KNPP and their armed wing, the Karenni Army (KA). By March 1996, all of the main KNPP bases had fallen to the SLORC. Since that time, the KNPP has resumed active armed resistance against the regime with several clashes reported to have occurred during 2006.

From December 2004 until May 2005, the SPDC launched an intensive attack against the KA headquarters with artillery back up and support from troops from the Karenni ceasefire factions: the Karenni Nationalities People's Liberation Front (KNPLF) and Karenni National Solidarity Organization (KnSO).⁷⁵ During one of these engagements on 15 February 2005, the SPDC was accused of using chemical weapons against the Karenni. A number of SPDC army defectors reported that they had to wear gloves and facemasks while transporting ammunition boxes emblazoned with a skull and crossbones. KA soldiers reported that SPDC bombings produced yellow clouds of smoke, which produced blisters, lung irritation, diarrhoea, vomiting, and difficulty breathing in those who inhaled it, symptoms which lasted up to eight months for some soldiers. According to Christian Solidarity Worldwide (CSW), the symptoms experienced by the soldiers who had inhaled the fumes were consistent with exposure to some sort of chemical weapon.⁷⁶

In February 2006, the KNPP was fighting SPDC troops in eastern Burma, in what the KNPP said was an attempt by the regime to pressure them into accepting the terms of the failed 1995 ceasefire agreement.⁷⁷ The terms offered by the regime remain unchanged from the 1995 agreement and the KNPP to date have proven reluctant to sign.

In May 2006, the SPDC officially labelled the KNPP a “terrorist group” and encouraged the Thai military to help eradicate the group.⁷⁸



The Karenni national flag [Photo: *Jaume Ollé*, 1996]

Karenni Nationalities People's Liberation Front (KNPLF)

The Karenni Nationalities People's Liberation Front (KNPLF) was formed when approximately 200 members of the KNPP broke away from the group in 1978. Once a communist anti-government force, the KNPLF signed a ceasefire with the junta in June 1994.⁷⁹ Immediately, the SPDC pitted the KNPLF forces against the KNPP, promising the former lucrative income through control of border-tax gates, the tin and wolfram mines in Mawchi, and taxes on logging, if it could wrest control of these operations away from the KNPP and act as a village security force in the name of the SPDC.

Much like the DKBA in Karen State, the KNPLF often serve as a proxy for junta forces, searching for KNPP units and interrogating local villagers for information on their whereabouts and activities. In June 2006, Karenni women reported being detained and tortured with other pregnant women by SPDC troops after KNPLF forces informed the junta that their husbands were involved with KNPLF activities.⁸⁰

On 7 June 2006, it was reported that a group of three armed KNPLF members crossed into Thailand in search of a village headman they believed to have contacts with the KNPP. The soldiers, based in the Huay Pu Luang area near the Thai-Burma border crossed into the Thai village of Huay Pu Kay village in Mae Hong Son province where they were reportedly accompanied by a Thai national during their search. Eyewitnesses reported that the soldiers carried weapons concealed under their clothing. The village headman, Maung Htan, learned of this and went into hiding out of fear for his safety, from where he was reported to have said: *"They think I have contacts with the organization here [KNPP]. They used to send some people to call me but I didn't dare to go. I'm sure they'll do something to me"*.⁸¹

Furthermore, according to KHRG, the KNPLF were also used by the SPDC during their attacks on civilian villagers in eastern Toungoo District in Karen State in late-2005 and 2006.⁸²

Moreover, on 15 January 2006, clearly at the behest of the junta, the KNPLF released a press statement condemning the UNSC resolution to put Burma on its agenda stating that, the KNPLF, *"will make a harmonious effort in collaboration with the government to handle the internal affairs of our nation."*⁸³

Karenni National Solidarity Organization (KnSO)

In October 2002, KNPP battalion commander Bo Ta Neh, along with approximately 100 men broke away from the KNPP and surrendered themselves to the SPDC. Similar to the policy used with the KNPLF, the SPDC has used the KnSO against their former comrades in the KNPP as well as in the ongoing military offensive in northern Karen State.⁸⁴

Mon State

New Mon State Party (NMSP)

Much like the Karen, Mon resistance has been organised since a very early stage by an administrative political group, the New Mon State Party (NMSP), with active resistance being carried out by its armed wing, the Mon National Liberation Army (MNLA). However, unlike the Karen, 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. The NMSP holds territory in 12 areas in Mon State although 2005 and 2006 saw an increase in the SPDC militarization of the southern part of the state.

According to reports by the *Kaowao News*, the NMSP previously received monthly payments from the SPDC of 4.1 million kyat.⁸⁵ Though all payments ceased in July 2005 after the group spoke up in favour of federalism at the National Convention proceedings.⁸⁶ 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.⁸⁷

In January 2006, the NMSP elected their first woman to the Central Committee. Mi Sar Dar, 41, is also in charge of the Mon National Education Department (MNED) and chairperson of Mon Women's Organization (MWO). In August 2006, she was suspended from her post for three months after purchasing a rubber plantation worth 20 million kyat without first properly consulting other party members.⁸⁸

In February 2006, explosives destroyed part of a gas pipeline near Kwan Hlar village in Mudon Township. Soldiers from Southeast Command arrested 11 village leaders including the chairman and the secretary of Kwan Hlar village. They were all released in mid-May, after being forced to sign a statement indicating that the NMSP member Nai Ong Janah caused the gas explosion. One million kyat was demanded for the release of each village leader. NMSP denies responsibility for the explosion and insists that Nai Ong Janah was not involved.⁸⁹

In April 2006, 82 representatives from Mon communities in Burma and abroad held the third annual Mon National Conference. Participants came from Europe, USA, Canada, Australia, Malaysia and Thailand. The main subject for debate was the continuation or cessation of the ten-year-old ceasefire agreement.⁹⁰ All the same, on 29 June 2006, the party celebrated the 11th anniversary of the signing of the agreement in Moulmein, although the celebrations were on a much smaller scale than those in the previous years.⁹¹

On 8 August 2006, NMSP celebrated the 59th Mon Revolution Day with a call for the SPDC to engage in a tripartite dialogue.⁹² In September 2006, NMSP's Central Committee held public consultations and a debate on whether to participate in the National Convention (NC) proceedings.⁹³ Party members continued to be divided on the issue of the ceasefire and on participation in any form at the NC.⁹⁴ Nevertheless, a three-person delegation attended the NC, again with the status of observers.⁹⁵ Although complying with the regime's wishes that the NMSP attend the NC, the party refused to oppose the addition of Burma to the UNSC, to the widespread support of the Mon people in Burma and abroad.⁹⁶ The NMSP made a firm decision in October 2006 not to break the formal ceasefire agreement with the military regime, despite being urged to reconsider their position by the Australia-based Mon National

Council (MNC), and other exiled Mon groups.⁹⁷ The NMSP's political stance was not welcomed by the junta and the military responded with intimidation similar to that used on other ceasefire parties. On 8 October 2006, three SPDC army officers attempted to enter the NMSP-controlled territory without seeking prior permission from the NMSP. It was reported that one officer from Southeast Command, one from Military Operation Management Command (MOMC) #19, and another, a military officer commanding 30 soldiers (possibly a captain or lieutenant), planned to survey uncultivated land in NMSP-controlled areas. One unnamed NMSP spokesperson was reported to have said: *"I don't think we should allow them to enter our central administrative area. If they do not listen to us, we should start a civil war again. This is the only way we can stop them."*⁹⁸

On 14 October 2006, food support to the NMSP's central administrative area was cut off. In November 2006, the NMSP began a public campaign in the border areas to garner support for their political stance and raise awareness of the issues facing the Mon.⁹⁹ The campaign continued for three weeks in Ye Township of Mon State, Yepyu Township of Tenasserim (Tanintharyi) Division and Three Pagodas Pass Township of Karen State, though at its completion, the food support had still not resumed.¹⁰⁰

In mid-December 2006, an NMSP office in Wae Ka Lung village, Thanbyuzayat Township was served written orders by the SPDC army Southeast Command to vacate the premises immediately, alleging that the NMSP members from the office were *"frightening villagers with guns"*. The NMSP denied the claims but were forced to comply with the orders. The SPDC established themselves in the village soon after it had been vacated by the NMSP, although ironically, local villagers have reported that they have far more to fear from the SPDC than they do from the NMSP. In 2005, the NMSP office located in Pa Nga village was also ordered to close for the same reason.¹⁰¹



The Mon national flag. [Photo: Eugene Ipavec, 2006]

Mon Armed Group (MAG)

Led by Mon resistance fighter Chan Done, the Mon Armed Group (MAG) operates in Southern Mon State.¹⁰² The party was formed when the NMSP signed a ceasefire agreement with the junta in 1995. Approximately 100 soldiers left the group to continue fighting the regime. When the group first formed, it was originally known as the Mon National Warrior Army (MNA) and led by Nai Hloin and his brother Nai Bin, it operated primarily in northern Tenasserim (Tanintharyi) Division. In 2005, an SPDC offensive caused the brothers to flee to Thailand and Chan Done and Nai Sook Gloin took over as leaders of the movement.¹⁰³

Myeik-Dawei United Front (MDUF)

On 12 March 2006, five men who claimed that they were members of the is small and largely inactive opposition group, the Myeik-Dawei United Front (MDUF), surrendered to officers of the SPDC Southeastern Command in the border town of Three Pagoda Pass. The MDUF is also sometimes referred to as the Mergui-Tavoy United Front (MTUF). The group was led by two men identified as U Zee Yin and Thang Chung. They surrendered two pistols to the regime and in return were resettled on 30 acres of land on the outskirts of Three Pagodas Pass town where they were free to conduct business. The MDUF, however, denied that any of their members had surrendered to the regime.¹⁰⁴

Also, on 24 March 2006, another five members of the MDUF surrendered to the SPDC in Three Pagoda Pass. Two women were reportedly included in this group. A local source maintained that *“These people were sent to Rangoon recently. If they stayed in Three Pagoda Pass it would have become unsafe for them”*.¹⁰⁵

Shan State

As the largest ethnic minority state in Burma, and as one of the most ethnically diverse, there are a number of groups working out of Shan State. Recognising this threat, the regime has maintained a fairly consistent military presence in the state since taking power. In 2005, there was a particular crackdown against Shan activists by the regime. In February 2005, a number of Shan leaders were arrested on charges of on charges of *“treason, ‘discrediting the nation’, disrupting the National Convention, flouting stringent censorship laws and for economic offences”* after making comments against the National Convention.¹⁰⁶ Those leaders who were arrested included:

1. Khun Tun Oo, Shan Nationalities League for Democracy (SNLD) chairman;
2. Sai Nyunt Lwin, SNLD secretary;
3. Sai Hla Aung, SNLD central committee member;
4. Sao Kyar Oo, SNLD member;
5. U Myint Than, Shan New Generation Youth (SNGY) member;
6. General Hso Ten, Shan State Peace Council (SSPC) chairman; and
7. U Shwe Ohn, United Nationalities League for Democracy (UNLD) chairman.¹⁰⁷

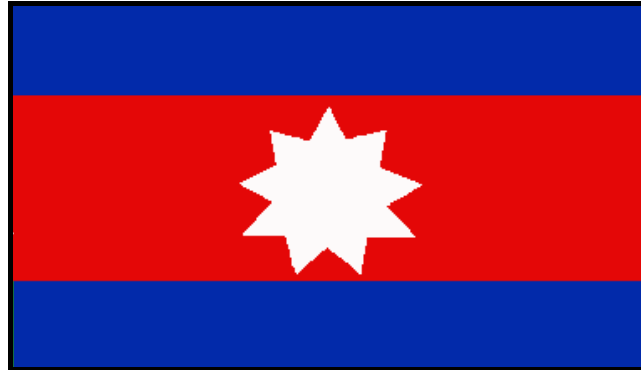
All of these leaders were sentenced to excessively long prison terms. General Hso Ten and Khun Tun Oo, for example, were sentenced to 106 and 93 years respectively.¹⁰⁸

United Wa State Army (UWSA)

The United Wa State Army (UWSA) is based in Wa territory in the northern part of Shan State. The UWSA was formed in 1989, after the collapse of the Communist Party of Burma (CPB), and signed a ceasefire with the regime in May of the same year. The group is led by Bao Yuxiang and Kyauk Nyi Lai. The UWSA’s forces are based along the Chinese border from Kokang to Mongla and along the Thai border areas from Tachilek to Homong with their main area of control officially known as Special Region No. 2, Shan State.¹⁰⁹

Although the group profits greatly from its affiliation with the SPDC, villages remain largely undeveloped and lack basic healthcare and education. In return for supporting SPDC troops in their attacks against other ethnic minority groups, the SPDC has for a long time turned a

blind eye to the prolific drug operations based in Wa territory; the source of much of the UWSA's wealth, arms and power.¹¹⁰ There has been a lot of speculation over the past several years that the SPDC has been complicit in the drug trade and have received kickbacks from groups such as the UWSA for permitting such activities to transpire unpunished.



The flag of the United Wa State Army (UWSA). [Photo: Jaume Ollé, 1996]

In 2005, the UWSA publicly promised to cease their drug production and trade. They claim they have done so and are currently facing financial difficulty due to a loss of revenue in this area. Many doubt that the UWSA's involvement in the illicit drug trade has actually ceased. The Ethnic Youth Network Group (EYNG) released a report on 14 October 2006 claiming that the number of opium plantations in Shan and Karenni State had actually increased in size from 2005 to 2006, contrary to claims made by the United Nations Office on Drugs and Crime (UNODC) who maintained that heroin production had decreased.¹¹¹ On 9 November 2006, six UWSA members were detained and 290,000 methamphetamine tablets were seized in Tawkaw village, Hawngleuk village tract. On 11 November 2006, two more members were arrested after 60 kilograms of heroin was found in block form in two hotels owned by the UWSA.¹¹²

In 2005, the UWSA's privileged position with the SPDC deteriorated slightly when the SPDC revoked the group's right to possess unregistered motor vehicles and subsequently arrested 100 UWSA members who did not follow the new restrictions.¹¹³ The SPDC also shut down three UWSA-affiliated banks in 2005, indicted on charges of money laundering.¹¹⁴ In addition, the regime requested that Chinese officials introduce restrictions on the importation of timber and minerals into China from Wa territory. The restrictions began on 26 March 2006 and resulted in a severe cutback in income for the UWSA, as the cross-border trade had all but ceased. The SPDC tried to take advantage of the UWSA's financial crunch by demanding SPDC-controlled immigration, customs and schools into what was previously an autonomous region.¹¹⁵ It was also reported that the SPDC has been pressuring the UWSA to join them in attacking SSA-S troops in the region.¹¹⁶

In an attempt to make money elsewhere, the UWSA signed an agreement in July 2006 with the Chinese company, Hai Nan Chang. The agreement involves the Chinese using 33,333 acres of land in Pan San, Mai Pok, Mai Mao, Hnam Tit, Wen Kong and Pang Feng Townships for rubber plantations.¹¹⁷ The Chinese also expressed their support of UWSA's anti-drug activities by donating 10,000 tons of rice to assist farmers whose previous source of income was opium cultivation.¹¹⁸

The SPDC has continued to use the UWSA in its campaigns against the opposition Shan State Army – South (SSA-S). It was reported that both sides were believed to have suffered as many as 770 casualties from clashes during the two months of March and April of 2005.¹¹⁹ The combined forces of the SPDC and UWSA persisted in launching violent skirmishes against the SSA-S throughout 2006.

On 9 April 2006, the SPDC issued a formal “*invitation*” to the UWSA to disarm and “*exchange arms for perpetual peace*”. The UWSA offered no official public response, but one unnamed UWSA source was quoted to state that “*It will be impossible for us to comply*”.¹²⁰ Though, despite growing disunity between the two groups, representatives from the UWSA attended the National Convention proceedings in October 2006.¹²¹

Shan State Army-South (SSA-S)

When the Mong Thai Army (MTA) signed a ceasefire agreement with the SPDC in 1996, the Shan State Army-South (SSA-S) formed as one of the groups of MTA soldiers unhappy with the move. Whereas the MTA was known more for their involvement in the drug industry than they were for representing the people, the SSA-S 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.¹²²

On 2 January 2006, approximately 40 soldiers of the SSA-S 241st Brigade and their commander, Sa Khun Kyaw, surrendered to the SPDC near the village of Namtee in Nam Kham Township of northeastern Shan State.¹²³ Following the surrender, the SPDC operations in northern Shan State intensified. Six SPDC Light Infantry Battalions (LIB) launched an attack against the SSA-C.¹²⁴ On 4 March 2006, 24 of the 40 men who had surrendered, including Sa Khun Kyaw, were sentenced to death by a martial court in Lashio prison on charges of drug-trafficking, murder, and the use of child soldiers. A spokesperson for the SSA-S denied all charges.¹²⁵

In April 2005, members of the 758th Brigade, led by Colonel Moengzuen, left the group and formed the independent Shan State Army – Central (SSA-C). Colonel Moengzuen supported the declaration of an independent Shan State and declared allegiance to the Interim Shan Government (ISG), leaving the SSA-S.¹²⁶ In April 2006, a delegation of 300 SSA-S soldiers was sent to central Shan State, allegedly to seek reconciliation with SSA-C. It was reported that the group was attacked by SPDC troops from LIB #520, 332, 574 and 576. SSA-S officials did not confirm or deny these attacks, nor did they comment on the number of fatalities, if any.¹²⁷

On 6 July 2006, the SPDC reported that 848 men from the breakaway 758th Brigade faction of the SSA-S, led by Colonel Moengzuen (aka Mein Sein), relinquished over 800 rifles, 55 hand grenades, 63 landmines and communications equipment to the SPDC in return for “*assistance for their livelihood*” and land.¹²⁸ Meanwhile, SSA-S spokesman Nam Khur Hsen confirmed that Moengzuen had left the group, but claimed he had taken only his personal bodyguard, around 35 people, with him. The SPDC has on many occasions forced local villagers into uniforms and participate in the surrender ceremony to give the impression that far more soldiers had actually defected. The SSA-S spokesperson also claimed that Colonel Moengzuen had been recently charged with illegally taxing Shan citizens of more than 90 million kyat, while the SPDC-controlled *New Light of Myanmar* carried a photograph

of Brigadier General Thaung Aye, commanding officer of the SPDC army Eastern Command, donating 30 million kyat to Colonel Moengzuen.¹²⁹ Then in a backflip on 2 August 2006, Colonel Moengzuen and 70 of his men withdrew from their base at Namhu Phra Htam in Laikha Township. The men rejoined the SSA-S while Moengzuen pled for amnesty through an intermediary.¹³⁰ However, these men later left the SSA-S and rejoined Moengzuen in his undisclosed location where he waited for reinstatement in his former SSA-S position.¹³¹ As a result of the defection from the side of the regime, SPDC troops tightened control in the Le Char area of northeastern Shan State and repeatedly engaged SSA-S troops in daily clashes.¹³²

The ongoing clashes between SSA-S troops and the SPDC army have made life very difficult for the villagers. On 1 December 2006, soldiers from LIB #514 demanded that four soldiers be housed in each village in the Wankeng village tract in Mongkerng Township to survey possible SSA-S activities in the area. The SPDC army soldiers threatened to kill ten villagers for every one of their soldiers killed while operating in the Township. The following day, the SSA-S ambushed SPDC army soldiers from LIB #514, killing seven, including a Major, and wounding ten more. Fear of being executed in retaliation then prompted 20 villagers to flee across the border to Thailand. Many more would also have made the trip if only they could afford it. One villager explained that one family with four children had to pay approximately one million kyat to make the journey. Very few villagers possess this amount of money.¹³³

In November and December 2006, the SPDC increased the number of battalions stationed in Shan State. IB #221, and LIB #570, 571 and 316 arrived on 27 November 2006, and almost daily fighting occurred throughout early December in the border area near Tachilek.¹³⁴ On 12 December 2006, the number of battalions in the immediate area rose to seven as LIB #360 and LIB #314 also arrived.¹³⁵ There were some reports that United Wa State Army (UWSA) troops fought alongside the SPDC army troops,¹³⁶ however the UWSA denied this.¹³⁷

Shan State National Army (SSNA)

The Shan State National Army (SSNA) was formed when military strategist, Colonel Kurn Yawd broke away from the Mong Tai Army (MTA) with approximately 2,000 men in 1995 and soon developed an ‘unofficial’ ceasefire with the regime without ever holding formal negotiations to that effect.¹³⁸

Over the past few years, however, they have been under increased pressure to surrender their arms to the SPDC, and in 2005 this pressure took the form of a consistent military offensive against SSNA troops. The SSNA 11th Brigade surrendered first in April 2005, followed soon after by the 19th Brigade. The remaining soldiers under the 6th, 9th and 16th Brigades loyal to Colonel Sai Yi broke the ceasefire pact completely in May 2005 and joined forces with the SSA-S to fight against the regime. In January 2006, Colonel Sai Yee was elected as Vice President of the SSA-S, solidifying the merger.¹³⁹

Shan State Army – North (SSA-N)

Following the collapse of the SSNA in 2005, the SPDC turned their attention and their attacks on the Shan State Army – North (SSA-N). In September 2005, the SSA-N withdrew from some of its territory, following orders from the SPDC. Attempts to negotiate with the junta failed and the military began to direct its firepower against the group. In October 2005, the SSA-N 3rd Brigade surrendered to the SPDC.¹⁴⁰

SPDC attacks against the SSA-N continued into 2006. On 10 February, SSA-N 3rd Brigade officers were fired upon by SPDC army soldiers while meeting with village headmen in the Mong Kher region in northern Shan State. No one was killed in the fighting. Following the attack, the SSA-N renewed efforts to negotiate with the junta.¹⁴¹

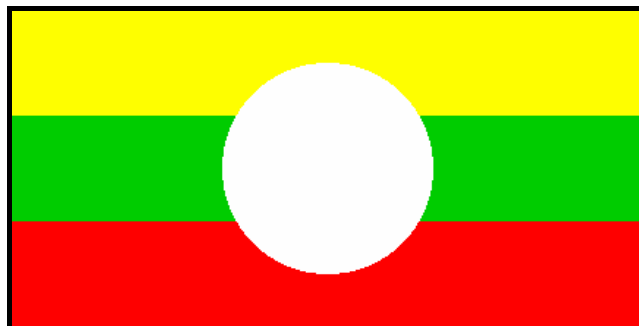
Shan Nationalities People Liberation Organization (SNPLO)

The Shan Nationalities People Liberation Organization (SNPLO) is a ceasefire group active in eastern Shan State. The SNPLO joined forces with the regime on 9 October 1994 and has reportedly become closely allied with the UWSA.

In late-2005, the group suffered a major split. Hkun Chit Maung split away from the SNPLO with approximately 100 men and established their base at Nawnghtao, Hsihseng Township, to the west of the Prawn River. The new faction was renamed the Pa'O Regional Nationalities Unity Organization (PNUO). His 100 troops were reinforced by additional soldiers from a fellow ceasefire group, the Pa'O National Army (PNA) and also received support and protection from the SPDC. The second faction, led by Hso Pyan, retained the SNPLO name with an estimated 250 men. Hso Pyan's faction based themselves to the east of the Prawn River. No large-scale battles have occurred between the two groups although there have been a number of small skirmishes and ambushes.

On 22 March 2006, veteran Kayan commander, Major Kyaw King, was executed by Hkun Chit Maung on charges of agitating against Rangoon.¹⁴²

In 2006, the SNPLO was quoted saying that year's season was to be their last in the production of opium. Karenni researchers, however, noted a subsequent increase in the production of poppies in the area. Farmers in Pekon, Hsihseng and Mawmai Townships in Shan State and Loikaw and Shadaw Townships in Karenni State pay a tax of approximately half a kilogram of opium per household to the SNPLO. The same farmers must also pay a tax of approximately 60,000 kyat per acre to SPDC army battalions based in Hsihseng.¹⁴³



The Shan national flag. [Photo: Ivan Sache]

National Democratic Alliance Army-Eastern Shan State (NDAA-ESS) / ‘Mongla Group’

A ceasefire group since 1989, the NDAA-ESS comprises members of both the Shan and Akha ethnic minorities and is closely allied with the UWSA. Other allies include the Kokang and the NDA-K. Also known as the ‘Mongla Group’, they consider the Burmese regime to be an ally and allows state officials to operate in their territory in the areas of immigration, customs and education. In October 2006, the NDAA-ESS attended the National Convention.¹⁴⁴

The NDAA-ESS, known officially as Special Region No. 4, is comprised of three brigades in eastern Shan State: headquarters with three battalions; the 369th Brigade with five battalions; and the 911th Brigade with seven battalions. All of their battalions are grossly understrength, each only fielding approximately 100-200 soldiers.

The NDAA-ESS claims to have the highest paid soldiers in the country, and business concerns, especially business coming from across the border with China, seems to be important for many group members. Special Region No. 4 gains a lot of income from Chinese tourists, particularly in casinos, and NDAA-ESS members have been hurt by the year long economic blockade imposed by China and encouraged by the Burmese regime. This makes the group somewhat vulnerable to economic pressure applied by the SPDC. However, one NDAA-ESS major claimed that “*All top members ... are not going to kowtow easily. ... Only a few who have business interests are humming and hawing*”.¹⁴⁵

Lahu Democratic Front (LDF)

The Lahu Democratic Front (LDF) was founded in 1989 in opposition to the military junta. According to reports, the organization’s chairman and founder, U Aye Maung died in his home on 22 June 2006 at the age of 65. He had been admitted to a hospital in Chiang Mai, Thailand to relieve pressure on his brain, but was suddenly discharged only hours before his death. In remembrance, one unnamed Lahu woman said “*He was a patriot. He made sacrifices in his revolutionary life*”.¹⁴⁶

Multilateral Resistance Organizations

Despite the frequent splits and splinters in the various armed ethnic resistance groups, political affiliations between different ethnic groups have let the creation of several multilateral resistance organisations.

The National Democratic Front (NDF) was the first such group to form in 1976 and comprised members of the Karen National Union (KNU), New Mon State Party (NMSP), Kachin Independence Organization (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 Organization (PLO) and the Wa National Organization (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 the equal rights and representation of ethnic minorities.¹⁴⁷

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.¹⁴⁸

In 2001 the United Nationalities League for Democracy – Liberated Area (UNLD-LA) and the NDF founded the Ethnic Nationalities Solidarity and Cooperation Committee (ENSCC), which in 2004 was renamed the ENC. 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 ethnic minority rights.¹⁴⁹

Working in conjunction with the NDF, the Ethnic Nationalities Solidarity and Cooperation Committee (ENSCC) was formed in August 2001. Its stated goal was to facilitate tripartite dialogue between the SPDC, the pro-democracy groups and the ethnic minority groups. The ENSCC tries to coordinate between the ethnic minority groups in order to achieve a degree of unity between them and advocate for their collective concerns.

The NDF held their sixth annual conference from 20 April 2006 to 22 April 2006. Representatives from nine of Burma's armed ethnic resistance groups attended and spoke out against the ongoing violence, the National Convention and the Seven Point Roadmap To Democracy.¹⁵⁰

8.3 SPDC Campaign of Abuses against Ethnic Minority Villagers

The SPDC's use of naked aggression against civilian inhabitants of ethnic minority areas gained unprecedented international attention in 2005 and 2006 when the regime commenced its largest campaign in northern Karen State since the massive offensives in 1997. Principally targeting civilians, SPDC army forces fired upon Karen villagers on sight, forcibly relocated those they could catch and deployed thousands of landmines targeted against those that they could not, burned whole villages and destroyed villagers' food supplies. The attacks on villages and the perpetration of widespread human rights violations sent thousands of villagers fleeing for their lives. 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.¹⁵¹ However, this number is in addition to the approximately 120,000 internally displaced persons (IDPs) already living in hiding in Karen State.¹⁵² This offensive differed from previous offensives in that the attacks continued year-round, even during the rainy season when travel becomes difficult and the roads impassable to vehicles.

The 2005-2006 offensive in northern Karen State is a continuation of a pattern of state-directed violence against civilians which the SPDC has practised in ethnic minority areas of for decades. 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 treaties as well. (For more information specific to the Karen offensive, see Section 8.2 Ethnic Politics, Armed Resistance, and Ceasefire Agreements above).

Throughout the country, ceasefire agreements have proved to offer civilians little protection against violence and abuse. Quite often, the abuses have actually increased. Even when direct attacks and arbitrary killings are not occurring, the SPDC and their proxy ceasefire armies exploit ethnic villagers as forced labour, and abuse also them through the use of forced relocation, arbitrary arrest, extortion, land confiscation, destruction of property, 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 was perhaps the most obvious during 2006. Both ceasefire groups and SPDC army troops performed extrajudicial killings, arbitrarily detained villagers, beat and tortured civilians in ethnic minority areas across the country. For example, in Karen State during 2006, SPDC army soldiers shelled villages with mortars and fired into jungle areas where they suspected IDPs to be in hiding. (For more information, also see Chapter 2: Extra-judicial, Summary or Arbitrary Executions). The rape of ethnic minority women and their forced marriage to SPDC army officers has been widely documented, most thoroughly in Shan, Karen and Chin States. (For more information, also see Chapter 7: Rights of Women).

Economic deprivation was also quite apparent during 2006. SPDC army soldiers and ceasefire armies alike 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. However, perhaps the most

widespread means was through the use of extortion and forced labour. Villagers are regularly called upon to provide their uncompensated labour to assist the military, building new roads and army camps, portering supplies and running errands. The villagers are taken away from their farms and forced to work with little regard for the agricultural seasons. Many villagers were unable to harvest enough food to feed their families because so much of their time was taken up performing forced labour for the military. (For more information, see Chapter 1: Forced Labour and Forced Conscription). In addition, various forms of extortion have been employed by the SPDC and their proxies. These may range from the payment of bribes in Chin State to be permitted to engage in cultural activities to an intricate system of “*fees*” associated with forced labour that are demanded from villagers in Karen State. Such fees are extorted from the villagers under the ruse that the money will then be given to fellow villagers performing labour for the military. Villagers, however, are almost never paid for the labour and the money invariably ends up lining the pockets of military officers and corrupt civil officials. (For more information, also see Chapter 5: Deprivation of Livelihood).

Whenever soldiers burn villager’s fields and plantations, mount patrols in farming areas or set up camps near villages or their fields and farms, it has a direct impact on the economic life of the villagers. In Karen State, SPDC army soldiers not only burned paddies and destroyed rice storage barns, they also prohibited travel and closed roads, cutting off trading routes and villager’s access to markets. The use of villagers for forced labour also contributes to their economic deprivation since it takes people away from their usual occupations and income generation. (For more information, also see Chapter 5: Deprivation of Livelihood).

The third strategy used in the campaign against ethnic minorities is their cultural assimilation into the Buddhist Burman mainstream. Commonly referred to as “Burmanization”, one such tool used by the regime is the destruction of culturally important sites or buildings and the construction of more Burman-appropriate structures in their place. In Arakan State, the SPDC plans to start a plantation on historically important land, on the archaeological site of the last Arakanese Kingdom. In Chin State, Christian Chins are prevented from building churches or holding religious events. Many Christian sites in Chin State have been demolished and pagodas and temples built in their place. Similarly, Muslim Rohingya face difficulty constructing new mosques or even repairing old ones. (For more information, see Chapter 10: Freedom of Belief and Religion).

The regime has enacted laws and actively prevents the expression of culture among many ethnic minorities, from the wearing of traditional clothes or the performing of traditional ceremonies to the prohibition on learning their native language. The Rohingya, a Muslim minority in Arakan State, are prevented from following their marriage traditions and wearing traditional dress when performing marriage ceremonies. Furthermore, many Rohingya are prevented from marrying at all and must first apply for marriage permits from the regime. The cost of such permits are prohibitively high and are besides, often denied. In Mon State during 2006, students at several educational institutions were forbidden from wearing Mon national dress at school or for school ceremonies. Meanwhile, in Shan State, traditional Shan costumes were banned from religious celebrations organised by the state. All of these actions attempt to destroy ethnic cultural identities and force ethnic minority groups into the mainstream Buddhist Burman culture.

In addition to these attempts at cultural assimilation, the SPDC continued its campaign to further marginalize minority groups through the manipulation of demographics, ‘importing’ Buddhist Burman settlers into traditionally non-Burman, or non-Buddhist areas. In Arakan

State, the SPDC has confiscated land from the Rohingya, forced them to construct “model villages” on their own land, and then resettled the area with Buddhist Burmans from Rangoon. The settlers are given food by the junta, while the villagers, deprived of their fields and means of life, starve. A similar three year resettlement campaign remained underway in Shan State during 2006, forcibly resettling groups of ethnic Wa settlers into areas predominately inhabited by members of the Lahu ethnic group. Since 1999, the Lahu National Development Organisation (LNDO) estimates that approximately 125,000 people have been resettled in the border areas adjacent to Thailand's Chiang Mai and Chiang Rai Districts.¹⁵³ The UWSA claim this resettlement is part of a strategy aimed at providing Wa people with economic alternatives to poppy cultivation and that the resettlement is over.¹⁵⁴

Various strategies of direct violence, economic deprivation and cultural assimilation are being used by the SPDC and the allied ethnic ceasefire armies in the ethnic minority areas of Burma. By far the most extensively documented in 2006, were those abuses which occurred in Karen State, due not only to the large-scale military offensive underway there, but also due to the extensive documentation network in place among the Karen. That said, the longer list of incidences shown for Karen State does not necessarily mean that the situation there is far worse than in any other state or division. Put another way, this does not mean that fewer documented incidences from other parts of the country demonstrates that fewer human rights violations are taking place in those areas.

Please note that the incidences listed below do not represent a complete catalogue of the campaign of abuses perpetrated against ethnic minority villagers. Those that are shown below are included to help illustrate the deliberate and discriminatory nature of these abuses. Please refer to other relevant chapters for more information.



Internally displaced Karen children standing in front of their school in the forest in Nyaunglebin District, Karen State. SPDC army soldiers continued to deliberately target civilians throughout 2006, forcing many to flee their homes and adopt a life of uncertainty in the forest [Photo: KHRG]

Arakan State

There are approximately two million inhabitants of Arakan (Rakhine) State. The two predominant ethnic groups are the Buddhist Rakhine (Arakanese) 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 NGO documenting abuses against the Rohingya, has characterised the area as one of acute poverty which is facing a “*chronic emergency*”, and the Rohingya as one of the groups facing the most discrimination in Burma.¹⁵⁵ 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.¹⁵⁶

The Rohingya have no official status within Burma. Bangladesh, similarly refuses to claim them as their own and as such, the Rohingya are a stateless people. They are not permitted to travel out of Northern Arakan State and must request permission from SPDC authorities any time that they wish to leave their villages. A single travel pass can cost 1,000 to 1,500 kyat. (For more information, see Chapter 12: Freedom of Assembly, Association and Movement). Fishermen in the town of Sittwe have to pay 500 kyat each to the immigration, military intelligence (*SaRaPa*) and the regional administration (*DaKaSa*) if they want to go out to sea to go fishing.¹⁵⁷ This only allows them access to the fish. Though, they are still not able to access the markets and must rely on middlemen to get their goods to market, losing out on much of the profit margin. (For more information, also see Chapter 5: Deprivation of Livelihood).

Even when Rohingya are carrying valid travel permits, they are not immune to extortion from SPDC army soldiers. Many Rohingya procure travel documents to move from 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 saved. 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.¹⁵⁸

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. Similarly for students wishing to continue to higher studies; education in the region is of extremely low quality and availability. (For more information, see Chapter 9: Rights to Education and Health).

The restrictions on movement, combined with the restrictions on business activity perpetuate a state of economic depression in the area. In 2005, Rohingya in northern Arakan State were unable to grow or buy enough food. According to Chris Lewa, coordinator of the Arakan Project, “*A major humanitarian disaster was averted thanks to direct food relief distributed by the [World Food Program]*”.¹⁵⁹ Ordinarily, the delivery of food by international humanitarian actors to the region is blocked by the regime. However, it is unclear how long the Rohingya can continue to rely on external aid for their daily survival. In March 2006, 126 students from an orphanage in Buthidaung faced starvation when they were unable to acquire enough rice. The state controls the flow of rice in the area and exerts strict restrictions on its transportation and sale in order to control the region’s markets. Although

rice is available cheaply nearby, people are unable to travel even short distances to get it. (For more information, see Chapter 5: Deprivation of Livelihood).¹⁶⁰

Since the 1990's, the SPDC has been engaged in an initiative to pit the two ethnic groups of Arakan State against one another, favouring the Buddhist Arakanese and further oppressing the Muslim Rohingya. Under the auspices of the Ministry for the Development of Border Areas and National Races, land and farms belonging to Rohingya are frequently confiscated and given to settlers brought in from other areas, usually from around Rangoon, but sometimes even foreigners from Bangladesh. Soldiers are often used to force Rohingya farm owners to sign over and vacate their land, on occasion utilising torture and imprisonment to secure their signatures on '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.¹⁶¹ (For more information, see Chapter 5: Deprivation of Livelihood). The confiscated land is used to set up 'model villages', known locally as *NaTaLa* (Ministry of Border Affairs) villages. According to one report released in November 2006, villagers, often the same people who had been deprived of their land, were forced to provide uncompensated labour and materials towards the construction of the new villages and in some cases, also provided the new arrivals with food. In addition to the free land and food, the SPDC also provided new settlers with free rickshaws, sewing machines, tractors and bullock carts.¹⁶²

By August 2006, there were already 1,500 settlers placed in five model villages in Maungdaw Township.¹⁶³ By October, 140 Arakanese families from southern Arakan State were sent to Maungdaw Township as settlers. Until land could be provided for them, local Rohingya villagers were ordered to feed them. A local source said that by the end of November 2006, over 40 Rohingya families had been displaced from their land and that more settlers were slated to arrive in the Taungbro area in January 2007.¹⁶⁴

During 2006, the Rohingya faced increasing discrimination and cultural repression as the junta introduced measures which force couples to apply for permission before they are allowed to marry.¹⁶⁵ A marriage permit can cost anywhere from 1,000 kyat to 150,000 kyat and involves extensive paperwork and lengthy delays of up to several months. In order to acquire a marriage permit, the couple must appear before the *NaSaKa* dressed in formal Burman attire.¹⁶⁶ They must either follow cultural traditions not their own, or else not be married. In addition, laws were introduced in 2006 that require the registration of all births and deaths, under threat of monetary penalty. Families attempting to register new births within the timeframe stipulated by the regime were often delayed and prevented from doing so. If the birth is not registered within the first week, the family is asked to pay the equivalent of five gallons of kerosene, or about 18,000 kyat.¹⁶⁷

To add insult to injury, in August 2006, the SPDC announced plans to turn the ancient remains of the historic Kingdom of Arakan into a physic nut plantation. The third tier of the Mrauk-U palace is the planned site for the plantation.¹⁶⁸

Arakan State – partial list of incidents for 2006

Arbitrary Arrest

In December 2006, two Chin residents of Arakan State, U Yaung Chay and U Aung from Pyilong Gri village in Mrauk-U Township, were arrested on suspicion of having links with Chin resistance groups. The two were beaten and tortured in front of other villages and then

held without trial at the Thama Rit police station. Suspicion of collusion with armed resistance groups is often cause enough for torture and/or arrest by SPDC authorities. Evidence of any connection is rarely required or produced and innocent people are often detained without trial.¹⁶⁹

Freedom of Movement

On 5 May 2006, a group of 15 villagers from Sadamaw village, near Sittwe (Akyab), went to the Sittwe market without the appropriate travel pass. At the market, they were arrested by immigration officers and sentenced to six months in prison. They were later released after serving their terms.¹⁷⁰

On 8 September 2006, Mohamed Hussain, 37, from Bolati village, Pauktaw Township, was sentenced to two-and-a-half years imprisonment with heavy labour in Sittwe, for leaving his village without the proper travel permit.¹⁷¹

Freedom of Cultural Expression

On June 30 2006, 25-year-old Nami Ullah and 20-year-old Hasina Begum from Kon Tan village tract in Rathedaung Township were arrested while trying to cross the border to Bangladesh. The couple had been unable to gain permission to wed from the NaTaLa and planned to marry in Bangladesh instead. On 6 July 2006, the two were sentenced in the Maungdaw town courts to three years imprisonment.¹⁷²

On August 6 2006, police raided the wedding ceremony of 28-year-old Shuha, in Buthidaung Township in spite of the fact that the couple had secured a permit to marry. At 5:30 pm, police arrested approximately 50 people in attendance and beat them severely as the ceremony was going on. Participants of the event, including women and children, ran away for fear of further police harassment. Both the bride and the groom were arrested, although they were later released after the parents of the bridegroom paid a bribe of 30,000 kyat.¹⁷³

On September 11 2006, 24-year-old Shamshu Alam of Thapay Taw (Bassara) village, in Myint Hlut (Merulla) village tract of Maungdaw Township, had to pay 80,000 kyat to the NaSaKa before being granted permission to marry.¹⁷⁴

On September 15 2006, Shuna Meah, 27, of Myint Hlut village, Maungdaw Township, had to pay a bribe of 150,000 kyat to the NaSaKa of Myint Hlut camp for permission to marry. The bridegroom was also obliged to pay an additional 15,000 kyat for the wedding ceremony on 17 September 2006.¹⁷⁵

On October 1 2006, 35-year-old Morium Khatoon was sentenced to two years imprisonment by the Buthidaung court in lieu of her daughter. One year previously, her daughter, Khala Meah, had secretly married Ali Hussain after the couple had been unable to obtain a marriage permit. When Khala Meah fell pregnant, the couple fled to Bangladesh and her mother was arrested and sentenced in her place.¹⁷⁶

On December 8 2006, 25-year-old Mohamed Hussain and his wife, of Dunsay Village, Rathedaung Township, were arrested by the NaSaKa for marrying without permission. The couple were unable to acquire a marriage permit and were discovered after they had a child. Mohamed Hussain's family attempted to secure their release by offering a 40,000 kyat bribe, but the NaSaKa officials demanded more.¹⁷⁷

On December 10 2006, 25-year-old Abdur Rahaman and his wife, of Phone Nyo Hlake village in Buthidaung Township, fled to Bangladesh in order to avoid arrest for having married without a permit. They had sought a marriage permit through the official channels without success and married secretly.¹⁷⁸

NaTaLa Villages

On 1 April 2006, around 15 soldiers called 60-year-old Noor Mohamed, from Pach Khali village, Buthidaung Township, to their camp and asked him to sign a paper saying he was ‘voluntarily’ handing over five acres of his farmland to the military. When he refused, the soldiers subjected him to physical and mental torture for 13 days until he finally signed the paper.¹⁷⁹

On 13 April 2006, approximately 15 soldiers went to the home of 30-year-old Mohamed Salim, from Lanbow Bill village, in Buthidaung Township. He was taken to a nearby army camp and tortured until he agreed to sign over 16 acres of his farmland for new settlers.¹⁸⁰

On 4 October 2006, a group of 140 Arakanese families, all from southern Arakan State, were relocated to Maungdaw Township. Upon arrival, the settlers were sheltered in the middle school of Kyikan Pyin village where the Rohingya residents were ordered to feed them without compensation.¹⁸¹

On 16 October 2006, armed Arakanese settlers raided the home of 40-year-old Mohammed Zaker from Tan May village of Buthidaung Township. They broke a window and entered the home, looting it of its valuables before the owner could wake up. When Mohammed Zaker did wake up and raise the alarm, the thieves fled with his possessions. In the morning, he took the case to the NaSaKa. Despite the fact that Mohammed Zaker had seen the burglars and could identify them, the NaSaKa commander accused Din Mohammed, 35, of the same village, of committing the crime. Later, Din Mohammed was summoned to the NaSaKa camp and charged with the burglary. He was fined 100,000 kyat and gold weighing 24 *peh tha* (24.5 grams). Mohammed Zaker never had his belongings returned to him, nor was he compensated by the NaSaKa.¹⁸²

Chin State

Chin State is located in the western hills of Burma and is home to a population of approximately 500,000 people, with an estimated further 50,000 Chin refugees living in Mizoram State, India. Approximately 90 percent of Chins are Christian, marking them for particularly oppressive religiously motivated abuses by the predominantly-Buddhist regime. (For more information, see Chapter 10: Freedom of Belief and Religion).

The region falls under the area of operations of the SPDC Northwestern Military Command which stations no fewer than six battalions in the State at any one time. Economic conditions in Chin State continued to deteriorate throughout 2006 and Thomas Thang Nou, chairman of the opposition Chin National Front (CNF), was quoted to say: “*We predict a humanitarian crisis in Chin State this year*”.¹⁸³

All nine townships in Chin State possess hospitals, however, some reports maintained that during 2006, only two were operational. Most health facilities lack medical supplies and qualified doctors. During 2006, it was estimated that there was only one doctor for every

80,000 patients in Chin State. Chins themselves are unable to get the education required to become doctors and Chin State is not considered to be a desirable place for most trained doctors to practice.¹⁸⁴ According to one doctor, it can cost up to 18,000 kyat just for a routine check up in Chin State. According to the Chin Back Pack Medical Team (CBMT), approximately 80 percent of women in their twenties have gynaecological problems and around 60 percent of those in their thirties have problems with digestion. Tuberculosis is particularly common in Falam Township and there was a rise in the number of hepatitis cases in the area during 2006.¹⁸⁵ (For more information, see Chapter 9: Rights to Education and Health).

Although there are a number of schools in Chin State, teachers are for the most part, underpaid, and all education is provided solely in the Burmese language. Like in many other parts of Burma, local ethnic languages are prohibited from being taught and the Chin language is not permitted to be taught in schools. (For more information, see Chapter 9: Rights to Education and Health).



Karen villagers from Khaw Po Pleh village in Thaton District of Karen State working together to winnow their paddy harvest in January 2006. Working communally gets the job done faster before the SPDC army soldiers inevitably return to order the villagers to do more forced labour.
[Photo: KHRG]

Kachin State

There are an estimated 1.2 million people living in Kachin State, the majority of whom are Christian Kachin. The SPDC's persecution of ethnic minority Kachins has mainly focused on their religion and converting Kachins to Buddhism. To this end, the regime has set up several schools, known as *NaTaLa* (Ministry of Border Affairs) schools, providing free education and forcing Buddhist worship on Christian students who aren't otherwise able to afford education.¹⁸⁶

In 2005, the Kachin Women's Association – Thailand (KWAT) brought attention to the vulnerability of Kachin women to human trafficking when they published their report, *Driven Away: Trafficking of Kachin Women on the China-Burma Border*. The report documented 63 cases of human trafficking, involving 85 women and girls, mostly aged from 14 to 20 years old, between 2000-2004. About two-thirds of the women came from Myitkyina and Bhamo Districts in Kachin State and one third from northern Shan State.¹⁸⁷ According to a report released by Christian Solidarity Worldwide (CSW), KWAT documented a further 50 cases of trafficking in 2006, mostly involving Kachin women from northern Shan State. Between March and September 2006, twelve women were rescued and returned home, some from as far away as the China-North Korea border. (For more information, see Chapter 7: Rights of Women).

Kachin State – partial list of incidents for 2006

In January 2006, a soldier from LIB #37 in Shwegu, eastern Kachin State, raped a Kachin woman at gunpoint. Holding a gun to her head, he forced her into the jungle where he raped her and then attempted to strangle her. She survived, and the local commander gave her family 50,000 kyat not to report the case. The woman became pregnant and had to have an abortion.¹⁸⁸

In April 2006, an unnamed village in Bhamo Township was ordered to cease construction on its church following an order from the Ministry of Religious Affairs which had issued an order prohibiting the construction of new churches or mosques.¹⁸⁹

At an undisclosed time in mid-2006, Captain Kyaw Win refused an unnamed church permission to build a reception hall for weddings, Christmas celebrations and other events. He instead ordered that the entire church compound be planted with physic nuts. The church group was told that failure to follow the order would result in confiscation of the land.¹⁹⁰ (For more information, also see Chapter 5: Deprivation of Livelihood).

On 29 July 2006, it was reported that SPDC army soldiers at checkpoints near Gan Dau Yang were extorting money from villagers at gunpoint. The SPDC reportedly also demanded money from churches in Japu, Dabak and Hkat Su villages, with promises that the SPDC would provide land on which they could build church compounds. No churches were built in any of these towns.¹⁹¹

Karen State

With an estimated population of between 3 and 6 million people, the Karen represent the second largest ethnic minority group in Burma and throughout 2006 they came under the most intensive and sustained attacks from the SPDC in the past decade. In late-November 2005, the SPDC launched its largest military offensive against the Karen since the massive offensive in 1997. As of December 2006, 40 percent of SPDC army troops nationwide were in eastern Burma, with the majority of that number stationed in Karen State.¹⁹²

Up until April 2006, the SPDC denied the campaign of violence in Karen State, despite increased refugee flows out of the country and documentation of increased troop movements, attacks on undefended civilian villages and the widespread perpetration of human rights violations; blaming these reports instead on the KNU. In April 2006, however, SPDC Information Minister Brigadier General Kyaw Hsan confirmed that fighting had occurred, condemning Karen “saboteurs” committing “atrocities”.¹⁹³ Kyaw Hsan said that the “aggressive tactics” of the KNU had forced the regime to boost security around the new capital at Naypyidaw near Pyinmana, despite the fact that Naypyidaw is located approximately 100 kilometres (60 miles) away from the nearest of the attacks, and that these attacks were directed against civilian villagers.¹⁹⁴

“All the incidents are the results of the well-planned underground plots of the KNU terrorist insurgents and their foreign masters, and the aboveground schemes from inside and outside the country to attack Myanmar.”

- SPDC Information Minister Brigadier General Kyaw Hsan.¹⁹⁵

Although the SPDC has claimed that the campaign is an effort to wipe out the armed Karen resistance of the KNU and KNLA, the majority of the violence has been directed at civilian villages. Most of the attacks were concentrated in the area where the three Karen districts of Toungoo, Nyaunglebin, and Papun Districts meet.

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 from neighbouring hillsides. 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. When soldiers burn the fields, they leave no crops to harvest.

Knowing that civilians typically return to their villages after the troops have left, SPDC army soldiers often leave landmines in the village to target those who come back to their homes. In some areas, this practice has become so commonplace that villagers will only return to their villages with a KNLA escort who must first clear any mines that have been laid. In 2006, SPDC army soldiers planted landmines in front of village homes, in abandoned villages, in ricefields and farms and along pathways used by villagers, specifically targeting civilians. Than Daung Township in northern Toungoo District is extensively mined and there were at least 15 reported cases of landmine-related injuries and deaths in that area in 2006. Fear of landmines restricts the movement of villagers, which can be particularly detrimental when farmers are afraid to travel to their fields.¹⁹⁶ Some sources maintain that the SPDC army had laid more than 2,000 antipersonnel mines in a north-south line through Toungoo and Nyaunglebin Districts to stop communication between villagers living in the hills and those

in the plains¹⁹⁷. The Thai-Burma border is also reportedly extensively landmined to prevent or deter the flight of refugees.

Most landmine victims do not die immediately from their injuries. Mines are designed to maim rather than kill. The logic behind their deployment is that after one person steps on a landmine, two people are required to carry him, effectively disabling three combatants: the mine victim and the two who must then carry him. The majority of victims either bleed to death or die of shock. Ninety percent of mine survivors lose at least one limb, and eye injuries including blindness are quite common, affecting approximately 40 percent of landmine survivors. Hearing loss and diminished hearing are also common, occurring in approximately 21 percent of survivors.¹⁹⁸ Some groups maintain that in Karen State, prior to the offensive, there was one civilian landmine amputee every day.¹⁹⁹ However, some groups dispute this figure as being too high.²⁰⁰ The deployment of landmines in the region has only increased over the last two years, which means that this figure may increase within the foreseeable future. In fact, perhaps the greatest damage from these landmines will predictably occur once the offensive stops and currently displaced villagers return in greater numbers to the villages that are now being mined. Landmines remain an indiscriminate threat for many years as they lie in wait just below the surface for some unsuspecting villager to step on them. (For more information, see Chapter 16: Landmines).



A Karen villager from Nyaunglebin District dismantling his home following orders from the SPDC to relocate. Under the Four Cuts Policy, the SPDC targets civilians to ostensibly undermine resistance forces. The Policy has the additional effect of repressing the civilian population and threatening their livelihoods. *[Photo: KHRG]*

In SPDC-controlled areas, troops set up many new army camps, forcing local people to provide the materials and labour for their construction. Once these camps were established, soldiers mounted patrols from them and fired upon anyone they saw. In spite of the danger, villagers often remain in the area and attempt to return to their fields to harvest at least some of their rice, often at a great danger to their persons.²⁰¹ According to FBR, there were 33 new military camps established in Karen State in 2006. These camps were mostly placed along road corridors. In Nyaunglebin District, 17 new camps were established including three fixed camps, and 14 satellite camps. In Papun District, seven new camps were built including two fixed camps, and five satellite camps. Finally, in Toungoo District there were nine new camps established including two main camps, and seven smaller ones, bringing the total number of SPDC army camps in the district to over 50.²⁰²

Since early 2006, many villages located in areas newly controlled by the SPDC have been forcibly relocated. Over 6,000 people were forced to move to an SPDC-controlled relocation site in Kyauk Kyi Township, Nyaunglebin District.²⁰³ 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.²⁰⁴ 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. 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 13: Internal Displacement and Forced Relocation). Villagers are also often used as forced labour and are regularly the targets of extortion from soldiers.

At the relocation site in Plaw Law Bler in Nyaunglebin District, and at other similar sites, both male and female villagers have been forced to work clearing land and digging trenches for the construction of a new military base. Some villagers interviewed in late April said they had already been given orders that each person must clear at least 30 square yards of ground for the military camp.²⁰⁵ Similarly, in the Kler Lah relocation site in Toungoo District, SPDC officers used forced labour to further their own personal wealth. Large trucks were sent from central Burma to support the offensive, however, officers parked the trucks in Kler Lah, sold the remaining fuel for their own profit and then used local people, instead of the trucks, to transport supplies in the area. Sometimes private vehicles have also been commandeered, with the cost of the petrol being covered by the car's owner.²⁰⁶

In addition to the thousands of villagers that the SPDC used as forced labour under the offensive, FBR estimated that in the space of the year since the offensive began in November 2005 until the end of December 2006, the SPDC employed over 1,700 prisoners as porters, of which 265 were reported dead. It was clear from the bodies of many of them that they were executed. Others died from malnutrition, injuries and illness. Among the prisoner porters in Papun District alone, there are over 20 children under the age of 16. These boys were reportedly prisoners from Insein prison.²⁰⁷ Prisoners from jails around the country have been used as army porters in large numbers during the offensive in Karen State. One porter who was able to escape said he, and 150 other inmates, were taken from Myitkyina Prison in Kachin State to work in Toungoo District carrying supplies for SPDC army troops. He witnessed soldiers shoot and stab several other porters to death.²⁰⁸ Another porter said he saw 42 fellow prisoner porters beaten, shot and killed when they were no longer able to carry the heavy loads they were given.²⁰⁹ (For more information, see Chapter 1: Forced Labour and Forced Conscription).

Unseasonal rains during 2006 made life for the internally displaced particularly difficult. Many villagers were reportedly sick with malaria and dysentery.²¹⁰ 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.

Throughout 2006, the SPDC increased restrictions on travel. Many of the roads in the region were closed to all traffic except military. Villagers in the district were unable to travel on the roads to access markets and buy food. Many roads have been blockaded or mined, many with the intention of severing connections between villagers living on the plains and villagers in the hills. On 1 May 2006, the SPDC intensified its blockade on all travel routes used by the villagers in Nyaunglebin District.²¹¹ According to KHRG, approximately 800 civilians from Mone Township who had fled the SPDC to reside in the forest were without access to food supplies due to SPDC restrictions on movement and blockades of trading routes.²¹² Similar restrictions were also imposed in Toungoo District.

In mid-December 2006, the estimated number of displaced persons had risen to 25,000.²¹³ By 30 November 2006, Human Rights Watch (HRW) had documented 45 civilian deaths at the hands of SPDC troops in Karen State, not including the killing of the 265 prisoner porters discussed above.²¹⁴ In November 2006, the Ee Htu Hta internally displaced camp beside the Salween River on the Thai-Burma border housed approximately 1,700 people.²¹⁵ While many of these people did not wish to cross into Thailand, but rather to remain within their own country, some of those who did attempt to make their way into one of the refugee camps were refused entry by Thai authorities. In mid-March 2006, 600 Karen villagers fleeing human rights violations in Toungoo and Nyaunglebin Districts were denied entry to Thailand and remained in Ee Htu Hta.²¹⁶

Perhaps the most pervasive effect of the offensive in Karen State has been the decreasing availability of food in the region. 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 either into the control of the military regime or into the forests as IDPs. Either way, the issue of food security is only exacerbated.

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 contained therein. Over 87,000 baskets (1,800 tonnes / 4,000,000 lb) of unharvested paddy were abandoned, destroyed or stolen by soldiers in 2006. This paddy would have provided a year's supply of rice for over 5,000 villagers. Additionally, more than 10,000 baskets (210 tonnes / 460,000 lb) of harvested paddy and 1,000 baskets (21 tonnes / 46,000 lb) of milled rice were also destroyed, stolen or abandoned. Furthermore, 420 cardamom gardens, 30 betelnut gardens and 150 coffee gardens were destroyed or abandoned during 2006.²¹⁷

In addition to the destruction of food stores and fields, when SPDC troops burn and loot villages, the implements villagers rely upon for cooking and boiling water are often stolen or destroyed. It is often very difficult for villagers to replace these items as they are expensive for subsistence farmers to buy, and even more difficult for IDPs to acquire as they will be shot on sight while attempting to enter a village market.²¹⁸ (For more information, see Chapter 5: Deprivation of Livelihood).

The SPDC offensive has drawn increasing levels of international attention the longer it has continued and has been denounced both locally as well as internationally.²¹⁹ In May 2006, an international protest was organized by the Global Campaign for Solidarity and Democracy in

Burma and staged in Thailand, Japan, India, US, Canada, Britain, India, Belgium, Australia, Norway, New Zealand, Korea and Denmark to draw attention to the situation and demand that the SPDC ceases all attacks on civilian villages.²²⁰ Despite such widespread condemnation, the offensive has continued into 2007.

Karen State – partial list of incidents for 2006

Arbitrary Killings and Arrests

On an unspecified date in 2006, in Kyauk Kyi Township, LIB #60 Battalion Commander Maung Thein Soe accused Naw Ghay Paw of having connections with the KNU. She was arrested and detained in Kyauk Kyi jail for two months before being transferred to Toungoo prison. Police officers demanded 2,000 kyat from her upon her arrival. At the prison she had to pay 500 kyat to use the toilet, 200 kyat to take a bath and 500 kyat to get her meals. While detained in the prison, she was frequently tortured and verbally abused by the police and though she became quite ill she was not allowed to be transferred to the infirmary until her condition had become quite serious. Her legs were kept locked in shackles the entire time that she was detained in the infirmary. When she was eventually allowed to stay in the hospital her legs were kept in shackles.²²¹

On 11 March 2006, SPDC army soldiers from LID #66, led by Commander Aung Soe, captured, detained, tortured and killed two villagers: Saw Ah Poe and Saw Dah, from Ker Der Kah village in Toungoo District, for leaving their villages.²²²

On 20 March 2006, troops from LIB #366 shot and killed 17-year-old Saw Hsa Raw Say as he worked in his hill field near Plaw Mu Der village in Papun District. His friend, Saw Kyay Nu Wah who was with him at the time was also wounded but managed to escape with his life. It is quite common for SPDC army soldiers to open fire on Karen villagers as they work in their fields and can be easily picked off.²²³

On 15 April 2006, SPDC soldiers based in Pi Mu Ko camp shot 29-year-old Saw Wai Htoo while he was clearing his hill field. After the first shot, Saw Wai Htoo tried to flee, but he tripped and fell over a log. The soldiers rushed upon him, and stabbed and shot him numerous times. Other villagers also working in hill fields nearby heard the shots and were able to flee.²²⁴

On 15 April 2006, 39-year-old Saw Sein Htoo from Lay Ghaw village, Papun District was shot on sight by troops from LIB #364 while he was working alone in his ricefield. He died leaving a wife and three children.²²⁵

On 20 April 2006, soldiers from LIB # 364 shot and killed 17-year-old Saw Ree Htay and also wounded 18-year-old Saw Say Mu Wah while they were on their way to their ricefield beside the Saw Hta–Kyauk Kyi motor road. Saw Ree Htay left behind a young wife who must now struggle to support herself on her own.²²⁶

On 3 May 2006, soldiers from SPDC LIB #14 went into Saw Der village and they shot and killed 22-year-old Saw Thu Ler Taw. At the sound of the gunshots, the other villagers fled into the surrounding forest leaving their belongings behind. The soldiers then stole 200,000 kyat from Saw Thu Ler Taw and looted the possessions of the other villagers.²²⁷

On 31 May 2006, troops from LIB #361, #362, #363 and #370, all operating as part of MOC #10, based at Ler Mu Plaw, saw 40-year-old Htee Baw Kee villager Saw Yweh Mu working in his irrigated ricefield at Pwa Doh Hta, and shot him dead on sight. They then burned down his field hut and his paddy storage barn. The soldiers also burned a second field hut and storage barn nearby belonging to Naw K'Pru Paw.²²⁸

On 5 June 2006, troops from SPDC LIB #362 shot and killed Saw Yweh Moo of Ka Baw Kee village in Lu Thaw Township, Papun District, and burned his paddy field.²²⁹

On 29 June 2006, SPDC army troops opened fire on innocent villagers, one in Kawlawah Lu and another in Thay Baw Der village in Mone Township, Nyaunglebin District. Villagers in adjacent village tracts fled into the surrounding forests for fear of their lives.²³⁰

On 30 June 2006, soldiers from LIB #522 captured two villagers from K'Ba Hta village in Mone Township, Nyaunglebin District and took them with them as they left the village. The dead body of one of them, 38-year-old Saw Bi Aw, was found a week later on 6 July 2006. Before leaving the village, the soldiers burned 381 baskets (8,000 kg / 17,526 lb) of paddy and 28 baskets (700 kg / 1,543 lb) of rice belonging to villagers. They also stole cash worth 2,952,900 kyat, gold, tools, tarpaulins, and even the donations given to a religious organisation. The villagers ran for their lives with only what they could carry.²³¹

On 8 August 2006, SPDC army soldiers shot and killed 75-year-old female villager, Naw Ta Kee Lee from Ler Kla Der village in Tantabin Township, Toungoo District, as she was resting in her hut in her plantation.²³²

On 5 September 2006, SPDC army soldiers from IB #73 arrested Zee Pyu Gone villager Saw Htoo Per, his wife, children, and younger brother, and detained them at their camp in nearby Shan See Boh in Tantabin Township, Toungoo District on suspicion of having ties to the Karen resistance. Saw Htoo Per and one of his sons, Saw Baw Baw, were both killed by the soldiers in the camp.²³³

On 30 September 2006, Column #1 and #2 of LIB #567 and Column #1 and #2 of IB #240, all operating under Tactical Operations Command (TOC) #3 of MOC #16, fired upon civilian villagers in the Saw Tay Der and Hsaw Wah Der areas in Tantabin Township, Toungoo District, killing one villager.²³⁴

On 12 October 2006, two columns of SPDC army soldiers from IB #10 and IB #35, under TOC #662 of LID #66, "*cleared*" the area around Ku Ler Der and Der Doh to the north of Kler Lah in Toungoo District. The practice of clearing an area does not involve engaging with the armed resistance, but rather to direct deliberate attacks on civilian villages to depopulate the area and forcibly relocate all villagers into SPDC-controlled relocation sites; in this case: the Kler Lah relocation site. Soldiers also fired mortars into the plantations adjacent to Hsaw Wah Der village to flush out the villagers that were hiding there.²³⁵

On 22 October 2006, a group of SPDC army soldiers open fire on unarmed villagers as they were resting in their field hut near Htee Nu Hta village in Nyaunglebin District, killing one villager and wounding one other.²³⁶

On 25 October 2006, Saw Maung Maung Than, 40, Saw Chit Chit, 16, and Saw Ah Cho Moo, 15, were shot and killed by SPDC army soldiers from IB #73, in Ma La Gone, Toungoo District. A fourth villager, 15-year-old Saw Kwa La Moo was also wounded, but not fatally.²³⁷

On 26 October 2006, troops from IB #242 opened fired on a group of villagers as they were harvesting the paddy in their hill fields at Htee Nu Hta, killing villager Saw Tha Ghay Htoo and wounding another villager. SPDC army soldiers often target villagers at harvest time when they are working in the open fields and can be picked off at will.²³⁸

On 31 October 2006, a unit of SPDC army soldiers from IB #11, under TOC #661 of LID #66 shot and killed Kaw Thay Der villager, Saw Bu Htoo, without cause or provocation. They saw him while out on patrol and simply opened fire, killing him.²³⁹

On 1 November 2006, 47-year-old Saw They Shur was burned alive in his home in Play Hta village, Toungoo District. He was bedridden and too ill to move and therefore unable to flee along with the rest of the village as the SPDC army soldiers approached the village. He is survived by his wife and six children who must now struggle to survive without their father and primary breadwinner.²⁴⁰

On 4 November 2006, troops from SPDC IB #11, under TOC #661 of LID #66, fired 8 mortar rounds from their camp at P'Na Koh Soh beside the Toungoo-Mawchi motor road into areas in the surrounding forest where they believed villagers were hiding. The mortars were fired into the nearby villages of Hee Daw Khaw, Thaw Hta, and Sho Ser.²⁴¹

On 4 November 2006, SPDC army soldiers from IB #35 killed 45-year-old Saw Kyaw and 19-year-old Pa Ree Say wile on a search-and-destroy operation to burn all rice storage barns and fields in Toungoo District.²⁴²

On 8 November 2006, SPDC army troops, open fire on Thay Kee and Thay Hsa Kee villagers in the Saw Mu Plaw area of Papun District as they were harvesting their rice.²⁴³

On 14 November 2006, Saw Kyaw Thu, a 45-year-old villager from Htee Baw Kee village in Papun District, was shot dead by SPDC army troops from LIB #223 as he was working in his hill field.²⁴⁴

On 14 November 2006, a column of SPDC army troops from IB #11 and #14 attacked and destroyed Ber Ka Lay Ko and Oo Per villages in Toungoo District. Two days later, on 16 November, the same troops also set fire to nearby Htee Hsa Per and Thay Keh Lah civilian villages.²⁴⁵

On 28 December 2006, SPDC army troops from LIB #6, Column #1, led by Commander Min Tun Aung, captured 43-year-old Naing Taw Kaw from Htee Htaw Kaw village and 39-year-old Saw Pa Pee from Meh Ka Wa village, dressed them in military uniforms (presumably KNLA) and shot them both dead. It is likely that this was done so they could report having killed two rebels to their superiors.²⁴⁶

Looting and Theft

On 15 March 2006, SPDC army troops attacked and burned down Tee Khoh P'Hi Lu village in Mone Township. In all, 13 homes were burned as was a paddy barn belonging to Nya Ko containing approximately 100 baskets (2,100 kg / 4,600 lb) of paddy; and a barn belonging to village head Kaw Pya containing 13 (273 kg / 598 lb) baskets of paddy were destroyed.²⁴⁷

On 26 March 2006, SPDC army soldiers operating under LID #55 in Mone Township burned down 5 houses belonging to Saw Pah Ploh and various members of his family. The soldiers also stole and ate the family's pigs, chicken, and goats.²⁴⁸

On 15 April 2006, SPDC army soldiers from LIB #223 entered Klu Ghaw Kee village in Nyaunglebin District, destroyed 6 houses and ate the villagers' chickens, pigs, and goats. They also confiscated medicine valued at 100,000 kyat belonging to villager Pah Sein.²⁴⁹

On 16 April 2006, an SPDC army column comprised of troops from LIB #168 and #522, operating under MOC #16, left Play Hsa Loh where they were stationed to make a sweep of the surrounding hills for any IDPs. They arrived at Plo Baw Der that afternoon to find that the villagers had already fled ahead of them. In the absence of the villagers the soldiers ate their fill of the food the villagers were not able to take with them when they fled, stole that which they could carry, and destroyed everything else. The soldiers burned 30 baskets (750 kg / 1,650 lb) of rice that belonged to Maw Kwey Po. The following items represent a partial list of other food and belongings that were stolen by the soldiers:

1. Saw Ma Hen Sein, 2 baskets (50 kg / 110 lb) of rice, and 1 duck;
2. Saw Maw Heh Pwey, 1 tin (12.5 kg / 28 lb) of rice, and 3 ducks;
3. Saw Pey Key Lay, 1 tin of rice, and 1 pig (worth 35,500 kyat);
4. Saw Gay Lay, 8 viss (13 kg / 29 lb) of cooking oil;
5. Saw Ma Nu Sein, 2 big pots, 2 blankets, and 1 tin of rice;
6. Naw Hser Paw, 3 chickens; and
7. Naw Ma Thu, 4 viss (6.5 kg / 14.5 lb) of dried fish.²⁵⁰

On 28 April 2006, SPDC army troops from LIB #361 came to Tha Kah Der area, Papun District, and burned down two field huts and two paddy storage barns belonging to Saw Di Htoo. These troops also burned down the homes of the following villagers:

1. Naw Say Wah;
2. Saw Maw Cay;
3. Naw Hsu Bu;
4. Saw Kweh Kweh;
5. Saw Ti Paw;
6. Saw Myint Win;
7. Saw Soe Lay; and
8. Saw Joe Htoo.²⁵¹

On 18 May 2006, troops from SPDC battalions LIB #362 and #363 based in Papun District burned the following from Ter Po Plaw village:

1. 69 homes;
2. 12 field huts;
3. 14 paddy storage barns;
4. 898 baskets (18,860 kg / 41,300 lb) of paddy;
5. 48 baskets (1,200 kg / 2,600 lb) of rice;
6. 83 viss (133 kg / 300 lb) of salt; and
7. 34 viss (55 kg / 122 lb) of chilli.

Moreover, these same soldiers also killed and ate:

1. 4 buffaloes;
2. 42 goats;
3. 217 chickens;
4. 81 ducks; and
5. 30 pigs.

They also shot and killed (but did not eat):

1. 6 buffaloes;
2. 4 goats; and
3. 7 pigs²⁵²

On 22 August 2006, a combined column of SPDC army troops from LIB #522, IB #240 and IB #68 burned down the 3 homes of Maung Toe, Maung Soe Lwin and Naw May Khing in Kah Mu Law village, Nyaunglebin District.²⁵³

On 28 August 2006, Captain Kyaw Min Naing and Bo Kyaw Sein Min, accompanied by 15 of their troops from LIB #351, captured Pay Tu villagers Saw Kyaw Htoo, 40, and Saw Ba Nge. They were sent to MOC #2 Headquarters in Kyauk Kyi of Nyaunglebin District. The two men were accused of possessing weapons and radio equipment (ie: that they were KNLA soldiers) and were beaten badly during the ensuing interrogation. The soldiers then searched the homes of the two men and used this excuse to steal a quantity of jewellery. The following pieces of jewellery were taken from the houses:

1. 5 gold chains, weighing about 1 kyat (16 grams / 0.5 oz) each;
2. 3 pairs of earrings, weighing 1 kyat (16 grams / 0.5 oz) each;
3. 7 other gold chains;
4. 1 wrist watch gold strap, weighing 3 kyat (50 grams / 1.7 oz);
5. 1 gold ingot, weighing 5 kyat (82 grams / 2.9 oz);
6. 1 silver ingot, weighing 15 kyat (245 grams / 8.6 oz);
7. 3 silver coins;
8. 230,000 kyat in cash;
9. 6 silver ankle bangles; and
10. All of their new items of Karen clothing.²⁵⁴

On 10 September 2006, SPDC Operations Commander Toe Yi Soe of LID #101, ordered the villagers of Wah Kah Hta villages in Thaton District to search for a deserted SPDC army soldier. When the villagers were unable to locate the deserter, Toe Yi Soe demanded 100,000 kyat from the villagers as compensation. Villagers are often fined by SPDC army officers for events that are beyond their control.²⁵⁵

On 28 September 2006, SPDC soldiers from LIB #548 summoned all village heads from T'Nay Hsah Township in Pa'an District to a meeting. The villagers were ordered to register the members of their households, particularly children who had gone to Thailand to seek work. The initial registration cost 500 kyat and the required travel document cost 100,000 kyat.²⁵⁶

In October 2006, SPDC officials based in Myawaddy adjacent to the Thai border ordered village heads from all villages in the Meh P'Leh area to attend a meeting where they ordered them to buy tractors at a cost of 100,000 kyat each. The SPDC officials displayed these old and worn out machines to the village heads at the meeting and informed them that there was a company based in Pa'an town which was unable to use or sell the tractors, so the villages would be forced to buy them. The tractors had to be paid for by April 2007 at the latest. One village head said, "*We don't yet know how we can use those machines after we buy them*".²⁵⁷

On 20 October 2006, LIB #439 based at Shan See Boh, demanded 200 viss (520 kg / 720 lb) of chicken from each of the following villages in Tantabin Township, Toungoo District to celebrate the Tazaung Daing Buddhist festival of lights, in spite of the fact that many villagers in this area are Christian or Animist:

1. Shan See Boh;
2. Yay Shan;
3. Taw Gone; and
4. Zee Pyu Gone villages.²⁵⁸

On 5 December 2006, SPDC army troops from LIB #590 demanded money to buy bricks for the construction of a pagoda in Mone Township, Nyaunglebin District. Min Din Htoo, a villager from Myaung Oo, was forced to pay 200,000 kyat. From Paw Pi Der villagers Nga Zaw, Moe Zaw and Ngwe Min Hla, they took 600,000 kyat.²⁵⁹

Destruction of Property, Forced Relocation and Internal Displacement

In March 2006, SPDC LIB #240, #351, #439, #601 and IB #68 and #69 began to mount attacks on civilian villages east of Kyauk Kyi, starting with Kheh Der village tract in northeastern Kyauk Kyi Township and Kwih Lah village tract in the south. The soldiers subsequently encroached further into the hills, forcing villagers to flee from the following villages:

1. Kheh Der;
2. Mu Kee;
3. Day Baw Kee;
4. Ku Ghaw Soe;
5. Ko Lu;
6. Daw Daw Kee;
7. Khaw Taw Lay Ko;
8. Twee Thi Oo Kee;
9. Thaw Ngeh Der; and
10. Po Khaw Der.²⁶⁰

On 3 March 2006, 33 villagers from Ta Kwee Soe village in Toungoo District arrived in Mae Ra Ma Luang refugee camp in Thailand after their village had been attacked with artillery bombardments and small arms fire.²⁶¹

On 9 March 2006, three SPDC army battalions attacked two villages from Saw Ka Der village tract of Mone Township, Nyaunglebin District. Meanwhile, further south in Ler Doh Township, the military carried out similar attacks, forcing 1,153 villagers into hiding.²⁶²

On 9 March 2006, LIB #364, #366 and #368 attacked the Karen villages of Klaw Kee and Saw Ka Der in Mone Township. Saw Maw Sae Kya, 38, was killed during the attacks, and a total of 19 homes and two rice barns were burned.²⁶³ The soldiers then continued to nearby Maw La Kee village, where they burned down another seven houses. This attack brought the number of people displaced in Mone Township to 1,140. LIB #362 and #363 marched into Kwey Der village in Ler Doh Township, forcing more than 1,100 villagers into hiding.²⁶⁴

On 23 March 2006, troops from LIB #522 and LIB #567, under the command of Thet Wey, attacked the village of Nya Moo Kee. The village church and the house beside it were burned while other village homes were systematically ransacked and destroyed. The soldiers shot or stabbed holes in all of the pots and pans left behind by the villagers and slaughtered and ate all of the chickens in the village and four of its pigs. A dog was also shot and thrown onto the roof of a house. Two rice storage barns hidden in the forest were also discovered and destroyed. A total of 156 baskets (3,900 kg / 8,600 lb) of milled rice were lost.²⁶⁵

On 23 March 2006, LIB #66 troops forcibly relocated the village of Tha Yay Yuh in Toungoo District before burning the village to the ground.²⁶⁶

On 27 March 2006, LIB #240, #522 and #567, under the command of MOC #16, attacked Htee Day Kee Village in Kyaw Pya village tract, Mone Township. In the attack, SPDC soldiers killed 35-year-old Maung Saw Cha and 75-year-old Naw Wee Bu. A ten-year-old girl was also shot and wounded in the attack.²⁶⁷

In April 2006, three new SPDC-controlled relocation sites were established at the following locations:

1. Tha Pyay Nyunt, with over 1,000 people from Yu Loh and Ka Mu Loh villages;
2. Maw Keh Tha Per Ko, with 750-800 people from Maw Keh Tha Per Ko, Aw Ywa and Tha Ku La Ko villages; and
3. Ma La Daw, with 900 people from nearby villages.²⁶⁸

On 4 April 2006, Deputy Commander Zaw Htun of LIB #439 ordered villagers from Pa T'Lah, Noh Ghaw and Weh Ka Daw village tracts to relocate to the SPDC-controlled relocation site in Plaw Law Bler in Kyauk Kyi Township. SPDC army forces ordered all villagers to destroy their homes prior to relocating. They were given seven days in which to comply and told that if they had not left within this time, SPDC troops would return and burn the village to the ground.²⁶⁹

On 8 April 2006, SPDC troops from LIB #562 and #567 and IB #440 under the control of MOC #16 entered Yu Loh and Ka Mu Loh villages in southern Tantabin Township, Toungoo District where they forced the inhabitants of both villages to move to the SPDC-controlled relocation site in Play Hsa Loh village.²⁷⁰

The following villages in Toungoo District were told to relocate to Klaw Mee Der by 25 April 2006:

1. Yeh Loh;
2. Plaw Baw Der;
3. Ler Kla Der;
4. Hu Mu Der;
5. Kheh Der; and
6. Kaw Po Lo.²⁷¹

On 25 April 2006, SPDC army troops from LIB #44 entered Taw Awk Pay Der Daw in Mone Township and burnt down Saw Say Mu's barn containing 70 baskets (1,470 kg / 3,220 lb) of paddy. The troops then smashed the roofs of barns belonging to Saw Pler Mu and Naw Eh Ro. Ensuing rain soaked and damaged the paddy stored within the barns, rendering it inedible.²⁷²

In May 2006, troops from TOC #2, of MOC #16, actively restricted all movements of villagers and enforced blockades to prevent any movement of goods or people between the plains and the hills of Toungoo District. These blockades were believed to have been imposed to prevent any food or supplies reaching displaced villagers or Karen resistance forces operating in the hills.²⁷³

From 8-10 May 2006, a column comprised of LIB #362 and #363 patrolled northern Lu Thaw Township, Papun District burning and destroying everything they found. A total of 69 homes and twelve field huts were razed. The soldiers also looted a total of 96 baskets (2 tonnes / 4,400 lb) of paddy, 83 *viss* (133 kg / 292 lb) of salt, and 34 *viss* (54 kg / 120 lb) of chillies from the houses and huts before setting fire to them. All other contents were destroyed along with the buildings. A total of 1,796 baskets (37.7 tonnes / 82,600 lb) of paddy were burned. On returning to the area after the troops moved on, the villagers found the following livestock dead or missing. Some of them had been killed but not eaten by the soldiers, though most of them had disappeared, presumably taken away by the soldiers:

1. 10 buffalos were shot, of which four had been killed and left to rot, while the other six were wounded and left laying on the ground to die;
2. 92 goats had disappeared, of which only four corpses were found;
3. 30 pigs disappeared, of which the bodies of only seven were found dead but not eaten;
4. 217 chickens vanished; and
5. 87 ducks also disappeared.²⁷⁴

In the last week of May 2006, SPDC army troops from LIB #361, #362, #363 and #370, all operating as part of MOC #10, mounted operations to destroy villages and capture or kill villagers in the Ler Mu Plaw, Naw Yo Hta and Kay Pu areas. The soldiers set up a temporary base on a hilltop at Htaw Mo Pleh Meh with a 120 mm heavy mortar emplacement. Since 2 June 2006, MOC #10 began using this mortar to shell all villages and IDP sites within its 10 kilometre range. Villages as far away as Naw Yo Hta were fired upon. In addition to using their own smaller portable mortars, mobile units had the 120 mm mortar shell each village before they entered. All of the villages attacked in this way were undefended and unarmed civilian villages.²⁷⁵

In July 2006, SPDC army soldiers operating under four columns comprised of soldiers from LIB #20, #22, #507 and #552, burned and destroyed many plantations and fields in the Maw Nay Pwa area of Toungoo District. The following villages lost fields:

1. Hu Mu Der;
2. Ler Kla Der;
3. Klaw Mi Der;
4. Kheh Der;
5. Saw Po Lo;
6. Swa Loh; and
7. Thay Loh.²⁷⁶

On 10 August 2006, SPDC army troops from IB #16 destroyed the plantations belonging to Shan See Boh villagers, Naw Wah Gyi, Naw Bay and Maung Palah.²⁷⁷

In October 2006, SPDC army soldiers from IB #11, under Commander Han Moo Aung, moved from Tha Aye Hta to Thay Ku Der in Toungoo District with orders to set fire to every village in the Ho Kee area.²⁷⁸

In October 2006, there were over 1,450 displaced persons fleeing SPDC army attacks from a single river valley in Mone Township of Nyaunglebin District. SPDC army soldiers had moved through the area and fired upon their villages and IDP settlements with machineguns. The SPDC army soldiers continued to mount attacks and patrols, causing all those in their path to run for their lives. The villagers on the run came from the following 32 village tracts:

1. Ler Kla village tract, 8 villages;
2. Saw Ka Der village tract, 3 villages;
3. Htee Ler Baw Hta village tract, 4 villages;
4. Kwee Dee Kaw village tract, 6 villages;
5. Kyauk Pya village tract, 3 villages;
6. Thay Baw Der village tract, 4 villages;
7. Saw Tay Der village tract, 2 villages;
8. Kway Po Der village tract, 1 village; and
9. Yaw Kee village tract, 1 village.²⁷⁹

In October 2006, Naw N--- from Htee Chwa village in Pa'an District reported witnessing a soldier from LIB #547 sexually assault her buffalo. She was reportedly going to her field to fetch the animal when she saw the soldier in question approaching so she hid in some nearby bushes. It was then that she witnessed the soldier rape the buffalo. The villagers later reported the incident to the battalion commander who subsequently had the soldier transferred. At the time of the rape, the buffalo was already pregnant and Naw N--- quipped if the calf would be part human. After the calf was born and she saw that it was a buffalo after all, she named it "*Tatmadaw*" (Burmese armed forces).²⁸⁰

On 1 November 2006, SPDC army soldiers from IB #35, led by Commander Soe Tun, fired upon the civilian village of Klay Hta in Than Daung Township of northern Toungoo District with mortars and machineguns. The villagers fled and 20 minutes later the village was in flames. One of the villagers, Saw Ay Pwee, was killed, while two other villagers, Saw Baw Thoo and Naw Heh Ku Mo, were wounded and disappeared.²⁸¹

On 25 November 2006, troops from MOC #10 along with one TOC of MOC #15 fired upon villagers near Thaw Ku Mu Der. There were no casualties, however, the troops established six small camps in the area and shot at any villager attempting to return to their fields in the region.²⁸²

On 10 December 2006, SPDC army troops from IB #48 blocked all the roads going to the villagers' betelnut plantations and field huts in the hills to the east of Shan See Boh village in southwestern Toungoo District.²⁸³

Between February and mid-December 2006, 21 villages from seven village tracts were completely abandoned in Mone Township. In the remaining 7 village tracts some villages still retained a substantial proportion of their populations, while some lost over half their populations as villagers fled SPDC army attacks and did not return. The abandoned village tracts included:

1. Ler Kla;
2. Tee La Baw Hta;
3. Kwee De Kaw;
4. Kauk Pia;
5. Saw The Der;
6. Kwey Pa Der; and
7. Yaw Kee.

Villages with less than half their usual population included:

1. Saw Ka Der;
2. Klaw Kee;
3. They Nwe Kee;
4. Saw Kee;
5. Htee Koh;
6. Tha Wah Po;
7. Thay Baw Der;
8. Play Pa;
9. Play Kee;
10. K'Ser Kaw Htee; and
11. Saw Wah Der.

Four villages were burned along with many field houses and rice barns. Landmines were then placed on trails and in the remains of the villages themselves. Those villages that were burned included:

1. Nwa Hta, in Htee La Baw Hta village tract;
2. They Kwey Lu village, in Htee La Baw Hta village tract;
3. Tha Po Hta village (Kwee De Kaw village tract); and
4. Htee Say Day village, in Saw Ka Der village tract.²⁸⁴

During the growing season of 2006 (June-November), LIB #547, #548 and #549 forcibly evicted Burmese Muslims living in T'Nay Hsah (Nabu) village to a relocation site established next to Kler T'Ku village. The 200-odd households which comprised the Muslim community of T'Nay Hsah were ordered to relocate as soon as they finished harvesting their paddy in November. It was suggested that the SPDC planned to empty the Muslim section of T'Nay Hsah village and establish a new army camp in its place, large enough to accommodate the families of soldiers and officers.²⁸⁵

Landmines

On 1 April 2006, village leaders from numerous villages in Than Daung Township of Toungoo District met with SPDC commanders to discuss the issue of landmines. In the Kaw Thay Der area, villagers had been forced to cut back the bushes alongside the Kler Lah–Bu Sah Kee and Kler Lah–Mawchi motor roads and clear the area of landmines, in which 5 villagers were wounded. The wounded villagers were refused permission to go to Toungoo hospital, and were instead sent to the nearby Kler Lah clinic, which lacks the facilities to perform amputations or other surgery, and ironically is only capable of stabilizing landmine victims for transport to the better equipped hospital in Toungoo. In spite of this, one week passed before the mine victims were allowed to be transported to Toungoo hospital for treatment.²⁸⁶

On an unspecified date between February and April 2006, 28-year-old Kyaw Lu Shwe from Day Baw Kee in Kyauk Kyi Township, Nyaunglebin District stepped on a landmine planted beside his home. One leg was blown off, while the other was severely wounded.²⁸⁷

On 22 March 2006, soldiers from LID #66 ordered civilian villagers to clear any landmines from around Pa Ka Ku Lah village in Tantabin Township. One of the villagers, Saw Hu, was wounded when he stepped on a landmine, though the SPDC provided him with no assistance. His fellow villagers had to look after him and take him to the hospital for treatment. The SPDC maintained that Saw Hu's injuries were not the result of the labour that he had been "asked" to perform.²⁸⁸

On 5 May 2006, Saw Mu, a humanitarian relief worker with the Free Burma Rangers (FBR) was killed after he stepped on an SPDC-deployed landmine while distributing aid to Karen IDPs in Papun District.²⁸⁹



Karen villagers carrying a landmine victim to the Thai-Burma border to treatment in October 2006. The victim was a 20-year-old Karen woman who stepped on a landmine planted beside her paddy storage barn in Toungoo District, Karen State by SPDC army soldiers from IB #2. Her right foot was blown off in the blast and a local medic amputated what was left of her lower leg without anaesthetic. The journey to the border took two weeks to complete.

In May and June 2006, approximately 850 villagers were forced to carry supplies for the SPDC while also acting as human minesweepers along the Toungoo-Mawchi road in Toungoo District. Soon after, 55 households in Maung Pa Der village were forced to provide one person from each household to provide security for an SPDC bulldozer: Five men were forced to walk on the left side, five men on the right side, while three men rode atop the bulldozer itself and the rest were forced to walk in front of and behind the bulldozer to dissuade KNLA troops from attacking the bulldozer lest they hit one of the villagers.²⁹⁰

On 10 October 2006, SPDC troops stepped up their offensive in Mone Township in northern Nyaunglebin District. They planted landmines in many villages, in farms and on the trails leading to civilian villages. Three villagers subsequently stepped on these landmines: 24-year-old Saw Say Nay Mu from Ghay B'Leh Hta village, and two other villagers from Play Kee village tract.²⁹¹

On 3 November 2006, SPDC army troops attacked Nwa Lay Ko village in Nyaunglebin District. They laid many landmines before returning to their camp at Ko La Wah Lu. KNLA soldiers attempted to clear the mines, but were not able to find them all. When the villagers returned to their homes, some of them stepped on the landmines. The exact number of landmines laid by the SPDC in the village is unknown, and villagers remain at risk of stepping on them.²⁹²

On 7 November 2006, the KNLA removed nine SPDC-laid landmines from Nwa Hta village and three from Thay Kay Lu village in Mone Township, Nyaunglebin District which. Both locations were civilian villages²⁹³

On 2 December 2006, an SPDC landmine killed three and wounded a further eight in Mone Township, Nyaunglebin District. From the villagers from Baw Kwey Day (Ti Ko) village in Mone Township fled as SPDC army soldiers approached their village. While in the village, the soldiers planted a landmine beneath a fireplace inside a civilian villager's home. This was rigged to a pressure plate that was buried in the ground beside the fireplace. When the villagers later returned to the village with a KNLA escort, one of the resistance soldiers unknowingly stepped on the pressure plate which triggered the landmine. One man suffered massive head trauma and died instantly, another man lost both legs, also dying instantly and a third man died later while being transported to a mobile clinic. Eight others were also wounded in the blast, but not fatally.²⁹⁴

On 5 December 2006, troops under MOC #15 and LID #66 captured a number of Klay Soe Kee villagers in Toungoo District and forced them to act as human minesweepers, walking on both sides and in front of an SPDC bulldozer. Some of the villagers were also forced to ride on top of the bulldozer with the SPDC army soldiers as human shields.²⁹⁵

On 31 December 2006, the commander of MOC #16 captured 20 villagers from Play Hsa Loh village in southern Toungoo District, and took them with him to the nearby Tha Pyay Nyunt SPDC army camp. This group of villagers were used as human minesweepers and ordered to walk in front of the bulldozer the SPDC was using the road.²⁹⁶

Forced Labour

On 13 April 2006, 150 SPDC army troops ordered the inhabitants of Ma La Daw village in northern Nyaunglebin District to cut down all trees and vegetation from Wai Mi Hill and Wee Lee Hill to make way for a new SPDC army camp to be built there. Beginning in May, SPDC army troops from LIB #366, #377 and #399 began sending rations to the military camp at Ma La Daw. The troops forced villagers from Ma Law Daw, T' Kaw Pwa, Myaung Oo and Chu T'Lo to carry the supplies to the camp on their backs or by bullock cart.²⁹⁷

On 20 July 2006, commander Ko Ko from Southern Command Headquarters, ordered Saw Maung Kay, a Kler Lah villager living in Toungoo town, to return to Kler Lah and work together with LID #66 Division Commander Tin Aung. He was ordered to select 21 families from 12 nearby villages to relocate to Bu Hsa Kee. If these 21 families decided that they did not want to relocate, they had to pay other families to go in their place. At the time, the going rate for this was 15,000 kyat per person per month. Although finding others was difficult as few people were willing to go. The families that were selected from villages included:

1. Kler Lah, 12 families;
2. Peh Kaw Der village, 3 families;
3. Kaw Thay Der village, 2 families;
4. Kaw Soe Koh village, 2 families;
5. Wah Tho Ko village, 1 family;
6. Ler Ko village, 1 family;
7. Klay Soe Kee, 1 family;
8. Der Doh village, 1 family;
9. Maw Ko Der, 1 family;
10. Maw Pa Der village, 1 family;
11. Ku Plaw Der, 1 family; and
12. Gha Mu Der village, 1 family.²⁹⁸

On 17 August 2006, Major Min Kyaing Thant of IB #57 in Nyaunglebin District ordered villagers in Kyauk Tan, Them Seik, Tone Ta Dah, Shu Kin Thee, Po Peh Gone, Kaw Tha Say, Bawgata and Pa Deh Ghaw villages to complete fencing their villages within 2 days.²⁹⁹

On 9 October 2006, Bo Khin Maung Aye of LIB #507 under TOC# 3 of MOC #12 based in Tantabin Township, Toungoo District ordered 78 Play Hsa Loh villagers, including men and women, to carry rice from Tha Pyay Nyunt army camp back to Play Hsa Loh. The work had to be completed by 12 October 2006.³⁰⁰

On 16 December 2006, the TOC #16 commander, based in Tantabin Township in Toungoo District, set up his military camp at Tha Pyay Nyunt village and ordered villagers to cut bamboo and timber for the construction of a new military camp. Moreover, in order to send food supplies from Tha Pyay Nyunt to T'Mya Per Loh, K'Mu Loh and Play Hsa Loh areas, soldiers demanded villagers from the Maw Nay Pwa area to carry military supplies on a daily basis.³⁰¹

Karenni State

The SPDC is planning to construct a number of large-scale hydroelectricity dams on the Salween River. None of these proposed dams will be built in Karenni State, but will nonetheless greatly impact upon the lives of the Karenni people. In addition to having a significant impact on the environment, the dam projects, if completed, will also flood large areas of Karenni homeland. Three of these dams, namely, the Hatgyi, Dagwin, and Weigyi dams, will be built downstream in Karen State. Of the three, the Weigyi dam, at 168 metres high, is not only the largest, but also the closest dam to Karenni territory. Upon construction, this dam alone is expected to flood approximately 640 square kilometres of land in Karenni State, inundating at least 28 Karenni villages and towns, including the Karenni's historic capital. Put into perspective, the reservoir created will be roughly the same size as the island of Singapore.³⁰² The Karenni Development Research Group (KDRG) estimates that the Weigyi Dam project would directly impact on the lives of 30,000 people and indirectly contribute to undermining the Karenni culture, traditions, history and way of life. One villager from the Pasaung area was quoted to say, *"We rely on the Salween River for our livelihood: for farming, fishing and trading. The river is our life"*.³⁰³ In addition to the loss of land and traditional ways of life, many Karenni fear that the construction of the dam projects will involve large scale human rights abuses including forced relocations, the use of landmines, and increased militarization.³⁰⁴

Furthermore, in the first week of June 2006, a secretary from the Karenni Refugee Committee (KnRC) reported that 59 civilians from Demoso, Bawlakhe, Pasaung Townships, in central Karenni State were forced to flee from their homes to the Thai-Burma border due to food shortages caused by ongoing SPDC operations. The KnRC representative reported 200 new arrivals into the Karenni refugee camps over the past year, citing the expansion of military operations as the reason for the new arrivals.³⁰⁵

Mon State

"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."

- Public statement from senior SPDC official from Kyaik Mayaw Township.³⁰⁶

There are nearly two million people living in Mon State. After the Mon's most powerful political group, the New Mon State Party (NMSP), signed a ceasefire agreement with the junta in 1995, the Mon people expected peace and development from the military regime. Instead, human rights violations have continued over the years including the confiscation of over 10,000 acres of land. The land confiscation has impoverished former farmers, who have fled the country in the face of starvation. However, the exodus of the Mon has freed up more land and jobs for ethnic Burmans to resettle in the area, shifting the demographics away from an ethnic Mon majority in the area.

In 2006, Mon communities continued to see large numbers of Burmese migrants enter their midst looking for work and economic opportunities. The SPDC has created economic opportunities for ethnic Burmans in the region, such as three brick factories constructed on confiscated land and operated by Burmese-speaking workers. In addition, a military base in Moganin village in northern Ye Township, was built for the sole purpose of relocating retired military personnel and disabled war veterans.³⁰⁷ The strategy discriminates against and

impoverishes local Mons, causing them to flee the country, and replaces them with ethnic Burmans enticed to the area with generous financial incentives. The population transfer has occurred fairly rapidly and has many local community groups worried about the preservation of the traditional way of life for the Mon in the face of increased Burmanization in their territory.³⁰⁸

The teaching of the Mon language is forbidden in Mon State. A teacher at a Mon National School in Khaw Zar sub-Township in Ye Township reported that SPDC army troops had threatened her for teaching the Mon language and forced her students into labour.³⁰⁹

To make up for the gap in education which is present in most ethnic minority areas, Buddhist monks in Mon communities have partnered with the Mon Literature and Culture Committees (MLCC) to provide self-funded summer schools for Mon students. The project allows many underprivileged Mon children who cannot afford school some basic literacy training and primary education they would otherwise be without.³¹⁰ In 2005-2006 the NMSP funded 376 schools in Mon State.³¹¹ Thanbyuzayat Township alone is home to approximately 6,520 Mon students taking summer school examinations, while there are an estimated 63,320 ethnic Mon summer school students throughout the state.³¹² On 31 May 2006, an SPDC order was issued to schools in Kawkaik Township of Karen State stipulating that the teachers were to only teach the Burmese language, effectively meaning that all Mon summer schools have to close down³¹³. (For more information, see Chapter 9: Rights to Education and Health).

At the university level, Mon traditional clothes were banned from the University of Moulmein (Mawlamyine) in June 2006. Approximately 160 students normally wore traditional Mon dress on Mondays at the school. However, the commanding officer of the SPDC Southeastern Command changed the dress code declaring that all students were obliged to wear the traditional Burman student uniform of the blue *longyi* on Mondays.³¹⁴

In October 2006, the Mon national emblem was removed from the longest bridge in Burma located in Moulmein. Although the SPDC claimed that the emblem was removed following astrological advice, the Mon people, however, felt it symbolized a larger and more calculated attack upon the Mon cultural.³¹⁵

To fight against the SPDC's various attempts at cultural assimilation, the Mon people have promoted Mon singing and theatre at the community level. Although local people often prefer Burmese movies and find them to be of better quality, Mon director Nai Htaw Rot has made several Mon films and has plans to add Burmese subtitles in the future so his films can be screened before a wider audience.³¹⁶ In September 2006, the Mon Literacy and Culture Committee (MLCC) promoted the Mon music band, "Gita Mon", in a concert in Rangoon in another effort to keep the Mon culture alive.³¹⁷ In November 2006, MLCC projects faced opposition from the regime and filming of an annual work on Mon culture was stopped for some time, despite having obtained all necessary documents and permission prior to commencing filming the project.³¹⁸

In April 2006, the leader of the same Mon music group who later sang in Rangoon was forced at gunpoint to sing a song in Burmese. Captain Aung Myeit Myo from IB #31 pointed a gun at Nai Zahan Mon and ordered him to sign in Burmese, during a Gita Mon performance at the Pagoda festival in Kawzar in southern Mon State, Burma.³¹⁹

Literature and journalism in the Mon language is heavily censored and subject to lengthy delays before permission is issued for their publication. Sometimes publication delays can last up to 6 months. Mon journals have to get permission from the regime prior to printing and many find it difficult to obtain such permission.³²⁰ Not only do these impediments make the promotion of Mon literature and culture difficult but it also effectively stops the spread of relevant information among the community.

A couple who fled Wear Kwao village in northern Ye Byu Township in early 2006 described the conditions in their village. According to the report, when SPDC army soldiers are out on patrol, villagers are routinely called upon to porter for them. While not on patrol, villagers must collect water from the stream, gather firewood and vegetables, and stand watch over the nearby railway line. Children as young as ten have been ordered to perform labour for the troops. Villagers who could not speak Burmese were tortured, occasionally by being harnessed to an ox and beaten with a wooden plank with nails protruding from it. Moreover, villagers were ordered not to leave their villages or else risk being shot. One woman said the troops extorted money from her family until they had nothing left and she was forced to flee for the Thai border or starve in the village.³²¹

Mon State – partial list of incidents for 2006

In January 2006, Captain Aye Tun, along with four of his soldiers closed the Mon National School in Yin Ye village in southern Ye Township. There were 40 students at the school, many of whom could not afford to attend the government school. One teacher, Kon Chan, fled to Thailand following the incident.³²²

In the mid-January 2006, the Toe Tat Ywa Thit village primary school in northern Ye Township was ordered to stop teaching the Mon language by the commanding officer of LIB #586. The Toe Tat Ywa Thit primary school taught both the Burmese and Mon languages. It was not an SPDC-administered school but rather was operated and supported by the local community who built it in 2001. The commander told the village headman that teachers would be punished if they continued to teach Mon. He is reported to have said, *“If someone would like to teach Mon language, they can teach in the forest where nobody will hear”*.³²³

In the second week of March 2006, SPDC and USDA authorities ordered the MLCC to stop conducting summer literacy classes in 12 villages in Chaung Zone Township. Committee members were threatened with imprisonment if the trainings continued and were forced to sign papers promising they would stop.³²⁴

On 14 March 2006, the Mon Summer Literacy School on Kala Gote Island was ordered to close. Captain Hla Kyaw of IB #3 came to the school twice with a detachment of soldiers. He told villages that if the summer classes continued he would arrest the administrative team, the teachers and all of the schools supporters.³²⁵

On 25 October 2006, 35-year-old Nai Htaw Maung of Toa Tate village in southern Ye Township attempted to kill himself by swallowing poison because he had been sentenced by local military authorities to perform regular village guard duty. Performing guard duty prevented him from working and earning a living, which led him to consider suicide.³²⁶

In October 2006, Nai Tun Oo and Nai Yought, from Yin Ye village in Kaw Zar sub-Township in southern Mon State, were brutally tortured by IB #31 because they did not

report a group of Mon resistance soldiers entering the village to collect rice from the villagers during their time on guard duty. According to a relative neither of them can work suffering as they are from pain in the bones.³²⁷

Sagaing Division

The Kuki are a Christian ethnic minority whose members are also found in parts of northeast India and the Chittagong Hill Tracts of Bangladesh. The Kuki are not recognized by the SPDC as a distinct ethnic group. They have never formed any armed resistance group in Burma. Many Kukis believe they face discrimination largely on the basis of their religion. (For more information, see Chapter 10: Freedom of Belief and Religion).

In December 2006 approximately 100 members of the Kuki ethnic group met together to discuss issues related to Kuki identity. The first Kuki National Seminar was organized by the Kuki Students Democratic Front (KSDF). It called particular attention to the effects of the SPDC's proposed Thamanti Dam project and associated hydroelectricity power plant on the Chindwin River, which, if the project goes ahead, will flood at least 50 Kuki villages in Sagaing Division displacing an estimated 3,600 Kuki villagers. Furthermore, it is believed that the dam reservoir will inundate an estimated 17,000 acres of Kuki farmland, destroying the livelihood of the Kuki people who rely on the cultivation of irrigated rice fields as well as either endangering or causing the extinction of many species of flora and fauna.³²⁸

Shan State

Shan State – partial list of incidents for 2006

On 10 June 2006, Lt-Col Aung Zaw Latt, Chairman of the Namkham Township Peace and Development Council announced that it was prohibited to wear traditional Shan attire during religious festivals organised by the state.³²⁹

Between August and December 2006, some 80 community schools located in the area known as Special Region No. 3 in SSA-N-controlled territory, in Kun Hing and Murng Paeng Townships, were banned from teaching Shan to the local communities. This edict was issued by LIB #360, based in Murng Paeng Township. On 8 August 2006, Captain Win Maung observed the teaching of Shan in a community school and ordered the 30 troops under his command to search for and destroy all educational materials printed in the Shan language.³³⁰

At an undisclosed time in mid-2006, the SPDC initiated a forced literacy program in Keng Tung town. Community leaders were required to select eight people from each of the town's quarters to attend the classes for one hour each night for a month. Many illiterate people could not attend the classes so often, as they must work to earn a living. Some community leaders were forced to hire people to fill their places at the rate of 300 kyat per night.³³¹

As a result of travel restrictions, many Shan scholars were prevented from attending the International Symposium on Dai-Thai studies in Yunnan province, a Shan cultural event in September 2006.³³²

8.4 Abuse of Ethnic Minorities by Ceasefire Groups

Many ceasefire groups in Burma are 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. However, this is not as one-sided as it would at first seem. 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.

DKBA – partial list of incidents for 2006

In early 2006, Boh Lweh, a DKBA battalion commander from #333 Brigade went to an unnamed village in Thaton District, and shot a 25-year-old man 30 times in the head with a slingshot and then demanded he porter for the army.³³³

On 3 January 2006, Maung Chit Htoo, battalion commander of the DKBA #999 Brigade Special Battalion based at Shwe Ko Ko, ordered the villagers from the Meh P’Leh region in T’Nay Hsah Township to provide recruits for his army. Representatives of several village tracts were summoned to a meeting in which he gave orders for how many people each village tract had to provide. The men would have to remain in the DKBA for the next seven years. There are nine village tracts in Meh P’Leh area. Two village tracts were ordered to pay money in lieu of recruits, but all other village tracts were ordered to provide villagers as recruits. If those chosen from each village were unwilling or unable to join, they were told to pay someone to take their place; but that person must be from their own village, not from anywhere else. Some of the young men of Ker Ghaw village entered the Buddhist monkhood to avoid being conscripted. The village tract leaders were given until 25 April 2006 to provide the number of recruits stipulated or they would be arrested by the DKBA. Many villages had already previously provided the DKBA with recruits who are still serving three and four year terms with the army and have not yet been able to return to village life. The cost of hiring a villager to serve as a recruit would cost around 15,000 Thai baht per year, a cost far beyond the means of most villages. The village heads said they had no choice but to comply and send recruits to the DKBA.³³⁴

On 16 February 2006, an unspecified DKBA unit in Bilin Township, Thaton District, demanded a pig worth 40,000 kyat, from Kaw Heh villagers, Pa Noe and Pa Na Da. Moreover, they forced the two to serve as porters for a month, on the accusation that they had connections with the KNLA. They threatened to send them to jail for a month, if they did not serve as porters.³³⁵

On 11 April 2006, DKBA #333 Brigade Officers Zaw Maung and Htun Loh demanded a total of 370 baskets (7,770 kg / 17,000 lb) of paddy from Tee Law Thi Hta, K’Ter Tee and Lay Po Hta village tracts.³³⁶

On 14 April 2006, DKBA #333 Brigade officers Zaw Maung and Htun Loh ordered three village tracts to provide them a total of 54 porters for one year starting immediately. It was

left up to the villages how often they want to replace these porters, but the officers said they must have 54 villagers on hand as porters every day of the year.³³⁷

In May 2006, DKBA troops in Thaton District initiated travel restrictions on local villagers, forbidding them to travel to their fields. The travel restrictions lasted for the duration of the planting season and then were lifted. As a result of the travel restrictions, most villagers in Hta Meh Kee village were forced to switch from planting rice to hiring themselves out as day labourers, earning far less than what they ordinarily would. Ultimately, many families could not acquire enough food and were forced to eat nutritionally-poor watery rice gruel.³³⁸

Throughout 2006, DKBA forces operating in Thaton District regularly obstructed teachers and students from going to school. Although they would typically camp outside villages in field huts, the soldiers would also occasionally stay within the village in the school; thus preventing any lessons from being conducted. In addition, DKBA troops regularly harassed non-Buddhist teachers, particularly Christians.³³⁹

On 10 May 2006, DKBA #333 Brigade officers Zaw Maung and Htun Loh ordered the people of Po Ma Heh, Noh Paw Htee and Po Gha villages to pay them 10 million kyat per village by 12 May 2006. Baw Kyo Leh village was also ordered to give 10 buffalos by the same deadline. This extortion was imposed as fines after two DKBA soldiers had been killed in a clash with the KNLA.³⁴⁰

In June 2006, a 2nd Lieutenant with the DKBA K'Saw Wah (White elephant) Special Battalion interrogated Htee Lah, a teacher from Lah Kyo Koh village. He was asked what his religion was, and upon answering that he was Christian, the 2nd Lieutenant stated that he wanted to kill him and issued numerous threats against him. The village head intervened and explained that Htee Lah had been requested to come to teach in their village. To this, the lieutenant replied that Htee Lah would not be allowed to return in 2007 to continue teaching.³⁴¹

In June 2006, following a KNLA ambush on a DKBA patrol in Bilin Township, the commanding officer of DKBA #333 Brigade fined a nearby village 1,000,000 kyat. The officer said that if they did not pay the fine, his soldiers would burn the village. The villagers had little choice but to pay the fine, despite the severe hardship that the payment of such a large amount would create.³⁴²

In June 2006, DKBA forces entered K'Wah Hta village in Thaton District and accused one of the villagers, Saw T---, of being a member of the KNU. The soldiers demanded payment of a 'fine' for his alleged affiliation with the KNU and detained him along with three other villagers. All four villagers were beaten so badly that their faces became bruised and swollen. They demanded that Saw T--- take them to the KNU camp. Although, as a mere villager, Saw T--- was unable to take them to the camp and instead fled from the patrol that took him. The three other villagers were unable to escape and as collective punishment for Saw T---'s escape, the soldiers returned to K'Wah Hta and fined the village one pig. Had the soldiers had any real evidence suggesting that Saw T--- was a member of the KNU; it is more likely that they would have either executed him or turned him over to the SPDC to face a similar fate.³⁴³

On 8 June 2006, Moe Kyo of DKBA extorted the following goods from villagers in Thaton District:

1. Saw Hser Paw, 3 bowls of rice (one bowl of rice is equal to 1.5 kg / 3.5 lb);
2. Naw Hta Mu, 2 bowls of rice;
3. Naw Dah, 2 bowls of rice;
4. Naw Kyi, 4 bowls of rice;
5. Naw Baw, 4 bowls of rice;
6. Naw Eh Say Moo, 3 bowls of rice;
7. Naw Htoo Moe, 4 bowls of rice;
8. Paw Say Blut Moe, 3 bowls of rice;
9. Maung Ta Doh Moe, 4 bowls of rice and 11 enamel plates;
10. Khin Win Kyi Moe, 1 bowls of rice;
11. Paq Lay Wah Moe, 3 bowls of rice, 1 enamel plate;
12. Saw Ku aye Moe, 4 bowls of rice;
13. Naw Mu Kyi, 2 bowls of rice;
14. Ma Pya, 4 bowls of rice;
15. Pee Thu Meh, 3 bowls of rice,
16. Ma Shwee Po, 3 bowls of rice, 2 chicken and 1 viss (1.6 kg / 3.6 lb) of jaggery;
17. Tu Lay Moe, 4 bowls of rice;
18. Eh Gay Htoo, 3 bowls of rice;
19. Ma Paw Moe, 3 bowls of rice;
20. Tee Po Lay, 4 bowls of rice;
21. Saw Arrow Moe, 3 bowls of rice;
22. Naw Hser Gay Moe, 4 bowls of rice;
23. Naw Kha Moe, 3 bowls of rice and 1 chicken;
24. Tha Mee Lay Moe, 2 bowls of rice;
25. Ma Pyone, 2 bowls of rice;
26. Kaw La Moe, 4 bowls of rice;
27. Naw Keh Moe, 2 bowls of rice;
28. Naw Tu Moe, 4 bowls of rice;
29. Naw Mee Wu Moe, 3 spoons, 1 plate; and
30. Naw Paw Say Moe, 2 chickens.³⁴⁴

On 27 June 2006, 40-year-old Saw Pah T'Pyeh from Klaw Hta village in Thaton District, died after stepping on a DKBA landmine deliberately planted on the path to his field hut.³⁴⁵

On 3 July 2006, DKBA troops entered Pa Paw village in Thaton District and questioned the following villagers about the KNU. The villagers were unable to satisfactorily answer the soldiers' questions and so were kicked and punched:

1. Saw Maung Di, 30;
2. Saw Pa Ta Lay, 60;
3. Saw Thway Kyaw, 40;
4. Saw Nga Lone, 25;
5. Saw Sein Win, 40;
6. Saw Htoo Hla, 45;
7. Saw Po Pay, 25;
8. Saw Jorry, 42;
9. Saw Pu Ya; and
10. Saw Htun Thaung, 50.³⁴⁶

On 10 July 2006, Than Htun and Kyaw Min of the DKBA shot at a village woman and her two children, at Pa Htaw Kho Khee Plaw in Thaton District without warning or provocation. Saw Maung Maung, the 16-year-old son of the woman was wounded and suffered severe blood loss, but was able to escape along with the rest of his family.³⁴⁷

On 11 July 2006, DKBA troops led by Than Htun captured and tied up Ta Oo Ni villager, Saw Mya Oo, in his field hut in Thaton District. The soldiers questioned him as to the whereabouts of the KNLA. He was unable to provide the information they wanted so the soldiers beat him mercilessly, stopping only after they had fractured his skull.³⁴⁸

In August 2006, DKBA troops in Kyaik Mayaw and Kya Inn Seik Kyi Townships confiscated over one thousand acres of land from local people to make a rubber plantation.³⁴⁹

On 16 August 2006, Moe Kyo of the DKBA ordered one person from each household in Kaw Heh village tract in Thaton District to go and work on the Meh Si pagoda. They had to supply their own food, tools and all of the building materials. The villagers were not paid for their labour.³⁵⁰

On 27 August 2006, Kyaw Min of the DKBA based in Bilin Township, Thaton District, extorted these amounts from the following villages:

1. Htee Pa Doh Hta village, 200,000 kyat;
2. Klaw Hta village, 18,500 kyat;
3. Htee Pa Doh Khee village, 32,000 kyat;
4. Lay Kaw Hti village, 32,500 kyat; and
5. Pa Day Mu village, 380,000 kyat.³⁵¹

On 6 September 2006, at 10:30 pm, DKBA soldier Pa Ni Tho entered Ka Wa Hta village in Thaton District and beat the following villagers with the butt of his rifle:

1. Saw Kyaw Hser, 52;
2. Pa Maung Hla, 37; and
3. Maung Htun Mya, 55.³⁵²

On 26 September 2006, DKBA officer Pa Lay Htoo summoned village heads from numerous villages in Bilin and Pa'an Townships, Thaton District to a meeting where he demanded money from them that he claimed was to be used for the Karen New Year celebrations on 19 December 2006. He extorted a total of 1,780,000 kyat from the following villages:

1. Soo Kee, 10,000 kyat;
2. Ta Meh Kee, 10,000 kyat;
3. La Kyo Ko, 10,000 kyat;
4. Meh Baw Kee, 10,000 kyat;
5. La Kyo Kaw Htee, 5,000 kyat;
6. Htaw Klaw Po Kee, 4,000 kyat;
7. Htaw Klaw Kee, 50,000 kyat;
8. Wa Kheh Hta, 6,000 kyat;
9. No Ber Baw, 30,000 kyat;
10. Kwe Lay Tha Waw Pya, 50,000 kyat;
11. Ka Weh Hta, 5,000 kyat;
12. Ka Wah Hta Po village, 10,000 kyat;
13. Klaw Hta, 5,000 kyat;
14. Toh Tha Kee, 30,000 kyat;

15. Kwe Lay Pu, 20,000 kyat;
16. Baw Naw Kee, 5,000 kyat;
17. Nya Po Kee, 10,000 kyat;
18. Paw Po Kee, 50,000 kyat;
19. Ler Ka Ter, 50,000 kyat;
20. Ler Po, 30,000 kyat;
21. Thu K'Bee, 30,000 kyat;
22. Paya Raw, 70,000 kyat;
23. Lay Kay, 20,000 kyat;
24. Kaw Po Ko, 50,000 kyat;
25. Htaw Klaw Hta, 10,000 kyat;
26. Yo Kla, 140,000 kyat;
27. Htee Pa Doh Hta, 300,000 kyat;
28. Baw Naw Nee, 120,000 kyat;
29. Noh K'Neh, 60,000 kyat;
30. Htee Si Baw, 150,000 kyat;
31. Kaw Po Pleh, 100,000 kyat;
32. Mya Lay, 10,000 kyat;
33. Htee Hser Kee, 10,000 kyat;
34. Th'Waw Pya, 100,000 kyat;
35. Kaw Heh Hkaw Kla, 20,000 kyat;
36. Kaw Heh, 140,000 kyat;
37. Shwe Oak, 20,000 kyat; and
38. Kway Law, 30,000 kyat.³⁵³

On 2 October 2006, DKBA officer Po Soe demanded the following sums of money from villagers in Mya Lay and Pa New Kla villages in Thaton District:

1. Tee Kaw Li, 180,000 kyat;
2. Tee Kyaw Moo, 50,000 kyat;
3. Pa Thu, 100,000 kyat;
4. Tee Pa La, 100,000 kyat;
5. Win Zaw Oo, 100,000 kyat;
6. Tee Pa Cho, 100,000 kyat; and
7. Ma Thu Za, 100,000 kyat.³⁵⁴

For Karen New Year celebrations on 19 December 2006, the DKBA #999 Brigade Special Battalion ordered villagers in Pa'an District to supply labour, money and food towards the biggest celebration possible. Each village near Shwe Ko Ko, where the celebrations were held, was forced to pay 50,000 kyat to help finance the celebration.³⁵⁵

UWSA – partial list of incidents for 2006

On 27 March 2006, a group of 250 people returning from a Christian gathering were detained and interrogated by UWSA soldiers in Mongton.³⁵⁶

On 18 April, a group of 38 Christians were detained by the UWSA in Mongmai, north of the Wa capital Panghsang. The group was charged with giving sermons and the distribution of papers without official permission. Nineteen people were released soon after the arrest.³⁵⁷

Red Pa'O – partial list of incidents for 2006

In March 2006, farmlands cultivated for generations by villagers of Pa Hok village in Nam Zarng Township were confiscated by members of the Red Pa'O ceasefire group. Both Red Pa'O and White Pa'O ceasefire groups operate in Nam Zarng Township, although each has their own designated area of control. Both groups claim the land along the boundary between their two respective territorial regions. In order to resolve the dispute, both groups ordered that the land remain uncultivated for a year. The villagers who owned the land, however, continued to plant crops there in order to make a living. On 10 March 2006, Red Pa'O troops ordered these farmers off the land and confiscated it in the name of the SPDC. In April, with their food supplies almost gone, no fewer than ten families left the area for the Thai-Burma border for fear of starvation.³⁵⁸

8.5 Official List of Ethnic Minority Groups in Burma

The following list is the ‘official’ SPDC list representing the 134 recognized ethnic minorities from eight main ethnic families in Burma. Please note that some groups such as the Rohingya and the Kuki, for instance, are deliberately omitted from this list as they are not recognized by the SPDC as being native to Burma.

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

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

8.6 Ceasefire Status of Ethnic Groups³⁵⁹

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 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
KNU Special Region group (<i>Nyein Chan Yay A'Pweh</i>)	8 November 1997
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
Palaung State Liberation Party (PSLP)	21 April 1991
Pa'O National Organization (PNO)	11 April 1991
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)	---

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9. Rights to Education and Health

9.1 Background

Once considered “the rice basket of Asia”, decades of military rule, economic mismanagement, and civil conflict have left Burma so poor that almost a quarter of households now live below the subsistence level.¹ The healthcare system ranks as the second worst in the world, out performing only Sierra Leone, and the education system is so poor that illiteracy levels in rural areas are actually rising. These figures are hardly surprising considering that the SPDC spends only US\$1 per person per year on health and education combined.²

Recent studies suggest that Burma is the hub from which disease is spreading across the region. There are different strains of HIV/AIDS, which can all be traced to a particular source. Burma has been identified as the main source for all strains found from Vietnam to Kazakhstan.³ This combined with the spread of easily preventable diseases such as tuberculosis and malaria, as well as the re-emergence of diseases previously eradicated in neighbouring countries (such as elephantiasis), has prompted some to refer to the situation to the United Nations Security Council (UNSC) as a threat to regional security.

While the state of the education system may not threaten Burma’s neighbours, it certainly threatens Burma’s future. Current estimates from the United Nations Children’s Fund (UNICEF) are that almost fifty percent of children are forced to drop out of primary school because of financial difficulties. With enrolment levels estimated at approximately fifty percent to begin with this leaves a population where only a quarter have completed primary education. On paper the SPDC complies with international standards and has enacted legislation stipulating that primary school is both free and compulsory but the situation on the ground is quite another story. Secondary education has become the preserve of the rich and those who do make it to university enter a system which is openly repressive.

Ethnic minorities fare especially badly in respect of both health and education. Indigenous languages are prohibited, healthcare is barely minimal and human rights violations are routine.

9.2 Situation of Education

“Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.”

- Universal Declaration of Human Rights, Article 25(1)

The SPDC is keen to be seen as pro-education. The state-run newspaper, the *New Light of Myanmar*, often publishes commentaries on Burma’s educational initiatives. In addition to the “*general development of the nation*”, these educational initiatives are claimed to be linked to the Millennium Development Goals (MDG) and specific United Nations (UN) literacy programmes such as ‘Education For All’. International Literacy Day is celebrated annually and one SPDC general was quoted as saying that “*Education has become the priority of every nation in this knowledge age*”.⁴ Yet the SPDC’s educational aspirations are somewhat different to those of other nations. A retired university professor from Rangoon stated on condition of anonymity that he was of the opinion that Burma no longer has “*the necessary institutions to achieve or maintain democracy*”. The official purpose of education in Burma certainly seems to run in a direction that would support such an opinion. On one occasion the *New Light of Myanmar* printed a statement which frankly admitted that teachers should aim to “*nurture children to develop their mind, vision and living styles in accord with the wishes of the State*”. In other words, the aim of education is to instil a sense of obedience and conformity.⁵

Aside from an unorthodox view on the purpose and aim of education, the SPDC continues to report information and statistics which bear no semblance to the reality. The SPDC claims that Burma has an enrolment level of ninety percent but UNICEF believe the figure to be closer to 55 percent.⁶ The SPDC also claims that 8.9 percent of the national budget is earmarked for civilian education but the system is actually run on a shoe-string budget which leaves public school teachers on a salary well below subsistence level and schools grossly under-resourced. Officially, education is claimed to be provided free of charge up to the end of secondary schooling upon the completion of 10th standard (grade). However, the average pay for a school teacher is only 5,300 kyat (approximately US\$5) per month which forces them to find other sources of income or charge fees at their schools.⁷

In addition to this, corruption and extortion by officials in the education department is commonplace. The head Township education officer in Thangtlang Town in Southern Chin State has increased school fees so much that many families are now unable to afford their children’s education. The annual admission fee is currently 2,500 kyat for primary school (1st-4th standard), 3,000 kyat for middle school (5th-8th standard) and 3,500 kyat for high school (9th-10th standard). In addition, students must pay 100 kyat for the admission form. The admission fee does not cover the cost of stationary, books or uniforms, so the average cost of attending school for a year actually exceeds 20,000 kyat. On top of this, some students must study at schools outside their home towns and villages and have to pay boarding fees at hostels near their schools as there are not enough schools for every child to be educated in their home town or village. Hostel fees are usually around 100,000-120,000 kyat per year. This is far beyond the means of poor families.⁸ In Kachin State, the fees for a 10th standard education were reportedly as high as 300,000 kyat per year. This is higher than the national average annual income.⁹

Following the SPDC’s decision to move Burma’s capital city from Rangoon to Naypyidaw, it

was confirmed in August 2006 that the National Library was to be split up and the building which housed it sold. Part of the library was to return to its original location on Strand Road in Rangoon and the rest would move to the new capital at Naypyidaw. The library has a collection of approximately 618,000 books and periodicals as well as some 15,800 rare and valuable manuscripts. Scholars were dismayed that so much important research material is being transferred to Naypyidaw, which remains remote and of limits to much of the population, despite its new status as the nation's capital.¹⁰ The blow was somewhat tempered by the fact that the 'American Center' [*sic.*] Library in Rangoon was officially opened on 21 January 2006. Being located within the United States (U.S.) Embassy, the library was not subjected to Burma's censorship rules so books deemed inappropriate by the censors are available and internet users can surf the net without restriction.¹¹ Uncensored information is a rare commodity in Burma and the SPDC is imposing ever tighter restrictions on education and students themselves. Following the commemoration of the anniversary of the 1988 pro-democracy uprising, parents in Pegu, in lower central Burma, were summoned by the local authorities and forced to sign a pledge stating they would keep their children out of politics. The parents had to promise to prevent their children from associating with politicians or political activists and to keep them out of any political activity. Failure to comply would likely lead to arrest, imprisonment and/or heavy fines.¹²

Corruption and Extortion in the Education System

Corruption is rife in the education system and it trickles down through the hierarchy as the various actors extort money from those below them in order to pay the bribes demanded by those above them in addition to lining their own pockets. Obviously this leaves the students and their families at the bottom of the pile. For example, during 2006, teachers at Yotha Yoke high school in Ponnagyun Township, Arakan State, extorted 1,000 kyat per month from each of their students. The money was supposedly used for maintenance and cleaning, which might be legitimate costs if it were not for the fact that the regime supposedly provides funds to cover these expenses. According to one of the parents, teachers are always collecting money under one pretext or another and this is common right across Arakan State.¹³

If a village is too poor to pay additional fees then schools may find other ways to cut costs. In January 2006, two children were injured as a result of forced labour imposed on them by their school teachers. Thein Aung, a 13-year-old boy, was injured while carrying heavy logs. Ni Ni, a 10-year-old girl, broke her arm when she fell off the roof of the school clinic. She had been sent up onto the roof to clear away rubbish and debris. Both children were students at the state middle school of Myochan village in Nattalin Township, Pegu Division.¹⁴ Sometimes such measures are a result of the SPDC's failure to provide funds for building maintenance or repair. Other times they result from teachers/head-teachers siphoning off funds for their own use and then extorting money or labour from villagers to cover up the loss. The causes of such behaviour do not always lie purely in greed, however. The teachers themselves often come under pressure from corrupt education authorities. It was reported that during 2006 in Mrauk U Township of Arakan State, teachers were forced to pay 300 kyat every month to the SPDC education officer. They were also obliged to sell four pencils to each student during the school term at the cost of 21 kyat each even though they cost only 10 kyat in the local market. No formal complaints were made to the relevant authorities because such extortion was accepted by local villagers to be standard practice.¹⁵

Neither is there much genuine political will to do anything about any complaints which are made. Prime Minister, General Soe Win, announced in November 2006 that the junta was increasingly taking action against corruption. Indeed, there are occasional cases, legitimate or otherwise, where individuals have been arrested on charges of corruption. In one such example, Major General Moe Hein, the head of Burma's National Defence College in Rangoon, was arrested on corruption charges. Although corruption is widespread throughout all levels of the civil, military and business communities it seems Moe Hein went too far. One source said he was charging army officials seeking promotion between three and five million kyat for his recommendation letter. Unsurprisingly, such arrests are not common and typically only occur when the perceived need arises to purge certain individuals deemed not loyal to generals further up the food chain. According to Transparency International, Burma is currently ranked as the second most corrupt country in the world. (For more information, also see relevant sections in Chapter 5: Deprivation of Livelihood).¹⁶

Residents of Saleh village in Natmauk Township of Magwe Division are actually being sued for libel after reporting corruption. The headmaster of the village school reportedly received 2.5 million kyat from the SPDC towards the construction of a new village school but then forced the villagers to provide a further 3.5 million kyat for the school. The school was built but villagers became suspicious that the headmaster had kept almost half of the money for himself instead of spending it all on the school. The villagers reported the incident to the local authorities who refused to take any action and instead sued the villagers for misinformation and slander.¹⁷ The fact that the local authorities acted against the villagers and not the headmaster may imply that they are complicit with the headmaster's actions and had received kickbacks from him.

A related issue is that of private tuition. The Ministry of Education issued an order on 18 May 2006 prohibiting SPDC-paid teachers from providing private tuition. All public servants were given a pay rise at the beginning of May and the regime said that, as their salaries were now adequate, teachers should not need any additional income from private tuition.¹⁸ (For more information, also see relevant sections in Chapter 5: Deprivation of Livelihood). Many parents have welcomed the move, claiming that teachers deliberately provide sub-standard education during classes so that students are forced to pay for private tuition outside of school hours.¹⁹ This has led to falling attendance levels as time constraints force some students to choose between their scheduled classes and private tuition.

On 11 March 2006, 36 pupils from Salin Township in Magwe Division were barred from sitting for their 10th standard matriculation examinations on the basis that they had not fulfilled the 75 percent attendance criteria. According to local residents, the reason for low attendance is the poor standard of education in official classes and the fact that pupils become reliant on private tuition.²⁰ The prohibition on private tuition has been firmly implemented and six teachers in Hlaing and Sanchaung Townships in Rangoon were arrested shortly after the new law was implemented.²¹ The legislation has also been used to close down private schools, although elite schools catering for the children of SPDC officials have been unaffected.²² Unfortunately it is doubtful whether this legislation will actually improve education standards as it does nothing to tackle the root causes of the problem. Like other public servants, teachers have complained that the pay rise they were given in May was significantly lower than the prevailing inflation rate and are thus still struggling financially.²³ Over 60 primary school teachers in Mrauk U Township in Arakan State had their salaries frozen because it was discovered that they were not teaching their classes. Education officers who were visiting schools in the township found that 75 percent of teachers are consistently

absent from work. Teachers' salaries are so low that many of them feel the only way to survive is to take on alternative work. Some hire other people to teach in their place, while they work but others simply abandon their classes.²⁴

In Shan State the fight against corruption went one step further as authorities decided to clamp down on cheating in exams during 2006. The practice is widespread and was previously accepted. As a result of the clampdown, the majority of students failed their matriculation exams. In Mong Ton Township only 10 students out of the 145 who sat, passed the exam. Parents and students claim that the rising costs of education and the increasing necessity of private tuition makes it very difficult for anyone to pass the exams legitimately.²⁵ This simple statistic is a testament to the standard of the education system in Burma.

Primary Education

“Every child shall have the right to free basic primary education in state schools and that the Ministry of Education shall implement a system of free and compulsory primary education. ... The Ministry of Education shall implement measures as may be necessary to ensure regular attendance at schools, to reduce dropout rates, and make arrangements for children, who are unable for various reasons, to attend schools opened by the state.”

- Child Law 1993, Section 20

Burma became a party to the UN Convention on the Rights of the Child (CRC) in August 1991. As a state party to the Convention, Burma is obligated to establish domestic legal measures that make primary education compulsory, free and available to all, as stated in Article 28, Paragraph 1(a) of the Convention. These domestic measures were enacted in 1993 under section 20 of the Child Law, as quoted above. Nevertheless, enrolment levels are low, primarily because of poverty and the fact that genuinely free education does not exist.

Officially, education in Burma is compulsory until the end of primary school with the completion of 4th standard, but, according to UNICEF, fifty percent drop out before achieving this level because of financial difficulties.²⁶ The UN World Food Program's (WFP) 'Food For Education' project in Arakan State was set up to combat the problem of poor enrolment levels. The project was originally aimed at reducing the gender gap in education by giving families an incentive to send their girls to school. Families were provided with 15 kilograms of rice a month as long as their daughters maintained an eighty percent attendance rate. When the project was first introduced in 1996, the number of boys enrolled at school was more than double the number of girls. By 2004 the situation had reversed. The project is now open to boys as well, with a view to keeping school enrolment levels as high as possible. The project has also expanded to include Shan State and Magwe Division.²⁷

Unfortunately, a similar programme set up by the UN High Commissioner for Refugees (UNHCR) caused some unexpected problems during the summer. A primary school teacher from Maungdaw Township in Arakan State was arrested on 18 May 2006 on charges of smuggling rice to Bangladesh. The rice in question had actually been provided by UNHCR for distribution to primary students and was allegedly kept at his house because heavy rain had prevented him from distributing it that day. After his arrest he was tortured in front of his family who had to pay 150,000 kyat for his release. According to one of his relatives, the accusation against him was made by a rival who contacted the local military.²⁸

The combination of financial hardship and poor education standards has meant that illiteracy among children in rural areas has increased every year.²⁹ In some areas the SPDC only provides for schools insofar as they extort the necessary money and building supplies from the local community and supervise the forced labour required to construct the building.³⁰ Similarly, teachers are assisted by the SPDC only in as far as being told which village to go to. Teachers are in short supply and schools with up to 400 students may have only one teacher. A number of village schools in Buthidaung Township in northern Arakan State received additional teaching staff early in 2006 but the villagers were told that they would have to pay the salaries of these new teachers themselves. Each village was required to pay 50,000 kyat per month and also provide the new teachers with 90 kg of rice per month.³¹



A volunteer teacher in an internally displaced settlement in Nyaunglebin District, Karen State in June 2006. Though these villagers had come under attack by SPDC army soldiers three times in the past six months, education is still considered very important to the development of their children. Even when displaced these villagers ensure that their children's schooling can continue. Despite the difficult circumstances that they have had forced upon them, these villagers attempt to maintain some semblance of normality and live out their lives with dignity. [Photo: KHRG]

Once schools are built, the SPDC does little to keep them maintained. At least ten primary schools in Rathedaung Township in Arakan State had to close after the buildings were destroyed by heavy rains. One of the teachers reported that schools in rural Arakan have been in need of repair for a long time but the education authorities have not provided any funding. The schools were told to find the money from their villages but these areas are very poor and the villagers cannot afford to fund renovation projects.³²

In some communities, schools are funded by Buddhist monasteries, other religious groups, or funded privately by villagers. These independent schools are usually tolerated as long as they do not attempt to teach beyond 3rd or 4th standard. However, authorities in Chin State ordered the closure of an orphanage school in Toi Hmawng Rawn village in June 2006. The school had 300 students, most of whom were orphans. Some of the children were able to join other schools but this was not possible for the orphans as they had no one to help them with the application procedure. In addition to that, the nearest school was located three miles away and it would have been a long walk for the children, particularly as some were only of nursery age. The authorities offered no explanation for the closure.³³ Later in the year another orphanage school was closed in Hakha, also in Chin State. The school had 30

students, all orphans, and was run by a Christian organization. Once again, no reason was given for the closure.³⁴

Secondary Education

SPDC authorities in Chin State also ordered the closure of a middle school in Hniarlawn village in northern Chin State. Since the school's closure, some of the children have had to travel to a school in Hakha but the majority are unable to make the trip. Hakha is approximately 13 kilometres (8 miles) from the village and is thus too far for many of them to walk. As with the orphanage school closures discussed above, no reason was given.³⁵

Displaced communities and those who are not able to travel beyond their own villages have very limited education opportunities, particularly at the post-primary level. Only SPDC-controlled schools are permitted to offer education up to the 10th standard and such schools are not in abundance in rural or border areas.³⁶ Thaton District of southwestern Karen State, for example, has only one secondary school for the entire district.³⁷ Children in these areas who want to progress to secondary education usually have to travel to a larger village or town. For many it is either too far or too expensive. For some it is simply too dangerous – landmines and the military presence make the route impassable.³⁸ According to the Karen Human Rights Group (KHRG) in Thaton District of Karen State, only seven percent of those who complete primary school go on to middle school and only 14 percent of those children then go on to high school.³⁹ Nationwide, UNICEF estimates the enrolment level of school-aged children to be only fifty percent while the drop out rate of those who do enrol in secondary schooling also stands at fifty percent. Therefore, the number of children who complete a full education is but a fraction of the total.

Meanwhile, schools operating under SPDC control are facing continuous increases in costs causing many children to be taken out of school because their families cannot afford to pay.⁴⁰ Another factor impacting on secondary education is the fact that in recent years in some parts of the country, the SPDC has forced all students above 7th standard, both male and female, to undergo military training. Many students are afraid that they would then be forced to join the army and thus consequently leave school once they reach the 7th standard in order to avoid the training.⁴¹

Tertiary Education

Students have always played a prominent role in Burma's political history and consequently the SPDC places endless restrictions on this sector of the population. They also deal harshly with any minor infractions they come across. For example, in October 2006, a student named Ko Win Ko was sentenced to three years in prison for the crime of collecting signatures on a petition calling for the release of political prisoners. He was in possession of some 400 signatures when he was arrested.⁴² (For more information, also see the Freedom of Expression, Opinion and the Press).

The SPDC also restricts academic freedom in a general sense. University teachers and professors remain subject to the same restrictions on freedom of speech, political activities and publications as other state employees, if not more so. The Ministry of Education routinely warns teachers against criticizing the SPDC. Teachers and professors are instructed not to discuss politics, are prohibited from joining or supporting political parties or from engaging in political activity and are required to obtain advance approval for any meetings

with foreigners. Like all state employees, teachers and professors are required to join the Union Solidarity and Development Association (USDA), which is regarded by most people both within Burma and without, as a civilian front for the military. Teachers are also held responsible for the political activities of their students. Foreigners are not permitted on university campuses without prior approval and are not allowed to attend any meetings involving students, including graduation ceremonies.⁴³

Reflecting the trend of an already paranoid regime becoming increasingly so, in March 2006, the Ministry of Education issued an order that postgraduate students from Burma who were carrying out Burma-related research at overseas institutions had to have their topics pre-approved. Students must register their research topics with the Ministry of Education and obtain approval before starting any work. Representatives of the International Association of University Presidents (IAUP) said that such an order would restrict the students' education and hinder their abilities.⁴⁴

In view of such restrictions, it was surprising that in January 2006, the *Yangon Times* was permitted to publish New Year messages from 88 Generation student leaders Ko Ko Gyi and Htay Kywe. This was the first time that any publication had been allowed to print such an article since the student leaders were released from prison in 2005.⁴⁵ Nevertheless, the attitude towards students and universities themselves remains unchanged.

Since the student uprising in 1988, the military have taken various steps to change the higher education system and make it harder for students to gather in large groups. Many university departments have been moved to suburbs and city outskirts in order to keep their students separate from one another.⁴⁶ Undergraduate campuses have been moved to remote areas, teachers and students warned that disturbances will be dealt with severely and most on-campus dormitories have been closed.⁴⁷ In 1996, the SPDC moved all vocational universities in Rangoon, with the exception of medical colleges, to locations outside the city. The logic behind the move was to make it easier for security forces to surround the universities in the event of an uprising. Students at these universities have since found it difficult to continue their courses because the bus fares have risen from 3,000 kyat per month to 8,000 kyat. The number of buses servicing the universities is also insufficient resulting in chronic overcrowding. For these students, walking to class is not an option; not for the distances involved, but because in June 2006, it was reported that six students who walked to their college were arrested, labelled as hooligans and expelled for life.⁴⁸

In Magwe, 250 students from the Magwe Government Technology University staged a protest march in May 2006 after bus fares were increased from 1,500 kyat to 2,700 kyat. The fees were almost doubled despite no measures being taken to improve the service. A shortage of buses had led to serious overcrowding and some students being forced to walk home from the university, which is located 11 kilometres (seven miles) east of Magwe. Local authorities only increased the number of buses following the protest.⁴⁹

Another step the SPDC has taken at some universities is to make membership of the USDA compulsory for students as well as teachers and professors. In August 2006, students at Myingyan Technical College in Mandalay Division were forced to join the USDA under threat of being disqualified from taking their examinations. Students were also forced to pay 200 kyat for the membership application forms.⁵⁰ Similar measures were implemented at Rangoon University where students were forced to sign an agreement pledging not to become

involved in politics or try to instigate political unrest. They were told they would not be able to sit their exams unless they signed the agreement.⁵¹

In addition to legislated restrictions and official forms of harassment, students often have to endure treatment which is more blatantly discriminatory and also deal with the consequences of being unpopular with the regime. In one incident, a first-year physics student from Myingyan College was attacked and beaten by associates of Major Htun Win, the president of the Myingyan District Peace and Development Council (PDC). The assault took place on 18 July 2006 and the student concerned, Phyo Wai Win, sustained injuries to his head, back and right hand. The local authorities took no action because of the involvement of Major Htun Win's associates. The rector of Myingyan College, U Maung Maung, also instructed students not to take any action or make any demands for justice.⁵² The rector is reported to have a reputation for implementing rules that go beyond the university regulations. For example, he prohibited the wearing of traditional Burmese clothes on university grounds because such clothes are often worn by opposition members. He also dismissed five students simply because they took photographs while sitting on the university signboard. As a result, students feel that the university is not a secure environment and that its governance is no longer based on the university regulations but on arbitrary decision making.⁵³

In contrast, on 15 September 2006, students at Myingyan Degree College staged a protest against superfluous rules such as the one prohibiting students from wearing trousers, t-shirts or caps, presumably because they were deemed to reflect "*Western influences*", and another prohibiting students from carrying their bags across their chests. Other continuing sources of discontent are the current drives to impose USDA membership among the student population and the strict attendance criteria. USDA membership is becoming compulsory at many educational institutions around the country and in September 2006 it was reported that approximately 200 students at Myingyan Degree College had been expelled for refusing to join. The attendance criterion is an issue as it is not applied equitably. The daughter of a District Authority Chairman, Colonel Tun Win, was allowed to sit her exams despite having been absent for most of the year. Meanwhile, other students are required to have a 75 percent attendance rate in order to be admitted to their exams.⁵⁴

In another example which demonstrates the SPDC's double standards, the Ywathagyi Business Studies University in Rangoon has been subjected to strict security measures following a drunken clash between students and local police. Five students were expelled but no action was taken against the policemen involved, despite the fact that they were drunk. Fear of a possible uprising or similar response has led the authorities to station police in busy areas and at road junctions around the university.⁵⁵ While no violence occurred, a growing sense of anger about the impunity with which anyone connected to the military can act developed.⁵⁶

Meanwhile, it has been reported that the Myanmar Accounting Academy (MAA) has entered into partnership with the Nanyang Institute of Management (NIM) in Singapore to jointly conduct a diploma course in tourism and hospitality management. Students will spend the first eight months of the course in Burma studying introductory subjects before travelling to Singapore to conclude their studies. Successful students are expected to be offered job opportunities at international-level hotels in Singapore as well as at hotels in the United States and New Zealand which reportedly have a relationship with the institute. In addition, another Singaporean university, Nanyang Polytechnic (NYP), increased the number of scholarships available to Burmese students for diploma courses in nursing for the 2006-2007

academic year.⁵⁷ Moreover, South Korea pledged support for a new Technology, Culture and Business Education Centre (TCBEC) in Burma. The centre will be jointly run by the Gwangju-Jeannam e-Learning Research Centre and Chonnam National University.⁵⁸ However, it remains unclear how equitable educational opportunities will be in any of these new institutions. If history has taught us anything, it is that these institutions will be the bastions of the rich and well-connected. It can be expected that only well-placed members of the SPDC, their families, and acquaintances will benefit.

Disparity between Civilian and Military Education

The SPDC run several primary schools and institutions of higher education that are reserved exclusively for family members of the military elite. These institutions are generally better equipped and more financially stable than their civilian counterparts. With facilities including computer access, libraries and science laboratories, the military schools enjoy far better resources than those available at the vast majority of civilian education centres.⁵⁹ By ensuring the superiority of their own educational institutions, the SPDC is perpetuating military rule in Burma. As a result of the comparative quality of education in military institutions, an increasing number of civilian students have expressed an interest in attending. Furthermore, students who attend military universities are endowed with certain privileges and are perceived as the future military, political, economic, and social leaders of the country. Although, due to the high level of secrecy surrounding these universities, statistics on enrolment levels and budget allocation are unknown.⁶⁰

According to the All Burma Federation of Student Unions (ABFSU), the military operates 15 primary schools and several universities in Burma. The primary schools also run summer camps with computer training courses, English language classes and field trips. Students from these schools stand a much better chance of receiving highly coveted international scholarships, which are awarded based on the student's connections with SPDC officials rather than academic competence. Each university-level program accepts only 100 students annually. To apply, students must obtain recommendations from military and SPDC officials. Candidates are then chosen by selection boards made up of military personnel.⁶¹

In Arakan State the spiralling costs of education prompted the local police and armed forces to provide education stipends to the children of their personnel. In June 2006, the Arakan State police department granted students a stipend of 2,500 kyat per month at primary level, 3,000 kyat per month at middle school level and 5,000 kyat per month at high school level. University students received 8,000 kyat per month, while post-graduate and medical students received 10,000 kyat per month. NaSaKa (border security force) headquarters offered even higher stipends, starting at 8,000 kyat per month for primary level students and rising to 15,000 kyat per month for secondary students.⁶²

Educational Opportunities for Ethnic Minorities

International law provides ethnic minority groups with a right to their own language and its use:

“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”

- International Covenant on Civil and Political Rights, Article 27.

“States Parties ... undertake: To ... discontinue any ... practices which involve discrimination in education. ... It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and ... the use or the teaching of their own language.”

Convention against Discrimination in Education, Article 5(c).

However, in Burma these rights are not respected and the teaching of ethnic minority languages is discouraged and in many cases, forcibly prevented. For example, according to the Human Rights Foundation of Monland (HURFOM), an unnamed senior SPDC official was reported to have made a public statement in which he 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”*.⁶³

Although the continued teaching of the Mon language was part of the 1995 ceasefire agreement between the New Mon State Party (NMSP) and the SPDC, the junta reneged on this in 1997 and banned the teaching of both Mon language and literature in SPDC-controlled schools. The following year they declared the teaching of the Mon language to be illegal. Despite this, during the 2005-2006 academic year, the NMSP administered a total of 376 schools providing Mon language education for approximately 50,000 ethnic Mon students. SPDC interference has ranged from poaching teachers by offering them more money to work in SPDC schools, to sending the military to forcibly close schools down, and teachers and village leaders have been routinely threatened.⁶⁴ In addition to this, high rates of poverty have required a significant number of children to work alongside their parents instead of going to school. Consequently, the illiteracy rate among Mon communities is high.⁶⁵

In recent years, Mon literature and culture committees have worked in partnership with Buddhist monks to provide summer schools for Mon students. The classes have been held in Buddhist temples and university students have often assisted with the teaching.⁶⁶ These summer schools are generally tolerated by the regime and permitted to continue but have suffered a certain amount of harassment by SPDC authorities. On 20 November 2005, Nai Win Kyit, the chairman of the Mon Summer Literacy School was arrested by SPDC army soldiers from Thanbyuzayat and tried in a military court on charges of political involvement. The fate of the chairman remains unknown.⁶⁷ The Mon summer school in Thanbyuzayat Township was investigated by the *Sa Ya Pa* (‘Military Affairs Security’; a Burmese military intelligence unit). In addition to general details, they wanted to know who organized the examinations, which subjects were taught, which subjects were examined and how many students had sat for exams held on 13 May 2006. Despite the constant harassment, the Mon historian monk, Ajar Ven Parlita from Kamawet village, maintained that interest in the Mon

language among young ethnic Mons had increased over the past year and learning environments have also improved.⁶⁸

Mon students continually find their lessons disrupted through the imposition of forced labour; often for the construction of SPDC-controlled schools. Students' abilities to learn are also hampered by curfews. Students who are not back in their villages by 5:00 pm are prevented from entering and are consequently forced to sleep outside in the forest. Many students have a journey of up to an hour-and-a-half both to and from school and soldiers often detain students on their way home, knowing perfectly well this will make it difficult for them to meet the curfew.⁶⁹

Discrimination against the Mon also continues into university-level education. Previously, Mon students and tutors at the University of Moulmein (Mawlamyine) would wear traditional Mon national dress on Mondays, though in June 2006, this was banned and students have since been ordered to wear the blue Burmese *longyi* (sarong) on Mondays and Fridays. There were rumours that the authorities might prohibit the wearing of Mon national clothes altogether and that students may have to wear SPDC-appointed uniforms starting in 2007.⁷⁰

The Mon are not the only group facing ethnic discrimination in Burma. The Rohingya have suffered discrimination and prejudice for years. Since 2001, the Rohingya have required permission to travel to Sittwe (Akyab), the capital of Arakan State. This affects the availability of higher education since Sittwe is the location of the only university in all of Arakan State. In December 2005, immigration officers in Maungdaw Township extorted money from 270 students who had applied for travel passes in order to attend university. The students were obliged to pay bribes of 3,000 kyat each to expedite their applications and were also required to provide one carpet for every four students at a cost of 55,000-60,000 kyat. Despite having paid these bribes, on 16 January 2006, all of the Rohingya students who had applied had their applications denied on the basis that they were not "*citizen cardholders of Burma*". The SPDC routinely denies Rohingyas citizenship, effectively making them a stateless race, despite having lived in Burma for generations.⁷¹

The Karen are also subject to their fair share of discrimination. Similar to the situation facing the Mon, the majority of Karen villages under SPDC-control are not permitted to study the Karen language. All lessons must be conducted in Burmese. Some schools, however, have been reported as having been permitted to study Karen, though in these schools the teachers have been appointed by the SPDC after having been brought in from other parts of the country and cannot even speak the language, let alone teach it. This gives the impression of a liberal education system, though in reality, the results are the same as in schools where the teaching of the Karen language is outlawed.⁷²

Compounding this situation is the ongoing military offensive conducted in parts of Karen State throughout 2006. (For more information, see Chapter 8: Ethnic Minority Rights). Classes have been regularly disrupted as a result of military activities and students have only been able to study for one week out of every four.⁷³ Sadly, for many displaced communities, education can become a luxury; as KHRG put it "*For most children, schooling is of secondary importance next to the other more pressing needs of helping to provide for their families*".⁷⁴ Though, education remains important to the Karen. When displaced from their villages, a school is often one of the first things built upon establishing a temporary settlement in the forest.⁷⁵ In some displaced hiding sites, the communities have been able to set up makeshift schools but such endeavours are constantly beset by obstacles. When

villagers flee from approaching troops they are only able to carry essentials with them and educational materials are typically viewed as a luxury compared to food, blankets and mosquito nets. Consequently many of these schools possess little or no teaching materials at all. Some displaced communities receive support from the Karen National Union (KNU) Education Department but most are left to fend for themselves.⁷⁶ On top of this, many children become ill as a result of the conditions in the forest and others have to help their families forage for food on a daily basis or sneak back to their villages and fields to collect what food they can. The teachers face the same situation themselves and cannot teach on a regular basis. Finally there is the constant disruption of moving from one hiding place to another in order to avoid SPDC army patrols.⁷⁷

Reports from Thaton District in southwestern Karen State describe three kinds of school: SPDC schools which receive limited SPDC funding; missionary schools which are financed and run by Christian groups; and village schools which are built and supported by their local communities. The missionary and village schools are tolerated by the SPDC so long as they do not try to teach beyond 3rd or 4th standard, respectively. SPDC schools are usually built in towns or larger villages and provided with one or two teachers by the SPDC. If the schools require extra teachers these must be found and funded by the local community. Teachers at village schools are usually villagers who have received some education, typically more than most other villagers, though rarely any more than 4th standard equivalent. They do not receive any salary, but are supported by their communities who provide them with food and accommodation⁷⁸



A school for internally displaced villagers in Papun District, Karen State in August 2006. A buffalo pen was temporarily converted to accommodate this school. [Photo: KHRG]

9.3 Situation of Health

"Everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

- Article 25(1), Universal Declaration of Human Rights

At around US\$1 per person per year, the combined budget allocation for both health and education in Burma is one of the lowest in the world.⁷⁹ Such inadequate levels of spending, coupled with widespread poverty, corruption and an acute shortage of skilled medical staff have left Burma's healthcare system in a state of decay. Even the official health figures are amongst the worst in Asia, yet many reports suggest that the real picture is in fact far worse.⁸⁰

In 2004, the Burmese Ministry of Health announced that, *"The principal endemic diseases in Myanmar are cholera, plague, dengue haemorrhagic fever, watery diarrhoea, dysentery, viral hepatitis, typhoid, and meningococcal meningitis. Cholera, plague, and dengue haemorrhagic fever reach epidemic proportions in certain years, often occurring in cycles."*⁸¹ This was a rare admission from the SPDC which is normally very secretive about health data. What the admission failed to include, however, were extremely high levels of malaria, HIV/AIDS, tuberculosis and lymphatic filariasis. Neither was there any mention of the crumbling state of the health system nor the fact that such medical neglect means Burma is now spreading these diseases to neighbouring countries.⁸²

The HIV/AIDS strains found in high prevalence zones in both India and China have been traced back to Burma. HIV/AIDS related to heroin export is spreading even further to include Thailand, Vietnam and Bangladesh. Rural areas along the Thai-Burma border represent some of Thailand's only remaining endemic malaria zones. Weak programmes for controlling malaria and tuberculosis in Burma have generated multi-drug resistant strains of these diseases which are now travelling to India and Thailand and threatening to undermine the efforts these countries have made to control the diseases among their own populations. Also, clinical filariasis re-emerged in urban Thailand for the first time in decades after reportedly being transmitted by migrants from Burma.⁸³ Migrants are certainly not in short supply. Official figures show that almost a million have moved to neighbouring countries but it is estimated that there are most likely an additional one million undocumented migrants in Thailand alone.⁸⁴

In 2000, Burma's healthcare system was ranked by the World Health Organization (WHO) as the second poorest in the world. Hospitals are few and far between and some of those that do exist stand unstaffed and empty, facilities are rudimentary, medicine is in short supply and what is available is very expensive. With an estimated quarter of all households in the country living below the subsistence level, adequate healthcare is beyond the financial means of much of the population.⁸⁵ The military, however, is catered for by a separate healthcare system. Little is known about this system but it is believed to be far better funded and equipped than the equivalent civilian system.⁸⁶

While the situation in central Burma is bleak enough, the border states inhabited by Burma's ethnic minorities are facing what has been described as a *"health catastrophe"*. A recent report from the Back Pack Health Workers Team (BPHWT) indicates that the situation in

eastern Burma resembles that of African countries in the grip of widespread humanitarian disaster such as Sierra Leone, the Democratic Republic of the Congo, Angola and Rwanda.⁸⁷ It is estimated that over half a million people are displaced within eastern Burma⁸⁸ and recently collected data shows a clear corollary between the human rights violations perpetrated against them and the deteriorating state of their health.⁸⁹ The BPHWT conducted a four year survey involving 2,000 people across eastern Burma. Their results show that infant mortality is 91 deaths for every 1000, compared to an average rate of 76 across the rest of the country (and only 18 in neighbouring Thailand). One in twelve women die in childbirth (a rate four times higher than the national average), one in five children die before their fifth birthday, malnutrition levels among children are over 15 percent and the malaria infection rate is over 12 percent at any given time. Local understanding of sanitation and hygiene remains low, as does access to clean water and basic sanitation facilities such as latrines. This naturally leads to high levels of associated diseases such cholera and diarrhoea, among others.⁹⁰

One of the conclusions of the BPHWT report is that significant improvements to the health levels in this part of the country are not achievable in the current climate of human rights abuse. The only humanitarian assistance going into these areas come from a handful of local NGOs and Community-Based Organizations (CBO) working across the Thai-Burma border. Such organizations are working with limited funds and resources and are sadly not able to provide enough to meet the overwhelming demand. Most of the time, villagers are left to fend for themselves and when they cannot do this, turn to armed resistance groups for help. International organizations and agencies are not permitted access to these areas by the SPDC, yet refuse to work cross-border in areas controlled by resistance groups on grounds that this will affect their “*political neutrality*”. The SPDC provides little or no healthcare, independent clinics are often burned down and the movement of people is restricted. Communities are often displaced and forced to move into the jungle where they have to contend with landmines as well as the increased risk of infectious (and endemic) diseases such as malaria.⁹¹



A mobile medical team begins the amputation of a Karen soldier's left leg after he stepped on a landmine in late July 2006, with only basic tools and without any general anaesthetic. Having finished the amputation, they managed to save his right leg despite another gaping wound. [Photo and caption: KHRG]

During 2006, the ongoing offensive in northern Karen State displaced an estimated further 27,000 people. When people are forced out of their homes they are unable to take anything with them aside from what they can grab in a hurry and carry on their backs. They end up in the forest without adequate shelter, little or no food and often only the clothes on their backs. The SPDC army's shoot-on-sight policy makes it even more difficult for displaced villagers to find food or get access to healthcare in the event of illness or injury. As result, many die from easily preventable and readily curable diseases.⁹²

Villagers in Thaton District of Karen State have reported that the SPDC has imposed restrictions on the possession and carrying of medicine. Despite the fact that very few villagers can afford enough medicine to cover their own needs, the SPDC is of the opinion that they will buy surplus medicine and pass it on to members of the Karen National Union (KNU) or their armed wing, the Karen National Liberation Army (KNLA). The penalties for being caught carrying medicine include beatings, torture, arrest and are typically followed by a stint of forced labour for the military.⁹³ Similar restrictions on the possession of medicines have also been reported from other parts of Karen State.

Ethnic border areas are also subjected to commercial exploitation which often has serious implications on health. In the border town of Three Pagodas Pass there is an antimony plant owned by a Thai company who have chosen to operate in Burma because such a plant would not be tolerated in Thailand. Antimony is a light silvery metal which is often mixed with other metals and used in a variety of products including batteries, ammunition, semiconductors and sheet metal. Exposure to antimony causes health problems similar to exposure to arsenic. Small doses can cause high blood pressure, dizziness, ulcers and depression. Higher doses can cause stomach cramps, vomiting, cardiac abnormalities and even death. The workers at the plant in Three Pagodas Pass are not provided with masks, gloves or any form of personal protective equipment to prevent exposure to the metal. People living close to the plant have also reported that they are worried about the health risk. The plant was shut down for four days in January 2006 following a protest but was soon reopened, and operations resumed.⁹⁴

A palm oil factory in Thaketa Township in Rangoon has also caused serious health problems for local residents. The chemical waste and toxic fumes from the factory have caused a variety of symptoms, including bloating, headaches and dizziness. In October 2006, it was reported that two young children had recently died as a result of the pollution. When residents complained they were simply told to move out of the area if the factory was bothering them.⁹⁵

In September 2006, a health education training course for Arakanese health workers took place in Dhaka, Bangladesh. The course was organised by the Rakhaing Women's Union (RWU) and sponsored by the National Health Education Council (NHEC). It was the first time in a decade that health workers from this area had received any formal training.⁹⁶

In February 2006, SPDC health authorities announced that the national leprosy rate had continued to fall and had reached the target level of 0.44 per 10,000 individuals.⁹⁷ Nonetheless this statistic, like all those provided by the SPDC should be weighed with some degree of scepticism as official figures rarely reflect the reality of conditions on the ground.

In May 2006, the SPDC announced its new plan to ban smoking in all public places. Under the new legislation, smoking is to be prohibited in all areas of hospitals, school, universities,

airports, cinemas, department stores as well as on public transport and in certain designated public spaces. Stiff penalties are expected for those who break the new law, with on-the-spot fines of up to 5,000 kyat, and vendors caught selling cigarettes to minors could face up to two years imprisonment.⁹⁸

Access to Healthcare

One of the greatest restrictions on access to healthcare is financial. In some parts of the country the average charge for a simple medical check up is 18,000 kyat, excluding the cost of medicine.⁹⁹ For many in Burma, the cost of healthcare is simply too high. On 4 July 2006, a Rohingya woman died in Arakan State because her husband could not afford to admit her to hospital. Obida Khatun came from Koe Tan Kauk village in Rathedaung Township and had been suffering from diarrhoea and fever for over a month. Her husband eventually contacted the United Nations High Commissioner for Refugees (UNHCR) in Rathedaung which took her to the Inn Din health centre in Maungdaw. She ultimately died two days later, leaving behind five children. Three days later another Rohingya patient died at the same health centre. Amina Khatun, a 20-year-old villager from Inn Din village tract in Maungdaw Township died of malaria because the centre lacked sufficient medicine.¹⁰⁰

Despite the inadequacy of official health centres, a Rohingya village doctor in Arakan State was arrested for treating patients privately in his village. He was tortured and subsequently fined 70,000 kyat by the NaSaKa (Border Security Force). Dr Mohammed Salim lives in the Phar Wup Chaung (Pawa Khali) village tract in Maungdaw Township of Arakan State. Following his arrest he was taken to NaSaKa camp No. 12 where the torture was carried out. He was informed that any further private practice would result in a jail sentence but released soon after upon payment of the 70,000 kyat bribe.¹⁰¹

Unfortunately private medical treatment is often a necessity. Rohingya residents of northern Arakan State are not permitted to travel to Sittwe (Akyab), the capital of the state. As a result, many die of readily treatable diseases because local health centres do not have sufficient doctors, medicines or facilities.¹⁰² A report published by U.S. medical experts on 27 March 2006 states that restrictions on the activities of humanitarian agencies are not only directly affecting access to healthcare but facilitating the spread of disease. The 80-page report was researched and written by Dr Chris Beyer and six other medical experts from Johns Hopkins Bloomberg University's School of Public Health. It examined the spread the HIV/AIDS, tuberculosis, malaria and avian influenza.¹⁰³

On top of the official costs of healthcare, the sector is rife with corruption and extortion. One case reportedly implicates Dr Than Than Aye, chief doctor of the Pauk Township General Hospital in Magwe Division. According to a report released in August 2006, one of the allegations against Dr Than Than Aye is that she takes medicine, specifically reserved for poor patients, from the hospital dispensary and sells it on the black market for her own personal profit. A packet of glucose sells for 200 kyat in the hospital pharmacy but can be sold for 500-550 kyat on the black market or in shops outside the hospital compound. Dr Than Than Aye was also accused of charging extortionate amounts for treatment which should be free. One example involved a snakebite victim who was charged 20,000 kyat for each injection of an antidote which should have been provided free of charge. Another snakebite victim, from Warnayoe village in Pauk Township, reportedly spent 250,000 kyat on treatment which nevertheless failed to save his life. When the death was investigated, Dr

Than Than Aye charged the victim's family a further 50,000 kyat for her signature on a medical letter.¹⁰⁴

In addition to the expense involved, decent quality medicine is hard to find. The pharmaceutical market in Burma is awash with medicines which are either fake, substandard or have passed their expiry date. The Burmese Ministry of Health has advised people against using such medicine and threatened to take action against pharmacies caught selling the products. Despite this, the SPDC has done nothing about the acute shortage of medicine which is fuelling the demand.¹⁰⁵

HIV/AIDS

Without a doubt, Burma is experiencing one of the worst HIV/AIDS epidemics in Asia.¹⁰⁶ Despite this, the country's health expenditure is among the lowest in the world. The annual budget for the prevention and treatment of HIV/AIDS is less than US\$22,000 for the entire population. In addition, most of the country lacks basic laboratory facilities, including the ability to carry out a CD4 blood test, which is the minimum standard for clinical monitoring of AIDS.¹⁰⁷ A recent study found that the national reporting system for HIV/AIDS was "*too limited in scale and scope to accurately capture HIV/AIDS in this large and diverse country*".¹⁰⁸

Dr Kyaw Myint, the SPDC Minister of Health, informed a press conference in Naypyidaw in November 2006, that Burma was winning the fight against HIV/AIDS, basing his statement on statistics which allegedly showed a drop in the infection rate from 1.5 to 1.3 percent. He also denied the suggestion that Burma's HIV/AIDS epidemic constituted a threat to international peace and security. In contrast, at a meeting in Naypyidaw in November, Prime Minister General Soe Win admitted to his Thai counterpart, Surayud Chulanont, that the disease was widespread and that Burma lacked the expertise to solve the problem.¹⁰⁹

The UN's HIV/AIDS survey for 2006 notes that, while Burma is making some progress, the infection rate of 1.3 percent quoted by Dr Kyaw Myint applies only to those over 24 years of age. Meanwhile, the prevalence rate for those aged 15 to 24 is much higher at 2.2 percent.¹¹⁰ Many experts agree that the official figures relating to HIV/AIDS in Burma are not reliable owing to the lack of monitoring equipment, a restricted budget and the SPDC's obsession with secrecy over healthcare data. Officials in the Chinese Health Ministry have been quoted to state that they believe the infection rate could be four of five times higher than official SPDC figures.¹¹¹

In November 2006, United States Ambassador to the United Nations, John Bolton announced his intention to place Burma on the UN Security Council (UNSC) agenda. One of the main issues cited was the HIV/AIDS situation and the threat of transmission to neighbouring countries. SPDC Secretary-1, Lieutenant General Thein Sein of the SPDC denied that HIV/AIDS rates were on the rise and dismissed reports on the HIV/AIDS situation as opposition propaganda designed to destabilise the country.¹¹² However, in 2005, the Council on Foreign Relations (CFR), a New York based think tank, published a study which claimed that Burma was the main source of all strains of HIV/AIDS for a range of countries, stretching from Kazakhstan in the west to Vietnam in the east.¹¹³ The SPDC places the number of people living with HIV at 330,000 but aid workers say the actual figure could well be double this.¹¹⁴ With an average of 97,000 new cases and 12,000 deaths reported every year,¹¹⁵ Burma has been reported as having the highest infection rate in Southeast Asia.¹¹⁶

Despite all of this, experts say, the HIV/AIDS epidemic in Burma is the least studied in the world.

Burma is also the world's second-largest producer of heroin after Afghanistan. As in many other countries, the first outbreaks of AIDS were discovered among heroin addicts in the late 1980s. The infection rate among drug users has risen unchecked and a recent survey in Shan State found that 96 percent of injection drug users were HIV positive. However, a lack of adequate healthcare and a refusal on the SPDC's part to even acknowledge the existence of a problem meant that the disease quickly spread from drug users and sex workers into the general population. In 2000, the WHO, estimated that 48,000 people had died from AIDS in Burma during the previous year. Meanwhile, the SPDC had reported only 850 deaths. By 2001 the epidemic had become so serious that the SPDC was forced to acknowledge it publicly. Another facet of the problem is the allegation of official collusion in the drug trade and the apparent link between high infection rates and a ready supply of heroin. Involvement in the drug trade may explain the SPDC's reluctance to tackle such a closely related disease.

The Burnet Institute, a virology and communicable disease research centre in Australia, estimates that 150,000-250,000 people in Burma regularly inject drugs. Even official data from the Myanmar National AIDS Program puts the proportion of injection drug users infected with HIV at 43 percent, while the SPDC Department of Health has recorded rates of up to 60 percent in border towns of Shan State on the Chinese and Thai borders. Dr Voravit Suwanvanichkij, an epidemiologist with the Johns Hopkins Bloomberg School of Public Health in Chiang Mai, has said that they have molecular data linking HIV/AIDS strains among injection drug users in Yunnan, China, to strains circulating in Burma.¹¹⁷

In August 2006, Bo Kyi, joint secretary of the exiled Assistance Association for Political Prisoners (AAPP) claimed the SPDC has no desire to help solve the HIV/AIDS problem and instead tries to isolate victims and encourages discrimination.¹¹⁸ Though, allegations of this sort can easily be denied. In January 2006, the SPDC's Department of Public Health announced plans to add an HIV/AIDS prevention and education program to the national school syllabus for students aged 7-16.¹¹⁹ In addition, in October 2006, the SPDC gave permission for the release of a health education film entitled *Hmyaw Lint Chin Myar Swar* ('Much Hope'). Sponsored by the United Nations Population Fund (UNFPA), the film featured prominent national celebrities and aimed to debunk many of the myths that surround AIDS in Burma, including how the disease is transmitted.¹²⁰ Nonetheless, circumstantial evidence would seem to support Bo Kyi's position. It was reported in July 2006 that a couple from Mrauk U in Arakan State had recently died from complications arising from AIDS at home after the hospital in Sittwe refused to treat them, claiming they did not have any appropriate medicine. One townspeople from Sittwe claimed that AIDS patients are regularly refused admittance to hospital and that the hospitals do not want to treat them. Many AIDS sufferers in Arakan State are reportedly too afraid to seek treatment in hospitals for fears that they will somehow be killed by the authorities after being granted admission.¹²¹ It is all too easy for rumours to take hold as public awareness and understanding of AIDS is extremely low. A doctor from Rangoon commented that the SPDC's public awareness campaigns to date have been "*ridiculously inadequate*". The first campaign, which lasted five to six years, consisted of pamphlets printed in English. In a country struggling with high rates of illiteracy, the fact that the only information available on HIV/AIDS was printed in a foreign language that very few people understand would certainly seem to indicate a lack of political will to genuinely engage with the problem. Another doctor who worked for the military explained how soldiers were routinely tested for HIV and dismissed from the army if

they tested positive. He was continually shocked by the soldiers' reactions. Most thought a positive result was a good thing as it meant they could leave the army and go home to lead a normal life. They had no idea it was a death sentence and he was under orders not to tell them otherwise.¹²²

There have also been calls for improvement in the media handling of HIV/AIDS in Burma. Dr Myat Htoo Razak, a physician and HIV/AIDS researcher from Burma spoke at a gathering of journalists and health workers in Thailand in November 2006. He said the media should be more thorough, running stories which educate and inform but which are also capable of attracting public attention.¹²³ During 2006, the Burmese media took to praising the benefits of the flowering 'Siam weed' (*Chromolaena odorata*) which is now being touted as a cure for HIV. The popularity of the weed is not surprising given that the 50,000 kyat a month for anti-retroviral drugs is well beyond the reach of most AIDS patients. However, even advocates of traditional medicine are concerned by the way the drug was being hyped, particularly in the absence of any proper scientific research into its properties. Aung Naing, a doctor of traditional herbal medicine, said that he was concerned that the seriousness of AIDS may be diminished if people believe it can be cured by an easily available weed which grows wild on Rangoon's sidewalks.¹²⁴

There has, however, been some progress in increasing public awareness and acceptability of condom use. Over the past ten years, sales of condoms have increased from a meagre 2.6 million to 40 million annually.¹²⁵ This surge in sales reflects the efforts of Population Services International (PSI), a non-governmental organization (NGO) which works to promote condom use and, in particular, support *Aphaw* ('trusted companion') condoms, Burma's top-selling brand of condom. The organization was originally criticised for its involvement in Burma but country director, Guy Stallworthy, believes their success shows it is possible for NGOs to help people in Burma without legitimising or supporting the SPDC. PSI currently supplies 75 percent of all the condoms used in Burma. Western subsidies allow them to be sold at one-third of their production cost which makes them affordable to the majority of ordinary people and are not the preserve of the rich.¹²⁶ The promotion of condom use has been neither easy nor straightforward. The military previously considered condom possession as evidence of prostitution and claimed that marketing the product would encourage promiscuity. PSI therefore, had to come up with culturally specific marketing strategies which would get people's attention without offending the sensibilities of the SPDC. The SPDC's acknowledgement of an HIV/AIDS problem in 2001 triggered increased funding and PSI were able to start advertising on billboards and in privately owned magazines. The increased advertising and visibility has helped to reduce the stigma and condoms have gradually become more widely available. However, there is still plenty of scope for improvement. Despite dramatic increases, condom usage during 2006 was recorded at just 0.8 per capita per year, compared to 1.6 in Thailand and 2.1 in Cambodia.¹²⁷

Despite these concessions, the SPDC still seems to encourage the stigmatisation of AIDS and there have been numerous claims of harassment of both victims and those working to help them. On 13 August 2006, the SPDC raided a Rangoon monastery and arrested 11 volunteers who were there to help organise a traditional Buddhist ceremony for AIDS victims. The ceremony had been initiated by 52 local AIDS patients and designed to be a healing event and to honour the memory of those who had succumbed to the disease.¹²⁸ The organisers made every effort to follow the correct procedures. They wrote a letter of explanation to local SPDC authorities and also met with Lieutenant Colonel Maung Maung Shein, chairman of Rangoon's Eastern District Peace and Development Council, to explain their intentions in

person. In response, Maung Maung Shein threatened to close down the Tha Zin Clinic, where the patients in question were being treated. Officials then later raided Meggin monastery, which is in Thingangyun Township, and arrested those volunteers who were staying overnight to assist with preparations.¹²⁹ The 11 volunteers were members of the youth wing of the National League for Democracy (NLD) and were ostensibly arrested for not informing the authorities of their overnight stay.¹³⁰ The volunteers were soon released once news of their arrest started to spread. However, the local authorities had succeeded in preventing the ceremony from taking place. Tragically, Than Lwin, one of the 52 patients, died on the day the ceremony had been scheduled to take place.¹³¹ A former political prisoner, Than Lwin contracted the disease while in prison and during his illness received help from the NLD, who run a home for AIDS sufferers in southern Dagon Township of Rangoon. His funeral had to be delayed because of harassment from the local authorities. His family said they had been put under pressure to reject offers of assistance from the NLD and to invite only monks from SPDC-appointed monasteries. Also, that the local authorities had barred people from registering as night guests so that no one could assist the family with the preparations for the memorial service.¹³² Barring people from registering as overnight guests is a frequent occurrence. On 19 August 2006, Sein Than, chairman of Ward No. 18 in Dagon Township of Rangoon Division, allegedly barred AIDS patients from registering as guests in his ward on the basis that they would spread the disease. After his comments were reported he made a statement explaining that his intention had not been to discriminate against HIV/AIDS sufferers but to protect the reputation of the house owner in question.¹³³ In May 2006, it was reported that local SPDC authorities had pressured a landlord into evicting a number of HIV/AIDS patients from a house in Thaketa Township of Rangoon. There were almost 40 patients in the house, who had come to Rangoon for a treatment program jointly organised by the NLD and Medicins Sans Frontiers (MSF). The patients had been in Rangoon for four months and were scheduled to stay for another two. When contacted for information, the police in Thaketa Township denied all knowledge of the incident.¹³⁴

HIV/AIDS patients from other regions of Burma who travel to Rangoon for treatment are obliged to register as guests every month of their stay. In addition, the local authorities regularly pressure house owners to refuse AIDS patients as guests. Fortunately, the NLD run guesthouses for patients and are able to resist the pressure from the SPDC.¹³⁵ On top of this, though, there are reports of officials not only refusing permission for AIDS patients to stay in a particular ward but also publicly humiliating them.¹³⁶

Harassment also extends to those trying to help AIDS victims. Reverend Einthariya, a monk from Mahasi Yeiktha Monastery in Yenanggyaung in Magwe Division was threatened with arrest in August 2006 because of his work with AIDS victims. He was told on numerous occasions that his *“charitable actions [were] not in accordance with the codes of conduct of a monk.”* His reply was to vow to continue helping AIDS sufferers, and asked *“Why is it not in accordance with the conduct to save life? It infringes none of the 227 laws for the monks in this matter”*.¹³⁷ Similarly, monks invited to take part in ceremonies are regularly pressured and even threatened by the authorities. The NLD deemed that the harassment of AIDS patients is a violation of Article 3 of the Universal Declaration of Human Rights (UDHR) and resolved to report the violation to the UN Human Rights Council.¹³⁸

In the meantime, the bleak situation facing AIDS victims in Burma has led some to make the trip to India for treatment. In March 2006, 24-year-old Mary Lun was carried across the border to a hospice in Churachandpur in northeast India. At the time she weighed only 24 kg

(53 lb), was wracked with tuberculosis and her relatives had little hope of her leaving the hospice alive. Five months later she was not only alive but healthy and able to walk out of the hospice unaided. The hospice that treated her is run by an NGO called Shalom. Patients in Burma need SPDC permission to travel across the border for treatment and have strict, often unrealistic, time limits imposed upon their travel. A late return can result in imprisonment or a hefty fine. Consequently, many make the trip illegally and register in India with false addresses or settle there permanently.¹³⁹ The tragedy of the HIV/AIDS situation in Burma is highlighted by cases like Mary Lun's who show how well patients can respond once basic treatment is made available; treatment that is not only limited, but often denied in Burma.

Avian Influenza

In January 2006, the SPDC promised to deal with any instances of avian influenza in Burma openly and promptly.¹⁴⁰ However, a senior Burmese official, who wished to remain anonymous, admitted that communication within the country was poor and that information often travelled very slowly. International health experts within the country have also commented on the way that the combination of Burmese culture and years of military rule tend to discourage the reporting of bad news, including natural disasters and disease. One expert, who spoke on condition of anonymity, claimed the information problem was therefore twofold. The first problem is the poor communication within Burma and the fact that when the SPDC claimed to know nothing of a particular outbreak they may actually be telling the truth. The second problem is that once information does reach the SPDC, there is no guarantee they will pass it on, at least not to the public.¹⁴¹

To date there have been no cases of avian flu in humans recorded in Burma. However, a report from the Johns Hopkins Bloomberg School of Public Health in the United States voices the fear that if the human strain did take hold in Burma, it could spread for weeks or even months before anyone even knew about it, let alone reported it. This would constitute a serious health threat to the population of Burma as well as those of neighbouring countries.¹⁴²

Concern over Burma's ability to cope with an outbreak of avian flu was matched by doubts over how seriously the SPDC was taking the threat. SPDC Agriculture Minister, Major General Htay Oo reportedly claimed that foreign birds carrying the virus would be unable to fly into Burma because the mountains would be too high for them.¹⁴³ Despite the height of the mountains, there were several reports early in 2006 of dead birds dropping from the sky. This raised fears that the virus may be affecting wild birds. In one incident a dead bird dropped into the grounds of Yay Leh Buddhist monastery, north of Pegu, on 14 January 2006.¹⁴⁴ The bird was of a type never seen in Burma before and was believed to have been a bald eagle. A local veterinarian explained that migratory birds from many parts of the globe arrive at both Inle and Indawgyi Lakes during the winter months.¹⁴⁵ However it is highly unlikely that the bird was a bald eagle as it is native to North America and is not found on any other continent.

The SPDC first confirmed avian flu after 112 chickens were found dead in Mandalay on 8 March 2006, despite reports that the disease had emerged far earlier. They contacted the United Nations Food and Agriculture Organization (FAO) to confirm they had detected the H5N1 virus (a sub-strain of the Influenza A virus, known in layman's terms simply as avian or bird flu) but refrained from making any public announcement at the time.¹⁴⁶ Nonetheless, Patrick Deboyser, an expert on avian flu at the European Union mission in Bangkok, said it

was encouraging that the normally secretive SPDC had actually reported their first cases of avian flu. He added that the veterinary service was “*one of the few satisfactory services*” in the country and that the risk of the disease spreading to humans was low because of the season. Avian flu had been observed to spread during the cooler winter months though these outbreaks occurred at the beginning of the hot season.¹⁴⁷ When the public was finally informed of the presence of avian flu the response was mixed. International health experts maintain that properly cooked poultry and eggs are safe to eat without risk of contracting the disease. For some this was sufficient yet others took a more cautious approach and decided to avoid poultry completely. As a result, the market price of chicken dropped by thirty to fifty percent, though sales actually increased as ordinary people were suddenly able to afford the chickens that are normally out of their price range.¹⁴⁸ Such impulse spending would seem to suggest a lack of local understanding of the disease. This was confirmed a month later in April, when a representative of the FAO acknowledged that public awareness of the virus was “*rather poor*”.¹⁴⁹

Later that same month, a number of Burmese veterinarians anonymously reported that avian flu had spread to Thaungtha Township in Mandalay Division and Kanbalu Township in Sagaing Division. It was reported that local authorities had buried the birds without first conducting any tests on them. This action was attributed to a lack of testing equipment, though it seems far more likely that this was done as an attempt to cover up the outbreak. Widespread concern over the SPDC’s ability to deal with the spread of avian flu was substantiated by the fact that it took only two days for the disease to spread outside a three kilometre “*restricted area*” that had been set up on 11 March 2006 to contain the disease.¹⁵⁰ It became evident that despite a complete ban on poultry products in Mandalay, both chickens and eggs were available for purchase on the black market.¹⁵¹

On 21 March 2006, Laurence Gleeson, a representative of the FAO was quoted as saying that the authorities in Burma were proving unable to control the spread of avian flu.¹⁵² The Back Pack Health Worker Teams (BPHWT) were specifically concerned that avian flu could spread from central Burma to refugee camps in Thailand. An additional problem was that some poultry farmers were refusing to report outbreaks of the disease amongst their chickens for fear that the authorities would close them down. Many farmers instead secretly buried any dead birds. Meanwhile, those farmers whose livestock had been culled had been offered no compensation by the regime. Subsidiary businesses such as those selling chicken feed and medicine also suffered.¹⁵³

Fortunately for the people of Burma, the global nature of the avian flu threat meant that the international community was more willing to include Burma within programs to combat the virus. The Asian Development Bank (ADB) offered to include Burma as part of a US\$38 million program to fight avian flu in poor countries across the region. The ADB had previously ceased all financial and technical assistance in the wake of the SPDC’s brutal crackdown on the pro-democracy demonstrations in 1988. Graham James Dwyer, External Relations Specialist of the ADB, explained that their change of heart was based on the view that “*the strength of the global response to avian flu will be determined by its weakest link*”. In addition to assistance gained from the ADB, the project also received support from the Association of Southeast Asian Nations (ASEAN), the FAO and the WHO.¹⁵⁴

Practical assistance was also provided by two FAO teams, one WHO team and a number of other international experts. According to He Changchui, an official from the FAO, the avian flu threat in Burma was more serious than originally believed with over 100 outbreaks

occurring in one month since the virus was first confirmed. By April 2006, the authorities had slaughtered around 500,000 chickens and quails at over 400 farms in response, but in spite of these measures, the FAO stated that Burma did not have the means to cope with the spread of the virus.¹⁵⁵

Burma's ability to cope with avian flu was discussed at a meeting of ASEAN foreign ministers in Bali on 17-18 April 2006. According to United Nations (UN) officials, the spread of avian flu was being exacerbated by a lack of public information and awareness. Delegates at the meeting used the opportunity to caution the regime of the health consequences of not informing not only their public, but also the international community of any outbreaks, as they had done in keeping the confirmation of avian flu secret for days, with no mention of it in the state-controlled media.¹⁵⁶

However, reports of avian flu diminished during April and the SPDC Livestock Breeding and Veterinary Department quickly announced that the situation had been brought under control,¹⁵⁷ and later that month WHO officials confirmed that no new cases had been detected.¹⁵⁸ However, in May, international avian flu experts from Britain and Australia were invited to spend two months in Burma helping to increase awareness of the disease and how to control its spread.¹⁵⁹ The SPDC also revealed in a statement released on 4 April 2006 that Burma had received US\$660,000 of aid in the form of pesticides and laboratory equipment from the FAO, the Japan International Cooperation Agency (JICA), and the National Laboratory for Animal Health and Livestock and Development Centre of Thailand. They also received one million yuan from China for use in disease control and equipment, and medicine worth US\$2.1 million from the Japanese government.¹⁶⁰

Towards the end of June, the SPDC announced plans to compensate 545 farms affected by avian flu and any subsequent culling.¹⁶¹ By this time some 660,000 birds had been culled.¹⁶² The same month saw FAO officials reconfirm the absence of any new cases but also issued a warning against complacency given Burma's inadequate healthcare structure and facilities.¹⁶³ In September 2006, the SPDC declared Burma free of avian flu after receiving the results of a three-month detection program.¹⁶⁴ The World Bank was believed to have agreed to consider proposals from Burma in respect of a future avian flu action plan. According to the *Irrawaddy*, Burma was likely to receive up to US\$2.4 million for improving its health facilities and ability to deal with a full-blown outbreak.¹⁶⁵

Malaria

Burma consistently suffers the highest number of malaria related deaths in the region. Furthermore, almost 80 percent of the malaria cases in Burma are *Plasmodium falciparum*, which is the most dangerous strain of the disease. A telling statistic is that while Burma records only around 7.3 percent of the region's malaria cases, it records 53.6 percent of malaria-related deaths.¹⁶⁶ As with tuberculosis (see below), repeated programme failures have led to a high rate of drug resistance. One of the factors in the case of malaria is the number of drugs available which contain insufficient amounts of active ingredients. Up to 70 percent of anti-malarial pills sold in Burma are substandard and over 20 percent are actually fake.¹⁶⁷ On top of inadequate healthcare, simple disease control measures such as the use of insecticide-treated mosquito nets (ITN) are grossly underutilised. According to a report published by the Johns Hopkins Bloomberg School of Public Health, MSF-France was refused permission to distribute mosquito nets in eastern border areas, despite these areas being highly endemic. In 2006, the usage of ITNs among urban populations along the Thai-

Burma border ranged from 20 to 41 percent and is well below the 60 percent goal set during the Abuja Summit of April 2005.¹⁶⁸ Over 70 percent of the population live in areas of moderate to severe malaria risk. The areas of highest risk are the forested and mountainous border regions populated by Burma's ethnic minorities. The WHO believes that Burma's malaria rates are actually much higher than what the official figures maintain since treatment and monitoring facilities in these remote areas are practically non-existent. According to the WHO's own analysis, malaria morbidity rates in Chin State and Karenni State are four times higher than the national average.¹⁶⁹ In the town of Three Pagoda Pass on the Thai-Burma border in Mon State, the infection rate is almost 90 percent.¹⁷⁰

Thangtlang Township in Chin State saw an unusually early spread of malaria, dysentery and hepatitis during 2006. Starting in March, which is still months before the first rains typically fall, the early spread raised fears of an epidemic later in the year. The villages lacked a supply of medicine and the SPDC made no arrangements for assistance. Local medics attempted to do what they could with herbal medicine.¹⁷¹



This 5-year-old Karen girl suffers from splenomegaly (enlarged spleen, which can be caused by malaria, TB, hepatitis A or B or chronic infection), but her family could not get her any medicine because the SPDC prohibits any medicines being brought from the plains into the Papun hills where she lives with her family. A week after this photo was taken in December 2005, Saw Jack, a young child in a neighbouring village, died from the same ailment. Many children and adults in these villages suffer from splenomegaly and hepatomegaly (swollen liver, which can be caused by hepatitis A or B) because of insufficient treatment for treatable illnesses. [Photo: KHRG]

By April 2006, malaria had also caused a number of deaths among SPDC army soldiers stationed in Arakan State. A health worker in Maungdaw hospital reported that at least five soldiers from the NaSaKa had died in that hospital during the first three months of the year. A soldier from Buthidaung claimed that SPDC army officers stationed in border towns had been selling malaria medicine to foreigners (presumably Bangladeshis) for their own profit and there was not enough left to treat the soldiers. According to local sources, the malaria strain prevalent in Arakan State is “*very strong*” with recovery uncommon.¹⁷² In May, 2006 local reports described the rise in malaria cases as “*alarming*” and attributed to “*an*

appalling lack of medical facilities, shortage of doctors and poverty".¹⁷³ The SPDC has provided no medical relief to northern Arakan State. A number of clinics were set up in northern Buthidaung Township so the SPDC could claim that they were helping the people but these were not provided with any staff or medicines. Village clinics in Buthidaung Township are of limited use as few villagers can afford the cost of medicine. Even those who can afford treatment are faced with limited options as the only hospital capable of providing full treatment is in the state capital and Rohingya villagers are not permitted to travel there.¹⁷⁴ Some are willing to travel into neighbouring countries for treatment but this can be risky. In May 2006, Noor Amin from Bolipara village in Buthidaung Township secured permission to take his diabetic wife into Bangladesh for one week to receive medical treatment. They were two days late returning so Noor Amin was fined 27,000 kyat and sentenced to three months imprisonment. Also in early May, Fatama Khatoon, a 50-year-old villager from Moricha Bill in Buthidaung Township, made a similar trip and also returned two days late. Her son was then arrested and sentenced to two years in prison.¹⁷⁵

The lack of medical facilities for the poor was highlighted when malaria claimed the lives of three children from the one family in Pand Zee village tract of Buthidaung Township in Arakan State. Ten-year-old Anuwar Hossain died on 21 May 2006, followed by seven-year-old Anuwara Begum who died eight days later on 29 May, only to be followed by Rahima Khatun who succumbed on 3 June 2006 at the age of three. The family was unable to afford medical treatment and received no assistance from the SPDC Department of Health.¹⁷⁶

In June 2006, malaria along the Thai-Burma border became so bad that a warning was issued to tourists planning to visit the area. Dr Kanoknart Pisuthikul, director of the Mae Sot Hospital in Thailand's Tak Province said that early rains were increasing the risk of both malaria and dengue fever. Tak Province accounts for 25 percent of Thailand's malaria cases and the worst hit districts are those on the border with Burma. The Mae Tao Clinic, located on the outskirts of Mae Sot, treated 900 people for malaria in May 2006 alone. A spokesperson explained that many of these had crossed the border from Burma and that the clinic expected to be "*swamped by people coming from Burma with malaria*" once the heavy rains began in July. The clinic sees up to 80,000 people annually who travel from Burma to receive treatment for malaria, workplace accidents, landmine injuries, malnourishment, birth complications and respiratory infections.¹⁷⁷

Towards the end of August 2006, an outbreak of malaria was reported in Ponnagyun Township in Arakan State. The affected area is very remote, located on the upper Taw Phar River, between Rathidaung and Ponnagyun Townships. There are no SPDC clinics in the area, and very little local capacity to deal such outbreaks. Those afflicted with malaria have to travel to the Ponnagyun Township hospital for treatment yet many die on the way. On top of the travel difficulties, the cost of treatment is prohibitively high and many ultimately die because they cannot afford it.¹⁷⁸ Village headmen informed the Ponnagyun Township Peace and Development Council (TPDC) of the outbreak but received no response and no disease control measures were implemented. According to a village leader from Poe Ree Byint village, TPDC authorities claimed they wanted to send doctors to the area but that there were none available and there was no medicine for the treatment of malaria at the hospital.¹⁷⁹

Dengue Fever

In July 2006, an outbreak of dengue fever in Magwe Division killed an unconfirmed number of children. One death was reported in Yenanggyaung Township on 8 July 2006 and a further two in Yesagyo Township on 9 July 2006.¹⁸⁰ Parents in the area were very concerned as dengue fever regularly kills a number of children during the rainy season each year. A doctor from Yesagyo hospital stated on condition of anonymity that the authorities failed to implement preventative measures before the outbreak occurred. The authorities did remind people to avoid being bitten by mosquitoes and to clear rotten waste from drainage systems to reduce mosquito breeding grounds. However, this advice was issued only after the outbreak had begun.¹⁸¹

In Rangoon Division, the rainy season brought a severe outbreak of dengue fever which resulted in a number of fatalities. The highest incidences were in crowded, rundown wards inhabited by poor day labourers. The suburban areas in Thaketa, North Okkalapa and Dagon Myothit Townships were reported as being especially badly affected. The rainy season also brought some extreme weather changes which were blamed for a high level of respiratory illnesses and eye infections among children.¹⁸² A severe dengue fever outbreak was also reported in Shwebo Township of Sagaing Division in August 2006. Local residents reported that a similar outbreak had occurred the previous year.¹⁸³

Tuberculosis

It is estimated that 40 percent of Burma's population is infected with tuberculosis. This disease represents the greatest killer of HIV/AIDS victims with 60-80 percent of those who are HIV positive also being infected with tuberculosis. In addition, Burma is one of 22 countries which between them account for 80 percent of new cases diagnosed annually across the globe.¹⁸⁴

Last year's death toll arising from tuberculosis was approximately 12,000¹⁸⁵ and it is estimated that 100,000 new cases develop annually, with around half of these being infectious.¹⁸⁶ On top of having one of the world's highest incidences of tuberculosis,¹⁸⁷ Burma also has one of the highest rates of drug resistance. Approximately 34 percent of tuberculosis cases were found to be resistant to any one of the four standard first-line drugs and 4.2 percent were multi-drug resistant.¹⁸⁸ This is the second highest rate in Eastern Asia, topped only by China,¹⁸⁹ and is double the rate of most neighbouring countries.¹⁹⁰ One of the most common causes of multi-drug resistance is the failure to complete the full six-month treatment regime. This may be due to a lack of money or a shortage of medicine. Tuberculosis drugs are widely available on the black market in Burma but drugs obtained in this manner are usually taken with little understanding of medicines and without supervision.¹⁹¹

The normally high rate of tuberculosis has this year been compounded by an unexplained shortage of the drug generally used to treat children. The Indian-made drug, 'R/cinex for Kids', became scarce as early as January which led to its price rising by almost 300 percent. One parent reported paying 2,000 kyat for ten pills compared to a normal price of 700 kyat. Mega Products Ltd, which is the sole importer of R/cinex, was unable to explain the shortage but insisted that more would soon arrive. Unsurprisingly, the SPDC announced that their own supplies were unaffected but many are reluctant to obtain medicine from SPDC sources because of the bureaucracy and extortion involved.¹⁹²

Diarrhoea

A total of 41 children, all aged under ten, were killed by a severe outbreak of diarrhoea which hit Arakan State in October 2006. A further 87 people were reported as being seriously ill but survived. The area affected was in the vicinity of Tawphya Chaung (River) in Ponnagyun Township where local doctors said the disease had been a problem since February 2006. Severe famine in the area led many people to eat uncleaned food, such as bamboo shoots and white yams, which was blamed as the cause of the outbreak. The famine resulted from a SPDC ban on the cutting of bamboo, which previously accounted for almost 90 percent of employment in the area. The SPDC was aware of the issue but failed to implement any measures to alleviate the suffering. A source from Ponnagyun Township said two doctors from Artsen zonder Grenzen (AzG), the Dutch branch of Mediciens Sans Frontiers (MSF), had visited the area to try and cure the outbreak. Most of the people living in the area live below the subsistence level and thus very few families were able to afford hospital treatment.¹⁹³

On 8 August 2006, 25-year-old Rohingya, Zamal Hossain, succumbed to the disease. He was from Bada Nar village tract in Buthidaung Township of Arakan State and had been receiving treatment from his village doctor. When this failed his family tried to take him to the SPDC-run hospital in Buthidaung but he died on the way. Many villagers were reported to have suffered from severe bouts of diarrhoea during the 2006 monsoon. Medical facilities in Rohingya areas remain grossly inadequate, accounting for such a high prevalence of cases among Rohingya communities.¹⁹⁴

On 1 May 2006, two children in Maungdaw Township in northern Arakan died of diarrhoea. The children were both from Kyien Chaung (Boli Bazar) village, where according to locals, the outbreak was at its most severe. The two children were identified as ten-year-old Salma Khatoon and eight-year-old Serazule. A number of other children from the village were reported to also be suffering from symptoms. The SPDC took no steps to prevent the spread of the outbreak, but some unnamed NGOs were reportedly able to visit the area.¹⁹⁵

The prevalence of diarrhoea in Burma is unsurprising given the lack of access to sanitation and primary healthcare services. Despite the SPDC having launched nine National Sanitation Weeks, the latest of which commenced on 27 February 2006, the United Nations Children's Fund (UNICEF) states that poor sanitation and hygiene are directly linked to the prevalence of diarrhoea-related illnesses, which are among the top killers of children in Burma. The National Sanitation Weeks have reportedly been successful in raising awareness of the importance of sanitation and hygiene. Supported by UNICEF, the program aims to promote awareness among local communities as well as to construct sanitation facilities such as latrines. While acknowledging that considerable progress has been made, UNICEF reports that residents of many rural areas still lack adequate services.¹⁹⁶

Cholera

Cholera is another easily preventable disease which regularly sweeps across Burma. Outbreaks occur several times a year and state prisons are subject to a particularly high incidence as a result of unsanitary conditions.¹⁹⁷ In September 2005, Tharawaddy prison in Pegu Division experienced an outbreak which killed 11 inmates and hospitalised a further 80.¹⁹⁸ However, according to the Democratic Voice of Burma (DVB), the authorities regularly hide evidence of cholera outbreaks and dispose of the bodies secretly.¹⁹⁹

In May 2006, at least 50 people in Maungdaw Township of Arakan State were hospitalized with cholera, most of whom were children. The outbreak was attributed to a shortage of clean water and the change in season. Incidences of cholera are fairly common across Arakan State during the changeover from summer to monsoon. Hospital authorities claimed to have controlled the outbreak and all the victims reportedly made a steady improvement.²⁰⁰

A second outbreak occurred in September 2006 at Paungde in Pegu Division, claiming the life of at least one and hospitalizing more than 50. The outbreak was believed to have spread following the death of 80-year-old Daw Khin Kyi who finally succumbed to the disease in mid-September. A local resident reported that they had also heard of other outbreaks in Ward No. 1 of nearby Okpo. However, further reports of this outbreak did not emerge in the media.²⁰¹



In reply to queries, in March 2006 KHRG provided an update on the fate of the mother and child shown in these photos initially taken in April 2004. Sadly, it was reported that the mother, 29-year-old Naw Ma Nay Kyi, and the child, Naw Tha Pwee ("Miss Happy"), had both died within months of these photos being taken. The growth seen on the side of Naw Ma Nay Kyi's neck, turned out to be a cancer which had first developed in 2002, and had caused her breasts to stop producing milk by the time Naw Tha Pwee was 5 months old. Living in the forest in a remote location, Naw Ma Nay Kyi and her husband were unable to obtain any milk or medicine for the baby and were forced to feed her mashed rice and wild honey. Naw Tha Pwee suffered from fever, hepatomegaly (enlarged liver) and chronic malnutrition. Meanwhile, Naw Ma Nay Kyi's condition also continued to deteriorate, and on July 16th 2004 she died in her village. Just over two weeks later, Naw Tha Pwee died on August 2nd 2004. She was one year and nine months old.
[Photos: KHRG]

Typhoid

Similarly, at least five children were reported to have died from typhoid in Paungde Township in July 2006. Outbreaks of this disease, like cholera, are fairly common in the area coinciding with the change of season. Despite high numbers of children having been hospitalised, including the five fatalities, the state-controlled media did not carry any reports and the general public was not informed of the outbreak.²⁰²

Lymphatic filariasis

Lymphatic filariasis is the precursor to elephantiasis. It is caused by *Wuchereria bancrofti*, a parasitic filarial worm transmitted by mosquitoes, and typically affects the poorest in society. Worldwide, approximately 120 million people are infected, of whom 40 million are disfigured and disabled by elephantiasis.²⁰³

The disease is easily treatable with single dose anti-parasitic drugs, usually costing less than US\$1 per person per year. Thailand has invested US\$500,000 in treatment and has succeeded in eradicating the disease from almost the entire country. The problem areas are three provinces of Tak, Mae Hong Son, and Kanchanaburi along the border with Burma. In contrast with Thailand, Burma has actually reduced the amount of money allocated to filariasis control to US\$6,000 annually despite the fact that preventative measures are “*simple and inexpensive, usually costing less than one dollar per person per year*”, and as a result, approximately two million cases of lymphatic filariasis are reported to the WHO every year. As with all official figures, this number is believed to be a gross underestimate. A prevalence rate of ten percent has been noted among Burmese migrant populations in Thailand which represents a substantial threat to eradication efforts of filariasis in Thailand.²⁰⁴

Polio

Over the past decade, authorities in Burma have implemented an intensive anti-polio campaign, assisted by several international organizations including the World Health Organization (WHO), the United Nations Children’s Fund (UNICEF) and Rotary International (RI). Consequently, in 2003, the SPDC was able to declare the country officially free from polio on the basis that the last reported case in the country occurred in 2000. However, on 6 June 2006, the Ministry of Health acknowledged that an infant from Pyin Oo Lwin in Mandalay Division had tested positive for the virus. The authorities responded by distributing emergency anti-polio injections to unvaccinated people in the Pyin Oo Lwin area.²⁰⁵

Measles

According to reports released in December 2006, the new measles control strategic plan for 2007 aims to vaccinate seven million children between nine months and five years of age in a three phase campaign. The first phase will address Townships in Rangoon and Mandalay Divisions, followed by Tenasserim (Tanintharyi) and upper Sagaing Divisions and the third phase will focus on Irrawaddy (Ayeyawaddy), Magwe, Pegu (Bago) and lower Sagaing Divisions. According to the SPDC Ministry of Health, approximately 20 to 25 percent of children are not vaccinated and the number of cases of the disease is on the rise.²⁰⁶ Although,

as with all official statistics released by the junta, and especially true of those describing the situation of healthcare in the country, these figures should be considered to be somewhat conservative.

Foot and Mouth Disease

Foot and mouth disease spread quickly across southern Chin State during the summer of 2006 and killed 100 mithuns (more commonly known as a gaur; a type of ox native to parts of South and Southeast Asia resembling a water buffalo) in July alone. The disease was first recorded in Sa Tu village and then spread to Pa Sin village. Both villages are located in Matupi Township, approximately 30 kilometres (20 miles) from the India-Burma border. The villagers in this area had no idea how to control the disease and the authorities neither acknowledged the epidemic nor made any attempt to control it. Although the villagers made efforts to bury the carcasses of dead gaurs, the risk dogs contracting the disease after eating the meat of dead animals that they may have found during the night remained. Gaurs are reared by most villagers in this area and generally sell for between 150,000 and 180,000 kyat each.²⁰⁷

In late-January 2006, another outbreak of foot and mouth disease was reported in southeastern Karen State (coinciding with Dooplaya District under the Karen designation). The disease reportedly affected domestic buffalo and cow herds, many of which perished from lack of medicine to treat the disease. Azin village was the first area affected and local farmers reported the disease to the Township veterinary office. According to DVB, the veterinary head office in Rangoon claimed to have received no reports from Karen State and that there was an abundance of medicine to deal with any outbreaks. Dr Than Tun, director of the veterinary office in Rangoon, was unconcerned about the dangers of foot and mouth disease and was quoted to have said that the disease is non-fatal and can be easily controlled. Local villagers believed that the disease spread so quickly as a result of the corrupt practices of military officials along the border who can easily be bribed to allow animals to be traded across the border without conducting proper tests of health condition of those animals.²⁰⁸

Support for People with Disabilities

According to a report by the U.S. Department of State, the SPDC did not actively discriminate against persons in 2006. However, they did concede that the lack of resources to assist persons with disabilities is probably of a sufficient level to constitute effective discrimination. For instance, accessibility to buildings, public transport or SPDC facilities is not a legal requirement and therefore is often absent. The report further maintained that the SPDC operate three schools for the blind, two for the deaf and four rehabilitation centres including two specifically for children.²⁰⁹ Still, it is rather unlikely that these facilities would be open to all. It is far more likely that these centres cater only to the children and relatives of the military elite. Nevertheless, beyond this little assistance is provided and funding for schools or programs for the disabled is generally inadequate. There are several small organizations, both local and international, providing assistance on a voluntary basis but, on the whole, disabled people are reliant on their families.²¹⁰

Officially, civilians who suffer a temporary disability are offered two-thirds of their pay for up to one year and those who are permanently disabled receive a tax-free stipend. There is little information as to how well this works in practice and it remains rather doubtful that

these entitlements are ever granted. Disabled military veterans are better catered for and supposed to receive a civil service job with equivalent pay to their former military position.²¹¹

The ICRC continued to offer assistance to landmine victims during 2006 through their orthopaedic rehabilitation centre in Pa'an in Karen State. The ICRC's outreach program to assist landmine survivors living in remote areas also continued throughout the year. Both of these programs were reportedly unaffected by the enforced closure of all ICRC field offices between 23 October and 8 December 2006.²¹² (For more information, see Chapter 12: Freedom of Assembly, Association and Movement).

International Humanitarian Aid

In February 2006, the SPDC issued a formal set of *Guidelines for UN Agencies, International Organisations and INGOs/NGOs*.²¹³ One of the provisos contained therein stipulated that all fieldworkers must be accompanied by an SPDC-appointed official – typically either a member of the military or the USDA. Another controversial point is the condition that all aid funds be deposited in the SPDC-owned Myanmar Foreign Trade Bank and withdrawn in foreign exchange certificates (FEC), thus allowing the SPDC to make financial profit off the funds.²¹⁴ FECs are dollar-denominated and when exchanged for kyat (which can only be done at official authorized money changers), they are traded at the official fixed exchange rate of 6 kyat to the U.S. dollar, rather than the far more realistic black market rate which during 2006 fluctuated between 1,000-1,400 kyat to the dollar. Furthermore, FECs are only accepted at SPDC-approved hotels, airlines, travel agencies, restaurants, and as payment of admission fees for museums and temples.

Another contentious requisite outlined in the guidelines stated that aid organizations were only permitted to hire local staff from a list of names prepared by the SPDC. Organizations would not be tolerated to hire Burmese staff members who had not been pre-selected by the regime. This provision was clearly related to the aforementioned accompaniment clause that would not only allow the SPDC to closely monitor the activities of aid organizations, but possibly also restrict those activities through individuals who share their views.

Moreover, there were two versions of the guidelines distributed – one written in English and one written in Burmese. Rather than the English version being a translation of the Burmese version, they seemed to be two distinct versions of the guidelines. Of the two, the Burmese version was by far the most restrictive. Although international officials were told that they need only worry about the English version, the Burmese language version was that which was circulated to local authorities around the country.²¹⁵ It seemed as though the SPDC actually believed that no one would compare the two versions and realise that they were different.

According to the UN resident coordinator, conditions in Burma are deteriorating and there are already “*pockets of acute need in the country as well as aspects of suffering that constitute both a national and regional emergency*”.²¹⁶ In a paper delivered at the Burma/Myanmar Forum in Brussels in March 2006, Chris Lewa, Coordinator of the Arakan Project, described what she referred to as a “*chronic emergency*” in Arakan State. She explained that the acute poverty and vulnerability in the area has reached a point where international assistance is essential to prevent another mass outflow of refugees into Bangladesh.²¹⁷

In an apparent attempt to add some clarity to the debate, the Burma Campaign UK published a position paper in July 2006 setting out the organization's feelings, and the feelings of 18 other signatory groups, on the issues of aid, sanctions and engagement. Essentially, the report is in favour of targeted economic sanctions but not "*Iraqi-style sanctions*" which would have greater impact on the general population than upon the regime. It is in favour of suspending non-humanitarian and development aid but maintaining programs that support human rights, health and education or environmental protection. It also supports the application of pressure through engagement rather than through isolation.²¹⁸ In addition to setting out a broad policy, the report provided some specific guidelines. It was listed as essential that the following guidelines be adhered to:

1. Agencies must acknowledge the root cause of the crisis lies in poor governance;
2. Programs must be transparent, accountable and independently monitored;
3. Agencies must have unencumbered access to project beneficiaries;
4. Agencies must be prepared to deliver assistance across national borders;
5. Agencies need to insist on wide and democratic consultation with all stakeholders;
6. Agencies must maintain their independence;
7. Agencies must afford protection for Burmese staff;
8. Agencies must support civil society;
9. Agencies must promote respect for human rights; and
10. Agencies must exercise care to avoid manipulation by the authorities.²¹⁹

The difficulty of meeting such standards has led to some groups withdrawing from Burma. MSF-France issued a statement in March 2006, confirming that they had decided to withdraw, citing persistent SPDC interference as the cause. The statement said that if they had remained working in Burma they would have become nothing more than an SPDC-controlled service provider.²²⁰ In the absence of MSF-France, health workers in Mon State have since struggled to keep abreast of new outbreaks of chickenpox and malaria. When MSF left the area they left a nine-month supply of medicine, but local health workers expressed their concerns about what they will do when this supply runs out.²²¹ The Swiss and Dutch branches of MSF decided to continue working in Burma for the time being but expressed uncertainty for the future of their projects. Herve Isambert, head of MSF-France said that he believes the SPDC intends to remove international agencies from politically sensitive regions so that there will be no witnesses to the abuses they are committing against their own people.²²²

To complicate matters even further, the debate over humanitarian assistance now includes the claim that many community groups and grassroots organizations are overlooked by international donors with a handful of high profile NGOs receiving all of the available funds. On 8 January 2006, other accusations were made in a joint statement by the National League for Democracy – Liberated Area (NLD-LA) and the United Nationalities League for Democracy – Liberated Area (UNLD-LA) that some western NGOs are funding organizations in Burma based on political motivation or using their funds as a way to manipulate local groups. Similar allegations were also made by the Arakan National Council (ANC) on 13 February 2006.²²³

The impossibility of finding a balance between guidelines for the provision of humanitarian aid and the SPDC's restrictions was cited as the reason for the withdrawal of the Global Fund in August 2005. However, it has been alleged that the Global Fund was also influenced by political elements within the United States who want to maintain pressure on the regime and

believe that providing humanitarian assistance weakens their stance. Whatever the reason, the withdrawal of the Global Fund is a fact and talks are ongoing to finalize the new Three Disease or 3D Fund as a replacement.²²⁴ The donor group includes the European Commission (EC), Britain, the Netherlands, Norway, Sweden and Australia. The funding is specifically aimed at combating AIDS, malaria and tuberculosis, currently the three biggest killers in Burma. This is what makes the funding possible as projects to improve health for the country's poorest people are exempted from the European Union's (E.U.) sanction policy on aid to Burma.²²⁵ The European Commission confirmed its involvement with the 3D Fund after receiving written assurances that the program would not be subjected to political interference. In making their decision to provide humanitarian assistance, the EC consulted representatives from Burma's opposition NLD both in and outside the country as well as UN agencies, NGOs in Burma and exile groups in Thailand. However, critics say the EC is vague on key issues such as how the funds would be delivered and who would have access to the program.²²⁶ Hatung Ko Thang, a leader from the ethnic Chin community and a member of Committee Representing People's Parliament (CRPP) has voiced concern over the likelihood of the US\$100 million pledged through the 3D Fund actually reaching the people it is designed to help. He believes the SPDC will utilise the funds to further its policies where possible and also that NGOs working within Burma, particularly the United Nations development Program (UNDP), will exploit the aid. He also believes the best way to administer the fund would be through a committee with representatives from political parties, SPDC departments, international aid organizations and ethnic communities.²²⁷ The donors have emphasised they want to create a system for funding health programs which will ensure money is not diverted or siphoned off by the military regime.²²⁸ Initial proposals for 3D-funded projects included providing insecticide-treated mosquito nets (ITN) for malaria prevention, tuberculosis diagnosis and treatment, promotion of condom use and HIV/AIDS testing.²²⁹

In addition to the 3D group, there have been some individual donations of humanitarian aid over the past year. Germany offered UNICEF funds for an HIV/AIDS prevention program in Burma. The program is said to focus on children aged 10-17 who are unable to attend school and have no alternative source of education or information.²³⁰ UNICEF is an organization the regime seems happy to cooperate with and, according to the regime-controlled *New Light of Myanmar*, the Myanmar Ministry of National Planning and Economic Development (NPED) has agreed upon an action plan with UNICEF to conduct study and supervisory tasks on health and nutrition, water availability, hygiene, education, child protection and other social matters.²³¹ Japan also offered assistance and signed an agreement in August 2006 to provide 2.8 million dollars to fund a reforestation project. A further US\$56,000 was pledged in September to supply medical equipment for Thaton District Hospital in Mon State.²³² Formerly a major donor, Japan has suspended aid for infrastructure or development projects pending the release of detained opposition leader, Aung San Suu Kyi. Continued humanitarian assistance, however, is considered to be appropriate.²³³ Japan also built a drug counselling and training centre in Rangoon at a cost of US\$66,000. The Japanese Ambassador handed over the documents to the Myanmar Anti-Narcotic Association (MANA) at a ceremony in Rangoon in May 2006.²³⁴ The MANA is an junta-affiliated NGO formed in June 1994 ostensibly aimed at eradicating narcotic drug production in Burma.

Owever, not all forms of assistance seem to be welcome. Despite the crumbling state of the healthcare system in Burma, the SPDC does not look favourably on people receiving medical treatment in neighbouring countries. This attitude was highlighted by an incident which took place in April 2006. Explosions in two oil tankers in Tachilek in eastern Shan State left one

dead and nine seriously injured. Three of the injured were Thai and were taken back to Thailand for treatment. The others requested permission to also go to Thailand for treatment as hospitals in Burma have no facilities for burn victims. The authorities initially refused the request but finally relented after one of the victims died from his injuries.²³⁵

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10. The Freedom of Belief and Religion

10.1 Introduction

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

- Article 18, Universal Declaration of Human Rights.

"The military junta that governs Burma monitors the activities of all religious organizations through a pervasive internal security apparatus. The government imposes restrictions on certain religious practices, controls and censors all religious publications, has supported, allowed, or instigated violence against religious minorities, and in some areas of the country, has forcefully promoted Buddhism over other religions. Ethnic minority Christians and Muslims have encountered the most difficulties in recent years."

- U.S. Commission on International Religious Freedom.¹

The SPDC has estimated that nearly 90 percent of the population of Burma practice Buddhism, with various Christian denominations making up six percent of the population, and four percent practicing Islam. However, the U.S. Department of State believes these figures to underestimate the non-Buddhist population within the country, which they claim could make up as much as 30 percent of the entire population. Similarly, Muslim leaders have previously estimated that approximately 20 percent of the population is in fact Muslim. Other religions represented in Burma include Hinduism, a small Jewish population in Rangoon, with traditional religions, particularly Animism, also practiced.²

Within Burma, clear correlations can be discerned between ethnicity and religion, with Theravada Buddhism the dominant religion among the majority Burman ethnic group as well as the Shan, Arakanese, and Mon ethnic minorities. Christianity is the dominant religion among the Kachin and the Chin and Naga ethnic groups. Christianity is also practiced among the Karen and Karenni ethnic groups, although the majority of Karen and Karenni remain Buddhist. Islam is also widely practiced in some areas, particularly Arakan State, where it is the primary religion of the Rohingya minority.

Ostensibly, Burma has no official state religion. However, since the military seized power in 1962, non-Buddhist minority religions have been marginalised, and since 1999, the U.S. Department of State has designated Burma as a "Country of Particular Concern" under the International Religious Freedom Act for particularly severe violations of religious freedom, and asserts that the SPDC *"imposes restrictions on certain religious activities and frequently abuses the right to freedom of religion."*³

Throughout 2006, the SPDC continued to monitor the meetings of all religious organisations and religious activities and organisations were subject to broad government restrictions on freedom of expression, association and assembly. Whilst 'genuine' religious organisations are nominally exempted from the requirement to register with the SPDC, in practice only registered organisations can buy or sell property or open bank accounts. Authorities

frequently refused requests for religious meetings or celebrations, and religious publications, and sermons, were subject to censorship throughout the year.⁴

In an assimilative approach to nation building, successive civilian and military governments have tended to view religious freedom in the context of whether it threatens national unity or central authority. As such Buddhism has been promoted as a central weapon in the acculturation of ethnic minority groups, in moves which have collectively been termed 'Burmanization'. Through such 'Burmanization', the regime has made strides towards creating a Burma of 'One race, One Language, One Religion.' In this respect, the Ministry of Religious Affairs includes the powerful Department for the Promotion and Propagation of Sasana (Buddhist teaching), Buddhist teachings form part of the curriculum for all primary schools within Burma, and whilst reports of forced conversions are less frequent than in the past, the junta has, in 2006, utilised bribery, education and marriage in an effort to entice non-Buddhists to convert to Buddhism. Furthermore, advancement in the military and public sector remained heavily dependant on being a Buddhist.⁵

In 2006, as in previous years, religious affiliation was required to be indicated on government-issued identification cards that citizens and permanent residents of the country are required to carry at all times, often leading to harassment or discriminatory practice, particularly against Muslims.⁶

Christians and Muslims continued to face difficulties in gaining permission to construct or repair religious buildings, and there were reports of Christian symbols being destroyed. In most regions of the country Christian and Islamic groups are permitted to build small inconspicuous places of worship with informal approval from local authorities. However, when local authorities or conditions change, informal approvals are often rescinded. In some cases, authorities have demolished existing buildings. The Religious Affairs Ministry justifies restrictions on the construction of religious buildings by claiming that permission "*depends upon the population of the location.*" Conversely, the SPDC zealously sponsored the construction of Buddhist pagodas, often on the past site of destroyed Christian and Muslim buildings and symbols, in areas where the Buddhist population was minimal. Local Christians and Muslims were required to contribute labour and money towards the construction of these pagodas.⁷

The SPDC not only aggressively promotes Buddhism at the expense of minority religions but also seeks to maintain a tight control over Buddhism itself. Whilst there are over 400,000 Buddhist monks, including novices, within Burma, only nine state endorsed monastic orders are permitted to function.⁸ The 1990 Sangha Organisation Law, introduced following the boycotting of alms for soldiers by monks in Mandalay, criminalised all independent monastic orders. The nine remaining legal orders were placed under the central control of the SPDC-sponsored Sangha Maha Nayaka Committee (SMNC).⁹

In 2006, the junta utilised its influence over the monkhood to tightly control the activities of monks within the country. Efforts by monks to promote human rights and political freedoms in Burma have been met with severe repercussions by the regime, with SPDC control extending beyond political action to the charitable and social welfare activities in which monks were engaged.¹⁰ Monks who are deemed to be in violation of the law are subject to the same punishment and abuse as others, and the Assistance Association for Political Prisoners records that as at September 2006, there were 85 monks in prison for political reasons. Those

taken into custody are disrobed and some have been ordered to renounce their vows. Both of these actions are considered highly disrespectful and contrary to Buddhist beliefs.¹¹

According to the basic principles laid down for a future constitution during the on going SPDC controlled National Convention; Citizens will enjoy the right to worship and practice their religions subject to “*law and order, public health and the Constitution*”. The principles recognise the special position of Buddhism as the faith professed by the great majority of the citizens of the state, and restrictions are placed on any economic, financial, political or other secular activities that may be associated with religious practice. The State also reserves the right to take action against any religion that “*misuses*” their position to “*monopolise*” the political system and “*create hatred between religious organisations and divide them*”, if such behaviour is deemed a “*threat*”.¹²

These provisions, worded as they are, clearly provide scope for the continued restriction of religious freedom, surveillance and oppression of religious minorities, as well as continued state interference in the practice of Buddhism.

The basic principles also indicate that the forthcoming constitution will again fail to recognise the citizenship of the Rohingya minority. The Muslim Rohingya, lacking citizenship and effectively stateless, are cited to face the most discrimination of any minority within Burma, heavily prejudiced against not only for their religion but their ethnicity.¹³ Their non-citizen status prevents them from entering the civil service, and places heavy restrictions on their freedom of movement; unable to travel beyond Northern Arakan and requiring a travel pass to visit a neighbouring village. Rohingya must obtain official permission to marry, which is only granted against high bribes, and after long delays. In addition, their land continues to be confiscated to accommodate Buddhist settlers.



The village of Nya Moo Kee, Nyaunglebin District, was attacked by SPDC troops in March 2006. This photo shows the remnants of the village church on 17 April 2006. The village remained completely abandoned at this time. [Photo: FBR].

10.2 Religious Discrimination against Christians

In 2006, it remained illegal to import translations of the Bible in indigenous languages, and bibles were not permitted to be printed in the Chin language.¹⁴ In addition, the SPDC prohibited certain Christian terms and phrases. As the books of Proverbs and Ecclesiastes contain terms which are similar to Buddhist Pali terms, the Burma Bible Society has been told to exclude these terms from their Burmese translations of the Bible.¹⁵

The authorities continued to prohibit Christian proselytizing in many areas, and sometimes denied applications for residency permits of known Christian ministers attempting to move into a new area. There were also reports of authorities confiscating the National Identity Cards of citizens who had converted to Christianity.¹⁶ Christians were denied promotion in the military beyond the rank of Major, with all officers above the rank of Major required to be Buddhist.¹⁷ In Kachin State, the highest rank available to Christians was Captain. Furthermore, no Christians were accepted into officer training school.¹⁸

Christians continued to face difficulties in obtaining permission to buy land or build new churches in most regions, with local level SPDC officials, who grant permission for church construction, themselves liable to be penalised by the central authorities.¹⁹ The SPDC has often cited the absence of proper property deeds when refusing permission, and in 2006, the U.S. Department of State reported the arrest of three pastors in Mandalay, charged with land law violations, for the building of new churches. Whilst access to official land titles is made extremely difficult due to the country's complex land laws, and government title to most land, similar Buddhist projects did not face the same difficulties.²⁰

In Rangoon, Mandalay, and elsewhere, authorities allowed the construction, registration or continued operation of community centres and orphanages run by various Christian groups on condition that these groups agreed not to hold Christian services there or erect any Christian signs. Authorities in the Rangoon area closed several house churches during the year because they did not have proper authorisation to hold religious meetings. Others remained operational only after paying bribes to local officials.²¹

Chin Christians

As Christianity is a central element of Chin identity, the Chin Christian population has been particularly harshly targeted under SPDC policies of 'Burmanisation'. In a town in Magwe Division, Buddhist monks, supported by the SPDC, actually prohibited the practice of Christianity in the town. When a Christian SPDC official tried to organise a Christian worship service he was ordered not to proceed. He ignored the order, and local people came to stone his house. One Chin pastor interviewed by Christian Solidarity Worldwide (CSW), in 2006, insisted that some Christians had been forced to sign an agreement not to worship in their own homes, and in certain areas of Chin State, Christians have been required to pay bribes of up to 20,000 kyat for the privilege of continuing their church activities. In addition, Christian pastors are often forced to labour for the military, particularly on Sundays, while Buddhist monks are exempted.²²

In 2006, the SPDC continued to construct Buddhist pagodas throughout Chin State, often forcing Chin Christians to contribute money or labour to their construction. These pagodas have often been placed on the site of crosses which are firstly destroyed.²³ In May 2006,

authorities in southern Chin State reportedly decided to build three pagodas in Matupi Township where Buddhists account for an estimated one percent of the total population. One Christian pastor reported that crosses erected by the Christians were dismantled to make way for the pagodas.²⁴ The Chin National Front identifies these pagodas as a symbol of control and occupation.²⁵

Concurrently, some Christians in Chin State claim that authorities have not authorized the construction of any new churches since 1997, and in 2006, authorities jailed three persons for constructing new churches in Chin State. In some parts of the state, however, recently built churches are reportedly evident.²⁶

Despite the fact that there were no reports of forced conversions in 2006, the SPDC continued to institute policies designed to engineer conversions to Buddhism. Chin families were offered monetary and material incentives, such as rice, as well as exemption from forced labour, if they agreed to convert to Buddhism.²⁷

The right to education has also been wielded as an inducement, with the children of poor families offered educational opportunities and subsequently forced to participate in Buddhist worship.²⁸ On 19 September 2006, it was reported that 15 Christian Chin students had left their military run school as they had been forced to recite Buddhist prayers. The SPDC developed the school, under orders from Colonel San Aung, in 2005, with students drawn from the female Chin youth who were not required to pay school fees or board. When the school was opened the local authorities had promised to allow freedom of religion for its pupils. Buddhist prayer later became compulsory. *“Since our family, cannot afford our daughter’s education, I told her to do whatever they want students to do. She thinks that it is a means of converting them from Christianity to Buddhism, so she is not willing to accept it. She said that it also contrary to her faith. I can’t help anymore”*, stated the father of one pupil.²⁹

A further insidious means of conversion, reported by CSW in 2006, was the creation of a special army battalion in Kalaymyo, Sagaing Division, mandated to encourage SPDC soldiers to marry and convert Chin women, especially the daughters of Chin pastors. Whilst some soldiers did marry Chin Christians, it was reported that many of these soldiers actually converted to Christianity. As a result, the battalion was disbanded. Those soldiers who converted to Christianity were denied promotion and transferred, whilst those who successfully converted their wives were promoted.³⁰

Kachin Christians

As with the Chin population the vast majority of ethnic Kachin are Christians, and as in Chin areas, SPDC soldiers are reportedly encouraged to marry Christian women as a means to convert them to Buddhism. If a Buddhist soldier marries a Kachin Christian woman and fails to convert her, he is denied a chance of promotion.³¹ In addition, and again akin to practices in Chin State, Kachin children are offered a free education in SPDC schools and then forced to participate in Buddhist worship. CSW reported that children, between the ages of 13 and 16, who refused to participate in Buddhist worship, in one such school in Bhamo, were severely beaten, and that Kachin girls, attending the school, were forced to dress as Buddhist nuns.³²

The SPDC continued to construct Buddhist shrines in Christian communities, often using the forced labour of the Kachin community to do so.³³ Concurrently, Christian monuments and symbols continued to be destroyed. In October 2005, SPDC Northern Commander, Brigadier General Ohn Myint, was reported to have ordered his men that he did not want to see any Christian symbols on the roadside within the state. Restrictions were also placed on the construction of new churches in Myitkyina and Bhamo, and the SPDC regularly held staff meetings and trainings on Sundays, so as Christian employees unable to attend were fired and replaced with Buddhists.³⁴

Karen Christians

During SPDC military offensives in northern Karen areas, throughout 2006, there have been reliable reports of village churches being burnt to the ground, vandalised and desecrated. Oftentimes, however, when villages are razed, the church is one of the few buildings not burnt to the ground. This is attributed to the fact that many SPDC soldiers believe in superstitions surrounding the destruction of churches. Nevertheless, it is a common tactic for the same troops to place landmines at the entrance of the church.³⁵ On 6 October 2006, the same superstitious leanings led to all Christian services being banned in Maladaw, Mone Township, Nyaunglebin District. The SPDC blamed Christian worship for the fact that lightning had struck two soldiers during morning service.³⁶

In areas of Karen State under the control of the junta aligned Democratic Karen Buddhist Army (DKBA), Christians continued to be persecuted for their beliefs, with unverified reports that DKBA authorities continued to expel villagers who converted to Christianity.³⁷ In addition, the Karen Human Rights Group (KHRG) reported DKBA harassment of Christian teachers, who were often accused of having connections with the rival Karen National Union. In June 2006, DKBA K'Saw Wah Special Battalion led by Commander Hla Maung accosted a teacher named Htee Lah in Lah Kyo Koh village. When the second lieutenant discovered that Htee Lah was Christian he threatened to kill him, before the village head intervened pleading that the community had requested the teacher to come to teach in their village. Whilst the second lieutenant relented, he informed the village head that Htee Lah would not be allowed to come back next year.³⁸

Translation of Correspondence between SPDC and Kachin Baptist Church Regarding Construction of New Church

Taken from: *Carrying the Cross: The Military Regime's Campaign of Restriction, Discrimination and Persecution against Christians in Burma*, CSW, 2006.

1. Request for permission for construction of a church building

Date: XXX 2004

To: Chairman Township Peace and Development Council

XXX

Concerning the above-mentioned subject, XXX Baptist Church is one of the Churches of XXX Baptist Association in XXX Township. Therefore, I recommend that the permission be granted for the construction of a truly needed chapel for the church members of XXX Baptist Church.

From: In the name of Christ,

Rev.XXX

General Secretary

XXX Baptist Association

XXX

2. Village Peace & Development Council approval

Date: XXX 2004

I hereby recommend that XXX Baptist Church construct a chapel on the land plot belonging to XXX of block X in XX Village, XX Township.

From: In-charge of a hundred households

Village Peace and Development Council

XXX Village, XXX Township

3. Confirmation of approval from Chairman of the Village Peace & Development Council

Date: XXX 2004.

According to the recommendation of the authority in-charge of a hundred households, I hereby countersign and recommend that there is no objection against constructing a religious building for XX Baptist Church in the and plot donated by XX, a resident of Block XX, XX Village, XX Village tract, XX Township, Kachin State.

From: Chairman Village Peace and Development Council

XXX Tract, XXX Township

4. Order to suspend construction

To: Pastor

Baptist Church

XXX Village

Date: XX2006

Concerning the above-mentioned subject, you are informed that the construction of the Chapel by XXX Baptist Church of XXX Village Tract, XXX Township be suspended until any additional permission from the authorities concerned arrives.

From: In-charge of a hundred households Village Peace and Development Council

XXX Village,

XXX Village Tract, XXX Township

5. Further order to suspend construction

Date: XXX 2006.

To: Pastor

XX Baptist Church

XXX

Concerning the above-mentioned subject, it has been evident that you did not obey the instruction to continue the construction of building only after permission be obtained from the authorities concerned step by step. Therefore, I hereby inform you that the construction of the building be suspended altogether and you follow the proper procedure.

From: Superintendent Officer

Township Municipal Office

Township Municipal Branch Office

XXX Branch, XXX Village

6. Further order to suspend construction

Date: XXX 2006.

To: Pastor

Baptist Church

XXX Village

Concerning the above-mentioned subject, you had been informed that the construction of church buildings be suspended by XXX Baptist Church until any further permission from the authorities concerned was obtained. But, it is evident that the construction of the Church building has been continued, and therefore, now you are informed again to stop the construction at once.

From: In-charge of a hundred household

Village Peace and Development Council

XXX Village Track, XXX Township

7. Order for the demolition of church

Date: XXX 2006.

To: Pastor

XXX Baptist Church

XXX Village Tract

1. The above-mentioned letter in reference had informed me that a new Church building (80' x 300' x 25') is being constructed on the land plot (B- 749577) by XXX Baptist Church, XXX Township under the leadership of Pastor XXX without any permission from the authorities concerned, and that the building posts, walls and roof have been erected. It also ordered that the building under construction be demolished because it was being constructed despite your having been informed to resume the construction only after the permission from the authorities concerned had been obtained.

2. Therefore, you are informed that the building under construction be demolished. You must submit a report of your accomplishment of this to Township Peace and Development Council.

From: For / Chairman

(XXX, Secretary)

Township Peace and Development Council

XXXX

Persecution of Christians - Partial List of Incidents for 2006

During 2006, a Christian-run orphanage near Rangoon was threatened with closure unless it registered with the authorities immediately. However, the terms of registration required the appointment of a management committee with a majority of SPDC appointees. The orphanage was also told to remove all Christian symbols, such as crosses, from the orphanage, and barred from Christian teaching.³⁹

Also during 2006, a church north of Rangoon was burned down by local Buddhists, reportedly with the tacit approval of the authorities. All of the pastor's personal belongings were thrown into a nearby pond. The pastor was forced to leave and threatened with a three year prison sentence if he returned.⁴⁰

In January 2006, SPDC forces destroyed a 50-foot cross on a hillside in Chin State and forced Christians to erect Buddhist shrines in its place.⁴¹

On 15 January 2006, SPDC LIB #30 soldiers stopped a Sunday church service in Satu village, Matupi Township, southern Chin State, and commandeered 20 persons to serve as porters, as well as demanding 3 chickens, and 2 buckets of rice, to be arranged within the hour.⁴²

On 3 February 2006, ward authority Chairman Myint Swe of Rangoon Insein Township issued an edict banning worship at the local Phawkkkan evangelical church. Two days later, around 50 worshippers defied the order and attended a church service. Authorities ordered the worshippers who attended to report their presence to the local authority office.⁴³ During February, evangelical Christians in Rangoon Insein, Phawkkkan, Shwepyitha and Hlaing Thaya areas were forced to pledge not to attend their churches or bible classes, and the churches were threatened with closure. Church leaders reported the actions of their local authorities directly to Sen. Gen Than Shwe, to no avail.⁴⁴

On 25 February 2006, Yeh Zaw, a Christian residing in the compound of Rangoon Insein Kanphawt evangelical church whose members were banned from worshipping by the local authorities, was arrested in Pa-an, Karen State, for traveling without an identity card. He was later charged under Penal Code Sections 406 for criminal breach of trust and 420 as a confidence trickster. Yeh Zaw had previously written a letter to SPDC Chairman Sen. Gen. Than Shwe urging him to end the persecution of his church.⁴⁵

In March 2006, Lt. Col. Hla Maw Oo, director of the Border Trade Department, ordered Kachin Baptists to remove a church from its current location in Mong Yu in northeastern Shan State, by 20 April, to make way for an economic development zone along the Chinese border. The official reportedly offered 8.7 million kyat compensation for the church that Christian businessmen built for 15 million kyat in 2002. The official threatened to involve the military if the members did not comply.⁴⁶

On 9 March 2006, troops from LIB #366, #377 and #399, based at Maladaw village, Mone Township, Nyaunglebin District, burned down a local church, as well as setting fire to the house of a villager and stealing livestock.⁴⁷

In April 2006, leaders of a church in Bhamo, Kachin State received a letter from the municipal authorities ordering them to immediately cease the construction of their new

church. Whilst, verbal permission had been granted for the construction of this church by former Prime Minister General Khin Nyunt, permission was rescinded under orders from the Ministry of Religious Affairs.⁴⁸

Also in April 2006, local authorities in Mandalay refused permission for local churches to hold a joint Easter program. Whilst permission was granted to hold a general meeting, the authorities required the churches to submit detailed plans for the meeting in advance, including such minor details as name of the pianist and the songs they were to play.⁴⁹

During the first week of April 2006, SPDC Colonel Tin Hlah forced the owners of stores in Hakha, Chin State, to pay 200 to 500 kyat each to cover the expenses of the Buddhist water festival. Christian store owners who refused to pay were threatened by the local authorities, and all persons were ordered to participate in the festival.⁵⁰

On 18 April 2006, a group of 38 people returning to Shan State from a Christian congregation held in northern Thailand were reportedly detained by the junta aligned United Wa State Party (USWP) in Mongmai. Charges against them were said to include holding sermons and distributing papers without official permission. Nineteen of them, mostly young people in their teens, were released after a few days. The remaining detainees were subsequently released on 22 May 2006. It is believed the USWP is weary of missionaries after previously accusing them of providing information to U.S. authorities which was used to indict 8 of their leaders.⁵¹

In May 2006, it was reported that the local Christian community were facing demands to finance the construction of a Buddhist pagoda in the Chikhung hills about six miles from Kalaymyo, Sagaing Division. Construction began in 2005 at the order of SPDC divisional officer, Lieutenant Colonel Aung Moo Myint. Whilst church leaders in Kalaymyo resisted such demands claiming “*Matters pertaining to religion should not be through collection but donation*”, it was reported that collections continued apace in the surrounding villages.⁵²

In May 2006, authorities in southern Chin State reportedly decided to build three pagodas in Matupi Township where Buddhists account for an estimated one percent of the total population. One Christian pastor reported that crosses erected by the Christians were dismantled to make way for the pagodas.⁵³

In June 2006, troops from SPDC LIB #567 and IB #240 in Gkeh Der village, in the Mya Swa Chaung area of Toungoo District, broke the church door, desecrated and destroyed the communion cups, broke two guitars and threw away church materials. Further, In Ler Klah Der village, Toungoo District, LIB #567 broke into the church, and destroyed Bibles, hymnals, two guitars and subsequently threw away all the church’s belongings.⁵⁴

In July 2006, it was reported that the junta had confiscated land for the construction of a Buddhist monastery in an area of Chin state bordering Sagaing Division. About 13 acres of land (40 blocks) was confiscated in Tedim Township, Chin state. The military government issued an order for confiscation of the land and construction of the monastery-cum-orphanage in January 2006. No compensation was paid to the owners of the land. The monastery-cum-orphanage was being built under the patronage of Colonel Aung Myo Myint. Orphans and workers were required to convert to Buddhism prior to admission.⁵⁵

Also in July 2006, a planned Christian conference in Kalaymyo, Sagaing Division, was

prevented from taking place after the number of attendees grew to roughly 3,000, as opposed to the projected 300. *“The authorities moved in, dispersing all except ten of the leaders who were imprisoned as proverbial ‘scapegoats’”,* an interviewee reported to CSW. Those imprisoned were released ten days later.⁵⁶

Between June and August 2006, SPDC Captain Kyaw Win forbade a Christian church in Kachin State from building a function hall, to be used for wedding receptions, Christmas celebrations and other events, until they had a government permit for the construction. Meanwhile, he ordered the villagers to establish physic nut plantations on all the available church land, and warned that if they refused, the SPDC would occupy all the land including the church compound.⁵⁷

In August 2006, it was reported that authorities had barred a Kachin Baptist church in Rangoon from holding a planned literary workshop as it had not obtained official permission. The church had held similar workshops annually for the past four years without having to obtain official permission. In 2006, the church was informed that it must *“report or seek permission first from the authority.”*⁵⁸

On 4 August 2006, SPDC LIB #4 destroyed a church in the Maung Thay Der area of Toungoo District.⁵⁹

On 17 August 2006, it was reported that the SPDC was planning to construct a mosque in Tedim Town, Chin State. One proposed site for the planned mosque belonged to the Reverend Cope Memorial Baptist Church. It is an unusual move by the SPDC, particularly given that there are no Muslims in the town. One Chin democracy activist suggested that the plan is a political tactic of the junta to counter Christianity, given that Buddhism has failed to take root in northern Chin State.⁶⁰

On 19 September 2006, it was reported that 15 Christian Chin students had left their military run school as they had been forced to recite Buddhist prayers. When the school was opened the local authorities had promised to allow freedom of religion for its pupils. Buddhist prayer later became compulsory. The SPDC developed the school, under orders from Colonel San Aung in 2005, with pupils drawn from the Chin female youth who were not required to pay school fees or board. *“Since our family, cannot afford our daughter’s education, I told her to do whatever they want students to do. She thinks that it is a means of converting them from Christianity to Buddhism, so she is not willing to accept it. She said that it also contrary to her faith. I can’t help anymore”,* stated the father of one pupil.⁶¹

In October 2006, SPDC Colonel Tin Hlah ordered the closure of a Christian-run orphanage, in Hakha, Chin State, leaving 30 children without a home. The building was destroyed. Tin Hla also ordered the closure of another Christian run school in Hakha, which had been responsible for 100 students.⁶²

On 6 October 2006, it was reported that all Christian services had been banned in Maladaw, Mone Township, Nyaunglebin District. The SPDC blamed Christian worship for the fact that lightning had struck two soldiers during morning worship.⁶³

On 6 November 2006, it was reported that Christian government employees in Matupi, Chin State, had been forced to contribute 2,000 kyat each towards the ‘Tazaungdaing’ Buddhist festival.⁶⁴

10.3 Religious Discrimination against Muslims

The Muslim population of Burma can be divided into four distinct groups, all of who follow the Sunni sect of Islam. Ethnic Burman Muslims are thought to have been converted between the 9th and 14th centuries by Islamic merchants and scholars. The Chinese Hui generally live in Mandalay and the north, and Muslims of Indian and Pakistani descent are found throughout Burma, particularly in the larger cities. The final group, and most oppressed of the Muslims living in Burma, are the Rohingya who speak a Bengali dialect and live mostly in Northern Arakan State, and are not recognised as legal citizens.⁶⁵ (For more information on the Rohingya see sub section below).

Whilst ethnic Burman Muslims, unlike the Rohingya, were generally recognized as legal citizens of the country, they continued to face severe forms of discrimination throughout 2006, and were often forced to pay large bribes in order to receive National Registration Cards. Ethnic Indians and Bengali Muslims were reportedly required to pay even larger bribes in order to receive their National Registration Cards.⁶⁶ It has been reported that having “Muslim” on the card has often led to harassment at the hands of the police or immigration authorities. A person’s religious denomination is also generally required to be declared on official application forms, such as passports, and being a Muslim can result in discriminatory practices.

Muslims also had difficulty obtaining birth certificates, and a local official in Sittwe, Arakan State, reportedly issued a verbal order in 2005 prohibiting the issuance of birth certificates to Muslim babies born in the area. Whereas in Rangoon, Muslims were generally able to obtain birth certificates for newborns, local authorities refused to allow the babies name to be included on the families’ household registers.⁶⁷

Muslims were discouraged from enlisting in the military, and those who did were often required to list “Buddhism” as their religion on their application form. Aspirations for promotion, within the military, generally required conversion to Buddhism of not only the officer, but often also their wife.⁶⁸

The SPDC did not allow Muslim government employees, including village headmen, to grow beards, and dismissed some who already had beards during 2006. In addition, authorities have insisted that Muslim men applying for Temporary Resident Cards (TRCs- granted in lieu of citizenship) submit photos without beards, in order for their application to be processed.⁶⁹

Throughout the country, Muslims were required to obtain advance permission from the Township authorities whenever they wished to leave their hometowns, and all Muslims in Arakan State, not only the Rohingya, were generally denied such permission, although permission could sometimes be obtained through a bribe. Whilst Muslims in other parts of the country could generally obtain permission to visit areas of Arakan State, they often found it much harder to obtain permission to return.⁷⁰

Some Townships in Arakan State have actually been declared “Muslim free zones” since 1983 including Thandwe, Gwa and Taung-gut. In the latter two, Muslims are completely barred from residing in the area. In Thandwe, those already settled at the time of the order were permitted to continue to do so. However, no other Muslim is able to buy property or move to the Township.⁷¹

Muslim populations also remained vulnerable to forced relocation throughout 2006, in particular the Rohingya in Northern Arakan. (see sub section on Discrimination against Rohingya below). Elsewhere, KHRG claimed in 2006 that: *“The relocation and removal of Muslim communities in Karen State, either through explicit displacement programs or persistent repression leading to ‘voluntary’ departure to refugee camps or other areas of Burma, has been a consistent policy of the SPDC and DKBA.”*⁷² In Pa’an District, Karen State, Muslim populations were evicted from their villages into forced relocation sites in order to make way for an expanded SPDC army camp in November 2006. SPDC LIB #547, LIB #548 and LIB #549 evicted 200 Burmese Muslims households living in Dt’Nay Hsah (Nabu) village and forced them into a relocation site established next to Kler Dt’Gkoo village. It is unclear whether any farm land will be made available to the relocated community. In the event that there is, the Muslim rice farmers will still be required to construct new paddy fields, a generation spanning process.⁷³

Muslims relocated during mass relocations from inner city Rangoon in the early 1990’s continue to be discriminated against in the development of their new towns. These communities were relocated in order that the SPDC sell their land to private investors. In their new towns no provision has been made for any religion bar Buddhism. The almost exclusively Muslim neighbourhood of Tamwe Township was relocated en masse to a site outside of Pegu, where the population continues to be denied permission to construct a Mosque.⁷⁴

In fact, Muslims throughout the country continued to be denied the right to construct new Mosques, or even the freedom to repair existing ones. Furthermore, mosques in Rohingya areas of Arakan State were subject to mass closures throughout 2006, with many being destroyed. (For more information see sub section Discrimination against the Rohingya).

On 16 February 2006, an anti Muslim riot broke out in Singbyukyun Township, Magwe Division. It is thought the riot started in response to rumours that Muslim men had raped a Burman woman near Sinbyukyun Town. Ethnic Burmans attacked and burned Muslim and ethnic Indian homes, shops, and mosques. Rioting and looting spread to surrounding towns in Chauk and Salin Townships. Local security forces did not intervene at first but later imposed a strict curfew in several towns to prevent the violence from spreading further. Reliable sources said authorities arrested 17 persons in Sinbyukyun and another 55 persons in Chauk, although most of these were reported to be Muslims. Unofficial sources claimed that three persons died and another 10 were injured in the riots. Three mosques in Yenangyaung, Chauk, and Sagu were destroyed in the violence. Authorities sealed off the mosques, did not permit the Muslims to rebuild them, and failed to conduct any official inquiries into the attacks.⁷⁵ Reliable reports, have attributed previous, seemingly spontaneous, inter faith civic disturbances as being instigated by disguised SPDC agents instructed to stir up trouble.⁷⁶

Discrimination against the Rohingya

The Muslim Rohingya minority are predominately found within Northern Arakan State where they actually make up the majority of the population within Maungdaw, Buthidaung and Rathedaung Townships. The Rohingya, ethnically and religiously related to the Chittagonian people from the plains of southern Bangladesh, are cited to face the most discrimination of any minority within Burma, heavily prejudiced against not only for their religion but their ethnicity.⁷⁷

Whilst reputable historians suggest the Rohingya are descended from Islamic merchants of the eighth and ninth centuries who made their living as tradesman in coastal ports, the SPDC has dismissed this claim, claiming they are illegal immigrants who have infiltrated the country from the borders of Bangladesh and India since British colonial rule in 1824. The 1982 Citizenship Law rules that no individual or group can claim citizenship who did not reside in Burma prior to British rule.⁷⁸ As such the Rohingya living in Burma are effectively stateless. Whilst treated as foreigners, the Rohingya are not even issued with Foreigner Registration Cards. Furthermore, the UNHCR estimates that only around 50 percent of the Rohingya population has been issued with Temporary Registration Cards.

In January 2006, the state run newspaper, the *New Light of Myanmar*, reported on the definition of a citizen, as to be enshrined in the forthcoming state constitution, being developed under the SPDC controlled National Convention process:

“All persons who have either one of following requirement are citizens of the Union of Myanmar;

(a) All persons born of parents both of whom are nationals of the Union of Myanmar,

(b) Persons who are vested with citizenship according to existing laws on the date this Constitution comes into force.”⁷⁹

As such, the Rohingya will continue to be denied citizenship when the constitution is eventually completed and brought into force.

Following the ouster of Khin Nyunt in 2004 and the related purges of SPDC departments under his control, there was a brief period during which the Rohingya were not so heavily persecuted. However, human rights abuses again increased throughout 2005 and 2006. NaSaKa (Burma's Border Security Force), previously under Khin Nyunt's supervision, was brought under military control, and the former Military Intelligence re-emerged in the area, variously referred to as SaYaPha, SaRaPa or Military Security Force. The Arakan Project have reported that, since March 2006, SaRaPa have been recruiting local informers among Rohingya youth, who are intimidating the public with threats of denunciation, largely as a means to extort money.⁸⁰

The non-citizen status of the Rohingya prevents them from entering the civil service, and places heavy restrictions on their freedom of movement, with Rohingya not allowed to travel beyond Northern Arakan and requiring a travel pass just to visit a neighbouring village. In October 2005, Prime Minister Soe Win instructed top level military officials to strictly prevent the movement of Muslims.⁸¹ Subsequently, movement restrictions were heavily enforced throughout 2006 especially in South Maungdaw.⁸² Since July 2006, travel passes have only been valid for three days, whereas previously they were generally valid for anywhere between seven days and a month. Obtaining a pass to travel between Maungdaw and Buthidaung was also reported to have become harder to obtain in the second half of 2006.⁸³

Access to public services for the Rohingya is extremely limited. The SPDC reserves secondary education for citizens only. As a result, Rohingya do not have access to state-run schools beyond primary education. Furthermore, students who complete high school are

generally denied permission to travel to Sittwe or outside of Arakan State to attend university. Whilst permission is sometimes granted after the payment of a significant bribe, there were reports of bribes being accepted before permission was nevertheless denied.⁸⁴ Access to healthcare is also severely curtailed by the movement restrictions placed upon the Rohingya.⁸⁵ (For more information see Chapter 12 Freedom of Movement, Assembly and Association).

Throughout 2006, the authorities frequently conducted population checks and other types of census on Rohingya communities. Family lists were required to be updated for each new-born baby or deceased person. The Rohingya faced arrest, fines and possibly torture if a member of a family was found to be absent, if found to be housing an unregistered guest, or if they had failed to update their family lists to declare deaths or new born babies.⁸⁶ Population checks in December 2006 were reported to be particularly stringent with those absent without permission simply erased from their family list and their relatives fined 5,000 kyat.⁸⁷

The requirement to obtain permission to marry is exclusively imposed on Muslims in Northern Arakan, nowhere else in Burma, not even in Sittwe. Extortionate fees are asked and permission can take over a year to be granted. The authorities actually stopped issuing marriage permission to Rohingya couples altogether for up to five months in 2005. Whilst permission to marry has again been granted since October 2005, permission is only granted with the usual requisite bribe. Furthermore, two additional criteria have been instated. Couples must sign a declaration stating that they will not have any more than two children, and the bridegroom is not permitted to have a beard. The policy regarding the number of children is explicitly aimed at reducing the high population growth rate among Rohingya.⁸⁸ In 2006, authorities also required applicants to submit a TRC when applying for permission to marry. As stated, roughly 50 percent of Rohingya do not possess these cards, and since this requirement has been introduced, the cost of a TRC has reportedly increased to 20,000 kyat.⁸⁹ There were numerous reports of couples being arrested throughout 2006, after marrying in the absence of official permission. There were also numerous cases of couples leaving for Bangladesh in order to avoid this requirement, leading to family members being arrested in absentia of the couple.

Movement restrictions, population censuses, and restrictions on the right to marry, form part of a whole body of restrictions and checks which allow local authorities to continuously extort money from the Rohingya population. Families have to pay 2,000-2,500 kyat to include a new-born baby in their family list, 500 kyat to take out the name of a deceased person and between 1,500 and 3,000 kyat for a photograph.⁹⁰ When a young child died in South Buthidaung in April 2006, his father couldn't afford to remove his name from the family list. He was assaulted and detained for two days, only being released after his wife paid a fine of 20,000 kyat.⁹¹ Even if Rohingya abide by such diktats, they are vulnerable to arbitrary arrest whereby their release is secured only after the payment of a large bribe.⁹²

It has long been the practice of the SPDC to establish 'model villages' within Rohingya dominated areas. The inhabitants of these villages are made up of ethnic Burmans who are either forcibly relocated, especially in the case of those with a criminal record, or given large incentives to move. The apparent purpose of these 'model villages' is to 'dilute' the Rohingya population; a colonisation of their lands. Not only are Rohingya often evicted from their land in order that it be used for these new villages, but they are also forcibly employed in the construction of the villages.⁹³ During 2006, four new model villages were reported to

have been constructed by NaTaLa (Ministry of Border Affairs) in Northern Arakan including one in Nyaung Chaung, South Maungdaw, in early 2006, and two in north Maungdaw which required the eviction of Rohingya villagers. At the end of the year, a 'model village' was being built with forced labour in Taung Pyo Let Wah leading to the forcible eviction of 150 households without any compensation. The families were not assigned any other site to relocate to. Some went to take shelter in relatives' houses but a number of them fled to Bangladesh.⁹⁴ In addition, Rohingya land was confiscated to establish physic nut nurseries, for the placement of a new NaSaKa camp in South Buthidaung, and a new market in North Buthidaung.⁹⁵

On 30 May 2006, the new commander of Western Command and chairman of Arakan SPDC ordered the compilation of a list of mosques and madrasahs (Koranic Schools) within Sittwe, Buthidaung and Maungdaw Townships. Subsequently, from July through to September 2006, a significant number of mosques and madrasahs were closed by order of the authorities throughout Northern Arakan. On 26 August 2006, it was reported that in Rathedaung Township, alone, NaSaKa forces had razed 13 mosques, 4 madrasahs, 18 moqtobs (basic Arabic schools) and three Hafez Khanas (Qur'an memorising centres).⁹⁶ Justifying such closures, NaSaKa often accused the mosque committees of building, extending or repairing the mosque without adequate permission, or running a madrasah in the mosque compound when the premises were only allowed to function as a mosque. Further, Mosque committees were questioned about the origin of their funds. By the end of 2006, some mosques and madrasahs, in particular in Rathedaung Township, were allowed to reopen after the payment of large bribes ranging between 150,000 and 1,000,000 kyat.⁹⁷

Abuses against the Rohingya have in the past led to two mass exoduses, each of more than 250,000 refugees to Bangladesh, first in 1978 and again in 1991 and 1992. Most were repatriated, sometimes forcibly, under an agreement between Bangladesh and the SPDC, and in 1991 with the involvement of the UN High Commissioner for Refugees. There are approximately 21,000 Rohingya Muslims remaining in refugee camps in Bangladesh refusing to return because they fear human rights abuses, including religious persecution. Another 10,000 live in Malaysia.⁹⁸ In 2006, the Rohingya continued to leave Burma. From November, an unusually high number attempted to make the journey across the sea from Bangladesh to Malaysia, via Thailand. From the time the monsoon season ended up until the end of 2006, somewhere in the region of 1,000 people from 15 separate boats had been arrested in southern Thailand, as a result of this influx. Large numbers continued to arrive in the first months of 2007.⁹⁹ (For more information see Section on Rohingya Boat People in Chapter 15 Situation of Migrants).

Persecution of Muslims - Partial List of Incidents for 2006

At the beginning of 2006, a hamlet in Loun Don village tract, North Maungdaw, was forcibly moved for the construction of a new 'model village' for Buddhists. The Muslim hamlet was relocated closer to the hills. Eighty new settlers' families arrived in October 2006.¹⁰⁰

In January 2006, authorities refused permission for Eid al-Adha sacrifices to be performed in areas of Rangoon bar a few remote sites, meaning Muslims were forced to travel long distances in order to participate. Ceremonies were also reportedly restricted to three hours in length. Some Buddhists take offence at the sacrifice of cows during the festival.¹⁰¹

In January 2006, the Rohingya population of over ten villages claimed that the SPDC military had forced them to carry building supplies for three ‘model villages’ at Padauk Myin, Mala Myin and Thaza Myin, Rathidaung Township.¹⁰²

In January 2006, numerous Rohingya civilians in Sittwe, particularly from Kyauktaw, Pauktaw, Mrauk Oo, Minbya, Mraybon, Kyakpru and other towns, were arrested for travelling without a “Form 4”; a form originally introduced for use by foreigners.¹⁰³

On 1 January 2006, Mohammad Kobir, a Rohingya villager from Kyingthama Palley Daung village, Buthidaung Township, Arakan State, had to pay a 300,000 kyat bribe to NaSaKa officers in order to escape punishment for the marriage of his daughter. Whilst they had previously applied to NaSaKa for a marriage permit, a lengthy delay meant that the couple had been married in the absence of the required permit. When an officer of NaSaKa Area No. 9, Tang Bad Zaire, enquired about the matter, the newly-weds fled the village and Mohammed Kobir was forced to pay the fine in order to settle the matter.¹⁰⁴

On 10 January 2006, it was reported that SPDC soldiers along with Buddhist settlers, moved to the region by the SPDC, were stealing cattle from Rohingya farmers in Northern Arakan State. If the owners of the cattle wanted to claim their livestock back from the troops, they were forced to pay a bribe of between 20,000 to 50,000 kyat according to the size of the cow or bull. Any unclaimed animals were eaten.¹⁰⁵

On 16 January 2006, Rohingya students in Maungdaw Township, Arakan State were informed they would not be issued travel passes despite paying bribes to local officials. The passes were necessary for the students to attend university in Sittwe. Immigration officers had demanded 270 students each pay a 2,000 kyat bribe. The students also had to give one carpet for every four students, costing between 55,000 and 60,000 kyat. The immigration officers also asked the students to give two guarantors per student who would be responsible, if they did not come back after completing their courses. Subsequently, the immigration officer of Maungdaw informed the students that they would not be given the passes to go to Sittwe for higher education, as they were not citizens of Burma.¹⁰⁶

On 19 January 2006, a Buddhist shrine was vandalised in Nga Khu Ya near Maungdaw. As a result, NaSaKa arrested local Rohingya villagers en masse. Detainees were assaulted with some severely tortured whilst in the NaSaKa camp. Hot water was poured down the nostrils of some of the villagers.¹⁰⁷

On 24 January 2006, it was reported that around 80 Rohingya villagers from Ngakura village, Maungdaw Township in Arakan State were arrested and accused of breaking the tip of a pagoda. The arrests were seen as arbitrary, with rich villagers being arrested in the hope of extorting money, local residents said. One village elder added that as the location of the village is strategically important the authorities have been trying to relocate the villagers for a long time.¹⁰⁸

On 9 February 2006, Mohammed Ibrahim, 35 and Noor Boshor, 30, two sentries (forced), from Wabag village of Kyi Kan Pyin village-tract (Khawarbill), were arrested by a NaSaKa patrol after allegedly sleeping whilst on duty. That night they were taken to NaSaKa headquarters, locked up and severely beaten and then forced to buy their freedom by paying 6,000 kyat. A village elder alleged that the NaSaKa takes it for granted that that if they don't beat up the accused, they won't get money from them.¹⁰⁹

On 10 February 2006, U Aye Maung and other police officers from Buthidaung Town reportedly arrested seven Rohingya villagers from Dongpyin village for having relatives living in foreign countries. Those arrested were:

1. Moulvi Baser, aged 50;
2. Moulvi Noor Alam, 35;
3. Baser Ahamed, 48;
4. Ulla Meah, 65;
5. Aul Kalam;
6. Moulvi Nozir, 65; and
7. Azi Rahman, 60.

Villagers had to pay between 30,000 and 40,000 kyat for the release of each person.¹¹⁰

On 16 February 2006, an anti Muslim riot broke out in Singbyukyun Township, Magwe Division. It is thought the riot started in response to rumours that Muslim men had raped a Burman woman near Sinbyukyun Town. Ethnic Burmans attacked and burned Muslim and ethnic Indian homes, shops, and mosques. Rioting and looting spread to surrounding towns in Chauk and Salin Townships. Local security forces did not intervene at first but later imposed a strict curfew in several towns to prevent the violence from spreading further. Reliable sources said authorities arrested 17 persons in Sinbyukyun and another 55 persons in Chauk, mostly Muslims. Unofficial sources claimed that three persons died and another 10 were injured in the riots. Three mosques in Yenangyaung, Chauk, and Sagu were destroyed in the violence. Authorities sealed off the mosques and did not permit Muslims to rebuild, and failed to conduct any official inquiries into the attacks.¹¹¹

On 24 February 2006, about 100 Rohingya were arrested by police and traffic police who seized their trishaws and trailers which they had purchased from NaTaLa villagers in Maungdaw Township, Arakan State. The trishaws and trailers had been provided to the Buddhist villagers after they had been moved to the area by the junta. The villagers could not adjust to their new lifestyle and sold their trishaws and trailers to the Rohingyas. Many subsequently fled the NaTaLa villages.¹¹²

In April 2006, the young son of a villager from South Buthidaung passed away. However, the villager was unable to afford the fee charged to remove a person from the SPDC's family lists. As a result he was detained for two days during which time he was beaten up. His wife was forced to pay a fine of 20,000 kyat in order to secure his release.¹¹³

On 3 April 2006, SPDC army outpost 18 on the Maungdaw-Buthidaung Road seized money from Rohingya travelling along the road despite the fact that some were in possession of valid permits. After taking the money from them and destroying their travel permits, the labourers were detained, tried and sentenced to two years imprisonment.

The Rohingya sentenced to two years imprisonment, their age, and amount extorted from them, were:

1. Mohamed Salim, age 18, 50,000 kyat;
2. Shamsul Alam, age 19, 60,000 kyat; and
3. Zani Alam, age 19, 40,000 kyat.¹¹⁴

On 10 April 2006, it was reported that U Shweyaw Khasin, a religious leader in Maungdaw Township, Arakan State, was granted permission to construct a new mosque in his village after paying a bribe of 200,000 Bangladeshi Taka to Major San win Khain, head of NaSaKa Area No. 4, and gifting a gold bar to Lt. Col. Thein Htay. However, the construction of the

mosque remained a controversial issue among the local authorities. After completion of the mosque, the Maungdaw District administration office inspected the building and papers and found that the permission paper signed by U Ran Myo Aung, Chairman of Maungdaw District, had been forged. Police arrested U Khasin in connection with the fraudulent permission paper. He was detained in Likera police outpost, but was later released from custody on the orders of Lt. Col. Thein Htay.¹¹⁵ U Khasin reportedly went in to hiding upon his release, fearing further reprisals. On 29 May 2006, a police team from Maungdaw led by Sub-Inspector Hla Sein came to Likera Village and arrested his brother, Hasin in relation to the construction of the mosque and bribes paid.¹¹⁶

On 18 May 2006, an SPDC column under the command of Captain Win Tin Aung from the military operation planning bureau in Buthidaung arrested over 30 Muslims on the mountain pass near Mi Gaung Tet Village, located between Buthidaung and Kyauktaw for travelling without permits. It was reported that the SPDC severely punishes travellers who use the mountain pass as it is seen as an affront to their orders, being rare in that it is not covered by SPDC check points akin to other roads in the area. Included in those arrested were Muslims from the following villages:

1. Ngaki Thauk Village, 6 persons;
2. Min Gri Taung, 5 persons;
3. Kintha Mar Village Tract, 4 persons;
4. Dapai Sara Village, 3 persons;
5. Thay Kan Kutson, 2 persons; and
6. Tha Pike Taung, 2 persons.¹¹⁷

In May 2006, the SPDC repeatedly postponed permission for the fiftieth anniversary celebration of the Islamic Religious Affairs Council (IRAC) and its sixteenth Islam Religious Assembly in Myitkyina, Kachin State. Local authorities eventually agreed to allow the convocation from 30 May to 31 May. However, on 29 May, the authorities asked IRAC leaders to postpone the meeting again. Subsequently, the Kachin PDC chairman agreed to allow the nearly 400 delegates to meet for just one and a half hours on 31 May. The Muslim delegates found this unacceptable and returned home without convening.¹¹⁸

On 30 May 2006, the new commander of Western Command and chairman of Arakan SPDC ordered the compilation of a list of mosques and madrasahs within Sittwe, Buthidaung and Maungdaw Townships.¹¹⁹

In June 2006, 30 houses in Ba Da Nar village tract, North Buthidaung, received an eviction order after a monk had a vision that a Buddha statue had been buried in that area and that a pagoda should be built there. Whilst the villagers initially refused to obey the order, they were summoned to the NaSaKa camp, at the end of October, and forced to sign a declaration that they had agreed to move voluntarily. A pagoda was built on their land along with a police station. The villagers were not provided with a relocation site, and up until the end of 2006, were temporarily staying on someone else's land.¹²⁰

On 24 June 2006, NaSaKa forces raided a number of Muslim villages in Buthidaung Township where they checked on family lists, unlicensed construction of mosques, and marriage licenses. They were reported to uncover 3 mosques and one religious school which were illegally constructed by local Muslim people in the area. The authorities also located 2 illegally married couples and 18 families who had moved from one village to another without

permission. The NaSaKa were said to be arranging to sue those individuals involved in the construction of mosques and religious schools.¹²¹

On 26 June 2006, NaSaKa officers raided Ngakhura village, under Nasaka Area No. 5, to inspect family lists, birth rate, and marriage licenses. The authorities discovered 18 children who were born in contravention of the rule governing the number of children each Muslim couple were allowed. They also found that 8 people had recently fled to Bangladesh and 34 people, 13 males and 21 females, had migrated within Burma without permission.¹²²

On 30 June 2006, Nami Ullah, 25 years old, and Hasina Begum, 20 years old, from Kon Tan village-tract, Rathedaung Township, were arrested by NaSaKa when preparing to cross to Bangladesh to get married. They had not been able to obtain permission from the authorities in Burma. They were each sentenced to 3 years jail on 6 July 2006 and are held at Maungdaw jail.¹²³

At the end of June 2006, 50 people were arrested in Alel Than Kyaw for being married without official permission. Most were later released after paying a fine.¹²⁴

On 2 July 2006, NaSaKa troops arrested 17 Rohingya villagers in Fokira Bazaar, Maungdaw Township, as they had come to the village without obtaining travel documents. The villagers were subsequently forced to work on a road construction site between Aung Zu and Khamaung Zeik in Maungdaw Township as punishment.¹²⁵

On 19 July 2006, the *tatmadaw*, NaSaKa, and police forces raided the homes of every house in the Shwezar Quarter of Maungdaw Town (consisting of 5 smaller villages, Shwezar Mrauk, Shwezar Guna, Dayla Wra, Kanyin Chaung, and Aung Bala), blocking the roads and moving from house to house throughout the night. At least 70 people, mostly Muslim, were arrested, either on suspicion or for not having proper permission from their village councils to be staying in a different household or town.¹²⁶

In August 2006, in South Maungdaw (Inn Din and Kyauk Phun Du), more than 100 Rohingya were forced to leave their villages for Bangladesh, by order of NaSaKa. These people had had their names deleted from their family list in previous years and had been living in Bangladesh ever since, only returning following the ouster of Khin Nyunt. They had paid bribes to their village council in order to be reinstated to the family list, but were nevertheless forced out of their villages by NaSaKa.¹²⁷

In the first week of August 2006, 22 Rohingya from Lake Ya village-tract (Kumir Khali) of Maungdaw Township were reportedly detained by NaSaKa for repairing and rebuilding the Kumir Khali mosque roof in June 2006. NaSaKa requires that permission be obtained for repairs to be undertaken but rarely provides that permission. The men were arrested, tortured and detained in Maungdaw jail. Those detained included:

1. Molvi Mohammed Hossain, 40 years;
2. Ali Zuhar, 15 years;
3. Mahommed Shafi, 40 years;
4. Abdul Hasim, 35 years; and
5. Chairman Din Mohammed (a.k.a. Maung Mon Kha).¹²⁸

On 6 August 2006, police raided a wedding ceremony in Soparang Village, Buthidaung Township despite authorities granting permission for the event. Police arrested about 50

people and assaulted many of the guests while the ceremony was taking place, apparently because music was being played through a loudspeaker. They also threw away food that had been prepared for the guests. One villager asserted, *“It is nothing but harassing the Rohingya people to extract money.”* Those arrested, including the bridegroom, were later released after paying 30,000 kyat to the police.¹²⁹

On 17 August 2006, 15 Rohingya in Myoma Kanyin Tan (Siddar Para) Maungdaw Township, were arrested and interrogated by police on charges of stealing electric wires. After a week of interrogation, all were freed without charge on payment of 120,000 kyat each, a relative reported. Those arrested included:

1. Shafi Ullau,
2. Abdul Fayas,
3. Mohammed Hanif,
4. Ziabul Hoque,
5. Azu Meah, and
6. Sayed Kasim.¹³⁰

On 26 August 2006, it was reported that NaSaKa forces were destroying Rohingya religious buildings in Rathedaung Township, Arakan State. They had reportedly razed 13 mosques, 4 madrasahs, 18 moqtabas (basic Arabic schools) and three hafez khanas (Qur'an memorising centres) according to a local religious leader. They allege the buildings were illegal as they were constructed without the necessary documents.

Those buildings reported to be destroyed in Rathedaung Townships were:

1. Thabray Taw village; 2 Mosques, 1 madrasah, 5 moqtabas, 1 hafez khana;
2. Phet Leik village; 5 mosques, 1 madrasah;
3. Thinga Net village; 1 mosque, 1 madrasah, 1 moqtab, 1 hafez khana;
4. Pyein Taw (Pryin Daung); 1 mosque, 1 madrasah, 1 moqtab, 1 hafez khana;
5. Shweip Pyin village; 1 mosque, 2 moqtabas;
6. Atet Nan Yar village; 1 mosque, 2 moqtabas;
7. Auk Nan Yar village; 1 mosque, 5 moqtabas; and
8. Sin Oo Pyin village; 1 mosque, 2 moqtabas.¹³¹

On 4 September 2006, Mohamed Hussain, 37 years, from Pauktaw Township, was arrested for staying temporarily in Bogar Dill village, Sittwe, without an 'out pass' from Pauktaw. He was detained by immigration officers at Sittwe, Myuma police station camp #1. On 8 September 2006, he was sentenced by Sittwe Court to two and a half years imprisonment with hard labour under Acts-2081/06, 188. According to villagers in Sittwe, out passes cost between 1,000 and 1,500 kyat.¹³²

On 11 September 2006, 24 year old Shamshu Alam, a Rohingya of Thapay Taw (Bassara) village, Myint Hlut (Merulla) village tract, Maungdaw Township was forced to pay 80,000 kyat to NaSaKa in order to be granted permission to be married. He was forced to pay a further 10,000 kyat to NaSaKa to conduct the ceremony.¹³³

On 15 September 2006, 27 year old, Shuna Meah, of Myint Hlut village, Maungdaw Township was forced to pay NaSaKa 150,000 kyat for permission to marry and a further 15,000 kyat for permission to hold the wedding ceremony.¹³⁴

On 23 September 2006, the commander of the NaSaKa Area No. 9, Major San Wine Khine, visited upper Kyaungdaung village, in northern Buthidaung Township, to press ahead with

plans to relocate a mosque and a Madrasah. The commander of NaSaKa camp No. 23, located in the area, had previously informed the higher authorities that, *"The existing mosque and madrasah of the Rohingya people near our camp is an eyesore. It is also a source of danger for us, if terrorists attack our camp from the madrasah, the camps will be an easy target. So, it is suitable if we build an outpost in place of the mosque for our camp's security."* However, villagers had refused to comply with an order to relocate the mosque and madrasah, unless they were guaranteed a suitable new site and permits for the new location. Major San Wine Khine and his accompanying personnel had been enlisted to oversee the relocation of the buildings irrespective of the villagers' views.¹³⁵

On 9 October 2006, Maulana Mohammed Shafique, 27 years old, principal of a madrasah and a religious leader, from the KhanYaung Chaung (Khayoung Khali) village of Maungdaw Township, was arrested by NaSaKa, on the allegation that he had been communicating with villagers working in foreign countries and receiving financial support from them for the school. He was detained at NaSaKa Camp No. 6 for three days, and suffered mental and physical torture before being sent to the Maungdaw police station on 12 October 2006. He was later sentenced to two years imprisonment by the Maungdaw Court, a relative reported.¹³⁶

On 4 November 2006, it was reported that Morium Khatoon, 35 years old, from Tan May Village, Buthidaung Township, had been arrested in lieu of her daughter, who had escaped to Bangladesh with her husband, after being married without the permission of NaSaKa. A relative reported that Morium Khatoon was sentenced to two years imprisonment by the court in Buthidaung on 1 October 2006.¹³⁷

On 9 November 2006, two columns of NaSaKa troops conducted raids on three Muslim villages in Maungdaw Township. Troops led by Major Than Thay blocked all roads surrounding Aukpru Ma village and checked every household for irregularities in the family lists, unregistered births and non permitted guests. They reportedly arrested some of the villagers. A second raid took place in both Kran Soe Ree and Wra Thik, Aungtha Bray village tract, where at least 8 villagers were arrested. One villager asserted that those arrested in the raids are typically freed after paying bribes to the NaSaKa officials.¹³⁸

On 8 December 2006, Mohamed Hussain, 25 years old, and his wife, both of Dunsay village, Rathedaung Township, were arrested by NaSaKa because they married without permission. They had been married 12 months previously, secretly, because permission had not been granted. They have a 1 month old baby. Their families attempted to seek their release, but were told the money they had gathered, 40,000 kyat, was not sufficient.¹³⁹

On 15 December 2006, it was reported that Muslim students at government schools in Than Twe Township, Arakan State, had been forced to pay bribes to immigration officials in order to be issued mandatory identification cards, which were being distributed to Buddhist students free of charge. One parent stated *"They said, our children's applications were to be submitted to Nay Pyi Daw as they are mixed-bloods, and that it would cost us about 50,000 kyat. Some people paid the money between four and five months ago but their applications have not progressed yet."* Immigration officials denied procuring bribes for the issuance of identification cards, stating *"We didn't ask for a penny. And it's not that we don't issue IDs for them. With their cases, we have to submit very detailed files [to Nay Pyi Daw]. So it's not easy to access their detailed background information via schools,"* the official said.¹⁴⁰

10.4 SPDC Promotion of and Control over Buddhism

The military junta in Burma has for a long time promoted Buddhism as a central weapon in the assimilation of ethnic minority groups, in moves which have collectively been termed ‘Burmanisation’, whereby, the regime has attempted to create a Burma of ‘One Race, One Language, One Religion.’ Concurrently, the regime has manipulated the pervasive and popular nature of Buddhism to further their political agenda and garner legitimacy in the eyes of the population. In 2006, state run media not only frequently promoted Buddhist teaching and scripture, but often reported on SPDC officials paying homage to Buddhist monks, making donations at pagodas, and organising ostensibly voluntary donations and labour for the construction and maintenance of Buddhist sites.¹⁴¹

However, in promoting and legitimising itself through the promotion of an already widely respected institution, the SPDC is acutely aware that it is paradoxically offering its support to a religion which represents one of the largest potential threats to its own illegitimate grasp on power. As a result, the SPDC not only aggressively promotes Buddhism at the expense of minority religions but also seeks to maintain a tight control over Buddhism within the country. Whilst there are over 400,000 Buddhist monks, including novices, within Burma,¹⁴² only nine state endorsed monastic orders are permitted to function. Following the boycotting of alms for soldiers, by monks in Mandalay; the 1990 Sangha Organisation Law, criminalised all independent monastic orders, with the nine remaining legal orders falling under the central control of the SPDC sponsored Sangha Maha Nayaka Committee (SMNC).¹⁴³

The Department for the Perpetuation and Propagation of the Sasana is responsible for the SPDC’s management of Buddhist monks and Buddhist schools. The SPDC funds two Buddhist Sangha Universities, in Rangoon and Mandalay, which train monks under the control of the SMNC.¹⁴⁴ Further, the SPDC funds the International Theravada Buddhist Missionary University (ITBMU) opened in Rangoon in 1998, with an aim “*to share the country’s knowledge of Buddhism with the people of the world*”; the main language of instruction being English. Whilst the ITBMU, is in principle open to the public, it is reported to only accept candidates approved by SPDC authorities or recommended by a senior pro-government abbot.¹⁴⁵

In 2006, the junta utilised its influence over the monkhood to tightly control the activities of monks within the country, and all political action for monks was strictly curtailed. Monks were debarred from preaching political sermons or criticising SPDC policies.¹⁴⁶ In addition, monks are not permitted to join political parties, and, since 1995, the SPDC has prohibited any opposition political party member from being ordained as a monk or religious leader.¹⁴⁷ Whilst this measure has not been consistently enforced, some monks remained in prison throughout 2006 as a result of violating this order. For example, the abbot of Shwepyithar religious college, Reverend U Zawana is currently serving a life sentence in Toungoo Prison, Pegu Division; arrested for accepting former members of All Burma Students Democratic Front (ABSDF) into the monkhood.¹⁴⁸

Concurrently, the SPDC frequently restricted political parties such as the NLD and pro democracy groups such as the 88 Generation Students from performing religious ceremonies with perceived political connotations, or on important historical dates. Whilst pro democracy forces were often harassed themselves, the junta also threatened monks themselves to not allow such ceremonies to take place at pagodas or monasteries, and even prevented monks from receiving donations from the NLD. (For specific examples see list of incidents below.)

In August 2006, SPDC authorities reportedly arrested 5 Buddhist monks alongside 15 laymen at a monastery in Arakan State. They were charged with permitting members of the NLD to meet on monastery premises. At the close of 2006, all 20 remained in prison.¹⁴⁹

SPDC control over the monkhood extended to the charitable and social welfare activities in which monks were engaged.¹⁵⁰ In August 2006, it was reported that local authorities had been pressuring and intimidating a monk in Magwe Division as a result of him providing help to HIV/AIDS victims. Reverend Einthariya, a monk from Mahasi Yeiktha Monastery was repeatedly told on 21, 22, and 23 August that his charitable actions were not in accordance with the codes of conduct of a monk. He was also summoned by members of the Township Sangha Maha Nayaka and told not to resume his charitable work due to an order from the chief administrator of religious affairs and the local authority chairman. He was threatened with arrest if he failed to comply. Reverend Einthariya had been supporting HIV/AIDS victims for three years and helped patients contact NLD volunteers in Rangoon. He also procured medicines for local patients and distributed educational material. He vowed to continue his work in the face of SPDC oppression.¹⁵¹



State controlled Television and Press run stories almost daily reporting on SPDC officials paying homage to Buddhist monks and making donations at pagodas. In a country where the vast majority of citizens are Buddhist, religion is heavily exploited by the SPDC's propaganda machinery to legitimise the regime. [Photos: New Light of Myanmar]

On 28 August, Reverend Einthariya was expelled from his monastery. He recalled:

*"The abbot summoned me and said; there are many pressures. The monastery also has a meditation centre and (its reputation) could be damaged. By being considerate to the benefits of the majority, find a new monastery. I was summoned and told thus at 2.15 pm. I answered, I will move out at the end of the Lent, Thadingyut, my lord, because it is now the Lent. (By religious law, Buddhist monks are supposed to stay inside their monastery during Lent). There is a meditation course going on during this Lent. I think it is due to the HIV case. Therefore, be considerate to the benefits of the majority, he said and went back to his room. It is good that I be absent (from the monastery) for the benefit of the majority I said and kowtowed the abbot, and I said, please allow me (to leave) and I left the monastery."*¹⁵²

Local authority and USDA members were reported to have put intense pressure on the abbot telling him that the reputation of the monastery's meditation centre was under threat, and insinuated the official title of the abbot (Aggamaha Dammasariya) might be withdrawn or monetary support cut off, if the reverend wasn't removed.

*"As they repeatedly told the abbot that action might be taken against him, he became quite distressed. Originally, the abbot told me that there was no problem as I was doing health matters. The abbot is a holy man. When it was insinuated that his meditation centre might be closed down, he became very distressed. That's why the abbot came to tell me."*¹⁵³

On 13 September 2006, it was reported that Reverend Einthariya continued to be monitored and harassed by agents of the State:

"Currently, I am staying at Sanaynan Monastery as it is allocated by the abbot. Everything is fine, but before I moved to Sanaynan Monastery, I went to go and see a monastery to live permanently. While I was doing that, they raided the monasteries in Yenangyaung they thought that I was staying at night. District police and the Sa-Pha-Ya (Military Security Force) members searched the monasteries with motorbikes late at night causing alarms in town."

Reverend Einthariya confronted the authorities about their activities, who denied any plans to arrest him, but admitted that they did want to know where he was living. Reverend Einthariya vowed to continue his charitable activities.¹⁵⁴

Whilst Reverend Einthariya had not been arrested by the end of 2006, the Assistance Association for Political Prisoners (AAPP) estimated that there were 85 monks in prison for various charges, at the close of the year, including many serving life sentences such as the Venerable U Thondara of Myingyan, who was arrested during the 1988 pro democracy demonstrations.¹⁵⁵ In 2006, SPDC military commanders retained jurisdiction to try Buddhist monks in a military tribunal for *"activities inconsistent with and detrimental to Buddhism."* Travel restrictions, including an overnight curfew, also remained in effect at many monasteries throughout the year.¹⁵⁶

Control and Oppression of Buddhists - Partial List of Incidents for 2006

On 20 February 2006, it was reported that monks detained Insein prison were being used as porters by the SPDC in Karenni state. Reverend Dhamma Dhaza (aka Soe Win), who had escaped to the Thai border informed the *Kantawaddy Times* that he had been posted with LIB #250, whilst two other monks were said to be still serving LIB #427. Reverend Dhamma Dhaza had been arrested on 9 December 2005 whilst attempting to mediate in a dispute between the police and 5 youths at the Hlaing Thaya religious festival in Rangoon.¹⁵⁷

On 6 April 2006, Nyar Na Temple authorities, the base for the Pegu Division Sangha Maha Nayaka instructed local temples and monasteries not to allow their monks to go out after 8 pm in the evening. The order followed clashes between monks and policemen near Shwe Maw Daw pagoda. A member of Sangha Maha Nayaka said the restrictions were the result of pressure from the SPDC authorities.¹⁵⁸

On 14 April 2006, troops from SPDC LIB #223 operating in Shwegyin Township, Nyaunglebin District, destroyed a Buddhist monastery in Htee Nya Lay Kee village, and confiscated a generator, 9 baskets of rice, 20 viss of oil, 5 viss of salt, 60 steel plates and 3 big pots from the monks.¹⁵⁹

On 13 May 2006, local police, SPDC officials, and members of the USDA and Auxiliary Fire Brigade, evicted two abbots and 54 young monks when they closed down a monastery in Taungup Township, Arakan State. Whilst the reasons behind the evictions were unclear, it was reported that the SPDC had accused the monastery of creating instability in the region and posing a threat to local peace and order.¹⁶⁰

On 28 June 2006, a car travelling towards Murng-Ton Township was stopped by SPDC patrol LIB #332 to check the passengers ID cards. A 19 year old novice monk, from Wan Naa village in Kaaad Phui Village tract in Murng-Kerng Township did not have any ID, but was found to be in possession of 1,000,000 kyat. Upon finding the money, the soldiers accused him of carrying a gun, and being a deserting Shan soldier. His fellow passengers, who reported the event, do not believe this to be the case, asserting that they knew him to be a genuine monk. He was detained and as of December 2006, he had not been seen since.¹⁶¹

On 2 July 2006, 2 monks, Wila Tha, and Than Keisa, were arrested in U Shwe Maw Village, Thadwe.¹⁶²

On 13 July 2006, villagers from Lower Thehkone, Hmawbi Towhship, Rangoon Division, alleged that the abbot of their village monastery, Reverend U Uttama, sold two ancient Buddha statues, which they believed to have extraordinary powers, to Kyaing Kyaing, the wife of Sen. Gen. Than Shwe, for a price of 276 million kyat. The abbot denied having anything to do with the disappearance of the statues.¹⁶³

In August 2006, SPDC authorities reportedly arrested 5 Buddhist monks alongside 15 laymen at a monastery in Arakan State. They were charged with permitting members of the NLD to meet on monastery premises. At the close of 2006, all 20 remained in prison.¹⁶⁴

On 1 August 2006, it was reported that Lt-Col Maung Maung Shein, the Eastern Rangoon District authority chairman, donated goods to the head monk of Maggin Monastery in Rangoon's Thinganggyun Township, known to be frequented by political activists. He requested that they not accept donations from political circles in the future. It is not known how the monks reacted to the authorities' request.¹⁶⁵

On 13 August 2006, 11 volunteers were arrested the night before a Buddhist merit-making ceremony in honour of those who were suffering or who had died from HIV/AIDS. The volunteers were due to participate in the ceremony along with 52 HIV/AIDS patients. The event was designed to make those suffering from the disease feel supported, and to raise donations to pay for medical treatment. The event was organised by the patients themselves, who sent a letter of explanation to local SPDC authorities and met with Lt-Col Maung Maung Shein, chairman of the Rangoon's Eastern District Peace and Development Council, to give notice of their intentions. They received little in return for their efforts to go through official channels, however. The association of elder monks threatened to disrobe any member of the monastery involved in the proposed ceremony, while Maung Maung Shein threatened to close down the Tha Zin Clinic-established by a Dutch-based NGO that supported those patients planning to attend the event. Furthermore, local officials and members of the USDA

visited the Meggin monastery to insist that the monks hold a parallel event, scheduled for the same time as that proposed for the merit-making service. Authorities, also, reportedly pressured the monastery to select a new senior abbot more supportive of the regime. This posturing by the junta ended at midnight on the day prior to the scheduled ceremony, when officials raided the monastery and arrested the volunteers for not obtaining permission to stay over night. The volunteers were released after less than a day in custody although the event had to be cancelled.¹⁶⁶

On 8 August 2006, the abbot of the new Maha Leti Monastery at Chauk, Magwe Division presided over a religious service in memory of all those who lost their lives in the democracy uprising of 1988. On the day, authorities threatened those collecting alms for the monks with arrest. The abbot was later interrogated by SPDC authorities for his role in the service. The abbot claimed that pressure from local authorities was not unusual and that they had pressured the monks not to host an NLD event for the birthday of Daw Aung San Suu Kyi, earlier in the year.¹⁶⁷

On 2 September 2006, it was reported that a major from Artillery Battalion #135 in Thanbyuzayat Township, southern Burma, prevented the traditional funeral of an abbot from being held in the temple grounds, as the land belonged to the military following their prior confiscation of it. Villagers were forced to take the body of the abbot to the village cemetery despite heavy rain. The temple land had been resold for army business, despite the fact that Burmese law does not bestow the right on the military to seize religious land for resale.¹⁶⁸

On 7 September 2006, local authorities in Myingyan, Mandalay Division, limited the length of traditional annual religious vigils, from more than 20 days to just seven days. It was reported that the USDA issued the order to the Sangha Maha Nayaka through the local district authority. Buddhist abbots who are known to speak about political matters during their sermons were also banned from taking part in the vigils, whilst others signed a pledge not to talk about political terms during their sermons.¹⁶⁹

On 14 September 2006, it was reported that the abbot of Shwepyithar religious college, Reverend U Zawana, serving life in Toungoo Prison, Pegu Division, was not being allowed out of the prison to receive treatment for piles. Reverend Zawana was arrested for accepting former members of All Burma Students Democratic Front (ABSDF) into the monkhood.¹⁷⁰

On 26 October 2006, it was reported that authorities in the Sittwe, Arakan State, had deployed additional police forces at several key sites, most notably at several monasteries and temples. The move followed reports that a group of Arakanese monks who had been living in Rangoon had come to Sittwe to form a Young Monk Union. The Young Monk Union had been famous for its activities during the 1988 democracy uprising, and was formed to carry out the people's desires in accordance with the Buddha's way. Monks in Rangoon had reportedly secretly reformed the Union a few months previously, making demands for the release of five 88 Generation Student leaders.¹⁷¹

On 9 August 2006, 88 Generation Students organised nationwide religious ceremonies in memory of those who lost their lives during the struggle for democracy and human rights. In response, the SPDC directed security to be tightened within the areas of Sittwe, Mruaku, Thaungkok, and Kyuakphyu Township. As such, the organisers were reluctant to invite too many people due to a fear of the authorities intervening. Rather than intervening, plain clothes security personnel took the names of those involved.¹⁷² On the same day, the

authorities at Rangoon's Shwedagon Pagoda barred around 30 political activists from conducting their regular weekly prayer vigil for political prisoners, for the first time since the event had been initiated in 2004. The local TPDC secretary, Tun Hla Sein, personally refused entry declaring it was because they were wearing the pinkish clay colour 'pinni' jackets of the NLD. Those barred had earlier in the day attended the more inflammatory event organized by the 88 Generation Student group.¹⁷³

On 30 October 2006, a week of candle lit prayer ceremonies, organised throughout the country, calling for the release of political prisoners, and a peaceful resolution to the country's political crisis, began. Security was tight. Nay Tin Myint, an active 88 Generation student leader based in Rangoon stated that "*security personnel are everywhere and they tried to block every entrance to the Pagoda*". It was also reported that the ceremony in Mandalay on the second day was unable to go ahead as the roads to the Pagoda were blocked by the authorities.¹⁷⁴ Throughout the week there were further reports of the authorities harassing those taking part. The authorities in Aungmye (Allen), Magway Division visited the local monasteries where the events were being held and threatened their monks. In nearby Chauk, SPDC agents photographed participants. In Sittwe, Arakan State, the police cordoned off religious compounds.¹⁷⁵

On 7 November 2006, 14 pro-democracy activists, including members of the NLD, were detained briefly at Shwedagon Pagoda, reported one of the detainees, Naw Ohn Hla. They were taken into the trustee's office and warned that they could not gather in groups of more than 5 people to pray at the Pagoda. They were released in the evening.¹⁷⁶

In late November 2006, the SPDC reportedly passed an order decreeing that no more than three people from any organisation or party could gather near Shwedagon or Kyaikhtiyo Pagodas.¹⁷⁷

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- ¹⁷² Source: "8888 Commemoration Held in Sittwe," *Mizzima*, 9 August 2006.
- ¹⁷³ Source: "Weekly Prayer Meeting for Political Prisoners Barred in Rangoon," DVB, 9 August 2006.
- ¹⁷⁴ Source: "Over 2,000 Attend Prayer Ceremony for Release of Political Prisoners," *Mizzima*, 31 October 2006.
- ¹⁷⁵ Source: "Prayer Campaign Participants Harassed By Burma Junta Agents," DVB, 1 November 2006.
- ¹⁷⁶ Source: "Activists detained at Shwedagon Pagoda," *Irrawaddy*, 7 November 2006.
- ¹⁷⁷ Source: "Filming Of 'Heritage of Mon Culture' In Historic Places Banned," IMNA, 30 November 2006.

11. Freedom of Opinion, Expression, and the Press

11.1 Background

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

- Article 19, Universal Declaration of Human Rights

"Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits."

- Article 27, Paragraph 1, Universal Declaration of Human Rights

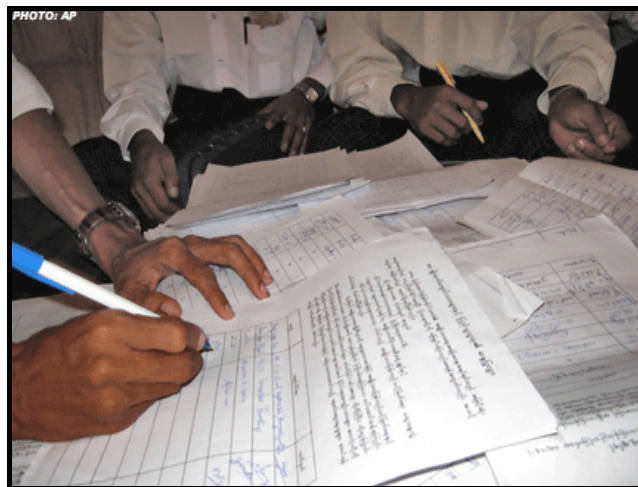
Freedom of opinion, expression and the press has been virtually non-existent in Burma since the military coup of 1988. The junta systematically maintains a tight grip over all forms of expression in the country, suppressing anything deemed harmful to the regime. Through an established legal framework, the ruling junta, the State Peace and Development Council (SPDC) attempts to silence all voices of opposition, both domestically and internationally, and prevent anything regarded as 'too Western' from diluting the sense of Burmese nationalism that it seeks to construct. Peaceful political demonstrations were tightly controlled throughout 2006 with participants often harassed or detained, and complaints made against the regime, its members or affiliates were frequently countered with arrest.

Every effort is made to ensure that people only see, hear, read, and learn about things that support the junta's position in power. The Press Scrutiny and Registration Division (PSRD), a division of the Ministry of Information, examines every publication for anything perceived as "anti-regime." Similar censorship boards retain tight control over art, music, film, performance and all other forms of artistic expression. All authors, publishers, journalists and poets must submit a personal biography to the board of literary censorship. The board then investigates to find out if these individuals have any association to opposition political parties or connections to other people or groups deemed threatening by the regime. Anyone suspected or proved to have "undesirable" connections is placed on a "blacklist" and their work is not allowed to be published.

Burma's press has long remained among the most repressed in the world, and this was again true in 2006. Reporters Sans Frontiers (RSF) placed Burma 164th on its press freedom index, just five places from the bottom;¹ the Committee to Protect Journalists (CPJ) ranked Burma as second in its list of "10 Most Censored Countries;"² and Freedom House listed Burma in its review, "The Worst of the Worst: The World's Most Repressive Societies 2006."³ These figures come in spite of the "flexible censorship policies" introduced by the PSRD in 2005. These regulations were supposed to mark a relaxation in censorship practices and a move towards a more open, independent press. Issues such as HIV/AIDS and bird flu, however, continued to be censored throughout 2006. As many as nine journalists also remained imprisoned for their work by the end of the year, the most prominent of which being U Win Tin: who completed the seventeenth year of a twenty year sentence in July 2006. While a number of new publishing licenses were reportedly granted during the past year, very few of

them resulted in the establishment of viable publications given the excessive restrictions and bureaucratic demands insisted upon by the military regime.

In order to access information about what is really happening within their country, and the rest of the world, many Burmese civilians are forced rely on sources of information outlawed by the regime. The main sources of outside information are the daily Burmese language radio broadcasts by Radio Free Asia (RFA), Voice of America (VOA), British Broadcasting Corporation (BBC) and the Democratic Voice of Burma (DVB). In recent years, there has been an increase in the import of cheap, Chinese-manufactured short-wave radios allowing a greater number of people to access these stations. Meanwhile, the junta continued to crackdown on other forms of outside communication in 2006. The military raided a number of areas across Burma as part of a campaign to eliminate cheap mobile phones smuggled in from bordering countries. The Internet also continued to be censored and extensive efforts were made to block free, independent e-mail services.



In October 2006 pro-democracy activists in Rangoon sign the 88 Generation petition calling for the release of all political prisoners. More than 500,000 people signed the petition. The SPDC responded by imprisoning at least 3 organisers. See Section 11.9 Freedom of Speech and Expression for more information. *[Photo: AP/Irrawaddy]*.

11.2 SPDC Laws Restricting Freedom of Opinion, Expression, and the Press

The Official Secrets Act (1923)

Pursuant to section five, this law makes it an offence to possess, control, receive or communicate any information that is likely to affect the sovereignty and integrity of the State or relations with foreign nations or is otherwise prejudicial to the safety of the State. There is no exception for the disclosure of classified information on public interest grounds. Anyone convicted under this law is liable to be punished with imprisonment for up to two years or a fine or both.

The Burma Wireless Telegraphy Act (1933)

This act makes it an offence to possess, without official permission, any “wireless telegraphy apparatus.” This law was amended in 1995 and 1996 to expand coverage to unlicensed fax machines and computer modems. Anyone found in possession of these devices without official permission is liable to imprisonment for up to three years or a fine of up to 30,000 kyat.

Emergency Provisions Act (1950)

This Act confers sweeping powers on the authorities to silence and punish any real or perceived dissent, even in the absence of a proclaimed state of emergency. “Collecting and divulging, or intending to divulge, information to people involved in treason against the State, on the movements, the strength, the location, the guidelines and regional defence strategies of the State military organizations and criminal investigative organisations who are engaged in preserving the stability of the State” is punishable by death or life imprisonment according to Article 2. Similar punishment is prescribed for any act that is “intended to cause, or causes, sabotage or hinders the successful functioning of the State military organizations and criminal investigative organizations” under Article 3. Article 5(a) outlaws actions that violate or infringe upon “the integrity, health, conduct and respect of State military organizations and government employees.” Causing or intending to “spread false news about the Government” is similarly outlawed under Article 5(e) as is causing or intending to “disrupt the morality or the behaviour of a group of people or the general public” under Article 5(j).

Section 122, Penal Code of Burma (1957)

This section of the Penal Code outlaws treason. Treason is punishable with death or life imprisonment. It was used in late 1990 against several NLD functionaries who attended meetings in Mandalay with the intent of forming a provisional government-in-exile after the election results were disregarded by the junta. The functionaries were arrested and sentenced between 10 to 25 years imprisonment under section 122.

The Printers and Publishers Registration Law (1962)

This law has historically been the main instrument of official censorship, requiring all books, magazines, other periodicals, song lyrics and motion picture scripts to be submitted for review to the SPDC prior to publication or, in some cases, prior to distribution. According to the censorship guidelines, material that is not tolerated includes anything “detrimental to the ideology of the State; anything which might be harmful to security, the rule of law, peace, public order, national solidarity and unity; and any incorrect ideas and opinions which do not accord with the times.” The provisions of this law have been used by the regime to preclude criticism and opposition of the regime. Transgressors could face imprisonment up to seven years and a fine of up to 30,000 kyat.

State Protection Law (1975) a.k.a. the "Law to Safeguard the State from the Dangers of Destructive Elements"

Under section 4, the junta has the power to declare a state of emergency in a part or the whole of Burma and to restrict any rights of the citizens in specified regions or in the entire country. This law also allows the junta to restrict the movement of citizens. Pursuant to section 11, anyone can be confined to a specified area or have their freedom of movement otherwise restrained. The junta can also prohibit citizens from possessing or using specified material under section 11. Appeals of orders passed in accordance with this law are not allowed in any court. Only the Union Cabinet is authorized to hear appeals of such orders. Under a 9 August 1991 amendment to section 14, an executive order can sentence anyone charged with suspicion of committing, committing, or about to commit any act that “endangers the sovereignty and security of the State or public peace and tranquillity” to imprisonment for up to five years without trial.

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)

This law makes it an offence 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 reconsolidation*”. 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*”. It also forbids anyone from drafting or distributing the Constitution of the State without legal authorization. Collaboration in any of the above-mentioned acts is also considered an offence under this law. Punishment ranges between three months to 20 years along with a possible fine. Organisations convicted under these provisions risk being banned and confiscation of their properties.

The Television and Video Law (1996)

This law provides for the compulsory licensing of television sets, video recorders and satellite televisions by the Ministry of Communications, Posts and Telegraphs and of the video business by the newly constituted State or Divisional Video Business Supervisory Committees. The latter is responsible for deciding on the grant of video business licenses and for inspecting and supervising video businesses within their territorial jurisdictions. The law also provides for mandatory censorship of all videotapes, whether locally produced or imported, by a Video Censor Board. The requirement of obtaining censorship certificates has been extended to videotapes imported by foreign diplomatic missions or agencies of the UN for public exhibition. Operation of a television transmission business without permission from the SPDC is punishable by imprisonment for up to five years or a fine.

The Motion Picture Law (1996)

This law applies to the censorship of conventional cinematography films. A license from the Myanmar Motion Picture Enterprise, a state agency, must be obtained to produce any kind of film. Violation of the terms and conditions of a license are punishable by a fine ranging from 5,000 to 50,000 kyat and revocation of the license. The law also provides for the establishment of a Motion Picture Censor Board. Foreign diplomatic missions and the UN have been made subject to the censorship regime under this law. Appeals against decisions by both entities can only be made to the Ministry of Information, whose decisions are final.

The Computer Science Development Law (1996)

This law requires anyone who wishes to import, possess or use computer equipment, notably those with networking or communication facilities, to obtain a license from the Ministry of Communications, Posts and Telegraphs, now the Myanma Post and Telecommunications (MPT). The Ministry is granted absolute power to consider license applications and determine the license conditions. Failure to obtain a license is punishable by imprisonment for a term between seven and 15 years and a fine under sections 31 and 32.

Those who wish to set up a computer network or connect a link inside the computer network are also required to apply to the Ministry pursuant to section 28. In addition, the Ministry is responsible for approving the activities of computer-related associations. Pursuant to the Ministry's policy, only three such associations may be formed in Burma: computer enthusiasts, entrepreneurs and scientists associations. All others are illegal. Anyone operating or belonging to an illegal association is subject to punishment up to three years, a fine, or both.⁴

Internet Law (2000)

Regulations issued by the Ministry of Communications, Posts and Telegraphs, in 2000, include the prohibition of the posting of any writings on the internet that may be detrimental to the interests of the Union, its policies or security affairs. Violations of these guidelines are punishable.

11.3 The National Convention: Increased Control over Expression

The junta continued to tightly control freedom of expression during the 2006 National Convention (NC) session. 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 (Order 5/96) 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*”. It also forbids anyone from drafting or distributing the Constitution of the State without legal authorisation. Punishment ranges between three months to 20 years along with a possible fine. Organisations convicted under these provisions risk being banned as well as having their property confiscated. This law along with others mentioned above enable the junta to tightly control the freedom of expression of both those participating in the Convention and those not.

The 5 December 2005 session adjourned on 31 January 2006 without any significant progress being made. Following a further session running from October through December, the year ended with signs that the Convention could well be finalized at some point during 2007/2008.⁵ Despite purported progress towards the completion of the new constitution, little changed in terms of opening up the Convention to free and open debate. On 7 February 2006, UN Special Rapporteur on the situation of human rights in Myanmar, Paulo Sergio Pinheiro, described the principles and procedures governing the NC as, “*fundamentally anti-democratic*,” in his report to the 62nd session of the UN Commission on Human Rights.

As in May 2004 (when the Convention originally reconvened after an eight-year hiatus), the SPDC continued to handpick pro-regime delegates to participate in the Convention and prohibited free and open debate. In 2004, the regime imposed conditions that precluded the participation of the NLD and other pro-democracy groups, including prohibiting the parties from selecting their own delegates and detaining their leaders. The regime has refused to invite these parties to subsequent sessions of the Convention.⁶ The Shan Nationalities League for Democracy and the Shan State Kokang Democratic party also boycotted the 2006 meeting of the National Convention. The remaining seven legal political parties unquestionably support SPDC policies.

The New Mon State Party (NMSP), an ethnic ceasefire group, took the decision not to formally participate in the December 2005 and October 2006 meetings of the NC. The group were dissatisfied that a joint proposal regarding legislative and judicial issues submitted by several ethnic ceasefire groups in May 2004 continued to be rejected by the military authorities. The procedural restrictions placed on the participants’ right to free speech were reportedly another reason cited by the ceasefire group for its stance.⁷ Following the adoption of this position by the NMSP, there was a reported increase in the presence of SPDC army personnel in the NMSP region.⁸

For those who attended the Convention, freedom of expression and speech was strictly curtailed. On 13 December 2005, several opposition leaders in Rangoon were warned by authorities that they would be prosecuted under order 5/96 if they criticized the NC and were told not to release information concerning the NC to media groups.⁹

Whilst the SPDC tightly restricted the issuance of visas to foreign journalists throughout 2006, it again issued visas to foreign journalists when the National Convention resumed on 10 October, and staged several press conferences to convey its views on political problems.¹⁰ In one such press conference, held prior to the October 2006 NC session, a senior official reportedly said that the regime would “*crush*” journalists who asked tough questions. In the same briefing, Brig. Gen. Kyaw Hsan shouted down correspondents who raised uncomfortable questions about the Convention or the continued house arrest of Daw Aung San Suu Kyi. In the weeks leading up to the October session the junta also detained several prominent members of the 88 Generation Student Group as a precaution against potential unrest. Min Ko Naing, Ko Ko Gyi, Htay Kywe, Min Zeya and Pyone Cho were each arrested in September 2006 for allegedly creating “*instability and unrest*,” and for having connections with exiled groups.¹¹

The NC continued to be held at an obscure location outside Rangoon in 2006, a move reportedly designed to further minimise any potential disruptions. In 2004, Special Rapporteur Paulo Sergio Pinheiro described the delegates as being, “*virtually under house arrest*” at the specially constructed camp in Nyaungnnapin. The camp was surrounded by military bases and delegates were confined to the compound and forbidden from discussing the proceedings with non-delegates.¹² It was reported that during the first session of the NC in 2006, delegates were subject to a curfew and “*essentially cut off from the outside world*.”¹³

Throughout 2006, the SPDC forced civilians to attend mass rallies across the country in support of the NC. At one rally, in Karen State, the junta-controlled newspaper, the *New Light of Myanmar* reported that over 25,000 people had turned out to show their support for the Convention. Local people complained, however, that they had no choice but to attend. Thant Zin, a resident of the Karen State capital, Pa-an, told *Irrawaddy* in January 2006 that, “*At least one person from each house has to attend the rally...If no one shows up, the household is fined 5,000 kyat and the residents’ details are recorded*.” He also claimed that all students from grades seven to ten were forced to attend. Of the 25,000 people cited by the *New Light of Myanmar* as being in attendance at the rally, Thant Zin said that, “*If it were of their own accord, no one would have been there*.”¹⁴ Rallies were also staged in Rangoon, Kachin State, and Pegu and Mandalay Divisions. In each case there were reports of intimidation and coercion by local authorities and the junta-controlled Union Solidarity and Development Association (USDA). Local people reported that they had been threatened with fines, violence, prosecution and imprisonment for not attending the rallies.¹⁵ (For more information see Chapter 12 Freedom of Movement, Assembly and Association).

11.4 State of Freedom of the Press in 2006

In 2006, Burma's press remained among the most repressed in the world. RSF placed Burma 164th on its press freedom index, just five places from the bottom.¹⁶ Similarly, the CPJ ranked Burma as second in its list of "10 Most Censored Countries;"¹⁷ and Freedom House listed Burma as one of the countries in its annual compilation, "The Worst of the Worst: The World's Most Repressive Societies 2006."¹⁸

In December 2005 it was reported by, state run, the *Myanmar Times* that the PSRD increased its staff to approximately 100 employees, 60 of who were reportedly assigned to censorship work. According to Maj. Tint Swe, the director of the PSRD, "*Each staff (member) is now examining three periodicals every day.*"¹⁹ The 400 or so private journals in Burma are required to submit an application for each publication listing every news article they wish to publish to the PSRD for approval. If an article is censored, the editors are forced to change the entire layout of the magazine to hide the removal of the objectionable material. There is, therefore, a strong incentive for magazine editors and writers to engage in self-censorship to avoid this time-consuming and expensive process.

Foreign journalists, while not subject to the same risk of arrest and intimidation as local journalists, also face restrictions on reporting news from Burma. The few foreign journalists who are allowed to live in Burma are subject to the same censorship laws as their local colleagues. For visiting foreign reporters, the junta requires a special journalist visa as well as a 'Permit to Conduct Journalistic Activities.'²⁰ International journalists who write articles critical of the regime have been blacklisted from the country. As a result of the heavy control of journalism in Burma, compounded with widespread poverty, illiteracy and lack of access to print media, most citizens choose to get their news from various foreign radio stations. These are the BBC, VOA, DVB, and RFA. In 2003, it was reported that close to 95 percent of civilians, as well as members of the military, relied on foreign radio broadcasts for information about events inside Burma.²¹ Similarly, it was reported in June 2006 that 80 percent of townspeople in Sittwe were listening to foreign broadcasts on a daily basis.²² In recent years there has been an increase in the number of cheap, Chinese-made radio receivers, which has likely increased the number of radio listeners.

Meanwhile, new "*flexible censorship policies*" were introduced by Major Tint Swe, head of the PSRD, in 2005. The new regulations outlined a seven-point press policy for writers to adhere to, including; opening up to reporters of journals and magazines on writing about government departments so long as articles were constructive; and permitting of writing on domestic and international news quoting foreign media so long as it was in the interest of the nation, with anything deemed as harming the national interest being rejected. The policy generally rejected writing news comments on foreign affairs, especially anything regarding ASEAN, China and India.²³ The new policy also empowered the PSRD to block the transfer of a publishing license from one publisher to another and tightened control over authorized editorial teams.²⁴

The new regulations included a lifting of the ban on media coverage of poverty, and health issues. Reports on these issues would be allowed if deemed, "*not [to] affect the national interest.*"²⁵ Information about Bird Flu, however, continued to be censored throughout most of 2006; putting the health of Burmese citizens at risk. In March 2006, radio stations reporting from outside Burma released information about an outbreak of the H5N1 virus in Mandalay and Sagaing Divisions. The junta, however, failed to release a statement or

announcement of any form regarding the incident, causing fear and confusion amongst local people. One Rangoon-based magazine editor told DVB that Burmese journalists had been told by the authorities that there was no outbreak, and that any article written about the incident would be banned by the censorship board. The journalist added *“As we have no rights to say these things, it is useless to be a journalist. We are no more real journalists but only people who try to make money as we are unable to do the things we should do.”*²⁶ Only in December 2006 did the junta begin to initiate any precautionary measures against the virus. In cooperation with UNICEF, the Livestock Breeding and Veterinary Department (LBVD) initiated a training workshop for media personnel aimed at raising public awareness of Bird Flu.²⁷ (For more information see Chapter 9 Health and Education). Information regarding HIV/AIDS was also censored by the junta in 2006. Again highlighting the risks involved in press censorship of health issues, one female NGO worker from Mon State told *Kaowao News* that, *“Some young women in my township marry business men suspected of being HIV positive. Some young men have sex with female sex workers even though they know the woman is HIV positive. We need more general knowledge and media access.”*²⁸

The new guidelines also lifted the outright ban on the reporting of natural disasters and crime. Reports about Cyclone Marla, which swept across Burma from 29 April, were permitted by the junta along with stories about cases of robbery and fire incidents. Despite this apparent relaxation, however, Aung Naing, editor of Network Media, told DVB that the restrictions are still there: *“Whatever you call it, you still cannot write the truth about the life of the people or actual events about the people.”* The only real change has come in the junta’s handling of reports about crime and natural disaster. In some instances the junta has even requested articles on these topics. Although, the concessions granted in these cases are minimal and possibly even misleading. According to Aung Naing, in order to publish stories on these topics, *“you have to present it in a way they-the government-want it, and you cannot write freely.”* Ludu Sein Win told DVB that the new regulations only permitted coverage of certain problems, such as narcotics and illiteracy, and not their underlying cause: the political system. The concessions are, therefore, meaningless: *“You need to deal with the main issue to resolve the problem,”* he argued, *“You cannot chop off the branches when the problem is in the trunk.”*²⁹

Conditions for collecting news also became increasingly restrictive in 2006. Journalists’ security worsened as a result of the junta’s refusal to notify them of which areas were off-limits,³⁰ and Burmese journalists seeking news from SPDC officials were ordered to obtain their signatures and stamps; making information harder to obtain.³¹

The military regime has become increasingly restrictive over information regarding the country’s new administrative capital. Despite statements by the junta suggesting that construction at Nay Pyi Daw was at an advanced stage, reports indicate a lack of basic amenities in the city; including food, water, and accommodation. In 2006, the *New Light of Myanmar* reported that, *“staff are eager to move to move to Naypyidaw,”* and that *“all slanderers are silent because of the objective conditions in the capital.”* On 24 August 2006, however, a report in *Irrawaddy* directly contradicted these statements. According to the report, SPDC employees were *“livid”* at being forced to move to the new capital and at the junta’s insistence that no one be allowed to resign. Only two offices were completed in the capital and lower-ranking officials were not due to move into their homes for years, living for the meantime in bamboo huts.³² Foreign embassies, aid agencies and international organisations had reportedly refused to move to the new capital because of its lack of facilities.³³ The junta also stopped covering the travel costs of journalists visiting Nay Pyi

Daw in 2006. Around one-third of invited journalists did not attend press conferences in the capital throughout the year because of the excessive costs involved in doing so.³⁴

On 27 March 2006 two journalists were arrested for filming and taking pictures of the new capital whilst travelling through it on a bus. Thar Cho and Moe Thun were each subsequently sentenced to three years imprisonment for the offence, the maximum sentence possible under Article 32 (A) of the Television and Video Act. The Act imposes legal sanctions against anyone filming commercial video without an official license. Both journalists appealed against their detention, arguing through a lawyer that they did not shoot footage of restricted areas.³⁵ Ann Cooper, Executive Director of the CPJ, described the detention of the two journalists as, “*a travesty of justice in a country where a military government uses the law to crush any attempt at journalism.*”³⁶ Local residents told BMA that soldiers and police were under orders to stop anyone taking photographs near the capital.³⁷ One civil servant told DVB in January 2006 that construction workers had also been arrested for photographing the site: “*Around 4-5-6 people get arrested in a day and their cameras confiscated. Nobody knows where they are going to be imprisoned.*”³⁸

In January 2006, the SPDC fired an army officer for contributing politically sensitive satirical articles to the Yangon Times. Major Wunna, chief of the military’s Aviation Maintenance Department and columnist under the pseudonym, ‘Mar j,’ had allegedly written articles critical of the junta’s move to Nay Pyi Daw and its National Convention.³⁹

Whilst the junta continued to suppress the independent media throughout 2006, it regularly used its own publications to attack opposition parties, with SPDC officials often using pseudonyms to write articles presenting the junta’s own views and opinions, as those of an independent analyst.⁴⁰ During the year, junta-controlled newspapers reported almost daily of NLD members resigning en masse from the party. According to the *New Light of Myanmar*, between 21 April 2006 and 8 June 2006, 546 members quit the NLD, reportedly in protest against the party’s politics and its allegiance to ‘foreign powers.’ In most cases, however, members had been forced to resign under intimidation by the authorities and the military police.⁴¹ (For more information see Chapter 12 Freedom of Movement, Assembly and Association).

The junta also used its publications to justify its own actions during 2006. With increasing reports of brutality by police and local authorities throughout the country, the SPDC moved to construct its own version of particular incidents in an effort to pre-empt or defend against other versions of events. Constructed stories would generally portray the victim of police violence as a person of bad character. This then gives the impression that whatever the authorities did to them was somehow deserved. The stories would also present the authorities as being disciplined and as acting in accordance with the law, thus absolving them from any claims of malpractice.⁴² On 17 March 2006, former political prisoner Thet Naing Oo was brutally murdered by members of the police and fire brigade. In its report of the attack, the *New Light of Myanmar* described Thet Naing Oo as being a drunk, urinating in public and as being out of control at the time of his arrest. Because of his condition, police and fire services, “*who knew their duties,*” were forced to use brutality to contain him. This story caused outrage, however, among ordinary people including the victim’s relatives. “*I regard it as an act of unbearable intimidation and bullying,*” one Rangoon resident told DVB.⁴³ Eyewitnesses were jailed, though reports suggest that Thet Naing Oo was actually drinking tea at the time of his attack. When DVB contacted the *New Light of Myanmar*, an unnamed

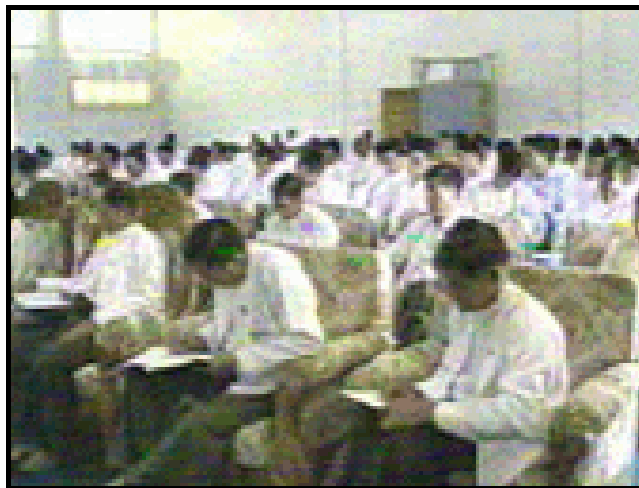
official said the paper had been forced to insert this piece of prevarication by the special branch of the police.⁴⁴

Following news reports of the community backlash over the suspicious killing of Thet Naing Oo, junta-controlled media accused international media outlets of trying to destabilise the country. Moe Shin, a columnist in the *New Light of Myanmar* labelled Thet Naing Oo a terrorist and branded the BBC, VOA and RFA as evil and wicked for colluding to slander and discredit the government.⁴⁵ As a means to counter these foreign media groups, the junta continued to school USDA members in the art of propagandistic journalism throughout 2006. In 2005, the SPDC had begun recruiting members of the USDA into the journalism profession specifically to counter the attacks of these news agencies. International media outlets such as the BBC and VOA regularly criticise the regime for its appalling human rights record, amongst other things. Speaking at the opening ceremony of journalism course Number 7, in Bahan Township, in October 2006, USDA Central Executive Committee (CEC) member, U Aung Min, asserted the importance of effectively and widely applying news and information in propaganda work. He went on to add that, *“In the globalization process, some big nations with superiority in IT development are interfering in the internal affairs of sovereign nations through the media.”*⁴⁶ Such rhetoric is common within the SPDC. In 2005, Information Minister, Brig. Gen. Kyaw Hsan had stated that the media *“will lose its aims and will harm the national interest if it exercises excessive freedom.”* He called on the media to help fight *“saboteurs from inside and outside the nation [who] are trying to destroy the national development in all sectors.”*⁴⁷ Reports in September 2006 indicated that civil servants in Nay Pyi Daw were also to be offered training courses in journalism. The one week course would be taught by news reporters and journalists chosen by Brig. Gen. Kyaw Hsan and officers from the SPDC Psychological Warfare Department.⁴⁸

In an all out bid to counter foreign and exiled media groups, members of the USDA in Arakan State unleashed a new strategy of spreading misinformation about them. One member in Kyaukdaw Township told *Mizzima* that, *“We are supposed to go to public places and tell people which information by which media last night was wrong. Then we have to explain to the people what the truth is.”* A local resident in Sittwe also said that, *“They [the USDA] are starting to counter the media by spreading false information that the arrest of Sittwe NLD [National League for Democracy] chairman U San Shwe Tun was because of his involvement in smuggling and logging.”* Another resident in Pongnakyon said that the USDA, *“have circulated reports that the death of U Oo Thar Tun was not because of an injection by the authorities as reported by the exiled democratic forces and the Arakan organizations but due to old age.”*⁴⁹

Those civilians who provided information to foreign journalists were among those most severely persecuted. The Military Security Force (MSF) conducted an increasingly sophisticated campaign of intimidation and monitoring of ‘informers’ throughout the year. MSF reportedly interrogated a number of businessmen, journalists, and civil servants, accusing them of giving information to foreign-based, Burmese language radio stations. Burmese officers have also reportedly been trained in methods of identifying sources used by foreign media. Chief trainer, Capt. Aung Kyaw Kyaw, even threatened to kill a number of Burmese citizens accused of acting as informants, according to the Independent Mon News Agency. Purchases by the junta of U.S-made intercept devices have additionally enhanced its capacity to monitor phone calls.⁵⁰

The day after political writer Ludu Sein Win met with a European visitor at his home in Rangoon, the MSF visited his house ordering him to stop talking to foreigners. After arranging a meeting between an American journalist and a freed leader of the 1988 student protests on 2 December 2005, Maung Maung Kyaw Win was told by intelligence officers, *"We know everything. Don't think we know nothing about you. We have been watching you for long years so stay out of politics, stay away from (the student leader) or your wife will become a widow."* Maung Maung Kyaw Win subsequently fled the country to Thailand though he was unable to talk of his experience until his family had been moved to safety in February 2006.⁵¹ According to a report by RSF, on 9 February 2006, two people were arrested in Moulmein, Mon State, for receiving *"suspicious"* international calls on their mobiles.⁵² In the same month, the Ponna Gyunt Township authorities were reported to have established secret agencies in local villages to look for informers feeding foreign media.⁵³



In 2006, members of the SPDC's puppet organisation, the USDA, underwent propaganda training, in an attempt to counter foreign media reports on the abuses and malpractice of the junta. The SPDC controlled newspaper, the *New Light of Myanmar*, ran this picture under the heading "USDA members to inform public of correct news and rebut fabrications: USDA Basic Journalism Course No 5 concludes," on 30 June 2006. [Photo: *New Light of Myanmar*]

11.5 The State of Publications in 2006

The PSRD granted new publishing licenses to 16 new magazines, journals and booklets in June 2006.⁵⁴ In July, however, the *Weekly Eleven News* reported that 13 journals and 23 magazines had been revoked from publication. These included the *Myanmar Economic Journal*, *Interview Journal*, the *Panorama* and *English-English Everywhere* magazines. No reason was given in the report for the move.⁵⁵ A further seven magazines and nine journals were granted licenses in December, bringing the total number of private magazines and journals being sold in the domestic market to 250 and 200 respectively; according to information from the PSRD.⁵⁶ All new publications were required to adhere to restrictions on negative articles about the junta, India, China and ASEAN; and on articles about natural disasters and health issues.

The *New Spectator* magazine was forced to skip publication for the month of July because of censorship. The PRSD rejected four of the magazine's leading articles, including a story based on Whan Chukee's, 'Prospects for our People,' and an article from Prospect magazine titled, 'Public Intellectual.' Ko Aung, editor of the *New Spectator*, told *Mizzima* that, "We cannot release our third issue, as the pages of the magazine are reduced it is not good anymore."⁵⁷ The Burmese media was also prevented from carrying stories about the controversial European cartoons of the prophet Muhammad. One Rangoon-based editor for a local news journal told *Irrawaddy* that, "Our reports [about the cartoons] for the latest two editions have been censored," and that "Some publications did not even submit the story [to PRSD], assuming that they would not get permission."⁵⁸

In January 2006, the Yangon Times journal was permitted to publish the New Year messages of renowned 88 Generation Student leaders Ko Ko Gyi and Htay Kywe, as well as other well-known personages. Sources say the journal quickly sold out because it carried the photographs of those leaders together with their messages. This is the first time that publications have been allowed to carry such news since Min Ko Naing and other student leaders were released from Burmese prisons in 2005.⁵⁹ Ko Ko Gyi, Htay Kywe and Min Ko Naing were all arrested in September 2006, however, in the run-up to the October session of the NC. Junta-controlled media outlets also increased their attacks on the student group in August. The *New Light of Myanmar* reported on 26 August that the 1988 Generation Students' meeting with the British ambassador and their visit to Kale and Kalewa was an attempt to incite public unrest. Ko Ko Gyi, however, stated that, "This is a leisure trip and I duly notified the responsible officials before my departure. At the towns that I visited, local officials also came and saw me." He added that, "This is a very harmful news report written at a time when we are working towards national reconciliation."⁶⁰

11.6 Continuing Detention of Journalists

No journalists were freed in 2006, and as of 31 December 2006, as many as nine journalists remained imprisoned in Burma. This number is however only a rough estimate because of the difficulties involved in obtaining accurate information about the regime's prisons.

U Win Tin

U Win Tin, Burma's longest serving political prisoner, remained in prison throughout 2006. On the occasion of U Win Tin's 76th birthday in March 2006, UN Special Rapporteur for Human Rights in Myanmar, Paulo Sergio Pinheiro and other human rights experts sent a letter to the military-junta calling for his release. This move followed an earlier appeal from RSF and BMA urging the SPDC to reconsider its position.⁶¹ UNESCO Director-General, Koichiro Matsuura, also issued a statement in March 2006 arguing for the release of U Win Tin on humanitarian grounds.⁶² The winner of UNESCO'S World Press Freedom Prize for 2000; he has endured at least two heart attacks whilst in prison. He also continues to suffer from diabetes, prostate inflammation, a degenerative spine condition, heart disease, inflamed knee joints, and dental problems.⁶³ Due to restrictions, the ICRC was unable to visit U Win Tin in 2006 to monitor his condition.⁶⁴

The former editor-in-chief of the daily *Hanthawati* and chairman of Burma's Writers Union, was arrested and sentenced to three years hard labour in 1989 for allegedly being a member of the banned Communist Party of Burma. While in prison, his sentence was extended twice, building to 20 years. On 4 July 2006, U Win Tin completed the seventeenth year of his sentence. To mark the occasion, RSF and BMA mounted a fax-offensive targeted at major Burmese embassies throughout the world. An appeal for his release and petitions signed by more than 5,000 people were sent throughout the day. Though he is now said to be treated with more respect by the military authorities, since his arrest U Win Tin has been deprived of his fundamental human rights, including being allowed to write.⁶⁵ In 1996 he was held for five months in a dog kennel at Rangoon's Insein Prison. Furthermore, in both 2004 and 2005, the junta listed U Win Tin as amongst those political prisoners due for release, only to then renege on this promise at a later stage. Opposition groups and human rights activists saw this as a deliberate attempt to torture him psychologically.⁶⁶

U Win Tin helped establish various pro-democracy publications during the 1988 uprisings that the ruling military junta violently crushed. As a former joint secretary to the main opposition NLD political party, he was considered a close adviser to party leader and Nobel Laureate Daw Aung San Suu Kyi. In 1992, his initial term drawing to an end, U Win Tin saw his sentence extended on charges of "*writing and publishing pamphlets to incite treason against the state*" and "*giving seditious talks*" during the 1988 uprisings. In 1996, military authorities extended his term yet again on charges that he secretly published "*antigovernment propaganda*" from prison, including notes drawn up for a United Nations Special Rapporteur detailing human rights abuses at Insein prison.⁶⁷ On 12 December 2006, U Win Tin was awarded the Foundation de France prize by RSF for his relentless commitment to press freedom.⁶⁸

Aung Htun

Aung Htun, a writer and activist, was imprisoned in February 1998 for writing and publishing a seven-volume book that documented the history of the student movement that led the pro-democracy uprisings of 1988. He was sentenced to a total of 17 years in prison. He was sentenced separately to three years for violating the 1962 Printers and Publishers Registration Act, the military junta's main legal instrument of official censorship; seven years under the 1950 Emergency Provisions Act, which is used broadly to suppress any dissent against the regime; and another seven years under the 1908 Unlawful Associations Act, a holdover law from Burma's colonial era under British rule. The writer's health has deteriorated during his detention. In 2002, Amnesty International issued an urgent appeal requesting that Aung Htun be granted access to medical treatment for complications related to growths on his feet, which had apparently inhibited his ability to walk, as well as a severe asthma condition. According to BMA, his health has deteriorated further in subsequent years.⁶⁹

Maung Maung Lay Ngwe

Maung Maung Lay Ngwe was arrested and charged in 1990 with writing and distributing undisclosed publications that the junta deemed to “*make people lose respect for the government.*” The publications were titled collectively *Pe-Tin-Than*, which from the Burmese translates loosely to “Echoes.” CPJ has been unable to confirm his current whereabouts, legal status, or records of his original sentencing 16 years ago.⁷⁰

Thaung Tun (a.k.a. Nyein Thit)

Thaung Tun, an editor, filmmaker, and poet better known as Nyein Thit, was sentenced on 3 December 1999 to eight years in prison for collecting and disseminating human rights-related information outside of the country. The films depicted topics that exposed chronic mismanagement and human rights abuses under military rule, including footage of forced labour and images of grinding poverty in rural areas. His videotapes were circulated through underground networks inside and outside the country, and copies were eventually captured by military intelligence officials. The 47-year-old was a long time journalist with the *Padaut Pwint Thit* magazine, which the junta shut down in 1995. He was also a member of the opposition NLD party and spent three years in prison for his political activities in the late 1970s. He is currently detained at Moulmein prison in southern Burma, 625 miles away from his family in Mandalay. CPJ honoured Thaung Tun and his colleague Aung Pwint, who was also imprisoned for his role in making the unauthorized documentaries, with the 2004 International Press Freedom Award. Aung Pwint was released in 2005.⁷¹

Monywa Aung-Shin (a.k.a. U Aye Kyu)

In September 2000, Monywa Aung-Shin (a.k.a. U Aye Kyu) was arrested and subsequently sentenced under both the 1962 Press Act sections 17 and 20, and under section 5(j) of the 1950 Emergency Provisions Act to a cumulative period of 21 years imprisonment. Monywa Aung-Shin began writing poetry in 1962 for several popular magazines in Burma. He was banned from publication in 1988 after becoming involved in the national uprising. He was also an editor for the magazine *Sar-maw-khung* (Literary World) before it was banned in 1990. He then worked as one of the NLD's press officers and was arrested, together with five others, for writing an NLD statement demanding the release of Daw Aung San Suu Kyi and

other Central Executive Committee members, and the reopening of NLD HQs. It also called for urgent tripartite dialogue between the junta, the NLD and ethnic groups and denounced the unlawful action of the SPDC. The Voice of America published and distributed the statement.⁷²

Ne Min (a.k.a. Win Shwe)

Ne Min, a lawyer and former reporter for the BBC, was sentenced to 15 years in prison in 2004 on charges that he illegally passed information to “anti-government” organizations operating in border areas. It represented the second time the junta had imprisoned the well-known journalist, also known as Win Shwe, on charges related to disseminating information to news sources outside of Burma. In 1989, a military tribunal sentenced Ne Min to 14 years hard labour for “*spreading false news and rumours to the BBC to fan further disturbances in the country*” and the “*possession of documents including antigovernment literature, which he planned to send to the BBC,*” according to official radio reports. He served nine years at Rangoon’s Insein Prison before being released in 1998.⁷³

Thar Cho (a.k.a. Thaung Sein) and Moe Tun (a.k.a. Kyaw Thwin)

Thar Cho, a freelance photojournalist, and Moe Tun, a columnist at the Burmese-language magazine *Dhamah Yate*, were arrested on 27 March 2006, and sentenced the following day to three years in prison for photographing and videotaping while riding on a public bus near Burma’s new capital city, Nay Pyi Daw. The two journalists were charged under the 1996 Television and Video Act, which bars the distribution of film material without official approval. Under the law, every videotape in Burma must receive a certificate, which may be revoked at any time, from the regime’s censorship board. Burmese security personnel were under strict orders to stop and detain anyone found taking photographs near the new capital. Thar Cho and Moe Tun were placed at Yemethin Prison in central Burma. Both journalists appealed the decision but on 21 June 2006 an appeals court upheld the lower court’s verdict without allowing defence witnesses to testify.⁷⁴

U Than Win Hlaing

U Than Win Hlaing was arrested in June 2000 and sentenced to seven years imprisonment under section 17/20 of the Press Act. In the second edition of a 1995 history of prominent Burmese figures in political history, U Than Win Hlaing included information on Gen. Aung San. Although the censors approved the overall content of the book, the junta viewed the information pertaining to Gen. Aung San as a criticism of the present regime. In 2005, U Than Win Hlaing was incarcerated at Thayawaddy Prison.⁷⁵ By January 2006, reports began to suggest that his health was rapidly deteriorating. According to AAPP-B Secretary, Teik Naing, U Than Win Laing was suffering from kidney complaints and diabetes: “*We learnt that the kidney disease is deteriorating considerably,*” he told DVB. He also said that prison authorities had not allowed U Than Win Hlaing to receive treatment at an outside hospital, and had prevented the ICRC from seeing him when they were last able to visit the prison in December 2005. Moe Moe Kyi, U Than Win Laing’s wife, expressed her concern over the health of her husband, telling DVB that she feared for his life.⁷⁶

11.8 Academic Freedom

The lack of freedom of expression in the academic community, together with an ever decreasing standard of education within the country, severely hinders student development within Burma. The junta strictly controlled teachers, students, the academic curriculum and the academic environment. Critical thinking, creativity and respect for a diversity of thought are not promoted within Burma's education system. All new academic programs or courses must be approved by the regime as well as all instructional material used in the education system. Newsletters, research booklets and academic reviews issued by the departments of various educational institutes have been banned since the start of military rule in 1962. Students are also prohibited from publishing course reviews and study guides, and only junta sponsored textbooks are available. Academic papers must be submitted in advance to the preparatory committee of the seminar for prior approval. Scholars who criticise the junta or contradict regime policy are frequently prohibited from publishing articles in their field of study. The authorities have also persecuted students who publish booklets of poems or short stories fearing such publications will prompt political activities among students.⁷⁷

Moderators and university faculty members are hand selected by the junta and are routinely warned against criticising the regime. University professors are forbidden to say anything critical in their lectures about the curriculum, the education system or the military regime in general. Teachers are also instructed not to discuss politics in the classroom and are prohibited from engaging in any sort of political activity. SPDC officials regularly join university meetings to remind academics of these laws to intimidate them into submission. There have also been reports of intelligence agents infiltrating classrooms and reporting on students and teachers who speak out against the regime. The Ministry also requires prior approval for meetings with foreigners.⁷⁸

Undergraduate campuses have been moved out of major cities and placed in remote locations, as a means to dilute any potential unrest.⁷⁹ Student unions are illegal in Burma and anyone participating in a student union is considered a criminal. Student union activists have often been arrested on unsubstantiated charges and student rights defenders have also been imprisoned and tortured. Meanwhile, many students continue to be forced to participate in junta-sponsored groups such as the USDA and the local women's affairs committees. Students and teachers are regularly forced to attend junta organised rallies, often with the promise of better jobs or higher grades in return for their participation.⁸⁰ (For more information see Chapter 9: Rights to Education and Health).

11. 9 Freedom of Speech and Freedom of Expression

Freedom of speech and expression is strictly curtailed by Burma's military junta. Throughout 2006, the SPDC continued its crackdown on all forms of expression deemed harmful to the regime.

The junta forcefully attempted to silence anyone who spoke out against injustices during 2006, despite junta-controlled newspapers regularly running advertisements in 2006 carrying details of new 'corruption hotlines' that would allow members of the Burmese public to lodge complaints against authorities. Many Burmese people though, are afraid of retribution if they report official's crimes. *"If you really go and complain they'll just give you back a lot of harsh time... There are examples you can see, like force labour cases in the country,"* Tin Win, a lawyer from Rangoon told DVB. *"You don't dare to file a report even if you want to... So this new program is like a big joke to people,"* he added.⁸¹

In early January 2006, Kyi Maw, a former school teacher at Kanthaya Ward, Magwe Division, central Burma, was imprisoned for writing a letter of complaint to the municipal authority about the erratic water supply system. He was arrested and charged for filing false reports under Act-192, and sentenced to 6 months in prison, as the authorities said the water had been working, contrary to local residents' reports.⁸²

Yeh Aung from Pe-Kone village, Myothit Township, Magwe Division, was arrested on 8 March 2006 after he attempted to report the corrupt practices of the village authority chairman, Yeh Min. Money gained from the sale of psychic nuts collected from villagers was reportedly being misappropriated to higher district authorities.

In January 2006, two NLD members from Kachin State were also reportedly detained for speaking out against the junta's psychic nut project.⁸³

In August 2006, Nyan Tun from Magyeesin Village, Salin Township, Minbu District, Magwe Division, was released after spending three months in prison for reporting the corrupt practices of local authorities. Nyan Tun had written to Sen. Gen. Than Shwe informing him that money collected from farmers by the local authorities for a generator, had been used instead by to set up a battery charging business. The generator was needed as part of an SPDC project to pump water for farmers in Minbu District. Batteries were being sold to farmers at a cost of 100 kyat each.⁸⁴

On 21 November 2006, it was reported that two men from Bogalay Township, Irrawaddy Division, had been sentenced to two years in prison each after filing a corruption complaint against local officials. Win Nyunt and Aye Min complained that VPDC officials had siphoned money from their yearly agricultural loans. Following an investigation of the men's claims, Phyar Pon division authorities warned the Bogalay Township VPDC and ordered them to maintain a record of all invoices. In retaliation, village authorities imprisoned the men.⁸⁵

The 88 Generation Students Group organised a number of campaigns throughout 2006. In the weeks leading up to the October 2006 session of the NC, Min Ko Naing, Ko Ko Gyi, Htay Kywe, Min Zeya and Pyone Cho were each arrested in what some analysts viewed as an attempt by the junta to mitigate against any potential unrest. In response, on 2 October the student group launched a nationwide petition campaign demanding the release of the detained

leaders, Daw Aung San Suu Kyi and other political prisoners. The group called for “*constructive compromise*” between the SPDC and opposition movements, and warned that “*Burma’s national crisis is at the highest level now.*”⁸⁶ A total of 535,580 persons eventually signed the petition.⁸⁷ The junta attempted to counter this widespread popularity with claims that signatories of the campaign were tricked; something the student group strongly refuted. One leader of the Generation Group told *Irrawaddy* that, “*The junta has accused us of obtaining false signatures because they cannot control the people who have chosen to become involved.*”⁸⁸ As such scenes of public protest are rare in Burma, Mya Aye, one of the organizers of the petition campaign, described the appeal as a great success, “*because people express what they want with more courage than ever.*”⁸⁹

However, Ko Win Ko (aka Win Ko Ko) and Phyo Zaw Latt (Zaw Tun Latt), two organisers of the campaign, were arrested in October 2006, after being found in possession of 400 signatures. On 19 October 2006, Win Ko Ko was sentenced to 3 years imprisonment, one day before his set trial date at Lethpandan Court in lower Burma, without the benefit of lawyers or seeing his family. He was convicted of ‘obstructing the work of a government officer’ and sentenced to 2 years, and then another 1 year for possession of illegal lottery tickets, reported NLD lawyer Khin Maung Yin. He was then transferred to Paungde Jail to serve his term, according to advice given to his family. On 9 November 2006, Zaw Tun Latt and Win Ko Ko were each sentenced to an additional 14 years for forging documents and fraud, under Acts-420 and 468, at the Tharawaddy Township Court, on the basis that the signatures were obtained through misrepresentation.⁹⁰ On 2 November 2006, Ye Kyaw Thu was also detained for his involvement in helping to collect signatures for the signature campaign in Thailand, after being deported back to Burma. He had been arrested in Thailand after failing to provide proper working papers.⁹¹

From 10 October 2006 to 18 October 2006, the student group also launched a ‘White Expression’ campaign. People were urged to wear white shirts as an expression of sympathy for their goals of political reconciliation and freedom for political prisoners.⁹² An estimated 60 percent of townspeople took part in the campaign on its opening day in Arakan State.⁹³ The student group followed this campaign with a ‘Multiple Religious Prayer’ week, commencing on 29 October. Participants were encouraged to wear white clothes and hold candlelit vigils in places of worship. Prayers were offered for a peaceful resolution of the country’s political crisis, for political prisoners, and for victims of the September 2006 floods.⁹⁴ The main focus of the event was the Shwedagon Pagoda in Rangoon, where approximately 1,000 people gathered on the opening day of the campaign to express their support.⁹⁵ Over 2,000 attended the Pagoda on 30 October despite attempts by security personnel to block access. Nay Tin Myint, an 88 Generation Student leader told *Mizzima* that, “*Security personnel are everywhere and they tried to block every entrance to the pagoda.*” He added that those people who had been denied entrance to the Pagoda in Mandalay had managed to hold prayer meetings in their homes instead.⁹⁶ Activists were also reportedly harassed by junta agents in Aungmye, Chauk, and Sittwe.⁹⁷ Speaking at a press conference on 2 November, Information Minister, Brig. Gen. Kyaw Hsan warned the student group that, “*We will have to arrest and charge those who are trying to create public unrest and instability and jeopardise the peace and stability of the country.*”⁹⁸ (For more information see Chapter 12 Freedom of Movement, Assembly and Association).

Individuals Penalised for Their Expression - Partial List of Incidents for 2006

On 25 February 2006, Yeh Zaw, a Christian residing in the compound of Rangoon Insein Kanphawt evangelical church whose members were banned from worshipping by the local authorities, was arrested in Pa-an, Karen State, for travelling without an identity card. He was later charged under Penal Code Sections 406 for criminal breach of trust and 420 as a confidence trickster. Yeh Zaw had previously written a letter to SPDC Chairman Sen. Gen. Than Shwe urging him to end the persecution of his church.⁹⁹

On 19 June 2006, the Burmese junta cancelled the passport of Chin human rights activist, Salai Tun Than, and prevented him from returning to his home country from the USA, via Thailand. Salai Tun Than rightly claimed *"I am barred from returning home, this is a human rights abuse."* He was refused permission to board a flight in Thailand after declaring his intention to stage a protest on his return, and as such became effectively stateless.¹⁰⁰

Also on 19 June 2006, Tun Tun, a former political prisoner, was arrested for staging a one-man protest in front of Rangoon City Hall in honour of Aung San Suu Kyi's 61st birthday. Tun Tun was released on 21 June 2006 only to be rearrested again on 7 July, this time for reportedly praying loudly for those who gave up their lives for democracy and human rights in 1962.¹⁰¹ Tun Tun was released on 9 August 2006 after spending 33 days in a mental asylum at Ywathagyi.¹⁰²

On 16 July 2006, it was reported that an ex-Burmese military Sergeant was arrested for staging a solo protest outside Rangoon City Hall against the junta's failure to increase war veterans' pensions. Naing Oo, from Hlegu Township, carried posters bearing the slogans, 'Increase our Pensions,' and 'Release Daw Aung San Suu Kyi.' The protest came in the wake of a five-fold salary increase for civil servants, which angered many Burmese civilians because of the rampant inflation such a move would cause.¹⁰³

In August 2006, 11 volunteers were arrested the night before a Buddhist merit-making ceremony in honour of those who are suffering or who have died from HIV/AIDS. The volunteers were due to participate in the ceremony along with 52 HIV/AIDS patients. The event was designed to make those suffering from the disease feel supported, and to raise donations to pay for medical treatment. The event was organised by the patients themselves, who sent a letter of explanation to local SPDC authorities and met with Lt Col Maung Maung Shein, chairman of the Rangoon's Eastern District Peace and Development Council, to give notice of their intentions. They received little in return for their efforts to go through official channels, however. The association of elder monks threatened to disrobe any member of the monastery involved in the proposed ceremony, while Maung Maung Shein threatened to close down the Tha Zin Clinic-established by a Dutch-based NGO- that supported those patients planning to attend the event. Furthermore, local officials and members of the USDA visited the Meggin monastery to insist that the monks hold a parallel event, scheduled for the same time as that proposed for the merit-making service. This posturing by the junta ended at midnight on the day prior to the scheduled ceremony, when officials raided the monastery and arrested the volunteers for not obtaining permission to stay over night. The volunteers were released after less than a day in custody, however, the event was cancelled.¹⁰⁴

On 19 July 2006, three students from Sagaing Division were arrested for saluting a statue of Aung San on the 59th anniversary of Martyr's Day. The students, from Monywa

Technological University and Computer University, were released the following day after interrogation by the police. No explanation was given by the military authorities for the arrests.¹⁰⁵

On 7 August 2006, 13 students were arrested for laying a wreath and saluting at a spot where pupils and civilians were killed by security personnel during the 1988 pro-democracy uprising. The students were reportedly from No.3 State High School in Pegu.¹⁰⁶

11.10 Freedom of Expression in the Arts

Throughout 2006, the junta continued to place heavy censorship restrictions on all mediums of artistic expression. Writers, poets, filmmakers, actors, musicians, painters and other artists in Burma are all subject to numerous regulations that seriously inhibit their freedom of expression. Heavy censorship ensures that artistic expression is confined only to approved topics. The censorship board also makes sure that nothing produced in Burma or imported from outside is, or can be interpreted as, “anti-military” or “Western-influenced.” In addition, the SPDC attempts to influence artists to advance pro-regime propaganda and produce pro-regime works through incentives such as grants, large subsidies, awards, luxuries and opportunities. Artists who fail to fall in line with regime policy are isolated and unable to get their work published, distributed, or displayed. Many well known writers and artists have been imprisoned or forced into exile because of the content of their artistic expression.

Censorship of Film and Television

Censorship of film projects by the junta is seriously stifling the country’s film industry. In an interview with DVB in December 2006, film director Ko Thura, otherwise-known-as comedian Zargana, expressed his concern over the regular curtailment of artistic expression by the SPDC. When asked by DVB whether the lack of diversity in Burmese-produced films was a result of little imagination, Zargana suggested not: *“I’ll say that’s because of the censor-law. There are about 20 short films I made. They are ready to publish. But the censor board didn’t approve them.”* As a result of such interference by the authorities, the quality of film content has declined in Burma over recent years, and along with it, the number of movie-goers. The lack of public interest in Burmese produced films has seen production rates fall to as low as ten features a year.¹⁰⁷

The junta enforces strict censorship policies over film projects in Burma. In order to produce a film, permission must first be sought. After this a story board must be submitted for review. If this is approved then production can go ahead. Once ready, it is again submitted for approval. If anything needs to be changed then it is returned for modification. There are only two creditable directors sitting on the censor board, with the remaining members coming from such organisations as the Myanmar Maternal and Child Welfare Association. Members of the Police Bureau also sit on the board.¹⁰⁸

The censorship boards are notoriously sensitive about what might be interpreted as “anti-regime.” Physical intimacy between lovers as well as anything deemed too “Western” is typically censored, as well as anything deemed critical of the SPDC. They are additionally restricted in how much film they can buy and the junta may occasionally even pressure them into producing propaganda films. Actors are enticed into working on pro-regime propaganda films through benefits offered by the junta, including the possibility of winning a Burmese Academy Award. Actors have also featured on posters and TV specials that promote SPDC forces.¹⁰⁹

On 24 November 2006, it was reported that a dance sequence being shot for the film, ‘Heritage of Mon Culture,’ was stopped by authorities despite the fact that permission had been granted for the shooting. The Township Peace and Development Council (TPDC) of Mudon Township had originally given permission for two days of shooting. However, the Mon State authorities intervened after only one day to close the production down. The film

was the third in a series produced by the Mon Literature and Culture Committee aimed at spreading awareness about Mon culture.¹¹⁰

On 28 November 2006, the junta officially banned a VCD depicting a traditional *anyein* performance on the grounds that some of its content was critical of military regime. The VCD titled, “The Colourful,” had initially had its script passed, but was subsequently barred from circulation following its release. The film reportedly made references to electricity shortages in the country, problems with public health assistance, Burma’s national football team, and news readers on the junta-run MRTV network.¹¹¹ In May 2006, the films, ‘*Thee Makhan Nai Taw Bu*’ (Intolerance), ‘*Mee Chit*’ (The Lighter), and ‘*Shar Ahay Kya Thu Myar*’ (The Chatterbox) were all reportedly banned by the junta.¹¹²

Throughout 2006, the junta continued to ban all foreign films in Burma, including cartoons and nature documentaries. The ban applied to the sale and distribution of foreign feature films on videotape, DVD and VCD. The ban was reportedly aimed at preventing the “corruption” of Burma’s youth through uncensored foreign films. According to a video rental shop owner, sales dropped 75 percent after the ban took affect in 2005. Video rental shops were left with only a limited number of local films, which reportedly sold at twice the price of cheap pirated foreign films imported from China.¹¹³

The American Centre in Yangon provided limited access to foreign films, books and the internet in 2006. In November, it was reported that membership of the Centre had reached 15,899; almost double that of the previous year, when numbers stood at approximately 8,000 as of July 2005. Despite such popularity, many Burmese civilians were too afraid to visit the centre in 2006. Todd Pierce, Public Affairs Officer at the U.S. Embassy in Yangon and the operator of the Centre, told *The New York Times* that reports of a military presence at the Centre often affects attendance rates.¹¹⁴

Television is similarly subject to restrictions by the junta. The SPDC monopolises domestic television,¹¹⁵ and state-run television stations in Burma are known for their overt endorsement of the military regime and most of the programming is dedicated to showing the “achievements” of the military. There are a limited number of Chinese and Korean TV programs that make their way onto the air. In 2005, China Central Television (CCTV), Cable News Network (CNN) and the Japanese Broadcasting Corporation (NHK) provided TV Myanmar with satellite news. In September 2005, Deutsche Welle, a German company, also agreed to allow TV Myanmar to screen their satellite programs as part of a program exchange between the two countries.¹¹⁶ On 28 May 2005, the DVB bypassed the censors and launched a Burmese language satellite television service inside Burma. The service provides coverage of Burma related news and information concerning the pro-democracy movement.¹¹⁷ The regime has condemned the broadcast, however, and has reportedly tried to block transmissions.¹¹⁸ In December 2006, MRTV-4, originally a paid channel jointly implemented by the Myanmar Radio and Television Department (MRTV) and the privately-run Forever Group, began airing on a pilot basis free of charge. The station shows entertainment programmes, Sunday talks and documentaries, and is the first free of charge channel to be implemented jointly by the junta and a private organization.¹¹⁹

Censorship of Music

Musicians face many difficulties in finding ways to express themselves through their music in Burma. The economic situation has made music an inaccessible occupation as instruments and music lessons are prohibitively expensive for all but the military and business elite, and performance venues are hard to find. Music lyrics are subject to the same censorship as other writings. In addition, the musical style itself is also censored. While rock music and other western influenced styles, such as rap, are becoming more common in Burma, the lyrics are translated and changed to be innocuous to the regime and “national culture.” Some bands have attempted to bypass the censors by launching their music on the Internet. The website, <http://www.myanmar-xbands.com/>, is a popular site that allows bands to share their music with the wider population. It also acts as a forum for music lovers to share their views on various issues. The regime also monitors the dress styles and hairstyles of musicians.

Incentives are often given to musicians that sing pro-military songs and perform at junta-sponsored events. Those who refuse, however, risk having their music banned from production and, in more extreme cases, risk being physically forced into performing. In April 2006, Nai Zahan Mon, a leader of a Mon music band ‘Gita Mon’, was forced at gunpoint to sing a Burmese song by a military officer during a stage show in Khaw Zar town, southern Mon State. Capt. Aung Myeik Myo told the singer, *“If you do not sing the song, you will bring all women musicians to meet me.”* Rather than endanger the lives of the female band members, Nai Zahan Mon sang two Burmese songs to overcome the problem. Jai Toi Nai, a fellow performer, said later that *“We musicians felt sad that they frightened us with a gun and forced us to sing a Burmese song. We sang in tears.”*¹²⁰

Censorship of Visual and Performance Arts

Comedians are amongst those most persecuted for their artistic expression in Burma. Maj. Myit Tar, a comedian and singer, was banned from performing in 2001 after making a joke on television about the country’s frequently shut-down university system. One woman comedienne who shares a name with the country’s leader, Than Shwe, was also blocked from working in 1997 after she refused to change her name.¹²¹ In 1996, two members of the Moustache Brothers comedy trio were arrested whilst performing at the home of Daw Aung San Suu Kyi. Having spent five years in prison, the brothers were released in 2001 after an international campaign led by Amnesty International pressured the junta into freeing them two years early. Now reunited, the trio continued to perform nightly throughout 2006 at their home in Mandalay, as they are barred from touring with their act. Their performances in 2006 were in the vast majority of cases only frequented by foreigners as any Burmese attending the blacklisted performance, under constant Government surveillance, risked arrest. Though the show still contains elements of political satire, this is mainly left up to Lu Maw: the brother who did not go to jail. Pi Pi Lay and Lu Zaw remain too jaded by their experiences to openly mock the regime and risk imprisonment again.¹²²

Arguably Burma’s most famous comedian is Ko Thura, or Zargana as he is more commonly known. Zargana is renowned not only for the quality of his comedy, but also for the level of repression it subsequently attracts from the SPDC. On 14 May 2006, Zargana was banned from performing after giving an interview to the BBC in which he criticized the junta’s conservative policies on culture. In fact, the SPDC banned Zargana from all of his professional activities including writing, performing comedy shows, directing and acting in videos/movies, and blocked all public screenings of the actor-director’s new film, “We Can’t

Stand Anymore,” a satire on Rangoon’s social life. Zargana believes the ban was also linked to a TV commercial he had appeared in a few months previous. In the advert, a map of Asia was shown in the background. The map recognised Taiwan as an independent territory, in contravention of the SPDC’s zealous support for China’s one-China policy.¹²³ On 18 May 2006, RSF and BMA issued a joint statement calling for a retraction of the ban. They appealed to visiting UN Under-Secretary of Political Affairs, Ibrahim Gambari, to intercede on Zargana’s behalf and on behalf of all imprisoned journalists in Burma. *“The military junta uses every possible means to restrict freedom of expression,”* the two organizations said. *“It does not stop at press censorship, and wields very strict control on all artistic expression. We call on the authorities to immediately lift the ban on Thura and to put an end to the censorship of his work.”*¹²⁴



The Mandalay based ‘Moustache Brothers’ now perform almost exclusively to foreign visitors. With their shows under constant SPDC surveillance, local residents dare not risk attending. Two of the trio were released from prison in 2001 after spending 5 years in detention. The political satire is now generally left to the third brother, Lu Maw [Photo: © Joffre Salkeld].

Painters, photographers, sculptures and other visual artists are all subject to military scrutiny. As visual art played an important role in the 1988 uprisings, the regime has taken efforts to put an end to art deemed “revolutionary.” After the military re-established power in 1988, the fine arts building at Rangoon University was destroyed and the fine arts program discontinued. Today, it is only possible to study visual arts under costly private tutelage or at the Cultural University (CU), a military institute in Rangoon. The CU only accepts 100-150 students per year and all students are required to be USDA members. The students have been guaranteed positions in the regime by the Minister of Culture if they refrain from participating in student strikes and protests. Meanwhile, students of music and the dramatic arts are prohibited from studying international music and Western plays at CU. The professors and lecturers at the university are also academics from the elite military society. Many visual artists are therefore forced to rely on self-study and assistance from art books, which are scarce and expensive in Burma.¹²⁵

Poetry is also subject to severe repression by the junta. Seven students from the University of Pegu were arrested in March 2006 for writing and publishing a pro-democracy poem book. The book bore the title, ‘Daung Man’ or ‘Strength of the Fighting Peacock’- the symbol of the Burmese pro-democracy movement.¹²⁶ A further person was arrested for printing the poem. Most of the students were released on 10 April 2006, but two students and the printer

were detained at Pegu prison. On 25 May 2006, a textile printer was also detained, for printing a T-shirt with the image of a fist, which was found with one of the students. On 9 June 2006, the two students and the two printers were convicted under the Emergency Provisions Act-5J, the Printing Acts-17/1 and 2 and the Unlawful Association Act, and each sentenced to 19 years imprisonment, save for the poem printer, who was sentenced to 14 years imprisonment. The textile printer remained at Pegu Prison and the rest were taken to Insein Jail. The trial was held inside the prison. None had been legally represented, despite lawyers being engaged and attempting to make contact. Each accused was cross-examined by Pegu District Assistant Judge Tin Htut. Appeals were lodged, despite difficulties in obtaining the transcript and order for that purpose. On 4 August 2006, the divisional court at Pegu summarily rejected their appeals without argument and on 21 November 2006, the High Court in Rangoon dismissed appeals by both the students.

Those persons arrested and prosecuted were:

1. Hnin Wint Wint Soe, student, later released;
2. May Su Su Win, student, later released;
3. Ne Linn Kyaw, student, later released;
4. Thet Oo, student, later released;
5. Win Min Htut, student, later released;
6. Maung Maung Oo, student, convicted and sentenced to 19 years;
7. Zeya Aung, student, convicted and sentenced to 19 years;
8. Aung Aung Oo, proprietor of A20 Desktop Publishing Business, Pegu,
9. convicted, and sentenced to 14 years; and
10. Sein Hlaing, textile printer, convicted and sentenced to 19 years.¹²⁷

Art exhibitions are strictly censored in Burma. Exhibitions are usually only held in small, private galleries in Rangoon and Mandalay. Art pieces must be approved by the Ministry of Information prior to exhibition though it is not uncommon for exhibitions to be closed down altogether. As modern art is more open to interpretation than traditional forms of art, according to one journalist, *“people here (in Burma) believe that modern forms of art are attacked by the censorship board whether they understand it or not.”*¹²⁸

Although the SPDC has promoted dance as part of its campaign to retain “national culture,” dancers are limited to performing in junta-sponsored events and venues. In November 2006, members of the SPDC army from Arakan State actually formed their own dance troupe to mobilize people in support of SPDC forces and the military junta. Audiences said that the content of the shows focused on the military junta and the struggle for Burmese independence from Britain and the establishment of the country. Any love story performed by the troupe depicted a woman from an ethnic minority falling in love with an SPDC officer. The troupe also performs comedies satirising democracy activists and western cultural influences in Burma.¹²⁹

11.11 Control of Computer Technology and Communications

Telecommunications in Burma

In March 2006, the total number of telephones in Burma reached 513,301, according to the Myanmar Post and Telecommunications. GSM (global system for mobile), cellular and CDMA (code division multiple access) accounted for 146,320, while fixed landline telephones numbered 303,228. These figures, however, represented only a small percentage of Burma's 52 million inhabitants. Only eight persons out of every 1,000 owned a telephone in 2006, and those who did were predominantly members of the military elite.¹³⁰ One of the main reasons for this low figure was the excessive cost of telecommunications in Burma. The official price of a GSM mobile phone was 2.5 million kyat (approximately US\$1,850), and applying for a mobile phone connection from the MPT can take years to process. As Burma's annual per capita income is US\$225, mobile phones remained simply too expensive for the majority of civilians in 2006. The lack of technological infrastructure in Burma was another major factor contributing the country's limited communications services. With Myanmar Posts and Telecommunications the country's only mobile phone service provider, users regularly complained of poor servicing and connection.¹³¹

To get around the problem of cost, many civilians buy cheap mobile phones imported illegally from places such as China, Thailand and Bangladesh. Throughout 2006, however, the SPDC launched a widespread crackdown on this trade, imposing harsh penalties on anyone thought to be involved. In August 2006, officials in Myitkyina raided a number of homes and made three arrests in connection with the sale and use of Chinese-made phones. The phones were thought to have been imported across the Kachin-China border and cost around 100,000 kyat (US\$76). The offices of local NGO, the Metta Foundation, were also said to have been raided by police during the crackdown.¹³² Also, according to eyewitnesses, as many as seven Thai-made phones were seized from residents in Thanpyuzayart Township, Mon State, on 25 October 2006. One woman told IMNA that the authorities, "*plan to search and seize telephones from one village each day.*"¹³³ Many people went into hiding following police raids across Mon State. "*They (authorities) have warned phone owners that they would be put in jail if wireless phones are seized again. So phone owners have been hiding,*" Mobile phones are used by residents in Mon State to maintain contact with family members working in Thailand so as they are able to arrange for money to be sent home to them. It is reported that before the crackdowns phone owners would pay 100,000 kyat per month as a bribe to local authorities and the military.¹³⁴ In another incident, Habibur Rahaman and Hafizur Rahaman of Arakan State were detained for four days and one week respectively for possession of Bangladeshi-made mobile phones. The two men were also forced to pay 35,000 kyat each for the offence.¹³⁵ On 11 May 2006, Mr Fawri Islam from Kyar Gaung Toung village, Nasaka Area #5, was arrested by NaSaKa, the border security force, in a village in northern Maungdaw for illegally possessing a mobile phone sent from Bangladesh.¹³⁶ NaSaKa authorities also arrested another man, Marmouk Adular from Padin village, Maungdaw, on 23 July for possession of a Bangladeshi mobile phone. Although, NaSaKa officers often permit civilians in Maungdaw Township to own Bangladeshi phones in return for bribes.¹³⁷

The junta's control over the allocation of mobile phones raises vast revenues for the regime. In September 2006, the SPDC announced that more than 10,000 GSM mobile phones were to be 'allocated' to residents in Rangoon. The phones would be sold at a cost of 1.5 million kyat each and distributed on a lottery basis. Application forms alone cost an additional 200 kyat per copy. Thousands of people reportedly applied for the phones, which can sell for up to 3 million kyat each on the black market.¹³⁸ On 25 September 2006, however, reports suggested that civil servants and the public were becoming increasingly disgruntled. The phones had mainly been sold to Ward and Township authority members, women affairs organisations and USDA members. One civil servant told DVB that these groups were set to make significant amounts of money by re-selling the phones on the black market. A member of the Rangoon Division USDA also said that the USDA central office and ministerial offices in Nay Pyi Daw had instructed lower authorities to use the sale of the phones in recruiting hardcore USDA members.¹³⁹

The junta also continued to heavily control all other forms of electronic communication equipment in 2006, mainly through the use of licensing and rationing policies. The possession of unregistered equipment such as telephones, fax machines, or modems was punishable under the 1996 Computer Science Development Law with a prison sentence of 7 to 15 years and a fine.

The Internet and Electronic Mail

Burma's military junta retains a tight and systematic control over all use of Internet and electronic mail in the country. In November 2006, RSF named Burma on its list of 'Enemies of the Internet': countries identified as the most serious culprits of online censorship.¹⁴⁰ In December 2006, an online poll conducted by RSF recognized Burma as the world's worst offender of Internet freedom. RSF explained that "*the Burmese government's Internet policies are even more repressive than its Chinese and Vietnamese neighbours.*"¹⁴¹ Figures released by MPT indicated that the number of Internet users in Burma reached almost 300,000 in November 2006. The junta also announced plans to introduce 400 public Internet service centres in 324 Townships within the next three years, adding to the 50 that were opened during 2006. Given the level of censorship in Burma, however, the expansion of Internet service provision has done little to enhance people's access to information.¹⁴²

According to a study conducted by the OpenNet Initiative, a collaboration between Harvard University, the University of Toronto and Cambridge University, the regime's censoring is motivated by its desire to "*monitor e-mail communication by its citizens and control political dissent and opposition movements.*"¹⁴³ The Burmese authorities have ordered filtering of independent online newspapers, websites defending human rights or promoting democracy, and publications supporting the claims of the Karen people. The SPDC blocked web sites containing certain words such as Burma, military government, democracy, student movement, 8888, and human rights. Whilst users could sometimes reach the home pages of DVB and BBC's Burma service they were unable to access articles within the site.¹⁴⁴ Since May 2004 the junta has been using Internet filtering software sold by the US firm Fortinet. Every computer in the country has to be registered with the MPT, with those failing to do so liable to a sentence of up to 15 years in prison. The creation of a website also has to be approved by the authorities, and under legislation introduced in 2000, anyone discussing political issues online or posting articles "*likely to damage the interests of the Myanmar Union*" or "*directly or indirectly harmful to state security policy*" is liable to a six-month prison sentence.¹⁴⁵

The excessive cost of online services prohibits the majority of Burmese civilians from using the Internet. In fact, only 0.1 percent of the population used the Internet in 2006,¹⁴⁶ and these were predominantly either businessmen or members of the military-regime. Since the MPT took control of Bagan Cybertech (BC) in 2005, and became the country's sole Internet Service Provider (ISP), broadband fees had reportedly risen to US\$35 per month, by the end of 2005.¹⁴⁷ Installation can also cost as much as US\$2000.¹⁴⁸ Internet cafes have subsequently become popular in Burma. These provide a more affordable opportunity for people to use the Internet. It is the junta, however, that grants licenses to these cafes, and they are forced to adhere to strict regulations. Clients are required to produce proof of identity and software must be installed which takes screen captures every five minutes. All the data has to be kept on CDs and regularly sent to the authorities for review.¹⁴⁹

On occasions, e-mails arrived in the receiver's in-box only after a delay of several days, frequently with attachments deleted. It has been claimed that this was the result of SB's censoring of e-mails.¹⁵⁰ Furthermore, the junta prevented civilians' from communicating both nationally and internationally by blocking free, independent e-mail services. In June 2006, the junta banned the increasingly popular Google Talk and Gmail messenger programs as well as Skype. This followed on from its previous policy of barring the Yahoo, Hotmail, and Sailormoon e-mail services. RSF said that the move was aimed at both clamping down on unchecked communications and at eliminating competition to its own telephone and e-mail services. The free web-based communications systems were undercutting the junta's revenues from its telephone services. Civilians could use the messenger system to call anywhere in the world for the price of an Internet connection. In comparison, a call to the U.S. on the junta-controlled telephone service costs US\$4.5 a minute.¹⁵¹ The junta has long tried to ban free e-mail services. According to research conducted by the OpenNet Initiative, 85 percent of web-based e-mail was blocked in 2005.¹⁵² This allows Myanmar Teleport (MT), the company that evolved from Bagan Cybertech, to maintain a monopoly in the domestic market and to increase its capacity to monitor users. An e-mail account with MT's Mail4U can be purchased for 8,000 kyat per month and requires account holders to submit detailed personal information.¹⁵³

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¹²⁷ Sources: "Burmese students detained for writing and distributing poems," DVB, 1 April 2006; "Burmese students from Pegu College detained for writing poem released," DVB, 13 April 2006; "Three Burmese youths on trial for writing a poem," DVB, 24 April 2006; "Three Burmese youths on trial for writing a poem," DVB, 16 May 2006; "Another trial in connection with the 'poem' case in Lower Burma's Pegu," DVB, 25 May 2006; "Appeals for 'poem' youths from Pegu rejected by Burmese court," DVB, 4 August 2006; "Lawyer still unable to appeal for youths imprisoned for writing poem," DVB, 27 July 2006; "Rangoon Court Dismisses Poets' Appeals," DVB, 27 November 2006.

¹²⁸ Source: "Performance Artists Arrested in Rangoon," *Irrawaddy*, 12 May 2005.

¹²⁹ Source: "Burma Army Mobilizes Arakanese through Mobile Army Troupe," *Narinjara News*, 5 November 2006.

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- ¹³⁰ Source: "Number of Registered Telephones in Myanmar Passes 500,000," World Markets Analysis, 4 April 2006.
- ¹³¹ Source: "Crackdown on Illegal Use of Chinese Mobile Phones," *Irrawaddy*, 10 August 2006.
- ¹³² Source: *Ibid.*
- ¹³³ Source: "Junta Goes after Illegal Thai Telephones in Mon State," IMNA, 26 October, 2006.
- ¹³⁴ Sources: "Phone Owners Go into Hiding for Fear of Being Jailed," IMNA, 2 November 2006; "Junta Goes after Illegal Thai Telephones in Mon State," IMNA, 26 October 2006.
- ¹³⁵ Source: "Use of Bangladeshi Mobile in Arakan Invites Fine," *Kaladan News*, 6 December 2006.
- ¹³⁶ Source: "Man in Possession of Mobile Phone Arrested in Maungdaw," *Narinjara News*, 12 May 2006.
- ¹³⁷ Source: "Man Arrested in Arakan for Holding Bangladesh Mobile," *Narinjara News*, 27 July 2006.
- ¹³⁸ Source: "10,000 Mobile Phones to be Sold in Rangoon," DVB, 22 September 2006.
- ¹³⁹ Source: "Dissatisfaction over Allocation of GSM Phones in Burma," DVB, 25 September 2006.
- ¹⁴⁰ Source: "13 Nations Denounced For Web Censorship," AP, 8 November 2006.
- ¹⁴¹ Source: "Burma Number One Internet Enemy," *Mizzima*, 7 November 2006.
- ¹⁴² Source: "Internet Users In Myanmar Number Nearly 300,000," *Xinhua*, 8 November 2006.
- ¹⁴³ Source: *Internet Filtering in Burma in 2005: A Country Study*, OpenNet Initiative, October 2005.
- ¹⁴⁴ Source: *Burma Country Report on Human Rights Practices-2006*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 6 March 2007.
- ¹⁴⁵ Source: "Internet increasingly resembles an Intranet as foreign services blocked," RSF, 4 July 2006.
- ¹⁴⁶ Source: "Myanmar Strives to Improve Public Internet Services to Push ICT Development," *Xinhua*, 4 October 2006.
- ¹⁴⁷ Source: "Bagan Cybertech Reported to be Taken Over by MPT in Burma," *Mizzima*, 26 September 2005.
- ¹⁴⁸ Source: *Internet Filtering in Burma in 2005: A Country Study*, OpenNet Initiative, October 2005.
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- ¹⁵⁰ Source: *Burma Country Report on Human Rights Practices-2006*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 6 March 2007.
- ¹⁵¹ Source: "Google Ban Designed to Safeguard Revenue, Says Media Watchdog," *Irrawaddy*, 5 July 2006.
- ¹⁵² Source: *Internet Filtering in Burma in 2005: A Country Study*, OpenNet Initiative, October, 2005.
- ¹⁵³ Source: "Google Ban Designed to Safeguard Revenue, Says Media Watchdog," *Irrawaddy*, 5 July 2006.

12. Freedom of Movement, Assembly and Association

12.1 Introduction

Article 13 of the Universal Declaration of Human Rights (UDHR) 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.” Such freedom of movement is a fundamental right, upon which other human rights are contingent. As such, restrictions may only be imposed if they are based on law, pursue a legitimate objective, and are strictly necessary. Throughout 2006, in direct and blatant contravention of the Universal Declaration of Human Rights, the State Peace and Development Council (SPDC- the Burmese military junta) continued to tightly restrict, monitor and interfere with the movement of the Burmese population. This was especially true for villagers in rural ethnic areas, with areas of Karen and Mon State especially affected in 2006. In addition, members of particular communities, especially the Muslim Rohingya, were unjustly targeted with such restrictions. The SPDC also required other non-citizens, generally ethnic South Asians or Chinese, to obtain prior permission to travel internally. In addition, the movement of politically active people in the country was closely monitored and controlled.

The regime continued in its attempts to limit and regulate those allowed to leave the country through restrictions on the freedom of movement, the prohibitive costs of obtaining travel documents, the threat of punitive action, and the regular closure of official border crossings. Despite this, the country’s borders with China, Thailand, Bangladesh, and India remained porous throughout the year with significant undocumented migration and commercial travel occurring. Simultaneously, foreigners, including humanitarian agencies attempting to deliver much needed aid supplies, seeking entry and access to certain areas of the country, were faced with significant restrictions on their freedom of movement, to the point where many were unable to operate effectively.

Rights to assembly and association were also significantly curtailed by the regime in 2006, with the order prohibiting unauthorized outdoor assemblies of more than five persons enforced selectively. Despite obligations under domestic law and international treaties to recognize and respect the rights of workers, the junta has banned trade unions and labour organisations. Many political parties and social organisations have also been outlawed by the regime. Those that are allowed to exist have been denied the ability to function freely and securely. In particular, the regime has targeted their political opponents. Over the course of the year the SPDC continued to coerce National League for Democracy (NLD) and Shan Nationalities league for Democracy (SNLD) members to resign and arbitrarily renewed the house arrest of NLD leaders Daw Aung San Suu Kyi and U Tin Oo. In general, freedom of association existed only for SPDC approved organisations and Government Organised Non-Governmental Organisations (GONGOs) such as the Union Solidarity and Development Association (USDA), which in fact rely on coercion for their membership. In turn these organisations coerce attendance at mass rallies supporting SPDC policies, as well as being complicit in the junta’s continued oppression of the Burmese population.

12.2 Restrictions on Villagers in Border Conflict Areas

“Everyone has the right to freedom of movement and residence within the borders of each state.”

-Article 13, Universal Declaration of Human Rights.

“He (DKBA Commander Mo Kyo) didn't allow the women to go to the river to bathe. He said that none of you can leave the village. If you leave the village, you have gone to give information to the KNLA ... You can't go out in the forest. If we see anyone, we will shoot them or kill them.”

- 50 year old Female Karen villager, from Bilin Township, July 2006.¹

SPDC troops, as well as those of allied groups such as the Democratic Karen Buddhist Army (DKBA), severely restricted the movement of villagers in areas inhabited by ethnic minorities throughout 2006. Such moves were generally justified as a means to cut off food supplies, information and potential recruits to armed opposition groups. Measures imposed have included the establishment of stringent curfews or completely confining villagers to their respective villages; enforced through shoot on sight policies, erecting an extensive array of checkpoints, as well as the deployment of landmines and the compaction and fencing in of villages and relocation sites.

Throughout 2006, villagers were frequently required to obtain travel permits from the military and local authorities to travel outside their villages. Those found outside of their village without such documentation were liable to be fired upon, or at the very least subject to a large fine. Even compliance with such movement restrictions did not guarantee the villagers' physical security. There were numerous reports of arrest, torture and extra judicial killings, being visited upon those in possession of a valid travel pass.² Villagers were required to pay for their permits which often only allowed one days travel, and no overnight stays outside of the village boundary, particularly in areas of continued resistance. At certain times, villagers struggled to obtain even a one day permit, with the SPDC military instituting total bars on any form of travel outside of their respective villages, and in some cases even banning movement within the village during the hours of darkness.³ In less volatile areas villagers were often permitted one week passes.⁴ Travel restrictions extended to what belongings a villager was allowed to have on their person whilst outside their village, with regulations imposed on the carrying of food, medicine, batteries and the use of flashlights; as these items are deemed to be useful to resistance forces.⁵

To monitor the movement of villagers and ensure compliance with restrictive travel policies, the SPDC set up and maintained numerous roadside check points in areas over which it had control. These checkpoints were generally manned by a few soldiers in a small bunker or bamboo hut and not only served as instruments of control but provided local troops with additional revenue. Even villagers with the necessary documentation were generally required to pay a small fee to pass. In 2006, it was reported that villagers living in the Shwegyin area of Pegu District and farming in Hsee Moo Hta area were not only forced to pay 2,000 kyat per month in order to obtain permission to leave their village, but were faced with ten checkpoints along the river, and seven on land between these two areas, with each checkpoint charging 200 kyat. Additional charges were generally imposed on any goods brought through the checkpoints.⁶ On top of such fees, villagers were susceptible to extortion at the hands of individual soldiers, expecting large bribes in order to grant right of passage.

The fencing in of villages, whereby outlying houses are dismantled and moved to a central location before a perimeter fence is placed around the village (through the forced labour of the villagers), is a further means utilised to check the movement of villagers. In November 2006, it was reported that many villages in Toungoo District had been ordered to erect such perimeter fences, leaving only three entry and exit points into their village. Villagers were assigned sentry duty at each gate, taking the names of all those who had left the village and when, allowing the SPDC to punish relatives, in lieu of the missing person, if they did not return within their allotted time. As such, the families of IDPs and refugees from these villages remained a high risk group throughout 2006.⁷

In addition, the relocation of communities to sites close to army bases in well garrisoned SPDC areas made it easier for the SPDC to monitor and control the movement of the population (as well as easier to demand forced labour, money, and goods.) Relocated villagers were often barred from returning to their old homes, even if they had been forced to leave before being able to collect all their belongings, or placed in uninhabitable relocation sites, with no clean water.⁸ Even if allowed to return to their fields and plantations, they were frequently relocated a long way from their farms and passes issued for a limited number of days were insufficient to maintain their fields. As a result, villagers were often forced to find work as day labourers in the towns or villages near their relocation site.⁹ In 2006, villagers in Hteh Htoo relocation site, Nyaunglebin District, complained that whilst they were barred from going out of the site, the SPDC soldiers had been looting their livestock, with 20 cows and buffaloes reportedly stolen between April and November 2006.¹⁰



The dry season vehicle road between Kya In Seik Gyi and Kyone Doh in western Dooplaya, seen here in June 2006. Villagers using this road must pay 'fees' at a number of SPDC and DKBA checkpoints in order to pass. The fees are particularly heavy for vehicles or carts carrying goods, which local villagers say stifles all trade in the region. *[Photo and caption: KHRG]*.

In 2006, restrictions on freedom of movement in ethnic areas had grave consequences in other areas of villagers' lives, and led to numerous infringements on their human rights. Primarily, they served as an enormous impediment to villagers' ability to enjoy their right to an adequate standard of living. Those who own or work on farms and plantations and rely on revenue and foodstuff from these, as a majority of villagers do, had their very source of life cut off. Even the ability to travel to their farms on daily passes was not sufficient when harvest time required farmers to stay on their land for a period of two to three weeks.¹¹ Trade was also greatly hindered by such restrictions, creating large scale food security problems for

villagers, and preventing them from earning any actual income. Often a situation arose where villagers' only access to food was to buy it from the local SPDC troops at grossly inflated prices, who in many cases had simply harvested the produce from farms owned by the villagers in the first place.

Not only did the laying of landmines to control movement in these areas lead to injury and death, but restrictions on travel made it difficult for those injured by such devices, or in fact anyone who required care, to receive medical attention. In March 2006, in Toungoo District, a villager who stepped on a landmine was denied permission to receive treatment in Than Daung Gyi. He was told by SPDC troops that they did not wish him to be seen by foreigners. Perversely, foreign tourists were not permitted to visit this area throughout 2006.¹²

The areas where the tightest movement restrictions were imposed in 2006 were in northern Karen State (and eastern Pegu Division- see note on demarcation in Abbreviations and Acronyms and Notes on Text), where the SPDC mounted offensives to establish control over areas in which the Karen National Union (KNU), and its armed wing the Karen National Liberation Army (KNLA) maintained a presence; as well as southern parts of Mon State and areas of Tenasserim Division, where Mon resistance forces remained active. In these areas, stringent restrictions were mirrored by and in fact greatly contributed to increasing poverty and dire threats to food security.¹³ (Movement restrictions were also severe in northern Arakan specifically targeting the Rohingya- for more information see Section 12.3)



This photo was taken in late April 2006 show part of Plaw Law Bler forced relocation site and surrounding fences. On the perimeter fences, note the construction with sharp bamboo spikes sticking out of the sides of the fence to make them impossible to climb over. The relocated villagers were forced to build these fences. *[Photo and caption: KHRG]*

Karen Offensive

The SPDC launched its large scale offensive in the Districts of Toungoo, Nyaunglebin and Papun, northern Karen State in November 2005, and continued their operations throughout 2006.¹⁴ Wholesale movement restrictions imposed in northern Karen State during the offensives were widely interpreted as being specifically designed to cut all contact between those living in the plains, under SPDC control, and those residing in the hills, including villagers, IDPs and the armed resistance forces,¹⁵ in order to starve those in the hills down into the plains, where the SPDC could more easily control and exploit them.¹⁶

Traditionally villagers from the plains and those from the hills would come to markets and trade their produce. Through this system, both groups could access a variety of foodstuff and goods.¹⁷ However, in 2006, those in the plains, under SPDC control, were barred from travelling without a pass and these were rarely granted. Checkpoints barred those from the hills to enter the plains, and concurrently villagers in the plains were ordered not to sell food or goods to those from the hills. Roads, between these two areas, continued to be closed throughout the year, and three bridges were dismantled further isolating those residing to the east of the Day Loh River.¹⁸

To ensure acquiescence to their restrictive demands, the SPDC deployed landmines along a north-south line, dividing Toungoo District between the eastern hills and western plains. This distribution of landmines reinforces the analysis that the SPDC's intended aim was to limit the access of hill villagers and IDPs to food and supplies, forcing them to enter SPDC controlled areas, thus submitting themselves to forced labour duties and the SPDC's extortionate demands.¹⁹

The entire system of restrictions meant that those in the plains were unable to tend to, and in fact forced to abandon, their crops and plantations and were also unable to trade for further goods that they required, creating large scale food scarcity.²⁰ Concurrently, villagers in the hills struggled to sell their vegetables robbing them of their only source of income. At the same time rice prices in the hills rose exponentially because of the inability of those in the plains to reach them. In August 2006, rice in these areas cost as much as thirty times that in the plains.²¹

Southern Karen State

The SPDC has justified travel restrictions in ethnic areas for decades as part of their 'four cuts' strategy to limit villagers' support of, and communication with, armed resistance groups operating outside the villages.²² Movement restrictions in areas of Mon State and northern Karen State during 2006 were inarguably linked to the ongoing SPDC offensives in these areas. However, the situation in southern Karen State, during 2006, demonstrates that in the absence of significant active resistance the regime continued to impose oppressive controls on the movement of ethnic civilian populations.²³

In the past year, many villagers in Doooplaya District, who had been forcibly relocated or displaced in the past, were permitted to return and re-establish their villages, but with a large number of conditions and restrictions. Scattered villages were made compact in order to better control their inhabitants, and villagers were only granted permission to visit their farms and plantations for a few days at a time, which was insufficient to protect and tend to their crops. Furthermore, the extensive system of SPDC, DKBA and Karen Peace Force (KPF) checkpoints in the area meant the transport of goods throughout the year was extortionately expensive due to the levies demanded from those who wished to pass.²⁴ As a further measure, villages throughout Doooplaya were ordered to send complete registers of household and village residents to the TPDC office and to provide these registers to every new military unit that arrived in their area.²⁵

Similarly, in Thaton District, the SPDC and DKBA have spent the past decade consolidating control over the civilian population, with incumbent draconian movement restrictions being again heavily enforced in 2006. Increased DKBA activity within the district meant that most restrictions on the movement of villagers were in fact imposed through their command, with

SPDC LID #101 and DKBA #333 Brigade, #999 Brigade, and the Central Security Battalion working together to enforce these restrictions. Reports given to KHRG have suggested that the SPDC paid the DKBA a large sum of money in return for their assistance in the imposition of tighter movement restrictions.²⁶

Villagers were not permitted to leave their villages without permission and had to return to their villages before nightfall regardless, under threat of shooting. In order that movement restrictions be enforced, many villagers in Thaton District were ordered to construct fences around their village with limited entry and exit points. Outlying houses were also moved into more central positions inside of the fence. There were numerous checkpoints throughout the district, each demanding a fee to pass, and village heads were required to supply intelligence reports on the movement of villagers.²⁷

In May 2006, the DKBA increased travel restrictions in the lead up to the rainy season, a crucial time for farmers. By the time the DKBA allowed farmers to travel to their fields, the rains had begun and much of their harvest yield for the year was lost. Beginning in June 2006, Commander Mo Kyo informed villagers that the DKBA would “*take action*” against those found outside of their village without the requisite permits. Permits were issued by the DKBA at a cost of 1,000 kyat and were generally only valid for a few days.²⁸

The plight of residents in Dtah Meh Kee village during 2006, serves as an archetypal example of the strains such movement restrictions place on these agrarian communities. The village, in Thaton District, is made up of 20 households with the traditional occupation being to raise hill field rice crops. DKBA restrictions in 2006 meant they were unable to tend to their fields and as such yielded a grossly insufficient harvest. Residents were forced to become daily wage labourers on the farms of neighbouring villagers, where they earned a daily wage of 1,000 kyat. As a result, the villagers were forced to survive on watered down rice porridge for the rest of the year.²⁹

Mon State

In southern Mon State, SPDC forces mounted an offensive in 2006 against an armed Mon splinter group operating in the southern part of Ye Township. Concurrently, SPDC TOC #3, from the Southeast Military Command, banned the travel of all villagers outside of their village. Many checkpoints were positioned along all major travel routes particularly along the Ye-Tavoy road and every villager wishing to travel was required to obtain a permit. Villagers, including children and women, were reportedly killed when SPDC troops sighted them outside of their villages.³⁰

The implementation of total travel bans, whereby the SPDC completely ceased the issuance of travel permits, continued throughout the year, usually in response to instances of SPDC military engagement with the Mon splinter group. In December 2006, following the death of three SPDC soldiers, the entire population of 14 villages was completely confined to their respective village boundaries. Harvesting of paddy and rubber sap was greatly affected by this ban.³¹ In Wear Kwao village, when betel nut plantations were ready for harvesting, the soldiers prevented the farmers from going to their plantations and instead sold their crops to local people as if they were their own; in some instances forcing stores to buy their cache, without any choice in the purchase or price.³²

Villagers in Mon State also faced restrictions on their movements as a result of heightened security following a gas pipeline bomb attack in February 2006. The reported sabotage of the 210 mile long “Kanbauk-Myaingkalay” gas pipeline, by an unknown armed group near Kwan Hlar village, Mudon Township, occurred on 1 February 2006. The pipeline passes through a huge number of paddy fields, fruit plantations and rubber plantations all the way from Yebyu Township, Tenasserim Division through Mon State to Pa-an Township, Karen State. Following the reported sabotage, the SPDC barred villagers from crossing the pipeline, imposed night time curfews and greatly limited the movement of the general population in such a way that farmers were significantly obstructed in their efforts to maintain a livelihood.³³ Those villagers residing in southern part of Ye Township were not allowed to cross the pipeline, for at least the duration of February 2006. If found crossing in daylight they were informed they would be beaten, if crossing at night they would be killed, meaning many local farmers were forced to abandon their crops, situated on the other side of the pipeline to their place of residence. Whilst farmers in other areas were generally allowed to cross the pipeline during the day, this still prevented them spending the necessary time with their crops, often forcing them to hire more labourers, which they could ill afford.³⁴

Shan State

A report published in January 2006 detailed the impact movement restrictions in Shan State were having on the livelihood of local inhabitants. Farmers in Mong Nai Township who had land far away from their home were not permitted to stay overnight in their fields. In order to get a day pass, they were forced to pay bribes to, either, the village headman, the police, the local SPDC LIB, or often all three. Even with a day permit, farmers were not allowed to take any lunch with them. The report also noted that different LIBs and patrols operative within the area were acting under differing orders. As such farmers in possession of a permit lacked any real security as they risked being shot at by those under a different command. As a result, many farms were abandoned within the area.

In addition, movement restrictions negatively impacted upon trade within Mong Nai Township, and consequently food security in the surrounding areas. The neighbouring district of Langkhur is known for its tobacco and sugar cane production and traditionally traders from Langkhur would travel to Mong Nai to buy the rice produced there. In 2006 it was forbidden to leave Mong Nai with rice or other foodstuffs. Road blocks enforced this order and those transporting rice along jungle routes risked being shot.³⁵

Restrictions on Movement of Villagers- Partial List of Incidents 2006

Arakan State

(For further incidents see Section on Restrictions on Movement of Rohingya)

On 26 January 2006, the SPDC, in Indin Village, near Maungdaw Township, imposed movement restrictions on the local population as part of a manhunt for a group who attacked their army base in order to free a detainee. Travel permits were withdrawn, and all travel in areas between Maungdaw and Rathedaung Townships was banned. The restrictions were in place until at least 5 February 2006.³⁶

On 19 March 2006, local authorities in Buthidaung Township summoned religious authorities, village elders and VPDC members, from 12 village-tracts, and directed them to keep a watch on the movement of religious leaders. The authorities informed those at the meeting that they had information concerning the fact that around 1,000 religious leaders had entered Arakan. They ordered that the religious leaders were not to move from one village to another, and sentries were stationed around villages in order to monitor visitors.³⁷

In May 2006, 15 men including Molvi Jaffar from Sadamaw village were arrested whilst visiting market in Sittwe. They were arrested by immigration officials for not holding village out passes and sentenced to six months in jail.³⁸

On 19 July 2006, the SPDC military, NaSaKa, and police forces raided the homes of every house in the Shwezar quarter of Maungdaw Town (consisting of 5 smaller villages, Shwezar Mrauk, Shwezar Guna, Dayla Wra, Kanyin Chaung, and Aung Bala), blocking the roads and moving from house to house throughout the night. At least 70 people, mostly Muslim, were arrested, either on suspicion, or for not having proper permission from their village councils to be staying in a different household or town. The reason for the raid was unclear.³⁹

In September 2006, it was reported that fishermen in Sittwe were forced to sell their catch to brokers on the banks of the river at much deflated prices. The fishermen were unable to disembark from their vessels in the absence of permits to visit Sittwe.⁴⁰

On 4 September 2006, Mohammed Hussain of Bolati Village, Pauktaw Township, was arrested when he was found in Bogar Dill Village without a permit to leave his village. He was detained temporarily in Myuma Police Station Camp #1.⁴¹ On 8 September 2006, he was sentenced, by a Sittwe Court, to two and a half years imprisonment with hard labour.⁴²

In October 2006, an outbreak of diarrhoea in Arakan State, which claimed the lives of 41 children under 10 years old, over a 10 day period, was attributed to the consumption of unclean foods, which the children had foraged for. The families of the children had been unable to feed them since the SPDC banned travel to the local forest. Previously, roughly 90 percent of villagers in the Tawphyachaung area of Ponna Kyunt Township were employed as bamboo cutters.⁴³

On 9 November 2006, NaSaKa forces raided three Muslim villages to check the family lists, birth rates, any visiting travellers or guests, as well as for other potential illegal activities. One raid in the village of Aukpru was led by NaSaKa Area #5 Commander, Major Than Thay, who ordered all road entrances blocked. Further raids were conducted in Kran Soe Ree and Wra Thik villages in Aungtha Bray Village Tract. At least 8 villagers were arrested during the night.⁴⁴

Chin State

On 10 October 2006, it was reported that a curfew had been imposed on the road connecting Paletwa, Chin State to Mizoram, India. Following the desertion of two SPDC troops, the road was closed off to all wishing to visit India, causing grave difficulties to those who rely on cross border trade. The SPDC again ordered a blockade on the road from December 2006, which was expected to remain in force through to March 2007, with any one seen crossing the road liable to be shot.⁴⁵

On 23 October 2006, Tactical Operation Commander, Brigadier Colonel Myint Shwe, stationed in Kalaymyo arrived in Dar Khai (B) village, of Chin State, where he held a meeting with Tactical Commander Colonel Tin Hla, stationed in Hakha town. A curfew was imposed as of the morning of the meeting and no movement was allowed in the area.⁴⁶

Karen State

Nyaunglebin District

On 2 May 2006, it was reported that those villages residing in the Shwegyin area and farming in Hsee Moo Hta area were being forced to pay 2,000 kyat per month to the SPDC in order to obtain permission to leave their village. Furthermore, it was reported that the SPDC had established 10 checkpoints along the river and 7 on land between these two areas, with each checkpoint charging 200 kyat for right of passage.⁴⁷

On 9 May 2006, all those residing in Maw Keh Tha Per Koh, Baw Bpee Der, Aung Chan Tha, Myaung Oo, Meh S'Lee Gone, Pa Doh Kyaw Hta, Kyaw Kyi Paw and K'Muh Loh in northern Mone Township, and Yu Loh and Tha Pyay Nyunt in southern Tantabin District, Toungoo Township, Nyaunglebin District, were ordered not to leave their respective villages. MOC #16 Commander Captain Soe Oo informed the villagers that they risked being shot if caught outside of their place of residence. As a result of the restrictions SPDC troops were able to sell rice to their captive consumer base at inflated prices.⁴⁸

In July 2006, it was reported that around 800 people, in Nyaunglebin District, who had fled SPDC control and oppression in Mone Township, and were residing in the forests, were barely surviving without any access to food.⁴⁹



In August 2006, Battalion Deputy Commander Yan Aung and Company Commander Min Thant Lwin of SPDC LIB #599 ordered all villages in their control area of Mone township, Nyaunglebin district, to build a perimeter fence all the way around their villages with only one or two entrances/exits. The SPDC claims these fences are to keep 'rebels' out of the villages, but in practice they are used to restrict and monitor the movements of the villagers. It also makes it easier for the battalion to round up forced labour. These photos taken on August 27th and 28th show the people of four of these villages working on the fences. To get them done on time, everyone including children had to help. *[Photo and Caption: KHRG]*.

On 10 July 2006, it was reported that villages relocated to Plaw Law Bler, Nyaunglebin District, were only allowed to return to their old village during the daytime, and with the permission of the SPDC forces, or else risk being shot. There was a scarcity of water at the relocation site.⁵⁰

In August 2006, villagers of Mu Theh village, Nyaunglebin District, were ordered to construct a fence surrounding their village under orders from SPDC MOC #16 Operations Commander Than Soe and LIB #323 Battalion Commander Kyaw Kyaw Oo.⁵¹

On 3 August 2006, LIB #351 Battalion Commander Than Tate arrested villager Saw P--- in the Hteh Htoo relocation site, under accusation of having contact with the KNLA. He was bound, assaulted, and forced to stand in water overnight where he was bitten by leeches. He was then placed in a holding cell for a month. He was released, when his fellow villagers agreed to pay 300,000 kyat to the Battalion Commander, but remained barred from leaving the village.⁵²

On 17 August 2006, Major Min Kyaing Thant of SPDC IB #57 ordered villagers in Kyauktan, Them seik, Tone-ta-da, Shu-khin-thee, Po-pay-gon, Kaw-tha-say, Baw-ka-ta and Pa-deh-gaw to completely fence the perimeter of their villages within 2 days.⁵³

On 25 August 2006, LIB #351 Company Commander Yeh Win arrested a Taw Koh villager after finding two batteries in his hut, for which he was accused of having contact with the KNLA and fined 30,000 kyat.⁵⁴

On 28 August 2006, troops from LIB #351 spotted two villagers who had left the Hteh Htoo relocation site and gone back to their old village to collect their belongings and harvest some vegetables. The soldiers arrested the two villagers and took them to their battalion commander, Than Tate, who accused them of having contact with the KNLA and fined them 10,000 baht each.⁵⁵

On 30 August 2006, it was reported that SPDC forces had overseen the construction of a fence near Muthey, Nyaunglebin District. The fencing has greatly hindered local villager's access to their farmlands.⁵⁶

On 3 September 2006, LIB #351 Battalion Commander Than Tate arrested villager M--- from the Hteh Htoo relocation site and three of his friends when they were seen outside relocation site in their boat. They were locked in leg stocks for one week and fined 5,000 kyat each.⁵⁷

On 9 September 2006, LIB #351 Company Commander Lieutenant Yeh Win forced Hteh Htoo villagers to build a fence around the village while he took photos of them doing it. He subsequently demanded 2,000 kyat from the villagers in order to develop the film.⁵⁸

Also on 9 September 2006, LIB #351 Battalion Commander Than Tate ordered residents of Hteh Htoo village that they must obtain a travel permit, at a cost of 20,000 kyat, in order to be allowed to go fishing, and pay a further 3,000 kyat to be allowed to sleep in their field huts (off site). At the end of a five day period, the villagers had to return and resubmit an application for their travel permit.⁵⁹

Also on 9 September 2006, SPDC IB #242 began forcing villagers in the plains around Muthey area to erect fences around their villages. Villagers were also barred from travelling outside their villages. Roads and routes valuable for trade and travel between the plains and mountainous regions were blocked by SPDC forces.⁶⁰

On 10 September 2006, LIB #351 Battalion Commander Than Tate arrested Maung Min Oo from Hteh Htoo relocation site, reportedly telling him *“I am arresting you because you came back late and the time is over according to a specific time I set up.”* He had failed to return to the village when the time stipulated on his recommendation letter had expired. He locked him in mediaeval-style leg stocks for a week and fined him 10,000 kyat before releasing him.⁶¹

On 9 October 2006, LIB #350 Battalion Commander Tha Neing established a checkpoint at Toe Ta Dah and demanded 5,000 kyat from each car and 3,000 kyat from each motorbike wishing to pass.⁶²

On 19 October 2006, it was reported that the SPDC was forcing villagers in the Muthey area of Nyaunglebin District to construct fences around their villages in order to restrict their freedom of movement.⁶³

In November 2006, it was reported that twenty cows and buffalo had been stolen by SPDC troops in the area around Hteh Htoo relocation site since 1 April 2006. The thefts all occurred when villagers were restricted to their place of residence under orders from the SPDC.⁶⁴

Papun District

On 6 February 2006, Dta Khaw Hta village head Saw Mer Ler was arrested by SPDC soldiers from LIB #60, accused of writing a travel pass for a man believed to have exploded a bomb in Toungoo on 4 February 2006. Dta Khaw Hta villager Saw Ghay Ler Htoo was also arrested, as he was accused of allowing the same man to sleep at his house en route to Toungoo. At the same time, SPDC spokespersons were attributing the bomb blast to several opposition groups, without any announcement who the ‘man’ referred to was. Furthermore, any travel pass issued at Dta Khaw Hta would not have been valid for the entire journey to Toungoo. It was thought that these arrests were an attempt to implicate the KNU by suggesting that the attacker had crossed the Salween from Thailand. Saw Mer Ler and Saw Ghay Ler Htoo were each sent to army camps at Saw Hta and then Maw Pu and were held there incommunicado. On 10 March 2006, Saw Ghay Ler Htoo escaped. His wife Naw Lah Hser Paw and her infant child were then arrested, but later released. Saw Mer Ler’s fate was unknown.⁶⁵

Toungoo District

On 7 January 2006, it was reported that troops from SPDC IB #20, #39 and LIB #124, in Thandaung Township, banned people from villages located on the east side of Thyauk-ye-kat-chaung stream, from crossing the waterway and going to Than-daung-gyi. The troops subsequently planted landmines on the east side of the stream to enforce their order.⁶⁶

On 12 January 2006, SPDC Southern Command, Strategic Command #1 Commander Thein Htun, ordered that passes were needed in order for motor traffic to travel on the Baw-ga-li-

gyi-Ye-tho-gyi road. He informed villagers that if fighting broke out, in the Baw-ga-li-gyi area, he would completely ban motor traffic and would distribute land mines in the area.⁶⁷

On 21 January 2006, troops from SPDC LIB #440, based at Ye-tho-gyi camp prohibited Ye-tho-gyi villagers from going outside of the village and blocked roads in the area.⁶⁸

In February 2006, LID #66 ordered a total bar on all travel in Taw Tu Tu Township and Daw Pa Ko Township.⁶⁹

On 10 February 2006, in Toungoo District, the commander from SPDC Strategic Command 663, under LID #66, based at Play-sar-lo (Tate-pu) in Tantabin Township, demanded the village head of Ya-lo (Myauk-chaung) village, Lay-wo-lo (Kan-bay-myaung) village, and Paw-per (Bin-ba) village, to collect census data detailing the population and number of houses in each village.⁷⁰

Also on 10 February 2006, troops from SPDC TOC #663, under LID #66, based at Play-hsa-lo (Tate-pu) army camp, in Tantabin Township, banned the villagers from going outside of the village, threatening that those found outside would be shot on sight.⁷¹

On 24 February 2006, LID #66, TOC #3, under Commander Tin Aung, ordered the closure of Bo Maw Kee, Tha Pa Chaung and Day Yeh Kee Roads. Villagers from the hills were told they were not allowed to travel to the plains, and villagers from the plains were told not to travel on any of those roads, under threat of shooting. Subsequently, on 25 February 2006, Saw Roland and Saw Da Nu Nu, two brothers from Ler Klah Der village were killed by SPDC troops, with their bayonets, when carrying rice to their farms in the Kleh Loh area.⁷²



This 'jungle market' is one of the ways hill villagers evading SPDC control manage to survive. People in SPDC-controlled villages are strictly forbidden to take any food or medicines into the hills, but secret arrangements are made and on the specified date they smuggle goods out of the villages to a prearranged place in the forest, where they trade with the displaced hill villagers. The hill villagers bring cash crops like cardamom and forest products to trade for rice, salt and dry goods which they need to survive. This photo was taken in December 2005 in northern Nyaunglebin district. Since then the SPDC has tried to prevent these markets by sending in more troops, blockading and landmining the roads and footpaths between SPDC-controlled areas and forest areas. *[Photo and Caption: KHRG].*

On 11 March 2006, SPDC LID #66, led by Commander Aung Soe, captured Saw Ah Poe and Saw Dah from Ker Der Kah village before torturing and killing the pair as punishment for leaving their village.⁷³

On 12 April 2006, SPDC IB #73 troops banned villagers from using all cart-roads in Shasibo area. SPDC IB #53 troops, based at Htee-lo, kept watch on the cart-roads.⁷⁴

On 26 April 2006, SPDC troops forbade villagers in the Za-yat-kyi area, Tantabin Township, from transporting goods in the region. Travel by cart and car was also banned.⁷⁵

On 28 April 2006, it was reported that SPDC IB #53, commanded by Myo Thoo Ya and located at Sha-si-bo, placed heavy restrictions on the movements of local villagers. They were instructed that if they went to the mountains or slept in their fields they would be shot.⁷⁶

Also on 28 April 2006, soldiers from LIB #801 shot at villagers from Kaw Thay Der working in their plantations, hitting 35 year old Saw Mya Ler and breaking his arm. Following the shooting, the soldiers entered the village and informed the residents that anyone found outside the village would be considered an enemy and shot.⁷⁷

On 30 April 2006, in Tantabin Township, troops from Column 1 and 2 of LIB #108, under TOC# 663 of SPDC LID #66, fired on villagers of Ye-tho-gyi. Villagers were instructed that if they needed to go outside of their village they would need to get a travel permit from the SPDC army. Villagers were warned that they would be shot if found to be disobeying this order.⁷⁸

On 3 June 2006, SPDC columns from IB #11, LIB #5 and LIB #108 ordered all villagers of Ye-tho-gyi and Ye-tho-lay not to leave their villages. They threatened to shoot any person found outside of their village.⁷⁹

On 15 June 2006, TOC #2 Commander Ko Ko Kyi, based at Teik-pu camp, Tantabin Township, ordered the residents of Myauk-chaung Han-tho, Pa-ta-la-Myang and Kyauk-son-dung villages to register the names of their family members, and ordered all villagers to apply for a national identity card. He further instructed the residents of these villages to construct a fence around Teik-pu village.⁸⁰

On 25 June 2006, SPDC LID #66 Commander Tin Aung Naing ordered villages in Baw-ga-li-gyi, Ye-tho-gyi, Sa-ba-gyi, Maw-Ko-doe, Der-doh and Gar-mu-doh villages to construct a fence around their respective villages. At night villagers were not allowed to move between houses within their village under threat of being shot.⁸¹

On 6 July 2006, SPDC IB #35 ordered all villages located on the west bank of Thauk-ye-khat River to complete the construction of a perimeter fence around their village by 15 July 2006.⁸²

On 22 July 2006, SPDC LID #66 Division Commander Ko Ko, ordered Baw-gli, Kaw-soe-kho, Wa-tho-kho, Ler-ko and Kaw-thay-doe villagers to construct a fence around their respective villages. Any villager who wished to travel outside of the fence was told to purchase a village out pass at a cost of 100 kyat each day.⁸³

In August 2006, it was reported that the rice supplies of villages in the Kler Lah, Day Loh and Klay Loh areas of Toungoo District were extremely stretched, with some villagers having run out. Those they were forced to borrow from had no more than two months supply left with no prospects for acquiring more.⁸⁴

In November 2006, it was reported that strict movement restrictions continued to be placed on 12 villages in the Kler Lah area, with warnings that villagers disobeying these commands would be shot on sight. The twelve villages were:

1. Kler Lah,
2. Kaw Soh Koh,
3. Wa Thoh Koh,
4. Ler Koh,
5. Maw Pa Der,
6. Koo Pler Der,
7. Klay Soh Kee,
8. Kaw Thay Der,
9. Der Doh,
10. Gha Moo Der,
11. Maw Koh Der, and
12. Peh Kaw Der.⁸⁵

On 10 December 2006, SPDC IB #48 blocked all roads leading to villagers' betel-nut plantations and farm huts, located on the eastern side of Sha-zee-bo village.⁸⁶

Mon State

On 10 February 2006, it was reported that students attending a Mon school in Khaw Zar sub-Township were often unable to return to their village after school because of an SPDC imposed 5 pm curfew in the area. As a result many students were missing classes or else being forced to sleep outside of their villages at night.⁸⁷

From May 2006 to at least the time of this report, 31 July 2006, SPDC troops from LIB #299 barred villagers from Khaw-zar-chaung-wa from leaving their houses between 9 pm and 6 am. The villagers were also forced to erect fences around the village in order that the application and monitoring of movement restrictions be unproblematic for the SPDC.⁸⁸

On 12 May 2006, Captain Than Tun of LIB #586 ordered villagers from Mi-htaw-hla-kalay and Mi-htaw-hla-gyi, southern Ye Township, to obtain a pass from him before leaving their village. He charged 150 kyat for a daytime pass, and 700 kyat if the applicant wanted an overnight pass.⁸⁹

On 14 May 2006, following a clash between a Mon guerrilla group and SPDC forces, residents of Kabya village were prohibited from leaving their village by command of IB #31 and LIB #299. Villagers were also forced to construct fences around their village.⁹⁰

On 22 May 2006, SPDC IB #61 Captain Myint Zaw ordered that all those residing in Tuu-Myaung village, Ye Township must obtain a pass from the battalion in order to leave the village. A week pass was reported to cost 400 to 500 kyat. Surrounding villages in the area, including Kyone-Paw, Paw-Thaw, Wae-U, Kha-Pi-Taw and Kwan-Toe, were subject to similar demands.⁹¹

On 28 May 2006, villagers in Kyone-Kanya village, Ye Township, were ordered to pay 200 kyat for permission to work outside their village by Battalion Commander Maj. Win Maung, of LIB #591.⁹²

From 19 June 2006 to 30 June 2006, villagers in Sin-gu village, southern Ye Township were ordered by Commander Aung Kyi of LIB #587 to register all their family members with the VPDC. Villagers were further ordered not to leave the village without a village exit pass, for which they had to pay 300 kyat each. Aung Kyi informed villagers they would be shot if found outside Sin-gu without a pass.⁹³

On 28 June 2006, Captain Soe Naing Lin, of IB #591, ordered the villagers of Kyaung-ywa village, Ye Township, not to travel outside the village without permission. A 500 kyat charge was subsequently imposed for a 24 hour pass.⁹⁴

On 2 July 2006, SPDC troops from LIB #106 arrived in Koe-mile Village, Ye Township, Mon State, to begin a four week operation. Captain Thein Than informed the village headman and VPDC members that all villagers would be confined to the village for the duration of the operation. Anyone found outside of the village was to be shot. Farmers from outside the village, with fields within the area of operations, were also barred from visiting their farms and plantations.⁹⁵

On 17 July 2006, it was reported that over 30 people had been forced to pay a fine of 100 baht each for failing to register guests with the VPDC in the Three Pagoda Pass area.⁹⁶

On 31 July 2006, it was reported that movement restrictions in Kyone-kanya, Southern Ye Township, Mon State, ordered by SPDC TOC #3, IB #61 had been in place since the beginning of May 2006. Villagers were barred from going to their farms and plantations and were unable to harvest their crops.⁹⁷

Also on 31 July 2006, it was reported that the inhabitants of Kwan Hlar village, Mudon Township, Mon State, were barred from crossing the nearby gas pipeline by local authorities. Those who needed to cross the pipeline, to tend to their farms, were permitted to cross if they paid a daily toll to SPDC troops stationed along the pipeline.⁹⁸

Also on 31 July 2006, it was reported that Commander Soe Myint, of SPDC LIB #209, ordered villagers living along the Kanbauk-Myainkalay gas pipeline to keep away from the pipeline. He threatened that those who crossed the pipeline between the hours of 6 pm and 6 am would be shot.⁹⁹

On 3 October 2006, it was reported that villagers in southern Ye Township had been ordered to construct fencing around their villages. They were also barred from taking food with them to their farms and plantations.¹⁰⁰

On 4 December 2006, a clash between Mon insurgents and SPDC troops, which left three SPDC soldiers dead, resulted in heavy restrictions being placed on surrounding villages. SPDC IB #31 ordered the residents of 14 villages in the Ye Township area not to travel between villages, or visit their farms or plantations. Farmers reported cows eating their crops as a result. The authorities gave no indication of when the restrictions might be lifted.¹⁰¹

Pegu Division

On 2 March 2006, it was reported that SPDC troops in Nyaunglebin Township, had assaulted local residents for crossing the local railway tracks at night. Restrictions had been imposed declaring that no one may cross the tracks between 6 pm and 6 am. However, the announcement had not been made along the full length of the track, meaning that those assaulted had been unaware of the prohibition.¹⁰²

On 28 March 2006, villagers in areas of Pegu Division were ordered to confine themselves to their villages. All homes lying outside the village boundary were ordered to be dismantled and relocated within 15 days. Those who owned houses built of concrete were forced to abandon them.¹⁰³

Sagaing Division

In September 2006, the VPDC in Tahan, Sagaing Division, initiated a night curfew for youths in the area. The curfew was more strictly enforced in November and at the time of the report, 22 November 2006, was expected to be imposed throughout the Christmas period. Ostensibly, the curfew was imposed to keep a check on juvenile delinquency. However, local sources suggested that the curfew was put in place through a fear of SPDC troops conscripting youths into their ranks against their will.¹⁰⁴

Shan State

On 5 January 2006, it was reported that, following the killing of six members of the ceasefire Kachin Independence Army (KIA), by SPDC troops, in an unprovoked surprise attack on a Kachin District office in Muse, Shan State, the SPDC imposed heavy movement restrictions on those wishing to attend their funerals. *“Many villagers from Mu-se came for the funeral - over 200 or 300 of them – but they were prevented from travelling and performing funeral rites. Those people were actually parents and relatives of the dead but they were nevertheless banned from travelling. No one is allowed to travel. We heard that the army had already cremated the bodies in order to cover up the incident,”* stated a KIA officer.¹⁰⁵

On 8 July 2006, a couple and their 2 daughters from Laai Paang village in Ho Yaan Village tract, Kun-Hing Township, were arrested by SPDC troops LIB #519 in transit at Saa-Laa Village, Murng-Ton Township and detained in a Buddhist monastery for 4 days. They were detained on the basis that their daughters were underage and ought not be travelling with them to the Thai border. They were finally released upon payment of a 220,000 kyat fine.¹⁰⁶

Tenasserim Division

On 12 June 2006, to at least the time of this report, 31 July 2006, residents of Kyauk-tayan, Yebyu Township, Tenasserim Division were prohibited from fishing in the sea and working on their plantations. The order came in response to the ongoing conflict between Mon and SPDC forces.¹⁰⁷

On 20 June 2006, the commander of LIB #282 informed villagers from Ye-ngan-gyi, Yebyu Township, Tenasserim Division, that they would be confined to their village between the hours of 6 pm and 6 am. Outside of these hours villagers were required to get permission from SPDC forces if they wished to visit another village.¹⁰⁸

12.3 Restriction on the Movement of the Rohingya

“Everyone has the right to a nationality.”

- Article 15(1) Universal Declaration of Human Rights.

“Everyone has the right to freedom of movement and residence within the borders of each state.”

- Article 13(1) Universal Declaration of Human Rights.

The Rohingya were rendered stateless by the Burmese Citizenship Law of 1982. The SPDC, as well as the majority of the Burmese public, consider them to be ‘illegal immigrants from Bangladesh’, and their non-citizen status places enormous restrictions on their freedom of movement. They are completely barred from travelling beyond northern Arakan, wherein many checkpoints are only applied to the Rohingya population who require a travel pass even to visit a neighbouring village.¹⁰⁹ In the spring of 2006, movement restrictions on the Rohingya were noticeably tightened especially in south Maungdaw Township, and from July, travel passes in northern Arakan were only valid for a period of three days, with permission to travel between Maungdaw and Buthidaung rarely granted.¹¹⁰ In a further measure of control over the Rohingya, VPDC chairman were ordered to keep the NaSaKa (Border Security Force) abreast of all incidents occurring in their village on a daily basis, and fined if they failed to do so.¹¹¹

Throughout the year, authorities in northern Arakan mounted numerous raids and censuses on Rohingya villages,¹¹² and in December, villagers found to be absent without proper travel documents were erased from their family list, with their relatives fined 5,000 kyat. In some cases, families had to sign a declaration that they agreed for their missing family member to be deleted from their list. Earlier, in August 2006, in south Maungdaw (Inn Din and Kyauk Phun Du), NaSaKa (Burma’s Border Security Force) ordered the VPDC to expel over 100 villagers who were not properly registered as residents of their village. These persons had their names deleted from their family lists in previous years and had been living in Bangladesh ever since. However, when the oppression of the Rohingya had relaxed in the aftermath of Khin Nyunt’s ouster, they had returned to their village and negotiated with their Village Council to be reinstated against the payment of a bribe. With the oppression of the Rohingya again increasing, throughout 2006, they were forced to return to Bangladesh.¹¹³

The Rohingya have been barred from travelling to the Arakan State capital, Sittwe, since 2001, in the absence of prior permission from the authorities. From December 2005, the State Immigration Department in cooperation with police began a crackdown in Sittwe, arresting any Rohingya not in possession of “Form 4”. “Form 4” was initiated as a “temporary travelling form for foreigners”, but has been adapted into a further tool of oppression for use against the Rohingya population. Many Rohingya have refused to accept the order to carry such a form due to the insinuations such a diktat contains, stating *“We are not foreigners, we live here, we were born here, and we will die here.”* Those found to be travelling without the form were sentenced to six months imprisonment.¹¹⁴

The inability to travel freely in Burma has severely impacted many areas of the Rohingya population’s lives, jeopardizing their personal security, food security, livelihood, educational opportunities and access to adequate healthcare. This was especially true in 2006, with the economic crisis in Arakan State continuing to worsen.¹¹⁵

As there is only one University in Arakan State, located in Sittwe, the need to acquire permission to visit Sittwe is a huge obstacle to obtaining a higher education. On 16 January 2006, DPDC Chairman Major Ran Myu Aung and immigration officers in Maungdaw District failed to grant 270 prospective students their necessary travel permits, despite previously soliciting money from them, under the promise of forthcoming passes. Eventually, the Rohingya students were told that they would not receive travel passes as they were not citizens of Burma.¹¹⁶

The inability of Rohingya to travel to Sittwe further acts as an impediment to their right to health. For patients with a medical case too serious to be treated locally, prohibitions on travel or delays in the issue of travel passes make it virtually impossible for them to be referred to a hospital outside northern Arakan.¹¹⁷ In 2006, those Rohingya who could afford it were forced to become a member of the Border Trade Organisation, at a cost of around 20,000 kyat so as they could visit Bangladesh for medical attention.¹¹⁸ Concurrently, movement restrictions served as a major impediment to humanitarian assistance in Arakan State throughout 2006, and negatively affected the Muslim staff of international agencies and NGOs, preventing them from attending necessary trainings.¹¹⁹

As well as affecting health and education needs, restrictions on movement greatly hindered the Rohingya's ability to sustain a livelihood. As around 60 percent of Rohingya are day labourers, most cannot afford the fees and bribes required to obtain travel permits, whilst at the same time needing to travel daily to their place of work.¹²⁰ As such, the mountain pass between Buthidaung and Kyauktaw became a popular route for Rohingya wishing to bypass Sittwe, and checkpoints along busier routes. However, during 2006 many Rohingya were arrested by passing SPDC army columns along this route. In April and May 2006, alone, over 100 people were arrested whilst traversing the pass. The punishment for using the pass was said to be severe as the SPDC saw its use as an affront to their authority.¹²¹

When the Rohingya adhered to the draconian restrictions placed on them, and were able to produce the requisite travel and identity documents on demand, they nevertheless often fell victim to corrupt and prejudice officials. Due to the economic depression in northern Arakan, many Rohingya were using the Maungdaw-Buthidaung Road to travel to Maungdaw for work. In 2006, one of the army checkpoints (outpost 18) was specifically targeting Rohingya travelling along the road. It was reported that those with valid travel permits were frequently detained, had their documents destroyed, their money extorted, and were sent for trial, where some received prison sentences of two years.¹²²

Restrictions on the Movement of the Rohingya Minority - Partial List of Incidents for 2006

On 10 February 2006, U Aye Maung and other police officers from Buthidaung Town reportedly arrested seven Rohingya villagers from Dongpyin village for having relatives living in foreign countries. Relatives of the arrested villagers had to pay 30,000 to 40,000 kyat for the release of each person. Those persons arrested were:

1. Moulvi Baser, aged 50;
2. Moulvi Noor Alam, 35;
3. Baser Ahamed, 48;
4. Ulla Meah, 65;
5. Aul Kalam,
6. Moulvi Nozir, 65; and
7. Azi Rahman, 60.¹²³

On 3 April 2006, SPDC army outpost 18 on the Maungdaw-Buthidaung Road seized money from Rohingya travelling along the road despite the fact that some were in possession of valid permits. After taking the money from them and destroying their travel permits, the labourers were detained, tried and sentenced to two years imprisonment. Those Rohingya sentenced to two years, their age, and amount extorted from them, were:

1. Mohamed Salim, 18, 50,000 kyat;
2. Shamsul Alam, 19, 60,000 kyat; and
3. Zani Alam, 19, 40,000 kyat.¹²⁴

On 18 May 2006, an SPDC column under the command of Captain Win Tin Aung from the Military Operation Planning Bureau in Buthidaung arrested over 30 Muslims on the mountain pass near Mi Gaung Tet Village, located between Buthidaung and Kyauktaw for travelling without permits. Included in those arrested were Muslims from the following villages:

1. Ngaki Thauk Village, 6 persons;
2. Min Gri Taung, 5 persons;
3. Kinttha Mar Village Tract, 4 persons;
4. Dapai Sara Village, 3 persons;
5. Thay Kan Kutson, 2 persons; and
6. Tha Pike Taung, 2 persons.¹²⁵

On 24 June 2006, NaSaKa forces raided a number of Muslim villages in Buthidaung Township where they checked on family lists, unlicensed construction of mosques, and marriage licenses. NaSaKa discovered 2 illegally married couples and 18 families who had moved from one village to another without permission.¹²⁶

On 26 June 2006, NaSaKa officers raided Ngakhura Village under NaSaKa Area #5 to inspect family lists, birth rate compliance, and marriage licenses. The authorities discovered 18 children who were born in contravention of the rule governing the number of children each Muslim couple were allowed. They also found that 8 people had recently fled to Bangladesh and 34 people, 13 males and 21 females, had migrated within Burma without the authorities' permission.¹²⁷

On 2 July 2006, NaSaKa troops arrested 17 Rohingya villagers in Fokira Bazaar, Maungdaw Township, as they had come to the village without obtaining travel documents. The villagers were subsequently forced to work on a road construction site between Aung Zu and Khamaung Zeik in Maungdaw Township as punishment.¹²⁸

On 19 July 2006, the *tatmadaw*, NaSaKa and police raided the homes of every house in the Shwezar quarter of Maungdaw Town (consisting of 5 smaller villages, Shwezar Mrauk, Shwezar Guna, Dayla Wra, Kanyin Chaung, and Aung Bala), blocking the roads and moving from house to house throughout the night. At least 70 people, mostly Muslim, were arrested, either on suspicion or for not having proper permission from their village councils to be staying in a different household or town.¹²⁹

On 9 November 2006, two columns of NaSaKa troops conducted raids on three Rohingya villages in Maungdaw Township. Troops led by Major Than Thay blocked all roads surrounding Aukpru Ma village and checked every household for irregularities in the family lists, unregistered births and non permitted guests. Some villagers were reportedly arrested. Raids also took place in both Kran Soe Ree and Wra Thik, Aungtha Bray village tract, where at least 8 villagers were arrested. One villager asserted that those arrested in the raids are typically freed after paying bribes to the NaSaKa officials.¹³⁰

12.4 Restrictions on International Travel and Migration

“Everyone has the right to leave any country, including his own, and to return to his country.”

- Article 13(2) Universal Declaration of Human Rights.

In order to travel abroad legally a Burmese citizen is required to have three separate documents, the issuing of each being controlled by a different Ministry. A passport is issued by the Ministry of Home Affairs, a revenue clearance by the Ministry of Finance and Revenue, and a departure form by the Ministry of Immigration and Population. Since a relaxation in regulations, in 2004, those issued passports have been allowed to retain them on their return from abroad for: one year after incidental travel; three years for dependents; four years for employment; and 18 months for those travelling on business.¹³¹

Despite announcements in 2005 that passports would be issued within a week of application, the process frequently took several months in 2006, and corrupt officials often sought bribes, of up to 300,000 kyat, equivalent to one year's salary, in order to speed up the process.¹³² Citizens were required to indicate their religion on official application forms including those for passports, and there were reports of Muslims facing discrimination as a result.¹³³ In 2006, 500 Muslims wishing to attend the Biswa Itjema in Dhaka, Bangladesh, were each forced to pay 7,000 kyat to authorities in order that their passport applications were processed. However, the authorities did not issue the passports in time for the occasion and 13 Burmese Muslims were later arrested in Bangladesh, after taking out a single day pass in order to get across the border.¹³⁴ The costs and procedures for women wishing to travel abroad, particularly those under 25, remained prohibitive under the justification of anti-trafficking measures (for more information see Section 12.5 Restrictions on the Movement of Women). College graduates were required to pay a fee to reimburse the regime for the cost of their schooling, in order to obtain a passport, and passports continued to be denied on political grounds.¹³⁵ Burmese comedian, and former political prisoner, Zargana, was refused a passport to travel to Singapore for an International Burma Studies Conference in June 2006.¹³⁶

Citizens who emigrated legally were generally allowed to return to visit relatives, and some who left the country illegally and acquired foreign citizenship were also able to return.¹³⁷ However, in 2006, the Burmese junta cancelled the passport of Chin human rights activist, Salai Tun Than, and prevented him from returning to his home country from the USA, via Thailand. Salai Tun Than rightly claimed *“I am barred from returning home, this is a human rights abuse.”* He had been refused permission to board a flight in Thailand after announcing his intention to stage a protest on his return, and as such became effectively stateless.¹³⁸

Throughout 2006, passports were generally issued quickly for those seeking to work abroad through official channels, with the processing time cut from 4 months to 14 days. Employment agencies offering overseas work rapidly grew in number; actively encouraged by the junta. As the SPDC taxed these workers, economic analysts saw the relaxation as an attempt to generate income through the outsourcing of manpower.¹³⁹ However, prohibitive costs and discriminatory procedures ensured that the vast majority of Burmese, particularly those from ethnic minorities, did not possess a passport. As such the bulk of those who migrated to neighbouring countries did so surreptitiously. On 1 December 2006, the SPDC's newspaper, the *New Light of Myanmar*, reported that since September 2001, the SPDC had

prevented 868,995 persons from emigrating in this way and had taken action against 1,638 brokers.¹⁴⁰

If migrants are able to bypass SPDC checks against emigration and are then deported back to Burma, through official channels, they are criminalised under Burmese law. SPDC regulation 367/120 (b)(1), introduced in 2001, imposes punishments of up to 7 years imprisonment for illegal emigration, and Article 13 (1) of the Immigration (Emergency Provisions) Act, 1947, states: “*No citizen of the Union of Burma shall enter the Union without a valid Union of Burma Passport, or a certificate in lieu thereof.*” Under this Act, undocumented migrants are subject to one year’s imprisonment and a fine upon their return to the country.¹⁴¹ Deportees have reported that SPDC officials photograph and maintain records on all deportees. Those deported are informed that if officials collect three photographs of one returnee, (i.e. if someone is deported through the reception centre three times) that person will be arrested for illegal emigration. (For more information see Chapter 15 Situation of Migrants). Furthermore, family members of those who have emigrated illegally are subject to punishment in lieu of their kin. On 10 February 2006, police from Buthidaung Town reportedly arrested seven Rohingya villagers from Dongpyin village for having relatives living in foreign countries, only freed after a payment of between 30,000 and 40,000 kyat.¹⁴²

Throughout 2006, the SPDC continued to make strides to account for all undocumented migrants who had left the country for Thailand. However, an MoU between the SPDC and the Thai Government, whereby worker registration in Thailand will be dependant upon the worker’s nationality being verified by the SPDC, was stalled in its implementation after the 19 September 2006 coup installed a new administration in Bangkok. The MoU would basically require the forced repatriation of migrant workers for processing by the SPDC, before being allowed to return and work in Thailand. Such a process would potentially put many migrants at risk of arrest or simply not being permitted to return to Thailand. In their place the SPDC would be able to send more favoured sections of the population such as members of the USDA. It would also likely leave workers liable to a large financial burden, primarily in the form of a heavy tax on their earnings whilst abroad, imposed under threat of action against family members, but also through the creation of new avenues for extortion.

Despite a lack of agreement with the Thai administration, the SPDC, in 2006, exerted pressure on family members in order to force the return of these migrants. On 28 September 2006, SPDC LIB #548 organised a meeting with village heads in Dt’Nay Hsah Township, Pa’an District, stating “*The villagers whose children have gone to Bangkok must return to their village and register their names. Everybody must come back without fail. Tell your children who work in Bangkok to come back and get travel documents.*” The cost of registration was set at 500 kyat, with requisite travel documents costing a further 100,000 kyat. It is feared that family members will be liable to punishment in the absence of their relatives.¹⁴³ (For more information see Chapter 15 Situation of Migrants).

Despite such measures, there continued to be significant undocumented migration as well as commercial travel across the country's borders with China, Thailand, Bangladesh, and India, which remained porous throughout 2006. However, official border crossings with India, Bangladesh and Thailand were routinely closed, negatively impacting those who rely on cross border trade for their livelihood.¹⁴⁴ In some instances, authorities were even reluctant to allow those requiring urgent medical attention to receive it across a State border. On 18 April 2006, it was reported that only after one of those injured, in an oil tanker explosion in Tachilek, actually died, did the authorities allow others to cross to Thailand for treatment.¹⁴⁵ This in a year in which Sen. Gen. Than Shwe visited Singapore in order to receive the best possible medical care.¹⁴⁶

Population Registration

All citizens of Burma are required to carry national identity cards, showing their citizenship status, normal place of residence, date of birth, name of father, and so on. Possession of these national identity cards is mandatory in order to pass certain SPDC check points, buy train or bus tickets, register with a local council outside one's normal place of residence, to vote in any future election, or to enrol in higher education institutions.

Civilians not in possession of these cards, which are required to be carried at all times, but have not yet been issued to large sectors of the population, especially those from ethnic minority areas, are disenfranchised as a result, constantly subject to the threat of arrest and extortion at the hands of SPDC officials, and severely restricted in their freedom of movement. Recruiters for the SPDC army are reported to commonly approach children and ask if they have a national I.D. card. If, as is often the case, they do not, the recruiters threaten the child with arrest if he refuses to join the military.¹⁴⁷

Since 1990 these cards have often been required to contain information on the holders' ethnicity and religion. Religious affiliation noted on these cards often led to harassment or discriminatory practice, particularly against Muslims, throughout 2006.¹⁴⁸ Furthermore, the Muslim Rohingya minority are completely debarred from applying for identity cards, given that they are not considered citizens by the SPDC. In their place, the Rohingya are supposedly entitled to Temporary Resident Cards (TRC), although it has been reported that only 50 percent of the Rohingya population have as yet been issued with TRCs.¹⁴⁹

Not only does the lack of identity cards expose members of the population to restrictions and abuse at the hands of the SPDC, but the issuance of these cards provides a further avenue for abuse and extortion. In 2006, villages in Dooplaya District were forced to apply for identity cards at the arbitrarily high cost of 5,000 kyat, under threat of arrest.¹⁵⁰ Arbitrarily high fees were also charged in Rangoon, Sagaing Division and Chin State during 2006. As well as the extortionate cost, the authorities continually delayed the issuance of these documents long after payment had been received.¹⁵¹ On 15 December 2006, it was reported that Muslim students at government schools in Than Twe Township, Arakan State, had been forced to pay bribes to immigration officials in order to be issued identification cards, which were being distributed to Buddhist students free of charge. One parent stated *"They said, our children's applications were to be submitted to Nay Pyi Daw (the SPDC's new administrative capital) as they are mixed-bloods, and that it would cost us about 50,000 kyat. Some people paid the money between four and five months ago but their applications have not progressed yet."*¹⁵²

In addition, the cost of TRCs for the Rohingya is said to have increased to 20,000 kyat since permission to marry has been conditional upon their possession.¹⁵³ There were numerous reports of couples being arrested throughout 2006, after marrying in the absence of official permission. There were also numerous cases of couples leaving for Bangladesh in order to avoid this requirement, leading to family members being arrested in absentia of the couple.

In 2006, the SPDC instructed villagers in southern Karen State that, in order that they be issued national identification cards, enabling them to travel outside of their village, they must first compile lists of all the village's inhabitants, their family relations, as well as property and possessions. This forced registration, enables the SPDC to more easily make demands for money and labour. In addition each household was told to post a list of all those living in each home outside of that home.¹⁵⁴

These family lists are used to check occupants against. If a person listed is found to be absent the SPDC often accuses that they are a member of an ethnic resistance force or have emigrated illegally. In such situations, those family members present may be subject to punishment in lieu of their missing relative. Throughout the year, authorities in northern Arakan mounted numerous raids and censuses on Rohingya villages,¹⁵⁵ and in December, villagers found to be absent without proper travel documents were erased from their family list, with their relatives fined 5,000 kyat.¹⁵⁶ Family lists are not only used to discern who is missing but also to check for unauthorised guests. According to SPDC Order 1/90, every house must register with the local Village or Township Peace and Development Council (VPDC/TPDC) when they receive guests at home. If visitors who are not registered are found, the visitors are fined an arbitrary amount, and can face up to 14 days in prison. On 17 July 2006, it was reported that over 30 people had been forced to pay a fine of 100 Thai baht each for failing to register guests with the VPDC in the Three Pagoda Pass area.¹⁵⁷

Whilst the law was not consistently enforced in 2006, authorities in Rangoon and Mandalay continued in their increased enforcement of the regulation following the 2005 bombings in Rangoon, and often entered homes during night hours to check up on registration documents.¹⁵⁸ On 26 May 2006, authorities in and around Rangoon ordered that households place family photos outside their homes, as well as submitting a copy to the authorities, so that security checks can be made uncomplicated for SPDC officials.¹⁵⁹ Households were required to pay for the cost of their photographs, usually at significantly higher than market rates, and permanently display in their homes the photographs of authorised residents.¹⁶⁰

NLD members were routinely denied permission to lodge in Rangoon overnight when they travelled to the city to attend NLD events and functions.¹⁶¹ There were instances of NLD events being disrupted during the year when authorities arrested members during the night, after previously denying them permission to register as overnight guests.

In Arakan State, in response to the continuing economic crisis, which has led to a large increase in internal migration to other areas of Burma, the local immigration department actually ceased the issuance of the family list. As there was no official ban on migration, it was still possible to visit Rangoon and other parts of Burma, if able to obtain a travel permit. However, in the absence of the family list, or Form 10, as it is also known, they were unable to settle permanently, having to instead register each night as the guests of a host family.¹⁶²

12.5 Restrictions on the Movement of Women

“States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile”

- Article 15 (4) CEDAW.

The SPDC is itself heavily involved in the internal trafficking of women. The country has been ranked as a Tier 3 Country (the lowest possible ranking) by the U.S. Department of State since 2001, largely for its forced labour practices, wherein persons are trafficked throughout the country for use as labourers and porters.¹⁶³ In seeming contrast, the SPDC is ostensibly tackling the international trafficking of its female population to neighbouring countries. However, under the auspices of such measures it has placed draconian restrictions on the movement of women, which are not only an infringement on their human rights but potentially make them more vulnerable to the criminal trafficking fraternity.

In eastern Shan State, the travel of women under 25 to and across the Thai border has been prohibited since 1997.¹⁶⁴ However, due to strong push and pull factors such measures have had little effect in stemming the cross border movement of women. Nor have they stemmed the trafficking of women. In 2006, Akha, Lahu and Shan women, from Shan State, were cited as the most vulnerable groups, in the whole of South East Asia, to being trafficked to other countries.¹⁶⁵

The Myanmar Women Affairs Federation (MWAFF), a government organised NGO has been trumpeted by the regime as a crusader against trafficking within this region. The MWAFF is said to distribute information on the nature and modes of human trafficking as well as organising trainings, discussions and educational sessions. They also play a role in rehabilitation programs for repatriated victims of trafficking.¹⁶⁶ In collaboration with the UNIAP, the MWAFF organised the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) in 2004 in Rangoon.¹⁶⁷

Not only have the MWAFF failed to stem the flow of trafficked women, but they have actually directly profited from travel restrictions in place in Shan State. The ban on the travel of young women is avoided if they are able to obtain a recommendation letter from the local MWAFF. The sole criteria for obtaining such a letter: a substantial payment. The Kengtung MWAFF chairwoman, who personally has to sign these letters of recommendation, is the wife of the SPDC Regional Military Commander.¹⁶⁸

The SPDC military also appear content to turn a profit from such restrictions. On 8 July 2006, a couple and their 2 daughters from Laai Paang village, in Kun-Hing Township, were travelling on a bus from Murng-Pan to Murng-Ton. They were arrested by troops from SPDC LIB #519 in transit at Saa-Laa village, Murng-Ton Township, and detained in a Buddhist monastery for 4 days until they paid a 220,000 kyat fine. They had been arrested on the basis that their daughters were underage and ought not to be travelling with them to the Thai border.¹⁶⁹

In addition, anti-trafficking laws have been absurdly misapplied against the regime's political opponents. On 15 January 2006, NLD youth official, Aye Thein, was charged for eloping with his long term girlfriend. He was sentenced to five years imprisonment. Four of his friends were charged with abetting the act and given three year jail sentences.¹⁷⁰

On 13 September 2005, the SPDC won acclaim from relevant international agencies when it enacted the “Anti-Trafficking in Persons Law,” which delineates harsh sentences up to life imprisonment against human traffickers.¹⁷¹ The new legislation was actively supported by the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region (UNIAP) together with the UN Office on Drugs and Crime (UNODC) and the Asia Regional Cooperation to Prevent People Trafficking (ARCPPT), and has been described as a “*success story*” by UN staff in Rangoon.¹⁷² The SPDC subsequently issued plans to create nine further police units tasked with the suppression of trafficking.¹⁷³ However, the introduction of the new law, with its associated lengthy penal sentences, has been unsurprisingly accompanied by an increase in the cost of MWAF letters of recommendation. They are reported to have risen from 150,000 kyat to 200,000 kyat with the enactment of the new law.¹⁷⁴ Furthermore, immediately following the introduction of the legislation, there were reports of local authorities completely barring people from travelling to Thailand; households in many areas were ordered to re-register their family members and apply for new national identity cards with associated costs; authorities also reinforced restrictions on the registration of guests staying overnight, in order to monitor people’s movements more closely.¹⁷⁵

The authorities also restricted the international travel of women through the discriminatory pricing of passports. Under the justification of providing protection against trafficking; women have been charged 250,000 kyat for a passport compared to 10,000 kyat for a man.¹⁷⁶ A further ‘anti trafficking measure’ saw the continued ban on marriages between female citizens and foreigners during 2006, although this was rarely enforced.¹⁷⁷

Not only have these measures failed to address the root causes behind the migration of Burmese women, namely: the economic situation in the country; the use of forced labour; and other human rights abuses committed by the regime,¹⁷⁸ but they are actually being used by the SPDC as a means to garner international support and legitimacy for the continuation of its rule.¹⁷⁹ Furthermore, and perhaps most alarmingly, such impediments to travel through official channels potentially force many women, fleeing oppression and abuse in Burma, to rely on the criminal trafficking trade. Lacking permission, sufficient funds or the necessary documentation, women are made more vulnerable to the exploitation, abuse and financial hardship associated with being trafficked.¹⁸⁰

12.6 Restrictions on Foreigners in Burma

Throughout 2006, recognising tourism as a much needed income generator, the regime continued to issue ‘visas on arrival’ for tour groups, following a pre-departure application through the Internet. The country's embassies also generally issued tourist visas, valid for one month, within 24 hours of application. On 25 July 2006, Burma entered into the Association of South East Asian Nations (ASEAN) Framework Agreement on Visa Exemption with its ASEAN neighbours, whereby citizens of ASEAN countries would be permitted to stay in Burma for up to two weeks without a visa, though the agreement grants member countries the right to refuse admission to anyone “*considered undesirable*,” or suspend the agreement in the interests of “*national security, public order, and public health*.”¹⁸¹

Certain categories of applicants, such as human rights advocates, journalists, diplomats, and political figures continued to be denied entry visas in 2006.¹⁸² Not only were foreign reporters frequently denied visas but those who were found with a camera or journalistic documents in the country, without permission, were liable to seven years in prison.¹⁸³ Nevertheless, the SPDC did issue visas to foreign journalists at the time of the National Convention resuming in October 2006. At that time the SPDC invited select journalists to attend press conferences in which it conveyed its views on the country’s political problems.¹⁸⁴

Internally, restrictions on tourists, foreign diplomats and foreign UN employees were relatively relaxed around recognised tourist sites and non sensitive areas in 2006; all other travel required advance permission.¹⁸⁵ Further, foreigners were not permitted on university campuses without prior approval and were not allowed to attend any meetings involving students.¹⁸⁶ Despite the hurried construction of numerous hotels, overseas visitors were barred from visiting the new capital city, which was still being constructed, close to Pyinmana.¹⁸⁷ Many areas within ethnic states also remained off limits to foreigners.

Furthermore, Burmese citizens faced harsh punishments if they housed foreign visitors without receiving permission from the State apparatus to do so. The Hotel and Tourism Act, 1993, has been applied by the regime as a means of controlling foreigners' movements, ensuring tourism revenue ends up in their hands, and as a pretext to target and arrest 'undesirable elements'. On 10 February 2006, Sa Oo Kya, a member of the Shan State Consultative Council, had his appeal against a thirteen year jail sentence rejected. One of the counts he had been sentenced under, the previous year, regarded the fact that he had hosted a foreign guest without having a license to operate a hotel or guesthouse.¹⁸⁸ Even privately run registered guest houses and hotels were required to register foreign guests at a cost of 200 kyat each per night. Concurrently, reports in 2006 stated that the SPDC, in search of the tourist dollar, had been pressuring tourists to stay at hotels in which they had a financial interest.¹⁸⁹

Visiting foreign envoys and politicians received mixed welcomes throughout 2006. UN Under-Secretary for Political Affairs, Ibrahim Gambari, tasked with pressing the junta for political reforms, was twice received by the Burmese regime, as well as being granted an audience with Daw Aung San Suu Kyi. His first visit, began on 18 May 2006, and represented the highest level UN mission sanctioned by the regime for more than two years. During his second mission to the country on the 9-12 November 2006, he was granted observer status at the National Convention.¹⁹⁰ His visits, and particularly the fact he was twice allowed to meet with Daw Aung San Suu Kyi, as well as other NLD members were

taken by many as an optimistic sign pointing to a softening in the junta's attitude.¹⁹¹ Gambari cautiously endorsed such optimism stating "*The doors have been opened, but we have to see. This engagement is a process, not an event*". However, many other analysts opined that, by allowing Gambari's visit, the junta was trying to avert an UN Security Council resolution on Burma, labelling the meeting with Daw Aung San Suu Kyi, the regimes "*pre-emptive strike*." Gambari was unable to meet with any ethnic political parties during either of his two visits.¹⁹²

Other diplomatic guests were not so well received during the year. The start of the year was marked by the resignation UN Special Envoy for Myanmar, Razali Ismail. Razali had took up his post in 2000, and like Gambari, enjoyed early success in mediating contact between Daw Aung San Suu Kyi and the SPDC.¹⁹³ However, Razali resigned his office on 8 January 2006 citing an inability to effectively carry out his mandate. The SPDC had barred him from visiting the country since March 2004.¹⁹⁴ Further, the UN Special Rapporteur on Burma, Sergio Pinheiro, was unable to gain access to the country throughout 2006, and his last visit was as long ago as 2003.¹⁹⁵ Philippines' former president Cory Aquino, who had asked for permission to visit Daw Aung San Suu Kyi several times, also had his visa application denied in 2006.¹⁹⁶

In addition, the junta spent the first three months of the year avoiding and delaying a fact finding mission by ASEAN Envoy, Malaysian Foreign Minister, Syed Hamid Albar, which it had originally agreed to on 12 December 2005. He had been tasked with discerning what steps the SPDC were actually making towards tackling the political and economic woes suffered by the Burmese people.¹⁹⁷ Syed Hamid Albar insisted that such a mandate could not be fulfilled without meeting with democratic opposition figures including Daw Aung San Suu Kyi.¹⁹⁸ However, on 6 January 2006, the SPDC claimed that it was too preoccupied with the move of its capital from Rangoon to Nay Pyi Daw to receive the Malaysian Foreign Minister.¹⁹⁹

On 23 March 2006, under increasing pressure from its neighbours in ASEAN, the SPDC eventually agreed to host their Envoy.²⁰⁰ However, Syed Hamid Albar chose to leave after just one day, after discovering he would not be granted an audience with Daw Aung San Suu Kyi, and would only be allowed to meet with USDA and SPDC officials; "*they told me that Aung San Suu Kyi has no more influence, that the NLD has no more influence... We hear their side of the story but we are not able to verify their story with other stake holders*," he said.²⁰¹ In the interim, the SPDC was happy to receive Indonesian President Susilo Bambang Yudhoyono and the Indian President APJ, who visited the country on 1-2 March 2006 and 8-11 March 2006, respectively, and whose visits were concerned solely with bilateral issues and economic co-operation.²⁰²

Meanwhile, foreign diplomatic staff, based within the country, were harassed for carrying out their normal diplomatic activities throughout 2006. The U.S. and British Embassies, in Rangoon, came under intense surveillance from the regime during the year, and were scolded and slandered on numerous occasions both in State controlled media and USDA pamphlets. A local member of staff at the U.S. embassy was attacked in an article in State run media, because she had participated in meetings between the embassy and Daw Aung San Suu Kyi. The article included the woman's photo and address presumably in an attempt to intimidate her.²⁰³ The two embassies faced particularly strong condemnation for the running of language, international relations and global information classes. The regime responded vehemently to the fact that some NLD members had been allowed to attend the classes free of charge. The State run newspaper, the *New Light of Myanmar*, claimed that the classes

amounted to blatant interference in the internal affairs the country. The courses were labelled illegal, and deemed to be in violation of the diplomatic code of conduct. The U.S. denied charges that the NLD was given special treatment, claiming that free places were kept open for those who might otherwise not be able to afford such an opportunity.²⁰⁴ In August 2006, the British embassy was again condemned by the *New Light of Myanmar*, as ambassador Mark Canning met with representatives of the NLD, the Committee Representing People's Parliament (CRPP) and the 88 Generation Students Group in order to discuss the administration of newly announced humanitarian funds.²⁰⁵ Whilst the constant surveillance and reporting on the activities of diplomatic staff was utilised to frame the NLD as a stooge of foreign influence and to discredit foreign governments, it was in reality the junta's actions, in conducting such surveillance, that were in violation of diplomatic protocol.²⁰⁶

Humanitarian and Aid Agencies

"[The Security Council] Urges all those concerned as set forth in international humanitarian law, including the Geneva Conventions and the Hague Regulations, to allow full unimpeded access by humanitarian personnel to civilians in need of assistance in situations of armed conflict, and to make available, as far as possible, all necessary facilities for their operations, and to promote the safety, security and freedom of movement of humanitarian personnel and United Nations and its associated personnel and their assets."

- UN Security Council Resolution 1674 (2006)

Throughout 2006, humanitarian, development and aid agencies, operating in Burma, have faced continued restrictions on their operations including, travel limitations, stricter regulations, lengthy delays in getting permission to carry out their operations and programme closures. The reorganisation of government ministries following the ouster of Khin Nyunt in 2004 and the relocation of the capital to Nay Pyi Daw contributed to situation, with many civil servants difficult to contact, unsure of their roles and avoiding controversial decisions; not wanting to be seen to be close to foreigners.²⁰⁷ As a result of these two factors, UN agencies and INGOs have faced significant delays in their applications for travel permits and import licenses for medicines, and have found high ranking SPDC officials inaccessible.²⁰⁸

Throughout the year, with the justification of concerns for security, the SPDC has required all UN personnel, and those of other international agencies, planning field visits, to inform authorities of their plans at least two weeks in advance. National Planning Minister Soe Tha stated *"We do not wish any unpleasant incidents happen to them."*²⁰⁹ The requirement that international staff travelling upcountry be accompanied by SPDC minders was stringently applied throughout the year, under similar justifications. Surveillance of daily activities was also prevalent throughout 2006. Special Branch were reported to have tracked aid officials, interrogated local staff and demanded to sit in on internal meetings.²¹⁰ In addition, the SPDC continued to reject proposals for any sort of research or data collection projects. UN health officials reported that the SPDC had restricted the scope of their HIV/AIDS research and the health data that they could share with the public. Similarly the WFP reported difficulties in carrying out national surveys on food needs.²¹¹

Aid agencies faced growing pressure to work with the USDA and other GONGOs during 2006.²¹² The International Committee of the Red Cross (ICRC) was unable to conduct any prison visits throughout the year, following its refusal, in December 2005, to compromise its humanitarian principles and allow members of the USDA to accompany it whilst meeting

prisoners.²¹³ And on 8 December 2006, the SPDC explicitly informed the ICRC that it would not be allowed to resume its prison visits. The ICRC had been delivering essential items such as medicine and soap as well as meeting with detainees.²¹⁴

The SPDC had also demanded that USDA members accompany ICRC teams in certain conflict areas. Since 2004, the SPDC had increasingly restricted ICRC access to such conflict areas; leading ICRC staff to assert that between 2002 and October 2006, regime actions reduced the scope of ICRC's assistance and protection effort by 90 percent.²¹⁵ On 23 October 2006, the ICRC was ordered by the SPDC to close all its field offices in Burma, which were based in Pa-an, Kengtung, Mandalay, Moulmein and Taunggyi, and operate solely from its Rangoon headquarters. All field trips were prohibited. Such a move made it impossible for the organisation to carry out most of its assistance and protection work,²¹⁶ including the provision of food and medicines to villages in these border regions.

Whilst the Red Cross never fully closed its offices, only its projects for physical rehabilitation of amputees remained totally operational.²¹⁷ Other programmes were partially carried out in conjunction with the Myanmar Red Cross. The head of police, Brig. Gen. Khin Yi, subsequently stated that the SPDC had only "*temporarily suspended*" the operation of the offices, pending new rules and regulations governing the functions of foreign organisations²¹⁸, (see below for information on new rules and regulations) and, in December 2006, the junta informed the ICRC that they could reopen their field offices.²¹⁹ However, the offices remained semi operational at the end of 2006, as the ICRC sought further clarification as to the types of activities permitted.²²⁰ In early 2007, it was reported that the regime was insisting that the ICRC follow strict guidelines that did not allow for the independent movement of field teams.²²¹

Whilst the aid community in Burma has increased its geographical reach over recent years (primarily as a result of ceasefires between the SPDC and ethnic groups), conflict-affected areas along the Thai border remained largely inaccessible. As a result little aid was able to reach villagers in areas where there was large scale food scarcity in 2006.²²² One senior UN official asserted that the regime's refusal to allow free access to conflict areas is one of the most important restrictions faced by international organisations within Burma, and contrasted current policies with those under Khin Nyunt who expanded opportunities for the UN Development Programme to work in previously closed parts of Burma.²²³

In March 2006, Medecins Sans Frontieres (MSF) - France was forced to cease operations in Burma due to an inability to gain access to conflict areas in Mon and Karen State. Heavy SPDC restrictions and obstacles included: prohibitions on travelling within the affected areas; initially receiving authorisation to travel to districts and then having it withdrawn; pressure placed on local health workers not to communicate with foreign agencies-making it impossible to exchange information on medical epidemics; and very complicated procedures to obtain visas. Ultimately, MSF-France withdrew, refusing to become a technical service provider – subject to the political priority of the junta.²²⁴

Whilst MSF's Swiss and Dutch sections continued to operate in the country, they also questioned their future role due to the restrictions placed on NGOs operating in conflict areas. Herve Isambert, head of MSF's French programme in Burma asserted "*In reality, the Myanmar (Burmese) authorities do not want anyone to witness the acts of violence they are committing against their own people.*"²²⁵ MSF had previously withdrawn from their cross border operations from Thailand to Mon State, in December 2005. The withdrawal came about after they were refused permission to cross the border by Thailand's Ministry of

Interior. In their absence Mon medical workers in Tavoy, Yebyu, Ye, Thanpyuzayart, Kya-inn-seikyi, Kyait-Ma-Yaw, Kawkareit and Three Pagoda Townships were unable to fully respond to outbreaks of malaria and chickenpox during 2006. Chickenpox was said to have affected at least one person per household within the area, in the absence of preventative treatment.²²⁶

The Rangoon offices of the Centre for Humanitarian Dialogue were also forced to close in 2006 after the junta refused to extend its annual operating permit which expired on 22 February 2006, and declined to renew the visa of Leon de Riedmatten who had worked as a mediator between the SPDC and pro-democracy opposition. De Riedmatten had had more contact with Daw Aung San Suu Kyi than any other foreigner over the preceding five years, and had also worked as an informal facilitator for the ILO.²²⁷

Those INGOs and agencies continuing to operate in Burma constantly faced SPDC imposed impediments to the proper implementation of their mandates. The World Food Programme was required to obtain permission each time they wanted to move rice supplies from Sittwe to other areas of Arakan State, greatly disrupting the stockpiling of rice for the monsoon season.²²⁸ Many INGOs were forced to operate under the conditions laid down in MoUs with the SPDC. Those known to have such agreements in 2006 included Medecins du Monde and World Vision. While the content of these MoUs has not been made public, it is known that meeting with the NLD, or cooperating with its members, is not tolerated.²²⁹

The confused issuance of new ‘Guidelines for UN Agencies, International Organisations and INGOs/NGOs’ by the SPDC, in February 2006, suggested that the junta’s control over aid operations may increase to such a level that many more agencies and INGOs will be forced to withdraw from the country. The guidelines actually begin by listing the political objectives of the SPDC, immediately and explicitly politicising humanitarian action. The guidelines also establish a system of committees at central, state/division and township levels to “coordinate” aid activities in their areas. Committee membership would include representatives of GONGOs such as the USDA, increasing their role in the functioning of aid agencies.²³⁰ Also, the guidelines referred explicitly to the need to close loopholes relating to agencies acting outside their MoUs, including surveying socio-economic conditions without permission, and establishing offices before proper vetting.²³¹ As these approval processes involve much bureaucracy, the procedure in itself is an impediment to the work of aid agencies.²³² The guidelines also state that UN and INGO staff travelling within Burma must first obtain permission, and must be accompanied on their trip by a government appointed official.²³³

Whilst the guidelines circulated to the UN and INGO staff largely represented a formalisation of ad hoc restrictions already being enforced, there was also a Burmese version of the guidelines which was, in fact, the edition circulated to local authorities within the country.²³⁴ The Burmese version included the stipulation that local staff must be hired from an SPDC short list, and that all incoming project funds must be channelled through the Myanmar Foreign Trade Bank, and withdrawn in Foreign Exchange Certificates. As the official exchange rate is much lower than the street rate, the process would lead to huge profits being made by the SPDC on international aid.²³⁵ According to a planning ministry official, the Burmese version was not intended for publication, only to help inform local authorities. Whilst such an assertion was intended to reassure all those concerned, it is certainly questionable why guidelines not intended for implementation would be circulated to those intended to implement them.

The UN made it clear to the SPDC that the international community could not accept the regulations as they stood.²³⁶ Whilst the SPDC agreed to further discussions on the guidelines, there were instances throughout the year of ministers and local officials already applying facets of the Burmese version, such as requiring national staff to be vetted.²³⁷

Nay Pyi Daw – The ‘Royal City’

The junta’s construction of its new capital continued apace throughout 2006, with heavy movement restrictions continuing to be imposed. Access to the military zone of Nay Pyi Daw was tightly restricted, and civil servants continued to be forced to reside in the undeveloped town. The option of resigning their posts was extremely limited, often met with the threat of imprisonment.²³⁸ In one instance, Khin Khin Aye was ordered to pay 3.5 million kyat in compensation, stating *“it’s more than I’ve earned in 15 years of service, but I couldn’t have moved there for the world. Both my parents are bedridden and I’m an only daughter.”*²³⁹

Whilst certain diplomats have been received in the new capital, foreigners were generally barred from visiting during 2006.²⁴⁰ It was reported, on 15 August 2006, that even military personnel were required to obtain prior permission before entering the capital. The diktat issued in north western Burma, instructed military officials below the rank of major to submit an application five days prior to departure detailing the reasons for travel, where the person will stay and a list of firearms in their possession. Military analysts have suggested the order was imposed in order to limit the chances of a coup.²⁴¹ As a further restriction, the SPDC ordered that buses travelling between Rangoon and Mandalay would not be allowed to travel through the city during the hours of darkness, beginning 26 September 2006.²⁴²

12.7 Restrictions on the Freedoms of Assembly

“Everyone has the right to freedom of peaceful assembly and association”

–Article 20 (1), Universal Declaration of Human Rights.

The law in Burma allows for almost total control at state level of the assembly of the people, and thus stands in direct contravention of Article 20 of the UDHR. Following the nationwide demonstrations of 1988; Order 2/88 was enacted on 18 September 1988 and 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.”*²⁴³ The order continued to be applied selectively throughout 2006, as a means to suppress any activity that the SPDC deemed threatening or undesirable. Ethnic and political gatherings were frequent targets of bans and crackdowns, celebrations of historical events were heavily circumscribed, and peaceful demonstrations were disrupted and participants penalised:

- On 13 February 2006, Mon National Day celebrations were banned within Rangoon and Pegu Division, although areas under the control of the New Mon State Party (NMSP) were able to hold such ceremonies and celebrations.²⁴⁴
- The Chin population of Burma were again banned from celebrating the anniversary of Chin National Day,²⁴⁵ and in March 2006, TOC #2 Commander Colonel San Aung demanded a payment of 3 million kyat in order to grant permission for the annual Chin Youth Conference to go ahead the following month in Matupi Township.²⁴⁶
- Armed soldiers took to the streets in Rangoon as Martyr’s day approached. The day marks the anniversary of the assassination of General Aung San on 19 July 1947. State run media threatened that any demonstrations would be countered by *“people’s power-holder members”*, a euphemism for junta sponsored thugs. On the day, road blocks prevented large numbers of civilians from attending ceremonies, and members of the NLD were blocked from entering the Martyr’s mausoleum.²⁴⁷
- Security was tightened in the build up to the anniversary of the democracy uprising, on 8 August. Increased security in Sittwe, Kyaukpuru, Mrauk-U, and Taungup saw those active in the 1988 demonstrations heavily monitored. Plain clothes security personnel were reported to have taken the names of those involved.²⁴⁸ In Mrauk-U, four student leaders were warned by the police not to take part or conduct any ceremonies on the day, nor to travel outside of the city during this time. Furthermore, they were warned that if any news regarding this particular warning was leaked, they would be severely punished.²⁴⁹
- On 9 August, the authorities at Rangoon’s Shwedagon Pagoda barred around 30 political activists from conducting their regular weekly prayer vigil for political prisoners, for the first time since the event had been initiated. The local TPDC secretary, Tun Hla Sein, personally refused entry.²⁵⁰ Later in the year, on 7 November 2006, 14 participants of the weekly prayer vigil, including members of the NLD, were detained briefly at Shwedagon Pagoda. They were taken into the trustee’s office and warned that they could not gather in groups of more than 5 people to pray at the Pagoda. They were subsequently released later the same day.²⁵¹

- A week of nationwide candle lit prayer ceremonies organised by the 88 Generation Student group, calling for the release of political prisoners, and a peaceful resolution to the country's political crisis, began on 30 October 2006. Nay Tin Myint, an active 88 Generation student leader based in Rangoon stated that "*security personnel are everywhere and they tried to block every entrance to the Pagoda*". It was also reported that the ceremony in Mandalay on the second day was unable to go ahead as the roads to the Pagoda were blocked by the authorities.²⁵² Throughout the week there were further reports of the authorities harassing those taking part. The authorities in Aungmye (Allen), Magway Division, visited the local monasteries where the events were being held and threatened their monks. In nearby Chauk, agents photographed participants. In Sittwe, Arakan State, the police cordoned off religious compounds.²⁵³
- On 22 September 2006, around 30 students were reportedly detained at Myingyan Degree College, Mandalay Division, after staging an impromptu demonstration. As of 24 September 2006, they remained in military custody.²⁵⁴
- The regime also frequently interfered with the assembly of religious groups during 2006. (For more information see Chapter 10 Freedom of Belief and Religion)
- The regime also pressured third parties as a by proxy means to suppress the assembly of its opponents. For instance, restaurants were threatened with closure if they allowed members of the United Nationalities Alliance to book a table on Burma's Union Day.²⁵⁵ There were also several reports of members of the monkhood being warned against allowing the NLD to hold events within their premises. (For more information see Chapter 10 Freedom of Belief and Religion).

One tactic commonly employed by the junta to prevent gatherings is to arrest the participants in the build up to the event only to free them once the event has been disrupted:

- On 10 December 2006, three democracy activists, including U Myint Aye, were arrested at around 9am, approximately an hour before a scheduled ceremony marking International Human Rights Day at Bogalay, Irrawaddy Division. They were released at around 1pm. The arrests meant the cancellation of the planned meeting, said May Ky, a spokesperson for the 88 Generation Students Group.²⁵⁶
- On 13 August 2006, 11 members of the NLD youth wing and members of HIV/AIDS support group Friends with a Red Ribbon were arrested in Rangoon for not informing local authorities of an overnight stay at Maggin Buddhist monastery, in Rangoon's Thingangyun Township, where a memorial service for HIV/AIDS victims was planned. The robe-offering ceremony was to begin at 8 am and the arrests were made of some of the leading organisers at about 1.30 am, in a raid at the monastery. All 11 were released about 36 hours later, when the police station where they were held was swamped by supporters. The event had been cancelled.²⁵⁷ (For more information see Section 12.10 Restrictions on and Harassment of the NLD Partial List of Incidents for 2006)

While the SPDC has suppressed free assembly, it has also zealously coerced forced gatherings to serve and support their political ends. On 11 February 2006, more than ten thousand civilians were pressured into joining a rally denouncing the Chin National Army (CNA) in Matupi Town, southern Chin State. Colonel San Aung, Vice Chairman of Chin

State Peace and Development Council, ordered all those in the area from ages 15 to 50 to attend. The rally was designed to pin the blame for a fatal shooting of two youths, at the end of a football tournament in 2005, on the CNA. Those attending were forced to shout anti CNA chants. Witnesses to the shooting had previously suggested SPDC troops were responsible.²⁵⁸

Mass gatherings were also staged to feign public support for the SPDC controlled National Convention (NC) process. On 13 January 2006, SPDC Colonel Tin Hla compelled those living in Hakha Township to attend such an event. Villages with 100 households were ordered to send 50 persons; those with more than 150 households had to send 100 persons, under threat of punishment for non-compliance. There were further reports of similar events throughout Chin State, whereby villagers were pressured to attend under duress to support the National Convention. In addition, residents of Arakan State were forced to attend a number of ceremonies in honour of their new state governor Brigadier General Maung Shin, in June 2006.²⁵⁹ Throughout the year, the junta organized numerous other mass rallies, primarily through their puppet organisation, the USDA. (For more information see Section 12.13 The Union Solidarity and Development Organisation)

Further to the fact that such staged events pressed many people into demonstrating support for the regime and its practices against their will; the logistics behind these rallies were a huge imposition on the lives and livelihoods of those forced to attend. Those with large distances to travel were often forced to walk for up to three days to reach the gatherings; those with transport were forced to serve as a ferrying service without any reimbursement for their troubles and expense; and those residing in the vicinity were designated as hosts for those who had to travel.²⁶⁰



SPDC controlled press regularly reports on mass rallies in which participants have been forced to attend. Such efforts are made to demonstrate that the junta rules with the mandate of the people. These photos accompanied an article in the *New Light of Myanmar* reporting on one such rally on 10 January in Pegu Division organized to feign support for the National Convention, with a purported attendance of 16,000 people. [Photos: *New Light of Myanmar*].

12.8 Restrictions on Freedom of Association

“Everyone has the right to freedom of peaceful assembly and association.”

-Article 20 (1), Universal Declaration of Human Rights

“No one may be compelled to belong to an association.”

-Article 20 (2), Universal Declaration of Human Rights

In blatant violation of Article 20 of the UDHR; the Burmese junta has enacted and applied a number of legislative texts in order to suppress the right to freedom of association. Article 15 (2) of the Unlawful Associations Act, 1908 (1957) declares an unlawful association to be any association:

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.

Those groups criminalised under this act include political parties, trade unions, student unions, religious associations, as well as armed opposition groups. The act allows for the imprisonment, for up to five years, of anyone who is a member of, or is deemed to have assisted, any organisation deemed illegal under this act. Through this mechanism the SPDC has been able to disrupt the operations of any group deemed undesirable to its own ends, with Article 15 (2)(b) conferring upon it the unlimited right to do so.

An official system of registration was put in place for all organisations wishing to legally operate within Burma, in 1988. With the establishment of military rule following the pro-democracy uprisings, Order 6/88, the Law of Formation of Associations and Organisations, was created on 30 September 1988 and defines an organisation or association as “*an organisation, union, party, committee, headquarters, syndicate, front... or similar association and organisation that may not have a name but is composed of a group of people for a purpose or program.*” All organisations fitting this description must be granted official permission to function, without which they have no right to operate. If denied permission, members of such an organisation may be subject to up to three years imprisonment.²⁶¹

There were 10 legally registered political parties in 2006, but most were moribund. During the year, authorities harassed and intimidated the three legal parties that challenged military rule. The seven other legal parties supported regime policies in return for more favourable treatment.²⁶² (For more information see Section 12.9 Restrictions on Political Parties). State employees continued to be prohibited from joining or supporting political parties, as did monks. At the same time, civil servants were forcibly conscripted into the increasingly politicised SPDC controlled USDA. Few independent NGOs existed in Burma in 2006, and those that did took special care to act in accordance with SPDC policy, as the SPDC’s security apparatus continued to closely monitor the activities of virtually all organisations, whether legal or not.²⁶³

12.9 Restrictions on Political Parties

On 28 March 1964, all political parties were banned along with all other non-governmental organisations (NGOs) and it was not until the 26 October 1988 with the introduction of the Political Parties Registration Act that parties were again able to form.²⁶⁴ Over two hundred parties were formed and free elections were held in 1990, in which the NLD won an overwhelming majority of the votes. In response, the military refused to honour the election results and began a heavy handed and suppressive campaign against their political opponents which continued up to and throughout 2006. Under the Unlawful Associations Act, 1908 (1957), the regime began to rule political parties illegal. Notably, among the first parties to be de-registered were those which represented ethnic minorities and those which had collectively called for a federal constitution in their party manifestos. Later, some ethnic minority parties attained a quasi legal status upon signing ceasefire agreements with SLORC (former moniker of the SPDC), whereby they were not officially declared or accepted as legal entities but still welcomed into the NC process.

In 2006, there were 10 legally registered political parties, most of which supported the SPDC unquestioningly, either in return for favourable treatment, or because they were affiliated to the regime. Three legally recognised parties, the NLD, the Shan Nationalities League for Democracy, and the small Shan State Kokang Democratic Party, continued in their attempts to operate independently. As a result, their legal status did not protect them from intense pressure and interference at the hands of the junta.²⁶⁵ The same was true for those ceasefire groups who abstained from the NC process, such as the New Mon State Party (NMSP), who were faced with intense scrutiny, surveillance and harassment in both Mon and Karen State.²⁶⁶ After the NMSP announced its support for Burma being placed on the UN Security Council agenda, the SPDC began applying increasing pressure upon the party. Food aid to NMSP regions was cut and the SPDC increased its military presence within the area.²⁶⁷

Legal political parties were required to request prior permission from the SPDC to hold meetings, and in June 2006, the SPDC ordered that all meetings of political parties were to be attended by a member of the local Peace and Development Council who was to take minutes and photographs. NLD spokesperson Myint Thein responded “*We see it as a violation of the rights of a political party or an organisation. In another way, it seems as if they suspect us of some misdeed and find it necessary to watch us closely.*”²⁶⁸

Throughout the year, members of the SNLD and NLD were coerced by authorities to resign their party membership. These underhand tactics were accompanied by a propaganda campaign mounted in state run media, announcing large numbers of voluntary resignations from the two parties. The articles claimed the resignations to be a result of dissatisfaction with the parties' abstention from the National Convention, or the fact that they were stooges of western governments. The campaign began in northern Shan State in the first quarter of the year, with the regime's mouthpiece, *The New Light of Myanmar*, claiming, on 5 May 2006, that all members of the SNLD in Nawnghkio Township had resigned. The operation then spread throughout the country. NLD spokesperson, Nyan Win commented “*Trying to restrain the parties only belies their claim that a multiparty democratic system is their goal.*” Whilst both parties admitted to a number of resignations they asserted that actual figures were much smaller than those reported, and claimed the large majority of resignations had been the result of pressure from the authorities.²⁶⁹ (For more information see Section 12.10 Restrictions on and Harassment of the NLD)

As in previous years, the SPDC maintained constant surveillance on the activities of all prominent pro-democracy advocates, often including detailed listings of their movements and activities in state run press, alongside assertions that citizens viewed these activities as attempts to destabilise the country.²⁷⁰ In May 2006, an elected MP from the Arakan League for Democracy (ALD) was forced to flee Burma as a result of such surveillance. U Aung Tun Sein, elected MP for Ponna Kyunt, Arakan State, was serving as a presidium member of the United Nationalities Alliance, made up of eight ethnic minority political parties including the ALD. He stated that “*Military intelligence began to follow me after our two Shan leaders - Khun Tun Oo and Sai Nyunt Lwin from SNLD and UNA - were arrested by the Burmese military junta,*” adding “*If I continue to live in Burma, I could be arrested by the authorities at any time, that is the reason why I came to the outside, (Thailand).*”²⁷¹

The SPDC responded to explosions in Rangoon and around the country, both in 2005 and 2006, by asserting that its political rivals were responsible. In April 2006, the SPDC declared the exiled, and already criminalised, National Coalition Government of the Union of Burma (NCGUB), the Federation of Trade Unions – Burma (FTUB), the All Burma Students’ Democratic Front (ABSDF), and the NLD-Liberated Area (NLD-LA), to be terrorist organisations.²⁷² The KNU and National Council of the Union of Burma (NCUB) were also classed as terrorist organisations by the junta in 2006.²⁷³ All these groups denied these charges, and the junta failed to provide any concrete evidence to substantiate its claims.²⁷⁴ On 27 April 2006, the junta threatened to outlaw the NLD, as it maintained ties with these exiled organisations.²⁷⁵ In May 2006, the SPDC even justified its offensive in Karen State as a reaction to the KNU’s role in terrorist operations,²⁷⁶ and numerous arrests of political activists occurred throughout the year under unsubstantiated charges of terrorism activity.²⁷⁷

In June 2006, sources close to the regime leaked reports that the SPDC had devised a strategy whereby members of pro-democracy parties were to be arrested on fabricated charges. A USDA official revealed that he had been ordered to engineer arrests through the distribution of politically subversive material to pro-democracy activists. The plan stated that the Information Ministry was to follow up this distribution with a press campaign criticising the possession of subversive material, followed by raids on homes, and arrest for the possession of such documents. Members of political parties reported that documents of this type had been received by e-mail, purporting to be from the NCUB.²⁷⁸ On 17 July 2006, *The New Light of Myanmar* reported that members of political parties and those who took part in the 88 unrest were planning to distribute seditious leaflets throughout the country in collusion with terrorist organisations in order to destabilise the country.²⁷⁹

In the run up to the reconvening of the NC, the SPDC Information Minister Brigadier-General Kyaw Hsan vowed to “*crush*” any opponents to the process, and, in late September 2006, Min Ko Naing, Ko Ko Gyi, Htay Kywe, Pyone Cho and Min Zeya, all prominent members of the 88 Generation Student group, were arrested.²⁸⁰ Following the arrests, *The New Light of Myanmar* reported that authorities had received information that efforts “*to cause internal commotion and terrorist attacks*” were planned to coincide with the United States’ push to put Burma on the Security Council agenda.²⁸¹

As the SPDC, itself responsible for state level terrorism, co-opted the broad paradigm of the war on terror to attack and discredit peaceful political opponents, it is noteworthy that the Australian Government continued to provide anti-terrorist training to the regime throughout the year. This training included instructions in surveillance techniques and was given to the same Burmese agencies at the forefront of the country's human rights abuses. As one reporter put it *"if you can track terrorist finances perhaps you can track dissident finances a bit better as well; if you can track terrorists more effectively you can probably track the movements of political refugees more effectively."*²⁸²

In 2006, the SPDC also made strides to ensure that future generations did not become politicised. On 9 August, in Pegu Division, children and their parents were threatened with legal action if the parents failed to sign a pledge stating that their children would refrain from any political activity. Parents were forced to agree to prevent their children from associating with any political parties and activists, or entering into political affairs in the future.²⁸³



The Rangoon Headquarters of the NLD. No other NLD offices are permitted to open throughout the country, and celebrations and events held from the Rangoon offices were often disrupted in 2006, with attendees frequently refused permission to stay in Rangoon overnight. [Photo: Al Jazeera]

12.10 Restrictions on and Harassment of the NLD

Throughout 2006, the junta continuously propagated the demise of the NLD, and made concerted efforts to see their assertions become a reality. Members of the NLD, including many of those elected in 1990, continued to be arbitrarily detained in high numbers by the SPDC. (For more information see Chapter 3 Arbitrary Detention and Enforced or Involuntary Disappearances). Outside of Burma's prisons, members of the NLD faced continued threats of arrest, intimidation, and harassment at the hands of the regime and its affiliates such as the USDA. Their movement was curtailed, with authorities frequently denying permission for members travelling to Rangoon to register as overnight guests, thus criminalising their stay. Freedom of assembly was restricted with all NLD offices officially closed, by order of the SPDC, bar the party's headquarters in Rangoon, and social welfare activities, meetings, prayer gatherings and celebrations either heavily monitored and disrupted or completely forbidden.

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 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 1990.²⁸⁴ The NLD further pressed for its offices to be reopened nationwide and for a cessation to the pressure on its members to resign.²⁸⁵ The NLD's Union Day proposal was formerly rejected, in April, by Information Minister Brig. Gen. Kyaw Hsan who claimed the NLD was linked to terrorist organisations and threatened the party could be ruled unlawful.²⁸⁶ The Unlawful Associations Act confers the right on the SPDC to declare the NLD unlawful in the absence of any such connection. However, it appears the regime still considers the NLD too influential to arbitrarily criminalise it. As a result, this threat was accompanied by a sustained campaign, throughout 2006, designed to weaken and discredit the party to the level where such a decree might be possible in the future.

Prominent NLD leaders, including Daw Aung San Suu Kyi and Vice-Chairman U Tin Oo, had their terms of detention arbitrarily extended in 2006,²⁸⁷ this despite the head of Burma's police force Brigadier General Khin Yi stating there would be no unrest if Daw Aung San Suu Kyi was to be released. "*Our police force can handle everything. There is peace and tranquillity in (Burma),*" he asserted, adding "*I don't think there are a lot of supporters for her. Some members of the NLD have resigned.*"²⁸⁸ UN Envoy Ibrahim Gambari, who was twice allowed to meet with Daw Aung San Suu Kyi during the year (For more information see Section 12.6 Restrictions on Foreigners), believed the comment "*could be denigrating her importance but it could also be a way of preparing the ground if they were to decide to release her.*"²⁸⁹ On 27 May 2006, Daw Aung San Suu Kyi had her house arrest extended for a further year.

The resignations the Information Minister mentioned were largely the result of the authorities continued use of force and arbitrary arrest against NLD members, along with bribery, threats and tight restrictions on members' business activities; all employed as a means to compel such resignations from the party.²⁹⁰ Such actions were complimented by a systematic propaganda campaign mounted in state run media, with the junta's mouthpiece, *The New Light of Myanmar*, continually reporting large numbers of resignations.²⁹¹ Between 21 April and 8 June 2006, alone, it reported on 546 NLD members resigning, which it claimed to be the result of internal division and disillusionment within the party.²⁹² Many of the resignations reported were in fact the result of pressure and intimidation by the authorities.

Other reports have been shown to be fictitious, using the names of non members, or forging signatures, on letters of resignation. Others were said to have been inactive members who had long been uncommitted to the party's work.²⁹³ For example, on 4 May 2006, 67 NLD members from Shwegu Township, Kachin State resigned at an event organised by the military. The ceremony was held at the TPDCI office. Members were forced to read out letters of resignation written for them by the military, before surrendering the party's belongings to the chairman of the Township Election Commission.²⁹⁴ On the same day, three NLD organisers in Shan State were pressured into resigning their posts, after authorities warned them that failure to do so would result in their family being harmed.²⁹⁵

The social welfare activities of the NLD and its members were also severely restricted and disrupted by the SPDC and the USDA throughout the year, particularly those assisting HIV/AIDS sufferers within the country. (For more information see lists of incidents below as well as sections on Other Social Organisations and the USDA). The SPDC has also regularly misapplied the Habitual Criminal Offenders Act so as to suppress the activities of NLD members. This act was promulgated in 1961 to establish a permanent probation for repeat criminal offenders, forcing them to register with the authorities on a daily basis. While the act was originally devised to monitor and restrict habitual criminals, the SPDC has been employing the Act since, July 1998, to tighten their control over former political prisoners. Under section 5/1(g), the SPDC has limited the ability of NLD leaders to move beyond a prescribed area.

The actions of the authorities suggested they are increasingly determined to eliminate, or at least marginalise, the NLD prior to any referendum on a constitution. In the absence of opposition, commentators believe power would be handed to a "*civilian incarnation*" of the current regime, namely the USDA.²⁹⁶ (For more information see Section 12.13 The USDA) In the face of such oppression, the NLD have reported increased membership figures, and the initiation of a new recruitment drive.²⁹⁷ Furthermore, whilst all NLD offices, besides their headquarters in Rangoon remained officially closed, the NLD in Sagaing and Meikhtila Township reopened their offices in defiance of the authorities during the year.²⁹⁸

Restrictions on and Harassment of the NLD- Partial List of Incidents for 2006

On 4 January 2006, Aung Kyaw Win, an NLD member from Woontwin Township, Mandalay Division, was assaulted by eight policemen whilst celebrating Independence Day. He was detained but subsequently released on bail.²⁹⁹

Also, on 4 January 2006, NLD Headquarters in Rangoon and party offices in Mandalay commemorated Independence Day under heavy monitoring. Sagaing Township NLD members also held a ceremony despite being refused permission by local authorities.³⁰⁰

On 12 January 2006, in Daik-U Township, Pegu Division, local authorities raided the business of Kyaw Myint, an active supporter of the NLD. His employees were arrested and ordered to pay a fine each week. Birth certificates of their family members were also taken.³⁰¹

On 15 January 2006, in Thabeikkyin Township, Mandalay Division, NLD youth official Aye Thein was charged under anti-human trafficking laws for eloping with his girlfriend. He was sentenced to five years imprisonment. Four of his friends, Tin Htoo, Maung Khaing, Zaw Lwin and Phoe Phyu were charged with abetting the act and given three year jail sentences.³⁰²

On 26 January 2006, Mandalay NLD spokesperson Win Mya Mya reported that Aye Thein had been transferred to a police-controlled hard labour camp. By mid-February 2006, his exact whereabouts remained unknown to his family, despite repeated attempts to obtain such information from the Mandalay prison authorities.³⁰³

On 18 January 2006, the prison term of Dr Than Nyein, MP-elect of Rangoon Kyauktan Township, was extended for a further 12 months under Act-10A. He had been sentenced to seven years in 1997 for forming a NLD youth organization and arranging a public rally for Daw Aung San Suu Kyi at nearby Mayanggone Township and had been due to be released in July 2004. His sentence has been continuously extended since that time.³⁰⁴

On 23 January 2006, Than Win and Pe Win (a.k.a. Puti), both NLD members, were arrested at Indaw Township, Sagaing Division, for allegedly opposing the military's nationwide forced castor oil plantations. A local NLD member reported that court proceedings were held on the same day as the two men's arrest, and family members were threatened with charges to keep the entire process secret.³⁰⁵

On 2 February 2006, local authorities in Pa-an, Karen State ordered the closure of a private tuition school. The school was managed by the husband of Nant Khin Htway Myint; an NLD elected MP. Pupils were reportedly subjected to intense interrogation.³⁰⁶

On 3 February 2006, the prison term of Dr May Win Myint, 56 years, MP-elect of Rangoon Mayanggone Township was extended by one further year under Act-10A, according to her husband. This was the fifth extension of her term, a seven year term originally imposed in 1997 in connection with her formation of the youth branch of the NLD at Mayanggone Township.³⁰⁷

On 7 February 2006, Ko Myint and Thein Zaw, active members of the NLD from Shwegu Township, Kachin State, were sentenced to seven years imprisonment. They had been arrested in 2005 when opium resin was allegedly found in their house.³⁰⁸

On 13 February 2006, NLD spokesperson Myint Thein advised that the house arrest of NLD vice-chairman, U Tin Oo had been extended for another year by the SPDC. U Tin Oo has been detained since 30 May 2003, when he and Daw Aung San Suu Kyi were ambushed by thugs at Depayin in upper Burma. He was initially held at Kalemmyo Prison, northwest Burma, for a couple of months before being placed under house arrest in Rangoon.³⁰⁹ On 8 March 2006, he was permitted to briefly attend a wake for his nephew, before being returned home.³¹⁰

On 20 February 2006, it was reported that the prison sentence of Nyunt Aung, a youth leader of Monywa Township NLD, Sagaing Division, had been extended by six years and nine months. The decision followed a riot at the prison in which his arm was broken by prison guards. Nyunt Aung's original sentence, of three years, had been imposed for giving illegal private tuition classes. He reportedly took no part in the riot.³¹¹

On 14 March 2006, Nay Zaw, the son of Mi Mi Tun, a member of Mohnyin Township NLD, Kachin State, was arrested by anti-narcotics police. He was with 3 friends, and they were all stopped and searched for drugs. Although nothing was found, they were beaten and detained. Whilst still in detention, authorities reported that Nay Zaw was hospitalised for 23 days, but died on 2 May 2006. Mi Mi Tun, requested a post mortem, which was refused. Furthermore,

after she reported the matter to Northern Command Comm. Maj. Gen. Ohn Myint, she became the subject of severe police harassment, forcing her to flee to Thailand.³¹²

On 19 March 2006, in Pegu, local NLD chairman, Myint Than, and NLD member, Nyunt Kyi, were called before the Township authority chairman and forced to sign a pledge to not say untrue things to the media.³¹³

On 4 May 2006, 67 NLD members from Shwegu Township, Kachin State resigned at an event organised by the military. The ceremony was held at the Shwegu Peace and Development Council office. Members were forced to read out letters of resignation written for them by the military, before surrendering the party's belongings to the chairman of the Township Election Commission.³¹⁴

Also on 4 May 2006, three NLD organisers in Shan State were pressured into resigning their posts. Authorities visited the three NLD members and suggested that a failure to resign would result in their family being harmed.³¹⁵

On 9 May 2006, it was reported that NLD members in Myohyin and Mogaung Townships, Kachin State, had been pressured by local authorities to quit their party by that day at the latest.³¹⁶

On 15 May 2006, four NLD members from Taungup Township, Arakan, were arrested and had their belongings confiscated. Ko Thay, alias Ko Kyaw Htay, owner of Amar Khan Saw Mill, Ko Aye Tun, Ko Soe Myint and Ko Tun Naing were arrested by police while watching a football game in the house of Ko Kyaw Thay. During the arrest, the police team, led by a police Sergeant Than Zin from Taungup police station, seized a VCD player, an antenna and a transformer from the house. There was no discernible and legitimate reason for the arrest.³¹⁷

On 17 May 2006, Sagaing Division NLD Organising Committee member Khin Than verified reports that the prison term of Dr Win Aung, Sagaing Division Khin-U Township NLD chairman, had been extended within the prison for a further period of seven years on the basis of new charges of inciting people under the Emergency Provision Act-5J. Dr Win Aung had been serving a 10 year sentence at Shwebo Prison, imposed jointly upon him and Khin Maun Lwin in July 2005 for distributing video tapes of Daw Aung San Suu Kyi's trip to Sagaing Division and a book about the late dictator Ne Win authored by exiled writer Kyemon U Thaung contrary to the Video and Press Act. The sentence of Khin Maung Lwin was also extended.³¹⁸

Also on 17 May 2006, the NLD office in Northwest Township, Mandalay Division, had its signboard removed during the cover of darkness.³¹⁹

On 22 May 2006, the state run *New Light of Myanmar* reported the resignation of nine NLD executive committee members from Namtu Township, northern Shan State. The report claimed their resignations were due to a dislike for the NLD's West-leaning policies, stating "... a glance at the acts of NLD would reveal that it has been sticking to the policy of 'Look West' and grabbing power. Besides, being jealous of peace and stability prevailing in the State, it is instigating the people to cause panic among them." NLD spokesperson Myint Thein asserted "Even if (news of the resignations) is true, it is very clear that they are not acting according to their will but by the junta's pressure."³²⁰

On 23 May 2006, it was reported that U Maung Krun Aung, an elected NLD MP in northern Arakan, was being denied permission to continue his business operations by local authorities. He had previously resisted many requests and much pressure to resign from the party.³²¹

On 27 May 2006, Daw Aung San Suu Kyi's house detention order was extended for a further year by the junta under the State Protection Act-10B. The Burmese police chief Maj. Gen. Khin Yi was reported as saying the extension was due to the fact that she poses a threat to the security of the nation. The junta-run newspaper, *New Light of Myanmar*, reported that she was being detained for her own safety as well as that of the country. It also said that her days were "*numbered*," that she and her party were heading for a "*tragic end*"; "*The restrictions will never be lifted until she abandons her practice of the liberal policy.*" Her current term of detention commenced on 30 May 2003, when she was travelling in Depayin in upper Burma and was ambushed by USDA thugs said to have been sponsored by the military junta. She had to be treated in hospital for injuries, but has been kept under house detention ever since. This had followed earlier periods of house arrest, from 19 July 1989 to 10 July 1995, then from 21 September 2000 to 6 May 2002. She has thus been under house arrest for almost 11 years of the past 17 years. The NLD reported that an appeal would be lodged, despite the fact that appeals from the earlier extensions had been lodged and ignored.³²²

In June 2006, the Ministry of Home Affairs ordered that at least one member of the local Peace and Development Council would take minutes and photographs of all meetings held by all political parties in Burma.³²³

On 13 June 2006, NLD members in Hakha Township, Chin State, were banned from holding meetings or ceremonies, by local SPDC authorities. The chairman and secretary were forced to sign a pledge agreeing to this diktat.³²⁴

On 15 June 2006, it was reported that members of the NLD, Thaton Township, Mon State, were under constant surveillance by the SPDC secret police. Vice-chairwoman San Myint was interrogated and her guesthouse had its phone line and electricity cut off.³²⁵

On 19 June 2006, Daw Aung San Suu Kyi's birthday celebrations at NLD headquarters in Rangoon were videotaped and photographed by Special Branch police.³²⁶ Police detained NLD member Tun Tun who held a solo demonstration whilst wearing a tee shirt with a picture of Daw Aung San Suu Kyi on it.³²⁷

On 22 June 2006, authorities in Kachin State barred NLD members from holding their regular meeting, scheduled to be held just four days later.³²⁸

On 23 June 2006, it was reported that authorities ordered the closure of a clothing store owned by Min Aung, the joint secretary of Arakan State Taungup Township NLD. His family members attributed the order to the fact that he had celebrated Daw Aung San Suu Kyi's birthday.³²⁹

On 29 June 2006, it was reported that the authorities in Rangoon had pressured the owner of a bus company to fire NLD Organising Committee member Yin Aye, who had been working as a driver. The authorities asserted that a person involved in politics could not drive a bus used by students.³³⁰

On 30 June 2006, the daughter of a prominent NLD member and political prisoner was dismissed from her job. Moe Wa, of Thanlyin Township, Rangoon Division is the daughter

of Tin San, joint secretary of Syriam Township NLD, serving a five year prison sentence since 2003. In 2004, Moe Wa had been the victim of assault in her own home at the hands of Thabyekan Village authority chairman U Nyein and members of his family. She brought charges against Nyein who in turn counter sued her for swearing at him. Both were charged and fined. The factory claimed that they fired Moe Wa because of her resultant criminal record.³³¹

On 3 July 2006, a watch repair shop, opened at the home of NLD elected representative Kyaw Khaing in Taungup Township, Arakan State, was pressured to vacate the premises by the order of “*authorities from above*”.³³²

On 4 July 2006, NLD members in Daik-U Township, Pegu Division were barred from holding an official funeral for their late chairman Maung Muang Khin.³³³

On 19 July 2006, the SPDC refused Daw Aung San Suu Kyi permission to attend an annual ceremony held in her father's honour. Whilst she was also barred in 2005, she had been permitted to attend the event in previous years. Two hundred members of NLD's youth wing were also denied access to the ceremony.³³⁴

On 31 July 2006, Nyein Maung, organising committee member and treasurer of Madaya Township NLD, Mandalay Division, was arrested and sentenced to one year's imprisonment, according to NLD MP-elect for Madaya Township, Than Lwin. He was charged with causing a civil servant undue distress under Act-198, by having an argument with the husband of a judge whilst in her chambers. He was told by the authorities that if he quit the NLD, the charge would be dropped.³³⁵

On 13 August 2006, 11 members of an HIV/AIDS support group ‘Friends with a Red Ribbon’ were arrested in Rangoon for not informing local authorities of an overnight stay at Maggin Buddhist monastery, in Rangoon's Thinganggyun Township. They had planned to hold a service for HIV/AIDS victims and sufferers the following day. One of those arrested was suffering from AIDS and the majority of arrests were of either NLD members or 88 Generation Students. The robe-offering ceremony was to begin at 8 am and the arrests were made at about 1.30 am, in a raid at the monastery. The organisers had attempted to advise authorities of the visit – by attending upon the Ward Peace and Development Council office and then handing a written notice to the council chairman the day before – but neither action was acknowledged. All 11 were released, about 36 hours later, when the police station where they were being held was swamped by supporters. Upon release from police custody, they were taken to the Thinganggyun Township authority office, where they were pressured to sign incriminating pledges, but refused. One of those detained, Than Naing, asserted that the authorities were motivated to undermine NLD attempts at assisting HIV/AIDS patients. The monastery was subsequently threatened to only receive donations from the council, and not the NLD. Those arrested were:

1. Than Naing, from Taungdwinggyi;
2. Htet Yazar, Twante;
3. Shwe Gyoe, Hlaing;
4. Aye Naing, New Dagon Town;
5. Awta, Yenanggytang;
6. Moe Naing, Bahan;
7. Kan Myint, Hlaing Thayar;
8. Myo Thant, Seikkan;

9. Soe Naing, Hlaing;
10. Than Htut, Hlaing Thayar; and
11. Than Htaik Aung, Hlaing.³³⁶

On 15 August 2006, it was reported that, Rangoon Shwepyithar Township NLD member, Myint Tun was being detained by the local military authorities. Myint Tun was held responsible after a person died from an electric shock they incurred from an electric post which U Myint Tun sourced electricity from. Myint Tun's wife Shan Ma asserted that the victim trod on a broken live wire belonging to someone close to the electricity authority, who was sourcing electricity illegally. She insisted that all those living in the area were aware that the authorities, led by a man named U Ni, destroyed all evidence, cut off the wire to her house and felled the electricity pole, in order to mount a case against her husband. She added that there was no sign of the electricity supply to her house being interrupted until the line was cut off deliberately at around 10.45 pm, when the victim was already dead. On 24 August 2006, it was reported that the local police chief Zaw Tin had forced witnesses at Myint Tun's trial to read out from prepared statements. Myint Tun was subsequently sentenced to five years imprisonment.³³⁷

On 16 August 2006, NLD youth members reported that authorities had been applying intense pressure to the family of Than Lwin, an AIDS victim, not to accept NLD support in organising his funeral. The authorities barred people from registering as night guests at the home for AIDS sufferers, where Than Lwin had previously received treatment. His family was also told not to invite any NLD members to the funeral.³³⁸

On 24 August 2006, the authorities ordered that all HIV/AIDS patients, from regions outside of Rangoon, must register as guests every month if they wish to be cared for, by the NLD, in the capital.³³⁹

Also on 24 August 2006, *The New Light of Myanmar* published reports and photos of meetings between the NLD and staff at the American embassy. This was done to expose those involved for "inappropriate acts".³⁴⁰

On 1 September 2006, Mya Thein along with his wife and daughter, well known and vociferous supporters of the NLD, were arrested in Daik-U Township, Pegu Division. They were arrested under the pretext of illegal gambling. His wife and daughter were later released upon payment of 250,000 kyat. Unable to pay anymore, Mya Thein was assaulted to the extent that his ribs were broken and pierced his liver. By 21 September 2006, at the time of this report, no one was allowed to visit Mya Thein in hospital, and it was believed his condition had not improved.³⁴¹

On 13 September 2006, it was reported that Daw Aung San Suu Kyi had been allowed to see her doctor just once in the preceding two months. This was later disputed by police chief Brigadier Gen. Khin Yi who claimed Daw Suu Kyi's physician had unhindered access to her at least once a month and whenever she required treatment. In addition there was an reported increase in SPDC personnel in and around her compound.³⁴²

On 22 September 2006, Hla Shwe and Yeh Myint, NLD members in Nattalin, Pegu Division, were arrested over the stabbing of the former local authority chairman. A local resident reported that the former chairman Yeh Win Tun, had often blamed Yeh Myint with crimes committed in the local area, and it is believed that these arrests were politically motivated. The stabbing had occurred on 30 August. Yeh Myint's wife had been arrested in lieu of him

on that day, with Hla Shwe's wife being arrested on 10 September, before their husbands were arrested on 22 September.³⁴³

On 25 September 2006, in Aunglan (Allen) Township, Magwe Division, it was reported that a recruitment drive for the USDA conducted by local authorities was being accompanied by orders to villagers not to join the NLD.³⁴⁴

On 27 September 2006, authorities in South Dagon Township, Rangoon, attempted to prevent a group of NLD youth members from attending the party's 18th anniversary ceremony at NLD headquarters. Traffic police stopped the car they were travelling in, claiming it was involved in an accident the previous day and had to be impounded. The NLD members hired another car which was also stopped. Only once they had hired a third car did they manage to reach the ceremony.³⁴⁵ The ceremony was conducted with no further harassment although security was tightened around the party's headquarters and authorities videotaped those attending.³⁴⁶

On 6 October 2006, Win Ko Ko and Zaw Tun Latt, youth members of Pegu Division Moe Nyo Township NLD, were arrested by members of the USDA, ostensibly for possession of illegal lottery tickets. NLD spokesperson Nyan Win stated that the two were in fact arrested for their political activities. They had been active in obtaining all the villagers' signatures in Yethabya, Moe Nyo Township, for a signature campaign calling for the release of all political prisoners, and had been found in possession of about 400 signatures for the campaign. On 19 October 2006, Win Ko Ko was sentenced to 3 years imprisonment, one day before his set trial date at Lethpandan Court, and in the absence of any legal representation. NLD lawyer Khin Maung Yin reported that he was convicted of 'obstructing the work of a government officer' for which he was sentenced to 2 years, and received a further year for possession of illegal lottery tickets. He was subsequently transferred to Paungde Jail.³⁴⁷ On 9 November 2006, Zaw Tun Latt and Win Ko Ko were each sentenced to an additional 14 years for the forging of documents and fraud, under Acts 420 and 468, at Tharawaddy Township Court, on the basis that signatures for the petition were obtained through misrepresentation. They had been moved to several different detention places in order to deny access to lawyers and family members in the interim.³⁴⁸ Zaw Tun Latt's mother passed away without being able to see her son, on 23 October 2006. It was reported that she had not previously been ill, but died from an anxiety-related illness.³⁴⁹

12.11 Prohibition of Free and Independent Trade Unions

“Everyone has the right to form and to join trade unions for the protection of his interests.”

-Article 23, Universal Declaration of Human Rights.

Burma ratified the Freedom of Association and Protection of the Right to Organize Convention 1948 (No. 87) in 1955, but has failed to ratify the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). However, as a member of the International Labour Organisation (ILO), the junta is also bound by the ILO Declaration of Fundamental Principles and Rights at Work, which includes the freedom of association and collective bargaining.³⁵⁰

Domestically, the right to form trade unions is still a legally recognised right within Burma under the Trade Unions Act, 1926. However, the act legislates that trade unions may only be formed with the prior consent of the government, and in 2006 no independent trade unions existed within the country. As a result there were no internationally affiliated unions. Furthermore, seafarers working on foreign ships were banned from making any contact with the International Transport Worker’s Federation. Order Nos. 2/88 and 6/88 as well as the Unlawful Associations Act, 1908 (1957) provided the legal machinery for the SPDC to maintain its prohibition on the formation and activity of free and independent trade unions, with the junta continuing, throughout 2006, to label the Thai-based FTUB a terrorist organisation, thus criminalising any person or organisation within the country who had contact with it.³⁵¹

Whilst the junta claims that the sometime forthcoming state constitution and its incumbent legislative machinery “shall enact necessary laws to protect the rights of workers” it has made no indication of any measures to repeal Order Nos. 2/88 and 6/88, nor the Unlawful Associations Act.³⁵² There is also nothing preventing the SPDC from adopting legislation prior to the completion of the ever drawn out National Convention process, as, conversely, the absence of a constitution did not prevent the regime from enacting legislation such as Order 6/88 which directly threatens workers’ rights.³⁵³

As no legal trade unions existed in 2006, workers were not afforded the right to organize and bargain collectively, and workers were generally prohibited from striking. Nevertheless, a number of workers at large factories organised illegal strikes during the year, and sometimes won improvements such as higher wages, although strike organisers were often fired. The authorities usually intervened as a mediator in unofficial strikes.³⁵⁴ On 2 May 2006, in South Okkalappa Township, Rangoon, 934 workers of a South Korean clothing factory initiated a wildcat strike as they had not been paid their annual bonus in full and were unable to take rests during the working day. The factory owner furnished the authorities with bribes and 12 police officers were stationed around the factory to quell any further dissent or unrest.³⁵⁵

12.12 Other Social Organisations in Burma

“No one may be compelled to belong to an association.”

-Article 20, Universal Declaration of Human Rights.

Burma is a country devoid of a civil society. Under the SPDC, attempts to construct and maintain independent civil society organisations and institutions, and to create a culture of openness and independent action, have generally been thwarted by the regime. Such organisations have often faced elimination, or been co-opted by the SPDC itself. Those social organisations that do exist, or wish to form, must be approved by the regime according to the 1908 (1957) Unlawful Associations Act, and Order 6/88.

Even informal groupings with humanitarian mandates came under pressure to discontinue their operations in 2006. ‘Friends with a Red Ribbon’ a grouping made up of about 50 HIV/AIDS sufferers in Burma, including members of the NLD and former political prisoners, had its activities disrupted by the authorities throughout the year. One event, organised in August, had been designed to make sufferers of HIV/AIDS feel a welcome part of the community, and raise money for their treatment. Preparations for the traditional Buddhist merit-making ceremony were fought at every step by the concerned authorities. Lt. Col. Maung Maung Shein, chairman of Rangoon’s Eastern DPDC, threatened to close down the local clinic where the victims receive treatment. The association of elder monks threatened to disrobe any member of the monastery involved in the ceremony. The USDA initiated a parallel event, to be held at the same place and same time. Finally, the night before the ceremony, the monastery was raided and 11 volunteers supporting the group were arrested, as they had not been able to obtain permission to stay overnight at the Buddhist temple in the Thingangyun Township. Whilst the volunteers were later released, the ceremony failed to go ahead. Upon release from police custody, they were taken to the Thinganggyun Township authority office, where they were pressured to sign incriminating pledges, but refused. One of those detained, Than Naing, asserted that the authorities were motivated to undermine NLD attempts at assisting HIV/AIDS patients. The monastery was subsequently threatened to only receive donations from the SPDC, and not the NLD.³⁵⁶

Furthermore, social housing organisations, also often supported by the NLD and 88 Generation Students Group, providing care to HIV/AIDS sufferers, had their activities disrupted in Thaketa and South Dagon Townships, Rangoon, during 2006. Patients were refused permission for overnight stays, and at one house the landlord was pressured into cancelling the rental contract, in August 2006. The NLD and the 88 Generation Student Group responded by calling on the authorities to stop the intimidation of HIV/AIDS patients and their supporters. *“We are just helping them as much as we can,”* said Than Naing. *“But we need the authorities to stop their shameful harassment.”*³⁵⁷ Such actions are part of an ongoing wider trend to stamp out or co-opt any organisations which are not affiliated to the regime, even if they are apolitical and serving a worthwhile social function.

During 2006, the Free Funeral Services Society (FFSS) was harassed and threatened with co-optation by the junta affiliated USDA. The FSSS, a non-profit, non-governmental and apolitical group provides free funerals to those families who cannot fund the funeral themselves. The association was initially compelled to appoint a USDA member to a high-ranking position, was barred from running adverts in the press and told not to accept any future donations. Social workers claimed these actions were in response to the vice president and secretary-1 of the FFSS attending events commemorating the 1988 democracy uprisings.

Later, in August 2006, local authorities informed social workers of the impending take over of its operations by the USDA. However, as reports of the takeover were leaked, donations substantially decreased and no further advances were made during the year.³⁵⁸ Other domestic humanitarian NGOs, particularly in areas where Government Organised NGOs (GONGOs) were strong, faced similar pressures. In December 2006, International Crisis Group reported how, particularly in areas where Government Organised NGOs (GONGOs) were well established, independent NGOs came under pressure to appoint members of the USDA and other GONGOs to their boards, work in partnership with GONGOs or else hand over their projects altogether.³⁵⁹



Free Funeral Services Society Vice president Kyaw Thu helps carry a casket during a funeral service in Rangoon. The independent welfare organisation came under intense pressure from the SPDC and USDA in 2006, with repeated threats of a take over. In early 2007, the SPDC refused to extend its operating permit. [Photo: FFSS/Irrawaddy]

To be apolitical in Burma is to not be politically biased in favour of SPDC governance. Independent action conducted by independent organisations will always have the potential to be out of kilter with SPDC wants and policies. By bringing the work of NGOs under the control and remit of GONGOs, the SPDC is able to obstruct independent action, potentially subversive to military rule. GONGOs, therefore, enable the SPDC to guarantee that the political agenda of the regime will always take precedence over the social issues these organisations purport to address. In addition, by asserting control over the work of civil society, the SPDC is provided with an avenue through which it is able to legitimise its governance, and further, ensure international funding is secured for itself. It is SPDC policy that international aid should be channelled through GONGOs, and that aid agencies working in the country should only operate in partnership with these organisations. In response to such demands, the Centre for Public Health and Human Rights, at the John Hopkins Bloomberg School of Public Health, has cautioned that;

*“humanitarian aid channelled through these bodies serves the junta patronage system, rewarding those who support their rule, and excluding both employment and aid to those who support the NLD... imply(ing) that in the domain of health and humanitarian assistance, as is the case in most sectors, survival of the junta and maintenance of their political control are arguably a higher priority than programmatic success.”*³⁶⁰

GONGOs also act as a conduit through which to coordinate rapid mobilisation of the populace for attendance at mass rallies; designed to feign support for the SPDC and to denounce its enemies. (For more information see section below on the USDA). Through such rallies, reported in state run press, GONGOs manufacture the illusion that the SPDC has a mandate for its policies and the continuation of its rule.

Those GONGOs operating in Burma throughout 2006 included: the USDA (for more information see Section 12.13 The Union Solidarity and Development Organisation), The Myanmar Women's Affairs Federation (MWAFF), The Myanmar Medical Association (MMA), Myanmar Red Cross (MRC), Myanmar Anti-Narcotic Association (MANA), Myanmar Maternal and Child Welfare Association (MMCWA), Myanmar Women Entrepreneurs Association (MWEA), Auxiliary Fire Brigade, Parent Teacher Associations, and the Myanmar Nurses Association (MNA).

These groups are organized on the Township level and are largely under the control of the regime, with SPDC members and affiliates generally occupying top-level positions. Furthermore, most of the lower level members involved in these organisations have been pressured and coerced into joining. On 12 July 2006, it was reported that all those between the ages of 18 and 30 in Three Pagoda Pass Town had been enlisted by the TPDC into joining a GONGO, including the Fire Brigade, the USDA, the Myanmar Red Cross, or the MMCWA. Residents were told that they would be added to the list of those opposing the SPDC if they refused and risked being charged as a result. Household registration lists were used to collect the names of those eligible.³⁶¹ Through such large scale forced recruitments, the SPDC is able to structure Burmese civilian society within a chain of command stemming from the upper echelons of the SPDC, both complimenting, and interlinked to the military hierarchy; providing a further avenue through which to exert near total control over the population.

Despite the name, the Auxiliary Fire Brigade has no role in extinguishing fires or saving people's lives. Rather its members serve as an auxiliary militia force. Following the involvement of its members in the brutal beating and subsequent death of former political prisoner Thet Naing Oo, (for more information see Chapter 2 Extra-judicial, Arbitrary or Summary Killing) in March 2006, 88 Generation Student leader, Min Ko Naing, spoke out against the nature of the organisation, asserting;

*"In the international community, fire brigades are organisations formed to rescue human beings out of natural disasters. Therefore, they are fire brigades formed with the intention of protecting the lives of the public and citizens. This kind of organisation should never carry weapons for whatever reason and endanger or threaten the lives of the public. I want to talk about this matter daringly on behalf of all the people."*³⁶²

It is not only the fire brigade which is utilised as a militia force. An SPDC press statement in 2006 asserted that the mandate of both the Auxiliary Fire Brigade and the Myanmar Red Cross was to *"crush the destructive elements who have encroached upon perpetuation (sic) of the sovereignty."*³⁶³ Whilst the Myanmar Red Cross is a member of the International Federation of Red Cross and Red Crescent Societies; SPDC control over the organisation, forced recruitment, involvement in militias and attendance at political rallies, in 2006, stand in direct contravention to the international organisation's fundamental principles of humanity, neutrality, independence, impartiality and voluntary service.³⁶⁴

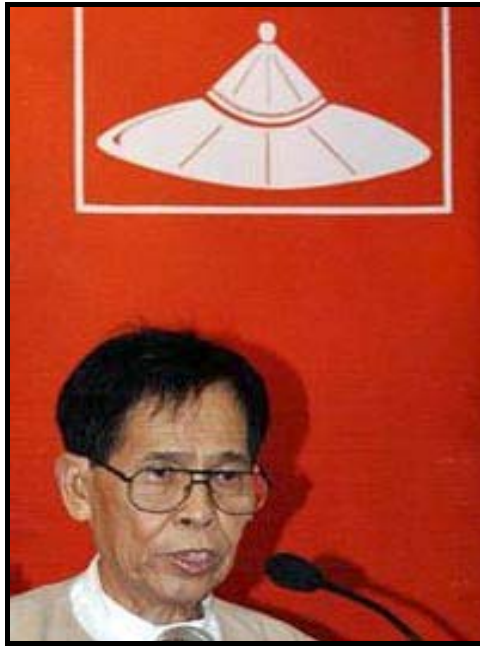
Members of numerous other GONGOs are forcibly conscripted into the *Pyitthu Ah Ku Tat*, or 'People's Auxiliary Forces', which since 2000 have existed under various monikers such as the 'Anti-Foreign Invasion Force,' 'State Defense Force,' the 'Peoples Vigorous Association' (PVA) and the 'People's Strength Organisation'.³⁶⁵ The PVA, for example, is made up of Myanmar Red Cross members, firemen, soldiers, MWAFF members, MMCWA members, Retired Soldier's Organisation members, village militias, and the members of the USDA.³⁶⁶ (For more information see Chapter 1 Forced Labour and Forced Conscription.)

Whilst no independent women's organisations existed in Burma in 2006, there were a number of regime backed women's groups. In 2003, the since deposed SPDC Prime Minister, Lt. Gen. Khin Nyunt, created the MWAFF mandating it to "*take charge of the women sector comprehensively.*" By 2006 it had a presence in all 14 of Burma's states and divisions, and boasted of a membership of around 1.5 million.³⁶⁷ Much of its membership base is the result of coercion, and in early 2006, the MWAFF initiated an aggressive recruitment drive in Chin State, leading the Women's League of Chinland to claim that the SPDC was employing the MWAFF as a weapon in its attempts to control and destroy Chin society.³⁶⁸ There were further reports of forced recruitment in Mauklauk Villahe, Meikhtila Township, Mandalay Division and throughout Karen State.³⁶⁹

The organisation is widely considered to be little more than a propaganda mouthpiece for the policies of the ruling junta. Most of the leaders of the MWAFF are the wives or family members of top SPDC officials and it is evident how frequently the rhetoric of the MWAFF echoes and mirrors that of the regime. On Women's Day in July 2006, MWAFF President, Than Than Nwe, the wife of Prime Minister Gen. Soe Win, claimed that: "*Myanmar women have achieved the momentum of advancement and security of life under the peace and tranquillity of the State (and) prevalence of law and order due to economic development and improved communication.*"³⁷⁰ The MWAFF has also condemned the decision to refer Burma to the United Nations Security Council, which they stated would have a negative impact on Burmese women; accused exiled women's rights groups of "*dancing to the tune of western nations*" when reporting incidents of rape; and profited from draconian movement restrictions placed on women in Shan State through a system of payments required to circumvent these restrictions.³⁷¹

The MMCWA is a health-oriented organisation which receives funding and support from United Nations agencies and INGOs, including UNICEF, UNDP and UNAIDS. The SPDC established the MMCWA on 9 November 1990 through the implementation of Order No. 21/90, and it is controlled by the SPDC at all levels. The head of the MMCWA in 2006 was Daw Kyu Kyu Shwe, wife of Colonel Pe Thein, Minister of the Office of the Prime Minister. At Township level, the chair is automatically the wife of the local TPDC chairman, and at village level the chair is the wife of the SPDC appointed village headman and the secretary is the wife of the village secretary. As of 2006, the organisation boasted of having a total membership of 5.4 million people, or 10 percent of the total population of Burma. Whilst the organisation states that "*recruitment is entirely on a voluntary basis,*" numerous reports have contradicted this assertion both in 2006 and earlier.³⁷²

In 2006, all those villages in the parts of Karen State where the military has established a measure of control over the local population were ordered to create a chapter of the MMCWA and MWAF. Villages were forced to buy a specified number of application forms, which had to be returned without fail. The membership numbers demanded were in proportion to the size of the village, generally around 50 percent of each village's female population. The wife of the village chairman was automatically installed as the chair for her village.³⁷³



On 12 February 2006, Burma's Union Day, NLD Chairman Aung Shwe announced that the party was prepared to recognize the SPDC as the legitimate government de jure, on condition that Suu Kyi be released from detention and a parliament convened in accordance with the election results of 1990. The SPDC responded by threatening to rule the NLD unlawful due to its associations with "terrorist organizations". [Photo: AP/NCGUB].

12.13 The Union Solidarity and Development Association (USDA)

*“The foundation of the USDA is...one of inherent violence and perpetuation of military rule. Any action taken by the USDA should be considered that of the SPDC. A transfer of power to the USDA would simply mean the SPDC has managed to hold onto power while nominally establishing a civilian government.”*³⁷⁴

-“The White Shirts: How the USDA will become the new face of Burma’s Dictatorship,” NDD, May 2006.

By far the largest and most significant GONGO within Burma is the Union Solidarity and Development Association. The USDA was formed by the Burmese regime on 15 September 1993. Whilst it was registered as a social welfare organisation with the Ministry of Home Affairs, under Order No. 6/88, its potential role as a strategic political player was evident from the beginning. The organisation was formed just days apart from the SPDC controlled National Convention and, immediately following the establishment of the USDA, its General Secretary asserted; *“the ruling SLORC (former moniker of the SPDC), the government and the USDA share the same objective.”*

The USDA was initially mandated to maintain the union, national solidarity, sovereignty; promote national pride, and support the emergence of a prosperous and peaceful nation. As an extension to such rhetoric, the USDA has also developed a ‘Four-Point People’s Desire,’ to:

- *“Oppose those relying on external elements, acting as stooges or holding negative views;*
- *Oppose those trying to jeopardize the stability of the State and progress of the nation;*
- *Oppose foreign nations interfering in internal affairs of the State; and*
- *Crush all internal and external destructive elements as the common enemy.”*

Such a mandate suggests that the very rationale of the USDA is in fact the perpetuation of SPDC governance, including the violent oppression of all who oppose such a goal.³⁷⁵

Furthermore, the USDA is in actuality inseparable from the SPDC. The USDA is currently headed by Major General U Htay Oo, a member of the SPDC’s cabinet and the Minister of Agriculture and Irrigation. At the same time, the two most powerful and highest ranking generals; Sen. Gen. Than Shwe and Deputy Sen. Gen. Maung Aye sit on the USDA’s panel of patrons. Not only do high ranking SPDC members fill high level positions within the USDA, but TPDCs and VPDCs are heavily involved in leadership and recruitment at regional level. Such a recognition invalidates the role of the USDA both as an independent social organisation and as a future independent political party; a role for which it is now being groomed.³⁷⁶

Recruitment

The USDA claims to have a total membership of 22.8 million people, or virtually half of the population of Burma. Whilst membership is purported to be voluntary, recruitment is known to be largely coerced, through a system of both threats and ‘incentives’. In a State where peoples’ human rights are constantly denied, the USDA offers the enjoyment of such rights as a privilege of membership, whilst those who refuse to join are faced with increased persecution and reduced opportunities for professional and academic advancement, as well as having to pay various taxes, or perform forced labour. Recruitment drives particularly focus on students, government employees, members of the political opposition and the business world, with increasing efforts to enlist ethnic villagers in areas under SPDC military control.³⁷⁷

Any person working for the government is required to be a member of the USDA, often becoming members without their knowledge or consent. To secure a government job in the first place, one is generally required to have recommendations from the Township USDA president and secretary at a cost of at least 10,000 kyat. As teachers are government employees, hence members of the USDA, they play a central role in the subsequent recruitment of their pupils. Students are informed by their teachers that membership of the group is compulsory, with threats of expulsion or downgrading of their work and exams to a fail used to ensure compliance.³⁷⁸ On 3 August 2006, roughly 600 hundred students at Myinggyan Technical College, Mandalay Division were forced, by their teachers, to join the USDA in order to be allowed to sit their final examinations,³⁷⁹ and in September 2006 it was reported that not only high school but primary school students were being forced to join the USDA in Pegu Division.³⁸⁰ Once pupils are members of the USDA they are reportedly given good marks regardless of the standard of their work and provided with the opportunity to participate in extra curricular activities or additional educational trainings, which they would otherwise have been excluded from.³⁸¹

Just as with a right to education, the right to freedom of movement is used to encourage people to join the USDA. A USDA membership card entitles people to travel freely around the country without the usual threat of harassment or extortion at SPDC checkpoints. Many members and former members of the USDA, interviewed by the Network for Democracy and Development in 2006, cited this as their primary motive for joining the organisation. Tight restrictions on overnight guests are also relaxed upon becoming a member.³⁸²

In 2006, the USDA had control over the awarding of licenses for the operation of businesses, after taking over the function from Military Intelligence. As a result, those interested in owning businesses often find membership to be a prerequisite. Furthermore, businesses which employ members of political parties, such as the NLD, run the risk of having their licenses revoked.³⁸³ In June 2006, the USDA successfully pressured the owner of a bus company to fire NLD organizing committee member Yin Aye from his job as a bus driver.³⁸⁴

In the rural areas of Burma, people are exempted from serving as frontline porters upon joining, as well as avoiding other forms of forced labour.³⁸⁵ In 2006, villagers in Ye Township, Mon State, forced to work on road repair projects, were given a break from their task if they agreed to enlist in the USDA. Those who refused were forced to provide additional lumber and stones. This incentivising followed a recruitment strategy meeting between USDA Head of Mon State, Brig. Gen. Ohn Myint, CEC Brig. Gen. Thura Myint Maung, and ECs and secretaries of the USDA from state and township levels, in 2005, in

Moulmein.³⁸⁶ In other instances villagers are not even provided with such a ‘choice’. Lists of households within each village have been used to assign membership without the peoples’ prior knowledge or consent.³⁸⁷

Additionally, the USDA has implemented various tactics to entice members of the opposition into quitting their party or organisation and joining the USDA. The USDA played a leading role in a concerted campaign of intimidation visited upon the SNLD and NLD throughout 2006, with the goal of forcing large scale resignations (For more information see Section 12.10 Restrictions on and Harassment of the NLD), and on 25 September 2006, in Aunglan (Allen) Township, Magwe Division, it was reported that a recruitment drive for the USDA conducted by local authorities was being accompanied by orders to villagers not to join the NLD.³⁸⁸ Whilst strong arm harassment and intimidation are the traditional tactics of the USDA when dealing with the opposition, a USDA directive leaked in 2004, revealed a more subtle tack to diminish and ruin the opposition parties economically. The scheme involved setting up similar and parallel businesses to rival those owned by the opposition as well as lending money to opposition members on condition they leave their parties. On 22 August 2006, it was reported that USDA members at Shwebo Township, Sagaing Division, had enticed farmers to leave the NLD through the promise of interest free agricultural loans of around 20,000 to 30,000 kyat.³⁸⁹ Such promises were not reserved for opposition members in 2006. On 25 September 2006, it was reported that local authorities in Aunglan (Allen) Township, Magwe Division were promising interest free loans of 50,000 kyat to villagers who enlisted in the USDA.³⁹⁰

USDA as an Approximation and Manipulation of Civil Society

Selling it self as a benign and benevolent organisation, with the aid of state controlled media, has enabled the USDA to cloud public and international perception of the true nature of the organisation, and justified its ever increasing control over humanitarian operations within the country. However, given that the USDA is the SPDC, the Network for Democracy and Development assert that such control “*politicizes the distribution of humanitarian aid and ensures certain sectors of society will be discriminated against.*”³⁹¹

Furthermore, whilst seemingly charitable projects are used to legitimise the USDA, the means by which such projects are enabled requires the further abuse of the Burmese population, with funding and labour for such aid and development projects being demanded from the people against their will. Even when development projects are conducted through the labour of USDA members, forced membership negates any claims to voluntarism. Not only is this an inherently corrupt system but individual acts of corruption are rampant, with money raised by the USDA frequently finding its way into members’ pockets rather than being used for its intended aims.³⁹² Aware of such dangers, in October 2006, international donors, responding to floods in Mandalay, were forced to withdraw offers of help, when they were met with demands that aid be channelled through the USDA.³⁹³

Whilst the USDA serve to approximate civil society within Burma, truly independent organisations are targeted by the USDA, with attempts to co-opt or shut down such endeavours common. Throughout 2006, the USDA was operating under specific instructions issued in September 2005, to assume control of all educational, health and social activities within the country. Humanitarian projects carried out by the NLD or its members are especially targeted by the USDA. (For more information see Section 12.12 SPDC Control over Civil Society).

In addition, the USDA has sought to end and co-opt the activities of foreign agencies and INGOs. The ICRC was unable to conduct any prison visits throughout 2006, as a result of the junta insisting that members of the USDA accompany them on their visits. (For more information see Section 12.6 Restrictions on Foreigners). In their absence, the USDA made efforts to present it self as assuming the functions of the ICRC: visiting political prisoners as well as their families and donating supplies to prisoners, in moves which it presented as steps towards national reconciliation. However, their assistance programs have not been systematic, and it has been reported that torture and ill treatment of political prisoners inside Burma's prisons increased during 2006, whilst the health of prisoners deteriorated. The ICRC had previously provided 50 percent of medicines within Burmese prisons.³⁹⁴ This newly assumed function of the USDA has also been used as political capital to undermine the NLD. Throughout 2006, the USDA visited the families of political prisoners, to inform them that they are looking after their relatives and that they have provided them with generous grants. At the same time the USDA has been questioning these relatives as to whether they are being supported by the NLD, suggesting national reconciliation can be read as a euphemism for the removal of the NLD's influence and support.³⁹⁵ Meanwhile, efforts by the American and British embassies to provide libraries and trainings to the population have faced slandering in pamphlets distributed by the USDA, which claim such programs to represent an interference in domestic affairs.³⁹⁶

The issuance of new Guidelines for International Agencies and INGOs operating within Burma, in February 2006, caused confusion and worry within the international aid community. The version handed to the UN stated that the USDA would be a central part of newly formed committees charged with oversight of aid operations, and that government appointed officials would accompany staff on field visits. A Burmese language version, circulated to local authorities went further, and stated that national staff should be hired from an SPDC shortlist.³⁹⁷ All such requirements would likely lead to the increased influence and interference of the USDA, and by extension the SPDC, in the work of international humanitarian organisations. The UN since raised concerns over the guidelines and the SPDC agreed to further discussions, although appeared determined to push the regulations through by the beginning of 2007. The regime also attempted to impose the USDA on the UN as its main local partner within Burma, although the UN rejected this proposal.³⁹⁸

As a further manipulation of civil society, the USDA has played a central role in the organisation of mass rallies throughout the country, demonstrating support for the SPDC and its initiatives such as the National Convention, as well as denouncing opposition parties and foreign influence. In early 2006, numerous mass rallies were organized through the USDA in order to demonstrate popular support for the National Convention. The first staged rally of the year was held in Rangoon on 7 January 2006. The following day a mass rally in Kachin State, saw members of the Kachin Independence Organisation (KIO) forced to read out prepared statements expressing their support for the NC. Further rallies were held in subsequent days in Karen and Arakan State as well as Pegu and Mandalay Divisions. Reports from each of these events have revealed attendance to have been forced with quota systems demanding that one person from each household attend. The conscription of the populace is done under threat of fines, violence, prosecution and imprisonment. Those households unable to attend the rallies are expected to hire someone to take their place. If no one shows up, the household is fined 5,000 kyat (nearly US\$5) and the residents' details are recorded. Attendees were forced to shout prepared and protracted slogans such as *"It is essential for the tatmadaw to play the political leadership role in the country because of the lack of experience of people who would lead the transitional period."*³⁹⁹ The rallies and their

messages are documented and broadcast to the nation through state run press, convincing the public that the SPDC rules in accordance with people's desire. In this way, the USDA effectively acts as both the SPDC's propaganda machine and its mandate provider.

USDA as a Security Apparatus

Whilst the USDA, with the help of the state press, presents itself as a charitable social organisation, it continues to be involved in State sanctioned acts of political violence. Members of the NLD are the frequent recipients of such attacks. In November 1996, a gang of about 200 USDA members attacked Daw Aung San Suu Kyi's motorcade with iron rods and chains in Bahan Township, Rangoon. Whilst the attack took place in broad daylight in front of army security guards, the SPDC did not take any action against the aggressors. Again, on 30 May 2003, Daw Aung San Suu Kyi and her entourage were violently attacked by members of the USDA and other state organized individuals on the road to Depayin, Sagaing Division. An unknown number of individuals were killed in the attack, subsequently labelled the 'Depayin Massacre.' On 17 March 2006, members of the USDA were reportedly involved in the attack on Thet Naing Oo, a former political prisoner, in Kemmending Township, Rangoon. Thet Naing Oo was continuously beaten by his aggressors and subsequently died.⁴⁰⁰ (For more information see Chapter 2 Extra-judicial, Summary and Arbitrary Execution).

Following the ouster of Lt. Gen. Khin Nyunt and the purging of Military Intelligence, in 2004, the USDA has taken on increased intelligence and security duties throughout the country, with members frequently conscripted into relevant training sessions. As an example, on 13 September 2006, it was reported that members of the USDA in Pegu Division were ordered to attend military intelligence courses. Two members from each ward were forced to attend the week long course under orders of Pegu Division USDA Chief Organiser Saw Maw Tun. Whilst, those selected to attend were promised business permits and promotion to the role of chief organiser, many were reluctant as they would forgo a week's income in so doing.⁴⁰¹

Similarly, in October 2006, it was reported that members of the USDA, alongside other regime affiliated agencies, such as the fire brigade had been undergoing anti-riot training in Kachin State. Training in such things as the use of bamboo rods was given to participants by SPDC troops from Infantry Battalions #21, #29 and #37. Participants were then sent back to their home towns and instructed to gather information about the movements of political activists. Reports from inside Burma claim that the junta has ordered authorities in large cities across the country to train as many as 5,000 people each, with the USDA not only providing recruits but financial and material assistance.⁴⁰² (For more information see Chapter 1 Forced Labour and Forced Conscription).

The increased security role of the USDA has included the surveillance and arrest of opposition party members, in the absence of any legal mandate to do so.⁴⁰³ On 6 October 2006, two NLD youths from Moe Nyo Township, Pegu Division, were arrested by USDA members for allegedly having illegal lottery tickets on their being. According to a police officer; Win Ko Ko and Zaw Tun Latt were in fact targeted for their involvement in a petition calling for the release of political prisoners.⁴⁰⁴ In addition, throughout 2006, the USDA was involved in arrests made in relation to bomb blasts around the country, reportedly in the absence of any substantiating evidence.⁴⁰⁵

USDA members are not only being used to monitor the opposition, but to keep watch over the actions of the regime's other institutions such as the army and police force. USDA members also act as sentries, watching over peoples' houses during the night, with members of opposition groups frequently targeted for night time inspections in attempts discover non registered overnight guests. Teachers who are members of the USDA are also encouraged to maintain surveillance on their students.⁴⁰⁶

A directive in June 2005 warned USDA members to guard against the leakage of inside news to the outside world.⁴⁰⁷ Subsequently, on 1 August 2006, the USDA in Arakan State began a strategy of spreading misinformation about Burmese media in exile and other foreign media reporting on the situation in Burma. USDA members were briefed to go to public places and inconspicuously engage those gathered in these places in order to persuade them that such reports were erroneous. Misinformation circulated in this way included claims that the arrest of Sittwe NLD chairman U San Shwe Tun was because of his involvement in smuggling and logging and that the death of U Oo Thar Tun was not because of an injection by the authorities but due to old age.⁴⁰⁸

USDA as a Political Party

The oppressive and criminal activities of the USDA take on greater significance with an acknowledgment of the SPDC's plan for the organisation's future political role. The constitution being drafted at the National Convention provides for the *tatmadaw* to hold one fourth of the seats available in a future parliament, with the remaining seats to be contested in elections. It is the SPDC's desire for these seats to be held by its puppet organisation- the USDA, thus perpetuating its own rule in a civilian guise. In a December 2005 press conference, the General Secretary of the USDA, Htay Oo, made mention of such plans, indicating that members of the USDA should be prepared to contest seats not reserved for the armed forces.⁴⁰⁹

In reality, the USDA has already inserted itself into the political process with many of its members acting as delegates to the National Convention, holding 633 seats (58 percent) during the 2006 sittings.⁴¹⁰ Further, since 2003, the USDA has been compiling voter lists and estimating the votes the opposition would likely get and from whom. Local USDA leaders have also been instructed to open local offices and consider which candidates to run in the next election.⁴¹¹ In December 2006, it was reported that the USDA, along with TPDCs, were collecting family lists, including the ages of family members, throughout Rangoon and other areas of the country. It is believed that the purpose of this exercise was to compile voter lists for a possible referendum on the constitution being drafted by the National Convention.⁴¹²

If elections were to be called in the future, not only would USDA members likely stand, but past form suggests that the USDA would be employed as a means to intimidate and coerce the populace to vote against their wishes, and to intimidate the membership of the NLD against running for office or supporting the party's campaign.⁴¹³ Meanwhile, the USDA has already sought and in some cases gained international recognition and legitimacy as a political actor. New protocols have meant that the UN and foreign diplomats are made to pay courtesy calls with the USDA before meeting with the SPDC. When Malaysian Foreign Minister Syed Hamid Albar visited Burma in March 2006 as ASEAN's envoy, he was met by the USDA, while being denied access to the NLD. Former Thai ambassador, Surapong Jayanama, cautioned against countries recognising the USDA as a legitimate political organisation;

*“Whether other countries acknowledge the USDA as a political entity will be an important factor in the continuation of the organisation as well as its strength and power. It must be ensured that the USDA is an organisation freely joined and that its actions are independent of the current regime. Without this assurance a transfer of power to the USDA would be no transfer at all. It would merely allow the SPDC to maintain its grip on power and continue the oppression of the Burmese people.”*⁴¹⁴

Nevertheless, China has actively sought to establish party to party ties between the Chinese Communist Party (CCP) and the USDA, and, in April 2006, a USDA delegation met with the Vice Chairman of the National Committee of the Chinese People’s Political Consultative Conference (CPPCC) in Burma.⁴¹⁵

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13. Internal Displacement and Forced Relocation

13.1 Background

In recognition of the plight of those displaced within the boundaries of their own countries, the international community has attempted to develop relevant protection mechanisms. Internally displaced persons (IDPs) covered under such mechanisms are defined by Article 2 of the 1998 United Nations Guiding Principles on Internal Displacement as:

“persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”

In principle, restrictions on forced displacement were first established as international norms under the 1948 Universal Declaration of Human Rights (UDHR). Article 12 of the UDHR protects against arbitrary interference or attacks on the home, while Article 25(1) also accords the right to housing. These protections were reiterated in the 1966 International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Article 12(1) and 17(1) of ICCPR state respectively that: *“Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence;”* and that *“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 ICESCR recognizes *“the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions.”*

The rights of IDPs were most explicitly stated in the 1998 United Nations Guiding Principles on Forced Displacement. Though not a legally binding document, the Guiding Principles 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 5 dictates that States *“have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.”* Enforced prohibitions against the forced displacement of persons and adequate provisions for their protection when such displacement does occur are necessary requisites for the fulfilment of the legal requirement of international human rights instruments.

Despite the large number of international instruments that have been drafted to protect individuals from displacement and subsequent protection should displacement occur, Burma has to date signed only the Convention on the Elimination of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). These two international

legal instruments, however, require that the authorities in Burma take appropriate measures to ensure women and children have access to adequate housing under Article 14(2)(h) and 27(3) respectively.

Furthermore, Article 17 of the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II), states that:

“1. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.

2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.”

Although Burma has neither ratified nor signed Additional Protocol II, the principles contained therein are now regarded as customary international law, thus making it binding on all States and non-state actors regardless of whether they have ratified the document or not.¹

Nationwide figures on Burma’s IDP population have not been compiled, although the most widely accepted estimate places the number somewhere around one million. Assuming that this estimate is accurate, and according to the Thailand Burma Border Consortium (TBBC), approximately half of this number resides in eastern Burma along the border with Thailand.² Though no comprehensive studies exist which examine displacement across the country, it is highly likely that the highest rates of internal displacement occur in ethnic minority areas. These are the areas typically experiencing continuing armed conflict and it is also within these areas that the SPDC pursues its brutal ‘counter-insurgency’ program that targets civilians to ostensibly undermine armed resistance groups. Abuses such as forced labour, extortion, extrajudicial execution, torture, forced relocation and other such human rights abuses that lead to internal displacement are the most prevalent in ethnic border areas.

For areas where reliable data exists, the TBBC recorded approximately 500,000 IDPs across Shan, Karenni, Karen and Mon States as well as in Tenasserim Division. However, this estimate, as acknowledged by TBBC is conservative and may well be considerably higher.

Deliberate policies which lead to forced displacement, whether through urban relocation programs, national development projects or ostensible ‘counter insurgency’ campaigns, testify to the junta’s disregard for its internationally mandated “*responsibility to protect*” And illuminate the high humanitarian cost of sustained military rule. Furthermore, the distinct lack of SPDC assistance provided to IDPs obstructs the development of sustainable livelihoods for those who are displaced.

13.2 Causes of Displacement in Burma

In the vast majority of cases, the root causes of internal displacement in Burma can be traced back to the SPDC. The regime's relentless attempts to broaden and strengthen its stranglehold over the whole country, its peoples and resources has created conditions under which survival has become exceedingly difficult. When those conditions become too desperate, displacement typically ensues. Moreover, the SPDC continues to employ specific policies designed to cause such difficulties for local communities through the perpetration of gross violations of human rights and state-sponsored violence. Other leading causes of displacement find their origins in the regime's erroneous economic strategies and short-sighted development projects. Furthermore, ongoing armed conflict across the country and the extensive use of landmines in areas inhabited by civilians has also spawned thousands of displacees.

Conflict-Induced Displacement

Ethnic armed conflict has been waged incessantly in Burma for the better part of the past 60 years. Violent conflict between armed resistance groups and the SPDC or any of their allied 'ceasefire groups' has caused high levels of displacement across the country. The ever-increasing expansion in both size and range of the SPDC army, coupled with a corresponding waning of those armed groups which continue to oppose the regime has resulted in military expansionism on a massive scale. Few areas remain that do not come under direct military control. Meanwhile disregard by the SPDC for the humanitarian fallout leaves villagers living in conflict zones in a highly insecure situation.

In April 2006, the Karen Human Rights Group (KHRG) pointed out how many media reports referred to IDPs in eastern Burma as "*fleeing fighting*". They also used the example of where one Reuters report "*labelled all of the villages being burned as 'ethnic rebel villages'*". KHRG argued that while these statements may be true in some cases, for the majority, neither of them were true, stating that most of the attacks were mounted against unarmed civilian villages: "*The attacks are unprovoked, and the villages are seldom defended by resistance forces; in fact, the SPDC troops prefer to avoid KNLA forces when possible and attack undefended villages*".³

The term conflict-induced displacement can thus often 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 armies spills over into their homes. However, this is typically not the case in Burma where the conflict is a low intensity war of attrition primarily targeting civilians, where displacement of civilian villagers is not a side effect of the conflict, but rather the intended outcome. Most skirmishes between the junta and resistance forces occur when the latter attempts to protect civilian villagers from attacks by SPDC army units to give them the chance to flee. In such cases, the villagers are not fleeing fighting between the SPDC and the resistance group, but rather it is that fighting which is giving them the opportunity to do so.

For the majority of cases of displacement in areas experiencing armed conflict, the term conflict-induced displacement fails to sum up the reasons behind the displacement, and for

the purposes of this report, many of these have been categorized as human rights-induced displacement (see below).

That said, there were still a number of clashes reported during 2006 between SPDC army forces and resistance groups which resulted in the displacement of local populations. To cite but one example, on 20 March 2006, SPDC forces operating under Military Operations Command (MOC) #10 attacked Karen National Liberation Army (KNLA) Battalion #9 headquarters in Nyaunglebin District, Karen State. Approximately 400 villagers living in the area fled ahead of the approaching SPDC army columns.⁴

Landmines

While many observers consider the use of landmines to be a facet of conflict-induced displacement (described above), categorising it as such risks oversimplifying the issue. Landmines represent a major obstacle for the internally displaced, particularly in ethnic minority areas experiencing armed conflict. Not only do they force villagers to flee from areas where they have been laid, but when they are deployed in and around villages, in fields and plantations, and on paths used by villagers, they prevent the safe return of the internally displaced. Mines, once laid, can remain a threat for many years and contribute to long-term displacement in the areas where they are used.

In northern Karen State, where the SPDC military offensive continued throughout the year, antipersonnel landmines were deployed on a massive scale. In March 2006, the Free Burma Rangers (FBR) reported that the SPDC was in the process of planting 2,000 landmines in Toungoo District alone, with the deliberate intent of restricting villagers' movements. Many of these mines were laid in an extensive north-south line bisecting the district along the point where the western plains gave way to the steep forested hills to the east. The pattern seen in the deployment of these mines suggested that the SPDC was going to great lengths to cut all lines of communication between villagers living in the SPDC-controlled plains and those living in areas beyond SPDC-control in the hills.⁵ The deployment of landmines along this north-south axis continued beyond the boundaries of Toungoo District and into adjacent Nyaunglebin District where the same pattern was observed. In addition, landmines were reported as having been laid by SPDC army patrols in just about every location where they arrived.

Furthermore, various groups have documented dozens of cases of SPDC army soldiers and their allied ceasefire armies alike, deploying antipersonnel landmines in civilian villages to deter those villagers from returning to resettle in their homes once the soldiers have moved on. This makes it extremely difficult for villagers to survive in the forest, as many do not dare return to their villages even if only to gather what can be salvaged from their homes. There have been repeated incidents of villagers losing their lives or limbs to landmines planted right in front of the door leading into their homes or beside items that the SPDC suspects the villagers will return for.⁶ As a result, many villagers will only return to their village after KNLA soldiers have swept it for mines. However, in December 2006, FBR reported an incident in which SPDC army soldiers had planted a mine next to a fireplace inside the kitchen of a civilian home in Baw Kway Day village in Nyaunglebin District in western Karen State. The villagers had returned to the village with a KNLA escort who had checked the area for mines. The mine was triggered by one of the soldiers and the subsequent blast killed three and injured an additional eight.⁷

Similarly, landmines have been laid in their hundreds (if not thousands) in villagers' fields and plantations, beside streams where they fish and collect water and on the pathways they use.⁸ In each of these cases, the presence of landmines makes villagers' lives both difficult and dangerous, and ultimately, many villagers will flee an area known to suffer heavy landmine contamination. (For more information, see Chapter 16: Landmines).

Development-Induced Displacement

If one were to listen to the SPDC's propaganda you could be led to believe that the regime is in fact creating a "*modern developed nation*" and bringing positive change to the country's social and economic development. What the propaganda fails to state is that this is being done to the detriment of local populations.

Poverty remains widespread across the country, yet continues to be most acute in ethnic minority areas.⁹ Within these areas, the junta's Border Areas Development Program, which as is suggested by its name, is supposed to improve conditions for local communities. However, by focusing on the development of infrastructure, the Border Areas Development Program has had little impact in alleviating poverty in ethnic minority areas.¹⁰ Furthermore, some groups have argued that all such infrastructure development projects have not only "*undermined livelihoods*", but have also served to bolster continued military rule.¹¹

Development projects that contributed to internal displacement in Burma during 2006 include the construction of infrastructure, military bases, 'model villages' and agricultural development projects. (For more information, see Chapter 5: Deprivation of Livelihood). Furthermore, the extractive industry has also played a role with many villages being either forcibly relocated away from mine sites or by being driven away by the resultant human rights abuses. Similarly, numerous hydroelectric projects under development in various parts of the country have also caused high levels of displacement.¹²

Human Rights-Induced Displacement

The systematic and widespread violation of human rights is arguably one of the largest causes of displacement in Burma today. While many reports throughout 2006 referred to "*civilians fleeing fighting*", the reality remains that conflict in Burma is typically of a low intensity and what civilians are in fact fleeing from are the human rights abuses that invariably accompany increased militarization. Nowhere is this more prevalent than in areas of ethnic conflict. Furthermore, statements to this effect give the misleading impression that the villagers are fleeing from counter-insurgency measures taken by the SPDC against armed opposition groups and that the nature of the conflict has caused the violence to spill over into civilian villages, where the inhabitants caught up in a conflict they have no part in are labelled as "*collateral damage*".¹³ However, the "*fighting*" that villagers are fleeing from has not been between two opposing armed forces, but rather direct and deliberate attacks on unarmed civilian villages. The villagers therefore, cannot be considered "*collateral damage*" in these attacks, but rather the intended targets of them.

In areas of ethnic conflict, the SPDC has continued to employ its Four Cuts Policy as a means to not only undermine resistance forces, but also subjugate local populations with the ultimate aim of bringing the entire country under direct military control.¹⁴ Following the logic of the SPDC, all ethnic minorities are potential, if not actual insurgents. This is the central principle upon which the Four Cuts Policy is based. All villagers in areas of ethnic conflict are

perceived as supporting resistance forces. Therefore, the Four Cuts are a way of alienating resistance groups from their supposed civilian support base by cutting the flow of food, funds, recruits and intelligence.

The way in which the SPDC has attempted to achieve this has been to forcibly relocate entire villages from areas where resistance forces operate. Then, once interned in an SPDC-controlled relocation site, the villagers are kept on the brink of starvation through an extensive system of extortion and demands for food, labour and other goods. Furthermore, the villagers' freedoms of movement are also strictly regimented; in some cases stripped entirely. This is done ostensibly to impoverish the villagers to such a point that they cannot provide material support to resistance forces even if they should want to. Ultimately, when the demands become too great and food too scarce, many villagers flee from relocation sites to live as IDPs in the forest.

Those living beyond SPDC-control as IDPs do not have to contend with forced labour or extortion, but must flee ahead of any advancing SPDC army units. If seen by SPDC army patrols, IDPs are often fired upon. By refusing to comply with SPDC demands and living beyond their control, IDPs in conflict areas are thus considered as enemies of the state which 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.

Under the Four Cuts Policy, abuses such as arbitrary arrest, forced relocation, extortion, forced labour, torture, rape and extrajudicial execution are not only common but are committed with impunity, and it is from these abuses that villagers flee. However, it must be noted that these abuses are not only perpetrated in areas experiencing conflict, but also in 'ceasefire areas' and other areas not undergoing armed struggle.



A group of over 100 Karen IDPs from southeastern Tantabin Township, Toungoo District slowly making their way towards the Thai-Burma border in March 2006 after spending several months in the forest. The villagers, originally from Klay Kee, Bu Kee, Hee Daw Khaw, Tha Aye Kee, Kho Kee, and Yuh Koh Thoo villages were all rendered homeless when SPDC army soldiers attacked and destroyed their villages in November 2005. *[Photo: KHRG]*

13.3 Destinations of the Displaced and Forcibly Relocated

Internal displacement in Burma has left civilians who find themselves in this predicament faced with various different options. Some have sought refuge in neighbouring countries where conditions are perceivably better (For more information, see Chapter 14: Situation of Refugees). Others have moved to nearby villages or urban areas where they hope to begin new lives. However, the majority, particularly for those in ethnic minority areas, find themselves forced either into an SPDC-controlled relocation sites, into the forest where they must live nomadically in IDP hiding sites trying to evade SPDC patrols, or into areas administered by SPDC-allied ceasefire groups. None of these situations are particularly appealing and each of them is fraught with its own set of unique difficulties.

Relocation Sites

Central to the policy employed by the regime in ethnic border areas is the SPDC's forced relocation campaign. In areas suffering from ethnic conflict, territory may be divided into three coloured zones: 'black' areas that are controlled by resistance forces; 'brown' contested areas; and 'white' areas where all traces of armed resistance have been eliminated. The SPDC army's primary objective is to rid the country of all black and brown areas where resistance groups operate by turning them all into white areas wholly controlled by the SPDC. In areas occupied by resistance groups, any village that is located in an area beyond direct military control is often forcibly relocated into areas that are controlled by the SPDC. Such 'relocation sites' are typically located along road corridors, adjacent to existing SPDC army camps so that the soldiers can regiment the freedoms of the villagers interned there, monitor their movements and exploit them as forced labour to porter military supplies along those roadways. Villages are typically only given a week, or in many cases even less, 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. Upon arriving at the site, villagers are not provided with anything by the SPDC. They are generally assigned a small plot of land on which they must construct their home. Villagers must even provide their own building materials as the SPDC does not provide these either. It has been reported in some cases SPDC army soldiers have instructed villagers specifically not to take their belongings with them; that they will have the opportunity to return to collect their belongings later. However, as soon as the villagers have left, the soldiers have returned to the village and looted everything of value and eaten their fill of whatever food was left behind while the villagers are denied permission to ever return to their village to salvage what remained.¹⁵ To ensure that the villagers do not attempt to secretly return to their homes, the soldiers often litter relocated villages with landmines or simply burn the whole site to the ground. (For more information, see Chapter 16: Landmines).

Most relocation sites are grossly overcrowded, lack any existing sanitation facilities, are typically located "*on barren land*" that does not lend itself well to agriculture, and often have poor access to fresh drinking water.¹⁶ Furthermore, being as overcrowded as many relocation sites are, all available arable land in the region is already under cultivation, and the new arrivals, denied the right to return to their villages or fields struggle to acquire enough food for their families. As such, SPDC-controlled relocation sites fail to meet the minimum requirements for villagers to establish and sustain a livelihood.

Once interned in a relocation site, villagers are seldom granted permission to leave to tend to crops, travel to markets in neighbouring villages or visit friends and relatives. SPDC authorities have ordered the residents of many relocation sites to fence the entire site, leaving only one or two gates allowing access or egress. These gates are overseen by SPDC army soldiers and the names of everyone entering or exiting the site is recorded. For most relocation sites, the only way that a villager is allowed to travel outside 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 permit 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 guarantee safe passage. For example, Rohingya villagers in Buthidaung Township of Arakan State are regularly apprehended by SPDC authorities who destroy their travel passes and accuse them of travelling without proper documentation so that they can extort money from them.¹⁷ In areas of ethnic conflict, villagers found travelling outside the relocation site are often accused of having been in contact with resistance forces and are often fired upon on-sight without so much as even checking their documentation.¹⁸



A photo of the Plaw Law Bler relocation site in Nyaunglebin District, Karen State as it looked in April 2006. This barren site was built on flat rice fields confiscated from local villagers without compensation. Each family was allocated a plot of only 10 armpans square (approx. 15 metres).
[Photo: KHRG]

Furthermore, the increased proximity of villagers to SPDC army soldiers significantly increases the likelihood that they will be subjected to human rights abuses. Villagers interned in SPDC-controlled relocation sites are regularly called upon to provide forced labour for the military, constructing and maintaining roads and military camps (of both the SPDC and 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 1: Forced Labour and Forced Conscription). The villagers also face countless other demands for money, food, building materials and other goods. Villagers have also been beaten and tortured by the soldiers when the endless stream of demands is not met.¹⁹

While reliable figures do not exist for the entire country, studies have been conducted on the population of relocation sites in eastern Burma. According to a survey conducted by the Thailand Burma Border Consortium (TBBC), as many as 118,000 IDPs were interned in relocation sites administered by the SPDC in eastern Burma in 2006. This constitutes

approximately one quarter of displacement in eastern Burma. Over half of this group (approximately 58 percent) was located in Tenasserim Division with 69,100 IDPs. The second largest population was found in southern Shan State with 31,300 IDPs. Karenni State, eastern Pegu Division, Karen State and Mon State rounded out the figures each with between 6,400 and 500 IDPs in relocation sites. These statistics represent an increase of 10,000 individuals interned in relocation sites over figures collected in 2005.²⁰

IDP Hiding Sites

Many villagers in ethnic minority areas choose to live in hiding from the SPDC and their proxy ceasefire armies on account of the abuse they have suffered at the hands of such groups. Many villagers, knowing all too well how they will be treated if found; constantly flee in the face of SPDC army patrols. This class of IDPs maintain a strong affinity with their land and would rather remain in hiding and hardship within the vicinity of their destroyed or abandoned villages than relocate to SPDC-controlled relocation sites or flee to neighbouring countries.²¹ By not only refusing to relocate when ordered but also by fleeing deeper into the forest where they hope to live beyond the reach of the SPDC, IDPs living in hiding are considered to support resistance groups and as such are looked upon the same as arms-bearing combatants.

Conditions facing IDPs in hiding differ from those in relocation sites in that by avoiding all contact with the military, they are not obliged to perform forced labour or comply with demands for extortion. However, IDPs in hiding must remain ever vigilant and prepared to flee from approaching SPDC army columns who mount sweeps through the forest in search of them. Their food supplies and hiding sites are systematically destroyed when discovered and if seen, they will be shot-on-sight. Necessity therefore dictates that IDP hiding sites must be small and well hidden deep in the forest where it will be hard for patrols to find them. However, this is not always the case and rapid military expansionism has meant that many IDP hiding sites are only an hour's walk away from the nearest army camp. Some are even closer.

Being temporary settlements that must be abandoned at a moment's notice should the need arise, IDP hiding sites typically lack all but the most basic of village infrastructure. Access to clean water and healthcare is often limited and as a result disease is rife. Incidences of IDPs dying from easily preventable and readily treatable diseases such as diarrhoea are high.²²

IDPs in hiding sites have repeatedly stated that their greatest concern is their lack of food security. The systematic destruction of their food supplies and their inability to freely travel to markets has made it extremely difficult for IDPs to obtain sufficient food supplies.²³ IDPs thus grow small cash crops of betelnut, dogfruit, cardamom, or other similar crops which they surreptitiously sell in markets despite the danger to themselves so they can buy rice for their families. Most IDPs in hiding will also conceal small food caches in the forest in preparation for the inevitability that they will need to flee again.

The available data suggests that the highest concentrations of IDPs living in hiding are located in eastern Burma. According to figures published by the TBBC, there were 95,000 IDPs in hiding in eastern Burma in 2006, marking an increase of 3,000 over the previous year's estimates. Karen State recorded the highest numbers for IDPs in hiding with 49,100 – an increase of approximately 10,000 individuals in the past 12 months. This is hardly surprising given the scale of the ongoing military offensive in northern Karen State. The

levels recorded from other areas in the sample were considerably lower. Eastern Pegu Division concealed 17,400 IDPs in hiding, indicating an increase of 4,000 since 2005. However, it should be noted that eastern Pegu Division as defined in the TBBC report constitutes what the Karen refer to as Nyaunglebin District, thus the increase observed in this region stems from SPDC army attacks as part of the continuing military offensive.²⁴



Karen IDPs constructing shelters in the forest in the Yeh Mu Plaw area, Papun District in June 2006. [Photo: FBR]

Ceasefire Areas

According to the TBBC, almost 60 percent of all internally displaced persons living in eastern Burma live in areas administered by the various ethnic ceasefire groups. The TBBC maintains that many IDPs are drawn to these areas by the relative degree of protection that the ceasefire groups offer against SPDC abuses. However, this is not the case in all ceasefire areas; in some areas, villagers have reported suffering equal, if not greater, human rights abuses from the DKBA as compared to the SPDC.²⁵ While in many cases, ceasefire areas may provide a temporary respite from human rights violations perpetrated by the SPDC, most ceasefire authorities are unable to adequately provide for IDPs who have taken refuge in areas under their administration. In their report on internal displacement, the TBBC stated:

“[T]hese areas can not provide a sustainable solution for the internally displaced due to population density with limited access to sustainable agricultural land, SPDC restrictions on travel outside of ceasefire areas, and the inability of ethnic nationality authorities to support resettlement or compensate for livelihood assets lost.”²⁶

According to TBBC, there were an estimated 287,000 IDPs living in ceasefire areas. Compared to figures from 2005, this represented a decrease of 53,000. The decrease was attributed largely to “population movements ... out of areas administered by the United Wa State Army (UWSA) due to lack of livelihood opportunities”.²⁷

13.4 Humanitarian Assistance

The UN Guiding Principles on Internal Displacement clearly state that the SPDC is under 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 in its effectiveness to address the immediate difficulties faced by IDPs while supporting the longer recovery processes of those harmed, 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 of 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.

Faced with a lack of protection from the regime, the internally displaced are in need of considerable humanitarian assistance. Severe threats to IDP health arise from the targeted destruction of IDP food supplies. A report released by the Back Pack Health Worker Team (BPHWT) in September 2006, showed how “[f]ood destruction and theft were ... very closely tied to several adverse health consequences”, pointing out that “[f]amilies which had suffered this abuse in the preceding twelve months were almost 50% more likely to suffer a death in the household”.²⁸ Furthermore, unhygienic conditions in which many IDPs live contribute to various types of infection. According to KHRG, many villagers who were forcibly relocated to the Play Hsa Loh relocation Site in Toungoo District, Karen State in June 2006 became ill with what could have been “*typhoid, dysentery and/or cholera*” as a result of the cramped and unsanitary conditions that they were forced to live in.²⁹ The most common illnesses contributing to deaths among IDP communities surveyed in eastern Burma have been reported as malaria, diarrhoea, and acute respiratory infection at prevalence rates of 42 percent, 22 percent, and 12 percent respectively.³⁰ It is difficult for IDPs living in hiding to acquire medicines on account of the lack of safe access to markets and the extortionate prices demanded for medications that exist far beyond the means of most who find themselves in this situation. Meanwhile, IDPs living in military-controlled relocation sites also find it exceedingly difficult to obtain medicines owing to prohibitions on the possession of medicines for fear that they will be given to resistance groups. IDPs therefore often try to treat themselves with traditional herbal medicines, which though very effective for many illnesses, are often inadequate. (For more information, see Chapter 9: Education and Health).

The SPDC has consistently restricted the access of humanitarian agencies into conflict-affected areas because of the political sensitivity of these regions. Clearly the regime does not wish for the international community to bear witness to the atrocities that are being committed in these areas. International humanitarian assistance to IDPs in these areas has been repeatedly denied. Meanwhile, in many areas experiencing ethnic conflict the demand is being met, at least to a degree by local humanitarian organizations who clandestinely travel into these areas to deliver aid to those in need. While some of these organizations are affiliated with resistance groups, many of them remain independent.

13.5 Situation in Arakan State

Being the home to the Rohingya, the SPDC has deliberately targeted the people of northern Arakan State for years in a determined campaign to adulterate the ethnic composition of the region. The population of northern Arakan State is estimated at around 800,000³¹ with approximately 80 percent of this number being Rohingya. The remaining 20 percent is composed mostly of the Arakanese (Rakhine), with smaller percentages of Mro, Daignet, Kamein, Thet and Chin also being represented.³² (For more information, see Chapter 8: Rights of Ethnic Minorities).

Debate over the “*Rohingya issue*” continues in both Burma and Bangladesh as both countries refuse to claim the Rohingya as their own. As such, the Rohingya have in effect been rendered stateless. In Burma, the Rohingya are denied citizenship and thus all of the rights befitting a citizen. Moreover, as Muslims, the Rohingya are particularly vulnerable to harassment by the predominantly-Buddhist SPDC authorities. The NaSaKa, (Border Security Force) have been responsible for the majority of violations of human rights perpetrated against the Rohingya.

There is no overt armed conflict in northern Arakan State so internal displacement typically occurs as villagers flee human rights abuses by SPDC forces or are forcibly relocated to make way for the construction of “*model villages*”. Under the ‘model village’ project, Buddhist Burman settlers from central Burma are resettled in northern Arakan State by the SPDC to deliberately dilute the ethnic and religious composition of the region. The new settlers, known as NaTaLa (named after the Ministry of Border Affairs who oversees the project) villagers, are given gifts and incentives by the authorities while the local Rohingya communities are provided with nothing. Moreover, much of that which is given to the NaTaLa villagers is stolen or confiscated from the Rohingya. Villagers are forced out of their homes and much of their farmland is confiscated to be given to the settlers. Rohingya villagers are often told that their homes had been built on land not zoned for residential construction, despite the fact that many villages that have been told this have stood for as long as 20 years. The villagers are then issued with forced relocation orders and their homes are subsequently destroyed and the land given to the settlers. Mosques and other village infrastructure have similarly been destroyed.

There has been some speculation that those being resettled to northern Arakan are the undesirable elements that the SPDC does not want ‘polluting’ urban centres such as Rangoon. One schoolteacher from Buthidaung Township who had lost much of his land to the new settlers stated that he believed the NaTaLa villagers were predominantly “*long term prisoners, drug addicts, HIV patients and poor Burman people from central Burma*”.³³ There may, however, be some plausibility to this argument. In August 2006, a health worker from Maungdaw hospital stated on condition on anonymity that out of 320 new settlers to Shwe Yin Aye village in Maungdaw Township, 69 of them suffered from HIV.³⁴

Comprehensive studies on internal displacement like those produced by the TBBC for eastern Burma do not exist in Arakan State, and as such the true scale of displacement in the region is unknown.

It was reported in March 2006, that 40 households in Kyauk Ta Lone village in Kyauk Taw Township had been earlier issued with forced relocation orders so that the military authorities could carry out an archaeological excavation in their village. The villagers were told that the

all homes must have been evacuated by 2007 so that they could be demolished and the excavation begun. Kyauk Ta Lone village is believed to have been the site where the historical and revered Mahamuni Buddha image was cast and that military authorities were looking to cash in by finding other historical artefacts in the region. IB #376 was reported as being responsible for ordering the eviction.³⁵

On 1 April 2006, 60-year-old Noor Mohammed from Pach Khali village in Buthidaung Township was summoned to a nearby NaSaKa camp and ordered to sign a paper stating that he was willingly relinquishing five acres of his farm land to the military authorities. The land was to be reallocated to Burma settlers relocated from central Burma as part of the SPDC's policy of "*Burmanization*". However, when he refused to sign, he was detained and tortured, both physically and mentally for 13 days until he agreed to sign the paper. Similarly, on 13 April, the same group of soldiers summoned Noor Mohammed's 30-year-old son, Mohammed Salim, from nearby Lanbow Bill village to their camp and made similar demands of him. Like his father, he refused and was subsequently tortured by the soldiers until he signed the paper. A school teacher from the village was reported to say, "*We are facing a major problem as the army authorities are demanding our farmland where we live in our motherland. If we have no farmland how [will] we survive?*"³⁶

On 15 April 2006, NaSaKa authorities burned almost all of the 100 homes in Mogh Bill village, Buthidaung Township to the ground following a clash between the Rohingya residents and newly-arrived Burman settlers in which one Burman was killed. A group of Burman settlers had entered the village before dawn armed with swords, knives and sticks to rob the village when some of the Rohingya residents woke up and raised the alarm. A violent clash ensued in which one of the thieves was killed. Later that morning, two groups of NaTaLa soldiers from LIB #564 went to the village and beat whoever they could find, however, most of the villagers knew that there would be trouble and had already fled. The NaSaKa soldiers later issued orders to the Rohingya villagers to relocate to nearby Maung Gyi Taung village. "*We lost every thing, our farms, houses, lakes, fruit bearing trees and lawns*", said one of the village leaders.³⁷

13.6 Situation in Chin State

Chin State, situated in northwestern Burma adjacent to India's restive northeast, is reputed to be one of the country's least developed regions. Though no reliable data exists to support such a claim, the population of the state is believed to stand at approximately 500,000. According to official documents, the state is inhabited by as many as 53 distinct ethnic minorities. (For more information, see Chapter 8: Rights of Ethnic Minorities). Approximately 90 percent of the majority Chin people adhere to some branch of Christianity. This has resulted in a high degree of religious persecution committed against the Chin by the SPDC as they pursue their policy of Burmanization.

In June 2006, soldiers from LIB #550 went to Sat Shai village in Paletwa Township and burned down the home of the village head along with several field huts on suspicion that the villagers supported members of the opposition Chin National Army (CNA). Fearing further repercussions, many villagers from Sat Shai fled to live in other villages.³⁸

In July 2006, the Hakha Township Peace and Development Council (TPDC) issued relocation orders to at least 50 households in the Chin State capital of Hakha. The orders reportedly came from Tactical Operations Commander Colonel Tin Hla to make way for the expansion of a Buddhist monastery.³⁹

On 5 September 2006, the residents of Tluangram village in Thang Tlang Township were issued a directive to relocate to an SPDC-appointed relocation site. U Laito, chairman of the Thang Tlang TDPC ordered the villagers, whose families had been living in the village for the past 100 years, to complete the relocation by December 2006. Most of the villagers were unhappy with the orders as the new site suffered from a shortage of water. One villager affected by the order was reported to have said *"I don't want to stay at the new place. Instead, I would rather move to a nearby village or Mizoram state of India"*.⁴⁰

It was reported on 13 September 2006 that new plans by the SPDC to enforce military training on adult members of the Chin community had forced chin villagers to flee their homes to avoid the training. In September 2006, two men from Matupi fled to Mizoram State in India to escape being forced into the training. Others were reported to have fled to neighbouring Kachin State. One local resident said *"We are old and there is no benefit in attending such training. The army just wants to restrain people"*.⁴¹

13.7 Situation in Kachin State

The isolation of Kachin State has restricted the dissemination of information about human rights abuses being perpetrated within the region as well as the scale of internal displacement. As such, no accurate figures on internal displacement within Kachin State are currently available. However, the area has witnessed a long history of armed resistance against military rule. Numerous armed groups, most notably the Kachin Independence Organization (KIO), along with their armed wing, the Kachin Independence Army (KIA), struggled for autonomy from the 1960s until the mid-1990s. During this period the military forcibly relocated as many as 100,000 Kachin civilians as part of their counter-insurgency campaign.⁴²

In 1994, the KIO signed a ceasefire agreement with the military regime and since that time the state has undergone a steady increase in SPDC military control. Over the years, the SPDC has sought to intensify its exploitation of Kachin State's vast mineral reserves including jade, gold, platinum and coal which, given the junta's proven track record of human rights violations associated with SPDC-sponsored development projects, leaves little doubt that villagers living around such resources have faced chronic harassment.⁴³ There have been instances in the past where the SPDC and private companies have worked together to forcibly evict villagers living in areas where the junta had granted mining concessions to those private companies. Presumably, the regime's assistance was paid for with kickbacks and percentages of the profits from such mining operations. (For more information, see Chapter 8: Rights of Ethnic Minorities).



An IDP hiding site in Nyaunglebin District, Karen State. The inhabitants of this settlement have had to flee numerous times over the past several years as they have tried to evade the regular SPDC army patrols that have hunted them. [Photo: KHRG]

13.8 Situation in Karen State

Karen State has experienced continuous armed conflict since 1949 when the Karen took up arms against the regime shortly after Burma gained independence. Conflict-induced displacement has thus remained pervasive. However, as a result of the ever-expanding military presence, the main sources of internal displacement are the myriad human rights violations inflicted on civilian Karen villagers by SPDC army soldiers and their allied ceasefire armies. Forced labour, extortion, and forced relocation have traditionally been the greatest causes of displacement in Karen State.⁴⁴ However, since November 2005, when the SPDC resumed large scale military offensives in the region, perhaps the largest catalyst for displacement has been military assaults on undefended civilian villages. The Free Burma Rangers (FBR) has estimated that approximately 25,000 villagers became newly displaced in the 12 months since the beginning of the offensive.⁴⁵ Many of these villagers had experienced displacement on numerous previous occasions.

Displacement in Karen State is rarely a single event, but rather a repeating cycle of displacement and return. Often, villagers will flee their homes whenever SPDC army patrols draw near their hiding sites. They then wait in the forest in the vicinity of their villages as long as the soldiers are in the area. As soon as the soldiers move on, the villagers return to their villages to salvage whatever the soldiers did not steal or destroy. The whole cycle repeats whenever the soldiers return to the area. For many villages, this cycle can move full circle several times within the period of a year. Displacement, particularly in northern Karen State, is far from being a single static event where villagers flee and resettle in another area.

Throughout the offensive, SPDC army soldiers have deployed antipersonnel landmines in their thousands in an area already suffering from some of the most extensive mine contamination on the planet. These mines have been planted in civilian villages, on paths used by villagers and in their fields and plantations. The soldiers have sown relocated or abandoned villages with mines to prevent the former inhabitants from being able to return safely. Mines have also been laid in great numbers to restrict villagers' movements. (For more information, see Chapter 16: Landmines in Burma).

It must be acknowledged that the attacks witnessed in northern Karen State are directly and purposefully targeting undefended civilian villages, not the armed resistance of the Karen National Liberation Army. Given that the villagers are the intended targets of the attacks, and not merely "*collateral damage*" of counter-insurgency operations,⁴⁶ most of the internal displacement witnessed in Karen State can thus be categorized as "human rights-induced", rather than "conflict-induced". (For more information, see Section 13.2: Causes of Displacement in Burma above).

In January 2004, the Karen National Union (KNU; the main Karen resistance group) and the SPDC formed a verbal "*gentlemen's agreement*" to observe a ceasefire. Yet, despite the existence of this agreement, the SPDC persisted in their attacks and exploitation of Karen civilians. Some have argued that this offensive was made possible by the existence of a ceasefire: the SPDC used the new-found freedoms afforded to them under the ceasefire to expand their zone of control into areas where they were never previously able to operate without coming under attack by KNLA soldiers. They also used this time to build more army camps and expand their network of military access roads, along which they forced villagers to porter supplies and munitions to those new camps.⁴⁷ In September 2006, after almost a

year of near-daily attacks and human rights violations, the SPDC formally declared the ceasefire null and void and announced that a new round of talks were required.

Plans for the construction of the Weigyi dam continued to be mulled in 2006. Villagers living near the proposed site remained displaced and should the construction proceed, thousands more are expected to become displaced.⁴⁸

According to the TBBC survey of internal displacement in eastern Burma, there were 99,300 IDPs living in officially-demarcated Karen State during 2006. A further 23,800 IDPs were recorded in eastern Pegu Division, which, according to the Karen demarcation of territory represents Nyaunglebin District, and for the purposes of this report, shall be considered together. (For more information, see Notes on the Text, in which the disputed demarcation of territory is explained). This therefore represents an internally displaced population of approximately 123,100; up from the approximately 111,200 estimated in 2005. This increase of 11,900 can be attributed to the ongoing military offensive in northern Karen State and eastern Pegu Division. Furthermore, the TBBC also recorded that 119 villages had been destroyed, relocated or abandoned during 2006; while a further 79 villages in eastern Pegu Division suffered a similar fate.⁴⁹

On 2 February 2006, SPDC army soldiers ordered villagers from Pah Der Kah, Klaw Mi Der, and Thay Yah Yu villages in Than Daung Township of Toungoo District to relocate to the western side of the Day Loh River. Some of the villagers refused to comply with the orders and instead moved to other villages or fled deeper into the hills. A number of these villagers were reported to have died after stepping on SPDC army landmines. Some villagers were also reported to have been subsequently apprehended by the SPDC and executed. Details of those villagers killed were not provided.⁵⁰

On 2 March 2006, SPDC army soldiers shelled Yer Loh village with a volley of 60 mm and 81 mm mortars. The soldiers fired 7 mortars at the village, only 2 of which actually landed in the village. Three more shells were fired into nearby Plaw Baw Der, none of which found their mark. All of the villagers fled nonetheless.⁵¹

In March 2006, three columns of SPDC army soldiers from Ma La Daw, Mu Thay and Myaw Oo moved through Mon Township of Nyaunglebin District in search of IDPs hiding in the forest. Villagers testified that they were forced to relocate regularly to stay ahead of the advancing columns. Then on 27 March 2006, they were seen by SPDC army soldiers who opened fire on them as they were attempting to cross an open field. One villager was shot and killed as he tried to help his 80-year-old mother who had also been shot. A 9-year-old girl was also shot in the stomach but was able to continue walking on her own for some time.⁵²

On 1 April 2006, it was reported that approximately 2,000 villagers from 16 villages in Tantabin Township of Toungoo District had become displaced as a result of SPDC army attacks and were hiding in the forest, unable to return home for fear of encountering the SPDC army soldiers. A further 3,000 newly-displaced IDPs were also reported to be facing similar circumstances in Nyaunglebin District.⁵³

On 4 April 2006, Camp Commander Thaw Htay from LIB #590 ordered Paw Hi Der village in Nyaunglebin District to move to an SPDC-controlled relocation site. However, the villagers managed to negotiate being exempt from the forced relocation order by paying the camp commander 1,500,000 kyat.⁵⁴

On 4 April 2006, LIB #439 Deputy Commander Zaw Htun issued orders to villagers from the following village tracts to relocate to the Plaw Law Bler relocation site in Nyaunglebin District within seven days. The villagers were told to dismantle their homes prior to leaving and that should anyone remain behind, the soldiers would return and burn the village. The village tracts which received this order included:

1. Pa T'Lah village tract;
2. Noh Ghaw village tract; and
3. Weh Ka Daw village tract.⁵⁵

An FBR report dated 4 April 2006, stated while on their way to distribute aid to communities displaced by continuing SPDC army attacks, FBR teams *"Almost everyday [were] passed by families fleeing"*.⁵⁶

On 5 April 2006, Commander Tin Aung of TOC #3 under LID #66 ordered the following villages in Toungoo District to start relocating to Play Hsa Loh on the following day. The next day, they were told that the relocation must be complete by 20 April 2006. The villages affected by this order included:

1. Lay Gwo Loh;
2. Baw Pa;
3. Yer Loh;
4. Blaw Baw Der;
5. Ta Pa Kee; and
6. Mwee Loh.⁵⁷

On 8 April 2006, a column of SPDC army troops from LIB #562, LIB #567 and IB #440 ordered Yu Loh and Ka Mu Loh villages in southern Tantabin Township, Toungoo District to relocate to the SPDC-controlled relocation site in Play Hsa Loh village. According to the report, *"the livelihood of the villagers, who were dependent on their [betelnut] and durian plantations, was undermined by the relocation"*.⁵⁸

On 21 April 2006, SPDC army troops from Column #1 and Column #2 of LIB #10 burned down 30 civilian villager homes in Thay Yah Yu village, Toungoo District.⁵⁹

On 22 April 2006, LIB #10 burned 30 homes in Tha Yay Yu village in Than Daung Township of Toungoo District.⁶⁰

On 23 April 2006, Commander Soe Myint of LIB #10 led his men to Maw Mee Ko village in Than Daung Township of Toungoo District where they burned 17 houses to the ground.⁶¹

On 25 April 2006, Klaw Mi Der village in Toungoo District was issued orders to relocate to Pa Leh Wah. By 24 May 2006, 50 households had moved though approximately 60 households were unaccounted for. It was assumed that these villagers had fled into the forest.⁶²

On 25 April 2006, SPDC army soldiers forcibly relocated Ler Sah Kwee village to Ywa Myo village in Shwegyin Township, Nyaunglebin District.⁶³

On 27 April 2006, LIB #361 burned down 8 homes down in Hta Koh Tah Baw village in Papun District. The villagers fled into the forest where they remained for three days before returning to their village on 30 April 2006. Shortly after, on 1 May 2006, the Hta Koh Tah Baw villagers had heard that SPDC army patrols were in the area again and the following day they fled into the forest again.⁶⁴

From 1-6 May 2006, SPDC army troops from 2 columns of LIB #1, 2 columns of LIB #108, 1 column of LIB #4 attacked Hsaw Wah Der and other nearby villages in Toungoo District. As a result, over 100 people were forced to flee their homes and hide in the forest.⁶⁵

In May 2006, SPDC army attacks on villages and sweeps through the hills in search of IDPs slowed as the SPDC army re-supplied its bases.⁶⁶

On 8 May 2006, at 11:00 am, SPDC army soldiers from IB #1 burned 5 homes in Hsaw Wah Der village in Toungoo District.⁶⁷

On 9 May 2006, LIB #362 and LIB #363 attacked Tha Boe Plaw village in Lu Thaw Township, Papun District and burned 50 homes. Approximately 1,000 villagers fled into the forest where they tried to secrete themselves near the Yunzalin River.⁶⁸

In mid-May 2006, the FBR reported that the following numbers of newly-displaced villagers from Toungoo District:

1. Along the Toungoo-Mawchi Road, over 2,500;
2. Between the Toungoo-Mawchi road and the Kler Lah-Bu Sah Kee road, over 1,500;
3. From the Kler Lah- Bu Sah Kee road to the Yaw Lo Kloh River, over 500; and
4. From the Yaw Lo Kloh River and the Nyaunglebin District border, over 2,000.⁶⁹

Between 2 and 14 June 2006, SPDC army soldiers moved through the region south of Naw Yo Hta in Papun District mortaring and burning all villages they found. As a result, approximately 3,000 villagers became displaced, representing the entire population of the region.⁷⁰

On 6 June 2006 a column of SPDC army troops from Wah Beh Thee camp engaged with KNLA soldiers as they attempted to advance into the Thaw Du Kee area of Papun District to attack the approximately 1,100 IDPs hiding in the area. Some of the villages reported to have fled included:

1. Thay Thoo Der, 301 people;
2. Tah Paw Der, 209 people;
3. Tah Mae Der, 56 people;
4. They Ko Mu Der, 90 people;
5. Mo Kee Ber Kaw, 42 people; and
6. Baw Gwaw, 300 people.⁷¹

On 15 June 2006, SPDC LIB #66 Intelligence Officer Myo Tun ordered villagers from Yay Tho Gyi and Yay Tho Lay in Toungoo district to move away from their villages. He did not specify where they were supposed to go.⁷²

On 19 June 2006, 70 families from 12 villages around Kler Lah village in Toungoo District were ordered by the SPDC army soldiers to relocate to a new location near Bu Hsa Kee.⁷³

On 3 August 2006, soldiers from LIB #567 ordered Peh Taw Day village in Toungoo District to relocate. The villagers were told that if anyone remained behind in the village, they would be shot-on-sight.⁷⁴

On 26 October 2006, SPDC army soldiers from IB #242 opened fire on an IDP hiding site at Htee Na Hta in Nyaunglebin District. There were no casualties reported and it was stated that most people were believed to have escaped.⁷⁵

On 28 October 2006, SPDC army soldiers burned down 13 houses and one school in Taw Po Hta village in Mone township of Nyaunglebin District after the villagers had already fled.⁷⁶

On 1 November 2006, Saw They Shur was burned alive when SPDC army soldiers set fire to his village. At approximately 5:30 pm, the soldiers entered Play Hta village in Toungoo District causing all of the villagers to flee into the forest. However, Saw They Shur was sick at the time and unable to run along with the rest of the villagers.⁷⁷

On 6 November 2006, 60 families fled their village in Mone Township following SPDC army attacks. These 60 families, comprising a total of 260 people made their way to the Salween River where they hoped to find safety in the IDP camps located along the river.⁷⁸

In November 2006, the following villages in Toungoo District had been displaced and were on the run from SPDC army patrols that hunted them like animals:

Tha Aye Kee;
Ha Htoe Per;
Klay Hta;
Thay Ku Der;
Hsaw Wah Der;
Hee Daw Khaw;
Kho Kee;
Sho Ser;
Wa Soe; and
Klay Kee.⁷⁹

In November 2006, FBR reported that 32 villages from the following village tracts in Nyaunglebin District were on the run from SPDC army patrols:

1. Ler Kla village tract, 8 villages;
2. Saw Ka Der village tract, 3 villages;
3. Htee Ler Baw Hta village tract, 4 villages;
4. Kwee Dee Kaw village tract, 6 villages;
5. Kyauk Phya village tract, 3 villages;
6. Thet Baw Der village tract, 4 villages;
7. Saw Tay Der village tract, 2 villages;
8. Kwey Po Der village tract, 1 village; and
9. Yaw Kee village tract, 1 village.⁸⁰

13.9 Situation in Karenni State

Conflict between the regime and armed resistance forces has persisted in Karenni State since the 1950s. However, in 1994, the Karenni Nationalities People's Liberation Front (KNPLF) signed a ceasefire pact with the SPDC in 1994 and has since become an ally of the regime, often acting as a proxy army for the SPDC military. In March of the following year, the Karenni National Progressive Party (KNPP) also agreed to a ceasefire with the regime. However the ceasefire was short-lived and fighting resumed just a few months later. (For more information, see Chapter 8: Rights of Ethnic Minorities).

In August 2005, announced that they were willing to return to the negotiation table, and were prepared to reinstate the abandoned 1995 ceasefire agreement. However, the SPDC's idea of negotiation was to demand the full and unconditional surrender of the KNPP, an ultimatum that the KNPP rejected. In 2006 the KNPP declared its willingness to resume ceasefire talks with the regime, whose response was only that they were all too busy and officially branded the KNPP as a "terrorist group" in May 2006.⁸¹

Internal displacement in Karenni State has mostly come about as a result of forced relocation orders issued to civilian villages, along with flight away from areas following clashes between Karenni Army (KA) soldiers and the SPDC.

According to TBBC, there were a total of 79,300 IDPs in Karenni State during 2006. This figure represents a marked decrease of 16,800 persons from 92,500 estimated for 2005. SPDC expansion into areas controlled by the KNPLF was given as the reason for such a large decline in numbers. Approximately 80 percent of all IDPs counted in the TBBC survey lived in areas under the administration of the various ceasefire armies operating in the state. Out of a total of 63,600 IDPs in ceasefire areas, the majority were said to be living in areas controlled by the KNPLF. IDPs in hiding and IDPs in SPDC-controlled relocation sites accounted for 9,300 and 6,400 individuals respectively.⁸²



Karen villagers hiding in the forest in April 2006. An estimated 25,000 villagers had abandoned their homes to flee from SPDC army attacks during 2006. [Photo: FBR]

13.10 Situation in Mon State

In 1995, the main Mon opposition group, the New Mon State Party (NMSP), signed a ceasefire pact with the junta and since that time the majority of Mon State has been relatively free of active armed conflict. However, SPDC army troops have continued to sporadically clash with Mon splinter factions still opposing the regime as well as with Karen resistance forces operating in Mon areas. As a result of such periodic skirmishes and the continuation of human rights abuses in SPDC-controlled and mixed administration areas, internal displacement has remained an issue. Most of those who have abandoned their homes have fled to areas controlled by the NMSP. In areas of mixed administration, SPDC army soldiers have continued to commit human rights abuses including forced relocation, forced labour, extortion, and land confiscation that have ultimately led to additional internal displacement.⁸³

The TBBC estimated there to be 41,800 IDPs in Mon State as of November 2006, reflecting a decrease of almost 7,000 persons over the past year. Though approximately 500 individuals were reported to live in SPDC-controlled relocation sites and a further 300 were said to be living in hiding in the forest, almost all IDPs in Mon State live in areas that come under the administration of the NMSP.⁸⁴

On 23 April 2006, residents of Three Pagoda Pass were issued orders to move to an SPDC-appointed resettlement site. Approximately five square kilometres of land, encompassing 70 homes was confiscated to make way for an unnamed development project. In the new site, the villagers were only granted a small plot of land measuring 40 feet wide by 60 feet deep on barren land devoid of any trees and without any form of water supply.⁸⁵

In June 2006, the Mon Relief and Development Committee (MRDC) reported that over 1,500 people from four villages in Ye township faced food shortages as a direct result of confiscation of land and movement restrictions.⁸⁶

According to a report released by the Human Right Foundation of Monland (HURFOM) in July 2006, approximately 8,000 acres of land were confiscated from Mon villagers by SPDC army authorities between 1998 and 2002.⁸⁷

13.11 Situation in Shan State

The diverse peoples of Shan State have experienced near continuous armed conflict since Burma was granted independence in 1948. Various armed groups have struggled for autonomy and for control over the state's vast natural resources. Following the surrender of a Shan State Army – South (SSA-S) Battalion Commander Colonel Moengzuen in early 2006, SPDC military presence in central Shan State increased dramatically as SPDC army units resumed attacks against SSA-S bases as well as a striking increase in human rights abuses being perpetrated against local villagers.⁸⁸ The ongoing clashes have placed immense strain on the lives of the villagers. In December 2006, 20 villagers fled their homes in Mongkerng Township following an SSA-S ambush which killed eight SPDC army soldiers. The villagers had been warned that ten villagers would be executed for the death of every SPDC army soldier.⁸⁹ Throughout November and December 2006, the number of SPDC army battalions operating in Shan State swelled as the regime continued its near-daily attacks against SSA-S bases. By mid-December, there were as many as seven SPDC army battalions leading coordinated attacks. Other reports maintained that United Wa State Army (UWSA) soldiers had also been involved in the attacks, although the UWSA denied this claim.⁹⁰ The fighting resulted in creating conditions of great insecurity for local villagers.⁹¹ (For more information, see Chapter 8: Rights of Ethnic Minorities).

The mass forced relocation of ethnic Wa villagers from northern Shan State to the Thai-Burma border continued into 2006 under the pretext of drug eradication efforts. On 17 April 2006, approximately 2,000 Wa villagers were forcibly relocated to the Thai-Burma border by UWSA soldiers. The villagers had originated from Panghsang, the Wa administrative centre and were taken to Mongton Township *en masse* in 39 trucks. Unconfirmed reports claimed that a further 1,800 had been relocated to neighbouring Mong Hsat Township during April. According to the Lahu National Development organization, more than 126,000 Wa civilians had been forcibly relocated to locations along the Thai-Burma border since 1999. Meanwhile, the UWSA report that only 65,000 had been relocated. Two anonymous UWSA sources had reportedly said that this was to mark the last forced migration of Wa civilians to the Thai-Burma border. The latest confirmed batch of Wa villagers were resettled in the following villages in Mongton Township:

1. Wanmai Hsonkwi village;
2. Teuzan village;
3. Kiuzan village;
4. Kunghsa village;
5. Mongjawd village; and
6. Monghta village.⁹²

According to statistics published by the TBBC, Shan State is home to by far the highest number of IDPs in eastern Burma. According to their data, as of November 2006, there were an estimated 175,600 IDPs residing in Shan State. This represents approximately 35 percent of all IDPs included within their survey. Approximately three-quarters of this number lived in areas administered by armed ceasefire groups, with the vast majority of these living under the UWSA and SNPLO. These numbers indicate a decrease of approximately 43,000 individuals, which the TBBC attributed to “*population movements ... out of areas administered by the United Wa State Army (UWSA) due to lack of livelihood opportunities*” in addition to SPDC expansionism in parts of central Shan State controlled by the Shan State Army – North (SSA-N) rendering such areas no longer safe to assess.⁹³

The TBBC report also maintained that a total of 33 villages were destroyed, relocated or abandoned from five different townships during 2006. Those villages in that category included:

1. Bong Jan village, Mong Pan Township;
2. Tong Ju village, Mong Pan Township;
3. Nong Yong village, Mong Pan Township;
4. Pa To village, Mong Hsat Township;
5. Sib Lak village, Mong Hsat Township;
6. Sang Kang village, Mong Hsat Township;
7. Yao Ba Luang village, Mong Hsat Township;
8. Mae Ko Nue village, Mong Hsat Township;
9. Wan Loi Nawk village, Mon Ton Township;
10. Wan Bar Nim village, Mon Ton Township;
11. Sar Hanar village, Mon Ton Township;
12. Wan Bar Voo village, Mon Ton Township;
13. Bang Wat village, Kunhing Township;
14. Wan Khai village, Kunhing Township;
15. Kun Gaw Wee village, Kunhing Township;
16. Hwe Aw village, Kunhing Township;
17. Wan Bartep village, Kunhing Township;
18. Wan Mai village, Kunhing Township;
19. Nam Mein village, Kunhing Township;
20. Mai Selee village, Kunhing Township;
21. Bar Mo village, Kunhing Township;
22. Nar Jong village, Kunhing Township;
23. Wan Jong village, Kunhing Township;
24. Kan Du Long village, Mawkmai Township;
25. Daw Sar Lar village, Mawkmai Township;
26. Daw Ta Lay village, Mawkmai Township;
27. Daw Keelay village, Mawkmai Township;
28. Wan Lok Vay village, Mawkmai Township;
29. Nong Yasai village, Mawkmai Township;
30. Hwe Kit village, Mawkmai Township;
31. Bang Mark Mu village, Mawkmai Township;
32. Wan Par Lom village, Mawkmai Township; and
33. Nar Mark Keng village, Mawkmai Township.⁹⁴

In January 2006, the Free Burma Rangers (FBR) reported on the conditions confronting IDPs in central Shan State. According to the report, a leader among one of the IDP communities had said that, *“the situation is worse now than before because villagers fear both the Wa and Burma Army troops. He said the Burma Army soldiers take everything and are not interested in peace”*. Similarly, Colonel Yawd Serk, commanding officer of the opposition Shan State Army – South (SSA-S), was quoted to have said *“The abuse is only increasing and worsening every day on all accounts. People in Central Shan State are experiencing the severest human rights abuses including forced relocation, shooting of villagers at random and confiscation of properties”*.⁹⁵

On 24 May 2006, five families, comprising 20 persons, were given orders to vacate the land that they had been living on for the past 20 years. The families, from Keng Tung were issued the eviction orders by local police to accommodate the expansion of a nearby police station.

In late July 2006, the villagers were finally forced off their land and were compelled to take refuge in an adjacent Buddhist monastery as no arrangements had been made by the authorities for their resettlement elsewhere. Approximately 1,200 square metres were confiscated. The families had reportedly filed complaints with community leaders, but no action was taken for fear of reprisals for speaking out.⁹⁶

In August 2006, sources on both sides of the border predicted an imminent SPDC army attack on the SSA-S base at Loi Taleng. Another source believed that Loi Kawwan was to be the target, citing a proliferation of bunkers and “*greater demand for construction materials from Maesai [in Chiang Rai Province, Thailand]*”.⁹⁷ Such speculation makes local communities uneasy and fearing adverse humanitarian fallout from the conflict, become apprehensive and prepare their belongings in preparation to flee.



Karen villagers from Toungoo District seeking shelter from the heat of the midday sun on the bank of the Salween River in March 2006. These villagers trekked for approximately 2 weeks to reach the Thai-Burma border after their homes were destroyed in SPDC army attacks. By the end of 2006, almost 2,000 villagers had fled Toungoo District and sought refuge in IDP camps along the Salween River. However, given that they were still in Burma, they remained vulnerable to SPDC army attack. [Photo: KHRG]

13.12 Situation in Tenasserim Division

The junta began to increase its military presence in Tenasserim Division in 1988 as they looked to increase export earnings through the exploitation of the region's rich natural resources. Local populations have largely been considered obstacles to the regime's development strategies which have resulted in the widespread violations of human rights.

In the northern townships of Yebyu, Tavoy, and Theyetchaung continued to experience sporadic armed conflict during 2006. Mon splinter factions which broke away from the NMSP to continue opposing the regime have persisted in mounting ambushes against SPDC army units despite their lack of numbers. Villages living in the areas where such groups operate have suffered human rights abuses from the regime under suspicion that they had assisted the splinter factions. Villagers living in southern Tenasserim Division have experienced similar abuses where counter-insurgency operations ostensibly targeting the KNU led to additional civilian displacement during 2006. In June 2006, SPDC army soldiers mounted “*‘search and destroy’ operations against the KNU and its supporters*” in Palaw, Tenasserim, and Bokpyin townships. In the Narkapraw area of Bokpyin Township in April 2006, SPDC army patrols harassed villagers as they were preparing their hill fields for planting. The villagers became frightened and fled. In August 2006, the soldiers returned and deployed approximately 1,000 landmines in the area to discourage the villagers from returning to their fields. Similar conditions were reported to exist in the Ma Noe Roe area, south of Tenasserim town.⁹⁸

Northern Tenasserim Division has also been the location of numerous SPDC-sponsored development projects, the majority of which have resulted in human rights violations, forced relocations and displacement. It was reported that the expansion of the Tavoy airport resulted in the confiscation of land during 2006.⁹⁹

The 2006 TBBC survey of internal displacement in eastern Burma estimated there to be 80,200 IDPs in Tenasserim Division in 2006. Approximately 86 percent of this number were reported as being interned in SPDC-controlled relocation sites. An estimated 5,600 individuals were believed to be living in hiding, while 5,500 were recorded as living in areas under the administration of ceasefire groups. The overall number of IDPs in Tenasserim Division had decreased by 11,600 in the past year.¹⁰⁰

13.13 Statistics of IDPs in Eastern Burma¹⁰¹

States and Divisions	IDPs in Hiding		IDPs in Relocation Sites		IDPs in Ceasefire Areas		Total IDPs	
	2005	2006	2005	2006	2005	2006	2005	2006
South Shan	20,800	13,300	23,700	31,300	174,500	131,000	219,000	175,600
Karenni	9,500	9,300	7,500	6,400	75,500	63,600	92,500	79,300
East Pegu	13,400	17,400	7,900	6,400	0	0	21,300	23,800
Karen	38,800	49,100	6,100	4,300	45,000	45,900	89,900	99,300
Mon	2,500	300	6,200	500	40,000	41,000	48,700	41,800
Tenasserim	7,000	5,600	56,600	69,100	5,000	5,500	68,600	80,200
Overall	92,000	95,000	108,000	118,000	340,000	287,000	540,000	500,000

Endnotes

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14. The Situation of Refugees

“Everyone has the right to seek and to enjoy in other countries asylum from persecution.”

– Article 14 (1), Universal Declaration of Human Rights

14.1 Background

The year 2006 witnessed a dramatic increase in the number of refugees fleeing persecution across Burma’s frontiers in search of refuge in neighbouring countries. According to figures published by the U.S. Committee for Refugees and Immigrants (USCRI), there were approximately 725,500 Burmese refugees residing in Bangladesh, India, Malaysia and Thailand during 2006. Of this number, the vast majority – approximately 470,900 – sought refuge in Thailand. Bangladesh provided for 150,000, while Malaysia and India offered refuge to 55,000 and 49,600 refugees respectively.¹ According to these figures, a further 75,000 refugees had fled Burma in the past year; up from the previous year’s total of 650,000.²

One of the largest outflows of refugees came from Karen State where the SPDC, with the support of their allied ceasefire armies, has been waging a callous military offensive against unarmed civilian villagers since November 2005. Under the offensive, unarmed villages have been the deliberate targets of military-style assaults and their inhabitants forcibly relocated and exploited for forced labour and extortion. All forms of dissension have been met with direct violence. Those who fail to comply with orders have faced torture, arrest, and in a disturbing number of cases, have been fired upon on sight. (For more information, see Chapter 8: Ethnic Minority Rights). While thousands have poured across the border into Thailand, an estimated 25,000 abandoned their villages to adopt a life of uncertainty as internally displaced persons (IDPs) hiding in forests from the SPDC army patrols who hunt them. (For more information, see Chapter 13: Internal Displacement and Forced Relocation).

As a result of the SPDC’s efforts to consolidate its control and squash all forms of armed and unarmed resistance across the country, many regions have undergone ever-increasing militarization to the point where many civilians have fled their homes, not just from the constant military presence, but rather the increased violations of human rights that invariably accompanies increased militarization.

Under the 1951 Convention on the Status of Refugees (Refugee Convention), states are prohibited from returning a refugee to any area *“where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”* Similarly, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) also prohibits the return of *“a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.”* In violating the principle of *refoulement* and forcibly repatriating Burmese refugees and asylum seekers back to areas where they are vulnerable to persecution, the governments of Bangladesh, India, Malaysia and Thailand have continued to violate the principles delineated in both Conventions. None of the governments hosting the majority of refugees from Burma have ratified either of these Conventions, with the only exception being India who is a state party to the CAT. However, the principle of *refoulement*

is now considered universal under customary international law and must be obliged by all nations, regardless of whether they have signed the convention or not.



Karen refugee children standing inside the barbed wire fence of Mae La refugee camp, Thailand. Mae La is the largest refugee camp in Southeast Asia, which, in December 2006, was home to approximately 50,000 Burmese refugees, the majority of whom are ethnic Karen. *[Photo: Clear Path International]*

14.2 Burmese Refugees in Thailand

2006 Demographics of Refugees and Asylum Seekers in Thailand

At the end of 2006 the Thailand Burma Border Consortium (TBBC) reported a population of 150,608 refugees from Burma living in nine border camps in Thailand.³ This figure represented an increase of 7,691 since the end of 2005, at which time the TBBC reported a camp population of 142,917 persons.⁴ The cause of the increase was reported as being a result of the influx of Karen refugees fleeing the SPDC army offensive in northern Karen State which has continued largely unabated since it commenced in late 2005. (For more information, see Chapter 8: Ethnic Minority Rights). Moreover, the relocation of urban refugees to the camps along the border also accounted for the increase in the camp population. Approximately 2,100 urban refugees resettled to the camps in accordance with the deadline through the official relocation process with additional numbers making their own way to the camps.⁵ Furthermore, more than 3,000 urban refugees living in the Mae Sot area of Tak Province were transferred to Nu Po and Umpiem Mai camps in September 2006, pending third country resettlement.⁶ Of this number, approximately 1,000 were transferred to Umpiem Mai camp while the remaining 2,000 went to Nu Po.⁷

Refugees in Camps

According to the UNHCR, between February and May 2006 about 2,000 people from Burma fled to Thailand after what has been described as the most intensive military in Karen State since 1997. The SPDC military operation against the Karen created a 15-fold surge of refugees crossing into Thailand. Some groups maintained that the resulting influx of refugees into Thailand occurred with greater a frequency than at any time since the SPDC overran the border in 1997.⁸ In July 2006, the TBBC reported that 1,300 Karen had arrived in the Mae Ra Ma Luang refugee camp since the dry season offensive started in late-November 2005.⁹ However, as the camps quickly became filled to capacity, approximately 1,800 refugees were forced to live in makeshift shelters under plastic tarpaulins.¹⁰ A report released by the Karen Women's Organization (KWO) in May 2006, maintained that up to 70 percent of Karen fleeing the latest assaults by SPDC forces are women and children.¹¹ Meanwhile, Refugees International, (RI) declared that the refugee outflow from Burma represented the largest of its kind in Southeast Asia today.¹²

According to information published by the TBBC, refugees originating from Karen State represent by far the largest proportion of the registered camp population with 62 percent of the total. Those originating from Karenni State account for 13 percent, while Tenasserim Division making up 9 percent, and Pegu Division and Mon State each accounting for 5 percent. Refugees originating from other parts of the country are also represented in smaller numbers.¹³

The TBBC provides residents of the refugee camps with their basic needs. Registered refugees in the nine official camps in Thailand receive provisions of food, clothing and building material, as well as medical assistance. However, many of the daily workings of the camps are organized by the refugees themselves. The Karen, Karenni, and Shan camps have organised committees to represent the camp populations. The make up of the refugee committee varies from camp to camp but generally consists of around 15 active members, half of whom are appointed and the other half elected. They oversee camp activities,

coordinate NGO assistance, and connect with the Royal Thai Government, the UNHCR, and security personnel.¹⁴ Most camp committees are responsible for services and activities in the areas of supplies, health, education, camp affairs, and security. Where the camp is divided into separate zones, there are smaller zone committees, and with section committees below that. Furthermore, in a few camps, each section has “ten household leaders” who act as a focus point to convey information between the section committee and the ten households that they are responsible for.¹⁵

When aid organizations first started responding to the needs of refugees from Burma in Thailand approximately 20 years ago, they provided approximately 50 percent of the staple diet required by the refugees. With increasing restrictions placed upon the movement and activities of refugees by the Thai government, however, the ability of refugees to forage and find food for themselves has diminished. By 1997, relief organizations were providing 100 percent of the daily food needs of refugees. While aid organizations, such as the TBBC, may be justified in claiming that the rations they provide are adequate for the daily nutritional needs of refugees, the reality is that most registered refugees share their rations with non-registered refugees.¹⁶ As of July 2006, the food basket provided to each adult refugee per month contained: 15 kg rice, 1 kg yellow beans (legumes), 1 kg AsiaMIX (a blended food mix), 750 grams fish paste, 1 litre vegetable oil, 125 grams dried chilli, 330 grams iodized salt, and 250 grams sugar.¹⁷ Quantities of food distributed to children were less than these values.

In addition to their food ration, refugees in the camps also received an allocation of charcoal and building materials for the construction and repair of houses. The Thai government does not allow permanent building materials to be used in the refugee camps, as it deems the refugee population to be only temporarily displaced. This means large amounts of bamboo and thatch must be found for the repair of houses, schools and community buildings each year. TBBC also distributes used clothing to refugees on behalf of international relief organizations. In 2006, every refugee received one article of warm clothing from the Lutheran World Relief (LWR) and children under the age of five received a set of new clothes, while the families of newborns received baby kits from UNICEF. In addition, every refugee in camp receives a locally woven *longyi* (sarong) every two years. In 2006 special weaving materials were provided for 382 Kayan women in Ban Mae Nai Soi to weave their own traditional clothing using back-strap looms.¹⁸

Health conditions in camps in Thailand continued to remain tenuous throughout 2006. In April 2006, there was an outbreak of cholera in Tham Hin camp. Members of the camp committee and medical workers announced that there were 13 serious cases, and 50 hospitalizations. It was reported that the number of people suffering went from 40 to 370 people within one week. “*In the camp people live in very narrow and crowded places, so it is easy to spread virus one people to another*”, said a member of the camp committee.¹⁹

The marked and rapid increase in third country resettlement has caused concern among many local organisations. The Students and Youth Congress of Burma (SYCG) reportedly lost 30 members, including some leaders, to resettlement over the last year. Over the last two years, the All Burma Students’ Democratic Front (ABSDF) lost approximately 60 members. Resettlement is a particular concern for organizations when the people leaving are skilled and experienced, or where they hold some particularly important position within the organization. An official at the Mae Tao Clinic (MTC) in Mae Sot said that they lost 40 trained medics to resettlement in 2005 and 2006.²⁰ Members of the Karenni community met in November

2006 to discuss similar problems faced in their community by resettlement. As a result they called on the UN to provide more planning for departures of at least three months to provide local organizations with more time to train suitable replacements of key staff.²¹

Partially in response to these concerns, the UNHCR and the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT) organized resettlement workshops in January 2006 and again in November 2006. The workshops included representatives from a community based organization, NGOs, the International Organization for Migration (IOM) and U.S. resettlement agencies. In addition to hearing the perspectives of the various participants on resettlement and their experiences with resettlement, the workshop endeavoured to make plans for the future. Participants concluded that while resettlement was a long-term solution to the prolonged refugee situation, the departure of skilled local staff to third countries could have a negative impact on the remaining community. One figure estimated that by the end of 2007, as many as 40 percent of local NGO workers will have left the country.²²



Monthly food rations distributed to every registered adult refugee by the Thailand Burma Border Consortium (TBBC) in refugee camps in Thailand. [Photo: TBBC]

Refugees outside Camps

As of June 2006, it was estimated that there were more than 200,000 refugees residing outside the camps.²³ This number consists of different groups, including a vast number of Shan refugees, who, according to Thai authorities cannot be considered to be refugees, and urban refugees, mostly political activists and journalists working in exiled opposition groups. Under existing Thai laws, these groups are not officially recognised as refugees and as such are not accounted for in any official refugee population figures.

According to the United States Committee for Refugees and Immigrants (USCRI), over 300,000 Shan refugees are believed to have arrived in Thailand since major forced village relocations began in 1996.²⁴ These refugees are believed to be mostly living and working on farms, orchards and construction sites throughout northern Thailand. Some 5,000 Shan refugees are also sheltering in three informal Shan refugee camps along the Thai-Burma border; all located close to the bases of the opposition Shan State Army – South (SSA-S).²⁵ Although Shan refugees are not generally acknowledged as such by the Thai authorities, the TBBC continues to supply food and shelter items to around 600 refugees in one small camp in Wieng Heng District of Chiang Mai province, most of whom had fled from fighting and human rights abuses in May 2002.²⁶

Shan refugees arriving in Thailand during 2006 mostly fled from central Shan State due to forced relocations, forced labour, extortion and other human rights abuses committed by SPDC army forces. One particularly motivating push factor during this period was demand for forced labour by the SPDC to plant physic nuts.²⁷ (For more information, see Chapter 5: Deprivation of Livelihood). According to the TBBC, in the first half of 2006, the number of Shan refugees arriving in Thailand's Fang District dropped significantly from levels of up to 1,000 per month that have been consistently reported in recent years, to around 300 per month. It was believed that one factor contributing to the reduced rate may be increased travel restrictions inside Shan State, especially for women under the age of 25, and the increased levels of taxation at check points. Negotiating passage through checkpoints on the Thai border has also reportedly become more difficult with only five to ten people being able to cross at one time, compared to rates of up to 40 to 50 people in the past.²⁸

In January 2006, 109 formerly stateless ethnic Shan residing in Mae Fah Luang District were granted Thai citizenship. This group represented the first of Thailand's thousands of Shan émigrés to receive citizenship. Thailand's Department of Provincial Administration formally granted citizenship and Thai identification cards to altogether 1,109 immigrants and members of "*hill tribe*" communities.²⁹

Thai Government Policy towards Refugees and Asylum Seekers

Thailand is one of the main destinations for asylum seekers, political dissidents and others fleeing the oppressive policies and practices of the SPDC military regime. While Thailand directly borders Shan, Karenni, Karen and Mon States as well as Tenasserim Division, asylum seekers from all states and divisions of Burma flee to Thailand in search of security and protection. However, Thailand is not a party to the 1951 Convention Relating to the Status of Refugees or the subsequent 1967 Protocol, and does not determine refugee status according to the UN definition. Instead, Thai authorities have primarily used the blanket term "*fleeing fighting*" to define who is eligible for protection in the camps. The Thai government does not refer to those in the camps as refugees as defined by the UNHCR, but rather as "*displaced persons*".³⁰ The status of refugees from Burma in the camps is regulated

by *ad hoc* administrative arrangements, while refugees outside the camps fall under provisions of the Immigration Law and are considered illegal migrants.³¹ Thai government policy states that the country's nine official refugee camps situated along the Thai-Burma border are temporary shelters. The camps are run by the government which only permits UNHCR to visit during the day. Residents are forbidden to come and go freely; if found outside, they can be arrested and deported back to Burma. Although Thailand does not yet allow refugees in the camps to work, it did allow Burmese refugees outside the camps to register for migrant worker permits. However, the identities of those registering as migrant workers in Thailand were shared with the SPDC, deterring many refugees from applying. The permits also required the sponsorship of particular employers in designated areas, inhibiting worker mobility and bargaining power.³² Thailand has only recently acknowledged that the Karen refugees are unlikely to be able to return to Burma any time soon and has accepted resettlement as a solution for some of them.³³ However, until this year the Thai authorities only allowed small numbers of refugees to be resettled in third countries. They feared that large-scale resettlement would act as a pull factor and encourage even greater numbers to come across the border.³⁴

Change of the Thai Government

On 19 September 2006, Thaksin Sinawatra, the Prime Minister of Thailand from 2001 to 2006, was deposed by a military coup on charges of corruption and sewing divisions within the Thai nation.³⁵ One of the immediate side effects of the military takeover was the closure of the major border trade points with Burma. This represented the first time since 2001 that Thailand had unilaterally closed its border with Burma.³⁶ On 1 October 2006, former Royal Thai Army (RTA) commander General Surayud Chulanont was appointed prime minister, after which the situation along the Thai-Burma border again became tense when he decided to take tough measures against SPDC-backed United Wa State Army (UWSA) forces in an attempt to clamp down on cross-border drug trafficking.³⁷ A series of counter-narcotics operations and clashes with pro-junta ethnic militias along the Burma border while Surayud was the head of the army suggest that the widely respected career soldier has never been particularly sympathetic to the junta.³⁸ However, since the coup, there have not been any significant changes in the situation for refugees. Still, signs of positive change were seen in October, when Surayud promised an improvement of standards in the nine official refugee camps run by the Royal Thai Government. Moreover, 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.³⁹ The year 2007 will bear witness to whether General Surayud's administration will carry out its promises in practice.

Policy for Refugees in the Camps

Most refugees have been living within the confines of the camps for long periods, some for up to 20 years. They have no right to employment and, if caught outside the camps, are liable to arrest and deportation. At the same time, conditions in their country of origin are not conducive to repatriation, and the number of refugees has continued to rise as more people flee ongoing human rights abuses in eastern Burma. In 2005, the Thai authorities showed awareness of the negative consequences of prolonged encampment, and willingness to make a transition to more durable solutions. This new approach, which was advocated by the UNHCR and several NGOs, has received praise from the international community. The constructive dialogue among stakeholders resulted in a number of key developments,

including a major resettlement program involving ten countries, introduced in 2005.⁴⁰ Furthermore, the authorities have increasingly permitted more educational opportunities in the camps, and in 2006 an agreement was reached to establish legal aid centres for refugees, which is intended to improve protection in the camps. (See below for more information).

The Ministry of Interior (MOI) under the Thaksin administration had told refugees in Mae La refugee camp in July 2006 not to leave the camp without authorized permission, and warned that if they were arrested, their names would be deleted from the list of recognized refugees and deported back to Burma.⁴¹ Thankfully, Thailand's policy toward the more than 150,000 refugees from Burma underwent some positive changes during 2006. In September 2006, the new military government announced that it planned to ease restrictions on travel outside the confinement of camps for education and, eventually, also for employment.⁴² Included in the plan was the enhancement of the current education services within the camps by adding courses in both the Thai and English languages. The goal is to enable them to further their studies at vocational schools and universities in courses to be provided via online distance programs or at educational institutions outside the camps.⁴³

Moreover, following the UN High Commissioner for Refugees' visit to Thailand in August 2006, progress was made towards the issuance of identity cards (ID) to all refugees, the inclusion of refugees in the Thai HIV/AIDS program and the setting up of pilot income-generating projects in the camps.⁴⁴ The implementation of these projects would mean that the ban which prohibits Burmese refugees and asylum seekers from taking up jobs may be lifted. The lifting of the ban sprung from the Thailand's National Security Council's (NSC) view that refugees should be equipped with professional skills necessary for third country resettlement.⁴⁵ In February 2006 the NSC agreed to let Burmese refugees commence vocational training in the camps. Furthermore, the ID cards would provide registered refugees in the camps semi-legal status and allow them the chance to legally seek jobs in Thailand.⁴⁶ According to the MOI, the program was expected to be ready for implementation in camps in Tak Province by March 2007.⁴⁷

Although the need to consider national security priorities and to control refugee movements is repeatedly emphasised by the Thai government, there is now a general recognition of the benefit of allowing refugees more access to skills training and education as well as income generation and employment opportunities.⁴⁸ The first important policy change to emerge from this process was formal MOI approval for NGOs to expand occupational training with income generation possibilities during 2006.⁴⁹

Detained, Arrested and Deported Refugees

Registered refugees living or travelling outside the camps, asylum seekers waiting to be processed by the Provincial Admission Board (PAB) and undocumented asylum seekers have been subject to arrest, detention and deportation on the charge of illegal entry as the Thai authorities have cracked down on illegal migrants. The vulnerability of refugees and asylum seekers to arrest and deportation has been of particular concern since June 2003 when Thai authorities and the SPDC signed a Memorandum of Understanding (MoU) agreeing to officially deport 400 undocumented migrants every month to Burma, providing the SPDC and UNHCR with the names of the detainees in advance.⁵⁰ According to USCRI, in 2006, as in previous years, Thailand deported up to 10,000 undocumented Burmese nationals per month in an informal process without handing them over directly to SPDC but also without informing the UNHCR. Many of them were members of persecuted ethnic minorities and

democracy activists, who possessed a very well-founded fear of persecution. As abuse, extortion and detention of deportees upon return to Burma have been documented on numerous occasions, both of these methods of deportation have raised concerns for the fate of asylums seekers and refugees. When UNHCR has been able to identify refugees scheduled for formal deportation, it could sometimes negotiate their return through the informal process, however, deportations have been frequently conducted despite UNHCR intervention.⁵¹

Two incidents of detainment of Burmese refugees were heavily reported in newspapers in late 2006. The first of these took place on 18 October 2006, following the military coup, when two Burmese campaigners were detained in Bangkok for collecting signatures for a petition demanding the release of the “88 generation” student leaders and political prisoners in Burma. Since the military coup on 19 September 2006, Thai authorities have not tolerated any form of political activity.⁵² The two men were arrested by police as illegal immigrants as neither of them owned a passport, and in spite of the fact that one of the men held UNHCR refugee status.⁵³ The second case took place in southern Thailand in December 2006, when three boats carrying a total of 272 Rohingya landed in Thailand. All 272 aboard were arrested and detained for illegal entry to Thailand.⁵⁴ The nearly 300 boatpeople were from various villages in Sittwe, Maungdaw and Buthidaung Townships of Arakan State, and maintained that they fled Burma because of the oppression against ethnic minorities.⁵⁵

The UNHCR and the Refugee Status Determination Process

Response to Influx of Karen Refugees

In response to the influx of Karen refugees throughout 2006, the UNHCR cooperated with the Thai government and NGOs to ensure that the new arrivals were admitted to the camps and provided with adequate shelter and protection. However, official assistance, shelter and food rations varied between the camps. Shelter has been a major concern as the capacity in some refugee camps was overwhelmed. Thus, some refugees were forced to live in makeshift shelters made of plastic sheeting which could not withstand the heavy rains that affect the area. However, at the end of May 2006, Thai authorities agreed that proper bamboo houses will be built to accommodate the new arrivals.⁵⁶ The new arrivals have generally not been processed by the PABs but this varies between provinces. The question of whether they will be permitted to remain permanently or provisionally is not clear. At the end of 2006 they were being accommodated but Thai policy can be subject to change. There is no specific official Thai policy regarding the arrival and entrance of those fleeing the ongoing offensives. They are subject to Thailand's policy for all Burmese refugees.⁵⁷

First Legal Assistance Centre for Burmese Refugees

On 22 November 2006, the UNHCR opened the first of seven legal assistance centres for Burmese refugees in the border camps, with the goal of promoting the rule of law and providing justice to the victims of violent crimes in the camps, as well as improving their access to the Thai legal system.⁵⁸ The centres were designed to act as an information hub on human rights, protection and the Thai legal process, and also offer individual counselling for camp residents who have suffered human rights violations or been implicated in crimes.⁵⁹ In the past there have been numerous complaints by refugees regarding the lack of legal assistance to protect them from rights abuses by the authorities within the camps or to help them take their complaints to court.⁶⁰ According to Kirsten Young, the UNHCR Regional Assistant Representative for Protection, the centres will “*act as the agency’s ‘eyes and ears’*”

*in the camps and help channel cases to the Thai justice system, as well as building the capacity of the refugee traditional justice mechanisms to handle cases in a manner consistent with basic human rights principles”.*⁶¹

According to the UNHCR, the centre at Ban Mae Nai Soi camp is the first of its kind, not only in Thailand, but around the world. The centres will receive funding from Italy and be run by the International Rescue Committee (IRC). They are scheduled to open in three more refugee camps before the end of 2007. Two centres will be located in Ban Mae Nai Soi, a Karenni camp in Mae Hong Son province. Four are to be set up in Thailand’s largest refugee camp, Mae La, in Tak province, while the seventh centre will be built in Karenni camp 2, Ban Mae Surin.⁶²



Villagers from Kho Kee village in Toungoo District of Karen State as they arrived at the Salween River on 23 September 2006. These villagers had just walked for weeks in the hope of gaining access to a refugee camp in Thailand, although the camps were already swollen beyond capacity and had been closed. The ongoing SPDC army offensive had forced these villagers to abandon their homes. They assembled whatever possessions they could carry and left their lives behind in search of safety. Unable to gain access to the camps in Thailand, these villagers were instead taken to the Ee Htu Htah IDP site on the banks of the Salween River [Photo: KHRG]

Detention, Deportation and Protection

In 2006 there were numerous cases of refugees who left the camps and asylum seekers who had in previous years registered with the UNHCR being arrested and deported by the Thai authorities. In 2006 the UNHCR continued to advocate for asylum seekers and refugees detained in the police or immigration detention centres (IDC). However, most often their advocacy was in opposition to Thai immigration law. Key protection issues for refugees have been arrest and deportation and incidents of violence and sexual and gender based violence (SGBV) inside the camps.⁶³ Thai Authorities allowed the UNHCR to place a staff member at the IDC in Bangkok, and allowed a local partner to monitor detention in and around Bangkok. However, UNHCR were not allowed to monitor all facilities, and Thai authorities did not regularly inform the agency when they detained refugees or when they were scheduling informal deportations. Certain non-governmental legal aid organizations were allowed limited access to prisons.⁶⁴

The Provincial Admission Boards (PABs), Registration and Camp Transfer

Provincial Admission Boards (PABs) were set up by the Royal Thai Government in 1999 to handle the admission process of refugees from Burma seeking entry into the refugee camps. At that time the PABs would grant camp admission to those determined to be fleeing from armed conflict, but not those fleeing persecution or human rights violations. From mid-2000 until 2001, when the PABs ceased functioning, they rejected the majority of cases on the basis that they did not fulfil the required condition. During this PAB process, the UNHCR's role was limited to observer status.

In mid-2003, the Thai government resurrected the PABs, following its policy to narrow the avenues of protection available to asylum seekers from Burma to that of the refugee camps. In January 2004, the UNHCR was instructed by the Thai authorities to discontinue its mandate of refugee status determination, but continued to register refugees for the Thai government process. However, in October 2005 the UNHCR was instructed to also discontinue this process. Throughout 2006, the UNHCR continued to accept statements, but was unable to register asylum seekers to be processed by the PABs. The majority of the 1,500 Persons of Concern (POCs) transferred to the camps in March 2004 following the termination of UNHCR's refugee status determination procedure at the end of 2003, have now left for resettlement to third countries. A few hundred remain in the camps and many of these have been rejected by one or more countries. For those falling into this category, resettlement options are becoming very limited.⁶⁵

Since 2004, Thai government policy has been that all urban refugees, formerly registered by the UNHCR as POCs, must be relocated to the border camps. Since the camp transfer, newly arrived asylum seekers who come to urban centres such as Mae Sot are no longer able to register with the UNHCR.⁶⁶ However, unlike the former PABs, the UNHCR now has been granted participant status. In July 2006, the PABs had provided some 27,000 refugees with documents, effectively regularizing their status.⁶⁷ Only a small amount of applicants were rejected by the PABs in 2006. Those rejected are not entitled to international protection and are subject to Thai immigration laws.⁶⁸

Since the PABs assumed administration of the refugee status determination and admission processes to refugee camps, their mandate has been to evaluate the claims of both new arrivals to the camps and urban refugees seeking entry to the camps. As of the end of June 2006, the PABs had already approved nearly 25,300 of those arriving after the 1999 registration, including 1,037 in Ratchaburi Province, 24,100 in Tak Province, and 108 in Mae Hong Son Province, with around 9,300 still to be considered in Mae Hong Son Province. Of this number, 4,064 were from the pre-2003 group, and 5,266 that had arrived later.⁶⁹ The procedure for relocation of urban asylum seekers to the camps varied from province to province. The relocations were carried out through the cooperation of the UNHCR and local Thai authorities.⁷⁰

In 2004, 274 people in Sangklaburi, were granted Non-Indochinese (NI) refugee registration papers by the Thai government. On 10 and 11 October 2006, approximately 45 families comprising 180 asylum seekers were relocated to camps near Sangklaburi.⁷¹ In July 2006, over 10,000 asylum seekers holding PAB registration slips from January 2004 and October 2005 registered for relocation in Mae Sot and Bangkok. Of those, roughly 2,300 registered with the UNHCR and with the provincial authorities as part of the camp transfer process.⁷² More than 3,000 Burmese refugees living in the Mae Sot area in Tak Province were

transferred to Nu Po and Umpiem Mai camps in September 2006, pending their decision to apply for third country resettlement.⁷³ In December 2006, relocation for those in Bangkok was still pending.⁷⁴

Some urban asylum seekers did not relocate to the camps. Reasons for asylum seekers not entering the camps are varied: some did not receive the information and some chose other solutions. Many politically active refugees did not wish to relocate to camps as they would not be able to continue political activities there. Those who did not enter the camps are now regarded illegal by Thai Authorities, as they would be if they had not registered. They are not receiving financial support or protection from the UNHCR. However, the UNHCR states it will try to prevent people from being deported if they are deemed in need of protection, yet at the same time, the UN agency emphasises that the refugees were instructed that protection was available in the camps.⁷⁵

Situation of Women in Refugee Camps

For the most part, the refugee camps are organized around nuclear family units, with the number of single mothers in camp being relatively low. The average family consists of 4.7 persons, with only six percent of families being headed by single women.⁷⁶ Corien Jonker, a Dutch politician who spent a month in mid-2006 visiting three of the refugee camps along the border noticed that men and women reacted differently to restrictions imposed by camp life, particularly the ban on working and enforced enclosure. According to her observations, *“The men have largely become lethargic and apathetic, and some of them abuse alcohol. ... The women, on the other hand, have reacted to their exile by becoming much more active. I saw many dynamic women who are taking advantage of any opportunity they get”*.⁷⁷

While most of the administrative and leadership positions in camp are taken up by men, this has been changing in recent years. As of July 2006, 30 percent of positions on camp committees were held by women and 10 percent of section committees. In Mae La, new election rules required female candidates to stand in each section as well as participate in the selection committee. Five women were elected to the committee, increasing the rate of women's participation in that camp by 30 percent.⁷⁸

In addition to representation on the central camp committee, women in Karenni and Karen camps have their own organisation to raise awareness and promote women's issues. The Karen Women's Organisation (KWO) operates in every Karen camp while the Karenni Women's Organisation (KnWO) work in the Karenni camps. Some of their activities include training, workshops, research, documentation, advocacy, social services, competitions and celebrations.⁷⁹

Furthermore, the UNHCR has committed to strengthening the participation of local women in direct and indirect management of camps, including the distribution of ration items and food. In the latter half of 2006, the participation of women in the distribution of food and non-food items increased from 11 percent to 35 percent. In the field of supply management, an additional 96 new paid positions were opened specifically for women.⁸⁰

Information and family planning options have been difficult to come by for women in the refugee camps and are often restricted to married women. The Planned Parenthood Association of Thailand (PPAT) has been implementing education and awareness programs about family planning and reproductive health in refugee camps and Karen villages in Tak

and Mae Hong Son Provinces. The PPAT has been also holding clinics for health checks and birth control assistance for couples of child-bearing age. The group aims to provide basic health education to the camp population as well as address the increasing birth rate in the camps and the spread of HIV/AIDS.⁸¹

Domestic violence continued to be a concern in the refugee camps throughout 2006. Many theories have speculated on the causes of the violence. One such theory states that the increased and enduring militarization of their homeland has led to a construction of masculinity that relies heavily on violence. Another theory maintains that within the camps, the inability for men to work and provide for their families has challenged traditional conceptions of gender roles. The reliance on others for family livelihood may lead some men to feel frustrated and powerless.⁸² (For more information, see Chapter 7: Rights of Women).

Situation of Children in Refugee Camps

The TBBC estimates that there are approximately 6,500 children in camps who are separated from their families. Immediate concerns for all children, but particularly for these unaccompanied minors include inadequate foster care, boarding house arrangements, sexual and other forms of abuse, the lack of family tracing, gaps in birth registration, and the recruitment of child soldiers.⁸³ In terms of camp government, children are represented through their respective youth organizations. In the Karen camps, this is through the Karen Youth Organization (KYO), whereas the Karenni receive representation through the Karenni Youth Organization (KnYO).

The refugee camps often offer young people their first chance at a stable education. Free education is available to all children up to tenth standard (the completion of high school). At camp schools, students often learn their own language (Karen or Karenni) in addition to Burmese and sometimes English. Recent changes in Thai government policy towards refugees means that Thai language courses might also be added to the curriculum in the near future, making the number of languages students are required to learn extremely high.⁸⁴ The new initiatives by the Thai Ministry of Education, however, could also provide young refugees with the opportunity to get education beyond tenth standard through online distance learning, or at vocational schools and universities outside camps.⁸⁵ Moreover, in some of the camps, various NGOs and private foundations provide additional education extending beyond the standard secondary level, known as “*post-ten*” programs.

In December 2005, the Royal Thai Government announced that new educational opportunities for refugee children would soon be available inside the camps. Thai and English language training and some vocational training were to be offered through the Office of Non-Formal Education.⁸⁶ Slated to begin implementation in April 2006, the vocational training classes included training in computers, mechanics as well as lessons in Thai culture. Funding for the program was provided by UHCR, as were materials such as textbooks, televisions, satellite receivers, computers and solar power generators. Other organizations, such as the Dutch NGO, ZOA also began implementing Thai and English language classes.⁸⁷ From April to December 2006, the Thai language classes were very popular but extremely understaffed. In one case, there were only four Thai language teachers responsible for 500 students.⁸⁸

Cultural norms, intensified by the lack of opportunities for their future and a lack of sexual education have contributed to early marriage in the refugee camps for many youths. According to Thramu Zipporah, the headmistress of one of the “post-ten” schools in the Mae La Oon refugee camp, “*Some students get married when they are in the seventh or eighth standard [typically aged between 16 and 18 years of age]. And the problem is after marriage they are unable to attend the school again even though they wish to continue*”. Although early marriage can help combat depression and boredom for young people, it often restricts their future academic options. As a result of the increased competition among young refugees for one of the coveted places within one of the post-ten schools, many schools will not accept married students.⁸⁹

When the Committee on the Rights of the Child (CRC) met in January 2006 to discuss the situation of children in Thailand, they concluded that Thailand had done little to address their concerns regarding birth registration, statelessness, and asylum seeking children. The CRC expressed particular concern to the status of the children of ethnic minorities, asylum seekers and migrant labourers and had urged Thailand to prioritize the provision of health and educational services to these particularly vulnerable groups.⁹⁰

Currently, any child born in a refugee camp to parents from Burma is effectively stateless. Under Thai law, these children are not given birth certificates and are not eligible for Thai citizenship. In addition, these children are not eligible for Burmese citizenship as they were born outside the country to parents who left illegally. Instead of birth certificates, those born in the refugee health centres or delivered by refugee parents in hospitals in Thailand can only be issued with “*delivery certificates*”.⁹¹

The CRC also urged Thailand to consider the situation of child soldiers in the refugee camps. In particular, the CRC is concerned about the provision of services, especially counselling, to this group and to other children who have witnessed violence. The CRC furthermore expressed deep concern about the lack of protection available for the children of refugees and asylum seekers and the possibility of their *refoulement*.⁹²

The security of children in refugee camps, particularly child soldiers and unaccompanied minors is not just of concern to the CRC.⁹³ In late 2005 and throughout 2006 the UNHCR, along with a committee of representatives from various other agencies and organizations met to discuss Child Protection issues. Recognizing the risks of unaccompanied minors in the camps, the group began a survey of boarding houses which found that some of these houses housed more than 150 children.⁹⁴

Situation of Specific Ethnic Groups of the Refugee Population

Situation of “Burmese Muslim” Refugees

It was reported in January 2006 that approximately 30,000 “*Burmese Muslims*” live in border refugee camps. Approximately 8,000 of this number are housed in the Mae La refugee camp to the north of Mae Sot.⁹⁵ Though Muslim is not one’s ethnicity, but rather one’s religion, this group nonetheless is typically collectively cast together as members of the same group, regardless of their ancestry.

Situation of Karenni Refugees

In May 2006, following ceasefire talks between the junta and the Karenni Nationalities People's Party (KNPP; the main Karenni resistance group) had completely deteriorated; the SPDC officially labelled the KNPP a "*terrorist organization*". The SPDC called upon the Royal Thai Government to send members of the group, alleged to be hiding in refugee camps, back to Burma to stand trial.⁹⁶ According to TBBC figures, in December 2005, there were 22,333 Karenni refugees registered in the border camps in Thailand.⁹⁷

On 15 June 2006, the Royal Thai Government announced plans to consolidate three Kayan refugee camps into a single settlement.⁹⁸ Kayan refugees have been seeking asylum in northern Thailand for over twenty years. Thailand, for its part, has greatly profited from their presence, exploiting their traditions and cultures as a tourist attraction. The proposed unified Kayan settlement would force many people to relocate their homes, not for their safety or for environmental concerns, but to make it easier for foreign tourists to access the sites. Tourists to the "*long-neck*" camps must pay an entry fee of 250 baht to visit and take photographs with the women. While some of this money goes to Thai authorities, much of it ends up in the hands of the KNPP. The women, themselves, however, are typically paid as little as 1,500 baht a month.⁹⁹

Situation of Mon Refugees

In 1995, Mon refugees in Thailand were repatriated to an area controlled by the New Mon State Party (NMSP) and set up new camps just across the border, afraid to return to their homes or move any further inside the country. Four such Mon Resettlement Sites have been established. These camps are largely dependant on humanitarian aid, however, the local political situation has dictated that the level of assistance reaching the refugees has decreased. The TBBC continues to supply the camps with support, particularly with rice and other forms of food assistance.¹⁰⁰ SPDC army checkpoints on the roads to the camps in addition to road closures on the Thai side of the border interrupted the provision of rice in 2005.¹⁰¹ In late 2005, frustrated by their lack of access to the sites, Médecins Sans Frontières (MSF) officially pulled, resulting in a large number of ongoing health concerns in 2006.

In January 2006, children in the Che-daik resettlement site were suffered from an outbreak of chicken pox. Che-daik is located approximately 35 kilometres west of the border town, Three Pagodas Pass. Almost every child from the approximately 100 homes which make up the site was infected and following the withdrawal of MSF, the site had no medicine to treat them. Medical workers were particularly concerned about the possibility of children becoming blind if the infection reached their eyes. Another Mon resettlement site, Halochanee, reportedly had enough supplies to last six months, but other camps had no means to treat the infection should they also suffer an outbreak.¹⁰²

Malaria continued to be a problem in Halochanee throughout June and July 2006 during the onset of the annual monsoon. Medical workers in the community said that as many as two-thirds of those they had treated had contracted malaria, the majority of whom were women and children.¹⁰³

The Mon National Health Committee (MNHC) appealed to the international donor community in 2006 to help fill the gap left by the withdrawal of MSF in the resettlement sites. The appeal was successful and a number of aid and donor agencies responded by ensuring that medical provisions would be in place in 2007.¹⁰⁴

Situation of Shan Refugees

According to the *World Refugee Survey* in 2005, there were reportedly 300,000 Shan refugees residing in Thailand. None of these were recognized by the Royal Thai Government as being legitimate refugees. Because of the large numbers of Shan labourers in Thailand, the government has put a blanket label on all Shan people in the country, regardless of how or why they crossed the border. As a result it is extremely difficult for aid organization to provide legitimate aid to the group and their access to health care and educational opportunities is limited.¹⁰⁵

The Shan, however, continue to seek refuge in Thailand, despite their lack of legal status in the country. The *World Refugee Survey* maintained that as many as 700-1,000 Shan refugees entered Thailand each month during 2006.¹⁰⁶ However, the TBBC stated that some data, though unreliable, has suggested that these numbers may have dropped to around 300 per month during 2006. The Shan State Army – South (SSA-S) maintains four informal refugee camps in areas under their control along the Thai-Burma border. These camps are believed to provide refuge to some 5,000 individuals.¹⁰⁷

The TBBC provides support to 600 refugees in one small camp in Wieng Heng District of Chiang Mai Province. The residents of this camp, for the most part, fled fighting and the associated human rights violations near their homes in 2002.¹⁰⁸

There is also an “unofficial” Shan refugee camp located at Doi Tailang. This camp is estimated to house as many as 15,000 Shan refugees, including an estimated 230 orphans. Residents reported that in 2000, there were only 250 people in the camp. Unlike official refugee camps, residents of Doi Tailang can leave to find work as illegal migrants and return back to safety when they need to. However, doing so puts them at risk of being arrested by Thai authorities and deported back to Burma. The camp also only has very basic medical care and education in the camp.¹⁰⁹

Timeline of Major Refugee-Related Events on the Thai-Burma Border in 2006

January

In January 2006, a group of 301 Karen refugees arrived at the Mae Ra Ma Luang refugee camp in Thailand.¹¹⁰

February

On 4 February 2006, Prime Minister Thaksin Shinawatra and a delegation of foreign diplomats visited Mae La refugee camp.¹¹¹

On 5 February 2006, a 14-year-old girl in Mae La camp accused a Royal Thai Army soldier of raping her.¹¹²

On 9 February 2006, human rights violations committed by SPDC LID #66 forced hundreds of villagers from Thanduang Township to flee their homes and either hide in the forest or make for the Thai-Burma.¹¹³ Of this number, 67 villagers reached one of the refugee camps and were cared for by members of the Karen Refugee Committee (KRC).¹¹⁴

On 23 February 2006, for the first time, members of ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC) visited the Karenni refugee camps in Northern Thailand. The group included government representatives from Thailand, Cambodia, Indonesia and Malaysia.¹¹⁵ Following the visit, the representatives called for Burma to be ejected from ASEAN if they failed to show any genuine political progress over the coming year.¹¹⁶

In February 2006, Thailand's National Security Council (NSC) allowed refugees living in camps to take a step towards legal employment by permitting more vocational training initiatives inside camps.¹¹⁷

In February 2006, a total of 355 new Karen refugees arrived at Mae Ra Ma Luang refugee camp in Thailand.¹¹⁸

March

Between 1 March and 17 March 2006, a further 141 Karen refugees arrived at Mae Ra Ma Luang refugee camp in Thailand.¹¹⁹

April

On 24 April 2006, five Burmese legislators sought refuge in the Karen refugee camps, fleeing feared persecution by the military regime. Of the group, two were reported to be Saw Tar Ru Too, 65, an MP from the National Union Party (NUP), and U Chit Tun, 60, a member of the National League for Democracy (NLD).¹²⁰

From 25 – 27 April 2006, the Royal Thai Government (RTG) opened registration for those wishing to be considered as refugees in Sangklaburi in Kanchanaburi Province. Fewer people attended the registration than expected, possibly fearing arrest. Those who did apply for and were subsequently granted refugee status moved into a refugee camp to await third country resettlement.¹²¹

On 28 April 2006, U.S. Secretary of State Condoleezza Rice issued a waiver of the 2001 Patriot Act, permitting Karen refugees to resettle in the United States even if they had provided material support to armed resistance groups. With the waiver, some 9,300 ethnic Karen refugees housed in the Tham Hin refugee camp in Thailand's Ratchaburi Province were no longer considered supporters of terrorism.¹²²

May

In early-May 2006, SPDC army troops launched a renewed offensive against several civilian villages and KNU bases, causing many villagers to flee to Thailand. More than 1,000 ethnic Karen crossed the border into the northern Thai province of Mae Hong Son in the first weeks of May as a result of demands for forced labour and other human rights violations in Burma. They sought refuge at a camp in Mae Hong Son's Sop Moei District and were accommodated at the Mae Ra Ma Luang refugee camp.¹²³ The UNHCR office reported 400 refugees

crossing the border in the first week of the month, bringing the total number of refugees since the beginning of February to around 2,000.¹²⁴

On 29 May 2006, 60 Karenni villagers fled Karenni State to seek refuge in Thailand, where they entered the Ban Kwai refugee camp (Karenni Camp 1). The refugees were placed in a holding centre until they could be registered by the Thai authorities and UNHCR officials. They claimed to have been threatened, and used for forced labour by SPDC.¹²⁵

Thailand's acting Prime Minister, Chidchai Wannasathit, reportedly spoke out against the military offensive in Karen State, noting that Thailand must shoulder the burden for many of those who become displaced.¹²⁶

June

In mid-June 2006, the Australian Immigration Minister, Senator Amanda Vanstone, visited the Mae La refugee camp. During her visit she announced Australia's promise to take up to 1,400 refugees from the area during 2007 and instituted a grant worth A\$500,000 (US\$367,000) to improve the quality and standard of camp education.¹²⁷

On 20 June 2006, the Canadian government announced that it would accept 810 "high priority" refugees for resettlement. Those to be resettled were mostly members of the Karen community. Particularly vulnerable cases such as single women or women who had been the victims of sexual or gender-based violence (SGBV) were high on the list. Other cases considered included political activists, the mentally ill who lack access to proper treatment, and members of the Burman community who are a distinct minority in the camps and face discrimination. As many as 500 of those taken were processed through the UNHCR in a group resettlement scheme, while the remaining 300 refugees were to be resettled through private sponsorship.¹²⁸

August

On 15 August 2006, the first group of 23 refugees from Tham Hin were resettled to the United States. By the end of the month, a further 551 had been resettled,¹²⁹ including 47 that left Tham Hin camp on 28 August¹³⁰ and 63 who left on 29 August.¹³¹

In August 2006, Antonio Guterres, the United Nations High Commissioner for Refugees paid a visit to Thailand. During talks with Prime Minister Thaksin Shinawatra, the High Commissioner expressed his pleasure to see that there had been improvements in the Thai government's attitude towards identity cards for refugees, the inclusion of refugees in Thailand's HIV/AIDS program and for the creation of pilot income generation projects in the camps.¹³² After the meeting, the Prime Minister ordered the Public Health Ministry to send medical teams to the border camps to work on the AIDS problem there.¹³³

September

On 20 September 2006, the border between Thailand and Burma at Tachilek was closed following the *coup d'état* in Thailand to depose Thai Prime Minister Thaksin Shinawatra on 19 September 2006.¹³⁴ The closure affected the official border crossing points in: Mae Sai, Mae Sot, Three Pagodas Pass and Ranong, as well as the smaller local crossing points at Huey Pheung, Nampiangdin, Huey Ton Noon and Saohin in Mae Hong Son province.¹³⁵

October

In the second week of October 2006, Thailand's post-coup Prime Minister, Surayud Chulanont met with the head of UN agencies and declared that improving the conditions of refugees from Burma was his third-highest priority.¹³⁶

November

On 16 November 2006, the *Bangkok Post* reported that senior officials of the Interior Ministry were working on guidelines for the legal employment of refugees from Burma.¹³⁷

On 22 November 2006, the UNHCR opened the first legal assistance centre in Ban Mae Nai Soi refugee camp in Northern Thailand.¹³⁸



Umpiem Mai refugee camp in Tak Province, Thailand. First established in 1999 through the consolidation of a number of camps, Umpiem Mai is now home to approximately 19,500 primarily Karen refugees. [Photo: TBBC]

14.3 Burmese Refugees in Bangladesh

The Burmese refugee population in Bangladesh can be divided into three broad categories:

1. Rohingya refugees residing in one of the two official refugee camps;
2. Rohingya refugees classified as illegal immigrants living outside the camps; and
3. Buddhist Arakanese (Rakhine) refugees recognized as POCs by the UNHCR residing mostly in Dhaka, the Chittagong Hill Tracts, and in Cox's Bazaar District.

Bangladesh has not signed the 1951 Refugee Convention and does not have a legal framework through which refugees can seek and be granted protection. The Government of Bangladesh limits UNHCR assistance to those residing in the two official refugee camps and to individual Arakanese who have received POC status. Though many new Rohingya asylum seekers have continued to flee to Bangladesh in search of refuge, they have been denied access to the camps. As a result, new arrivals have no choice but to remain outside the camps as illegal migrants without protection or assistance and vulnerable to arrest and deportation. Regardless of their status in Bangladesh, refugees from Burma live in appalling conditions, whether it is in the camps, the slums or the jungles.¹³⁹

Bangladesh has received two major exoduses of Rohingya refugees with steady and continuous trickles of new comers at all other times. The first major exodus occurred in 1978 following Operation *Naga Min* ('Dragon King'), when General Ne Win attempted to drive all "*foreigners*" out of the country. The campaign gave rise to extrajudicial killings, rape, and other acts of violence causing approximately 200,000 Rohingya to flee across the border to Bangladesh. Following the repatriation of these refugees, which in many cases was involuntary, the regime enacted a new Citizenship Law in 1982, denying the Rohingya citizenship of Burma, effectively rendering the Rohingya stateless. The Rohingya are not considered one of the 134 national ethnic races according to the regime. Without citizenship, the Rohingya are particularly vulnerable to abuses and extensive restrictions. In 1990, the increased military presence in Arakan State led to an increase in human rights abuses perpetrated against the Rohingya. As a result, during 1991 and 1992, approximately 250,000 Rohingya once again fled to Bangladesh. Then, from 1992 to 1994, Bangladeshi authorities forcibly repatriated over 50,000 refugees from this group. However, the UNHCR did not gain access to oversee the mass repatriation program until April 1994. The voluntary nature of the exercise was highly questioned by humanitarian agencies working in the camps. There were reports that officials withheld food from refugees and had beaten them as a means to coerce them into returning to Burma. In 1997, the repatriations halted and commenced again the following year but only in very limited numbers.¹⁴⁰

Since the mass repatriations in the mid-1990s, access to the refugee camps in Bangladesh has been denied to new arrivals. This has happened in spite of the fact that the situation facing the Rohingya in Burma has become increasingly desperate, sending more refugees and asylum seekers across the border into Bangladesh where the government considers them to be illegal economic migrants and not *bona fide* refugees. In being denied access to the camps, these refugees are also denied humanitarian assistance.¹⁴¹

Since then, repatriation has continued, albeit in much smaller numbers. By 2005, approximately 236,000 Rohingya were repatriated while approximately 20,500 remained in the two refugee camps at Kutupalong and Nayapara in the Cox's Bazaar area. The Government of Bangladesh has consistently argued that all the Rohingya refugees must

return to Burma. The government's position was highlighted in a 17 February 2005 discussion in Parliament when the issue of Rohingya refugees was raised. Minister of Home Affairs, Lutfozzaman Babar reported both the size of the remaining camp population and the fact that the Bangladesh Rifles (BDR), border security forces, were ordered to turn away new refugees. In the same discussion, the Bangladeshi Foreign Minister Mohammad Morshed Khan noted that 95 percent of the Rohingya refugee population had already returned to Burma and the government was actively working to complete the repatriation of the remaining 5 percent.¹⁴² In February 2006, Khan reiterated his concern over the remaining refugees while presenting Pia Prytz Phiri, the new UNHCR representative for Bangladesh, with her official letter of accreditation. At the meeting he reportedly expressed that "*he was unhappy with the process*", and had urged Phiri to speed it up.¹⁴³

The repatriation process has long been impeded by the fact that the SPDC had not cleared the remaining refugees in the camps for return to Burma. Furthermore, the SPDC created extensive bureaucratic procedures that deliberately complicated and stalled the repatriation process. In 2003, following improved diplomatic and economic relations between the two countries, the SPDC lifted conditions obstructing repatriation and agreed to accept the remaining refugees in the camps who opted for voluntary repatriation. The regime's apparent willingness to receive the refugees was reiterated on 24 February 2005 in a meeting between SPDC Foreign Minister Nyan Win and Bangladeshi Prime Minister Begum Khaleda Zia. During the meeting, Prime Minister Zia raised the issue of the remaining refugee population, to which Nyan Win gave assurances that the SPDC would soon receive the residual Rohingya refugee population.¹⁴⁴ Though by 2006, the refugees remained in the camps and little had actually changed. In early-May 2006, Bangladeshi Food and Disaster Management Minister Chowdhury Kamal Ibne Yusuf was reported to have said that "*[t]he relationship between Bangladesh and Burma is now better than in the past*", adding, "*We are trying in our own way to send the refugees back to their own land*".¹⁴⁵ Later that month, on 19 May 2006, Bangladeshi Foreign Secretary Hemayet Uddin met with his counterpart, SPDC Deputy Foreign Minister U Kyaw Thu where once again assurances were given for the repatriation of the remaining 21,172 officially registered Rohingya refugees, pending their clearance by the junta. The approximately 8,000 that had already been cleared by the regime were reportedly soon expected to return to Burma.¹⁴⁶ However, no repatriations have taken place since.

In August 2006, with little headway made in the repatriation process, the Government of Bangladesh called on the international community to assist by facilitating third country resettlement of the refugees. Food and Disaster Management Minister Chowdhury Kamal Ibne Yusuf told journalists that Bangladesh was no longer able to afford to keep the refugees and that "*We have urged the U.S. and the UN to try to relocate the Myanmar refugees in a third country*".¹⁴⁷

Rohingya Refugees in Nayapara and Kutupalong Refugee Camps

In 1991, 14 camps were erected to accommodate the mass of Rohingya refugees in Bangladesh, of these only Nayapara camp near Teknaf and Kutupalong camp near Ukhia remain. The Bangladeshi authorities only recognize 21,000 refugees in the camps but a UNHCR verification exercise suggests that the figure is closer to 28,000.¹⁴⁸ In January 2006, a delegation of foreign diplomats and UNHCR officials reported on the "*appalling*" living conditions endured by refugees in the camps.¹⁴⁹ Overpopulation and sub-standard shelters contribute to poor sanitation and the spread of disease. Refugee homes have not been repaired for 15 years and there have been reports of huts being eaten by termites and refugees

being forced to use latrine doors to prop up their shelters. The Bangladeshi government does not allow improvements to be made in the camps on the basis that it may serve as a “*pull factor*” and attract more refugees. The government opposed UNHCR’s plan to build semi-permanent structures for refugees, however, it has approved a pilot project to test new, improved shelters in one of the camps.¹⁵⁰



A group of Rohingya refugees in a refugee camp in Bangladesh. Targeted persecution has forced over 200,000 Rohingya to flee Burma. Unwelcome in Bangladesh and denied their rights in Burma, the Rohingya are among one of the most oppressed minorities in Burma. At the end of 2006, approximately 20,000 Rohingya refugees remained in Bangladesh. [Photo: RI]

Rohingya refugees are not permitted to access local education or health services. Although health centres do exist in the camps, there have been several cases of refugees being denied treatment despite suffering serious medical conditions. In one incident in Nayapara camp in May 2006, a four-year-old girl died of anaemia after being refused proper medical care.¹⁵¹ Education is available to children up to the age of 12 but there is a shortage of qualified teachers and, as a result, most of the children in the camps are illiterate and are deprived of the skills needed to help them in the future. A further problem is that the Government of Bangladesh only allows lessons to be conducted in Burmese even though the Rohingya’s native language is Bengali dialect similar to the language of the local Bangladeshi community.¹⁵²

Freedom of movement for Rohingya refugees is heavily curtailed. They are prohibited from leaving the camp to seek outside employment, yet are also not permitted to engage in income-generation activities within the camp. Despite these heavy restrictions, some refugees have secured external employment in low-level jobs such as pulling rickshaws or doing manual work. Those refugees who work outside the camp are vulnerable to abuse and exploitation, often earning half the amount a Bangladeshi worker would earn for the same work. Camp guards also often charge a fee for leaving and re-entering the camp. Most refugee families are entirely dependent on humanitarian assistance, yet in March 2006, the UNHCR further scaled down its subsistence allowance. The change, which took effect in June 2006, reduced the subsistence allowance by a further 50 percent. Exceptions were made for those in the community who are particularly vulnerable including the elderly, the handicapped and disabled, and single women.¹⁵³ As a result of the inability to supplement their dietary needs,

65 percent of children in the refugee camps are reported to be chronically malnourished and 13 percent suffer from acute malnutrition.¹⁵⁴

Both Nayapara and Kutupalong refugee camps are organised and managed by the Bangladeshi authorities. The Government of Bangladesh appoints unelected camp volunteers to act as refugee leaders. Refugees are prohibited from establishing their own management committees to oversee the delivery of food, water, sanitation, health or education. Corruption and abuse in the camps continues to be reported. In May 2006, the *Kaladan News* reported that a female refugee in Nayapara camp had been raped and killed by a camp guard, although the authorities did nothing.¹⁵⁵

UNHCR Disengagement and Forced Repatriation

In 2003, the UNHCR announced its intention to phase out its involvement with the Rohingya refugee population while promoting self-sufficiency and encouraging voluntary repatriation. The administration of assistance programs in the camps was to be transferred to the Bangladeshi authorities, who, in September 2004 formally rejected the UNHCR's proposal as they did not feel they had the capacity to manage such a program. The Bangladeshi government reaffirmed their stance that repatriation was the only workable solution for the long term.¹⁵⁶

Immediately following the announcement of the UNHCR's intended disengagement plan in 2003, evidence of forcible repatriation began to emerge. The number of repatriated refugees in 2003 reached 3,000 though, in 2004, through increased UNHCR protection staff presence in the camps, the number fell to 210. Only 92 refugees were repatriated in 2005, while in the first quarter of 2006, not a single Rohingya refugee was repatriated. The U.S. Assistant Secretary for Population, Refugees and Migration Affairs, Ellen Sauerbrey, reported that she found no evidence of forced repatriation on her visit to Bangladesh in August 2006. Repatriations that have taken place were of prisoners, decided on a bilateral basis between Rangoon and Dhaka. However, refugees continue to report coercion to repatriate by camp officials.¹⁵⁷ In May 2006, the Disaster Management Minister of Bangladesh urged the UNHCR to help refugees repatriate to Burma, citing the continual flow of refugees between the two countries as placing too much pressure on the limited resources of the Bangladeshi government.¹⁵⁸ Bangladeshi authorities have appealed for other countries to offer resettlement to refugees, saying it could not afford to keep them any longer.¹⁵⁹ Some European countries have made "very limited" offers to receive Rohingya refugees, while the U.S. emphasized the need to continue to exert pressure on the military junta in Burma in order to reach a solution to the problem. In August 2006, a resettlement program began which was organised by the Canadian Embassy and the UNHCR. The first group of Rohingya refugees flew to Canada for resettlement at the end of the year.¹⁶⁰

Unofficial Rohingya Refugees

The unofficial Rohingya refugee population, living outside of the two official camps, is estimated to be between 100,000 to 200,000 persons. Since the mass repatriation in 1994, access to the camps has been denied to new arrivals. This includes those who were repatriated and who subsequently returned to Bangladesh after facing renewed persecution in Burma. The Bangladeshi government regards Rohingya from Burma as "economic migrants" despite the fact that they fled Burma in order to escape a multitude of human rights abuses and, as such, they are classed as illegal immigrants in Bangladesh. Most have settled

in the Cox's Bazaar and Teknaf areas of southern Bangladesh. As a result of their status as illegal immigrants, they are not entitled to any humanitarian assistance. The unofficial Rohingya community is often subject to harassment from local people and are blamed as the cause of a number of social and environmental problems by the Bangladeshi media.¹⁶¹ For example, in October 2005, 25 Rohingyas were arrested on suspicion of being involved with Islamic militants. Following this, the Ministry of Home Affairs ordered the arrest of all Rohingya refugees living outside of the camps. Subsequently, between 6,000 and 10,000 Rohingya refugees were forced out of their homes and forced to take shelter on the banks of the Naf River. Both the UNHCR and the European Union (E.U.) called for them be allowed to move to safer ground and promised humanitarian aid if this was granted but the Bangladeshi authorities refused their requests.¹⁶²

Between 10,000 and 14,000 members of the unofficial Rohingya population live in the makeshift Dum Dum Meah camp near Ukhiya, approximately six kilometres north of Teknaf. The camp is situated between the bank of the Naf River and a highway. The river floods regularly, making refugee shelters vulnerable of being washed away and the highway has claimed a number of refugee children's lives. Refugees leaving the camp to look for firewood and other provisions are frequently exposed to abuse and harassment from the local Bangladeshi community. Both the UNHCR and delegates from the E.U. visited Dum Dum Meah camp during 2006 and have condemned the Bangladeshi government for the conditions endured by the refugees sheltering there. The United Nations declared it a state of humanitarian emergency, while the E.U. expressed concern over the "*miserable*" conditions experienced by Rohingya refugees outside of the official camps and asked the Bangladeshi authorities to "*rehabilitate*" undocumented refugees from Burma.¹⁶³ In response to this, in April 2006, the Bangladeshi authorities permitted Médecins Sans Frontières – Holland (MSF) to document the Rohingya refugees in Dum Dum Meah camp and to provide them with some humanitarian support including latrines, blankets, and food. An MSF clinic was established at the site of the makeshift camp soon after.¹⁶⁴



A photo of Dum Dum Meah camp on the outskirts of Ukhiya near Teknaf, Bangladesh. Between 10,000 and 14,000 "unofficial" Rohingya refugees reside in this camp. Conditions endured by the residents are deplorable. The shelters are poorly made and safe drinking water, adequate healthcare, and food are all extremely scarce. As a result, this site was declared a "*humanitarian emergency*" by visiting members of the UN in 2006. [Photo: RI]

The unofficial Rohingya population continues to grow with frequent reports of refugees fleeing human rights abuses in Burma. In September 2006, the Dhaka Press Club hosted the Dhaka Seminar 2006, which among its resolutions had the following to say in regard to the Rohingya issue:

*“[I]t is the moral and constitutional obligation of the Government of Bangladesh to provide fundamental humanitarian assistance to the Rohingya Refugees who have been compelled to take temporary shelter in Bangladesh due to the ruthless repression and ethnic cleansing in Arakan by the ruling military junta of Myanmar [Burma]. This seminar further believes that such essential humanitarian assistance may be extended to the Rohingya refugees without instigating any provocation to the national sovereignty and territorial integrity of the Union of Myanmar [Burma].”*¹⁶⁵

Arakanese Refugees in Bangladesh

Approximately 120 Arakanese (Rakhine) Buddhist refugees have been recognized by the UNHCR in Bangladesh since 1988. Those recognized by the UNHCR as refugees or POCs are allowed to remain in Bangladesh but are not provided with work permits which would enable them to be legally employed. The UNHCR provided monthly financial support to the POCs until 1998 when the assistance was cut and a refugee self-reliance program was introduced.¹⁶⁶ In 2005 the UNHCR announced the discontinuation of the monthly subsistence allowance for dependent children of Arakanese POCs, though funds for education continued to be provided.¹⁶⁷

In February 2006, the Arakan Refugee Affairs Committee (ARAC), formed in 2005, stated that Arakanese refugees in Bangladesh were suffering from a lack of security and effective assistance in terms of education and health. They were also suffering from a lack of employment and acute poverty.¹⁶⁸ Furthermore, Arakanese refugees were not given the opportunity to meet with U.S. Assistant Secretary for Population, Refugee and Migration Affairs, Ellen Sauerbrey during her visit in August 2006. An Arakanese refugee, U Khaing San Lun described this as “*deplorable*” and said that Arakanese refugees were never allowed to meet with officials visiting Bangladesh to investigate the refugee situation.¹⁶⁹

On 11 September 2006, urban Arakanese refugees refused to accept the vocational training and self-reliance programs being offered by the UNHCR in Dhaka. They cited past experiences where money provided to establish small businesses had been insufficient and had run out very quickly. The refugees pressed for resettlement in a third country immediately or the UNHCR to supply them with a monthly living allowance.¹⁷⁰

Burmese Refugees in Bangladeshi Prisons

Between 400 and 500 Burmese prisoners continued to remain in detention in Bangladeshi prisons during 2006. Most of these are prisoners who have completed their sentences but cannot be returned to Burma as the SPDC does not recognize them as citizens. Some have been detained for over ten years after the completion of their sentences. The Government of Bangladesh does not allow independent monitoring of prisons even by the International Committee of the Red Cross (ICRC). However, the UNHCR has been permitted to visit some registered refugees and provide them with legal assistance. There have been reports of

Burmese prisoners being forced to do hard labour such as crushing bricks and cleaning toilets.¹⁷¹

The Memorandum of Understanding (MoU) between the Government of Bangladesh and the SPDC regarding the exchange of prisoners remained in place during 2006. On 3 March 2006 over 75 Burmese nationals were handed over from jails in Bangladesh.¹⁷² On 23 May 2006, 40 Burmese inmates were due to be exchanged for Bangladeshi prisoners. One Burmese political activist reported that the Burmese prisoners would face another six months to one year in jail in Burma in addition to fines for illegal migration.¹⁷³ Such prisoner exchanges are reported to underline the “*warm relationship*” enjoyed by Dhaka and Rangoon but there have also been cases of the SPDC reneging on the number of prisoners it has agreed to accept. In August 2006, the SPDC reportedly agreed to take 100 Burmese prisoners but in the event only accepted 60, likewise in March 2006 the Bangladeshi government attempted to press for the gradual return of over 400 prisoners but the Burmese regime indicated it was only prepared to accept 133.¹⁷⁴

14.4 Burmese Refugees in India

There are approximately 60,000 refugees and asylum seekers from Burma living in India. The majority of these are Chin with some Kachin, Burman and other ethnic groups. The Chin Human Rights Organisation (CHRO) has suggested that the refugees can be divided into two groups: the first group is comprised of the activists, university students and others who escaped from Burma following the 1988 pro-democracy uprising. The second group consists of asylum seekers who have fled ongoing human rights abuses perpetrated by the military junta. These abuses include rape, ethnic discrimination, forced labour and torture. The Chin, who are largely Christian, have experienced religious persecution in particular. Such human rights abuses have ensured a constant stream of refugees to neighbouring countries such as India. Initially, in response to the first influx of refugees in 1988, the Indian government established refugee camps in Champai, Mizoram State. However, in 1992 these camps were closed and all humanitarian assistance was halted. India is not a signatory to the 1951 Refugee Convention and has no legal framework through which refugee status determination can be made and protected. As a result of this, refugees are treated differently depending on their country of origin. Further complicating the issue is that the Indian government has many trade and investment projects with the SPDC and does not want the issue of Burmese refugees to become high profile and possibly interfere with those business ventures. The UNHCR thus is not permitted to meet with government officials to discuss the Burmese refugee situation,¹⁷⁵ nor are they permitted to maintain any presence in the northeastern states where the majority of refugees from Burma cross into India.¹⁷⁶

Refugees and Asylum Seekers in New Delhi

An estimated 18,000, mostly ethnic Burman, Chin and Kachin refugees were living in New Delhi in 2006. Of this number, 14,000 are believed to be registered with the UNHCR. The registration process can only be carried out in New Delhi, but frequently involves long delays. The process of Refugee Status Determination can take up to seven months or a year in some cases. After receiving POC status, Burmese refugees receive residence permits but not work permits. Consequently, finding employment is difficult as they are restricted to jobs within the informal sector where there is fierce competition from Indian workers. The informal sector also carries with it the risk of dangerous working conditions, low wages and exploitation. The residence permit has to be renewed every six months at the Foreigners Registration Office. Until 2003, the UNHCR provided all POCS with a monthly subsistence allowance of 1,400 rupees (about US\$30) per month. This allowance was intended to provide for food and housing costs. However, many refugees reported that the allowance was not adequate to meet the costs of housing and education, and as a result, some children had been forced to drop out of school.¹⁷⁷

In 2003, the UNHCR announced the phase-out of the monthly subsistence allowance and the establishment of a self-reliance program. It was argued that the monthly subsistence allowance fostered dependency among refugee populations and acted as a barrier to successful reintegration into the new community. In 2006, the subsistence allowance was provided to new refugees but phased out within the first year in all but the most vulnerable cases. Those refugees with particular medical problems may be permitted to receive the subsistence allowance for a longer period of time. The UNHCR also provided assistance with job placement and skills training. Despite this training it is difficult for refugees to become equipped with the skills required in order for them to compete with the local

workforce. Low wages mean that refugees struggle to be self-sufficient. The UNHCR thus developed a scheme whereby it “*tops up*” wages which are equivalent to less than the minimum wage for unskilled labour. However, as a result of a reduction of the UNHCR India budget by 20 percent for 2006, this scheme is unlikely to continue for much longer.¹⁷⁸

The phase-out of the subsistence allowance has been widely criticized and the UNHCR regarded as distant and difficult to deal with by many refugees. Some refugees have remained confused by the process of registering with the UNHCR. Living conditions for refugees in New Delhi have been reported to be an “*urban nightmare*” with many left homeless after being evicted, housing being generally overcrowded and refugees being subject to discrimination and harassment from local communities. Refugees have reported feeling that the UNHCR provides them with no protection from such matters. Refugees have also criticized the UNHCR for being too slow to grant POC status. In one incident, seven Burmese refugees went on a hunger strike outside the UNHCR office in New Delhi to protest against having to wait for three years to get their applications approved. In December 2006, a Chin asylum seeker was arrested and detained in the Tihar jail in New Delhi after going on a hunger strike to appeal to the UNHCR to reopen his rejected application for POC status.¹⁷⁹ Volunteer organizations have attempted to improve the living standards of Burmese refugees. In March 2006, volunteers from a water treatment project started distributing water treatment tubs among Burmese refugee communities in New Delhi and in August 2006, the Chin Students’ Union (CSU) opened an education centre to give free tuition to Burmese children.¹⁸⁰

Chin Refugees and Asylum Seekers in Northeastern India

There are an estimated 50,000 Chin asylum seekers residing in the northeastern states of India, with the majority living in Mizoram State and a smaller number living in southern Manipur State. The UNHCR or other foreigners are not allowed access to this region. There is no humanitarian assistance available to asylum seekers living in this area and they are classified by the Indian government as illegal immigrants. Most asylum seekers find employment in low-paid and low-skilled jobs such as weaving or road construction. The Chin and the Mizo, an ethnic group native to Mizoram State, are related both ethnically and linguistically but recently there has been increasing tension between the two groups. Chin asylum seekers are typically treated as scapegoats and often blamed for existing social problems including drug trafficking and rape and can become the target of eviction campaigns and crackdowns by the authorities.¹⁸¹

In 2006, Indian authorities continued to crack down on undocumented migrants. For example, in September 2006 over 30 Burmese migrant workers were arrested in Lunglei as a result of reports that a Burmese woman had bludgeoned an Indian woman about the head with a hammer. The arrested workers were mainly Chin and worked in a variety of informal jobs such as labourers and housemaids. In response to this crackdown, the CHRO sent an open letter appealing to the Mizoram people to have sympathy for the Chin and their plight.¹⁸² In the immediate wake of the crackdown, the CHRO also made an appeal to the Young Mizo Association (YMA) against the measures to evict all foreigners from the state.¹⁸³ Despite this, the Chief Minister of Mizoram announced on 11 October 2006 that all illegally settled foreigners were to be registered, leading to many refugees being evicted from their homes.¹⁸⁴

Crackdown on Chin Opposition Groups

In October 2004, the SPDC and the Government of India signed a Memorandum of Understanding (MoU) stating that the two countries promised to work to prevent armed resistance groups operating on each other's soil. In 2006, the relationship between the two countries continued to be based on trade agreements and countering insurgent groups. It is believed that there are at least 12 armed groups opposing the Indian government operating out of Burma's northern territories. In December 2006, India reportedly promised military assistance to Burma, including training for Burmese Special Forces units in counter-insurgency measures, in return for a pact by which the SPDC would help contain anti-government groups thought to be operating from Chin State into North Eastern India.¹⁸⁵ Similarly, it was reported in September 2006 that India was pursuing a closer relationship with Burma in an attempt to manage border security issues.¹⁸⁶ The SPDC, in turn, urged the Indian government to "*flush out*" Chin rebels thought to be operating from Indian jungles in the border regions.¹⁸⁷

The SPDC army units reportedly make regular forays into Indian border villages in an attempt to capture members of opposition groups. In January 2006, two Burmese pro-democracy activists were arrested by an unknown armed group in the Indian town of Moreh, beaten and then taken back to Burma and delivered into the hands of the SPDC. The two men, Chit Tein Tun and Maung Maung Oo were later discovered to have been given the death sentence by the military junta.¹⁸⁸ In November 2006, two armed Cadres of the Chin Tiger Army (CTA) were killed by SPDC army troops when the latter encroached into the border area.¹⁸⁹

14.5 Burmese Refugees in Malaysia

According to the *World Refugee Survey*, as of June 2006, there were approximately 55,000 Burmese refugees and asylum seekers in Malaysia accounting for over a third of the entire refugee population in Malaysia.¹⁹⁰ According to the UNHCR approximately 10,000 of this number were Rohingya asylum seekers while the Chin Refugee Committee (CRC) reported a population of nearly 16,000 Chin; of which less than 5,000 reside in Malaysia legally.¹⁹¹ The Rohingya are the only group entitled to refugee status as an ethnic group, yet registration of Rohingya refugees for the IMM 13 documentation was suspended in August 2006. The IMM 13 form allows the holder to work legally and send their children to school.¹⁹² In 2005, the Chin Human Rights Organization (CHRO) reported that flight to Malaysia provides a layer of security to asylum seekers from Burma because in the event of arrest and deportation they will be sent to Thailand and not back into the hands of the SPDC. However, this is a false sense of security since Thailand has returned deportees to Burma after they are sent from Malaysia.¹⁹³ During 2006, over 200 asylum seekers were deported to Thailand in this manner, though, the *World Refugee Survey* reported that in one such instance, Thailand then handed several of these deportees over to SPDC authorities who upon receiving them reportedly immediately set to brutally beating one of them.¹⁹⁴

Malaysia is not a signatory of either the 1951 Refugee Convention or the 1967 Protocol which together provide protection to the rights of refugees. Furthermore, Malaysia does not possess any specific refugee laws, while the Immigration Act of 1959 contained no clear distinction between a refugee and an illegal immigrant.¹⁹⁵ Refugees have no access to aid from international agencies and their basic needs for food, shelter, adequate sanitation, education and medical care are rarely met. Women who have been sexually abused cannot complain to authorities without exposing themselves to arrest or detention due to their immigrant status.¹⁹⁶

Under Malaysian immigration laws, refugees and asylum seekers are regarded as illegal economic migrants and are subject to severe penalties under the Immigration Act. As such, the situation facing Burmese refugees is not dealt with in great detail in this chapter. For more information, please refer to Chapter 15: The Situation of Migrant Workers where the issue is dealt with in more depth. Like all illegal immigrants, refugees and asylum seekers from Burma are vulnerable to extortion, theft, sexual abuse, arrest, deportation, and many other difficulties in Malaysia.

In August 2002, the Malaysian Parliament made a number of amendments to the 1959 Immigration Act, including prison sentences and caning for people caught without proper entry documents. Those found to have entered the country illegally or who had overstayed their visas are liable to a maximum fine of 10,000 Ringgit (US\$2,700), up to five years imprisonment and up to six strokes with the rattan (cane). Individuals arrested under these laws have reportedly been detained in overcrowded immigration detention centres for long periods of time awaiting mass deportations. In some cases, Burmese asylum seekers have been detained in this manner in excess of 12 months.¹⁹⁷

In July 2004, the Malaysian government announced its plan to expel all illegal immigrants and asylum seekers, and implement a fresh crackdown on Burmese refugees. The UNHCR has been unable to register asylum seekers in Malaysia since July 2005, resulting in 600 Burmese refugees being detained by the end of 2005. This number included as many as 400 ethnic Chin refugees.¹⁹⁸

Many Burmese refugees are illegally employed in construction work and as day labourers, while children are often forced to beg. Due to the crackdown on illegal refugees in Malaysia since 2005, there have been a string of arrests, detentions and deportations.



A small Chin refugee settlement in Malaysia in July 2006. The UNHCR has estimated there to be as many as 16,000 Chin refugees in Malaysia, the vast majority of whom are there without proper documentation, and as such are vulnerable to arrest and deportation.

[Photo: RI]

In February 2006, the Malaysian authorities apprehended and detained eight Chin immigrants, included four women whose husbands had UNHCR refugee status.¹⁹⁹

In April 2006, a group of 31 recognized Chin refugees were deported back to Burma by the Malaysian authorities. The group reportedly included two pregnant women.²⁰⁰

In July 2006, 22 Burmese migrants were arrested in a raid, including four children,²⁰¹ while in August, between 30 and 40 Chins were arrested during a workplace raid on a construction site of the Pavilion Residences.²⁰²

In September 2006, 30 Mon refugees were arrested and detained in Jurn camp²⁰³ and a further 52 Burmese nationals were detained in the Lenggeng detention centre following a raid in Kuala Lumpur. The detainees included five members of the Chin Refugee Centre (CRC), two of whom were responsible for teaching 120 Chin children banned from attending Malaysian schools.²⁰⁴

In October 2006, mass arrests were conducted of 172 Chin refugees in Cheras Alam Jaya, where approximately 500 Chin migrants reside.²⁰⁵ A further 500 Chins were arrested that month, including seven women.²⁰⁶ The detention of children and pregnant women is in violation of the 1989 Convention of the Rights of the Child, of which Malaysia is a signatory.

The Malaysian voluntary security organisation, *Ikatan Relawa Rakyat*, or RELA, has continued to be under frequent attack for abuse of power and use of violence against refugees and asylum seekers. The RELA have been accused of excessive use of violence and unnecessary force against refugees, the wrongful detention and mistreatment of documented migrants, the destruction of property and forced intrusion into private homes without

warrants, arrest of children and pregnant women, and the theft of mobile phones and money from refugees.²⁰⁷

On deportation, many Burmese refugees are taken to the Thai-Malay border rather than being deported back to Burma. However, there have been reports of refugees being sold to traffickers unless they are able to pay large amounts of money to their captors. It was reported that 30 Chin asylum seekers were held captive by Thai agents on the border in September 2006, of which only two were released after paying extortionate bribes to their captors. The two freed asylum seekers had said that Malaysian immigration had secretly transported them to the border and sold them to Thai trafficking agents. The armed traffickers then demanded more money from them before they would smuggle them back into Malaysia.²⁰⁸

Throughout 2006 there was evidence of greater tolerance of refugees and awareness of their needs in Malaysia, including within the field of education. There were approximately 3,800 Rohingya children in Malaysia, few of which receive any formal education. While many are educated at home this rarely goes beyond Islamic studies. Rohingya children can only be admitted to Malaysian schools if they are registered as refugees. However, Rohingya children still have to pay higher fees than Malaysian citizens and have to buy all their own books. Precious few have birth certificates, which are essential for enrolment.²⁰⁹ The situation improved somewhat in 2006 with the opening of the Harvest Centre – a school for refugee children set up with funding from World Vision. The UNHCR also pledged to create more public awareness of refugee issues and have also asked for their further protection, in addition to creating partnerships with local actors to provide shelter, healthcare, education, employment, vocational training and community services for refugee communities.²¹⁰

14.6 Burmese Refugees in Other Locations

Australia

In June 2006, Senator Amanda Vanstone, the Australian Immigration Minister, announced that Australia expected to have accepted as many as 900 Burmese refugees from refugee camps in Thailand by the end of the 2005-2006 financial year – more than double than in previous years. Senator Vanstone was also reported as saying that she anticipated the Australian government to accept up to 1,400 refugees of Burmese origin over the course of the 2006-2007 financial year under the refugee resettlement program, labelling the group as “*most in need*”.²¹¹

On 13 August 2006, eight Burmese “*boatpeople*” were found dumped on Ashmore Reef in Australian territorial waters, 610 km from Mainland Australia. The eight men were then taken to Christmas Island where they were placed under mandatory detention while the refugee status claims were processed. Though Ashmore Reef lies within Australian territorial waters, it has been removed from Australia’s migration zone, therefore placing the Australian government under no legal obligation to transport those apprehended there to the Australian mainland.²¹²

The following day, on 14 August 2006, members of Australia’s Liberal Party government revolted against Prime Minister John Howard’s plan to further strengthen Australia’s asylum policy. Three members of the House of Representatives voted against the legislation in the Lower House, while two more abstained, and at least one senator threatened to cross the floor if the vote went ahead in the Upper House.²¹³

On 21 August 2006, it was reported that at least two of the eight had claimed refugee status and were applying for asylum and the other six were expected to make similar claims.²¹⁴ Despite attempts made by the immigration lawyers, the group was later moved to the remote island of Nauru to await decision on their status claims under the government’s “*Pacific Solution*”.²¹⁵

While not explicitly stated in the report, the descriptions of the abuses these men had suffered, including the denial of citizenship and the need to secure permits before being allowed to marry, implied that these men were Rohingya.²¹⁶

Canada

In 2006, Canada opened its doors to more refugees from Burma, particularly to ethnic Karen living in camps along the Thai-Burma border, although they also accepted members of other minorities as well.

To coincide with World Refugee Day, on 20 June 2006, Canadian Citizenship and Immigration Minister, Monte Solberg announced that 810 Burmese refugees were to be resettled in ten different communities across the country. “We look forward to helping them rebuild their lives and join our society”, Solberg said. The resettlement process was scheduled to commence in August 2006 and to be completed by the beginning of 2007. The first group of approximately 100 left in early September 2006.²¹⁷

Furthermore, in December 2006, it was reported that a group of Rohingya refugees were soon going to be resettled to Canada, marking the first time that Canada had ever accepted members of the Rohingya community. One report stated that 23 individuals from five different families had been selected for the resettlement program. In early December these 23 individuals commenced their orientation training to Canadian culture and customs organized by the International Office of Migration (IOM) in Cox's Bazaar in Bangladesh.²¹⁸

Finland

On 23 August 2006, the homes of six Burmese refugees who had resettled to Finland were pelted with sticks, stones and bricks by an angry local mob following a fight between the children of the locals and refugee children.²¹⁹ Around 20 young men broke the windows of apartments housing the refugees in Suulisniemi District of Kotka city, approximately 150 kilometres east of the capital city Helsinki. The attack prompted some of the refugees to fear for their safety and to consider relocating to a different part of the country. Social Worker Virpi Kupiainen, who spoke with the refugees after the attack said that among the community, the *“predominant emotions are great anguish and fear”*, though *“behind the anguish for many are their memories of their home countries. They have thought that they would be safe here”*.²²⁰

The company that operates the apartments has reportedly since increased its security surveillance of the area.²²¹

Indonesia

On 22 April 2006, 77 Rohingya men aged between 20 and 35 became stranded on remote Rondo Island in Indonesia when the boat they were travelling in ran out of fuel as they were on their way to Malaysia to seek work. The men stated that they were not fleeing from persecution, but were seeking better livelihoods in Malaysia.²²² However, the reason that these men were unable to maintain a sustainable livelihood in Burma is because of the persecution they face as Rohingya.

According to Colonel Aswoto Saranang, the naval chief of Indonesia's Sabang Island where the men were being detained, *“They'd rather die in Sabang than return to Myanmar. They are determined to go to Malaysia, or Thailand. ... One option is to return them to international waters. But let them recover their health first and besides, the weather is not good this week”*.²²³ It was later reported on 5 May 2006 that the Indonesian government returned the men to international waters so they could continue their journey to Malaysia, against the wishes of the Burmese embassy in Jakarta who wanted them returned to Burma.²²⁴

Japan

According to a UNHCR-commissioned report released in February 2006, of the 3,544 applications for asylum that the Japanese government had received since 1981, only 330 had been recognized.²²⁵

On 29 July 2006, a group of Burmese nationals calling for democracy in Burma filed a petition with the Nagoya Regional Immigration Bureau seeking refugee status in Japan. Of

the ten men, only one of them possessed a visa allowing him to stay in Japan; all of the others had resided and worked there illegally. All of the men claimed that they would suffer persecution should they be deported back to Burma.²²⁶

South Korea

On 28 August 2006, it was reported that 47-year-old Aung Myint Swe, a Burmese refugee, who was granted asylum in South Korea in 2003 after waiting four years for his claim to be processed received absolutely no support from the South Korean government. Furthermore the only type of work that he is able to find is low paid, heavy manual labour, and as such is not able to be with his family as he is unable to support them. He is one of only 48 refugees in South Korea who originated from locations other than North Korea.²²⁷

United States

Resettlement of Burmese refugees to the United States (U.S.) has been hampered since the U.S. government first implemented the U.S. Patriot Act of 2001 following the terrorist attacks of 11 September of that same year. Afterwards, the U.S. senate approved the Real ID Act of 2005, which placed further restrictions on who could be considered eligible to resettle to the U.S. Under these Acts, anyone who has provided material support to an armed resistance movement regardless of whether it was voluntary or coerced is to be considered as a supporter of terrorism, and as such not permitted into the U.S. The vast majority of refugees in camps in Thailand fall into this category through association with groups such as the Karen National Union (KNU) or the All Burma Students Democratic Front (ABSDF). Under the constraints of the Patriot Act, both of these groups could be considered terrorist organizations.²²⁸

On 28 April 2006, however, the U.S. Department of Homeland Security announced that it was waiving the restrictions under the Patriot Act and would consider Karen refugees on a case-by-case basis, with the Tham Hin refugee camp in Thailand representing the test study of the new waiver system.²²⁹ Antonio Guterres, the United Nations High Commissioner for Refugees, said that waiving the Patriot Act would open the doors to approximately 6,000 Karen refugees who would suddenly become eligible for resettlement to the U.S.²³⁰

As many as 2,700 refugees from Tham Hin were scheduled for resettlement in the U.S. before the end of 2006. The first group of Karen to be resettled, consisting of 23 people from three separate families, left Tham Hin on 15 August 2006 bound for Chicago.²³¹ Shortly after, another 63 departed Tham Hin for the U.S.²³², while a third group of 47 left on 28 August 2006.²³³ By the end of October, over 1,100 had already resettled.²³⁴ The refugees, many of whom have spent their entire lives living in small bamboo and thatch huts would have to adjust to their new lives in various different cities across the country, including San Francisco, New York, Jacksonville, Omaha, Fort Wayne and Ithaca.²³⁵

On 11 October 2006, U.S. Secretary of State, Condoleezza Rice “*exercised her discretionary exemption authority under the Immigration and Nationality Act*” allowing Burmese Chin refugees residing in Thailand, India and Malaysia to resettle to the U.S. “*even if they have provided ‘material support’ to the Chin National Front (CNF) or Chin National Army (CNA)*”.²³⁶

This decision came shortly after a Chin woman from Burma who had previously been working in Singapore but had then moved to the U.S., was denied political asylum in June 2006 on grounds that she had supported the CNF. It was reported that while working in Singapore she had supplied \$1,100 Singaporean dollars, binoculars and a camera to the CNF and as such, under the Patriot Act, had “*engaged in a terrorist activity*”.²³⁷



Karen refugees in Tham Hin refugee camp, Thailand saying goodbye to friends and family as they leave for their new lives in the U.S. Following the waiver of the Patriot Act for Karen refugees in April 2006, thousands of refugees who had previously been deemed “*supporters of terrorism*” and as such not permitted entry into the U.S., were suddenly eligible for resettlement and approximately 6,000 refugees were accepted for resettlement to the U.S. [Photo: Kwe Ka Lu]

Endnotes

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15. The Situation of Migrants

15.1 Background

“It is true that I have come to Mizoram (India) to earn money. My son was forcibly conscripted by the Burmese army, I have not seen him for more than two years. My husband is sick and he cannot work. I try to earn enough to feed him and my three small children, and for my husband’s medical care, but each month, for many days, I am compelled to do labour for the SPDC. What alternative do I have but to come here, earn money and take it back with me to Burma? If I don’t come to Mizoram, my family in Burma will not survive.”¹

Due to a range of political, economic and social factors, the population of Burma is highly mobile, with mass migration out of Burma prevalent since the 1962 Ne Win military takeover of the country. Throughout 2006 thousands of people from Burma continued to leave their country. The ongoing exodus represents one of the largest migration flows in Southeast Asia and it is estimated that 10 percent of Burma’s population has migrated to other countries. Most migration from Burma involves overland cross-border travel to neighbouring countries, including Bangladesh and India to the west, and Malaysia and Thailand to the east, with the greatest concentration of migrant workers from Burma in Thailand followed by Malaysia, with significant numbers also found in Bangladesh, India, Singapore and Japan. Accurate demographic data of migrant workers from Burma in most countries, however, is difficult to obtain as many remain undocumented and unregistered at their destinations.²

A whole web of systematic human rights violations such as forced relocation, forced labour, arbitrary arrest, torture, rape, and extra judicial killings carried out by the SPDC are often either the major reason or a significant contributing factor for these people to leave Burma. Even economic hardship within Burma is often the result of human rights abuses at the hands of the SPDC. As the Federation of Trade Unions- Burma (FTUB) asserts, *“Economics and politics are closely intertwined in military-run Burma, and causation for migration can be complicated.”* However, the countries which surround Burma generally have very narrow definitions of who constitutes a refugee. As such many who have fled severe human rights abuses in Burma with valid claims to refugee status are categorized as economic migrants and therefore left vulnerable to involuntary repatriation and abuse. Even those registered as legal migrants are often offered little protection against abuse at the hands of the state and their employers.

Whilst SPDC policies makes legal emigration prohibitive for most, especially those from ethnic minorities, it imposes heavy punitive measures on those who leave the country illegally, criminalizing vast numbers of people who often have little alternative but to seek security and livelihood abroad.

However, in recent times the SPDC has recognized the continued large scale emigration of the population as a potentially valuable source of income, and a means to ease the burden of unemployment within the country, with the money sent home to families providing a hard currency inflow into Burma’s ailing economy. As such it has made strides to regularize emigration and has established lucrative taxes for legal migrants working in many destination

countries. As a result, legal migrants in many countries including Malaysia, Singapore and Japan are faced with double taxation, from both the SPDC and their host country.

During 2006, the SPDC continued to make efforts to regularize and document those leaving the country in order that it may maximize profit from the expatriate community. Included in this strategy was the promotion and licensing of overseas employment agencies. By the end of 2006, up to 200 such agencies were reportedly operating within Burma. Cases of abuse and extortion at the hands of these agencies or associated employers are reported to be common. However, SPDC censorship prevents the reporting of such corruption.³ In addition, the procedure remained inaccessible for most, with prohibitive costs and a lack of documentation again a particular hindrance for those from ethnic minorities. Attempts to regularize the flow of migrants from Burma into Thailand have caused grave concern that vast numbers of migrants as well as their families in Burma will be put at risk, becoming increasingly disenfranchised and vulnerable, under a system of migrant registration involving the SPDC.



Burma's neighbours' strict and often arbitrary classification of who constitutes a refugee means that the vast majority of those persons fleeing Burma are subject to deportation in circumstances which are contrary to the fundamental principle of *non-refoulment*. [Photo: unknown/FTUB]

15.2 Situation of Burmese Migrants in Thailand

The number of registered migrant workers in the Thailand by the end of 2006 was roughly 400,000, whilst the number of undocumented migrants has been estimated as anywhere between 800,000 and two million, with those from Burma accounting for approximately 80 percent of this number,⁴ with many working in the illegal, unregulated labor market, and in “3-D jobs” (dangerous, dirty and difficult) that often pay well below the minimum wage. The migrant community from Burma is comprised of a myriad of ethnic groups from across all of Burma’s 14 states and divisions, with the majority coming from the ethnic states which share a border with Thailand. Due to the combination of economic and humanitarian reasons prompting migration into Thailand, it is difficult to distinguish between economic migrants and asylum seekers. While many are forced to flee their homes in Burma due to continuing systematic human rights violations, migrants are also drawn across Thailand’s expansive border to escape Burma’s continually deteriorating economy in the hopes of benefiting from Thailand’s booming economy and constant demand for cheap labour. Regardless of the motivations perpetuating the constant flow of migrants from Burma into Thailand, the Royal Thai Government (RTG) maintains a strict and sometimes arbitrary policy on classifying those arriving from Burma as illegal immigrants with many victims of direct human rights abuses refused access to refugee camps, international humanitarian aid, and subject to deportation. Neither Thailand nor Burma are signatories to the 1990 UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which provides basic human rights to those crossing international borders.

Patterns of Migration and Trafficking

The majority of migration from Burma to Thailand occurs in the absence of human traffickers, transporters or smugglers. Migrants from Burma enter Thailand through a variety of methods. Some cross the border legally with work permits and return to Burma upon expiration of their registration. Others enter at legal border crossings such as Mae Sai, Mae Sot or the Three Pagoda Pass. A 2006 FTUB study on child migrants found that the majority of migration to Thailand occurs through such legal border crossings. Burmese citizens are allowed to enter Thailand temporarily using a border pass book issued by the SPDC. On the Thai side, they receive a one-day border pass and then remain in Thailand beyond its expiration, immediately becoming illegal. Many others cross at illegal border points, swimming or wading across rivers, shipped across the Andaman Sea, or hiking long distances through mountains and jungles. Again the majority of these journeys are made either independently or with friends and relatives, rather than with the assistance of traffickers or smugglers.⁵

Thai and SPDC authorities continued to mount crack downs on migrants crossing the border throughout 2006. On 3 May 2006, it was reported that Thai authorities had been intensifying the seizure of boats ferrying Burmese migrants from southern Burma to areas in and around Ranong, Thailand.⁶ In April 2006, it was reported, that the Burmese authorities had arrested hundreds of Mon, intending to cross the border into Thailand, in Kawthaung. They were reportedly detained and interrogated inside sport stadiums.⁷ Such crackdowns often placed the migrants in great peril. On 2 May 2006, it was reported that up to 20 migrant workers from southern Burma had drowned after they were dumped in shallow waters by their carriers upon sighting the Thai Navy.⁸ On 23 April 2006, the New Mon State Party claimed that four

Mon migrants were shot dead by Thai police whilst crossing the Thai-Burma Border River in Sangkhlaburi. Thai police disputed this, claiming only two men were killed.⁹

Whilst the majority of migration occurs independently of human smugglers, such crackdowns, along with the heavy restrictions the SPDC places on movement have meant that the use of such networks to reach Thailand is more prevalent amongst Burmese migrants than their Laotian and Cambodian counterparts. In addition, a lack the knowledge, social networks and language skills, needed to make the journey to Thailand, have led migrants to turn to such groups. When migrants from Burma do rely on these services, very rarely do they rely on one person to transport them from their source to destination and find them employment but instead rely on networks on both sides of the border. Recent studies have highlighted the informal nature of these transporting and recruitment networks, the members of which are often known to migrants and regarded as friends.¹⁰

The cost for the use of such networks varies widely between 100 to 40,000 baht, depending on the provider and service required, with the average cost thought to be around 5,750 baht including transportation from Burma, and recruitment into a job.¹¹ As an example, on 5 April 2006, over 80 Burmese Mon nationals, along with their broker were arrested near Ranong, southwest Thailand. They were each in possession of 5,000 baht; the cost of being taken to their destination in Thailand.¹²

However, most migrants from Burma who rely on these networks, lack the initial funds for the service, and therefore enter into debt contracts. The fee is generally calculated according to contingencies en route, such as bribes to local officials, and as such the contract does not generally specify how much the final fee will be. On average, it takes migrant workers six months to fully repay this debt. The debt is often passed on to the migrant's employer, who then seeks to protect their investment by restricting the worker's labour mobility. Such restrictions are in fact facilitated by Thailand's system of migrant worker registration, which ties the migrant's legal employment status to the cooperation of a particular employer.¹³ (For more information see Thai Migration Policy and Legal Registration of Migrant Workers).

In other cases, migrants are 'sold', by unscrupulous traffickers and involuntarily assigned to a workplace. Such forced labour situations are unpaid and can continue for indefinite time periods. Common sites of forced labour in Thailand include fishing boats, brothels, factories and farms, with migrant workers often physically restricted to the workplace. In February 2006, it was reported that eleven Arakanese fishermen had been confined to their vessel for over three months by their employer,¹⁴ and a study published in 2006 estimated that 19 percent of migrant workers who had used a broker to reach Thailand had been sold into situations of forced labour.¹⁵ As the use of communication devices such as mobile phones is tightly restricted in Burma, it is difficult for duplicitous traffickers to be exposed to prospective clients by those already in Thailand.¹⁶ However, it was reported that at least one armed non state cease fire group in Burma had been issuing insurance contracts for migrants and their brokers at border crossings. In these agreements migrants and brokers are forced to pay a fee of 150 baht and sign a contract determining the terms of their deal. The cease fire group then enforces these terms through threat of force.¹⁷

Once inside Thailand, many migrants remain in border areas partly because it is the first place they arrive to, but also because jobs are easy to find and a well-networked migrant community from Burma already exists. Furthermore, they face greater risk of arrest if they attempt to leave the border areas without proper documentation. In the border town of Mae

Sot, for example, there are an estimated 150,000 migrant workers employed in approximately 250 factories. It is estimated that 95 percent of factory workers in this area are from Burma. Other places of employment in Mae Sot and the surrounding Tak Province include fruit and vegetable plantations, flower farms, and informal work sectors such as the domestic service industry. Elsewhere many people from Burma, particularly from Shan State, work in the northern Thai-Burma border areas as seasonal agricultural workers. Thousands of people from Burma, mostly from Mon State, are employed in the fisheries, rubber plantations, service industries, and post-tsunami construction sites in the six southern provinces of Thailand.¹⁸

Nonetheless, many workers do aim to reach Bangkok and the surrounding provinces particularly Samut Sakhon, Nakhon Pathom, Nonthaburi, Pathom Thani and Samut Prakarn. These areas are perceived as easier than most to reach and move around, and pay relatively well.¹⁹ To reach destinations beyond the border areas, migrants must frequently rely on the assistance of smugglers, including the police. In 2006, an ILO survey indicated that many migrants had paid a Thai police officer in order to get their job, with many also stating that they had paid Thai police to transport them to Bangkok.²⁰

Migrants from Burma are reported to pay between 8,000 and 15,000 baht to be transported from the border to central Thailand.²¹ On 26 October 2006, a lorry carrying 22 migrant workers from the Three Pagoda Pass overturned and 18 of the migrants were arrested. The driver was reported to have collected the migrants from a smuggling network and was transporting them inside Thailand for a fee of 8,000 baht.²² As a result of these costs, Burmese migrants working in central Thailand are often heavily indebted and more vulnerable to abuse at the hands of their employers.²³ Research by the FTUB, ILO and Institute for Population and Social Research has found that young Burmese girls, moving to Bangkok in search of domestic work are frequently trafficked into households which they are then unable to leave.²⁴ The conditions of transport are also often extremely dangerous. In December 2006, a gasoline truck was stopped travelling from Tak Province to Bangkok with 41 Burmese migrants inside, in extremely hot conditions with a severe lack of air. Many fainted as they left the truck. On the same day, in another area of Tak Province a further truck was stopped with 79 migrants crowded aboard, again heading to Bangkok.²⁵

In 2006, Thailand remained on the second tier of the United States' human trafficking monitoring system. Whilst the report stated that the RTG showed progress in convicting traffickers and providing protection for victims of trafficking, it suggested government action should focus on punishing those who engage migrants in forced labour. There was a draft proposal on the table for a comprehensive anti-trafficking law at the end of 2006, which aimed to bring the country's laws in line with the UN Anti-Trafficking protocol. However, in the absence of this legislation Thailand's laws only applied to the trafficking of women and children for sexual exploitation and failed to criminalise forced or bonded labour or trafficking involving men. Although trafficking of men is not addressed in current Thai law, the Thai police did in several cases, in 2006, refer Burmese men who were trafficking victims to protective care, rather than subject them to arrest and deportation. However, the RTG does not offer legal alternatives to the removal of foreign trafficking victims to their home country, where they may face hardship or retribution.²⁶ In addition, officials in Thailand are reported to be complicit in the trafficking of migrants, and Thai and Malaysian officials have been implicated in a criminal trafficking network on the border between the two countries in 2006. (For more information see Section 15.4 Burmese Migrants in Malaysia).

Meanwhile, in September 2005, the SPDC passed an Anti-Trafficking in Persons law that covers sexual exploitation, forced labour, slavery, servitude, and debt bondage. This punitive measure applies to internal and external trafficking and carries penalties of up to life imprisonment. However, the SPDC has failed to take action, against local and regional officials, primarily along the borders, who were suspected of complicity in trafficking.²⁷ Numerous NGOs have reported on SPDC complicity in trafficking, although it appeared limited to local or regional officials turning a blind eye to trafficking activities. NGOs also reported that individual police officials were likely involved in extorting money from economic migrants and others leaving the country.²⁸ Furthermore, the SPDC's anti-trafficking measures do not accurately distinguish between people smugglers and human traffickers, with both liable to the same terms of imprisonment.²⁹ As a result, caution should be applied when assessing SPDC claims that they have taken action against 1,638 traffickers between 17 July 2002 and 30 October 2006.³⁰

Thai Migration Policy and Legal Registration of Migrant Workers

Thailand's policy towards migration has consistently prioritised economic development and national security over the protection of migrant's rights. For the past decade, policy has been drafted through a series of cabinet resolutions that reflect the attitude of the administration in office. Contradictions between these resolutions have inhibited the formation of a coherent policy on migration. Despite the large numbers of migrants living in Thailand, the country still faces a severe labour shortage in meeting growing industrial demands, prompting the RTG to frequently revise registration policies.

Thai Law defines an illegal migrant as a person without Thai citizenship who has entered the Kingdom in violation of section 12 of the Immigration Act of 1979. According to this Act, migrants found to be in the country illegally will be repatriated to their countries of origin. However, in March 1992, the Thai cabinet passed the first of a successive number of resolutions that have allowed illegal immigrants to pay a fee and apply for a work permit allowing them to work legally in Thailand. These permits limit work to specific industries in designated parts of the country. Recent registrations have included the issuance of ID cards valid for one year which entitle the migrant to access the Thai health service. Numbers of those registering have been well below the estimated numbers of migrants within the country, and in need of a constant supply of cheap migrant labour a new registration period for 2006 was announced, in December 2005.

The new registration process allowed previously registered migrants, as well as those working illegally in the country 30 days, from 1 March 2006, to remit a much increased deposit fee of between 10,000 (re-registering) and 50,000 baht (new applicants). The RTG claimed that the non refundable deposit would encourage employers to take better care of the foreign workers in their charge, enable the government to control the flow of migrants within the country and as such serve as an insurance against workers changing jobs outside of official channels, or participating in illicit activities. Harsh penalties were introduced for employers who hired illegal immigrants, and crackdowns were planned on unregistered migrants following the 30 March deadline.³¹ The instruction given at the cabinet meeting in December 2005 stated that "*Human rights principles shall not be overemphasized.*" in the government policy on migrant registration.³²

NGOs working with migrants in Thailand warned that higher deposit fees would encourage employers to effectively imprison their registered workers to ensure they did not leave and

trigger a deposit forfeit. Concurrently, by investing in a work permit, there is a strong disincentive for workers to change employers, thus hindering their ability to leave abusive work environments. It was further argued that the high cost of the deposit would either lead employers to hire fewer registered workers and more illegal workers, rendering large numbers without the protection of labour laws, or else pass on costs to their workers who can ill afford it. A related concern was that newly arrived migrants would be forced to find work in unregulated industries such as the sex industry.³³ The MAP Foundation stated that “*In many ways, the registration was a form of punishment for migrants who had not re-registered (in 2005).*” The Action Network for Migrants (Thailand) sent an open letter of protest to the RTG stating:

“Previous registration policies have charged a fee of 3,800 baht for registration, health insurance and the work permit. Most employers have in the past deducted the registration fee from the daily wages of the migrants, confiscating their work permits as ‘insurance’ against the workers leaving or changing their work place for better conditions before the fee is re-paid. An additional deposit of 10,000 baht or 50,000 baht is highly likely to increase this debt bondage of migrants to the employers and increase migrants’ vulnerability to situations of forced labour and severe forms of exploitation. Migrant workers will be under unreasonable pressure to work excessive hours to re-pay the employer. They will not be able to choose to leave their work or negotiate their working conditions, however exploitative or abusive they may be. This in turn will seriously impact on the physical and mental health of migrant workers.”³⁴

By February and March 2006, the effects of the new registration policy were already being felt by newly arrived migrants. There were numerous reports of large numbers of Mon migrant workers arriving in Samut Sarkhun Province, fleeing economic deprivation, only to be forced to return to Burma due to the prohibitive costs of worker registration. There were further reports that those migrants returning to Mon and Karen State, particularly those crossing the border at Myawaddy faced arrest on their return. The SPDC was said to be checking photographs of suspects against the faces of those returning.³⁵

When the new registration process actually began, very few employers or migrants registered. On 7 March 2006, one week into the process, it was reported that only two employers had registered their employees in Mae Sot, Tak Province. Similarly low figures were reported in other regions of the country.³⁶ With little compliance, and continued criticism of the registration policy, from both employers and labour rights activists, the government rescinded the requirement for large deposit fees, and reduced the cost to the previous 3,800 baht. However, NGOs claimed that many employers, fearing the fluctuating governmental policies, continued to shun the registration process. On 28 April 2006, it was reported that just 152,000 migrant workers have been registered with the Department of Employment during the year: 114,551 being Burmese.³⁷

As a result, on 16 May 2006, the RTG resolved that migrant workers, who had registered in 2005, could extend their permits, due to expire on 30 June 2006, for a further year. This was on condition that they continued to work for the same employer. In order to change employer the migrant workers had to prove that either: the employer died, the employer changed or stopped his/her business, the employer abused the worker or didn’t pay the worker, or that they have been the victim of unfair dismissal of forced labour. 568,878 Burmese workers completed their registration.³⁸

An MoU signed between the RTG and the SPDC in 2003, still to come into force by the close of 2006, regarding co-operation in the employment of workers, states that:

“Employment of workers requires prior permission of the authorized agencies in the respective countries. Permission may be granted upon completion of the procedures required by the laws and regulations in the respective countries.”

The intention being to move from the current situation whereby Burmese migrants enter the country illegally and are then regularised in Thailand under ad hoc registration procedures, to the establishment of official migration schemes in which migrants obtain permits while they are in their country of origin.³⁹

The delayed implementation of the MoU has been the result of disputes regarding the procedure for the verification of migrant workers nationality by the SPDC. The Thais proposed that the SPDC send its officials to Thailand for the verification process, as the Laotian and Cambodian governments agreed to do. Workers from these countries, who have undergone such a process, are eligible to work in Thailand and have access to the same social welfare benefits as Thai workers, including legal support and medical services for their children (although the welfare system does not extend to workers in the agriculture or domestic sectors). However, the SPDC has insisted that verification centres be based on the Burmese side of the border.⁴⁰

In June 2006, the RTG under Thaksin Shinawatra acceded to the SPDC's demands and instigated the initial phases of such a process; circulating application forms to Burmese workers in Thailand. Workers were required to fill in and return the form which requested their name, date of birth, occupation, citizenship card no, nationality, religion, blood group, address in Burma, and details of their family members. The forms were then to be returned to the SPDC who would approve the applications and summon the worker to return to Burma for completion of the verification procedure. As part of the agreement, the SPDC would issue “temporary passports” to these workers from one of three verification centres, in Tachilek, Myawaddy, and Kawthaung.⁴¹ On 7 November 2006, the *New Light of Myanmar* reported that the three temporary passport offices had opened.⁴²

There were two separate processes for obtaining a temporary passport. One for those already in possession of work permits for Thailand, and another for those with no work permits, which required applicants to be male and between the ages of 18 and 45. These applicants could only apply for a three-year temporary passport with no option to extend and were required to undergo a medical examination and present a guarantee of employment. Applicants already holding Thai work permits could apply for two-year temporary passports, with the option to extend for two additional years. When a worker's passport expired, they would be required to return to Burma and wait three years before applying again.⁴³

Significantly, workers were also required to remit a monthly tax of 10 percent of their earnings to the junta whilst working in Thailand.⁴⁴ There had previously been no taxation by the SPDC of Burmese workers in Thailand. By 15 November 2006, 17,000 applications had been processed by the Burmese Ministry of Foreign Affairs, with seven applications rejected for undisclosed reasons. A further 40,000 applications were submitted in November.⁴⁵

However, the vast majority of those who had submitted applications were from the Burman ethnic majority and were already in possession of Burmese identification cards. Despite the

fact that almost 70 per cent of the Burmese migrant workers in Thailand are non-Burmans, neither the Thai, nor the Burmese, authorities clarified how the process would affect those from ethnic minority groups.⁴⁶

Aside from the increased financial burden of being taxed by the SPDC, there was a strong likelihood that many of these migrants would not be recognized by the SPDC under the new process,⁴⁷ and a well founded fear that migrants whose nationality was not recognised would either be sent home or become stateless.⁴⁸ There was also a serious concern that those who entered the process would be subject to abuse, extortion, or arrest, when returning to Burma in order to complete the verification process.⁴⁹ Not only would the process likely discriminate against ethnic minorities but it would almost certainly favour those supportive of the regime. It has been suggested that the procedure will enable the junta, to dispatch their own members and affiliates to work in Thailand, especially those related to the junta aligned Union Solidarity and Development Association.⁵⁰

Migrants were also fearful that they may endanger their families back in Burma, subjecting them to harassment or excessive taxes, as a result of information provided in the application forms. This fear was fuelled by news from migrants' families inside Burma that, as early as August 2006, Village and Township Peace and Development Councils, in Mon and Karen State, were going house to house taking details of missing persons and requiring families to hang a photograph outside their house of all family members in order to tally who had migrated. Many migrants believed that the Burmese authorities planned to collect taxes from their families.⁵¹ On 13 September 2006, it was reported that families in Mudon Township had to pay to register the names of relatives working in Thailand. Residents were also asked how much their family members earned in Thailand. Whilst some families complied with the order, others refused, despite being informed that their relatives would be arrested upon return if unregistered.⁵²

Similarly, many Burmese migrant workers in Thailand refused to fill in their application papers which were required to be completed by 29 September 2006. Only 4,000 workers, out of roughly 100,000 in Chiang Mai, where the majority of migrants are ethnic Shan, had submitted applications by 7 November 2006.⁵³ As employers in Thailand were pressuring workers to fill in the forms in order that they comply with Thai regulations, many other workers simply provided false information.⁵⁴

Since the military coup in Thailand on 19 September 2006, the enactment of the MoU has again been placed on hold by the incumbent administration. It was reported that senior RTG officials in the new administration had expressed serious concerns about the process, and at a December 2006 policy meeting on foreign labour it was reported that the issue remained unresolved and still open to debate.⁵⁵

Despite a lack of agreement with the Thai administration, the SPDC attempted to unilaterally forge ahead with the process. On 28 September 2006, SPDC LIB #548 organised a meeting with village heads in Dt'Nay Hsah Township, Pa'an District, stating *"The villagers whose children have gone to Bangkok must return to their village and register their names. Everybody must come back without fail. Tell your children who work in Bangkok to come back and get travel documents."* The cost of registration was set at 500 kyat, with requisite travel documents costing a further 100,000 kyat.⁵⁶ There is a continuing fear that family members will be punished and fined for their non compliance, even in the absence of agreement with the RTG.

The Thai Cabinet resolution of December 2005, mentioned above, also included a plan to relocate migrant workers from Bangkok and the inner provinces of Thailand to the border areas. The proposal caused concern that the border areas would become overcrowded, forcing down migrant salaries below the already minimal 70 to 80 baht; the estimated average daily wage for migrant workers in Mae Sot in 2006. The RTG asserted that the scheme to relocate migrant workers was just an idea and by the close of 2006 it had not yet become policy.⁵⁷ The proposal is in fact part of a wider plan to relocate industries that attract migrants to the border provinces in order to, “*enhance national security, public health, lives and assets security,*” in that migrants would be easier to control and deport in the future. The strategy, which aims to make Bangkok migrant free, includes the establishment of Thai owned factories and industrial zones on the Burmese side of the border and economic incentives for employers to relocate to Thai Provinces bordering Burma.⁵⁸

Working Conditions and Labour Law

In 2006, Burmese migrant workers formed an integral part of the Thai economy, with demand for cheap labour exceeding supply. Migrants from Burma were predominately employed in the agriculture, fishing and manufacturing sectors, with significant numbers also employed as domestic workers. However, Burmese migrant workers frequently suffered abuse at the hands of their employers including excessive working hours without holiday entitlements, underpayment, withholding of pay, violence, and restrictions on their freedom of movement- often being effectively imprisoned. Many found themselves in situations which amounted to forced and bonded labour. Thai Labour laws and policies on registration have confounded the issue for this vulnerable group, as have corrupt officials.⁵⁹ With the alternative being deportation, these workers often accept high levels of exploitation, and are prevented from forming Trade Unions in any case.⁶⁰

As a result, most migrants are at the mercy of their employers who frequently pay below Thai minimum wage. In 2006, migrant workers in Mae Sot generally earned 70 to 80 baht a day, well below the minimum wage requirement of 139 baht.⁶¹ Whilst migrant workers often receive food and board as part of their pay, such in-kind payments are rarely assigned a specific monetary value and, under Thai law, should be regarded as additional to, rather than a substitute for, cash payments. Whilst those in the fishing and manufacturing sectors are generally better paid than those working in the domestic or agriculture sectors, they still only receive about 60% of the minimum wage they are entitled to, once the number of hours worked, overtime and lack of days off are taken into consideration.⁶²

A joint study conducted by the ILO and Mahidol University published in 2006 found that almost half of all workers in fishing experienced delayed payment and 40% of fishing industry workers had pay deducted for ‘mistakes’ made such as taking a day off (even when ill), damaging stock or equipment or being late to work. In manufacturing, 25% of workers faced delayed payment and 15% had to pay for mistakes made. One 18 year old Karen migrant stated, “*When I make mistakes, the employer forces me to pay for the trousers at 180 baht each. Some people make 10 mistakes so that’s 1,800 baht. Some of the trousers are so cheap they only sell for 50 baht*”.⁶³ Often employers simply refuse to pay their migrant workforce. For instance, on 10 January 2006, it was reported that roughly 50 unregistered Burmese construction workers in Phang Nga Province, southern Thailand, were arbitrarily refused wages for the previous two months employment, and lacked the legal status to do anything about it.⁶⁴

The ILO study found excessive work hours to be common, with, particularly, those in the domestic sector (82 percent of respondents), but also significant numbers in other sectors working over 12 hours a day. Further, rest periods and holidays, a human right enshrined in the UNHCR, were regularly denied to migrant workers. It was found that a significant number of migrant workers in all sectors had no regular day off per month. If permitted, days off were generally unpaid, with ‘fines’ sometimes deducted from wages, meaning most migrants were reluctant to do so, even when allowed.⁶⁵

High levels of physical abuse at the hands of employers was also reported with between 7-9 percent of workers in fishing, manufacturing and domestic work claiming to have been victims of such violence.⁶⁶ On 15 October 2006, 200 migrant workers demonstrated in response to such employer abuse at the BB Top Co Ltd. (a.k.a. Wool Co. Ltd.) Their manager had assaulted two female employees, and threatened to kill them. His actions came in response to the fact that the two girls; Ma Gyi Gyi Thein and Ma Hnin Aye Thin, arrived to work an hour late on the 7 October 2006, after having to avoid police checkpoints. The response by the workers was met with the factory owners simply taking steps to pack up production and move site, prospectively leaving the entire workforce unemployed.⁶⁷

Many employers arrange accommodation for their migrant workforce, invariably at the place of work. Those living on-site frequently have restrictions placed on their movement. For example, the majority of domestic workers are not allowed by their employer to leave the house, to meet with others, or to accept visitors. Many were prohibited from even communicating with others, with one third of domestic migrant workers surveyed by the ILO not permitted to send or receive mail. A small number of migrants working in fishing, agriculture and manufacturing also stated that their employer did not allow them to go out. A larger number asserted that they could not go out due to fear of arrest, either because they were unregistered or because their documents were being withheld by their employers.⁶⁸ Whilst Section 18 of the Working of Aliens Act, 1978, states that registered migrants are required to personally retain their original work permit, more than one third of registered migrants across all sectors surveyed by the ILO stated they did not hold their original documents.⁶⁹ As employers generally make the initial payment for the registration of migrants, there is a clear motivation for them to protect their financial investment through tightly controlling the mobility of their workforce.

The research found that whilst unregistered workers suffered worse working conditions, worked longer hours and lacked freedom of mobility when compared with registered workers, the fact that many registered workers did not hold their own identity documents meant that a significant number remained vulnerable to deportation, extortion and harassment at the hands of the authorities if outside their place of work.⁷⁰ The prevalence of this practice meant that employers were able to circumvent the protection offered by the registration process and ensure that their workforce remained disenfranchised, thus easier to control and exploit. It also made access to the health care, that registered migrants should be entitled to, much more difficult to obtain.⁷¹

Such conditions of employment for Burmese migrants in Thailand have meant that many find themselves in situations which qualify as forced and bonded labour. Under ILO Convention No. 29 on Forced Labour, the key aspects of forced labour are defined as ‘*lack of consent*’ and ‘*menace of penalty*’. Both the ILO/Mahidol study and a report by the FTUB found that the levels of violence, constraints to leave, restricted freedom of movement, lack of access to

ID documents, excessive work hours and insufficient time to rest, particularly in the fishing and domestic sectors, frequently satisfied these requirements.⁷²

The migrant registration policy can be seen to reinforce notions of ownership in the relationship between the employer and migrant worker, with a significant majority of employers, surveyed by the ILO, asserting their belief that migrants are not entitled under Thai law to leave work premises outside of work hours, without permission.⁷³

Other aspects of Thai Labour Laws and policies also play a significant role in how employers treat migrant workers. Most of the protection provided by the Labour Protection Act 1998 does not apply to workers in the agriculture or domestic sector, nor does it cover those working on fishing boats, whether they are migrants or Thai nationals. As such workers in these sectors are particularly vulnerable to unscrupulous employers. Furthermore, the fundamental right to organise trade unions is tightly circumscribed for migrant workers in Thailand. Thailand has failed to ratify the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949 and Convention 111, on Discrimination. However, the ILO Fundamental Declaration of Rights and Principles requires all ILO members to uphold the core conventions regardless of ratification status. In addition, freedom of association and the right to form and join trade unions are enshrined within the UDHR, the ICCPR and the ICESCR, all of which Thailand has ratified.⁷⁴

Whilst the right to form trade unions was enshrined in the 1997 Thai Constitution for all persons without discrimination, the constitution was repealed following the military coup on 19 September 2006. Regardless, constitutional rights in Thailand can only be enforced where there is an organic law to implement them, with no legal right of appeal to rights guaranteed under the constitution. The functioning domestic law regarding this issue is in fact found in Article 87 of the 1975 Labour Relations Act (LRA) which requires that ten persons out of those who apply to register a union must be Thai nationals. Whilst a non-Thai can be a member of a union, Article 100 of the LRA states that all elected union committee members must be Thai nationals from birth.⁷⁵

Although migrant workers can in theory legally join Thai Unions, there are significant obstacles to such a practice in reality. Including:

- Areas with high numbers of migrant workers have few or no trade unions.
- Only a minority of migrant workers speak Thai or English, and few Thai union leaders speak English or Burmese well.
- There are cultural barriers between Thais and Burmese.
- Migrants' precarious legal status and the constant threat of deportation, means that Thai unions tend to shun Burmese workers wishing to enrol.
- Thai unions are constrained by a lack of resources.
- Migrant workers have a lack of knowledge and information regarding the role of trade unions, particularly as they come from a country where no unions exist.

- Employers have often been reluctant to renew an employee's work permit if they are known to be a member of a union.⁷⁶

Recently, positive steps have been made in bridging the gap between unions and migrant workers, but significant obstacles remain. On 22 October 2006, disparate worker organisations came together at the Convention of Global Solidarity organised by the Thai Action Committee for Democracy. At the convention, Thai worker organisations agreed with their Burmese counterparts to work towards the establishment of a united worker's union to better protect the rights of workers. *"We need to build a strong labour union, instead of fighting alone. We must organize ourselves. Currently our strength is being used by business men for huge profits,"* said the secretary of the Songsirm Thai Textile Labour Union who attended the conference.⁷⁷ Following on from the Convention, 20 organizations signed on to support the principles laid down as a result of the discussions, and agreed to work towards securing the right of migrant workers to form unions. The group submitted its proposals, to Thai interim Prime Minister Surayud Chulanont, which included calls for an unlimited time period for migrant registration and greater opportunity to access the justice system through the provision of language assistance and information.⁷⁸

It is likely that future attempts to unionise will be met with great resistance from employers and employers' associations who assert significant influence over the RTG. The influence of these employer associations and the ineffectuality of Thailand's Labour Protection Office (LPO) have greatly contributed to the inability of registered workers to ensure even their most basic rights.⁷⁹ The LPO is charged with ensuring adherence to Thai labour laws. As such it has the mandate to arbitrate in disputes between employees and employers. However, criticism persisted throughout 2006 over the LPO's perceived ambivalence to violations of labour rights and bias toward the interests of employers. Many commentators cite the close relationship between the LPO and employer organizations such as the Federation of Thai Industries (FTI) as the reason for the Office's failure to adequately respond to violations of labour law.⁸⁰

The FTI, for its part, actively seeks to constrain the actions of workers, maintain low wages, and limit union power. If workers' organising activities are discovered, leaders are often blacklisted, and find it difficult to work in the area again. The FTI has managed to garner much support in the media for its policies, as its members are largely in control of the local economy and media. The prevalent employer practice of intimidating and sacking workers who stand up for their rights is, as such, frequently allowed to go unchecked.⁸¹

Despite the vulnerability of migrant workers, and their restricted rights to association, there were numerous incidents of worker's organising to demand fair treatment throughout 2006. On 7 April 2006, in Mae Sot, Thailand, 200 Burmese workers marched through the town in order to demonstrate against the fact their employer was withholding pay, as well as housing and food allowances. The dispute dated back to January 2006 when the workers, from GS Art Knitting factory, had asked their employer for deductions in meal costs and living expenses and compensation for wrongful dismissal. The owners had refused to meet their demands and dismissed 43 employees. Following the march, five workers were allowed to meet with immigration and labour officials. The officials agreed to arbitrate in the dispute on 20 April 2006.⁸² As a result of these negotiations, their employer agreed to the majority of the worker's demands.⁸³

However, in the same month, on 18 April 2006, over 100 Burmese workers from the Chit Tun garment factory, Mae Sot, were repatriated to Myawaddy, Burma. Following an appeal to the LPO by these workers, asking for increased salary, regular payment, fresh food and one day off a week, Thai immigration officials visited their factory, in order to check the worker's ID and work permits. Eight workers were arrested as their permits had expired. Over a hundred other workers who were unhappy with these arrests were subsequently arrested. Whilst the LPO had agreed to negotiate with the workers, and set a date for 5 May 2006, the arrests and subsequent deportation prevented this meeting ever taking place.⁸⁴ Similarly, on 19 July 2006, workers from the NC knitting factory, Mae Sot, held a demonstration to demand their rights. The following day, police rounded up around 700 workers; 300 from the NC factory, with another 200 from Red One knitting factory, and about 200 from the Han Thai factory. Many of those arrested were in fact in possession of identity documents. Those with documents were later released whilst those without were deported.⁸⁵ In October 2006, 42 workers from the Progress Ceramic Co Ltd also demanded their rights, and as a result were removed from their posts.⁸⁶

Whilst registered migrant workers do have recourse to the Thai legal system, this system is problematic even for Thai workers. As a result, two NGOs in particular, the Migrant Assistance Program (MAP) Foundation and the Yaung Chi Oo Workers' Association (YCOWA), have made strides to educate migrant workers about their labour rights and best procedure for obtaining them. Furthermore, they have provided assistance and translation services to those migrant workers who wish to take their case through the courts. In 2006, the MAP Foundation, frequently in conjunction with YCOWA, facilitated the successful labour cases of 298 workers for a total compensation of 1,242,038 baht, in the Mae Sot District alone. Such success in the courts has not only empowered more migrant workers to pursue their rights but has additionally had the knock on effect of increasing the responsiveness of employers to their demands, prior to disputes being taken to arbitration or trial. However, as a result of their work, the staff at these NGOs have faced numerous forms of harassment and intimidation over the past few years, ranging from the posting of their photos in factories and forbidding workers to associate with them through to arrest.⁸⁷

Migrant Health

To a large degree, the health status of migrants in Thailand is influenced by the health conditions they face in their home country. Burma has a low GDP, and very limited spending on health services. The AIDS epidemic in Burma and the lack of information about methods of prevention for this and other diseases within the country is a major contributing factor to their prevalence within migrant communities. (For more information see Chapter 9 Health and Education) Migrants' health is also affected by the fact that they often travel through jungle areas, with high exposure to contagious diseases, such as drug-resistant strains of malaria, when attempting to enter Thailand. However, the working and living conditions migrants endure in Thailand also have a large influence on their mental and physical condition. In addition, their tenuous legal status, or lack thereof, and further barriers limiting access to health services, information, and legal mechanisms, means that migrants endure poor working and living conditions without being able to receive full or proper treatment for the health conditions which they endure.

As the RTG perceives the health of migrants to be a threat to the health of the general population, one of the leading aims of the registration process is to combat this threat. As such the registration process includes health checks whereby migrants are screened for seven

'excludable' diseases. Migrants are then deported if they are found to have physical deformations or weakness as a result of elephantiasis or leprosy, advanced TB or Syphilis, illegal drug addiction, psychological disorder or mental illness. Those suffering from TB, elephantiasis, syphilis and leprosy in the early stages of the disease are allowed to stay for treatment. Migrant workers are also required to pay 1,300 baht for health insurance. Once this has been paid they are included in Thailand's Universal Coverage System which provides treatment for the majority of health problems under a flat fee of 30 baht per service⁸⁸ (In one instance, a female migrant covered under this scheme who gave birth in a Thai hospital was given a large bill at the end of her stay due to the fact that her newborn baby did not yet have coverage). The dependants of migrant workers are not required to take out health insurance and due to the initial cost, many eschew the process. Furthermore, at the close of 2006 it was estimated that around one million unregistered migrants lived in Thailand without undergoing any formal health checks.⁸⁹

Notably, migrants are not screened for HIV/AIDS during the registration process given Thailand's adherence to international standards regarding mandatory HIV testing. Whilst there is a lack of data on the actual prevalence of HIV/AIDS amongst Burmese migrants in Thailand, it is known that the disease is more prevalent amongst this community than in the population at large. What figures there are indicate that HIV/AIDS is prevalent in those areas of Thailand which border Burma, and are home to large migrant communities.⁹⁰ Ranong has been identified as an area of particular concern, with high rates of infection amongst those migrants employed in the fishing and sex industries.⁹¹ Whilst there are identifiable strains of HIV/AIDS spreading from Burma to Thailand, UNAIDS asserted, in 2004, that globally many migrants in fact move from low HIV prevalence areas to those with higher prevalence rates, increasing their own risk of exposure to the virus.⁹² Such an assessment is likely applicable to those migrants coming from rural areas in Mon State to Ranong; as an example.

Conditions of employment for migrant sex workers are known to be more precarious than those of their Thai colleagues. Migrant sex workers in Thailand tend to work in massage parlours and brothels rather than Karaoke and Go-Go bars. In such workplaces, not only do employers often impose tight restrictions on their freedom of movement, but these workers are often unregistered and unable to speak any Thai, and as a result very rarely leave their place of work. This renders them out of the reach of information, services and treatment concerned with reproductive health. In areas where NGOs are actively working with migrant sex workers, access to health services has been increased considerably in recent years. However, coverage is limited to specific areas, and employers are often reluctant to allow NGOs access to their employees. Their lack of legal status also means that employers are often able to demand their workers go with higher numbers of customers and limit their opportunity to reject customers. In 2006, the Open Society Institute discerned a correlation between such practices and the fact that undocumented migrant sex workers were found to have an HIV infection rate of 10.9 percent, in comparison to 3.7 percent for Thai and documented sex workers.⁹³

Burmese migrants also make up a large proportion of male sex workers in Thailand. Phongthorn Chanlearn, of Mplus+, an organization which runs clinics for male sex workers, has estimated that men from Shan, Kachin and Karen States in Burma account for up to 80 percent of Thailand's male sex workers. He cites a lack of identity documents as a push factor for taking up the role. Whilst bar owners will often refuse to hire those under 18 years of age, this can often expose them to greater risks as they work independently on the streets.

Clients reportedly often offer larger amounts of money for unprotected sex as opposed to protected sex.⁹⁴

Access to condoms is obviously an important requirement in combating the prevalence of HIV/AIDS in the migrant community. Following a long running and somewhat successful public health campaign regarding the threats of HIV/AIDS in Thailand, the RTG has recently stepped back efforts in this area. In 2005 it stopped the issuance of free condoms completely. In the place of this policy, the government was to supply cheap condoms via government condom vending machines. However, by February 2006 not one of these machines had been installed. In their absence, the cost of condoms was equivalent to over half a migrant's average daily wage.⁹⁵ Whilst, sex worker organizations distribute condoms as part of their work, their reach is limited both in terms of numbers and geography.⁹⁶ Further, sex workers' can lack access to condoms due to the fact that their employers do not want any incriminating evidence of their activities on the premises. Language barriers negate their ability to learn about condoms or negotiate condom use with clients. This ability to negotiate is often non-existent anyhow in situations of forced labour. The use of condoms can also become extremely uncomfortable for the sex worker in situations where they are required to take many clients in one day.⁹⁷ Lubricants have never been distributed by the RTG.⁹⁸

Not only access to condoms but education and access to information are crucial in combating the spread of HIV/AIDS. Migrants from Burma often arrive in Thailand lacking any real information on the dangers of, and means to prevent, infection from sexually transmitted diseases. The SPDC has been unwilling to engage in any large-scale education campaigns and references to condoms are still heavily restricted in the Burmese media. As sex remains a taboo subject in many parts of Burma, migrant workers continue to be placed, or place themselves, into high HIV risk situations without the background knowledge or education to protect themselves from such risks.⁹⁹

By 2006, a growing number of migrants were becoming educated about HIV/AIDS. However, misconceptions were still common, as was inconsistent condom use. Feelings that condoms are uncomfortable or unnatural were particularly prominent among Mon men, and fishermen from Burma have been known to base the decision over whether to use a condom on the belief that a sex worker's HIV status can be determined by the temperature or color of her skin.¹⁰⁰ A 2006 survey amongst migrant workers in Chiang Mai found that whilst most respondents were able to correctly identify routes of HIV transmission, misconceptions about the disease remained common and stigma against those with HIV was high. It concluded that mainstream HIV prevention programmes in Thailand have poor penetration among Shan migrant communities, largely due to language barriers.¹⁰¹ The RTG for its part has made only limited attempts to include its migrant population in prevention initiatives.¹⁰² In the coastal areas of southern Thailand, local authorities actually refused Medicines Sans Frontieres (MSF) permission to use local community radio to broadcast Burmese-language programmes about how HIV is transmitted and how to protect against it. They claimed broadcasting programmes in a foreign language constituted a "*national security threat*."¹⁰³

In addition to a lack of access to information, HIV/AIDS in the migrant community is perpetuated by a lack of access to healthcare. STI treatment is a major part of HIV prevention and STI levels provide early warning of the spread of HIV. In the past public health STI clinics provided sexual health care to women employed in the sex industry including undocumented migrants. However, in 2005 and 2006, these clinics were closed nationwide, with the RTG asserting STI services at public hospitals were sufficient, despite the fact that

they are inaccessible to undocumented migrants.¹⁰⁴ Furthermore, Anti Retro-Viral (ARV) treatment at subsidised cost is not available to migrants, making ARVs prohibitively expensive. The Thai authorities argue that Burmese migrants are too transient for it to be worth initiating a course of treatment. Those working for migrants health rights have argued that migrants are no more transient than their Thai working class counterparts who are engaged in seasonal work. According to Suskri Sanaha, of MSF, local health workers frequently urged migrant workers found to be infected with HIV, whether registered or not, to return to Burma.¹⁰⁵ ARV for prevention of mother to child transmission is available to migrants. However, once the child is delivered, neither the migrant mother nor their children continue to be eligible for subsidised ARV treatment.¹⁰⁶

In 2006, ninety five percent of those suffering from malaria in Thailand were found in the country's border regions, with the highest rates and most drug resistant strains found on the border with Burma. Malaria was most widespread in Mae Sot, Mae Ramat, Tha Song Yang, Phop Phra and Umphang, areas where large numbers of Burmese migrant workers are found.¹⁰⁷ These migrants are often exposed to the disease when crossing the border to Thailand, through jungle routes in order to avoid border officials. The risk was compounded in 2006 due to the continuing high numbers of migrants crossing to Thailand and the early onset of the rainy season.¹⁰⁸ A lack of health education and limited access to healthcare means that Burmese migrants who contract malaria often try to self-treat the disease, and only seek treatment at a later date if the symptoms have increased in severity.¹⁰⁹ TB is also prevalent amongst the Burmese migrant community in Thailand. Figures released in 2006 found that 33 percent of TB cases in Thailand were in the border regions, and estimates from the government's health exam in 2004 suggested that over nine percent of those migrants tested may have had TB. Frequently TB is a symptom of HIV, with between 17 and 55 percent of those migrants in Thailand found to have TB also having HIV in 2006.¹¹⁰ Treatment for migrants with TB is made difficult by their long working hours, high mobility and lack of documentation.

Whilst factors from their source country, Burma, as well as the journey these migrants make, to reach Thailand, play a large role in high incidence rates of disease amongst Burmese migrants, conditions within Thailand are also a significant contributing factor. Burmese migrants are often employed in occupations that are dirty, difficult and dangerous, with employers who show little concern for occupational safety. The Raks Foundation has asserted that health conditions arising from environmental factors associated with the work place are common amongst Burmese migrants, with fatigue widespread. The accommodation employers provide for their migrant workforce is commonly overcrowded and unsanitary, lacking ventilation and clean water; the conditions in which workers live often leaving them exposed to infection from mosquitoes, and harsh weather conditions.¹¹¹ Research on Shan migrants, working in Chiang Mai in 2006, supported such an analysis. The study found that an increasing number of these workers faced health problems from environmental contaminants at their workplace and long working hours. Shan migrants who worked on orange plantations exhibited increased levels of contaminants in their blood as well as skin diseases from chemicals used on the crops. Despite advice from NGOs working on the issue to take breaks from their jobs, workers refused as their families depended on their income, and employers would not tolerate days off. Long working hours with few days off posed their own significant health risk, as such conditions can lead to long-term mental and physical illnesses.¹¹²

Employment factors also contributed to the exacerbation of reproductive health issues within the female migrant community. Pregnancy remained grounds for dismissal by many employers in 2006. In addition, pregnant migrant workers are generally not offered maternity leave and breast-feeding is often forbidden during work hours.¹¹³ A report published by the Open Society Institute and Melbourne University in December 2005 found the need to retain their jobs for the simple issue of survival led many female migrant workers in Thailand to terminate their pregnancies.¹¹⁴ The illegality of abortion in both Thailand and Burma forces migrant workers to seek assistance outside formal channels, often to the detriment of their physical and mental wellbeing. Key findings from the research on the Thai-Burma border were that:

- At least a quarter of women with post-abortion complications have had self-induced abortions.
- A third of the women interviewed had five or more pregnancies, which is a health risk in itself.
- Most women and lay midwives classified menstrual regulation and abortion as traditional methods of fertility control.
- Unqualified abortionists and home remedies are the only practical recourse women have to end an unwanted pregnancy.
- Women used a wide variety of methods to end their pregnancy, including self-medication with Western and Burmese medicines, drinking ginger and whisky, vigorous pelvic pummelling and insertion of objects into the sex organs.
- The Thai Ministry of Health has recorded the abortion rate among migrants as 2.4 times higher than that of Thai women

It was also noted that the women interviewed had little to no education and nearly 25 percent could not read or write, making alternatives to written information on reproductive health a necessity. In Thai hospitals, however, women requiring medical care following serious abortion complications “*are discharged without education, counselling or contraceptive supplies.*”¹¹⁵ In Burma, it is estimated that only 28 percent of fertile-age women use a modern method of contraception, compared to 72 percent of Thai women in Thailand. In Thailand, the scenario for Burmese migrants is much the same, with most migrant women unable to access reproductive healthcare, information on sexually transmitted diseases or contraceptives.¹¹⁶

The inaccessibility of reproductive health services is indicative of a larger problem. Even those migrants registered and in possession of health insurance face significant barriers to actually benefiting from this cover. Research conducted into Shan Migrants in Chiang Mai Province found that language was a large impediment to receiving adequate health care. Not only are many migrants unable to ask for help, but it is difficult for hospital staff to keep medical records “*because we don’t understand their language.*”¹¹⁷ Another debilitating obstacle is the fact that many employers withhold migrants’ ID cards, as a means to ensure that they don’t leave or change employers. Without their ID cards, migrants are subject to arrest when outside their workplace and are unable to claim the benefits of their health insurance. This effectively restricts migrants’ freedom of movement and makes migrants

reliant upon their employer to provide transportation, or to allow them to seek treatment in the first place. Furthermore, registered migrants are required to seek assistance at specified medical centres assigned to them in the registration process. These centres are often a long way from their place of work, making it difficult and expensive to reach for those with long working hours and few days off, especially as service hours often coincide with work hours. This issue is especially pertinent for those employed in mobile occupations such as fishermen, who are assigned to a provider at their port of origin, which they may return to only periodically.¹¹⁸



Construction villages for Burmese migrant workers barely have basic conditions. This village has approximately 100 workers and just one hand dug toilet. [Photo and caption: OSHAID International/MAP Foundation]

Thus, the common and somewhat truthful belief that migrants import diseases with them overlooks their conditions of employment and the social and structural barriers faced by migrants in obtaining their right to health in Thailand. In reality, both registered and unregistered migrants' inability to obtain basic rights, which are ostensibly granted to registered migrants but untenable due to practical barriers, significantly and negatively influences their health. During 2006 Thailand's Ministry of Public Health did initiate steps towards ameliorating some of the health issues surrounding the Burmese migrant population within Thailand, recognising the potential for epidemics caused by large numbers of high risk groups going uncared for. In April 2006, an event jointly organized by the World Health Organisation and Thailand's Ministry of Public Health, and attended by numerous NGOs, discussed plans to create a border health master plan in order to cope with any outbreaks of malaria, tuberculosis or avian flu.¹¹⁹ Following on from this, in December 2006, the Public Health Ministry announced plans to make migrant healthcare a bigger priority in an attempt to halt the spread of disease. The Ministry's Permanent Secretary Dr Prat Boonyawongwirot expressed concern over the large number of unregistered foreign workers who did not have healthcare coverage, stating, "*If foreign workers are covered in the healthcare scheme, they will receive treatment and will not pass on diseases to Thais.*"¹²⁰

Situation for Migrant Children

Given that approximately 42% of Burma's population is aged 18 years or less, it is not surprising that a significant number of those who migrate to Thailand are in fact children. It has been estimated that there are around 200,000 Burmese children living in Thailand, many of whom are working, with 20 percent of the migrant workforce in Thailand thought to be made up of children aged 15 to 17 years of age. These children often end up as targets for abuse and exploitation with their vulnerability heightened by the fact that a significant majority of their parents remain behind in Burma, having sent their children to Thailand to generate income for their struggling family.¹²¹

Numerous studies in 2006 have revealed that child migrant workers in Thailand are faced with the same abusive and exploitative working conditions and labour practices as their senior compatriots. FTUB reported that migrant children in Mae Sot, Tak Province, suffered excessive working hours, lack of time off, unhealthy proximity to dangerous machines and chemicals, situations of debt bondage, confiscation of their identification documents, and systematic restrictions on their freedom of movement. As such FTUB asserted that *"many of these children in Mae Sot can most accurately be described as enduring the "worst forms of child labour," prohibited by the ILO's Convention No. 182 – a Convention that the Royal Thai Government ratified in February, 2001."* The youngest child interviewed by FTUB was 12 years old, and was operating a machine 8 hours per day, 7 days a week. The report concluded that *"Mae Sot has perfected a system where children are literally working day and night, week after week, for wages that are far below the legal minimum wage, to the point of absolute exhaustion."*¹²² These conditions are endured despite the fact that many of those children over 15 years of age are legally registered and theoretically entitled to protection under Thai labour laws.¹²³



The number of Burmese children crossing the border unaccompanied has continued to increase in recent years and 20 percent of the migrant workforce in Thailand is estimated to be made up of children aged between 15 and 17 years of age. [Photo: FTUB]

An ILO joint study with Mahidol University procured similar results and conclusions in 2006 concerning the use of child migrant labour in Thailand. The report uncovered human rights violations including physical assault, forced labour, children working in hazardous environments, and routine psychological and verbal abuse. Its authors claimed that Thai

employers prefer immigrant workers and especially child migrants “*due to availability in the market and (the fact they are) easier to control*”. Child labour was most prevalent in the fishing and domestic sectors where they endured long working hours, faced significant constraints in leaving their job and were more likely to be unregistered than adult workers in these sectors. Boys aged 15-17 working on fishing boats were considered to be most vulnerable to the worst forms of child labour. The fishing sector also had significant numbers of children aged less than 15 years old i.e. below Thai and ILO Convention 138 minimum legal working age. The report concluded that such findings underline “*an urgent need for effective labour inspection*”.¹²⁴

Furthermore, a 2006 Chiang Mai University study on child labour in the agriculture sector of Phop Phra and Mae Sot Districts, found that more than half of the 600 under 18 year olds interviewed claimed to have handled pesticides and fertilizers which are “*very dangerous for their physical and brain development*”. Such a situation stands in direct contravention of Article 32 of the Convention on the Rights of the Child and Thailand’s own labour laws. The study estimated that there were around 4,000 labourers under the age of 18 in these areas, 20 percent of which were under 13 years old. Further, around thirty percent of them were receiving no education.¹²⁵

An additional issue of increasing concern has been the growing population of stateless children residing in Thailand. The Thai Ministry of Social Development and Human Security estimates there to be around 430,000 stateless persons living in Thailand with stateless children numbering around 100,000.¹²⁶ Thailand refuses to acknowledge the citizenship of children born to undocumented migrants within its borders, in direct contravention to Article 7 of the Convention on the Rights of the Child, which states:

“The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents...in particular where the child would otherwise be stateless.”

At the same time, the 1982 Citizenship Law of Burma refuses citizenship to children whose parents have left Burma illegally, and often children arriving in Thailand from ethnic minority areas in Burma lack any kind of identity documents. As a result a generation of stateless children has emerged in Thailand lacking citizenship and its concomitant rights, security and entitlements.¹²⁷

Whilst Thai Law denies citizenship to these children, every child born in a medical centre or hospital within Thailand is theoretically entitled to a delivery certificate. However, it is common practice for hospital staff to ignore this policy and simply remove any records documenting that the baby was born there. This is said to be done to prevent the child from claiming Thai nationality in the future. Similarly, those children born outside of Thai hospitals, as many migrant children are, should be entitled to a letter certifying the place of birth from the head of their village, granting them some proof of their identity. However, this policy has not been widely publicised, and there is concern over whether parents would be arrested and deported whilst attempting to obtain such a document.¹²⁸

The process for obtaining citizenship for those children born to registered migrants is also problematic. Since 2004, children born of legally registered migrants are entitled to receive birth certificates. However, in most cases, this still does not occur, and has prompted

expressions of significant concern from the international community.¹²⁹ Parents must go to the village head and then the local municipal office within 15 days of their child's birth. Here they are required to produce their work permits and a guarantee from their employer that they are who they say they are. Aye Chan, general secretary of the Committee for Protection and Promotion of Child Rights draws on his own experience to illustrate how this process can often work in practice; *"Eight days after my wife gave birth, I went to the Municipal office together with the village head, but they did not recognize my baby."*¹³⁰

There was considerable uncertainty surrounding Thai policy on migrant education throughout 2006. On 5 July 2005, the Thai Cabinet approved a new Ministerial Regulation regarding migrant and stateless children's access to education, as proposed by the Ministry of Education (MoE). The 'education for all' policy stated that education at the primary and secondary school levels shall be opened to children without documentation, regardless of area, and the Ministry of Education was to provide adequate financial resources to cover the extra cost for schools. In a separate initiative, the Cabinet also ordered the Ministry of Interior (MoI) to issue an identification card, with a 13 digit I.D. number on it, to these children.¹³¹

However, the Office for Basic Education (OBE), the department within the MoE responsible for this policy, with a small staff and budget, lacked the authority and ability to enforce it, and as such policy was interpreted widely, or even disregarded. Many schools simply refused to enroll these children as they did not have the budget to accept them. School administrators have reportedly told migrant students that scarce budget resources must be used on students of Thai nationality first.¹³²

In Phra Pradaeng Amphoe, Samut Prakan Province, it was reported that, in December 2006, the Ministry of Social Development and Human Security had set local policy so as to refuse undocumented children in the Thai school system. This is contrary to OBE policy and the Ministry involved lacked any real authority to do so.¹³³ This episode highlighted a further significant impediment to the implementation of the policy; there was no definitive hierarchy within the RTG departmental system regarding this issue. Whilst the MoE asserted that budget would be approved per head in schools, the MoI sought to register migrant children before they would be allowed to attend Thai schools. In Samut Sakhon province migrant students were required to have an MoI 13 digit I.D. number before the school would be granted any extra budget.¹³⁴

Whilst it is important for children to be documented, it was feared that those who did not match the criteria for obtaining the card, which were unclear, could be deported. In the past such systems of registration in Thailand have required the children to have been born in the country. Given the difficulties faced by migrant children in obtaining any documentation of their births, a significant number of undocumented migrants would fail to satisfy such a criterion. As such many families were reluctant to apply, and NGOs working on the issue were hesitant to endorse the scheme.¹³⁵

The situation may be somewhat ameliorated in 2007. Whilst the OBE's operating budget for this project was 20 million baht in 2006, they were promised 175 million baht for 2007 under the new administration.¹³⁶ Nonetheless, the additional costs associated with attending Thai schools (books, uniforms, transportation costs) are often beyond the means of migrant children, and differences between Burmese and Thai language instruction are also sometimes too much for migrant students.¹³⁷

The upshot during 2006 was that the vast majority of Burmese migrant children remained outside of the Thai education system. Migrant children were instead reliant on informal schools established by various bodies, ranging from NGO's, exiled trade unions and political groups, religious communities, small migrant associations, or motivated individuals in the community. In some cases, these schools lack an appropriate curriculum or the necessary resources for students to attain a high level of education. The informality of these schools also results in an 'unaccredited' education that is unable to provide the necessary documentation or recognition for more advanced educational placement.

The illegal nature of these schools meant that they constantly operated under threat of closure and often had to pay large bribes to local officials in order to remain open.¹³⁸ Throughout the first quarter of 2006, the Thai authorities had taken a hard line stance against these schools, ordering the closure of five schools in Tak Province during February 2006. *"These schools were opened without permission from local authorities,"* said a local government official, adding *"We don't know what curriculum is being taught, and the schools could be a threat like religious schools in southern Thailand, where violent uprisings continue."* The schools in Phop Phra district were subsequently closed on 21 March 2006.¹³⁹

However, in May 2006, a draft resolution was introduced in Tak Province regarding the registration of independent migrant schools. Once a school was registered it would be free from the fear of such closures and its pupils would be able to obtain standardised Thai qualifications. Two categories were proposed, with tougher criteria to be met by those that wished to be schools than those wishing to operate as learning centres. Requirements included bringing their curriculum in line with Thai schools including the teaching of Thai language and culture. It was further suggested that they would be required to hire at least one qualified Thai teacher in order to qualify as a school. Lacking resources, a great many of these schools would struggle with the curriculum requirements and very few would be able to afford a Thai teacher's wage. NGO staff, working on migrant education, have suggested the closure of some of these schools would not necessarily be a bad thing given the dire educational standards of some of them. However, the closure of some of the better establishments would represent a significant loss. By the end of 2006, this proposal remained just that; a proposal, and still required approval from the Ministry of Education, the Ministry of Interior, the National Security Council and the Ministry of Labour.¹⁴⁰

Deportation of Migrants

Whilst illegal migrants in Thailand were incessantly at risk of deportation throughout 2006, Thai authorities tend to mount crackdowns each time a migrant registration period finishes. As such, in July 2006, following the expiration of the June registration period, Thai authorities began a crackdown in Mae Sot to round up unregistered migrant workers, forcing many workers into hiding in the surrounding jungle.¹⁴¹

When undocumented migrant workers are arrested in Thailand, they are dealt with in a number of ways. Some are quickly released after paying a bribe to the police either on the spot or after being held for a short time at a police station. Others are sent to the Immigration Detention Centres (IDCs) in Mae Sot or Bangkok. Those held in Bangkok may be kept there anywhere from one day up to and over a year. Those who are taken to the Mae Sot IDC are generally moved on within a couple of hours. Some undocumented migrants in the Bangkok IDC are transferred to the Special Detention Centre (SDC), which is primarily reserved for

political activists, and from where it is very difficult for people to gain release. For those who are to be deported there are two possible procedures:

The vast majority of undocumented migrants arrested by the Thai authorities are ‘informally’ deported. During 2006, migrants deported informally were generally handed over to the junta aligned Democratic Karen Buddhist Army (DKBA) not far from the Mae Sot – Myawaddy border crossing. In turn, the DKBA requested a small fee of around 500 baht from the migrants to secure their release. Given the fact that these migrants had already been held by Thai authorities they often had no money at all. Those unable to pay, instead, have their ‘release’ secured by brokers who pay the DKBA the required amount. The brokers then continue to detain the deportees, and request a fee of around 800-1,500 baht for their release, with the captors given the chance to contact a friend or relative to pay the ransom. The price of freedom was often increased if the person remained with the brokers for a long time. Many migrants deported in this way simply return to Thailand once they are released.¹⁴²

Since August 2003, when an MoU between Thailand and Burma came into force, there has also been a formal deportation process, whereby Burmese migrants are transferred directly from Mae Sot in to an SPDC holding centre across the border in Myawaddy. The quota for the number of deportations through these channels remained at 400 per month in 2006, with two deportation days designated as the first and third Monday of each month, although the system was said to be less regularised than in previous years.

The holding centre, known as *Ke Say Yee Sa Kan* in Burmese, was established in February 2002 following initial negotiations between the RTG and the SPDC, and according to SPDC figures, 20,883 migrants have passed through the centre from the date it was opened up until 30 October 2006.¹⁴³ At the reception centre, deportees are reportedly placed under a combined police, military and DKBA guard. All returned migrants are screened through a series of interviews with immigration officials, public health officials and members of military intelligence. Conditions in the holding centre are reportedly poor, and with the ICRC unable to make visits, there were no international organizations monitoring the conditions at the centre throughout 2006.

Upon entry, the SPDC authorities specifically screen returned migrants to identify those opposed to the regime-rule. Thai authorities also submit personal data on deportees to SPDC officials at the time of repatriation. These officials then cross-check the information provided with their own files and through questioning. As most political activity is criminalized in Burma, this process places past and present politically active deportees at severe risk of arrest, interrogation, torture, and arbitrary detention. On 16 October 2006, one migrant, whom had signed a petition calling for the release of political prisoners in Burma, was arrested and deported to Myawaddy where the SPDC arrested him for being connected with anti government organisations.¹⁴⁴ Returned migrants are also tested for a number of communicable diseases such as HIV/AIDS, malaria, tuberculosis, and sexually transmitted diseases. Such mandatory testing contravenes UN HIV Principles and Guidelines, of which both Thailand and Burma are signatories.

Regardless of their political background, deportees are subject to potential arrest and imprisonment for up to 7 years for illegal emigration pursuant to SPDC regulation 367/120-(b)(1). They may also be punished under Article 13 (1) of the Immigration (Emergency Provisions) Act, 1947, which states: “*No citizen of the Union of Burma shall enter the Union without a valid Union of Burma Passport, or a certificate in lieu thereof.*” Under this Act,

undocumented migrants are subject to one year's imprisonment and a fine upon their return to the country.¹⁴⁵

Generally, however, at the end of the screening process, those who are able to find a resident of Myawaddy prepared to vouch for them are often simply released upon paying between 2,000-3,500 kyat. The remainder are transported by truck back to their home districts. Some migrants have reported that once they are returned to their villages from the Myawaddy holding centre, they are forced to sign pledges declaring that they will never attempt to leave Burma again. They are threatened with prison sentences and heavy fines if they do so. Others have reported being warned that if they are found to have passed through the centre three times they will be subject to punitive action for illegal emigration under the aforementioned laws.

It is not only illegal migrants who are vulnerable to such arrest and deportation by Thai authorities, but also refugees, UNHCR slip holders and registered migrants. Local Thai officials oftentimes assume that all people without ID documents outside the refugee camps are undocumented economic migrants or simply ignore documents they may have. As such, the withholding of work permits by employers places registered migrants at an increased risk of deportation. On 14 October 2006, two Burmese men were arrested by Thai police in Samut Sakorn province whilst collecting signatures for a petition calling for the release of all political prisoners in Burma. A police lieutenant reported that "*They were arrested and charged as illegal immigrants as they did not have passports.*" He added that one of the men held United Nations refugee status but should not have left the border refugee camp. The two men were sent to the Thai immigration bureau in Bangkok and immigration officials stated that they would be deported.¹⁴⁶



Arrested migrants in Mae Sot, Thailand are regularly transported *en masse* from the IDC to the Burmese border where they are handed to the SPDC. [Photo: MAP Foundation Thailand]

In 2006, the UNHCR was no longer able to screen lists of those being deported to determine if they would face persecution on their return to Burma. All UNHCR slip holders outside of Bangkok were expected to have reported to the camps, UNHCR slips were not recognised as legal documents, and the MoI had instructed the Immigration Bureau that there were to be no refugee status determination interviews in the IDC. Nevertheless, the UNHCR was sometimes able to advocate on behalf of those held in the Bangkok IDC, as there remained

around 1,500 UNHCR slip holders in the capital. If tipped off as to the detention of a slip holder, the UNHCR were generally able to negotiate with Thai immigration for informal deportation. Deportees were then, usually, able to return to Thailand. However, this situation will likely change when Bangkok slip holders are finally transferred to camp. (For more information see Chapter 14 The Situation of Refugees.)

In addition, some migrants are subject to deportation pending the results of the health examination conducted as part of the migrant worker registration process. Migrants are screened for seven 'excludable' diseases, and deported if they are found to have physical deformations or weakness as a result of elephantiasis or leprosy, advanced TB or Syphilis, illegal drug addiction, psychological disorder or mental illness.¹⁴⁷

Official deportations of arrested, and rescued, undocumented migrant sex workers resumed in 2004. Prior to that, deportations had been halted since 1992 because Thai authorities feared for the safety of the returnees.¹⁴⁸ In June 2006, 20 women were charged with prostitution after a raid on a Mae Sot brothel in Thailand. Whilst most of the sex workers were slated for deportation, four of the women under 15 were placed into the care of Thai social workers and NGOs.¹⁴⁹ (For more information see Chapter 7 Rights of Women)

The Tsunami

On 26 December 2004, a tsunami ravaged the Andaman coastline causing unprecedented damage to the western coast of Thailand. According to Surapong Kongchanthuek, deputy chairman of the Law Society of Thailand's Committee on Human Rights for Stateless and Displaced People, 127,714 migrant workers from Burma were employed in the affected provinces. However, only 22,504 were registered with the Ministry of Labour.¹⁵⁰ Estimates for the number of Burmese migrant workers killed by the tsunami are as high as 2,000. Most of their bodies remain missing.¹⁵¹

Difficulties in identifying Burmese victims stemmed from a number of factors:

1) Migrant workers from Burma were reluctant to claim the dead bodies of friends, family and co-workers due to fear of arrest and deportation. As many migrant workers lost their work permits during the tsunami, they were rendered unable to prove their legal status, many others were not registered in the first place, and still others had used pseudonyms whilst working in Thailand. Further, the death of employers often left registered workers with no one to vouch for them. The police initiated a crackdown in the aftermath of the tsunami, indiscriminately arresting both unregistered and registered migrant workers, rendering the entire segment of the population vulnerable to potential deportation.¹⁵² (A group of migrant workers arrested during the aftermath of the tsunami and charged with looting were, in 2006, a year and a half later, released after a judge ruled that there had not been sufficient evidence for such a conviction. Whilst the migrants should have been entitled to compensation for their wrongful incarceration, they were instead hastily deported.)¹⁵³

2) The forensic centre, staffed by international forensic experts, and overseen by the Thai police, faced criticism for the misidentification of some bodies slowing the process for those yet to be identified.¹⁵⁴ There were also allegations of a misuse of donors' funds by the Thai Tsunami Victim Identification Centre. It has been alleged that as much as 60 percent of the 60 million baht (US\$ 1.6 million) meant for the centre may have been used for travel and other miscellaneous costs. A letter signed by ambassadors from the U.S., UK, Finland,

Germany, France, Sweden and the Netherlands on 22 November 2006, stated that “*There may have been some misuse of funds given by our respective governments to support the disaster victims identification process.*”¹⁵⁵

3) The SPDC exhibited a complete intransigence towards cooperation in the identification of Burmese citizens. Even once bodies had been identified, the bodies remained in Thailand due to the SPDC’s refusal to recognize their citizenship and accept their repatriation.¹⁵⁶ SPDC restrictions on international travel also hindered families living in Burma from coming forward to claim their relatives.¹⁵⁷

As a result, the dead and their families were left in “*administrative limbo caught between an uninterested SPDC and its embassy in Bangkok, the Thai Foreign Ministry and the strict requirements of the forensics centre.*”¹⁵⁸

Between January and October 2006, a total of 120 Burmese bodies which had finally been identified were cremated in Thailand’s Phang Nga Province, with the ashes returned to many of their families. However, relatives and employers reported at least a further 175 Burmese still missing.¹⁵⁹ In the last months of 2006, the remaining 410 unidentified bodies of the tsunami dead were buried in Thailand, whilst the bodies of 103 victims who have been identified, but whose families have yet to collect them, remained in storage; of these 72 were Burmese nationals.¹⁶⁰

Timeline of Events Relating to Migrant Workers in Thailand

January

On 10 January 2006, it was reported that around 50 Burmese construction workers in Phang Nga, southern Thailand had not been remunerated by their employer for the previous two months, leaving total outstanding wages at 750,000 baht. As the workers were unregistered, they were powerless to seek redress.¹⁶¹

Also on 10 January 2006, police in Mae Sot rounded up around 30 Burmese workers, including some who were legally registered, and extorted money from them. Two of the workers who questioned these actions were punched and kicked. Thirteen of the workers were detained thereafter at the local immigration office.¹⁶²

On 30 January 2006, it was reported that six bodies, suspected to be Burmese labourers, had been recovered from the sea, off the coast of Surat Thani and Chumpon Provinces. Many of the bodies had been blindfolded.¹⁶³

Also on 30 January 2006, police in Hat Yai, Songkhla Province raided worker’s shelters on construction sites, arresting 100 migrants. Twenty two were held with a view to deportation as they had entered the country illegally, whilst the rest were prosecuted for working illegally.¹⁶⁴

February

On 1 February 2006, 53 Burmese immigrants were arrested whilst trying to enter Thailand. The group was made up of mostly Muslims and included five children, and were found in a boat off the coast of Phuket. They were detained awaiting deportation.¹⁶⁵

On 7 February 2006, it was reported that 11 Arakanese fishermen had been confined to a Thai fishing boat off the coast of Pattani for the previous three months, under threat from their employer. The fishermen had been forced to work at gunpoint. The owner had originally paid the men 4,000 baht each but had failed to pay them since. The owner maintained that the men had not caught enough fish and therefore should not be allowed back on shore. The 11 Arakanese workers were:

1. U Kyaw, 27;
2. Maung Latt, 27;
3. Zaw Zaw, 27;
4. Hla Tin Maung, 29;
5. Zaw Thein Oo, 28;
6. Htun Hla, 38;
7. Maung Thein Cha, 32;
8. Htay Naing Wong, 26;
9. Maung Aye Than, 18;
10. Bo Saw Hlaing, 22, from Kyauktaw; and
11. Maung Maung, 25, from Mrauk U.¹⁶⁶

March

In March 2006, the new registration process for migrant workers in Thailand commenced. However, very few employers or migrants registered. Employers complained of high deposit fees, NGOs complained that the system would encourage debt-bondage, forced labour and corruption. The RTG subsequently agreed to reduce the fee. By 7 March 2006, 168,849 Burmese workers had registered. Of these 163,449 were successful in renewing their work permits.¹⁶⁷

April

On 5 April 2006, more than 80 Burmese Mon were arrested along with their broker by the police near Ranong, southwest Thailand. The group included 35 males, 37 females and 14 under 16 years old, one being a four month old baby. They were each found with 5,000 baht which was to be paid to their broker. Those under 16, and the mothers of the children were deported to Burma, whilst the men were prosecuted.¹⁶⁸

On 7 April 2006, in Mae Sot, Thailand, 200 Burmese workers marched through the town in order to demonstrate against the fact their employer was withholding pay, as well as housing and food allowances. The dispute dated back to January 2006 when the workers, from GS Art Knitting factory, had asked their employer for deductions in meal costs and living expenses and compensation for wrongful dismissal. The owners had refused to meet their demands and dismissed 43 employees. Five workers were allowed to meet with immigration and labour officials following the march. The officials agreed to arbitrate in the dispute on 20 April 2006.¹⁶⁹ As a result of these negotiations on 20 April, their employer agreed to fix working hours from 8 am to 5 pm, to grant holidays every Sunday, holidays on 13 Thai honoured

days, leave for illness besides leave of three days, a Thai minimum wage of 143 baht per day and 50 percent of the food costs when there was no work. He further agreed to pay compensation to those workers he had fired.¹⁷⁰

On 18 April 2006, over 100 Burmese workers in Mae Sot were repatriated to Myawaddy. Thai immigration officials visited the Chit Tun garment factory, Mae Sot, in order to check the worker's ID and work permits. Eight workers were arrested as their permits had expired. Over a hundred other workers who were unhappy with these arrests were subsequently arrested. The arrests followed an appeal made to the LPO earlier in the month, by the workers at the factory. The workers had asked for increased salary, regular payment, fresh food and one day off a week. Whilst the LPO agreed to negotiate, and set a date for 5 May 2006, the workers were arrested before being given the chance to present their case, and subsequently deported. Most later returned to Mae Sot, but those who had previously had a work permit, had had them confiscated by officials.¹⁷¹

On 23 April 2006, 10 Burmese migrants attempting to enter Thailand across the river in Sangklaburi were fired upon by Thai police, after their boat was ordered to stop and failed to do so. The survivors claimed that they thought the Thai police were fishermen and so did not stop. The New Mon State Party claimed that four men were killed. This was disputed by the vice-chief of police in Sangklaburi, who claimed only two migrants were killed. The four men thought to have died are:

1. Mi Khaing Mar Win, 17;
2. Mi Cho Win, 19;
3. Nai Tun Win, 20; and
4. Mi Aye Than, 38.¹⁷²

On 29 April 2006, a boat transporting Mon migrants from Kawthaung, Burma, to Thailand sunk after being hit by a cyclone 100 kilometres due south of Ranong, Thailand. At least eight of the 32 passengers were said to have drowned. It was believed the boat capsized as there were too many people loaded onto it. It was also reported, that the Burmese authorities had arrested hundreds of Mon intending to make a similar journey, in Kawthaung who were detained and interrogated inside sport stadiums.¹⁷³

May

On 2 May 2006, it was reported that up to 20 migrant workers from Burma drowned whilst trying to cross the border into Thailand, near Ranong. The migrants, thought to have been from Lamine city, southern Mon State were swept away by the tide after being let off in shallow waters in an attempt to evade the Thai Navy Police, whom the boat owner had spotted patrolling in the area. Three children were thought to be amongst the dead. The Thai Search and Rescue Team who later monitored the incident by helicopter saved another 17 people and charged them with illegal entry into the Kingdom.¹⁷⁴

On 16 May 2006, migrants with work permits from June 2005, which were due to expire on 30 June 2006, were granted permission to continue work for the same employer for a further year. If a worker wished to change employer and apply for a new permit, they had to prove that the employer had either died, changed or ceased business, had forced, abused or failed to pay them, or that they had been a victim of unfair dismissal.¹⁷⁵

On 28 May 2006, Thai authorities reported that the 300 bodies interred in unmarked graves in Pattani, southern Thailand, discovered in March 2006, were those of Burmese and Cambodian migrant workers. There was evidence to suggest at least 80 percent of the dead had been murdered. It is unclear whether they were victims of the continuing unrest in the province. The Thai authorities commenced the identification process on 5 June 2006.¹⁷⁶

June

In June 2006, Thai employers submitted their quotas to the government in reference to how many migrant employees they wished to employ. Employers asked for a quota of 1,333,703 migrants including 1,051,577 Burmese. The Department of Employment approved a figure of 1,226,106.¹⁷⁷

By 7 June 2006, 460,014 work permits had been renewed including 407,379 Burmese migrant work permits.¹⁷⁸

On 8 June 2006, a female Mon migrant died when a vehicle carrying another 52 migrant workers, mostly Mon nationals from Burma, overturned on the way to Kanchanaburi. Six others were left in a critical condition. The driver had reportedly sped up believing the Thai border police were following him.¹⁷⁹

On 30 June 2006, it was reported that criminal gangs had attacked and hospitalised at least 20 Burmese migrants within the preceding two weeks, in the heavily populated Burmese area of Mahachai, Samut Sakhon Province. Naing Khin was hospitalised with severe head injuries on 29 June after being attacked by eight men. On 18 June Myint Aye, 18, was gang raped by Thai men, and days earlier Ye Than, 24, was gang raped in her home. Pranom Somwong of the Migrant Assistance Program (MAP) asserted that such incidents demonstrated a lack of protection for migrant workers in Thailand.¹⁸⁰

July

In July 2006, following the expiration of the registration period on 30 June, Thai authorities began a crackdown in Mae Sot to round up unregistered migrant workers. Many workers were forced into hiding in the surrounding jungle, facing threat of malaria and exposure.¹⁸¹

On 4 July 2006, it was reported that over 20 fishermen including Mon and Burman migrant workers had died whilst at sea and had their bodies thrown over board by their employers. A further 12 fishermen were being treated in hospital with symptoms including chest pains and difficulty in breathing. Family members were not allowed to visit those men receiving treatment. The fleet of six fishing boats had returned to Samut Sakhon port on 2 July. The dead Mon migrants were said to be from Wette village, Mudon Township; Htinyu village, Hanpyuzayart Township; and Hnitkayin village, Ye Township; in Mon State. By 20 July 2006, the cause of the deaths had not been reported. A source close to the fishermen believes their own boss likely fed them with poisoned food. *"It is possible they were poisoned because the owner of the boat lost a huge amount of money in gambling recently; the Captain, mechanics, and other senior fishermen were alive and only the ordinary workers died,"* said a Mon community worker. By 19 December 2006, the death toll stood at 30 migrant workers and nine Thai crew members. The National Human Rights Commission and the Lawyers Council of Thailand announced that they would file charges against the fleet operator. Investigations by the Commission found that the crew were left to fend for

themselves at sea for three months whilst the owner attempted to renew their fishing license. The surviving crew members were reported to be reluctant to seek legal redress due to fear of deportation for those unregistered migrants. Nasser Artwarin, of the Lawyers Council of Thailand, said that they would seek overdue wages and demand legal action against the operator for illegal detention and recklessness causing the deaths of others. He added that State authorities would also face punishment if any negligence of duty was uncovered.¹⁸²

On 19 July 2006, around 700 Burmese migrant workers were rounded up by Thai authorities in Mae Sot. The arrests were made at three different factories with around 300 workers from NC knitting factory, 200 from Red One knitting factory and 200 from Han Thai factory. The arrests followed a demonstration by workers at the NC knitting factory. Workers with I.D. cards were arrested alongside those without. Those in possession of work permits were later released whilst those without any documentation were deported.¹⁸³

August

On 17 August 2006, the Federation of Thai Industries- Tak Province, proposed the establishment of a 'one stop shop' responsible for handling all migrant workers registration, medical assessments, job training and placement as well as providing lodgings.¹⁸⁴

On 22 August 2006, a large gang of around 30 men raided the residence of roughly the same number of Burmese and Cambodian migrant construction workers in Bangkok. The men assaulted and threatened the workers but did not ask for anything. One Mon migrant worker suffered a broken skull.¹⁸⁵

On 27 August 2006, Immigration officials and Thai police arrested 674 Karen migrants during a 15,000 strong annual wrist tying festival. The celebration was being held at the Police cadet school in Sam Pran, Nakhon Pathom. The organisers were under the impression that they had permission to stage the event, however, Col Padsanong Boonyakiet, deputy commander of the academy, said he mistakenly gave permission because he believed they wanted to use the field for soccer games involving only 200 factory workers. The workers were deported because they lacked work permits or had violated the law restricting the movement of migrants to within their area of employment.¹⁸⁶

Also on 27 August 2006, Thai Labour Minister Somsak Thepsutin and Burmese Deputy Foreign Minister Maung Myint agreed to the establishment of a temporary visa centre in Mae Sot within the next six months in order to issue visas to 10,000 new Burmese migrant workers. The centre would also issue visas within a day to migrants already working in Thailand.¹⁸⁷

September

On 1 September 2006, the registration of Thai employers in need of legal Burmese workers began.¹⁸⁸

On 5 September 2006, a Thai Cabinet meeting discussed the SPDC's request to send the names of Burmese workers to the SPDC for verification of nationality. The proposal stated that the workers would then be called to one of three processing centres in Tachilek, Kawthaung or Myawaddy to be verified as Burmese. If all documentation was in order they would be issued with temporary passports within 24 hours. Burma also requested Thailand to

send the names of employers to Burma by the end of September so they could start recruiting workers by the end of October. The junta also proposed that these centres be used as recruiting centres by Thai employers.¹⁸⁹

On 12 September 2006, over 700 Burmese migrant workers at the SR garment factory, near Mae Sot walked off the job in protest at low pay, and the withholding of work permits by their employer.¹⁹⁰

October

On 7 October 2006, the manager of the BB Top Co Ltd (a.k.a Wool Co Ltd) in Mae Sot assaulted two female employees. Ma Gyi Gyi Thein and Ma Hnin Aye Thin had arrived at work late after having to avoid police checkpoints. The manager refused them permission to work, then tried to run them over before hitting them. The incident acted as a catalyst for the workers to protest against their low wages and lack of rights, holding a demonstration on 15 October 2006. In response the factory owners made moves to close down and shift their site of production, being unwilling to negotiate with their workforce. Moe Swe, of YCOWA, stated *“most factories in Mae Sot, when they need workers, they order what they want, but when they do not need their services, they are not willing to negotiate with the workers. They ask the police to threaten workers and create a conflict.”*¹⁹¹

On 12 October 2006, a Burmese migrant was beheaded by Islamic militants in front of his daughter in the Pattani Province, in the south of Thailand. His severed head was found in a village 20 km away.¹⁹²

On 14 October 2006, two Burmese migrants were arrested in Samut Sakorn whilst petitioning for signatures calling for the release of all political prisoners in Burma. Despite the fact that one of the men had UNHCR refugee status they were arrested as illegal immigrants. Thai Police Lieutenant Nattakit Eiampratom stated that he should not have been outside of the refugee camp. The men were detained in Bangkok and at the time the incident was reported were due to be deported.¹⁹³

On 16 October 2006, it was reported that 42 workers from the Progress Ceramic Co Ltd in Mae Sot had been taken off work after demanding the minimum wage. They were looked after by the YCOWA organization and asked the LPO to intervene in the dispute. The Thai police intervened and arrested the workers. One of the workers Ko Ye Kyaw Thu, who had signed a petition calling for the release of political prisoners in Burma, was deported to Myawaddy where the SPDC arrested him for being connected with anti government organisations.¹⁹⁴

On 23 October 2006, a truck transporting 39 illegal Burmese immigrants crashed into a larger truck in Singburi, north of Bangkok. The Burmese were travelling in a windowless cab, and five were killed with 25 hospitalised. The truck was transporting the workers from Mae Sot to Singburi where the driver was due to hand the migrants over to a middleman. The surviving migrants were deported.¹⁹⁵

On 26 October 2006, one Burmese migrant worker was killed in a road accident. A vehicle transporting 22 migrants from the Three Pagoda Pass on the Thai Burma border overturned after the migrants had paid 8,000 baht to be taken to their destination. 18 migrants were arrested for illegal entry.¹⁹⁶

November

On 6 November 2006, 50 Rohingya were arrested after their boat came ashore in Ranong. They were later deported back to Burma.¹⁹⁷

On 7 November 2006, Thai police arrested 51 Burmese migrant workers at a fish processing plant in Samut Sakhorn. They were arrested as illegal immigrants as they did not have work permits or I.D. The factory owner was also charged.¹⁹⁸

On 21 November 2006, two separate boats carrying Rohingya arrived in Thailand where their passengers were arrested. One boat came ashore in Ranong carrying 96 passengers, the second boat was found in Kuraburi, Phang Nga, with 57 passengers on board. All passengers were deported in early December.¹⁹⁹

On 29 November 2006, 87 Rohingya were arrested for illegal entry into Thailand after their boat landed in Ranong. They were deported in December 2006.²⁰⁰

December

On 5 December 2006, 114 Burmese men were arrested after their boat washed ashore in Phang Nga Province, southern Thailand. It was reported that the men had been at sea for 10 days, and were on the brink of starvation. The men were reported to be Rohingya from Maungdaw Township, Arakan State, and included a 10 year old boy in their midst. The boat had no sail, or shelter, and the engine broke whilst they were at sea. They were charged with illegal entry into Thailand. It is thought they had intended to reach Malaysia.²⁰¹

On 6 December 2006, Nai Chai, a Mon migrant was murdered and his wife was raped in Phuket, southern Thailand. A local Mon social activist said killings and rape among migrant workers are common in these areas because they work in rubber plantations far away from residential areas. The relatives and neighbours of Nai Chai did not want to approach the police for an investigation, through fear of deportation.²⁰²

On 8 December 2006, two boatloads of Rohingya were arrested in Ranong. Forty men were on one boat and 89 on the other.²⁰³

On 12 December 2006, Thai police arrested 66 Rohingya in Takuapa Province, southern Thailand. The Rohingya, from Maungdaw and Buthidaung Townships, Arakan State, claimed to be heading to Malaysia but were caught in storms whilst at sea. They entered a local village in search of food but were reported to the police.²⁰⁴

On 13 December 2006, Thai authorities arrested 92 Rohingya who came ashore in Khuraburi, Phang Nga, southern Thailand. The passengers were all male and aged between 13 and 60, and came from Sittwe and Maungdaw Township, Arakan State. They were reported to have paid between 12,000 and 15,000 kyat each for the trip to Thailand. One passenger stated “*No matter what, I don’t want to be sent back, life is too hard there.*” The group were deported on 19 December 2006.²⁰⁵

On 14 December 2006 it was reported that 41 migrants were found inside the trunk of a gasoline truck whilst being trafficked from Tak province to Bangkok. The migrants were said

to be exhausted due to a lack of air and extremely hot conditions, with some fainting as they left the truck. Each migrant had paid 4,000 baht for the trip.²⁰⁶

Also on 14 December 2006, Thai police found 79 Burmese migrants crammed into the back of a truck in Tak Province. The truck was heading to Bangkok. The migrants were deported, and the brokers arrested.²⁰⁷

On 29 December 2006, two boatloads carrying a total of 102 Rohingya were arrested by Thai authorities in Khuraburi, Phang Nga Province, southern Thailand. They were deported back to Burma on 7 January 2006.²⁰⁸

On 31 December 2006, the period allowed for employers to fill their quotas of migrant workers ended. If not already filled, employers lost their quota.²⁰⁹



Those 66 Rohingya who arrived in Phang Nga, Thailand on 12 December 2006 received food courtesy of local NGO Grassroots Human Rights Education. They were later deported back to Burma on 26 December 2006. *[Photo: GHRE/Irrawaddy].*

15.3 The Rohingya Boat People

From November 2006, an unusually high number of Rohingya attempted to make the journey across the sea from Bangladesh to Malaysia. From the time the monsoon season ended up until the end of 2006, somewhere in the region of 1,000 people from 15 separate boats had been arrested in southern Thailand, as a result of this influx. Large numbers continued to arrive in the first months of 2007. The majority of those making the journey were either from northern Arakan in Burma, or Rohingya living inside of Bangladesh but outside of the refugee camps. The numbers were also said to include refugees living inside the camps, and a few local Bangladeshis. All of those on board were males, with the majority aged between 18 and 30, and some as young as 10.²¹⁰

There is little information regarding the fate of those Rohingya arrested in Thailand, although it is believed that most were deported through unofficial channels from Mae Sot to DKBA territory within Burma. (For more information see above section on Deportation of Migrants). There is also a limited amount of information regarding the fate of those boats that did not reach Thailand. Three boats are known to have been intercepted by the Burmese authorities. In one case, the Burmese Navy towed a boat adrift near Sittwe to Maungdaw and imprisoned those onboard in Maungdaw Prison. The other two boatloads were taken ashore (1 group to Rangoon and 1 group somewhere in Tenasserim Division), questioned and photographed and then put back at sea, even towed towards Thailand territorial waters. Whilst those on board had told SPDC authorities that they were Bangladeshi fishermen, the Arakan Project, an NGO working on the issue, asserted that it is unlikely this story was believed and that *“we can assume that the Burmese authorities prefer to let them continue their journey rather than keeping them in their jails.”* Further Rohingya were arrested by Bangladeshi authorities although it is reported that smugglers and traffickers largely avoid such arrests through a system of bribes, with the Bangladeshi government not overly committed to mounting operations which would in effect maintain their Rohingya population.²¹¹

In addition, at least five boats carrying Rohingya were reported to have left Bangladesh earlier in the year, between January and April 2006, prior to the onset of the monsoon season. One carrying 80 Rohingya broke down and drifted towards the Andaman Islands where it was intercepted by the Indian Navy in January 2006. At least 66 of the passengers were believed to still be in detention, at the close of 2006. A second boat, which departed in February 2006 with 120 passengers on board including both Rohingya and Bangladeshi, was caught by the Burmese Navy, and it is not known what happened to its passengers. A third boat holding 77 Rohingya ended up on Rondo Island, a small Indonesian Island in April 2006, with the passengers later deported by the Indonesian authorities, who dismissed the option to send their boat back to international waters due to the poor condition of their vessel.²¹² Another boat with 10 Rohingya and 5 Bangladeshis on board reached Thailand where its passengers are alleged to have been arrested. A further boat which left from Shaporidip in March 2006 was intercepted by the Thai Navy.²¹³

It is believed that the overwhelming majority of passengers onboard all of these vessels had been attempting to reach Malaysia. Whilst the shipping of the Rohingya to Malaysia via Thailand is not a new issue, the volume of traffic in 2006 far exceeded any previous figures. There were no significant events to explain this sharp increase; however, the Arakan Project forwarded numerous factors which it claimed to have contributed to it. The Rohingya continued to be heavily persecuted within Burma, and conditions in Bangladesh, both inside

and outside the refugee camps, are reported to be precarious, with the Rohingya population faced with widespread abuse and pervasive chronic malnutrition. However, the Arakan Project stress that it is more a combination of pull factors which have led to the unprecedented numbers choosing to make this journey.²¹⁴

No	Arrival Date	Arrival place	# onboard	Deported
1	1-2-2007	Ranong	+/- 100	In IDC
2	23-1-2007	Ranong	35	5-2-2007
3	19 or 20-1-2007	Ranong	20+	No details
4	18-1-2007	Ranong	38	6-2-2007
5	16-1-2007	Khuraburi (Phangnga)	37	30-1-2007
6	1-1-2007	Ranong	53	10-1-2007
7	1-1-2007	Ranong	65	10-1-2007
8	29-12-2006	Khuraburi (Phangnga)	69	7-1-2007
9	29-12-2006	Khuraburi (Phangnga)	33	7-1-2007
10	22-12-2006	Ranong	61	30-12-2006
11	13-12-2006	Khuraburi (Phangnga)	92	19-12-2006
12	12-12-2006	Takuapa (Phangnga)	66	26-12-2006
13	8-12-2006	Ranong	89	20-12-2006
14	8-12-2006	Ranong	40	22-12-2006
15	5-12-2006	Takuapa (Phangnga)	114	19-12-2006
16	28 or 29-11-2006	Ranong	87	9-12-2006
17	21-11-2006	Khuraburi (Phangnga)	57	3-12-2006
18	21-11-2006	Ranong	96	Early Dec 06
19	6-11-2006	Ranong	50	1-12-2006
20	November 2006	Phuket	?	No details
21	November 2006	Phuket	?	No details
22	November 2006	Phuket	?	No details
			1,200+	

Boat arrivals in Thailand from November 2006 to 1 February 2007.²¹⁵

On 1 August 2006, the Malaysian Immigration Department initiated the registration of Rohingya for residence/work permits referred to as “IMM 13”. The process, which shunned the UNHCR in the system of identification and registration, and instead relied on certain Rohingya community representatives, was in fact suspended on 17 August 2006 following allegations of fraud and corruption. Nevertheless, news of the registration had already quickly spread throughout northern Arakan and the refugee community in Bangladesh.²¹⁶

Following news of the registration process, opportunist smuggling networks began to expand their operations. It is believed that Rohingya living in Malaysia are at the heart of these operations. Organisers were said to guarantee registration and jobs upon their arrival, in order to secure a payment of roughly US\$850 per person, with about US\$300 to pay upon departure and the rest on arrival in Malaysia. Additional networks also proliferated within Bangladesh and Northern Arakan who offered voyage as far as Thailand for under US\$300.²¹⁷

Concurrently, traditional migratory routes from Bangladesh became more heavily circumscribed during 2006. It became more difficult to obtain Bangladeshi passports in the aftermath of a nation-wide bombing campaign by Islamic extremists in Bangladesh in August 2005. This development hindered Rohingya attempts to reach Saudi Arabia. In the 1970's the Muslim World League obtained permission from the Saudi King to allow Burmese Muslims fleeing persecution to settle in the country. However, the Saudi government required them to obtain passports from any country they could in order to facilitate their stay. The inability to obtain Bangladeshi passports therefore constrained the Rohingya in their attempts to reach Saudi Arabia. In addition, the Saudi embassy in Dhaka tightened the issuance of *Umra* visas (pilgrimage to Mecca) and demand for unskilled labour in Saudi Arabia has reportedly dropped. Smuggling routes to Pakistan have also been seriously curtailed by the construction of barbed-wire fences along the Indo-Pakistan border. As such Malaysia was left as the most viable and affordable Muslim destination, with the journey by sea from Bangladesh the only route available in the absence of official travel documents.²¹⁸

Interviews Concerning the Rohingya Boat People

Interview #1

Ethnicity/Religion: Rohingya, Muslim, age: 22

Village: originally from Maungdaw North

Residence: Bangladesh (1 year) after being deported from Saudi Arabia (3+ years)

Interview date: 30 January 2007 – Thailand (paraphrased)

Date and place of departure: 29/11/2006, Shamlapur, Teknaf (Cox's Bazaar)

Date and place of arrival: 08/12/2006, Ranong

Date of deportation: 22/12/2006

Total people on board: 40

He has been in Bangladesh for one year. He is not a registered refugee. He spent more than 3 years in Saudi Arabia and was deported to Bangladesh. The negotiated deal was 15,000 Taka in advance in Bangladesh to go to Thailand. His destination was Thailand, not Malaysia.

During the journey, they nearly ran out of fuel so the boat crew stopped the engine and used a sail. They faced a small storm one day. The day after the storm, they met a Burmese boat and offered to buy some fuel in exchange of watches and dollars. When the Burmese boat saw all the passengers, it sailed away. Soon after, two Burmese Navy boats with sailors and guns rushed towards them. They asked everyone to put their hands up. The passengers agreed to let one person speak on their behalf to them. He said that they were all Bangladeshi going to find work in Thailand. The speaker spoke in Burmese and told the Burmese Navy that he used to do business with Burma and that is how he could speak Burmese. All the passengers were transferred on the navy boats, their pictures were taken and they had to write their address. By then, all of them were very scared. There was a woman officer onboard of the Burmese Navy boat. The next morning, she came to them and instructed the sailors to provide some fuel and food for them. The Burmese Navy towed their boat for 4 hours towards Thailand and then let them go. After 2 hours of sailing, the boat got caught by the Thai coast guards.²¹⁹

Interview #2

Rohingya community leader.

Date and Place of interview: 23 December 2006 – A village near Teknaf, Bangladesh

When I listen to the traffickers, I am amazed: how they talk about Malaysia and Thailand, how easy it appears to get there by boat, how easy it is to find a job there, and how strong their currencies are! On the map, Thailand looks so close to Bangladesh. The passengers believe these traffickers because they often visit Thailand and Malaysia and have good connections there.

From this village, two traffickers collected people to send them to Thailand and Malaysia. They are R.A. and U.S., both are originally from Maungdaw but have lived in Bangladesh for some years. They have already been to Thailand and Malaysia. In mid-November this year,

R.A. and U.S. got arrested by the Teknaf police but their associates released them by bribing 40,000 Taka to the police. They no longer come here in person but R.A.'s sister who lives here with her husband now collects money on her brother's behalf. Both R.A. and U.S. went to Thailand on two separate boats carrying passengers at the end of October. Then they came back by air. I heard they have a network of agents in Thailand who arranged travel documents so that they could fly back to Bangladesh.

Now, they are again busy collecting passengers to bring them as far as Thailand only, not all the way to Malaysia. They charge 30,000 Taka cash before departure to take them as far as Thailand. In case the passengers have relatives in Malaysia, they promised they can also arrange to take them there but the additional fee is 40-50,000 Taka upon arrival in Malaysia. Now, most boats are only bringing people to Thailand and the traffickers' responsibility ends there. They no longer promise to take them all the way to Malaysia except in some exceptional cases when the passenger has relatives in Malaysia or in Thailand.

Some passengers arrested in Thailand rang their parents or relatives in Bangladesh from Thai custody. The parents and relatives here went to complain to the traffickers that their sons or brothers are now in Thai jails. But the traffickers replied that they had charged 30,000 Taka to take them as far as Thailand and they are now in Thailand. Whether in jail or free is not their concerns. They have kept their promises.

One of my relatives, a young man of 25, left for Thailand from Cox's Bazar in the second week of December. The trafficker bought a boat from a ward commissioner from Teknaf municipality. It was an old boat and the engine was not functioning properly. It broke down near the Arakan coast and was captured by a NaSaKa sea patrol. Some passengers jumped into the sea to escape. Among the passengers there were about 15 Bangladeshi and the rest were Rohingya. Some of them have been living here for more than 20 years and some arrived a month or two ago to go abroad by sea.²²⁰

Interview #3

Rohingya trader visiting Bangladesh

Date and Place of Interview: 27 December 2006

In the early morning of 21 December, after Fazar prayer, I was strolling on the road near my house when I saw a crowd of people near the Maungdaw jetty. I went there to see what was happening. Eight NaSaKa men had arrived with one rather large boat and two small fishing boats. The two fishing boats were from Akyab [Sittwe] and the large boat looked like a Bangladeshi boat. In the two small fishing boats, there were 10 fishermen and in the large boat, I saw about 50 men. The crowd told me that the boats were caught by the NaSaKa in the sea near Anguma [in Rathedaung but close to Sittwe] and that the two fishing boats were towing the large boat towards Bangladesh.

After sunrise the NaSaKa sent the 10 fishermen from the two small boats to the Maungdaw police station. Later, at about 2 PM, the NaSaKa handed over 56 people from the large boat to the Maungdaw detention centre.

On that day we could not learn more about these people because the NaSaKa were with them

the entire day. But, the next day, on 22 December, we finally learnt that these people had tried to reach Malaysia and they had been by a NaSaKa sea patrol on 20 December not far from Akyab. Relatives of some passengers managed to talk to the detainees by bribing the police to bring them food. 15 detainees were actually from different parts of Maungdaw town.

Through them, I learnt that this Bangladeshi boat had sailed out from Cox's Bazar about 10 days ago but, after 4 days, the engine broke down and they lost their course at sea. They drifted for 3 days and the sea current pulled them towards the coast of Akyab where they saw two fishing boats. The passengers of the boat offered the fishing boats 100,000 Taka to tow them back towards the Bangladesh waters. Since they had even gasoline, they also offered them as much fuel as they need. The two fishing boats agreed to tow them back towards Bangladesh.

But after two days of towing, still not so far from the coast of Anguma, a Burmese sea patrol spotted them and captured them. They brought all of them directly to Maungdaw.

There were a total of 92 passengers onboard: among them, 15 Bangladeshi and the rest Rohingya. Many passengers jumped into the sea when they saw the Burmese patrol boat. I left Maungdaw in the evening of 25. At the time, the detainees were still in the Maungdaw detention centre and it was learnt that the NaSaKa will sentence them very soon.²²¹

Interview excerpt #4

Rohingya farmer visiting Bangladesh

From: R--- village, Rathedaung South

Date and place of interview: 19 January 2007

At the end of October 2006 my second son gave 300,000 Kyat to a trafficker named Muktar of Chandopara, South Rathedaung to go to Malaysia. This trafficker collected money from 45 passengers from South Maungdaw as well as South Rathedaung. But my son never told me about all this!

However, the trafficker hired a boat from Shilkhali (South Rathedaung) and sailed in early November. Four days after departing, they returned to Shilkhali because the trafficker told the passengers that the situation was not good enough and that they should wait a few more days. But, as soon as the boat returned to the shore, it came to the notice of the NaSaKa and the police. They told the passengers: *"You tried to leave the country illegally and finally you failed! Nevertheless, what you tried is a crime and we will send to jail unless each of you pays us 150,000 Kyat as a fine!"*

My son had no money and I had no cash at hand. We had to sell our bullock to fulfil the demand of the NaSaKa and the police. Every passenger had to do the same. The trafficker disappeared as soon as the boat landed and fled to Bangladesh. I learnt that he went to take shelter in Nayapara camp in one of his relatives' room. There, he collected again money from Nayapara camp refugees and from surrounding villages in collaboration with some local men and organised a trip to Thailand.²²²

15.4 Situation of Burmese Migrants in Malaysia

Malaysia is one of the largest importers of foreign labour in Asia, with an estimated migrant worker population of 2.6 million, both illegal and legal,²²³ and FTU-B estimates that roughly 300,000 Burmese have worked illegally in Malaysia, with around 200,000 having done so legally. As such, Malaysia is home to more Burmese migrants than any country outside of Thailand, including in its number many Chin, Arakanese, Rohingya and Mon.²²⁴

Malaysia has failed to ratify the 2003 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Further, Malaysia has not ratified the 1951 Convention Relating to the Status of Refugees, and the Malaysian government does not generally differentiate between refugees, asylum seekers and undocumented migrants. Further, the UNHCR registration process has been closed since July 2005, leaving thousands of genuine refugees unable to obtain official refugee status or obtain any documents from the UNHCR. Under immigration policy, all undocumented people including asylum seekers are considered “illegal immigrants” and are therefore subjected to harsh and arbitrary immigration laws.

In August 2002, the Malaysian Parliament implemented draconian legal measures for dealing with immigrants. Those found to have entered the country illegally or overstayed their visas have, since this time, been liable to a maximum fine of 10,000 RM (US\$2,600), a jail term of up to 5 years and up to 6 strokes of a cane. Subsequently, many migrants from Burma have been held for up to a year or longer in overcrowded prisons, with the Malaysian government requesting detainees furnish payments for transportation costs in order to expedite the deportation process. Whilst in detention, migrants have often been subject to “*assault, sexual abuse, inadequate living conditions, lack of medical treatment and even death.*”²²⁵

Those employing undocumented migrants can also face a jail term of 1 year, fines of up to US\$13,000 for each undocumented worker as well as possible canings. As a result, finding employment in Malaysia is made more difficult for undocumented migrants as employers are often reluctant to hire them. The work that they can find is often daily work for daily pay with very little security. Those in more long term jobs can go unpaid for months at a time and have no legal recourse against their employers. Undocumented workers also typically lack access to basic healthcare and education services. In addition, undocumented migrants are vulnerable to extortion by police and government officials as well as harassment and exploitation in their workplace.²²⁶

In 2004, the Malaysian government announced a crackdown on undocumented workers in an attempt to gain greater control and regulation over its migrant workforce. Prior to the crackdown, undocumented workers were granted an amnesty period to leave the country.²²⁷ The amnesty was extended on numerous occasions in response to the advocacy of human rights groups and the effects of the tsunami. In the interim, many undocumented migrants fled the country, or went into hiding, others sought UNHCR refugee status. The crackdown finally commenced on 1 March 2005 and many more undocumented migrants went into hiding, with some migrants from Burma fleeing across the border to Thailand. On the first day of the crackdown 500 to 800 persons, including many from Burma, were arrested.²²⁸

In March 2006, the Malaysian government announced renewed plans to launch major operations against illegal migrants and vowed to conduct mass deportation of undocumented migrants from Malaysia. Mass arrests immediately followed the announcement, with

hundreds of migrant workers prosecuted under the Immigration Act, imprisoned and caned. Whilst in May the operations were scaled back, in July the Malaysian government announced fresh plans to arrest up to one million undocumented migrants.²²⁹

During these crackdowns in 2006 there were numerous reports of abuse with undocumented migrant workers and refugees from Indonesia and Burma reported to be the most vulnerable groups. Cases revealed a consistent pattern of theft, deliberate damage to property, physical assault, humiliation and the degrading treatment of suspected 'illegal immigrants'. On 1 August 2006, it was reported that 13,000 migrants had been rounded up, with 2,000 Burmese estimated to be amongst them. Many other Burmese migrants were reported to have fled to the jungle, in order to avoid the raids which were mostly carried out in industrial areas.²³⁰ During the crackdown, the Malaysian government deployed its reserve civil force, RELA, which is made up of around 400,000 volunteers. The government empowered the 400,000 strong force to conduct mass-scale raids on suspected neighbourhoods of illegal immigrants and to indiscriminately arrest and detain suspects without warrant, despite the fact that RELA's tactics have been heavily criticised in the past by many human rights NGOs.²³¹

RELA personnel regularly used brutal methods and excessive and unnecessary force while arresting migrants. On 13 May 2006, RELA personnel conducting raids in Selayang and Sri Kembangan, were reported to have assaulted migrants, extorted and stolen money, destroyed property and arbitrarily arrested registered migrants. The arrest of legal migrants was a common occurrence throughout 2006, as a result of the indiscriminate nature of RELA operations, with many recognised refugees also deliberately and mistakenly arrested. On 30 September 2006, the fact that two Burmese Chin refugees, Mr. Biak Lian Thang and Mr. Zosua Htee Win, had proof of their refugee status did not deter the RELA personnel from arresting them, and throwing away their cards.²³² Not only were refugees and asylum seekers targeted but pregnant women, the disabled and children were also regularly arrested and detained. On 14 October 2006, ten young Chin asylum seekers were arrested during raids in Cheras, and continued to be detained at Lenggeng Camp, at least until 1 November 2006, when the incident was reported.

The children were:

1. Iang Tha Cer, 2 years old;
2. Biak Rem Mawi, 3;
3. Van Lal Ri Mawi, 3;
4. Van Biak Hnin, 6;
5. Joseph, 7;
6. Ngun Kawi Tial, 10;
7. Tum Ling Sang, 11;
8. Esther Siang Hnen Sung, 13;
9. David Van Bawi Thang, 14; and
- A. Lian Za, 14.²³³

Theft and extortion consistently accompanied these raids. As one of numerous examples, on 30 July 2006, during a raid on some temporary huts in Putrajaya, Chin migrants and refugees had six mobile phones and 400 RM stolen from them. The panic caused by such brutal raids created its own victims during the year. On 11 February 2006, it was reported that five bodies were retrieved from a lake in Selayang after undocumented migrants allegedly tried to flee one such RELA raid. In addition, Nai Myo Zaw, a Mon migrant worker, died on 29 August 2006 after jumping from a two storey building whilst fleeing a raid.²³⁴

In one instance, a crackdown was seemingly mounted as a reactionary collective punishment against the Arakanese community. On 27 August 2006, an Arakanese youth had killed a Malaysian national, reportedly in self defence. In response to the killing the local authorities launched a crackdown on Arakanese migrants in the Endu area, arresting 20 and forcing a further 200 in to hiding in the jungle. The operation waned after a Chief Police Inspector came to the area and ordered the release of those migrants not involved in the original incident.²³⁵



One of five bodies dragged from a lake in Selayang following a raid by RELA personnel on the night of 11 February 2006. The exact circumstances surrounding the deaths are unclear. It is known that RELA officers jumped from their trucks and made for Selayang's large open market, at 2 am, where many of the migrants work. Screams of 'help' in Burmese were reported by migrants who had managed to escape. Other reports testified to the beating of migrants by the RELA force. [Photo: BBC].

Throughout October 2006, RELA conducted numerous night time raids upon communities of Chin asylum seekers. The first such operation was conducted on 5 October 2006 and targeted Jalan Imbi areas where 52 Chin refugees including seven Chin refugee women were arrested and detained. On 14 October 2006, there were mass arrests of migrants in Cheras Alam Jaya, home to 500 Chin asylum seekers, 172 of which were arrested and detained in either Lenggeng or Semenyih Immigration Detention Camps. Amongst this group were forty female asylum seekers and their children, most of which were in possession of UNHCR documents and awaiting their refugee status determination interview. In a further raid in the Limau Manis jungles where about 200 Chin refugees were sheltering in makeshift huts, seven Chin refugees were arrested. Following these arrests, the Chin Refugee Committee estimated there to be around 500 Chin asylum seekers detained in immigration detention centres throughout Malaysia.²³⁶

The conditions of detention for these migrants have been another serious cause for concern during 2006. Reports from former detainees have highlighted issues of overcrowding, poor sanitation and hygiene, no access to healthcare, inadequate food rations, a lack of clean water and abuse at the hands of the guards. In fact, the Malaysian Home Minister, Radzi Sheikh Ahmad, admitted to the existence of such problems.²³⁷ Despite an ever dwindling amount of space available at Malaysia's immigration detention centres, the Home Minister vowed to continue with the raids stating *"If they have to sleep on floors right next to one another, so be it."*²³⁸

Many of those Burmese arrested during the crackdowns on migrants in 2006 were forcibly deported from Gota-Bharu in Malaysia to Sunngai Golok, Thailand. At the border, it was reported that three major criminal gangs with Burmese, Thai and Malay members were working closely with both Malaysian immigration officials and Thai police in a brutal extortion racket. The gangs are said to pay corrupt Malaysian officials for each deported worker, and then transfer them to a secret holding cell in a remote area of Sunngai Golok. Thai police are reportedly bribed to turn a blind eye to their operations. They then ask their detainees for any contacts they might have who would be able to pay for their release. If their contacts are able to pay 1,400 RM they are free to go home, or cross back illegally again into Malaysia with the help of human traffickers, if able to afford their high rates. If unable to provide a contact, the migrant is beaten and eventually sold into bonded labour on Thai fishing boats, or brothels. It is believed that hundreds of young Burmese migrants were the victims of these gangs during 2006. In July 2006, five Mon migrant women were placed into the hands of this network and, as of September 2006, had not been heard of since.²³⁹ In October 2006, it was reported that over 30 Chin were being held captive at the Thai-Malay border. After being arrested in raids in Putrajaya, in July 2006, these asylum seekers had spent almost three months in Malaysian detention centres before being sold at the Thai border town of Pandang Pasah, for 800 RM each, on 16 October. Their captors demanded 2,500 RM each in order to traffic the victims back to Malaysia. They were presented with the option of pay or be sold to Thai fishermen. Whilst some were able to procure enough funds to secure their release, others remained, and their fate was unknown at the time of this report (22 October 2006).²⁴⁰

Legal migrant workers from Burma in Malaysia also faced serious infringements of their rights in 2006. Employers are reported to frequently renege on contracts initially signed in Burma through employment agencies, paying workers less than half the agreed wages once they actually arrive. In late 2006, Zay Yar Min was sent back to Burma after only a few months into a three year contract after complaining that the terms of his contract were not being fulfilled.²⁴¹

A 2006 report by Human Rights Watch highlighted the plight of domestic migrant workers in Malaysia. Migrants working in this sector do not enjoy the protection of Section XII of the Employment Act 1955, which stipulates such basic terms as one rest day per week, eight hours of work per day and a maximum of 48 hours of work per week. These domestic workers of which there are an estimated 300,000 in Malaysia are often isolated, and faced with varying degrees of abuse and infringements on their human rights.²⁴² As in Thailand, employers regularly withhold employees' legal documents, thus leaving them vulnerable to the same punitive measures as undocumented migrants. Malaysia's strict enforcement of its immigration laws means domestic workers are less likely to attempt to escape and report abuses in the absence of any documentation. In addition, employers commonly pay migrant domestic workers only upon completion of the standard two-year contract, as a ploy to prevent them from running away or reporting abuses. When domestic workers do receive payment, it is often not the agreed-upon amount. A further point of concern for female migrant workers in Malaysia is the fact that their employer's are legally allowed to terminate their contracts if the employee becomes pregnant once employed. Malaysia also denies entry to prospective migrant workers found to be pregnant.²⁴³

15.5 Situation of Burmese Migrants in India

“For us, living in Mizoram is hardly an option, but going back to Burma is no option at all, so we will just continue to stay here and suffer day after day. Sometimes we feel we are no better than wild animals tracked and hunted by the YMA (Young Mizo Association).”

- Chin migrant deported into the hands of SPDC authorities, and subsequently tortured in a Burmese jail for many months before again returning to India.²⁴⁴

Migration to India, primarily from Chin State in Burma, continued throughout 2006. Fearing religious, cultural and political persecution, as well as economic destitution, many Chin Christians continued to flee across the border into Mizoram and Manipur States, India. However, India has not ratified the 1951 Refugee Convention nor does India allow the UNHCR access to either of these states. Therefore, Chins seeking refugee status and the protection of the UNHCR are labelled illegal immigrants by the Government of India and fall within the jurisdiction of India’s Foreigners Act of 1946, which grants the Government the right to expel them at any time. India has also failed to ratify the 2003 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. As such Chins from Burma are afforded little legal protection once inside India.

Approximately 50,000 Chins reside in India with the vast majority in Mizoram State.²⁴⁵ The Mizo, the local ethnic group of Mizoram State, and the Chin are ethnically and linguistically related and the Chin were initially accepted into their local communities. However, in recent years, relations between the two groups have steadily deteriorated and the Chin are frequently blamed for social problems by nationalist groups, particularly the Young Mizo Association (YMA) which has adopted a strong anti-immigrant position, and holds considerable influence within the state. The YMA, in collaboration with other organizations, has launched numerous efforts in recent years to drive all Burmese settlers out of Mizoram, actions carried out with full knowledge, and sometimes full cooperation, of state authorities.

During 2006, there were continued reports of crackdowns being mounted against undocumented Chin migrants in Mizoram State. The first repatriation drives of 2006 were mounted in Aizwal, the state capital, throughout January, and Serchip town in February,²⁴⁶ with four Burmese weavers from Sagaing Division, arrested in Aizwal on 6 January, the first Burmese to be deported in 2006.²⁴⁷ Further crackdowns continued throughout the year. On 15 May 2006, authorities in Mizoram arrested and repatriated 21 immigrants from Burma who had been residing in Aizwal. They were transported to the border village of Zokhawtar, although it is not known if they were handed to SPDC forces when deported.²⁴⁸

A further crackdown was initiated in September 2006. It is believed that this particular operation was mounted in retaliation to the fact that a Burmese migrant had hit an Indian lady with a hammer in the preceding month. The Mizo Student Union (MSU) and the Mizo Women’s League in Lunglei (MHIP) had strongly condemned the incident in a statement, issued on 12 September 2006, demanding that the Burmese be driven out of the state.²⁴⁹ Subsequently, the YMA Sub Headquarters in Lunglei town served notice to the illegal immigrants in Mizoram to leave, setting the deadline for their departure as 23 September 2006. The YMA issued directives for their members as to how to prohibit (and discourage the presence of) foreigners against settling illegally within their jurisdiction. These measures included drawing up a foreigner list, the dissuasion of political parties from rallying after foreigners, and ensuring illegal immigrants are not on the electoral roll, in possession of a

house, or able to join religious congregations. Their statement asserted that if the authorities failed to act upon the information gathered by the YMA, then “*the YMA Sub Headquarters, Lunglei, has underlined its intention to take the onus of rounding-up the Burmese foreigners,*” and handing them over to the police.²⁵⁰

Despite the fact that the YMA has no jurisdiction or legal power to enforce forcible repatriation without due process, the state government often abdicates responsibility, or even supports their efforts. Following criticism from the Chin Human Rights Organization of the initiation of the repatriation drive; Lunglei YMA President S Laldinglana stated that “*The decision had been made at the YMA sub-headquarters’ assembly. The drive was carried out in collaboration with the law enforcement agencies, and there was no violation of human rights.*” It is nevertheless clear that the YMA lack any legal mandate to participate in such law enforcement operations.²⁵¹ Many Burmese migrant workers were forced to flee upon hearing news of the crackdown. When the police searched every block in Lunglei town, many had already fled to nearby Saiha and Lawngtlai. Others were able to bribe local officials to secure their release. On 27 September it was reported that some of the 44 Burmese migrants arrested in Lunglei town during the crackdown that month had managed to secure their release through bribes of 200 Rs. each.²⁵²

Later in the year, on 11 October 2006, the Chief Minister of Mizoram argued for the governmental registration of all illegally settled foreigners from Burma within the state. He asserted that such registration would better aid the Mizoram administration in tackling problems arising from having large numbers of illegally settled foreigners in the State. House owners in Aizwal were required to submit a list of all foreigners residing in their properties, in preparation for registration. However, landlords continued to be refused permission to allow newly arrived Burmese to reside in their properties.²⁵³

State officials from India’s north-eastern states also made moves to lobby the SPDC over their response to the HIV/AIDS epidemic in Burma, in an attempt to cooperate on the spread of the disease around the porous border regions between the two countries. NGOs and Indian state officials were concerned that the SPDC’s harsh treatment of drug users and sex workers was making it difficult to identify the disease and aggravating its spread into India. However, no joint programme was initiated.²⁵⁴

15.5 Situation of Burmese Migrants in Other Places

Japan

“You can work for five years without being arrested, and then within two months of applying for refugee status you can be arrested, because the Japanese system is dangerous. We would rather work illegally with the constant fear of arrest than risk getting sent back”

- Rohingya male, 32.²⁵⁵

There are approximately 8,000 to 10,000 Burmese migrants living in Japan, predominately in Tokyo. Burmese migrants and asylum seekers generally enter Japan by plane, on tourist or student visas, either directly from Rangoon or through third countries, with a small number of Burmese sailors also known to desert their crews when they reach Japan. None arrive in Japan already recognised as refugees, and those who choose to apply at the airport undergo lengthy asylum procedures. There have been unsubstantiated reports that officials have immediately deported those who claim asylum upon their arrival.

Given an extremely low acceptance rate of asylum claims in Japan, and the increased risk of detention and deportation upon submitting an application, most Burmese prefer to simply overstay their visas and illegally reside within the country. Conditions upon arrest are said to be poor.²⁵⁶ The IDC in Ibaraki is reported to be overcrowded and lacking adequate healthcare. There are also reports of mistreatment by the staff.²⁵⁷ (For more information see Chapter 14 The Situation of Refugees).

‘Overstayers’ are generally able to find low and semi-skilled employment in Japan. Some Burmese migrants reportedly claim to be legal in order to get jobs. Others have reported that their employers never asked. In other cases, employers know that their workers are illegal. Healthcare is expensive in Japan, and illegal migrants are not eligible for health insurance although some clinics do offer alternative healthcare schemes. However, most eschew medical attention, deterred by high fees, the language barrier, or fear of deportation. Whilst, local schools frequently accept the children of illegal migrants, a university education is inaccessible.²⁵⁸

In recent years the situation for Burmese migrants in Japan has become more precarious. In 2004, the Japanese Ministry of Justice and the Tokyo governor announced the intention to crackdown on the number of illegal workers in the country. The government aimed to halve the size of the illegal population over the coming five years through the enforcement of increasingly strict immigration laws.²⁵⁹

Simultaneously, on 1 January 2004, the Burmese Embassy in Japan introduced a new fee payment program for Burmese living in Japan who wished to renew their passports. The regulations require those seeking to renew existing documents and those applying for new documents to pay a large fee along with a graded income tax, which increases depending on how long ago their passport expired, with the most extortionate being for those who had no documents at all. The fees and taxes are not weighted according to income.²⁶⁰

The concurrent policies left Burmese migrants vulnerable; with neither visas to stay in Japan legally, nor documents to return home.²⁶¹ On 14 March 2006, a Burmese migrant who had

been working in Japan for 13 years committed suicide after being refused permission to return to his home country by the Burmese embassy in Tokyo. Zua Nang, a Kachin man, was in poor health and as such wanted to return to his home. However, as he had not paid any tax to the SPDC during his time in Japan his request was denied. No bilateral agreement exists between Burma and Japan allowing Burma to impose taxes on its nationals in that country.²⁶²

Singapore

For decades, Burmese migrants have worked legally in Singapore. The number of Burmese in Singapore began to increase in the mid 1980's as a result of the country's construction boom and simultaneous labour shortage. Some Burmese migrants in Singapore are highly educated and have obtained work as doctors and professors. However, the majority of Burmese workers labour in low-level jobs including construction work, carpentry, welding, and painting. There are high costs involved in obtaining a work permit and visa for those Burmese wishing to obtain a job in Singapore, and job agencies in Burma often charge extortionate costs to expedite the process. Once employed, they must pay a 10% tax, on overseas earnings, to the Burmese embassy, despite the fact that the legality of such double taxation is extremely dubious. A tax agreement between the countries entitled 'Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income' actually debars the practice. Furthermore, if workers need to renew their passports they must pay the Burmese government US\$300 and replacing a worn or lost passport costs US\$1,400. For the majority of Burmese citizens, these high costs effectively prevent them from being able to pursue the option of working legally in Singapore.²⁶³

The majority of illegal Burmese migrants arrive in Singapore as stowaways on ships. These workers generally undertake menial labour in restaurants, factories and on construction sites. Without legal status they are often forced to pay inflated rent costs from corrupt landlords. Migrants caught working illegally in Singapore, as well as those caught trying to enter illegally are subject to imprisonment, deportation and even the cane.²⁶⁴ On 27 November 2006, it was reported that five migrants from Burma had been sentenced to four strokes of the cane and four weeks in prison, after being caught trying to illegally enter the country by swimming to the Island state. The five Burmese men sentenced were: Ah Myint, Tun Lin Zaw, Maung Mon, Kyaw Thu and Min Thu. A sixth man, Thet Soe, had his case adjourned after he chose not to post bail, set at 20,000 Singaporean dollars (US\$12,910).²⁶⁵

Bangladesh

There are an estimated 10,000 to 20,000 Rohingya living outside of the two official refugee camps in Bangladesh. Following a mass repatriation of Rohingya in 1994, access to the camps has been denied to all new arrivals. The Government of Bangladesh now considers Rohingya from Burma to be 'economic migrants' despite the fact that they fled Burma in order to escape a multitude of human rights abuses and, as such, they are classed as illegal immigrants, and not entitled to humanitarian assistance. Most have settled in the Cox's Bazaar area of Bangladesh and the Teknaf area of southern Bangladesh. Whilst their stay in the country is facilitated by the fact that they are able to speak Bangla with a local accent, they are frequently the recipients of harassment from local people.²⁶⁶ (For more information see Chapter 14 The Situation of Refugees).

During the month of Ramadan in 2006 it was reported that Burmese Muslims were crossing to Bangladesh from Arakan State at a rate of 20 to 30 a day. Many of these Burmese Muslims

are reported to stay in Bangladesh either temporarily, as seasonal labourers, permanently, or are otherwise seeking transit to third countries such as Malaysia (See Section 15.3 The Rohingya Boat People).²⁶⁷ Many were arrested whilst trying to enter the Bangladesh throughout 2006, and consequentially spent large amounts of time in Bangladeshi prisons as the SPDC checked the credentials of those detained.²⁶⁸ In many instances the SPDC refuses to recognise detainees as Burmese citizens, especially if they are Rohingya, and in 2006, there were roughly 500 Burmese in Bangladeshi prisons, with some having been incarcerated for over 10 years despite the completion of their sentence.²⁶⁹

Saudi Arabia

In 2006, thousands of Burmese Muslims residing in Saudi Arabia were left unsure of their status, following the Saudi government's back track in its long standing policy agreement with Pakistan. In the 1970's the Muslim World League obtained permission from the Saudi king to allow Burmese Muslims fleeing persecution to settle in the country. The Saudi government had told them to obtain passports from any country they could in order to facilitate their stay. In 1986, the Pakistani government agreed to issue passports, with assurances from Saudi Arabia that they would grant them nationality after 14 years of living in the country. It was reported in 2006, however, that differences had emerged after a "*massive scam*" in the renewal of the Burmese Muslims' passports at the Pakistani embassy in Jedda, leaving Saudi authorities unsure about the actual number of Burmese who had been allowed to stay in the 1970s. As a result the Saudi government instructed Pakistan to continue renewing the Burmese migrants' passports, as it was not prepared to grant them Saudi nationality.²⁷⁰ Concurrently, increased difficulties in obtaining a Bangladeshi passport, following nationwide bombing campaigns in 2005, a reduced demand for unskilled labour in Saudi Arabia, and a tightening of restrictions on those seeking temporary visas to visit the Kingdom for Hajj, have made it more difficult for those seeking to enter the country.²⁷¹

China

Following a repatriation deal between Burma and China, over 200 Burmese were arrested in June 2006 in the Chinese border town of Shwe Lee. A month later a Chinese request for repatriation had not been answered by the SPDC officials in Muse. In July, a further 160 Burmese were arrested in Chae Khuang, near the Burmese border, and charged with illegally entering the country. Between 20 and 30 children were among those arrested, after being caught begging or working in the town.²⁷²

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16. Landmines in Burma

16.1 Introduction

Landmines continued to be deployed in Burma during 2006. According to the International Campaign to Ban Landmines (ICBL), only three countries; namely: Burma, Nepal and Russia, continued to use landmines during 2006; with the most extensive use reported to have occurred in Burma.¹ Meanwhile, there is a growing international consensus on the need to ban the use of landmines across the globe. This consensus is reflected both in the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, commonly known as the Mine Ban Treaty (MBT), and in various recent United Nations General Assembly (UNGA) resolutions that call for the universalization of this treaty.² The MBT has now been ratified by three-quarters of the world's nations. This growing consensus reflects a common recognition of the destructive and indiscriminate effects of anti-personnel landmines. Landmines can remain functional years after hostilities have ceased, and often inflict injury in situations that might otherwise appear peaceful. Civilians may falsely perceive that their environment is safe following the cessation of conflict, unaware of the concealed threat posed by existing landmines.³

During 2006, the northern Karen offensive which began in late 2005 - described as the largest military offensive against the Karen people since 1997 - continued and increased in range, with landmines continuing to be used as a central part of the military strategy.⁴ Attacks on civilian villages intensified in early 2006, and since then State Peace and development Council (SPDC) army soldiers have deployed massive numbers of landmines throughout the offensive area.⁵

In late 2006, Human Rights Watch (HRW) reported that since the start of the harvest season in November, SPDC army forces had been “*laying increasing numbers of anti-personnel landmines in front of houses, around rice fields, and along trails leading to fields in order to deter civilians from harvesting their crops*”.⁶ This has led to an increase in civilian casualties and has adversely affected food security. To use starvation of civilian populations as a method of warfare is a violation of customary international law, as codified in Article 14 of the Second Additional Protocol to the Geneva Conventions. In a report released on 20 September 2006, the Karen Human Rights Group (KHRG) reminds us that “*targeting the livelihoods and food supplies of civilian villagers as a means of undermining the armed resistance is inexcusable and is in direct violation of Additional Protocol II to the Geneva Conventions*” and “[w]hile the SPDC has never ratified either of the Additional Protocols, certain articles contained therein are now considered to be customary international law which the SPDC must obey regardless of whether they have ratified the Protocols or not”.⁷ Despite the growing international consensus on the need to prohibit the production and use of landmines, Burma refuses to accede to the Mine Ban Treaty. The Convention, signed or later acceded to by 155 countries and ratified by 153 since its creation in 1997, aims to:

*“put an end to the suffering and casualties caused by anti-personnel mines, that kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement”.*⁸

Nor is Burma a party to the 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) - or its Amended Protocol II concerning landmines. More recently, Burma was, once again, one of 17 countries that abstained from voting on 18 December 2006 on UN General Assembly Resolution 61/84 on the Implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. Following a similar abstention a year earlier on UNGA Resolution 60/80, the Burmese delegation, for the first time since 1999, made a public explanation, stating that the SPDC is *"in principle, in favour of banning the export, transfer and indiscriminate use of anti-personnel mines"*, but that *"a total ban would not lead to a practical or effective solution"* to its concerns of *"national security"* and *"self-defence"*.⁹ The National League for Democracy (NLD) reiterated in February 2006 that should it be allowed to assemble a parliament, it would seek the country's accession to and ratification of the Mine Ban Treaty as *"a matter of national urgency"*.¹⁰

The International Campaign to Ban Landmines (ICBL) has identified at least 17 Non-State Actors (NSA) that have used antipersonnel mines in Burma since 1999, however, some of these have ceased to exist or no longer use mines.¹¹ In August 2006 the Chin National Front (CNF) became the third armed group in Burma to sign a voluntary "Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action", thereby subjecting itself to monitoring and scrutiny by Geneva Call, an international humanitarian Non-Governmental Organization (NGO) based in Geneva. The Arakan Rohingya National Organization (ARNO) and the National United Party of Arakan (NUPA) were the two armed groups in Burma previously to have made this commitment to cease the use landmines.¹² According to the *Landmine Monitor*, only six non-state groups continued to deploy antipersonnel mines during 2006.¹³ Please refer to Section 16.6: Situation in the Ethnic Minority Territories below for a list of these groups.



A Karen villager displaying a M-14 antipersonnel mine and the hole that it was removed from beside his home. It has become common practice for SPDC army soldiers to sow villages with landmines to dissuade villagers from returning. [Photo: FBR].

16.2 Landmine Devices

The SPDC has the capacity to domestically manufacture its own antipersonnel landmines in special purpose-built factories located in central Burma operated by the state-run enterprise, Myanmar Defence Products Industries. These factories are capable of producing a number of different types of antipersonnel mines, all of which have seen extensive use throughout the country. These include the MM-1 Stake Fragmentation Mine (SFM) and the MM-2 Blast Mine (BM). The MM-1 is a copy of the Chinese Type 58 SFM (which itself is a copy of the Soviet PMOZ-2 mine), while the MM-2 is a copy of the Chinese-manufactured Type 58 BM, which in turn is a copy of the Soviet PMN mine. They are also believed to be capable of manufacturing a variant of the US-made M-18 'Claymore' Directional Fragmentation Mine (DFM). According to the *Landmine Monitor*, the SPDC-run enterprise, Military Heavy Industries, was reported to have begun recruiting technicians in November 2005 to commence work on producing the “*next generation of mines and other munitions*”.¹⁴ Evidence gathered by KHRG has suggested that the SPDC may also be capable of producing its own Bounding Fragmentation Mines (BFM) similar to the US-manufactured M-16 BFM.¹⁵ In addition to landmines of domestic manufacture, the SPDC has acquired and deployed antipersonnel mines of Chinese, Indian/British, Italian, Soviet, and US manufacture, as well as a number of unknown origin.¹⁶

Throughout 2006, there was a marked increase in the use of the M-14-type antipersonnel landmine, particularly in northern Karen State where the SPDC has been waging a military offensive against the civilian ethnic Karen villagers living there (For more information on the ongoing Karen offensive, see Chapter 8: Ethnic Minority Rights). These mines are of unknown origin yet appear to be a copy of the US-manufactured M-14 blast mine. It remains unclear if the SPDC has begun manufacturing these mines themselves or have been acquiring them on the international arms market. In May 2006, the Free Burma Rangers (FBR) reported that SPDC army soldiers were in the process of deploying 2,000 of these landmines in Toungoo District of Karen State alone.¹⁷ KHRG later reported that seven truckloads of antipersonnel landmines were delivered to Toungoo District in early 2006, and surmised that these may have been the same mines reported by FBR.¹⁸ The copies are reportedly not as well made as those of US-manufacture, nor are they as reliable. A few superficial differences distinguish them from the originals, notably: poor gluing and sealing of the mine casing, the lack of any manufacturing data stamped on the mine, different types of shipping plug and a different placement of the Arm/Safe modes.¹⁹

Various different non-state groups are also known to produce landmines. Many of these are homemade Improvised Explosive Devices (IED) constructed from bamboo or plastic piping packed with gunpowder and ball bearings. The majority of these mines are relatively unsophisticated, utilizing cheap commercially-available alkaline batteries which cause the mine to detonate once an electrical current is established. The batteries typically expire after about six months (at the most), at which time the mine is rendered ineffective without a power source to arm it. However, according to the ICBL, the junta-aligned United Wa State Army (UWSA) manufactures their own factory-produced PMN-type blast mine similar, if not identical, to the SPDC-manufactured MM-2 blast mine in a munitions factory formerly operated by the Communist Party of Burma (CPB). According to the report, the factory is located near the headwaters of the Kham River to the west of Pahsang in Shan State and is allegedly able to produce its own landmines and ammunition.²⁰

Other non-state groups reported to produce their own blast and fragmentation mines include the Karen National Liberation Army (KNLA), the Democratic Karen Buddhist Army (DKBA), the Chin National Army (CNA) and the Karenni Army (KA). Some of these groups also have the capacity to produce claymore-type directional fragmentation mines and mines incorporating anti-handling devices.²¹ Additional to manufacturing their own landmines and IEDs, armed non-state actors (NSA) in Burma also acquire mines by lifting SPDC-laid mines from the ground, seizing SPDC stocks during attacks, and from the clandestine arms market. Many of the NSAs that have signed ceasefire deals with the SPDC still possess and deploy antipersonnel landmines.²²



A Burmese-made MM-1 stake fragmentation mine deployed by SPDC army forces in Karen State during 2006. The tripwire used to activate the mine can be clearly seen in the top right-hand corner of the photo. *[Photo: FBR]*.

16.3 De-mining

According to the ICBL there were no official humanitarian mine clearance programs conducted in Burma during 2006. Some irregular de-mining activities have been reported in the *Landmine Monitor* to have occurred in previous years, but there were none were reported during 2006.²³ Similarly, none of the non-state groups operating in Burma conduct systematic mine clearance operations. However, the sporadic de-mining of villages and areas frequented by civilians continues to be carried out by some resistance groups. For example, KHRG reported that KNLA soldiers had cleared over 50 landmines from villages, fields and paths used by civilian villagers in Toungoo District during 2006. According to KHRG, five antipersonnel landmines were located and removed from Wa Mi Per Koh village on 10 October 2006 and a further ten from nearby Hsaw Wah Der village. Without the proper tools or protective equipment, a number of KNLA soldiers have reportedly been wounded in such mine clearing efforts. Some have lost limbs and others have been blinded. However, landmines are being planted in Burma at a rate far greater than that at which they can be removed. As a result, many villagers do not dare to return to their villages and fields for fear of stepping on one of these mines.²⁴

None of the armed groups deploying landmines in Burma systematically map the placements of their mines and few of them inform local villagers of their locations, despite their claims to the contrary. In those rare occasions that local inhabitants are informed of the location of landmines, the descriptions are often vague or incomplete. Villagers may be told that a particular path is mined or that “*we planted ten mines on that mountain*”, but more specific descriptions of mine locations are typically deliberately kept from them. Similarly, the marking or fencing of known minefields is rare. As a result many of the mines that are laid are lost or forgotten. In some areas, local villagers will employ simple marks and warning signs to indicate the presence of landmines. Such markings may include crosscuts on trees, a specific style of woven bamboo fence blocking a path, or parts of a mine or wires left visible in areas suspected of landmine contamination.²⁵ According to a survey conducted by the Thailand Burma Border Consortium (TBBC) in 2005, six out of every seven (85 percent) displaced households in eastern Burma maintained that they have never observed warning signs which indicated the presence of a minefield.²⁶ Most mines deployed in Burma are generally only discovered after they are stepped on or unearthed by an unsuspecting villager.

16.4 Human Minesweepers

Throughout 2006, there were numerous reports of SPDC army soldiers using civilian villagers as human minesweepers by forcing them to walk in front of the soldiers while on patrol. This practice has been particularly widespread in northern Karen State as part of the ongoing military offensive being conducted there. Should any landmines be planted along their route, the villagers will step on them while the soldiers follow at a safe distance behind. Whenever this occurs, the soldiers often refuse to provide any medical assistance to the victims or compensation to their families. The SPDC typically claims that the mines were laid by resistance forces and thus to them should the families of the victims turn for assistance.

On 5 December 2006, SPDC army soldiers operating under Military Operations Command (MOC) #15 captured an unspecified number of Klay Soe Kee villagers and used them as human minesweepers. The villagers were forced to walk in front of and beside SPDC bulldozers as they were working to repair the motor roads in Toungoo District in northern Karen State.²⁷

On 31 December 2006, 20 Play Hsa Loh villagers were taken to the Tha Pyay Nyunt SPDC army camp in southern Toungoo District and forced to work on the construction of the Mone – Bu Hsa Kee motor road. The villagers were used as human minesweepers and ordered to walk in front of the bulldozers being used to construct the road. The presence of any landmines planted along the road corridor would be revealed should one of the villagers step on one, preventing any damage being done to the bulldozer.²⁸

Furthermore, there have been numerous cases where the SPDC has fined individuals for the destruction of state property after having stepped on an SPDC-laid landmine. Brad Adams, the Asia Director of the international NGO Human Rights Watch (HRW) believes that *“Making the family of a mine victim pay for their death or injury is about as twisted and cruel an irony imaginable. ... Instead of fining victims, the [junta] should stop using mines and provide assistance to all victims.”*²⁹

16.5 Mine Risk Education

Though a number of different organizations have conducted Mine Risk Education (MRE) programs in Burma in previous years, there were no official MRE programs conducted in Burma during 2006. The International Committee of the Red Cross (ICRC), who had previously conducted MRE in conjunction with “*National Society*” groups in Burma, terminated all of their programs in mid-2005, citing unsuitable conditions to implement such programs. ‘Unofficial’ MRE activities, however, were conducted in different parts of the country during 2006. For example, the NGO Shanti Sena has been conducting MRE trainings in parts of Karen State since early 2005.³⁰

Similarly, a number of MRE training programs were conducted in refugee camps along the Thai-Burma border. These programs were implemented by various different NGOs such as Handicap International (HI), the Jesuit Refugee Service (JRS), and the Asian Disaster Preparedness Centre (ADPC).³¹



Copy of an American-made M-14 antipersonnel blast mine used by the SPDC army. These mines have been deployed in their thousands throughout Karen State under the ongoing offensive. This mine and many others like it have been lifted from civilian villages by KNLA soldiers. [Photo: FBR].

16.6 Situation in the Ethnic Minority Territories

Burma's countryside, particularly the border areas dominated by ethnic minority groups, suffers heavily from landmine contamination as a result of the ongoing conflict between the military regime and armed resistance groups. Nine out of Burma's 14 states and divisions have been reported to be heavily contaminated by landmines.³² Some commentators maintain that the deployment of landmines in Burma today is as acute as it ever was in Cambodia under the Khmer Rouge. Some of the most severely affected areas are located in the eastern part of the country along the Thai-Burma border where a number of ethnic insurgencies continue to be waged.³³ Karen State is arguably the most heavily mine-contaminated region in the entire country, however, in the absence of any comprehensive and independent surveys, it is very difficult to conclusively state which region possesses the greatest host of antipersonnel landmines.

In areas of ethnic conflict, the SPDC and their allied ceasefire proxy armies have laid landmines in their thousands, allegedly to restrict the movements of armed resistance groups, who in turn also plant landmines. However, landmines affect the lives of civilian villagers far more than they do the combatants. Not only do civilians step on landmines laid in the areas where they live, but they also deprive them of their livelihoods. Many villagers have abandoned their fields and even their homes for fear of stepping on landmines believed to have been planted there. (For more information, see Chapter 5: Deprivation of Livelihood). The ICBL, citing an anonymous source, maintains that as many as 70 percent of landmine victims in Burma are military personnel.³⁴ This figure, however, remains rather questionable. The calculated laying of antipersonnel landmines in areas frequented by civilians has been widely documented. SPDC army soldiers and their allies have been reported to have planted landmines in villagers' fields and plantations, along the banks of rivers where villagers fish or go to collect water, along paths used by villagers, and even in villages after the inhabitants have been forcibly relocated or have fled in advance of an approaching military column. Mines have been documented as have being laid at the entrances of village homes and buildings, in village schools and beside items that the soldiers suspect the villagers will return for. SPDC army soldiers have also been reported to have planted mines beside the bodies of villagers that they have killed, so that when their friends and family come to collect the body for burial, they too will be killed. In each of these cases, it are typically the villagers who suffer the most. In one case originally reported by FBR in December 2006, an IED planted beside a fireplace in the kitchen of a civilian home in Baw Kway Day village in Mone Township of Karen State was triggered, killing three and wounding eight.³⁵ The Thai-Burma border and many of the paths leading to it have also been extensively mined to prevent the flow of refugees out of the country, as has the Bangladesh-Burma border for similar reasons. (For more information, see Section 16.7: Thai-Burma Border and Section 16.8: Bangladesh-Burma Border below).

SPDC army soldiers characteristically deny that they have laid any landmines and claim that the mines were deployed by insurgent groups. In those incidences that they do accept responsibility for deploying landmines, they maintain that they are doing so as "*security measures*" against "*rebel groups*", despite the seemingly obvious fact that the intended targets are members of the civilian population.

SPDC army soldiers and their allies deploy landmines along paths believed to be used by resistance forces, in the perimeter defences of their camps, and in and around areas inhabited by civilians, depriving them of their livelihoods and restricting their movements. Many

villages, once forcibly relocated have been mined by SPDC army soldiers to discourage the former inhabitants from safely returning home. Villagers' fields and plantations have also been mined for the same reasons. This tactic has been used increasingly across the country, but has been particularly evident in northern Karen State. (For more information, see Chapter 13: Internal Displacement and Forced Relocation).

Karen State has long suffered from extensive landmine contamination. Mines have been laid in their countless thousands over the past few decades of the ongoing conflict. More recently, in the three northernmost Karen districts, namely: Toungoo, Nyaunglebin, and Papun districts, where SPDC army forces have persisted throughout the year in their ongoing campaign for control, the deployment of antipersonnel landmines has continued to be practiced. Under the offensive, landmines were laid to isolate Karen hill villagers and restrict their movements as part of a broader campaign to control the area. In Toungoo and Nyaunglebin districts during 2006, landmines were deployed along an extensive north-south line designed to minimise communications and movement of villagers between the eastern hills and the plains lying to the west. This was done to limit the access that hill villagers had to food with the intent of slowly starving them out of the hills and down into areas controlled by the SPDC.³⁶

In May 2006, FBR teams operating in Nyaunglebin District in Karen State found a number of handwritten letters addressed to the internally displaced from SPDC army soldiers. The letters were found nailed to trees, detailing forced relocation orders and stipulated that anyone found in the area after the prescribed date would be shot on site. Landmines were found planted near some of the signs, so that anyone approaching to read the notice would step on one and be killed. A translation of one of the letters is shown below (please see the following page for a photograph of the original):

From *[the]* Burma Army:

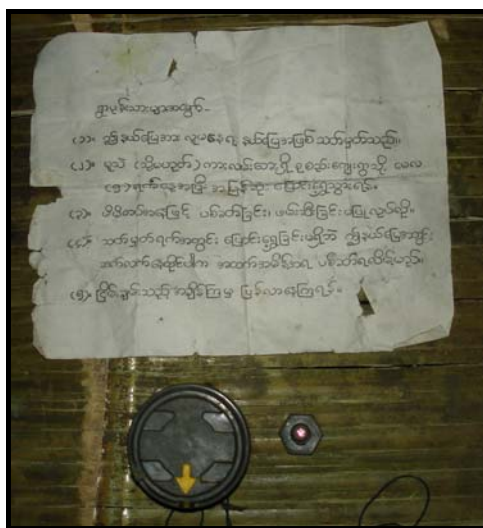
"For the hiding villagers"

- (1) No one is allowed to live in this area.
- (2) People must move to Muthey or beside the car road at the relocation site as soon as possible, by 5 May *[2006]*.
- (3) Our troops do not want to shoot and capture *[the villagers]*.
- (4) By this date (5 May *[2006]*) anyone who stays in this area will be shot. This is a command from above.
- (5) You can come back when this area has peace.
- (6) Karen soldiers, do not do work that God and angels don't like such as putting landmines and setting ambushes. Make peace and live together happily with your family.³⁷

Resistance forces also deploy their fair share of landmines in ethnic minority territories. The majority of such groups control very little territory, and even then, that which they do control can only be done so cursorily. All resistance groups which continue to operate in Burma are grossly outmanned and outgunned by the regime and possess only limited funds and resources and therefore are forced to use landmines to make up for what they lack in both man- and firepower. Costing only a few dollars to manufacture, a single landmine can

effectively stop the advance of an entire column of troops. Resistance groups thus typically deploy landmines to ambush and harass SPDC army units, in the perimeter defences of their camps, and to protect communities of internally displaced persons (IDP) from SPDC army patrols. In Karen State, KNLA soldiers have also given landmines to IDP communities to defend themselves with.³⁸

While the *Landmine Monitor* has identified at least 17 NSAs to have deployed landmines in Burma since 1999, only six such groups were reported as having used landmines during 2006. The six groups listed include the Karen National Liberation Army (KNLA), the Karenni Army (KA), the Shan State Army - South (SSA-S), the Chin National Army (CNA)³⁹, the United Wa State Army (UWSA), and the Democratic Karen Buddhist Army (DKBA).⁴⁰ Other armed groups that persisted in deploying landmines throughout 2006 not reported by the *Landmine Monitor* also include the Karenni Solidarity Organization (KnSO), the Karenni Nationalities Peoples' Liberation Front (KNPLF),⁴¹ the All Burma Students Democratic Front (ABSDF) the Mon National Liberation Army (MNLA), the Kachin Independence Army (KIA), and the Rohingya Army (RA).⁴²



One of several Burmese-language letters found nailed to trees in Nyaunglebin District, Karen State addressed to IDPs from SPDC army soldiers. The M-14 landmine shown was recovered from the ground in front of the sign; planted there to deliberately target the villagers who approached to read the notice. [Photo: FBR].

The following incidences were reported to have occurred in different parts of eastern Burma. The incidents listed here by no means represent an exhaustive list. Except where otherwise explicitly stated, the following incidents all occurred in Karen State.

On 4 January 2006, 5 villagers were wounded when one of their party stepped on a landmine planted by Infantry Battalion (IB) #39 (led by Bo Aung Mya Kyaw) near Shwe Nyaung Bin village in Than Daung Township of Toungoo District. The villagers who were wounded were:

1. Saw Lone Kyaw, 75;
2. Saw Tar Tee Lay, 35;
3. Saw Yaw Han, 25;
4. Saw Aung Leh, 25; and
5. Saw Mo Shay, 50.⁴³

On 6 January 2006, Saw Ko Ku Paw, 40, was killed and his brother, Saw Kwar Hta, 38, was wounded by a landmine planted by IB #124 near the Bayinnaung SPDC army camp in Than Daung Township. The path where the mine was planted reportedly receives heavy traffic from villagers living in the area as they travel to and from their fields.⁴⁴

On 7 January 2006, SPDC Southern Command Strategic Operations Commander #1, Thein Htun informed villagers in the Kler Lah area of Toungoo District that landmines had been planted along both banks of the Kyi River.⁴⁵

On 7 January 2006, SPDC army troops from IB #20, #39 and #124 prohibited people from villages lying to the east of the Day Loh (Thauk Yay Kah) River, in Than Daung Township of Toungoo District, from crossing the river to travel to Than Daung Gyi. Soldiers from these battalions reportedly deployed large numbers of landmines along the eastern banks of the river to deter the villagers from trying to cross.⁴⁶

On 8 January 2006, Bo Zaw Aung of IB #48 planted 13 landmines at Aung Wei Gyi Gone in Toungoo District.⁴⁷

On 16 January 2006, three Karen villagers from Nar Law Po Li village were seriously wounded when one of them stepped on a landmine planted near their village by SPDC army soldiers from IB #60, led by Kyaw Zeya. The villagers' names are:

1. Saw Phillip Po, 22;
2. Saw Na Ta Ler, 23; and
3. Saw Anrnetstone, 18.⁴⁸

On 16 January 2006, SPDC Southern Command Strategic Operations Commander #1, Thein Htun, based at the Bawgali Gyi SPDC army camp at Kler Lah in Toungoo District, arrested the following Wa Tho Ko villagers and forced them to clear landmines and work on the motor road reconstruction:

1. Saw April, 42;
2. Saw Poe Keh, 41;
3. Saw Arkari, 53;
4. Saw Derdar, 54;
5. Saw Ngway Ngway, 29, village pastor;
6. Naw Peh, 18;
7. Naw Kwar Kwar, 19; and
8. Naw Poe, 50.⁴⁹

On 19 January 2006, SPDC army soldiers from IB #48, led by Bo Zaw Aung planted 13 landmines in the vicinity of Meh Tin Tain village in Toungoo District.⁵⁰

On 24 January 2006, it was reported that SPDC army forces had attacked civilians in Southern Karenni State and planted many landmines throughout the region.⁵¹

On 25 January 2006, Than Daung Gyi villager Saw Ba Oo Kyaw, lost one of his legs to a landmine planted by SPDC army troops from IB #20, led by Captain Than Hlaing Oo, on the path linking Than Daung Gyi with Hta Yeh Ploh in Than Daung Township of Toungoo District.⁵²

On 29 January 2006, a villager from Hta Yeh Ploh was injured by an SPDC-deployed landmine placed beside the Day Loh River in Than Daung Township, Toungoo District.⁵³

On 30 January 2006, SPDC Southern Command Strategic Operations Commander #1, Thein Htun, ordered a person from each household in Kaw Thay Der village in Toungoo District to clear the bushes and any landmines from alongside the motor road between Kaw Thay Der and Bu Hsa Kee villages.⁵⁴

On 31 January 2006, SPDC army troops from Light Infantry Battalion (LIB) #439, led by Commander Aung Htun Oo, forced 30 villagers from Peh Kaw Der in Than Daung Township, Toungoo District to clear landmines from the Mawchi motor road from Tha Aye Hta to Pi Mu Koh.⁵⁵

In January 2006, anti-personnel mines were laid in Toungoo District, Karen State in the Htee Lo area by LIB #48 (Captain Zaw Aung commanding), to the east of the Day Loh (Thauk Yay Kah) River by LIB #20 (Captain Than Lai commanding), and in Tha Taw village by unidentified soldiers operating under Light Infantry Division (LID) #66.⁵⁶

In January 2006, 2 civilian villagers were killed and 5 more wounded in Toungoo District after stepping on landmines planted by SPDC army soldiers from IB #124.⁵⁷

Between January 2006 and April 2006, the following civilians stepped on SPDC landmines in Than Daung Township, Toungoo District:

1. Maung Lu Kyaw, male, age 75, Kler Mu Kha village;
2. Saw Yo Ha, male, 25, Tha Nay Kya village;
3. Saw Aung La, male, 25, Na Kyi Sway village;
4. Saw Ta Lay, male, 35, Kler Mu Kha village;
5. Saw Poe Loe, male, 40, Ka Thaw Pweh village;
6. Saw Swan Keh, male, 38, Ka Thaw Pweh village;
7. Saw Pee Lee Moe, male, 22, Ka Thaw Pweh village;
8. Naw Na Tha Kyo, female, 23, Ka Thaw Pweh village;
9. Saw Ba Neh Htaw, male, 18, Ka Thaw Pweh village;
10. Naw Kler Doh Paw, female, 21, Haw Lu Der village;
11. Saw Eh Doh Wah, male, 27, Htee Kaw Per village.⁵⁸

In March 2006, Pa Weh Der Koh villager Saw Lay was killed after he stepped on a landmine planted by IB #20. His 50 year old travelling companion received injuries from the explosion, but SPDC soldiers refused to allow him to seek treatment in Than Daung Gyi, telling him they did not want him to be seen by any “foreigners”. Though Than Daung Gyi has undergone development as a planned tourist destination, Toungoo District still remains off limits to foreigners, so it is unclear which foreigners they could have been referring to.⁵⁹

On 6 March 2006, it was reported that SPDC army soldiers based in Kler Lah and operating under LID #66, forced civilian villagers to rebuild the road and search for landmines along its route between Kler Lah in Toungoo District and Mawchi in adjacent Karenni (Kayah) State.⁶⁰

On 13 March 2006, it was reported that troops from SPDC Tactical Operations Command (TOC) #661 of LID #66 informed the villagers living in the Kler Lah relocation site in Toungoo District that they would plant 30 to 40 landmines in the area.⁶¹

On 13 March 2006, SPDC army soldiers from LIB #20, led by Bo Than Hlaing Oo, planted landmines on a number of different paths to the east of the Day Loh River in Than Daung Township linking the following villages with the Day Loh River:

1. Par Der Kah;
2. Ker Weh;
3. Hta Yeh Ploh;
4. Thi Thaw Kaw;
5. Nga Poh Gyi Lan;
6. Ler Ter Shee; and
7. Dee Dah Koh.⁶²

On 13 April 2006, 30-year-old villager, Saw Htaw Lah was killed after stepping on a landmine while looking for his missing buffalo near Nu Hta village in northern Papun District. It was reported that the mine was planted by an unidentified SPDC army battalion.⁶³



Civilian victims of SPDC-deployed landmines in Karen State during 2006. The SPDC never accepts responsibility for the victims of their mines, and only on very rare occasions do they offer them medical attention. These villagers received medical attention from mobile medical teams typically using basic equipment and no anaesthetic. *[Photo: FBR].*

On 19 April 2006, SPDC army troops from IB #60, led by Bo Kyaw Zeya, forced Maw Pa Der villagers to build a fence around their village. Villager Saw Tar Tu stepped on a landmine in the process and lost his leg and Naw Pee Tha was also seriously injured.⁶⁴

On 2 May 2006, SPDC army soldiers warned villagers that they had laid landmines to protect a gas pipeline passing through Mudon Township of Mon State. A month earlier, an explosion occurred close to nearby Kwan Hlar village on 1 February 2006, creating fear among the SPDC army soldiers that another attack on the pipeline was imminent.⁶⁵

On 4 May 2006, Karen humanitarian relief worker Saw Mu was killed when he stepped on a landmine placed by SPDC forces in the Papun District.⁶⁶

On 5 May 2006, Chana Mongplee, a Thai-Karen surveyor for the Electricity Generating Authority of Thailand (EGAT), died after stepping on a landmine while surveying the site of the proposed Hat Gyi Dam on the Burmese side of the Salween River.⁶⁷

On 5 May 2006, Commander Khin Zaw Oo of SPDC LID #66 forced the following persons to clear bushes and mines from alongside the Kler Lah-Bu Hsa Kee motor road in Tantabin Township, Toungoo District. The villages and numbers of persons required to clear bushes and mines were:

1. Kler Lah village, 25 persons;
2. Thit Say Daung village, 15 persons;
3. Kyauk Pone village, 8 persons;
4. Wah Tho Ko village, 10 persons;
5. Yay Tho Lay village, 11 persons;
6. Klay Soe Kee village, 14 persons.⁶⁸

On 7 May 2006, a group of villagers fled from an advancing SPDC army patrol near Naw Law Thay Pwa village in Mone Township, Nyaunglebin District. The soldiers, from LIB #370, posted a letter to a tree after they gave up trying to catch the villagers. The letter, written in Burmese, was addressed to the IDPs, warning them to move to the relocation site adjacent to the SPDC army camp at Muthey or risk being shot on site. One landmine was planted about 15 metres in front of the sign, in the avenue of approach that people would take to read the letter.⁶⁹

On 9 May 2006, 45-year-old Than Lwin from near Mone in Pegu (Bago) Division was injured after stepping on a landmine planted in an area that he had visited on many previous occasions. He maintained that landmine victims were a frequent occurrence in the area.⁷⁰

On 11 May 2006, it was reported that 3 more signs similar to that mentioned above were found in the Mone Township. A landmine was found 3 yards away from one of these signs. See above for a translation of the text contained in one of these letters.⁷¹

On 12 May 2006, an unidentified man was killed by a landmine in the village of Penwagon in Pegu Division. According to official reports, *"insurgents [presumably Karen] had ordered the man to place the anti-vehicle landmine on the dirt road"* to target a military convoy escorting a group of journalists and foreign diplomats to witness an alleged de-mining project. The man was reported to have been killed as he was deploying the mine.⁷²

On 13 May 2006, 24-year-old Kyaw Lwin Oo from Pegu Division lost his right leg to a landmine as he was gathering wild fruits and vegetables in the forest only a kilometre from his village. The doctor treating him claimed that he was the 18th landmine victim that that hospital alone had treated in the few months since the beginning of 2006, nine of which were still being treated at the hospital.⁷³

On 29 May 2006, an unnamed pregnant Karen woman was killed when she stepped on a landmine laid by SPDC patrols in the Nyaunglebin district.⁷⁴

On 2 June 2006, Maung Kyi from DKBA #333 Brigade based at Pow village in Pa'an Township of Thaton District, ambushed and killed 6 KNLA soldiers. Following the ambush, a number of villagers were captured and taken as porters by the DKBA. One unidentified villager was killed by stepping on a landmine while carrying materials for the soldiers.⁷⁵

On 6 June 2006, 43-year-old Maw Poe Saw from T'Meh Kee village in Bilin Township, Thaton District was killed after stepping on a DKBA-laid landmine.⁷⁶

On 19 June 2006, 70 families from 12 villages in the vicinity of Kler Lah in Tantabin Township, Toungoo District were ordered by SPDC army troops to relocate to a newly-built relocation site near Bu Hsa Kee, a short distance to the southeast. After relocating, those villagers who moved to the new site were used as forced labour to clear the sides of the motor road of vegetation and landmines.⁷⁷

On 27 June 2006, 40-year-old Saw Pah T'Pyeh, from Klaw Htah village in Thaton District, died after stepping on DKBA-laid landmine while walking to his field to work. The mine had been laid on the path to his field hut.⁷⁸

On 2 July 2006, DKBA troops led by Tin Win entered Naung Kah Ton, Noh T'La Aw, Ta Ma Daw and Ta Roh Wah villages in Pa'an Township, Thaton District. They violently interrogated villagers, looted houses and businesses, and sewed the adjacent paddy fields with landmines.⁷⁹

On 3 July 2006, Sergeant Kyaw Soe of LIB #565 was killed by a landmine explosion at an undisclosed location reported only as the *"front lines of Karen State"*. Another officer, 4 privates and a civilian porter were also seriously wounded in the blast.⁸⁰

On 10 July 2006, Kyaw Lu Shwe, a 28-year-old villager from Day Baw Kee village in Kyauk Kyi Township, Nyaunglebin District stepped on a landmine at the roadside next to his home. He lost one of his legs in the explosion and suffered severe injuries to the other.⁸¹

On 15 July 2006, 16-year old villager, Saw Ghay Doh Htoo of Saw Tay Der village, Toungoo District lost one of his legs to a landmine planted in his family's betelnut plantation. KNLA soldiers later removed 3 mines from the area reportedly planted there by soldiers operating under Columns 1 and 2 of LIB #568, led by Ko Ko Kyi.⁸²

At 9:00 am on 28 July 2006, Pa Ta Ba of Meh Theh village stepped on a landmine near Ta Paw Mu village, Thaton District while performing forced labour for the DKBA.⁸³

On 25 August 2006, SPDC forces entered the Narkapraw area of Mergui-Tavoy District in search of IDP hiding sites. It was reported that while there, the soldiers planted many landmines in the area to stop villagers' movement.⁸⁴

On 5 September 2006, a 20-year-old villager from Saw Mu Der lost her leg after stepping on a landmine as she was harvesting her paddy. The mine had allegedly been planted by soldiers from IB #2.⁸⁵

On 10 October 2006, SPDC army soldiers from IB #240 and LIB #567 operating under TOC #3 of MOC #16 entered the Saw Tay Der area in Toungoo District and laid landmines. It was reported that KNLA soldiers later recovered 16 of these landmines.⁸⁶

On 22 October 2006, Saw Mya Thaung from Yu Lo village stepped on a landmine laid by SPDC army soldiers operating in Toungoo District under MOC #16. He was reported to have been sent to Tha Pyay Nyunt for treatment.⁸⁷

On 31 October 2006, 2 villagers from Hsaw Wah Der village in Toungoo District were wounded when they stepped on SPDC-laid landmines. Following the explosion, SPDC army

soldiers from MOC #16 captured 2 other Hsaw Wah Der villagers, Saw Sein Win and his brother-in-law and tortured them, presumably in response to damaging state property.⁸⁸

In October 2006, 3 villagers stepped on landmines laid by SPDC army soldiers in Mone Township, northern Nyaunglebin District. The villagers were:

1. Saw Say Nay Mu, 24, Ghay P'Leh Hta village, Kwee De Kaw village tract;
2. Unnamed villager from Play Kee village tract; and
3. Unnamed villager from Play Kee village tract.⁸⁹

On 3 November 2006, SPDC forces laid an unknown quantity of landmines in Nwa Lay Ko village in Nyaunglebin District. KNLA soldiers attempted to clear the area of landmines, but could not find them all. A number of villagers were reported to have stepped on some of the remaining mines upon returning to their homes.⁹⁰

On 7 November 2006, the KNLA removed 9 landmines from Nwa Hta village and another 3 from Thay Kay Lu village planted by SPDC forces. Both villages are located in Nyaunglebin District.⁹¹

On 12 November 2006, Saw Ta Pi Toe, 25, was killed and his travelling companion, Saw Pa Pa Thi, 42, wounded when the pair detonated an SPDC-laid landmine. Both men were from Klaw Mi Der village in Toungoo District. The mine was believed to have been planted by SPDC army soldiers from LIB #508.⁹²

On 19 December 2006, an unnamed villager was killed after stepping on a landmine beside a stream near Ka Mu Loh village in Tantabin Township of Toungoo District.⁹³

On 27 December 2006, a jeep was destroyed as it ran over a landmine on the motor road between Than Daung Gyi and Leit Tho, in Than Daung Township, Toungoo District. One villager was reported killed and three more wounded. While not explicitly stated, it is likely that the jeep belonged to the SPDC and the villagers were forced to ride along on it as human shields to dissuade KNLA soldiers from attacking it.⁹⁴

In December 2006, a an IED planted by SPDC army soldiers in the kitchen of a villager's home killed 3 men and wounded 8 in the Baw Kwey Day area of Mon Township, Nyaunglebin District. The device was planted beside the cooking fire in a civilian's, home.⁹⁵

16.7 Thai-Burma Border

The Kingdom of Thailand became a state party to the Mine Ban Treaty on 1 May 1999. Thailand has not yet enacted comprehensive domestic legislation to implement the treaty, but the ICBL noted that a drafting process was reportedly underway in 2006 that would amend existing regulations in order to implement the treaty. In 2003 Thailand completed the destruction of the majority of its several hundred thousand stockpiled mines, leaving behind 4,970 mines for training purposes.⁹⁶

The Landmine Impact Survey of 2001, which remains the basis for mine action in Thailand, found 139 communities affected by landmines along the Thai-Burma border. Recently landmine contamination along the border is said to have increased as a result of mine-laying by SPDC and ethnic Wa combatants on the Thai side of the border in northern Chiang Rai province.⁹⁷

Many people from Burma consider Thailand a country where they may seek both treatment and refuge from landmines. Yet in May 2006, HRW reported that civilians seeking refuge in Thailand were at risk from landmines planted by SPDC and DKBA forces along the border.⁹⁸ Also in May 2006, the United Nations High Commissioner for Refugees (UNHCR) reported that in the period of the past three months approximately 2,000 refugees had newly sought refuge in Thailand, adding that *“Many are very weak and suffering from illnesses such as malaria after a long, dangerous journey to the camps through heavily land-mined areas”*.⁹⁹

Landmine survivors from Burma seeking assistance in Thailand receive medical care at hospitals in refugee camps and public hospitals in the border provinces of Tak, Chiang Mai, Mae Hong Son, Kanchanaburi and Ratchaburi. The Mae Tao Clinic in the border town of Mae Sot (Tak Province) also provides survivor assistance, where in 2006, they made a total of 181 prosthetic limbs, the vast majority of which were for landmine survivors from Burma.¹⁰⁰ The ICRC War Wounded Program, designed to provide assistance to all persons injured by the conflict in Burma also provides aid to victims of the conflict on both sides of the border. During 2005, the Program treated 88 patients in Thai hospitals, 60 of whom were wounded by landmines.¹⁰¹

16.8 Bangladesh-Burma Border

The People's Republic of Bangladesh became a State Party to the MBT on 1 March 2001, and instigated the implementation of the treaty through domestic legislation in August of that year. However, in March 2006 these implementation measures were reported by the government to be still "*in progress*". On 28 February 2005, Bangladesh completed the destruction of its 189,227 stockpiled landmines.¹⁰²

The *Landmine Monitor* reported in 2006 that the Bangladesh-Burma border remains extensively mined. Contrary to these findings, the Bangladesh government reported in 2006 that there are no known or suspected mined areas in Bangladesh. However, it is believed that landmines, understood to have been laid by the NaSaKa (Burmese border security forces) can be found along the 208 km border with Burma in the Chittagong Hill Tracts.¹⁰³ SPDC army soldiers have deployed landmines along the Bangladesh-Burma border since the early 1990s to ebb the flow of Rohingya refugees fleeing Arakan State into Bangladesh. The SPDC, however, has claimed that these mines were laid to prevent the movement of resistance forces and the smuggling of weapons across the border.¹⁰⁴

Bangladeshi Border Security Forces (BSF) have also been reported to have recovered antipersonnel and anti-vehicle mines from the bases of armed Burmese insurgent groups in the Naikongchari area of Bandarban District in the Chittagong Hill Tracts.¹⁰⁵ In March 2006, the Bangladesh Army and the BSF recovered 48 antipersonnel mines. A photograph of this seizure published in a Chittagong newspaper showed 11 Burmese-made MM-1 mines and 21 Burmese-made MM-2 mines among other arms seized.¹⁰⁶



A mobile medical team amputating the leg of a KNLA soldier in late-July 2006 after stepping on a landmine. Following the successful above-the-knee amputation, the medics also managed to save the man's right leg despite the gaping wound in it also caused by the blast. [Photo: KHRG].

16.9 India-Burma Border

The Republic of India has not acceded to the MBT, and on 6 December 2006 was one of 17 countries to abstain from voting on a UNGA Resolution 61/84 calling for its universalization. India continues to attend meetings relating to the treaty, and states its commitment to the “*common vision of a world free of the threat of landmines and unexploded ordnance*”.¹⁰⁷ However it also states that the Convention “[does not adequately address the] *national security concerns of States with long land borders wherein minefields at frontiers will continue to form an important component of defensive layout.*”¹⁰⁸ India is estimated to possess a stockpile of between four to five million landmines.¹⁰⁹

Some locations along the border adjacent to the Indian states of Mizoram and Manipur are mined. In Burma's Chin State, parts of Tonzang Township are reported to be heavily affected, particularly near Dawn village, and in Thangtlang Township mines laid along the Tio River have forced local inhabitants to abandon their farmlands. The tri-border area between India, Burma and Bangladesh is also reported to be extensively mined. The former headquarters of the Chin National Front (CNF), known as Camp Victoria was based in this area, and both Indian forces and the CNF say that the area surrounding the camp remains heavily mined. The adjacent area of Paletwa is also mined, and mine casualties have occurred among civilian as well as both SPDC and insurgent forces.¹¹⁰ On 31 July 2006, the CNF became the third armed NSA in Burma to renounce the use of antipersonnel landmines by voluntarily signing Geneva Call's “Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action”. The ban became effective on 1 August 2006.¹¹¹ After signing the document, Thomas Thangnou, Chairman of the CNF, was quoted as saying: “*We have agreed to abide by this commitment in view of the long term consequences that mines have. Mines know no friend or foe and have no boundaries. ... We have seen that mines have killed our enemies as well as innocent villagers and even our troops. And we realize that the impact of mine explosions go far beyond killing enemy soldiers.*”¹¹²

According to the ICBL, one person was killed and four injured in March 2006 when one of their group stepped on a mine adjacent to the India-Burma border separating India's Manipur from Burma's Sagaing Division. The mine was allegedly placed by unnamed “*Manipur rebels*” residing on the Burma side of the border. It was reported that Burmese resistance groups have shared mine production technology with resistance groups across the border in northeast India.¹¹³

Endnotes

- ¹ Source: *Landmine Monitor 2006*, ICBL, 17 October 2006.
- ² There have been regular resolutions passed in the UNGA in favour of the total ban on antipersonnel mines annually since the introduction of the MBT. These resolutions include: UNGA Res 52/38 (1997), UNGA Res 53/77 N (1998), UNGA Res 54/54 B (1999), UNGA Res 55/33V (2000) UNGA Res 56/24M (2001), UNGA Res 57/74 (2002), UNGA Res 58/53 (2003), UNGA Res 59/84 (2004), UNGA Res 60/80 (2005), and UNGA Res 61/84 (2006).
- ³ Source: *Analysis of the Impact of Landmines in Burma*, Non-Violence International, 2002.
- ⁴ Source: "Burmese Army's Karen attacks 'worst since 1997'", *Irrawaddy*, 25 April 2006.
- ⁵ Source: *Shoot on Sight*, Burma Issues, December 2006.
- ⁶ Source: "Burma: Landmines Kill, Maim and Starve Civilians," Human Rights Watch, 20 December 2006.
- ⁷ Source: *Hunger Wielded as a Weapon in Thaton District*, KHRG, 20 September 2006.
- ⁸ Source: Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 1997. Available online at: www.un.org/Depts/mine/UNDocs/ban_trty.htm
- ⁹ Source: *Landmine Monitor 2006 Burma/Myanmar Report*, ICBL, 17 October 2006.
- ¹⁰ Source: *Ibid.*
- ¹¹ Source: *Ibid.*
- ¹² Source: "CNF Ratifies Anti-Landmine Treaty," *Chinland Guardian*, 9 August 2006.
- ¹³ Source: *Landmine Monitor 2006 Burma/Myanmar Report*, ICBL, 17 October 2006.
- ¹⁴ Source: *Ibid.*
- ¹⁵ Source: "Landmines", in *KHRG Photo Set 2005-A*, KHRG, 27 May 2005.
- ¹⁶ Source: *Landmine Monitor 2006 Burma/Myanmar Report*, ICBL, 17 October 2006.
- ¹⁷ Source: "Burma Army Launches New Attacks in Western and Northern Karen States", FBR, 15 May 2006.
- ¹⁸ Source: *One Year On: Continuing abuses in Toungoo District*, KHRG, 17 November 2006.
- ¹⁹ Source: "Images Of New Burma Army Landmines," FBR, 5 February 2006.
- ²⁰ Source: *Landmine Monitor 2006 Burma/Myanmar Report*, ICBL, 17 October 2006.
- ²¹ Source: *Ibid.*
- ²² Source: *Ibid.*
- ²³ Source: *Ibid.*
- ²⁴ Source: *One Year On: Continuing abuses in Toungoo District*, KHRG, 17 November 2006.
- ²⁵ Source: *Landmine Monitor 2006 Burma/Myanmar Report*, ICBL, 17 October 2006.
- ²⁶ Source: *Internal Displacement and Protection in Eastern Burma*, TBBC, October 2005.
- ²⁷ Source: "Press Release No. 48/06", KNU, 12 February 2007.
- ²⁸ Source: "Press Release No. 51/06", KNU, 14 February 2007.
- ²⁹ Source: "Burma: Landmines Kill, Maim and Starve Civilians," Human Rights Watch, 20 December 2006.
- ³⁰ Source: *Landmine Monitor 2006 Burma/Myanmar Report*, ICBL, 17 October 2006.
- ³¹ Source: *Landmine Monitor 2006 Thailand Report*, ICBL, 17 October 2006.
- ³² Source: *Landmine Monitor 2006 Burma/Myanmar Report*, ICBL, 17 October 2006.
- ³³ Source: *Landmines in Burma/Myanmar: Cause of Displacement, Obstacle to Return*, Nonviolence International, 15 June 2005.
- ³⁴ Source: *Landmine Monitor 2006 Burma/Myanmar Report*, ICBL, 17 October 2006.
- ³⁵ Source: "Burma Army landmine/IED Kills Three and Wounds Eight in Mon Township," FBR, 8 December 2006.
- ³⁶ Source: *Without Respite: Renewed Attacks on Villages and Internal Displacement in Toungoo District*, KHRG, 12 June 2006.
- ³⁷ Source: "Three more Ambush Letters Found with Landmines", FBR, 11 May 2006.
- ³⁸ Source: *Forced Relocation, Restrictions and Abuses in Nyaunglebin District*, KHRG, 10 July 2006; *Nyaunglebin district: SPDC operations along the Shwegyin River, and the villagers' response*, KHRG, 9 December 2005.
- ³⁹ Prior to August 2006 when their political wing, the CNF, signed the Deed of Commitment.
- ⁴⁰ Source: *Landmine Monitor 2006 Burma/Myanmar Report*, ICBL, 17 October 2006.
- ⁴¹ Source: *Without Respite: Renewed Attacks on Villages and Internal Displacement in Toungoo District*, KHRG, 12 June 2006.
- ⁴² Source: *Armed Non-State Actors and Landmines; Volume II: A Global report of NSA mine action*, Geneva Call, November 2006.
- ⁴³ Source: *Without Respite: Renewed Attacks on Villages and Internal Displacement in Toungoo District*, KHRG, 12 June 2006; "Press Release No. 2/06", KNU, 6 January 2006.
- ⁴⁴ Source: *Ibid.*
- ⁴⁵ Source: *Ibid.*

- ⁴⁶ Source: *Ibid.*
- ⁴⁷ Source: *Ibid.*
- ⁴⁸ Source: "Press Release No. 3/06", KNU, 7 January 2006.
- ⁴⁹ Source: "Press Release No. 4/06", KNU, 7 January 2006.
- ⁵⁰ Source: "Press Release No. 3/06", KNU, 7 January 2006.
- ⁵¹ Source: "Update From Northern Karen State, Burma," FBR, 24 January 2006.
- ⁵² Source: "Press Release No. 4/06", KNU, 7 January 2006.
- ⁵³ Source: "SPDC Plants Landmines in Taungoo District", KTWG, 20 January 2006. Accessed on the KTWG website at www.ktwg.org/current_news.html.
- ⁵⁴ Source: "Press Release No. 5/06", KNU, 21 February 2006.
- ⁵⁵ Source: *Ibid.*
- ⁵⁶ Source: *Landmine Monitor 2006 Burma/Myanmar Report*, ICBL, 17 October 2006.
- ⁵⁷ Source: "Burma Junta Plants More Landmines to 'Protect' New Capital," DVB, 1 February 2006.
- ⁵⁸ Source: *Toungoo District: The Civilian Response to Human Rights Violations*, KHRG, 15 August 2006.
- ⁵⁹ Source: *Without Respite: Renewed Attacks on Villages and Internal Displacement in Toungoo District*, KHRG, 12 June 2006.
- ⁶⁰ Source: "Forced Labor in Taungoo District", KTWG, 1 March 2006. Accessed on the KTWG website at www.ktwg.org/current_news.html.
- ⁶¹ Source: "Press Release No. 7/06", KNU, 13 March 2006.
- ⁶² Source: "Press Release No. 9/06", KNU, 13 March 2006.
- ⁶³ Source: "Press Release No. 34/06", KNU, 12 February 2007.
- ⁶⁴ Source: "Press Release No. 13/06", KNU, 26 August 2006.
- ⁶⁵ Source: "Military Authorities Warns Villagers of Landmine Blasts near Explosion Site," IMNA, 2 May 2006.
- ⁶⁶ Source: "Karen Relief Worker Killed by Landmine," *Mizzima News*, 8 May 2006.
- ⁶⁷ Source: "Thai Engineer Wounded by Landmine Planted by Burmese Soldiers," DVB, 5 May 2006.
- ⁶⁸ Source: "Press Release No. 16/06", KNU, 27 August 2006.
- ⁶⁹ Source: "Sign and Landmine Placed to Terrorize Displaced Villagers," FBR, 7 May 2006.
- ⁷⁰ Source: "Landmines Claim More Victims as Myanmar Fighting Rages," AFP, 15 May 2006.
- ⁷¹ Source: "Three More Ambush Letters Found with Landmines," FBR, 11 May 2006.
- ⁷² Source: "Myanmar Man Killed in Landmine Blast near Convoy," AFP, 15 May 2006.
- ⁷³ Source: "Landmines Claim More Victims as Myanmar Fighting Rages," AFP, 15 May 2006.
- ⁷⁴ Source: "New Attacks by the Burma Army," FBR, 1 June 2006.
- ⁷⁵ Source: "Press Release No. 27/06", KNU, June 2006.
- ⁷⁶ Source: *Oppression by proxy in Thaton District*, KHRG, 21 December 2006.
- ⁷⁷ Source: "Press Release No. 29/06", KNU, June 2006.
- ⁷⁸ Source: *Oppression by proxy in Thaton District*, KHRG, 21 December 2006.
- ⁷⁹ Source: "Press Release No. 31/06", KNU, June 2006.
- ⁸⁰ Source: "Landmine Blast Kills Sergeant on Front Lines," *Narinjara News*, 9 July 2006.
- ⁸¹ Source: *Forced Relocation, Restrictions and Abuses in Nyaunglebin District*, KHRG, 10 July 2006.
- ⁸² Source: "Press Release No. 36/06", KNU, 12 February 2007.
- ⁸³ Source: "Press Release No. 35/06", KNU, 12 February 2007.
- ⁸⁴ Source: "Burma Army attacks IDPs in Mergui-Tavoy District, Southern Karen State," FBR, 25 August 2006.
- ⁸⁵ Source: *One Year On: Continuing abuses in Toungoo District*, KHRG, 17 November 2006.
- ⁸⁶ Source: "Burma Army Abuses During Current Offensive in Toungoo District," FBR, 13 November 2006.
- ⁸⁷ Source: "Five Villagers Killed and Three Wounded in Continuing Burma Army Attacks," FBR, 2 November 2006; "Press Release No. 44/06", KNU, 12 February 2007.
- ⁸⁸ Source: "Press Release No. 46/06", KNU, 12 February 2007.
- ⁸⁹ Source: "Update on Attacks in Nyaunglebin District, Western Karen State," FBR, 13 November 2006.
- ⁹⁰ Source: *Ibid.*
- ⁹¹ Source: *Ibid.*
- ⁹² Source: "Press Release No. 47/06", KNU, 12 February 2007.
- ⁹³ Source: "Press Release No. 50/06", KNU, 14 February 2007.
- ⁹⁴ Source: *Ibid.*
- ⁹⁵ Source: "Burma: Landmines Kill, Maim and Starve Civilians," Human Rights Watch, 20 December 2006.
- ⁹⁶ Source: *Landmine Monitor 2006 Thailand Report*, ICBL, 17 October 2006.
- ⁹⁷ Source: *Ibid.*
- ⁹⁸ Source: *Landmine Monitor 2006 Burma/Myanmar Report*, ICBL, 17 October 2006.
- ⁹⁹ Source: "2,000 refugees from Myanmar flee to Thailand after renewed conflict," UNHCR, 24 May 2006.
- ¹⁰⁰ Source: *Annual Report 2006*, Mae Tao Clinic, January 2007.

¹⁰¹ Source: *Landmine Monitor 2006 Thailand Report*, ICBL, 17 October 2006.

¹⁰² Source: *Landmine Monitor 2006 Bangladesh Report*, ICBL, 17 October 2006.

¹⁰³ Source: *Ibid.*

¹⁰⁴ Source: *Burma Human Rights Yearbook 2005*, HRDU, July 2006.

¹⁰⁵ Source: *Landmine Monitor 2006 Bangladesh Report*, ICBL, 17 October 2006.

¹⁰⁶ Source: *Ibid.*

¹⁰⁷ Source: Statement by Muktesh K. Pardeshi, Counsellor (Disarmament), Permanent Mission of India to the Conference on Disarmament in Geneva, Sixth Meeting of States Parties to the Mine Ban Treaty, Zagreb, Croatia, 28 November 2005.

¹⁰⁸ Source: *Ibid.*

¹⁰⁹ Source: *Landmine Monitor 2006 India Report*, ICBL, 17 October 2006.

¹¹⁰ Source: *Landmine Monitor 2006 Burma/Myanmar Report*, ICBL, 17 October 2006.

¹¹¹ Source: "CNF Ratifies Anti-Landmine Treaty," *Chinland Guardian*, 9 August 2006; "Chin Rebels Agree Not to Use Landmines," *Mizzima News*, 10 August 2006.

¹¹² Source: "Chin Rebels Agree Not to Use Landmines," *Mizzima News*, 10 August 2006.

¹¹³ Source: *Landmine Monitor 2006 India Report*, ICBL, 17 October 2006. Though the *Landmine Monitor* credits this information to an article entitled "Woman killed by landmine on India-Burma border", by the *Mizzima News* on 20 March 2006, there is no record of this report on the *Mizzima News* website.

Appendices

Acronyms

3D	Three Diseases Fund
AAPP	Assistance Association for Political Prisoners
AASYC	All Arakan Students and Youth Congress
ABFSU	All Burma Federation of Student Unions
ABFSU-FAC	All Burma Federation of Student Unions – Foreign Affairs Committee
ABMU	All Burma Muslim Union
ABRC	All Burma Refugees Committee
ABSDF	All Burma Students’ Democratic Front
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
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
ASEAN	Association of Southeast Asian Nations
AzG	Artsen zonder Grenzen (MSF-Holland)
BAD	Border Area Development
BBC	British Broadcasting Corporation
BC	Bagan Cybertech
BCN	Burma Centrum Nederlands
BDR	Bangladesh Rifles
BERG	Burma Ethnic Research Group

BESU	Basic Education Student Union
BEW	Burma Economic Watch
BFM	Bounding Fragmentation Mine
BI	Burma Issues
BLC	Burma Lawyers' Council
BLSO	Burma Labour Solidarity Organisation
BM	Blast Mine
BMA	Burma Media Alliance
BMA	Burmese Media Association
BNA	Burma News Association
BP	Bangkok Post
BPHWT	Back Pack Health Workers Team
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
CBC	Calvary Baptist Church
CBMT	Chin Back Pack Medical Team
CBO	Community-Based Organisation
CCSDPT	Committee for the Coordination of Services for Displaced Persons in Thailand
CCTV	China Central Television
CCW	Convention on Conventional Weapons
CD	Compact Disk
CEC	Central Executive Committee
CEDAW	Convention on the Elimination of Discrimination Against Women
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
CNA	Chin National Army
CNC	Chin National Confederation
CNF	Chin National Front
CNN	Cable News Network
COMMIT	Coordinated Mekong Ministerial Initiative against Trafficking

CPB	Communist Party of Burma
CPCC	Commodity Price Control Committees
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
DDSI	Directorate of Defence Services Intelligence
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
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
EU	European Union
E-visa	Electronic Visa
EWEC	East-West Economic Corridor
EYNG	Ethnic Youth Network Group
FAO	Food and Agriculture Organization
FATF	Financial Action Task Force
FBR	Free Burma Rangers
FCDCC	Federal Constitution Drafting and Coordinating Committee
FEC	Foreign Exchange Certificate
FOT	Field Observation Team
FRC	Foreign Resident Card
FTI	Federation of Thai Industries
FTUB	Federation of Trade Unions – Burma
FTUK	Federation of Trade Unions-Kawthoolei

GAIL	Gas Authority India Ltd.
GBA	Gankaw Baptist Association
GDP	Gross Domestic Product
GDP	Gross Domestic Product
GHQ	General Headquarters
HI	Handicap International
HIV	Human Immunodeficiency Virus
HQ	Headquarters
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
IDP	Internally Displaced Person
IED	Improvised Explosive Device
ILC	International Labour Conference
ILO	International Labour Organisation
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
KB	Kanbawza Bank
KCBA	Kuki Chin Baptist Association
KDA	Kachin Defence Army
KDP	Kokang Democratic Party
KDRG	Karenni Development Research Group
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
KNLA	Karen National Liberation Army
KNLP	Kayan New Land Party
KNO	Kachin National Organisation
KNPLF	Karenni Nationalities People's Liberation Front
KNPP	Karenni National Progressive Party
KnRC	Karenni Refugee Committee
KnSO	Karenni National Solidarity Organisation
KNU	Karen National Union
KNU/KNLAPC	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
KVTBA	Kabaw Valley Thadou Baptist Association
KWAT	Kachin Women's Association – Thailand
KWO	Karen Women's Organisation
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
MBT	Mine Ban Treaty
MDG	Millennium Development Goal
MDUF	Myeik-Dawei United Front
MHD	Malteser Hilfsdienst Deutschland
MI	Malteser International
MI	Military Intelligence
MICTDC	Myanmar Information Communications and Technology Development Corporation
MLCC	Mon Literature and Culture Committee
MMA	Myanmar Medical Association
MMCWA	Myanmar Maternal and Child Welfare Association
MNA	Myanmar Nurses Association
MNC	Mon National Council
MNCWA	Myanmar National Working Committee for Women's Affairs
MNDAA	Myanmar National Democracy Alliance Army (aka 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
MOI	Ministry of the Interior
MOMC	Military Operation Management Command
MoU	Memorandum of Understanding
MP	Member of Parliament
MPF	Myanmar Pharmaceutical Factory
MPT	Myanma Post and Telecommunications
MRA	Monland Restoration Army
MRC	Myanmar Red Cross
MRDC	Mon Relief and Development Committee
MRE	Mine Risk Education

MRTLC	Myanmar Rice Trading Leading Committee
MSF	Medecins Sans Frontieres
MSF	Military Security Force
MT	Myanma Teleport
MTA	Mong Thai Army
MTP	Mara Thyutliapy
MTUF	Mergui-Tavoy United Front
MUB	Myanmar Universal Bank
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
NCSM	Nationalist Socialist Council of Nagaland
NCUB	National Council of the Union of Burma
NDAA-ESS	National Democratic Alliance Army-Eastern Shan State (aka '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
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
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
OPEC	Organization of Petroleum Exporting Countries
OSI	Open Society Institute
OSS	Office of Strategic Studies
PABs	Provincial Admissions Boards
PDC	Peace and Development Council
PDF	People's Defence Front
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
PSI	Population Services International
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
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
RPG	Rocket Propelled Grenade
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
RWU	Rakhaing Women's Union
SaYaPa	Military Security Force
SB	Special Bureau (of Police).
SDA	Seventh Day Adventist
SDC	Special Detention Centre
SEAPA	Southeast Asian Press Alliance
SEARC	Southeast Asia Research Centre
SEARIN	South East Asia Rivers Network
SFM	Stake Fragmentation Mine
SHAN	Shan Herald Agency for News
SHRF	Shan Human Rights Foundation
SID	Special Investigations Department
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 (aka SSPP)
SSA-S	Shan State Army- South
SSKDP	Shan State Kokang Democratic Party
SSNA	Shan State National Army
SSPC	Shan State Peace Council
SSPP	Shan State Progress Party (aka 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
TB	Tuberculosis
TBBC	Thailand Burma Border Consortium

TCBEC	Technology, Culture and Business Education Centre
THPP	Tamanthi Hydroelectric Power Project
TOC	Tactical Operations Command
TPDC	Township Peace and Development Council
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
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council
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
UWSA	United Wa State Army
UWSP	United Wa State Party
UXO	Unexploded Ordinance
VBSW	Vigorous Burmese Student Warriors
vHLT	very High Level Team
VOA	Voice of America
VPDC	Village Peace and Development Council
WCDRB	Working Committee for Demonstration Restoration in Burma
WFP	World Food Program
WHO	World Health Organisation
WLB	Women's League of Burma
WNA	Wa National Army
WNO	Wa National Organisation
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.
<i>Bo</i>	Military officer
<i>crore</i>	Indian term meaning ten million. Equal to one hundred lakh
<i>Daw</i>	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
<i>kani</i>	Roughly 3 acres
<i>Kawthoolei</i>	Karen name for the Karen nation
<i>Khun</i>	An honorific used to address a Karenni, Shan or Thai male
<i>Ko</i>	Burmese form of address to a young male
kyat	Monetary unit of Burma. US\$1 = 6 kyat (official) US\$1 = 1,240 kyat (unofficial).
<i>kyin</i>	Unit of measurement equivalent to 2.7m ³
<i>lakh</i>	Indian term meaning 100,000
<i>loh ah pay</i>	‘volunteer labourer’; often synonymous for forced labour
<i>longyi</i>	Burmese sarong
<i>Ma</i>	Burmese form of address to a young female
<i>Mahn</i>	Burmese form of address to a Karen male
<i>Maung</i>	Burmese form of address to a young male
<i>Mehm/Min</i>	Form of address to a young Mon male
<i>Mi</i>	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
<i>Nai</i>	Burmese form of address to an adult Mon male
<i>Naw</i>	Form of address for a Sgaw Karen female
<i>plah</i>	Karen measurement of distance, from elbow to fingertip (cubit)
<i>pya</i>	100 pya = 1 kyat
<i>pyi</i>	Burmese unit of volume measurement commonly used for rice and paddy as well as other crops. One <i>pyi</i> is equal to eight milk tins, or about 2 kg of rice.
<i>Pyithu Hluttaw</i>	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.
<i>Sai</i>	Burmese form of address to a young Shan male
Sangha	Buddhist order of monks
<i>Sao</i>	Male of Shan royal descent

<i>Saw</i>	Form of address to a Sgaw Karen male
<i>Sayadaw</i>	Presiding monk of a Buddhist monastery
<i>Tatmadaw</i>	Burmese Armed Forces
<i>taun</i>	Unit of weight equivalent to 13 kg
<i>Thakin</i>	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 <i>pyi</i> or roughly 12.5 kg of rice
<i>U</i>	An honorific used to address an adult male in Burma
<i>viss</i>	1 <i>viss</i> = 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 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 colloquial 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	Patheingyi
Burma	Myanmar
Burman	Bamar
Irrawaddy	Ayeyarwady
Karen	Kayah
Karenni	Kayah
Magwe	Magway
Mergui	Myeik
Moei River	Taungtha
Moulmein	Mawlamyine
Pa'an	Hpa-an
Pagan	Bagan
Pegu	Bago
Prome	Pyaw
Rangoon	Yangon
Salween River	Thanlwin
Sandoway	Thandwaingyi
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)
Land area	678,500 sq km
Coastline	1,930 km
Population	47,373,958 (July 2007 est.)
Population growth	0.815% (2007 est.)
Birth rate	17.48 births/1,000 population (2007 est.)
Death rate	9.33 deaths/1,000 population (2007 est.)
Infant mortality rate	Total: 50.68 deaths/1,000 live births. Male: 57.33 deaths/1,000 live births. Female: 43.63 deaths/1,000 live births (2007 est.)
Life expectancy at birth	Total population: 62.49 years. Male: 60.29 years. Female: 64.83 years (2007 est.)
Languages	Arakanese, Burmese, Chin, Kachin, Karen, Karenni, Mon, Shan, Wa, English and more than 100 minority dialects
Religions*	Buddhist (89%), Christian (4%), (Baptist 3%, Roman Catholic 1%), Muslim (4%), Animist (1%), other (2%)
Last election	27 May 1990. NLD won 392 of the 485 seats contested. The assembly (<i>Pyithu Hluttaw</i>) was never allowed to convene.
Government	State Peace and Development Council (SPDC)
System of Govt	Military Dictatorship
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	GDP: \$8.8 billion (estimate at August 2006 market rate)
GDP real growth rate	2.6% (2006 est.)
GDP - per capita *	\$1,800 (2006 est.)
Inflation rate	21.4% (2006 est.)
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	292 metric tons; remains the worlds second largest producer of illicit opium (2005 est.)
Refugees from Burma	Approximately 725,500 in Thailand, 100,000-200,000 in Bangladesh, 60,000 refugees in India, 55,000 refugees in Malaysia, and an unknown number of refugees in China.
IDPs	Approximately 1 million persons

Please note that the facts and figures listed above are only estimates and that accurate data is not readily available.

* Estimates obtained from official SPDC sources.

Sources: *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, 31 May 2007; *World Refugee Survey 2006*, USCRI, 15 June 2006.

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