

MYANMAR AFTERMATH: THREE YEARS OF DISLOCATION IN THE KAYAH STATE

I. INTRODUCTION

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

Most of the human rights violations described below have taken place in relation to the State Peace and Development Council's¹ (SPDC, Myanmar's military government) counter-insurgency campaign against the ethnic minority armed opposition group, the Karenni National Progress Party (KNPP), who have been fighting for a free and independent Karenni State for over 50 years. Although the KNPP had agreed a cease-fire with the SLORC in March 1995, it disintegrated by June of that year when fighting resumed. The most recent cease-fire talks broke down in May 1998 in Yangon after some KNPP units attacked SPDC troops near Loikaw, the capital of Kayah State. KNPP troops are estimated to number about 800 men, while there are approximately 6,000 SPDC troops in the Kayah State. Although there are continuing skirmishes between the two, it is the civilians, caught in the middle of these forces, who suffer the vast majority of casualties.

Widespread human rights violations in Myanmar's ethnic minority states have had a significant negative impact on neighbouring countries, particularly Thailand, Bangladesh, and India, which have all been affected by large refugee flows. But other countries have also been faced with large numbers of refugees -- some 10,000 Rohingyas, or Muslims from the Rakhine State, remain in Malaysia and until very recently 10,000 Kachin refugees were in China's Yunnan Province. Presently there are over 100,000 refugees in Thai camps alone, and at least

¹The government changed its name from the State Law and Order Restoration Council (SLORC) to the SPDC in November 1997. Several SLORC members who were alleged to be involved in large-scale corruption were sidelined but otherwise the SLORC's policies have remained unchanged

that number outside of these camps in Thailand, where refugee numbers from Myanmar are at an all-time high. The continuing economic downturn throughout Asia makes it even more difficult for these countries to cope with more refugees, as they are faced with widespread unemployment and other problems. In addition incursions by SPDC troops and various armed opposition groups into Thai territory are a security threat, and several Thai nationals have been killed as a result during the last four years.

Background

Myanmar, formerly Burma, has been in a state of civil war since it gained independence from the United Kingdom in 1948. For the last 50 years armed opposition groups representing various ethnic minorities, have engaged in insurgency activities against the central government in an effort to gain greater autonomy or complete independence. According to the government, there are 135 “national races” in Myanmar, which comprise approximately one third of the population. When the military reasserted power in 1988 after suppressing the pro-democracy movement, they adopted a policy of negotiating cease-fires individually with these groups rather than engaging with umbrella organizations which grouped them together. Since 1989 they have agreed 17 cease-fires with various ethnic minority armed opposition groups.

The Kayah State, one of the seven ethnic minority states in the Union of Myanmar, has a population of 250,000 people and is predominantly mountainous terrain where the Karenni people cultivate rice and other crops. About 65% of the Karenni are Christian and the remaining are animist or Theravada Buddhist. The Karenni people are closely related to the Karen ethnic minority, and most of them are subsistence hill farmers. Before the British colonial occupation in the 19th century, the Kayah State was governed by *Sawphya*, or local chieftains.

The civil war in the Kayah State has lasted for some 50 years. When the Kayah State became a part of the Union of Burma in 1947, the KNPP² was established by those who took up arms to fight for independence. Beginning in 1978 after the KNPP lost their headquarters to the *tatmadaw*, refugees began to flee into Thailand. At present there are some 15,000 refugees living in camps near the provincial capital of Mae Hong Son, northwest Thailand.

II. FORCIBLE RELOCATION

²There are two other main armed opposition groups in the Kayah State, the Kayan New Land Party and the Karenni National People’s Liberation Front (KNPLF), who have both agreed cease-fires with the central government.

Forcible relocations are part of the army's "Four Cuts" counter-insurgency strategy, which entails cutting alleged links of intelligence, food, money and recruits between armed opposition groups and local civilians. During the last seven years there have been two major forcible relocations by the *tatmadaw* in the Kayah State. In March 1992, 57 villages were ordered to relocate to Pruso and other sites in northwest Kayah State. As a result 8,000 people moved; dozens of them were reported to have died from malnutrition in the relocation centres; and others were forced to do work on the Aungban - Loikaw railway and perform portering duties for the military.

Beginning in May 1996 the then SLORC ordered 98 villages between the Salween River in the east and the Pon River in the west, to move to sites which they had designated for relocation, including Shadaw and Ywa Thit. The military reportedly initiated the forcible relocation program in this area where KNPP troops were active and which was difficult to control because of mountainous terrain. Villagers received written orders which stated that they "*would be treated as enemies*" if they did not move by June. Villagers from other areas in Kayah State were also forced by the military to move to Nwa La Boh, Tee Po Koh, Daw Tama Gyi, Pasaung and Pruso town. After these forcible evictions, the military burned down many of the villages in order to prevent its residents from returning. An estimated 4,000 villagers went to the Shadaw relocation centre, thousands went to other centres, and some 4,500 fled to refugee camps in Thailand. Others decided to hide in the forest away from *tatmadaw* control.

A second wave of over 1,200 refugees arrived in late 1998 and early 1999 from both relocation sites and from the forest where they had been hiding for two and one half years. While SPDC troops were reportedly blocking routes to Thailand before mid-1998, they appeared to allow people to flee after that time. Those interviewed by Amnesty International said that they left because they could no longer survive away from their farms; many said that their children had died as a result of malnutrition and treatable diseases such as dysentery. Poor conditions in both the forest and in the sites was exacerbated by a severe drought in 1998 which caused additional food and water shortages. Both those in the forest and in the sites have lost their land, livestock, and most of their possessions.

Forcible relocation as practiced by the *tatmadaw* in the Kayah State, appears to be carried out solely on account of the ethnic origin or the perceived political beliefs of the affected Karenni civilians. Its effects are devastating. People are forced to remain in life-threatening conditions in the relocation centres, including lack of sanitation, safe drinking water, food and proper medical care. Some of them earn money or food by hiring themselves out as day labourers, but these efforts are curtailed by the forced labour they must perform routinely for the military. One Shadaw resident described their lives: "*We are like robots working as ordered by the controller.*"

Although Myanmar is a party to international humanitarian treaties, including the Geneva Conventions, it has signally failed to abide by their provisions. Under international humanitarian law forcible relocation of civilians is only allowed for their own safety or for valid military reasons. If forced relocation occurs for a legitimate reason under international law, the security forces are obliged to ensure an orderly evacuation, humane conditions in transit and adequate alternative accommodation. Article 17 of Protocol II Additional to the Geneva Conventions of 12 August 1949 states:

“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.”

In April 1998 the Representative of the UN Secretary General on Internally Displaced Persons presented the *Guiding Principles on Internal Displacement* to the UN Commission on Human Rights. They provide a definition of displaced persons:

“2. For the purposes of these Principles, internally displaced persons are 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.”³

Although they are not legally binding, the Principles set out the rights of internally displaced persons and the obligations of governments and armed opposition groups in all phases of displacement. Under its provisions governments have the primary duty to provide protection and humanitarian assistance to internally displaced persons (Principle 3); governments shall ensure that proper accommodation, safety, nutrition, health and hygiene are provided (Principle 7); governments shall not arbitrarily deprive internally displaced people of their property and possessions (Principle 21); and governments shall not arbitrarily withhold permission from international humanitarian organizations from offering their services to the internally displaced, particularly when the authorities are unwilling or unable to provide such services (Principle 25).

The SPDC does not abide by any of the above principles. Villages were routinely burned after the relocation process and villagers were not permitted to take livestock and other

³UN document E/CN.4/1998/53/Add.2

possessions with them to the relocation sites. The SPDC provided inadequate humanitarian assistance to civilians who were forcibly relocated and did not allow any international humanitarian organizations access to the relocation sites. In addition the SPDC violated other provisions in the Guiding Principles, including Principle 14, which states, *inter alia*: “2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.” Residents of relocation sites in the Kayah State were not permitted to return to their farms and often had to pay a fee in order to leave the sites to look for work or tend crops.

Profile of Shadaw and other relocation sites

The Shadaw relocation site, established in mid-1996, is located in a deep valley surrounded by high mountains in Shadaw township, in northern Kayah State. There is very little arable land in the area, which means that relocated villagers find it difficult to grow crops to feed themselves. Water supply is also limited. At first the *tatmadaw* provided a small amount of rice for Shadaw’s residents, but afterwards residents had to find their own food. Initial estimates of Shadaw’s population were 4,000 people; however at the beginning of 1999 only a few hundred were reported by refugees to remain there. The camp, which was badly overcrowded, was divided into north, south and central wards.

According to former Shadaw residents, although there was a clinic there, little or no medical care was in fact provided. Several of those interviewed said that needles were re-used several times without being cleaned. Refugees also described the deaths of their relatives and friends from diarrhoea and malaria which could have been prevented with proper treatment. One Buddhist farmer lost both of his parents and his three-year-old child to dysentery in June 1998. Although he took them to the clinic there, no medicine was available. The death rate was reported to be the highest during the first year in Shadaw, although people continued to die of treatable diseases thereafter. One 50-year-old Roman Catholic man who worked at the clinic estimated that 200-300 people died in the first year. He described what it was like to move to Shadaw:

“When we got to Shadaw, a small space of land was given to each family. It was very crowded with villagers from different villages. First we had to clean the bushes and trees at the land we were given. The land was 20 feet by 30 feet wide and no tree for shade.”

The military also restricted Shadaw residents’ freedom of movement. Although they were allowed to leave the camp, they could only travel within a five mile radius or risk being shot on sight. A 50-year-old animist farmer who escaped from Shadaw in January 1999 told

Amnesty International that one of his acquaintances⁴ had been shot in the shoulder when he returned to his old village to find food. He was completely deaf and could not speak so he was not aware of the five mile rule. Because his family paid for treatment at the clinic he survived his injury. Another former Shadaw resident, a 32-year-old Buddhist farmer, said that he was caught by the military in July 1998 when he had returned to his home village in Shadaw township, and was working on his farm. He was threatened with a knife and interrogated about KNPP troop movements. His wrists were tied behind his back for one and one half days before he escaped.

Another man from Shadaw township was arrested by Light Infantry Battalion 428 in July 1998 when he returned to his village for a traditional animist ceremony. He was beaten all over his body, put in stocks, and only freed the next day after his headman vouched for his innocence. Another headman and former Shadaw resident described the situation there: *“The military keeps the people like chickens in a basket.”*

Conditions in other relocation sites in the Kayah State were also poor. A 15-year-old girl told Amnesty International that her father starved to death at Nwa La Boh relocation centre, which is six miles north of Loikaw, the capital. Preh Reh, a 50-year-old Catholic, died in December 1997 because he was unable to survive on a diet of rice gruel. The girl fled from Nwa La Boh in January 1999 because she herself was ill with diarrhoea. A 20-year-old woman who had also been forced to move to Nwa La Boh said that the military only gave them a small amount of rice and land when they first moved there. People there were also not allowed to return to their home farms to work.

Life in the forest

“Life in the hiding place was full of miseries. The Burmese gave all miseries to us and I don’t understand why did they did this. We did not do anything against them, and we just lived in our traditional and simple lives. We were dying while we were hiding and having no food.”

(A 45-year-old Catholic woman from Shadaw township)

Those relocated villagers who chose to hide in the forest rather than live in relocation sites also suffered from treatable diseases and malnutrition. While in hiding they often had to move from place to place to avoid *tatmadaw* troops on patrol because they were at risk of being shot by the military. They survived on what they could forage in the forest, sometimes becoming ill as a result of eating poisonous plants. Those in the forest lived in small groups in

⁴Names and villages of those victims still living have been withheld for security reasons. However the names of village tracts and townships have been retained.

simple huts or slept under banana leaves for fear of being discovered by the military. When troops did find huts or small cultivated fields, they burned them down. In spite of these obstacles many decided to live in hiding because, as one animist farmer said: “...*we did not want to live in Shadaw camp that would be like detention for people like us who lived up in the hills and love freedom*”.

Although some were able to survive for a time on food supplies which they had hidden from their farms, eventually, often after losing several family members to disease, many of them decided to flee to Thailand. Most of those interviewed who had lived in the forest lost relatives to preventable disease there. One 50-year-old animist farmer from Shadaw township told Amnesty International that three of his children, aged one, two and three, had died of fever during his two and one half years in hiding. Another animist farmer from Shadaw township described his experience in the forest:

“ Many people got sick and died afterwards. Many children and elders died of diarrhea. In my group of 100 people hiding in one place, there were five elders and ten children who died from diarrhea within two years. We did not have any medicine except herbal medicine. My wife died in the first year after hiding in the forest. She was sick with an unknown disease and one of my children died of diarrhea in July 1998. If we could find the place for farming, we were able to work the hill cultivation. But in such a dangerous situation, we could not work peacefully. We were always insecure and worried about the soldiers coming.”

III. FORCED LABOUR AND PORTERING

The widespread use of unpaid forced labour by the military in Myanmar is a longstanding concern for Amnesty International. The *tatmadaw* regularly seizes civilians to work on infrastructure projects and to carry supplies for troops on patrol. Although forced labour has decreased in central Burma, it is still being reported on a large scale in the seven ethnic minority states which surround the central Burman plain. Members of ethnic minorities are much more likely than ethnic Burmans to be forced to perform unpaid forced labour and are in effect targeted for such duties. The SPDC has asserted that it is attempting to improve the infrastructure of areas which had formerly been affected by fighting between the *tatmadaw* and various ethnic minority-based armed groups. As a result of this policy thousands of ethnic minority civilians are forced to work on infrastructure projects on a routine basis.

In answer to reports of forced labour from the UN, other governments, and non-governmental organizations, the SPDC claims that the work is voluntary and for the benefit of

the people. On 14 May 1999 SPDC Secretary I General Khin Nyunt made the following statement in address to the ASEAN⁵ Labour Ministers' Meeting in Yangon:

*“There have been allegations of the use of forced labour in Myanmar...a sustained effort to improve the infrastructure of our economy...has been undertaken. Realizing the benefits to the communities from these projects, people have voluntarily contributed labour so that they can be completed sooner...On our part, to dispel these wrong impressions, the government has issued instructions that only remunerated labour must be used in infrastructure projects. At the same time, with the return of peace, we are now mainly using our military personnel to undertake these public works. Therefore the allegations of forced labour are groundless.”*⁶

However refugees' testimonies have consistently contradicted this assertion. One Karenni man forced to work on a road from Daemawso to Daw Tamagi said: *“They [the military] also said, ‘This road is for you and you have to work hard.’ I didn't understand why they said the road was for us as we never use their road for ourselves. Only the military use the road for their supplies.”*

Unpaid forced labour is in contravention of the International Labour Organization's (ILO) Convention No 29, which the government of Myanmar signed in 1955. The ILO has repeatedly raised the issue with the government and in June 1996 took the rare step of appointing a Commission of Inquiry. In August 1998 the Commission published a comprehensive report, which found the Government of Myanmar *“...guilty of an international crime that is also, if committed in a widespread or systematic manner, a crime against humanity.”* According to the provisions of Convention 29, labourers must *inter alia* receive a wage, be a healthy male between the ages of 18 and 45 years, and be provided with a safe working environment. These conditions are almost never met by the military in Myanmar when they use forced labour.

Three-quarters of the dozens of Karenni refugees interviewed by Amnesty International in February 1999 were forced by the military to work as unpaid labourers. They were in effect an unwilling pool of labourers which the military drew from to work in military bases, build roads, and clear land. Both those in relocation centres and those in their villages had to perform forced labour duties on a regular basis. When asked why they decided to flee to Thailand, many refugees said that forced labour duties made it impossible for them to survive

⁵Association of Southeast Asian Nations, whose members are: Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam.

⁶Text of speech quoted by the British Broadcasting Corporation, 18 May 1999.

and do work to support themselves. Several of them also mentioned that forced labour demands had increased during 1998.

Many refugees who fled from Shadaw relocation site said that they were forced to construct a road from Shadaw to the Pon River in the west beginning in January 1998. Men, women, and children over 12 years old all worked on this project. A 35-year-old Catholic farmer with five children was forced to work on this road for several days in December 1998 but was never paid. He also had to work as a porter carrying rice from Shadaw to the Pon River in November 1998, which was another common task performed by Shadaw residents. Another Shadaw resident who was forced to work on the road said that men had to crush rocks and women had to carry the rocks to the road renovation site. Even government employees were forced to perform labour. One 45-year-old Catholic civil servant with six children described their duties:

“In November 1998, people from Shadaw relocation site were ordered to do forced labour at the motor road between Pon River and Shadaw. There was a road but it got ruined after the rainy season. People were ordered to renovate the road. Each house had to provide one person for that. The soldiers marked the space for each ward to work in the renovation site. People had to clean the roadside that was three miles long and 10 feet wide from each side. Our village had 21 households so 21 persons went and worked there. If there was no man available to come, women or children over 12 years old must come instead.”

Other duties which Shadaw residents reported being forced to undertake included cutting bamboo for fencing, clearing land, breaking stones, and building walls in military bases. One refugee said that he and other residents had to build a new military base for Light Infantry Battalion 311 in Shadaw. They were required to dig trenches and sharpen bamboo for fence-building.

A 20-year-old Karenni Baptist farmer from Shadaw township had to perform forced labour throughout 1998 when held in Nwa La Boh relocation site. Beginning in mid 1998 residents had to work on the road renovation and extension project from Taunggyi in southern Shan State to Loikaw, six miles south of Nwa La Boh. She described her experience there:

“One person from one household was collected and ordered to work the whole day at the work site. There were about 100 labourers from the relocation site in each time... If someone failed to go, he needed to pay

100-150 Kyats⁷ per day for a fine. If you did not have money for the fine, you had to go even if you were sick. I saw some children aged 12 years old working there as the parents were ill or out for other forced labor projects. It was tiresome to carry stone to the work site. Soldiers from Light Infantry Battalion 250 guarded while people were working. I was personally beaten with stick when I took a rest in the afternoon. I could no longer work as I was so exhausted and took a rest. Soldiers found out and beat me with stick. It was very harsh and painful.”

Other children were forced by the military to work on infrastructure projects. A 15-year-old Karenni girl told Amnesty International that when she was forced to move to the Nwa La Bo relocation centre in Loikaw township at age 13, she could no longer attend school and had to work for the military. She was forced more times than she could count to cut grass and carry heavy stones for road-building. An orphan who was living with her aunt and uncle, she said she would like to go to school again. A 16-year-old girl from Loilenleh village tract, Loikaw township, was also forced repeatedly to build fences and barracks in a military outpost near Paw Tha He village. When asked why she left her home, she explained that it was both because of ill-treatment and economic reasons, which she said were linked. Soldiers often came through her village, seizing people for forced labour and stealing their rice and livestock.

The use of children for forced labour duties is in clear contravention of the UN Convention on the Rights of the Child, which the government of Myanmar acceded to in 1991. Article 32 of the Convention states:

“1. 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.”

Some villagers were permitted during 1998 to return to their homes from relocation centres; however they still had to perform forced labour duties. One 22-year-old single animist farmer was relocated from Tee Po Kloh tract, Daemawso township to the village of Tee Poh Kloh along with some 3,000 others from Daw Ku village tract and Gaylier village tract. He was allowed to return to his village in March 1998 but soon had to build roads, dig canals, and work on military bases. In June 1998 he was forced to cultivate green beans with fellow villagers on 30 acres of land in Daw Law Khaw by Light Infantry Battalion 427. The military took the entire harvest and charged each family 400 kyats for the price of the seeds.

⁷The official exchange rate is six kyats per US dollar; however the unofficial rate is over 300 kyats to the US dollar.

Other villagers who were not forcibly relocated were still coerced into performing various forced labour duties. One 31-year-old Catholic man who worked in a lead mine in Mawchi, southwest Kayah State, had to build the road from Mawchi and Toungoo, Bago (Pegu) Division on an average of once a week during 1998. The road was strewn with landmines and he saw several people who were killed or injured by them while performing forced labour duties.

In July 1998 his neighbour **Saw Gel**, a 34-year-old Catholic man with three children, stepped on a mine 20 yards ahead which blew off both his legs. His friends carried him on a three hour journey by foot to the hospital, but he died by the time he arrived there from loss of blood. His family received no compensation from the military, but the Catholic Church helped with his funeral expenses. The witness described the situation:

“I have no idea who planted the mines - they had been there for a while. I heard 10 were killed - maybe more. I saw this three times. The other two people I didn’t know - they were from a different ward...After the landmine explosions the military charged the villagers 500 kyat. Even those who were handicapped by the mine had to pay. This is for the cost of the mine.”

Amnesty International is opposed to the manufacture, use, stockpiling, and transfer of anti-personnel mines and calls on both the SPDC and any armed opposition groups to stop planting landmines.

Forced portering

Forced portering is a particularly harsh form of forced labour, and occurs mostly in areas where armed ethnic minority groups are active and the *tatmadaw* needs civilians to carry equipment on their patrols. As a consequence, the victims are often members of ethnic minorities, although when the military conducts a large offensive and needs hundreds of porters it also takes ethnic Burmese civilians. When the military seizes people for portering duty, they usually must remain with the troops for a period of days and are in effect arbitrarily detained. Although civilians forced to work on roads and other projects are subjected to cruel, inhuman or degrading treatment, porters are even more commonly beaten and subjected to other forms of ill-treatment by the military.

Men in particular are taken by the military to serve as porters for troops as they move around the countryside. In Kayah State men are seized from both their villages and from relocation sites. A 40-year-old Roman Catholic widower with five children described his most recent experience of forced portering, which reflected the general pattern:

“While I was in Shadaw site in October 1998, I was assigned by my village headman to go and work for portering. Each village was ordered to

provide two porters for the troops from Division 55...We were ordered to carry things from Shadaw to Daw Mu Ma village, north of Shadaw, where a military outpost was stationed. It took the whole day for us to carry things like mortar shells and food supplies...On the next day, we were ordered to carry things to Ko Lel village on the southern part. I myself carried shells and ammunition while others carried food, rice, cooking oil and condensed milk for the troops...We spent for this portering one week in total. ..I could rest only when the soldiers wanted to rest. Only two meals per day that was not enough were given.”

But not only people in relocation sites were seized as porters. A 33-year-old Shan man from Loilenlei village tract, Loikaw township near the Shan State border, was taken by Infantry Battalion 54 while he was harvesting his crops in October 1998. He walked with a pronounced limp which he said he was born with, which made walking up and down mountainsides particularly difficult. He was forced to collect food and act as messenger for the troops as they travelled from his village to Tanawgyi village. If he could not provide food he was beaten. A 40-year-old Karenni Buddhist farmer who had been allowed by the military to return to his village in Daemawso township, northwest Kayah State, was taken for three days in September 1998 as a porter. He had been forcibly relocated in 1996 to Tee Po Ko Loh relocation centre, Daemawsu township, but was allowed to return to his village in 1998 because the military could not feed the residents. He said he had to carry ammunition and rations and was beaten with a stick and kicked in the hips because he could not walk up the mountainside fast enough.

A 28-year-old Baptist farmer from Disakha village tract, Loikaw township, was never forcibly relocated but increasingly was forced to perform labour and portering duties so decided to come to Thailand. He was seized in October 1998 by Column 7 from Phe Khone township. He described his experience after being taken from his house:

“All of us had to carry shells, ammunition, food, rice and office materials. I later carried four mortar shells on the way. It took me two days to carry things and go along with the troops. The soldiers beat all of us frequently. I myself was beaten when I was too exhausted. First the soldiers kicked me on my back with their military boots. Four soldiers kicked on my waist when I fell down on the ground. Blood was coming out later. I was so thirsty and could not walk any more. But I had to carry on my service. They kept beating me until I stood up and carried the things.”

Amnesty International considers forced portering to be arbitrary detention and calls on the SPDC to order its troops to stop seizing civilians for forced portering duties.

V. TORTURE DURING DETENTION

Karenni men are not only taken as porters, but are also detained by the *tatmadaw* and accused of having contact with the KNPP. Several refugees told Amnesty International about the torture they had experienced at the hands of Military Intelligence after being arbitrarily arrested and held without charge or legal representation. Torture of political detainees is routine in Myanmar, particularly during the initial process of interrogation. Torture techniques described by Karenni refugees are consistent with accounts by former political prisoners from central Myanmar, where an estimated 1500 people are still imprisoned.

The miner from Mawchi town who also had to perform forced labour duties (see above) was arrested in November 1998 at his home by Military Intelligence (MI) staff who accused him of giving food to KNPP troops. He was then taken to the Light Infantry Battalion 337 post and interrogated for three days and nights continuously. He said that during this time he was kicked, punched and beaten with a rifle butt by a team of five to six people who worked in shifts. He described his treatment:

“I had swelling and a cut lip. I received no food or water. I fell down because I was hit on the head and lost consciousness. They asked me, ‘Whom did you meet? How did you meet them?’, the same questions, over and over. I kept denying the questions. I was also hit with a stick on the back and head.”

After three days he was transferred to a police lockup and was finally given food and water, but could not eat or move for the first five days. Two weeks later after he had recovered, he escaped from police custody and immediately fled to Thailand.

A 52-year-old animist farmer from Loikaw township, was arrested in April 1998 by troops from Light Infantry Battalion 72 and accused of having relatives in the KNPP, a charge which he denied. Soldiers came to his house, called his name and began kicking his body all over with their boots. At the same time he said that troops arrived at the home of his son-in-law and tied his hands behind his back. The son-in-law’s face was bloody and bruised when his father-in-law saw him as they were both taken outside the village and beaten. He described their treatment:

“The soldiers forced both of us to kneel down while our hands were tied behind. The officer stuck a pistol barrel into my mouth and threatened to kill me right away. He asked if we had relatives in the KNPP army and where they were now. He slapped my face many times. Then he ordered the soldiers to untie our hands and ordered us to dig a pit. He said it was for both of us to be buried alive...My son-in-law was crying while he was digging the pit...After we finished the officer ordered us to jump in the pit

and lie down. We thought we would die soon...However the officer changed his mind and ordered us to come out of the pit. I did not know why he changed his mind, but I think God loves us and saved us."

They were then taken to the primary school in their village where the soldiers poured water continuously over their heads. Finally they were detained overnight in a local house and released the next day. The victim said that he was bedridden for a month after his ordeal.

A 22-year-old animist farmer from Tee Po Kloh tract, Daemawso township, had a similar experience of detention and torture because of alleged KNPP connections. He provided the following information to Amnesty International during his interview. On the morning of 2 November 1998 about 20 soldiers from *Naga*⁸ and 80 soldiers from *tatmadaw* Light Infantry Battalion 102 came to their village and seized him and two other men, accusing them of communicating with the KNPP. A captain kicked them in the head and soldiers slapped their faces for two hours. Then their hands were tied behind their backs and they were left in the sun for the entire day with no food or water. Soldiers from Light Infantry Battalion (LIB) 54 arrived in a truck and took the three and a group of other men and held them at their base in Loikaw.

The next day MI 27 took the witness to their headquarters, slapped his face with their bare hands and with sandals and beat his body with wooden sticks. Then he was thrown into a water tank and held under water several times. Afterwards he was given electric shocks in his ears and he lost consciousness. When he woke up they gave him another shock and burnt his genitals. They covered his face with a plastic bag and beat him again. This treatment continued over 24 hours, after which time he was taken back to LIB 54 headquarters for 15 days. He was with a group of 134 people from other villages, all of whom he said were tortured and interrogated.

At the end of their detention MI 27 staff photographed them and wrote down biographical information. Twelve men were charged and taken to Loikaw Prison for having connections with the KNPP. The witness was released along with most of the other villagers on 2 December. When they returned to their village, they found most of their belongings were gone. At that point he decided to leave for Thailand.

A 36-year-old Catholic farmer from Daw Pu village tract, Daemawso township was arrested during the same crackdown in November 1998. He was arrested on 11 November with 27 fellow villagers by 30 soldiers from Light Infantry Battalion 530. They were also eventually taken to LIB 54 and interrogated and tortured. The witness said that he was interrogated only once by three MI 27 staff at their office. He was asked about his KNPP connections and beaten with a cane and kicked with boots. He was also punched in the face until he was

⁸*Naga* is a group of around 100 ethnic Karenni soldiers who several years ago were part of the KNPP but are now associated with the *tatmadaw*.

bleeding from the mouth and nose. He said that he was an ordinary civilian but was beaten all night, and then taken back to the LIB 54 barracks. He remained there for one month and four days, and was then photographed and questioned about his personal history. When he returned to his village, he found that most of his livestock was gone, and then decided to flee to Thailand.

He was arrested a previous time in April 1998, beaten, and accused of having KNPP connections, which he denied, and detained for 18 days. He described his treatment:

“Then they made me lie down and rolled a wooden cane on my calf-bone. The interrogation went on the whole night without rest...They tied four car tires together and put me into the tires...then rolled the tires on the ground. They covered my face with a plastic bag...They forced me to lie down on a bed of wooden nails...It went on for three days.”

VI. EXTRAJUDICIAL EXECUTIONS

Amnesty International defines extrajudicial executions as unlawful and deliberate killings, carried out by order of a government official or with the government's complicity or acquiescence. Extrajudicial executions are distinguished from justifiable killings by the security forces in self-defence; deaths resulting from the use of reasonable force in law enforcement; and the imposition of the death penalty. Extrajudicial executions often result when security forces use force which is disproportionate to any threat posed, although the authorities may claim that this use of force was legitimate.

Extrajudicial executions of ethnic minority civilians by the *tatmadaw* occur during counter-insurgency activities in the Kayah, Kayin (Karen) and Shan States. The military sometimes kills civilians if they are in "black areas" where insurgents operate, if they cannot perform their duties as porters, or if they suspect civilians of being members of insurgent groups. Karenni refugees described several killings of their relatives and friends which took place in a variety of circumstances in 1998 and 1999. None of those killed appeared to pose any threat to the military.

Ha Reh, a 35-year-old Catholic farmer with two children, was killed in May 1998 when troops from Light Infantry Battalions 531 and 428 came to his village of Daw Kraw Ku, Muso village tract, Pruso township. In March and April 1996 all villages in Muso tract were ordered to relocate to Pruso town but Ha Reh and his family did not move because there was a water shortage in Pruso. When troops returned in May 1998, they looted the village and burned it down by pouring petrol on the roofs and lighting them. Ha Reh was caught by troops outside his village and then thrown into the fire. His sister, who fled to Thailand in September 1998 after the village was burned, told Amnesty International about the circumstances of his death.

A 40-year-old animist farmer with two children who had been in hiding for two and one half years in the forest said that his friend **Ei Than**, a farmer about 30 years of age, was shot dead in the forehead in mid-1998 by SPDC troops. The witness told Amnesty International that he saw Ei Than's dead body in Daw Saw Leh village, Shan State, where they were hiding. He was apparently shot because he was outside of a relocation site.

Another farmer who was hiding described the killing in September 1998 of fellow villager **Mi Reh**, a 50-year-old animist farmer. Mi Reh had returned to his village of De Ri Dah, Shadaw township in order to harvest his rice crop when he was caught by the *tatmadaw* and forced to carry ammunition. He was beaten with a rifle butt and kicked because he walked too slowly, and then left by the side of the road. He made his way back to his family hiding in the forest, but died two weeks later, having received no medical treatment.

An animist farmer from Shadaw township who stayed in the forest lost a nephew **Ka Reh**, age 20, in July 1998. Ka Reh had been hired by members of the Shan ethnic minority to work as a day labourer on a deserted farm in Chu Leh village, Shadaw township. Five of them were arrested by troops; three were killed outright on the farm and one escaped and described what had happened. Ka Reh was taken as a porter and never returned to his family. He is presumed dead.

VII. CONCLUSIONS AND RECOMMENDATIONS

The human rights situation has deteriorated in Myanmar since it was admitted to the Association of Southeast Asian Nations (ASEAN).⁹ In July 1997 when Myanmar became a full ASEAN member, ASEAN countries claimed that such a move would encourage the SPDC to improve its human rights record. In fact the opposite has been true. The SPDC has stepped up its repression of the opposition party the National League for Democracy and increased forcible relocation programs in the Kayin (Karen), Karenni, and Shan States, and the Tenasserim Division. The use of forced labour in all seven ethnic minority states continues at a high level, and forced portering occurs wherever there are counter-insurgency activities. Myanmar's membership in ASEAN has caused ongoing complications for other ASEAN members in their relations with foreign governments. It is in ASEAN's interests to ensure that Myanmar improves its human rights record.

As ASEAN member countries gather in Singapore at the end of July 1999 for their annual Ministerial Meeting it behoves these countries to come up with a new strategy for dealing with the SPDC's intransigence regarding human rights. The ASEAN Regional Forum (ARF)

⁹ASEAN member countries are: Cambodia, Brunei, Laos, Indonesia, the Philippines, Myanmar, Vietnam, Thailand, Singapore, and Malaysia.

, which deals with Asian security issues, will meet at the same time and should address this security problem. China in particular, which has sold US\$ one billion worth of arms to Myanmar, should end the practice of arms transfers to the SPDC. Western nations who will also be present at ARF should work closely with all concerned countries to encourage the SPDC to improve its human rights record.

In addition to the above recommendations to the international community, Amnesty International urges the SPDC to abide by the basic principles of international human rights and humanitarian law in its treatment of the Karenni ethnic minority. Common Article 3 of the four Geneva Conventions, which applies to all conflicts of a non-international character, occurring within territories of a party to the Convention, sets forth minimum standards of human conduct, applicable to all parties to the conflict, for the treatment of people taking no active part in the hostilities, including members of the armed forces who have laid down their arms and those *hors de combat* for any reason. Among other things, paragraph 1 of this article prohibits “murder of all kinds”.

Amnesty International also makes the following recommendations:

- Forcible relocations on ethnic grounds should be abolished and the SPDC should abide by Article 17 of Protocol II Additional to the Geneva Conventions of 12 August 1949, which stipulates that civilians should be relocated only for their own security or for imperative military reasons.
- Amnesty International believes that the Representative of the UN Secretary General on Internally Displaced Persons should carry out an investigation into the process of internal displacement in the Kayah State and the protection of internally displaced persons from human rights abuses.
- Amnesty International recommends that the SPDC abide by ILO Convention No 29 concerning forced labour, which Myanmar has ratified. Immediate measures should be taken to end ill-treatment and torture in the context of forced labour and portering. Forced portering should be abolished.
- Amnesty International recommends that the SPDC abide by Article 32 of the Convention on the Rights of the Child, which prohibits the economic exploitation of children.
- Amnesty International recommends that the SPDC investigate all reports of torture and ill-treatment, bring those found responsible to justice, and issue clear orders to the military to stop these practices immediately

- Amnesty International recommends that the SPDC issue clear orders to halt extrajudicial executions, to use force and firearms only when strictly necessary to protect life, and to investigate all extrajudicial executions and bring to justice those found responsible.