

**amnesty international**

**EXTRAJUDICIAL EXECUTION AND  
TORTURE OF MEMBERS OF  
ETHNIC MINORITIES**

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# BURMA

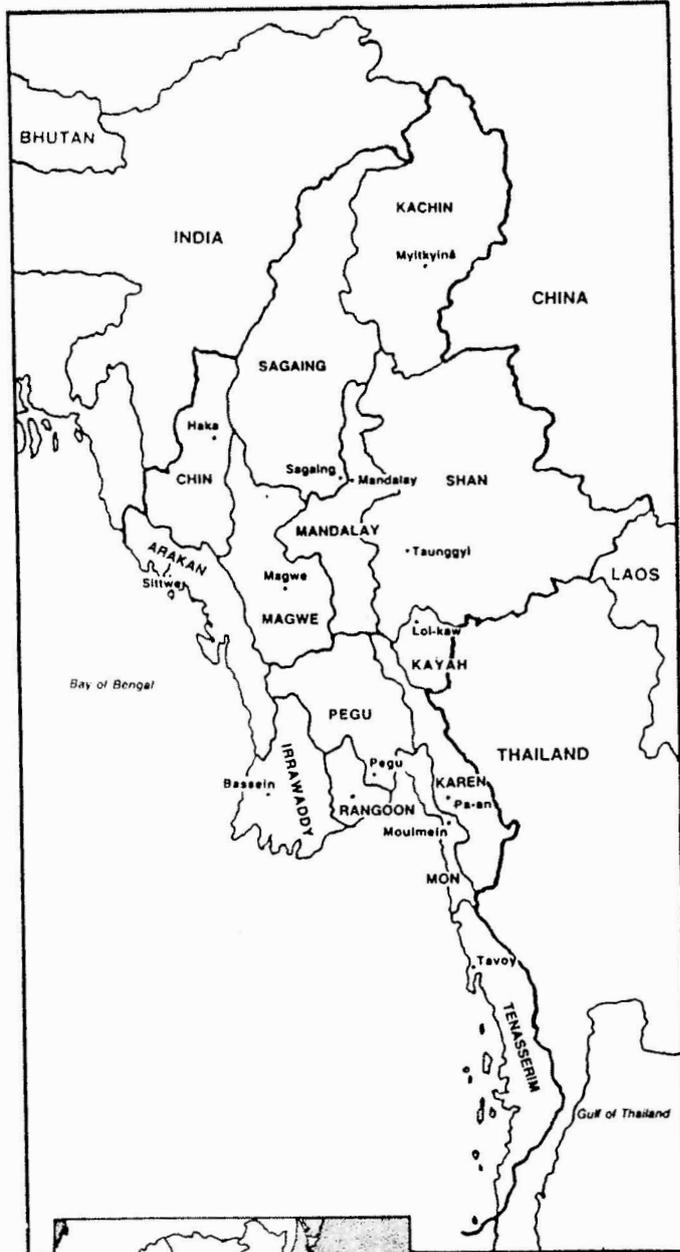
## EXTRAJUDICIAL EXECUTION AND TORTURE OF MEMBERS OF ETHNIC MINORITIES



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# BURMA



Eastern border area  
Map of the Karen and Mon States



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## 1. SUMMARY

Thousands of ethnic minority people have fled Burma to escape the indiscriminate brutality of the army's counter-insurgency operations. Most of the refugees are from the Karen State, a mountainous area bordering on Thailand. Others come from the Mon and Kachin States and other parts of Burma. Their plight has received little attention from the international community. In this report Amnesty International publishes, for the first time, a detailed account of the widespread extrajudicial executions\*, and torture and harsh treatment inflicted on these people by soldiers operating in defiance of both Burmese and international law.

Independent human rights investigators have not been given access to Burma. Military restrictions on travel to many minority areas have applied to non-resident Burmese and foreigners alike. Although Amnesty International has not visited Burma, it has obtained information about human rights violations through interviews with refugees. In November 1987 Amnesty International interviewed over 70 Karen, Mon and Kachin civilians who had managed to leave the country. They described in detail almost 200 cases of apparent extrajudicial execution, torture and ill-treatment. To get the most up-to-date information possible Amnesty International sought out people who had left the country during 1987. The interviews were gathered in seven different places in Thailand, and this provided opportunities to cross-check accounts given by different people. None of the information, to the knowledge of Amnesty International, came from members of opposition groups.

Since 1984 the Burmese army has waged intensive counter-insurgency campaigns against various armed opposition groups, including minority movements fighting for greater autonomy in the Karen, Kachin and Mon States. The civilian population has suffered heavily in counter-insurgency drives. Most of the people living in these remote and mountainous states are illiterate villagers making a living out of rice farming or petty trading. To deny the insurgents any possible logistical or other support the army has imposed harsh restrictions on the villagers' lives, including controls on their movement, residence and wealth. Whole villages have been regrouped in "strategic hamlets" - fenced settlements - under strict curfew.

These restrictions impose intolerable hardships on rice farmers, whose livelihood depends on free movement to tend their crops in often far-off fields, and on itinerant traders who ply their wares between villages. People are forced to risk their lives in order to survive. If they are found in places declared

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\* Amnesty International uses the term "extrajudicial executions" to describe unlawful and deliberate killings carried out by governments or with their acquiescence. These killings take place outside any legal or judicial framework.

off-limits by the army, or on roads or in fields after curfew, they are suspected of links with the insurgents and may be summarily shot or taken into custody and tortured. Mutilated bodies are sometimes left by roadsides and in the fields.

Anyone found with more than the quantities of rice or money the army permits may suffer the same fate. Some have been executed simply because of their appearance, like a 22-year-old student, whose killing was described by his brother: "They could easily have taken him away for questioning, but instead they simply killed him. My brother...had been to school for eight years...he didn't look like the other villagers. He was tidy and well-dressed, and...he had a fancy haircut. I think that maybe they shot him because...he looked different".

Some of those seized by soldiers on counter-insurgency patrols are taken to army camps and bases where they are detained in deep underground pits, interrogated and tortured. One frequently described torture is "shin rolling", described here by a 35-year-old illiterate Karen rice farmer: "[The interrogator] tried to force information out of me by rolling a large bamboo pole over my shins, up and down, increasing the pressure until the skin began to strip off...After a few minutes of this treatment, the skin came off, but the guy kept rolling the bamboo over the exposed bone, causing terrible pain."

Several other ways of inflicting unbearable pain have also been described. These include placing bullets between the fingers and crushing them together, burning victim's flesh with cigars or molten plastic and slashing with knives. The torture or ill-treatment of women include several cases of rape, and one victim was an 11-year-old girl. Amnesty International was told of prisoners being subjected to near-suffocation with plastic sheets and bags and near drowning or near-strangulation. Mock execution and death threats are also reported.

Countless villagers have been seized to work as porters or guides for the army. Many have died as a result. Captured villagers are force-marched until they fall dead from sickness or exhaustion, or are killed for not working hard enough or blown up in minefields through which they have been forced to lead troops. A Karen farmer, now a refugee, was travelling with a friend to buy land for growing rice when they ran into an army patrol. They were accused of links with the rebels and forced to become porters. His friend died after being severely beaten by the soldiers: "The last time I saw him he was lying alongside the path and was shivering. He could not walk or stand up. The soldiers took his load from his shoulders and left him behind. We could not help him...We could just look at him, take a look at him as we passed by."

Porters and guides are often seized at random, but failure to carry out their duties to the satisfaction of the troops can result in accusations that they sympathize with the rebels. Severe ill-treatment frequently follows: "They hit me with their guns and accused me of being a [rebel] because I wasn't doing the work. They called me all kinds of names. They said I was lazy uneducated Karen trash. They said I ought to work until I died. After they hit me with their guns, I lost consciousness..." Porters and guides caught trying to escape

are often killed, as are villagers who run away when they hear the army is coming.

So numerous and similar are the accounts of human rights violations given by the refugees that in Amnesty International's view they show a consistent pattern of gross violations of human rights. The organization was told of case after case of people being apprehended, tortured and killed in defiance of Burmese and international law.

A Karen farmer from a village in northern Tenasserim Division was one of many refugees who told Amnesty International that they were denied any protection from the country's legal and judicial system after being arrested by the army: "I was not informed of any legal proceedings against me. I was never told that I was accused of violating any law...no mention was ever made of any laws...the word court was never mentioned during my interrogation or detention...I wasn't allowed to meet any outsider...such meetings were prohibited. I couldn't ask to see a lawyer...My family couldn't see me".

Burmese law provides ample scope to arrest, investigate and prosecute people the army suspects of involvement with the insurgents. It includes important human rights safeguards. Yet virtually none of the refugees interviewed by Amnesty International knew of an instance in which this legislation had been invoked. People were taken into custody without any reference to law and were neither charged nor tried. They were tortured and killed in rice fields, villages and forests, often without even the chance to speak in their own defence. One eyewitness said: "The two men never saw the troops that shot them. They were shot from behind while they were stooped over harvesting paddy...The soldiers could easily have captured them, but they simply wanted to kill them."

Karen, Kachin and Mon insurgents have killed civilians and allegedly bombed schools, market places and other civilian targets. Amnesty International, as a matter of principle, condemns deliberate killings and torture of prisoners by anyone, including opposition groups. However, killings or other crimes by opposition groups can never be used to justify unlawful killings or torture by members of the security forces. The security forces are entrusted with protecting citizens and upholding and defending the legal system. Effective government action in defence of human rights may help break the cycle of killings and reprisals for which the security forces as well as the insurgents bear responsibility.

The testimonies gathered by Amnesty International and published in this report detail 60 cases of apparent extrajudicial execution of Karen by Burmese Government forces assigned to counter-insurgency duties. To Amnesty International's knowledge most of the victims were not involved in the insurgent movements. They were initially detained or killed on the spot in their fields or homes. Only one victim was described to Amnesty International as an insurgent activist.

Since June 1987 Amnesty International has urged the Burmese Government to examine allegations of extrajudicial execution, torture, arbitrary arrest and

arbitrary imprisonment in various parts of the country. It has also tried to discuss its concerns with Burmese diplomatic representatives in various countries and at the United Nations, but received no response to its approaches.

However, in a February 1988 letter to the United Nations, the Burmese Government categorically rejected allegations of summary or arbitrary executions in frontier areas. It described the allegations as "totally unfounded", and said "it is...entirely inconceivable that summary or arbitrary executions have taken place in Burma". The government pointed to the existence of human rights safeguards in Burmese law, and said that "No execution could take place in Burma without proper judicial process and comprehensive appeals procedure". The testimonies in this report are eloquent evidence to the contrary.

In this report Amnesty International publishes detailed recommendations for the protection of human rights which it believes the Burmese Government should adopt to stop extrajudicial executions, torture and the arbitrary arrest and detention of minority people. The report also outlines existing safeguards for the protection of human rights provided in Burmese criminal law and emergency legislation. Amnesty International urges the government to enforce existing safeguards and to introduce new legislation to provide for habeas corpus, the right to judicial review of the legality of a prisoner's detention. The government should launch a full-scale inquiry into reports of extrajudicial executions and torture. It should bring to justice military or other authorities responsible for such human rights violations. This will clearly demonstrate that such crimes will not be tolerated.

Burma has not ratified international human rights instruments or the Geneva Conventions. In this, the 40th anniversary year of the Universal Declaration of Human Rights, ratification of these international standards would be a positive statement of the government's intention to protect human rights. The government should also give qualified independent human rights investigators full access to rural areas of Burma from which extrajudicial executions and torture are reported.

## 2. INTRODUCTION

### 2.1 SOURCES AND THE SCALE OF ABUSES

Amnesty International has not visited Burma. Minority areas have to date been officially inaccessible to independent human rights investigators; military restrictions on travel to parts of them have applied to non-resident Burmese and foreigners alike. Moreover, both minority villagers who remain in the country and those who have fled abroad fear reprisals against them and their families if they disclose information about their experiences. Amnesty International's information on the human rights situation in Karen and other minority areas of Burma therefore cannot be regarded as comprehensive, and it is not possible for the organization to assess the full extent of violations. This report should therefore not be regarded as a complete account of unlawful killings and torture by government forces in minority areas of Burma.

Nevertheless, Amnesty International has accumulated a significant body of information on its concerns. This report is based primarily on more than 70 direct testimonies gathered by Amnesty International in November 1987. The people interviewed were Karen, Mon and Kachin villagers and other civilians who had managed to flee Burma since 1986, despite severe government restrictions on leaving the country and considerable personal danger in doing so. In order to obtain the most up-to-date information possible, Amnesty International especially sought out people who had left the country during 1987. This report covers incidents that allegedly took place in 1987 or 1986 and includes cases of political prisoners arrested in earlier years who were believed to still be detained as of the time of writing, March 1988.

These testimonies were gathered in seven different places in Thailand, and this provided opportunities to cross-check accounts given by different sources. The accounts of refugees undoubtedly sometimes contain inaccuracies and even bias. However, these testimonies gave a highly consistent description of recent events and villagers' experiences. In almost every instance, the source was interviewed privately by Amnesty International. On no occasion was any member of any of the political groups opposed to the Burmese government present during an interview. Similarly, although the organization does monitor materials disseminated by these groups, it has not relied on their information in preparing this report.

The testimonies gathered by Amnesty International in November 1987 include allegations of 60 specific instances of unlawful killing and 123 cases of torture or other severe ill-treatment of Karen, Kachin and Mon. Most of the testimonies described abuses against Karen villagers, but they also reported 36 cases of ill-treatment of Kachin and Mon political prisoners. The victims came from over 50 different villages in 11 townships (district-sized administrative units) in four Burmese states and divisions (province-sized administrative units). The largest number of abuses of Karen villagers were reported from

Bilin and Thaton Townships in the northern part of Mon State, Hlaingbwe Township in the central part of Karen State and Tavoy Township in the northern part of Tenasserim Division. Other alleged Karen victims came from Paung Township in Mon State and Papun or Pa-An Townships in Karen State. The alleged Mon victims were from Mudon and Thanbyuzayat Townships in the central part of Mon State. The alleged Kachin victims were from Myitkyina and Putao Townships in the central and northern parts, respectively, of Kachin State.

Some two dozen different military units were implicated in the testimonies, including forces stationed in all but one of the townships mentioned above, as well as troops from bases in Kawkaik Township of Karen State and Yebyu Township of Tenasserim Division. Troops from bases in the Pegu and Mandalay Divisions, both of which border Karen State, were also implicated. Victims and eyewitnesses, most of whom were illiterate farmers unable to speak Burmese and unfamiliar with details of the Burmese army's order of battle, were not always able to identify the military units responsible for killings and torture, especially when the soldiers came from camps far from their home villages. They sometimes referred to Burmese military units by the Burmese language abbreviations "kha.la.ya.", "kha.ma.ya." or "ta.ma.". "Kha.la.ya." is believed to stand for "battalion of a regiment" and reportedly usually designates a battalion in an independent regiment assigned to local security operations. In this report it is conventionally translated as "regimental battalion". "Kha.ma.ya" is believed to stand for "light or mobile infantry" and reportedly usually designates a unit of battalion strength. It is conventionally translated here as "mobile infantry battalion". "Ta.ma." is believed to stand for "brigade" or "division" and reportedly usually designates one of the Burmese army's light infantry divisions, which is the translation given here.

Testimonies frequently mentioned Regimental Battalion 75 operating in Bilin Township of Mon State and a "Unit 404" operating out of Kaleinaung, a small town in Yebyu Township of Tenasserim Division. Other army units mentioned specifically include Regimental Battalions 24, 31, 62, 70, 76, 79 and 81, Mobile Infantry Battalions 4, 6 and 7 and Light Infantry Divisions 44 and 66, as well as the Military Intelligence Service of Kachin State.

Victims and witnesses also referred to "sit kyaw" troops, patrols and camps. The Burmese word "sit kyaw" is believed to mean "military column", but is reportedly used to refer to troops engaged in field operations away from their regular barracks.

A summary of the cases in this report is available on request.

In September 1987 Amnesty International published: Allegations of Extrajudicial Executions, Torture and Ill-treatment in the Socialist Republic of the Union of Burma, a document based on a careful assessment and evaluation of testimonies gathered by other researchers, as well as published accounts. It covered the period from 1984, when the Burmese army launched the first of a series of offensives against various insurgent groups, and reviewed accounts from a wide variety of sources passed to Amnesty International. The materials included allegations of another 177 killings and 59 more torture cases involving Karen and other minority groups since 1984. The document concluded that many of

the allegations of severe human rights violations by the Burmese army were sufficiently credible to merit responsible international concern and careful attention on the part of the Burmese government. Amnesty International's recent research provides considerable new information and detail about alleged violations in 1986 and 1987 and the context in which they occurred. It broadly corroborates the earlier allegations, and also specifically confirms several of the incidents recounted in testimonies Amnesty International had already from other sources.

Amnesty International believes that the accounts of extrajudicial executions and ill-treatment given in this report represent a pattern of extrajudicial executions and torture of unarmed minority villagers since 1984, including elderly people, women and children, by members of armed forces on counter-insurgency assignments. The organization believes that at least some army units operating in minority areas have systematically engaged in practices violating fundamental human rights, including the right to life, the right to freedom from torture and ill-treatment and the right to freedom from arbitrary arrest and detention. In this report, Amnesty International is publishing substantial extracts from the accounts of eye-witnesses to extrajudicial executions and witnesses to or victims of torture have been provided in this report as the most eloquent means of conveying what is occurred.

Amnesty International has published the names of victims of unlawful killings and of people believed currently detained, as well as of many torture victims. It has withheld those of victims and witnesses who requested anonymity because they feared reprisals by the security forces if they returned to Burma or against relatives or associates still in the country.

## **2.2 BACKGROUND**

### **2.2.1 HISTORICAL SKETCH**

The Socialist Republic of the Union of Burma is a country with a complex mosaic of ethnic, linguistic, social, political and historical characteristics. The demographically predominant ethno-linguistic group among the population of 38 million is sometimes called Burman to distinguish it from other population elements, although the language it speaks is almost always referred to as Burmese. It totals 25.4 million people, slightly more than two-thirds of the whole population. The remainder comprises many minorities, among which the most numerous are the Shan (4.18 million), the Rakhine or Arakanese (2.28 million), the Karen (1.9 million), the Mon (1.14 million), the Kachin (950,000) and the Chin (456,000). Other smaller minority groups include the Kayah (or Karen-ni), the Pa-o, the Akha, the Muse, the Padaung, the Wa, the Naga and the Gorkha (Nepali). There are also sizeable communities of Chinese, Bengali and Tamil ethnic origin together totalling some 1.52 million people. Over 100 distinct languages or dialects are spoken in Burma.

The Burmans are today settled primarily in central Burma, in the basins of the Irrawaddy and the Sittang Rivers and particularly in the Irrawaddy's rice-growing delta. The country's minorities are mostly to be found in the hilly or mountainous regions that run like a horseshoe around the lowlands. While the Burman and other farmers living on the plains usually practice irrigated rice cultivation, people living in the hills and mountains often grow "swidden" dry rice on shifting slash and burn fields.

Theravada Buddhism is the most wide-spread religion. Buddhist believers include not only Burmans, but also the majority of Rakhine, Mon and Shan and significant numbers of Karen and other minority groups. Additional religions include Christianity, particularly among Karen and Kachin, and Islam, particularly among Bengalis, as well as various animist cults. Boundaries between religious beliefs are not clearly defined, and many minority people, in particular, practice a mixture of traditions.

The problem of political unity occupies a central place in Burma's post-colonial history. This is a legacy of pre-colonial alliances and conflicts between the various ethnic groups in the country and also of how its boundaries and society were reshaped when it was a part of the British Empire.

Burma gained independence in 1948. Successive governments have encountered major difficulties in formulating an institutional framework acceptable to the Burman majority and the various minorities. As a result, every administration during the last 40 years has been challenged to some extent by ethnic armed insurgencies. There have also been almost continuous communist-led insurgencies, which have relied in part on ethnic minority grievances.

During periods of parliamentary rule (1948-1958 and 1960-1962) under Prime Minister U Nu, conflicts between the central government and various ethnic and communist-led movements sometimes resulted in armed rebellion. The rebels pointed to what they saw as serious shortcomings in realizing the principles proclaimed in the 1947 Constitution: voluntary association, equal rights, duties and privileges, mutual respect for differences, and a fair sharing of political power and economic resources. Between 1947 and the early 1960s, over half a dozen organizations took up arms against the government at one time or another. These included Karen, Arakanese, Shan and Kachin organizations, as well as others claiming to represent the Mon, Kayah and other small groups such as the Pa-O.

By the end of 1961, Burma was faced with a deep political crisis, arising in part from divisions among the leadership over how to handle the national minority problems. The lack of consensus within the ruling party helped prompt army leader General Ne Win to depose the civilian government in March 1962, when the army took control and replaced it with a 17-member Revolutionary Council of army officers. The army dissolved parliament, banned opposition parties and eventually created a more centralized administration and established a one-party state. The ruling Burmese Socialist Programme Party (BSPP) continues today to be largely dominated by military or ex-military figures. The BSPP espouses what it describes as The Burmese Way to Socialism, the title of one of its two

founding ideological texts. Together with the other, The System of the Correlation of Man and His Environment, it sets forth the basic principles of a plan for transforming Burma into a socialist society while preserving its national unity.

In 1974 the country was renamed the Socialist Republic of the Union of Burma under a new Constitution which formally recognized the existence of seven "national races" and their legitimate right to states of their own within the Union. The Constitution confirmed the existence of Kachin, Karen, Shan and Kayah States. It created Chin, Mon and Rakhine States, while also establishing seven administrative Divisions for regions inhabited mostly by Burmans. However, it stressed that all "national sovereignty" belongs to the central union government and elaborated a centralized and unitary system of administration and political control. This was reflected in the creation of a system of People's Councils, Executive and Party Committees from the village up through the township to the state and division levels, all answerable to central government. Some minority leaders denounced the new Constitution as a "pseudo-federal" document.

In 1976, nine minority organizations established a loose political and military coalition known as the National Democratic Front (NDF). The NDF advocates greater autonomy for minorities in a federal system, and has since added another member organization.

In 1980 the government opened separate negotiations with Kachin and communist insurgent leaders aimed at ending their violent rebellions. However, both sets of peace talks failed.

In early 1984 the government began a large-scale military campaign against the Karen National Liberation Army (KNLA), the armed wing of the Karen National Union (KNU), one of the larger insurgent groups. Since late 1986 large-scale military operations have also been carried out against communist and Kachin insurgents operating in northeastern Burma, and there have been attacks against Mon rebels in the south.

The government continues to proclaim its determination to eliminate the various insurgencies and what it terms "destructive elements". For example, on 11 October 1987 the Working People's Daily, an official newspaper, editorialised:

"The successive Party Congresses have called for annihilation of insurgents...The elimination of the insurgents is...one of the political objectives of the Party and the State...While we are marching towards our cherished goal of a Socialist society of affluence, the destructive elements are hindering our efforts through various means. Therefore it is necessary to make every effort to do away with these elements...we must make our utmost efforts to put an end to the insurgents and the destructive elements."

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In 1976, nine minority organizations established a loose political and military coalition known as the National Democratic Front (NDF). The NDF advocates greater autonomy for minorities in a federal system, and has since added another member organization.

In 1980 the government opened separate negotiations with Kachin and communist insurgent leaders aimed at ending their violent rebellions. However, both sets of peace talks failed.

In early 1984 the government began a large-scale military campaign against the Karen National Liberation Army (KNLA), the armed wing of the Karen National Union (KNU), one of the larger insurgent groups. Since late 1986 large-scale military operations have also been carried out against communist and Kachin insurgents operating in northeastern Burma, and there have been attacks against Mon rebels in the south.

The government continues to proclaim its determination to eliminate the various insurgencies and what it terms "destructive elements". For example, on 11 October 1987 the Working People's Daily, an official newspaper, editorialised:

"The successive Party Congresses have called for annihilation of insurgents...The elimination of the insurgents is...one of the political objectives of the Party and the State...While we are marching towards our cherished goal of a Socialist society of affluence, the destructive elements are hindering our efforts through various means. Therefore it is necessary to make every effort to do away with these elements...we must make our utmost efforts to put an end to the insurgents and the destructive elements."

### **2.2.2 KAREN INSURGENCY**

Karen have lived in what is now Burma for many centuries. Although traditionally resident in the mountainous areas of today's eastern Burma along the border with Thailand, the majority of Karen are currently settled in the predominantly Burman Irrawaddy River delta.

There were conflicts between Karen and Burman political groups in historical times, and the period of British colonial rule tended to exacerbate the differences.

The Karen National Union (KNU) was formed in the late 1940s, after minority representatives were excluded from British-Burmese negotiations on the terms of independence. A radicalization of the KNU led to the formation of a military wing, the Karen National Defence Organization, forerunner of the current Karen National Liberation Army (KNLA).

The strength of the KNU rebellion waxed and waned in the 1950s and 1960s in the face of central government military pressure. By 1969 successful government operations had largely isolated the KNU leadership in mountainous Thai border areas away from the majority of the Karen population in the lowlands. Government attacks between 1976 and 1982 further reduced KNU-controlled areas, but KNU guerrilla activities increased in 1982 and 1983. Since when, the government has mounted a series of military offensives aimed at crushing the KNU. In early 1984 government troops overran two major KNU strongholds on the Thai border, and followed this success by repeated attacks on remaining KNU positions in Burma. Continued clashes between the government and the KNU were reported in 1987 and early 1988. The government operations have been accompanied by efforts to eliminate KNU influence over Karen civilians.

The conflict has precipitated the flow of between 15,000 and 17,000 Karen into Thailand. These civilians include not only villagers from Karen State, but also Karen farmers from other areas, including Mon State and Pegu and Tenasserim Divisions.

The KNU reportedly continues to launch occasional attacks on Burmese military and administrative outposts. It more frequently ambushes Burmese army patrols, and mines the routes that Burmese troops are likely to travel. The KNU has also allegedly bombed civilian targets, such as passenger trains, thereby killing non-combatants and has admitted executing prisoners of war whom KNU "military tribunals" have declared "war criminals" after summary proceedings. The government blamed the KNU for a bomb blast on 9 January 1988 which it said killed eight passengers and wounded 38 others on a train approaching the capital, Rangoon.

The KNU has attempted to organize intelligence and propaganda networks, tax collection systems and sometimes forcible troop recruitment drives among Karen villagers. It has also tried to establish monopolies over the illegal border trade by Karen and others with Thailand.

### **2.2.3 KACHIN AND MON INSURGENCIES**

The Kachin, who are ethno-linguistically related to the Tibetans and Burmese, currently live in China, India and northern Burma, where they have been settled for nearly 2000 years. Burma's Kachin population is estimated at 950,000. Most Kachin grow rice on shifting hillside fields (swidden) and are animists. A substantial number of Kachin, including much of the educated elite, became Christians during the colonial era.

Following independence in 1948, the Kachin had a separate state within the Burmese union, but complaints about central government interference in local affairs arose quickly thereafter. By the early 1960s, these grievances were promoted by the anti-government Kachin Independence Organization (KIO), which was formed under largely Christian leadership. After Buddhism became the state religion in 1962, its armed wing, the Kachin Independence Army (KIA) launched its first military action in Myitkyina, the state capital. When U Nu was overthrown in March 1962, the KIO's influence and power grew, and it organized an administration in various parts of Kachin State while continuing warfare against the government. Unsuccessful peace talks have been held three times between the KIO and Rangoon, in 1963, 1972 and 1980 to 1981.

The KIO took a leading role in the establishment of the NDF and it is now considered the strongest of these. In 1986 links between several NDF groups, including the KIO, were strengthened, and all of them except the KNU reached military modi vivendi with the insurgent Burmese Communist Party (BCP). In December 1986 the government began a series of attacks, first on BCP areas and later against the KIO. By the end of May 1987 the headquarters of the KIO and KIA were both overrun. Despite these setbacks, the KIA maintains an estimated armed strength of 4,000 to 8,000 men, and the KIO has claimed it controls more than half the Kachin State's territory and a large population.

The Kachin insurgents have allegedly been responsible for repeated bomb attacks on civilian targets, including cinemas, market places, coffee shops, bakeries, ferry and train stations and schools. These have sometimes resulted in numerous civilian deaths and injuries. The government blamed the KIO for a bomb blast which it said killed 12 people and wounded 133 in Momauk Township of Kachin State on 12 February 1988. The KIO denied placing the bomb, which exploded during a high school cultural performance. The KIO has also been accused of assassinating government military leaders and killing members of officials' families.

The Mon, who are ethno-linguistically related to the Khmer (Kampuchians), were the first known inhabitants of Burma. Although the Mon have shown a tendency toward assimilation into the majority population, they retain a recognizable linguistic and cultural identity.

In the early 1960s a small Mon movement took up arms against the Burmese government. It advocated greater autonomy for the minority, a demand formally conceded by the 1974 Burmese Constitution which created a Mon State. Armed and other Mon opposition to the government nevertheless continued. In the National Democratic Front, Mon insurgents are represented by the New Mon State Party

which claims to field a few hundred armed guerrillas. The Burmese government has accused it of several attacks against civilian targets, including bombing of a Buddhist festival in May 1987, during which 20 civilians, including three monks, were killed and over 100 other people were injured.

### **2.3 AMNESTY INTERNATIONAL'S POSITION ON ABUSES BY ARMED OPPOSITION FORCES**

Although Burmese counter-insurgency forces are faced with violent attacks by armed opposition groups, none of the extrajudicial executions or torture by government forces described in this report took place in the context of actual combat.

Amnesty International, as a matter of principle, condemns deliberate killings and torture of prisoners by anyone, including opposition groups. It recognizes that it is within the jurisdiction of governments to determine criminal responsibility and bring to justice those responsible for violent attacks on government authorities, security forces and civilians. However, the exercise of such lawful authority by states must conform to international standards of human rights, and observe norms safeguarding fundamental human rights provided in domestic law.

Killings or other crimes by opposition groups can, in any case, never be used to justify unlawful killings or torture by members of the security forces. The security forces are entrusted with responsibility for protecting citizens and for upholding and defending the legal system. If they themselves commit unlawful killings and torture, then others may feel that they too can commit crimes. Amnesty International believes that effective government action in defence of human rights may help to break the cycle of killings and reprisals for which government authorities as well as the insurgents bear responsibility.

### **3. EXTRAJUDICIAL EXECUTION OF KAREN BY THE ARMY**

#### **3.1 CIRCUMSTANCES AND METHODS OF EXTRAJUDICIAL EXECUTION**

Most of the extrajudicial executions reported to Amnesty International occurred in the context of the Burmese army's stringent restrictions on Karen farmers' movements and economic activities and its practice of forcing Karen villagers to act as porters and guides during its patrolling and offensive operations. Villagers thought to be violating travel or economic restrictions are apparently routinely killed because soldiers suspect they may be helping or at least cooperating with the insurgency. So are villagers who attempt to escape from porter service or who do not perform it to the satisfaction of the soldiers. Highly dangerous porter or guide duty such as forcing villagers to lead troops through minefields is apparently sometimes used as a way of punishing those regarded by the army as uncooperative.

Various methods of execution of Karen were described to Amnesty International. The most common was shooting: some of the victims were killed outright by being shot in the head or heart, others seriously wounded and then intentionally left to die. In the next most common method reported, victims were stabbed to death or had their throats cut. Other testimonies described the victims being drowned, strangled, hanged or beaten to death. In a few cases victims' bodies were said to have been mutilated.

#### **3.2 EXTRAJUDICIAL EXECUTION FOR DISOBEYING RESTRICTIONS ON LIVELIHOOD**

To prevent insurgents from obtaining food, money, information and recruits from among Karen villagers, the Burmese army has reportedly relocated villages in some contested areas in fenced settlements sometimes described as "strategic hamlets". This has sometimes reportedly been carried out by ordering residents to leave on short notice and burning the evacuated villages. The army has prohibited villagers from leaving the fenced settlements at night, declared some areas off-limits to cultivation for all or part of the time and imposed limits on the amount of rice and cash or other valuables individuals or households may possess. In addition the army reportedly prohibits trade in certain items and travel for commerce in certain areas, especially Thai border areas where the KNU maintains bases and trading posts.

The controls on travel and local resources inflict great hardship on farmers and others dependent on traditional economic activities, particularly Karen farmers whose livelihood is based on the cultivation of swidden, rice grown on hillsides by shifting slash and burn methods. Their fields are often located far from their villages, and swidden farmers spend considerable time away from their homes to tend their crops, either sleeping in their fields or in shelters constructed from bamboo and leaves. To supplement their small incomes, they often undertake itinerant labour and petty trade activities. Many of them

live on the margin of existence and can ill-afford the restrictions imposed by these extraordinary security measures.

Security measures also adversely affect those Karen villagers whose livelihood depends on farming paddy (permanent rice cultivation on irrigated flatlands), planting cash crops such as sugar cane or occasional trading. They, too, must sometimes leave their homes to gather building materials in the forest or stay overnight in their fields or travel between villages to buy and sell. Villagers may be faced with the necessity of ignoring military orders if their families are to survive. Many Karen farmers therefore feel they have no alternative but to try to circumvent army regulations, even though government soldiers appear to assume that those who do are somehow involved with the KNU and treat them as enemies. According to Amnesty International's information, the result is that ordinary Karen villagers who are neither actively involved in nor sympathetic to the armed KNU are arbitrarily killed. They are presumed guilty of political offences because of their ethnic origin and language and because of their efforts to survive.

A Karen woman interviewed by Amnesty International described the summary execution of her brother, Or Kaw, a 38-year-old swidden farmer with a wife and five children. She claimed he had been killed in February 1987 for being in fields declared off-limits near the village of Thu Ker Bi in Bilin Township of Mon State:

"My brother came to Thu Ker Bi to live there with his family. He was killed a month after his arrival in Thu Ker Bi. He was killed in his fields, one afternoon, by a group of 60 soldiers from Regimental Battalion 76...They were patrolling in the area and found him working in his fields...one of the porters who accompanied the soldiers...told me that the soldiers opened fire on him without warning or questioning. The soldiers had ordered the villagers not to go out of the village and threatened that anybody caught outside the village would be considered an enemy and treated as such, that is killed..."

"He was hit by one bullet in the thigh and one bullet in the arm. He was, therefore, only wounded and not fatally, so the soldiers stabbed him in the stomach with a knife, gouged out his eyes and cut his throat...Then the soldiers took off his shirt and came back to the village. They showed his shirt to the villagers and claimed that they had killed a rebel. When the porters said that the victim was a Thu Ker Bi villager, my older brother together with a group of villagers went to his field hut and recovered the body. They buried him near his field hut..."

"He had never been a rebel, nor had he been in touch with them..."

Another interviewee described the killing of his 34-year-old nephew, Koe Yot, in October 1986 near the Karen village of Chi Baw Ki in Thaton Township of Mon State. He said that Koe Yot, a swidden farmer, was killed because he

violated prohibitions on leaving this village, to which he had been recently relocated. He could not identify the unit to which the troops belonged:

"In the month of August, all the villagers from Chi Baw Ki were ordered to gather their things and move to another village called Chi Baw Ta, which is located about a five-hour walk from Chi Baw Ki...

"We were instructed not to go back to Chi Baw Ki and told that anybody captured while trying to go back to Chi Baw Ki would be killed. That is what happened to my nephew. He went to Chi Baw Ki to get some things he needed and was caught by an army patrol.

"He was arrested outside the village while on his way back from this village to his fields. He had gone there to fetch fruits, coconuts and some belongings at his house. On the way back to the new village he met an army patrol. He had just left Chi Baw Ki when he was captured. He was alone, and they killed him on the spot. After the killing they sent a message by walkie-talkie to their commanding officer... informing him that they had killed an enemy. Villagers went to fetch my nephew's body together with my husband...He had been killed by two bullets, one in the head and one in the chest..."

A porter seized by troops based in Kawkareik Township of Karen State alleged that they killed two Karen farmers in the vicinity of Ther Pe and Naw Li villages in Hlaingbwe Township, Karen State in late 1986. He said the farmers were killed for harvesting in prohibited fields:

"I was with a group of troops that came down a hillside and saw them in the fields and shot them. They were shot because the Burmese had prohibited people from being in the fields. The Burmese suspected that those who disobeyed such prohibitions were waiting to make contact with the KNU.

"I don't know the victims' names. But they came from Ther Pe and Naw Li villages...One was about my age [early forties], and the other was about 20. They were dressed simply in sarongs and shirts with the sleeves rolled up. The older one was wearing a big wicker hat, and the younger one was wearing a cloth cap. They were alone in the fields...

"I was with a group of about 140 soldiers from a base at Plaw Ki Ko...They were expecting a lot of fighting with the KNU. They were searching for the KNU.

"The two men never saw the troops that shot them. They were shot from behind while they were stooped over harvesting paddy. One soldier opened fire on them after sneaking up on them from behind, while I watched from the hillside...They were shot from a range of about 20 metres. The soldiers could easily have captured them. They could have surrounded them from all sides and captured them, but they simply wanted to kill them.

"The commander didn't reprimand the soldier who did the shooting, but instead commended him for having killed two 'ringworms', which is a derogatory Burmese term for KNU soldiers."

Another former porter described a similar incident. He said he had witnessed the killing of Maung Tin Win, a villager aged 27 or 28, by soldiers of Regimental Battalion 75 in the vicinity of Ta U Ni village in June 1986. The soldiers apparently suspected Maung Tin Win of being in contact with the KNU. They arrested him while on patrol between two villages in Bilin Township of Mon State and, according to the porter, interrogated him on the spot before killing him:

"They arrested [him] between Ta U Ni and Noe Ka Neh, on the way to Ta U Ni. He was a villager from Ta U Ni...The soldiers accused him of being in touch with the rebels. They rolled a plastic sheet around his head and began beating him up...I heard him screaming, 'I will tell you, I will tell you!'. Then they tied his hands behind his back and ordered him to run away, while a soldier was ordered to shoot him. He was shot dead in the back while running...They just left his body behind, on the path, where he fell down."

Another interviewee described the killing of her 25-year-old nephew, Pu Heh, in fields outside Le Po Ta village in Papun Township of Karen State in April 1986. She said he came under suspicion because troops from a base in Thaton Township of Mon State discovered him outside his village. After two days in custody he was killed and his body mutilated:

"He was looking after his buffaloes in his fields when a group of Burmese soldiers approached him and detained him. They accused him of being a rebel agent responsible for planting mines for the rebels. They accused him of this because they found him outside the village, in his fields which were swidden fields in the forest. They took him with them for two days of patrolling in the area...Maybe they wanted him to act as a guide to show them where the rebels had planted the mines, or where the rebels were. Two days later, because we had no news from him, we went to his fields and discovered his body...Both eyes had been gouged out; he had been stabbed in the sides and then disembowelled. His neck had been broken. He had been stabbed three times on one side and four times on the other..."

A second woman described the killing of her eldest son, Pha Myint, outside Ta U Khi village in Bilin Township of Mon State in December 1986. This 20-year-old was killed by troops of Regimental Battalion 75 apparently because he was the only adult male found in fields in an area declared off-limits by the army:

"The soldiers came and surrounded our field hut and rice store...they came into the hut [and] tied Pha Myint up right

there and took him down out of it first. Even before that they hit him with their rifle butts and kicked him. They were all hitting and kicking him, even though I tried to stop them...

"I came out and asked them why they were doing this to us, since we weren't enemies and my son hadn't done anything. They said he was a rebel, but I said he wasn't. They were angry at me and pushed me down. They said they would arrest anyone who said my son wasn't a rebel, and they threatened to kill me. Then they burned the rice store and the rest of our farm...

"They separated me, my daughter and the younger sons from Pha Myint. They held us separately in two adjacent fields...Pha Myint was in the next field, 40 yards from us...They had used a red nylon rope to tie his hands behind his back, and it was attached to a length of rope that was also tied around his waist and neck...

"As the troops were taking him away, I asked them where they were going, but they wouldn't say. The next day, I asked some villagers where the troops had gone with my son. They said there was no need to ask, because my son had already been killed...They told me where the body was. I went to look for the body with a woman...who had found the body while out gathering firewood...

"We found the body...in a very shallow grave, only partially buried...We unburied the body, and we could see that he had been stabbed twice. There was one stab wound under the right armpit and another in his chest. His face had been so badly beaten that I could hardly recognize it..."

Another interviewee described the killing of Mu Ki, a 38-year-old farmer from Le Ke village in Bilin Township of Mon State. Mu Ki apparently came under suspicion because soldiers from Regimental Battalion 75 thought the KNU might have made contact with him while he was in his fields. The source said that he had witnessed the murder while serving as a porter in August 1986. He described Mu Ki, who was allegedly also ill-treated before he was killed (see below, pp. 39-40), as a "hard-working, kind man":

"The Burmese army arrested him and alleged that while he was tending oxen and buffaloes in his fields, the KNU soldiers had been in the area...Mu Ki was killed...in the afternoon [of] his second day of detention. At this time we were in the forest between Ta U Ni and Kyu Wain villages.

"Mu Ki was killed by being stabbed to death with a knife. It was not a bayonet, but a belt-knife. He was stabbed three times: once under each of his shoulder bones on his upper chest, and once more in the neck. This was done by one soldier who then cut off his head. Two other soldiers stood by with their rifles pointed at Mu Ki.

"The officer...gave the order to kill Mu Ki, and one of the soldiers carried out the order. I couldn't hear exactly what the officer said, but he used the word 'kill'.

"I was only about 30 yards from him when he was killed. I could recognize the soldier who killed him. He was about 20 and about five feet tall...He didn't seem afraid to kill. He was actually smiling slightly when he did it. After he killed Mu Ki, I heard him say to another soldier, 'It's not hard to kill these Karen'. Indeed, Mu Ki was easy to kill because he was beaten up and exhausted...He didn't scream or plead for his life, but just groaned when he was stabbed.

"They left the body and the head in the field. I think he was buried the next day by villagers from Ta U Ni..."

In separate interviews, four former residents of Ta U Khi village in Bilin Township of Mon State described the killing in February or March 1987 of two who were apparently arrested for being too far away from the village and therefore suspected by troops of Regimental Battalion 75 of involvement with the KNU. The victims were Blat Bo, a farmer around 50, and Pa Heh, his nephew aged 17 or 18. Pa Heh had reportedly come from Noe Ka Neh, another village in Bilin Township, to help his uncle with farm work in fields located some distance from Ta U Khi. Then, according to one interviewee:

"One day, Pa Heh was in his uncle's field, clearing the weeds, when a Burmese patrol showed up and arrested him... The Burmese patrol that arrested him consisted of about 70 soldiers. The patrol was from the Regimental Battalion 75, which is based at Thi Pa Do Tha, a military base..."

"They arrested him and took him to the village, Ta U Khi...On the way, they passed a hut where four villagers were staying and arrested them. The four included Blat Bo."

According to the villagers, Pa Heh and Blat Bo were held incommunicado for one day in a make-shift prison in the village. At least one of them was allegedly ill-treated during interrogation. The next day, children discovered the bodies of the two men in a nearby stream. A villager told Amnesty International that he went to recover and bury the mutilated bodies:

"Pa Heh's face was cut several times around the eyes and on his cheekbones. His left ear had been cut off. He had black and blue marks on his back. Their clothes had been taken off, and they had been left totally naked in the stream. Pa Heh had a piece of sarong tied around his neck, indicating he may have been strangled. Both bodies were in the water, floating, with their arms tied behind their backs. Blat Bo also had a piece of sarong tied up around his neck, and black and blue marks could be seen on his back. I think that they may have died as a result of strangulation or drowning, maybe both."

Villagers found in possession of food, goods or money in excess of what the army allows are reported to have been killed on the assumption that they intended to supply the insurgents. This seems to be particularly common when the victim is in a prohibited area. In separate interviews, three farmers from Ta U Khi village described the killing of an 18-year-old villager named Maung Shwe Taung in May 1987 by troops of Regimental Battalion 75. He was apparently shot when he was discovered at night in fields declared off-limits and close to where he had stored a quantity of rice in excess of the amount permitted. One interviewee explained:

"[Maung Shwe Taung] had stored some rice in the forest for his own consumption, not for the rebels. But the problem was that the soldiers do not allow villagers to continue storing rice for themselves...So since he was keeping more rice than the authorized quantity, he may have been reported by someone, and the soldiers may therefore have suspected him of providing rice to the rebels. He was coming back to the village from the place where he was storing his rice when he was arrested...He was shot dead in his sugar cane fields..."

Another interviewee, the victim's nephew, said:

"It happened at night. He was holding a torch, and the soldiers thought that he was a rebel..."

"When we heard the shots, we ran...Then the soldiers came to the village and told the headman that they had killed a rebel who had a silver tooth. Since it was already dark, we were not allowed to go and see Maung Shwe Taung. The following morning we went to the place where he had been killed and discovered his dead body in his sugar cane fields...He had been hit in the back, and the bullet had passed through his chest and came out next to his collarbone..."

"The village headman explained to the soldiers that the victim was one of the villagers and not a rebel..."

"We were very shocked by the killing, and I cried. The soldiers asked why we were crying, and we responded that he was one of our offspring, a simple villager, one of our relatives and not a rebel. But the soldiers did not apologize..."

One woman interviewed by Amnesty International described the alleged killing in October 1986 of Saw Htoo Gay, an 18-year old swidden farmer from her village of Le Po Ta in Papun Township of Karen State. She said he was an innocent villager, killed when soldiers on patrol from a base at Blaw Thu Koe village in Thaton Township of Mon State discovered him outside his village with what they thought was too much rice:

"Saw Htoo Gay...was arrested...by about 100 soldiers...He was accused of providing food to the rebels. The arrest took place while he was on his way from the village to his

fields in the nearby hills. He was carrying a square tin of rice about three-quarters full, so the soldiers suspected him of being on his way to take food to the rebels...

"He was taken to Blaw Thu Koe camp, near Kadaing Ti village. This camp is about half a day's walking distance away from Le Po Ta. It is a small military camp...Around 20-30 soldiers were based there.

"The day he was arrested they took him to Blaw Thu Koe. The following day I went to the camp to take roofing leaves. I saw that he had been put in a big pit dug into the ground, where they detain[ed] people. There was nobody else in the pit apart from him. Several days later I brought a new batch of leaves to the camp. He was not in the pit...He was being interrogated in the yard by several soldiers, right beside the camp fence. At about noon, I heard a single shot, and looking in his direction, I saw him fall down..."

A woman from Kru Yi village in Thaton Township of Mon State told of the killing in September 1987 of two fellow villagers, Myaw Myaw and Maung Than Nyunt. They were among some 30 villagers arrested after they spent the night listening to Karen music at a Buddhist pagoda where rice was stored in quantities the army thought suspicious. She said they were not involved with the insurgency and the rice in the pagoda was merely for their own use. They were all taken to the nearby military base at Pwa Gaw. According to an account given her by a detainee who was later released, the two men were beaten during interrogation before they were killed:

"...early in the morning, around four o'clock, when the temple gong was sounding...they arrested about 30...people in the temple and the village, including maybe 10 monks and 20 lay people. A lot of people had gathered in the temple the night before to listen to some cassette taped Karen music...Those who were arrested included some whom they accused of being actual KNU soldiers, and others who were merely accused of providing it with food or information. In fact, there weren't any among them who were..."

"They were taken to...Pwa Gaw for about one week...I was told this by one of the detainees who was released from Pwa Gaw...that Myaw Myaw was shot and bled to death, while Maung Than Myint was stabbed to death...Myaw Myaw...was executed after they accused him of trying to take a gun away from a soldier. Maung Than Nyunt was...executed because they concluded he was a KNU soldier, although he wasn't..."

Some accounts suggest that Burmese troops justify killing and villagers who own valuables on the grounds that they may be paying taxes imposed by the KNU, or might even be gathering taxes for KNU collectors. A Karen woman described one such incident in Pha Ka village in Hlaingbwe Township of Karen State around April 1987, during which two of her sisters, Naw Beh Klow, aged and Naw Peh Lar, aged 20, were killed:

"One day in the afternoon a group of some 20 soldiers came to the village. They were soldiers from the Ter Lu camp...

"When the soldiers entered the village shooting in the air, both [my sisters] ran and jumped into a trench...the scene was described to me by a porter who was there when the killing took place. The soldier opened fire on them while they were lying in the trench. He took their necklaces and 7,000 kyat Naw Feh Lar had taken with her...I saw the bodies, which were still in the trench when I saw them...

"Naw Per Lah's husband was a farmer, and the money that the soldier took from her was her own, not money that had been collected for the rebels. It was their savings. She had nothing to do with the rebels. When she heard the shooting, she rushed out of the house, grasping her younger sister and her two young children...One of the children, Saw Moe Eh, who was three, was wounded..."

One interviewee described the killing of his nephew, Po Kyi, a 20-year-old married man with two children who made his living as a trader travelling between his village of Lan Ne in Hlaingbwe Township of Karen State and the Thai border. Po Kyi was allegedly killed in March or April 1987 by troops of an unknown unit as a punishment for "black marketeering" activities that may have put him in touch with KNU elements:

"He was on his way back from the border to Lan Ne when he met a Burmese patrol. He was with several friends, but they managed to escape by running away. He was caught, and when his friends arrived in Lan Ne they told us that he had been captured by the soldiers. The villagers waited for news for three days, and then learned from another group of traders that they had discovered his body lying on the side of the road. They said his body was swollen, and that they buried it..."

### **3.3 EXTRAJUDICIAL EXECUTION OF PORTERS AND GUIDES**

The Burmese army lacks mechanized transport, and its anti-insurgent patrols and offensives are often conducted in mountainous jungle terrain where there are no roads. Troops frequently seize villagers for periods ranging from several days to several months to carry food, ammunition and other supplies. The Burmese army often operates in unfamiliar areas without precise intelligence about the location of enemy positions and where its adversaries may have planted mines. Villagers are sometimes seized to act as guides and lead troops through suspected or known minefields.

According to reports received by Amnesty International, porters are often severely beaten and otherwise ill-treated as punishment for carrying too little or for walking too slowly, which can also lead to accusations that they are reluctant to fulfill their duties because they are sympathetic to the insurgents.

Other reports describe villagers being forced to act as porters or guides to punish them for their alleged sympathies with or activities on behalf of the armed insurgency, or because they have been in conflict with the authorities. They are likely to be compelled to perform particularly dangerous tasks, such as taking the lead through minefields, and to suffer the most severe disciplinary beatings.

More often villagers are pressed into service at random. But even those chosen by chance are reportedly compelled to perform exhausting, dangerous and unhealthy tasks that may result in death. Many fatalities among porters and guides may be accidental, but some have been reported shot or stabbed to death because they had reached the point of collapse from overwork and illness or had complained about their ill-treatment.

Many villagers try to evade porter and guide duty because of its dangers. They run away when the army approaches them in the villages or fields or, once recruited, try to escape from army columns, fearing that they may not survive their service.

One interviewee described treatment which led to the death of Thar Nee Nu, a fellow farmer in his fifties. He said they were arrested in June 1986 on mistaken suspicion of insurgent activities and punished with particularly harsh porter duties. At the time they were travelling from their native villages of Khaw Pow Plet in Bilin Township of Mon State and Shwe O in Pa-An Township of Karen State to Ta U Khi village, where he wanted to try to purchase a "piece of land on which to grow paddy". He said they were arrested by a "sit kyaw" patrol from a unit he could not identify, and that his friend died following a month's severe ill-treatment. He himself was also ill-treated (see below, pp. 41-42) but managed to escape:

"We were just about to cross the river when we met the patrol. They arrested us...Both my friend and I were tied up, but in such a way that we could move our arms and carry our loads on our shoulders. The other porters, about 100 altogether, were not tied up. We were given this special treatment because the soldiers accused us of being in touch with the rebels. Since they found the money that I had brought with me to buy the piece of land, they accused us of providing money to the KNU. We were also suspected because we were arrested in a place quite far away from our respective villages...Immediately after arresting us they began beating us up...My friend and I were questioned and kept separately.

"Sometimes I could catch glimpses of him while he was walking ahead of me, or somewhere else in the column. I saw him four times over that period of one month. The first time when I saw him, his face was swollen and black and blue. It was obvious he had been beaten. He was walking with difficulty...The second time he had the same kinds of marks on his face. The third time he was very weak and could hardly

keep up with the soldiers. I saw the soldiers kicking him with their combat boots and punching him in the face and the body with their fists. He fell down, but they lifted him up and made him walk again.

"The last time I saw him he was lying along the path and was shivering. He could not walk or stand up. The soldiers took his load from his shoulders and left him behind. We could not help him. We were not allowed to help him. We could just look at him, take a look at him as we passed by. That evening we stayed in a village near where Thar Nee Nu had been abandoned. The village is called Thi Sei Baw... After we left the Thi Sei Baw villagers went to the forest to fetch Thar Nee Nu and brought him back to the village. He was still alive but died the following day. The Thi Sei Baw villagers informed his family about his death, and his body was taken back to his village for the burial ceremony..."

A woman from Me Ta Me village in Hlaingbwe Township, Karen State told Amnesty International that her 45-year-old husband, Pha Mu, was seized in May 1987 from fields outside the village and died as a result of extraordinarily harsh ill-treatment. She explained that the army first interrogated him for about a week at two different military bases. She was able to see him once before he was sent for three months of porter service, the effects of which were fatal

"He had been taken as a porter before, but not like this last time...He was detained in the fields...It was ploughing time. He and I were there with our two daughters...The Burmese arrived before noon. Only three of them came over to us. We were in our field house, and these three soldiers called us down. He had just been harrowing the fields and was smoking a cheroot. The three soldiers were in uniform and carrying rifles. They took a rope from the house, and tied his hands behind his back.

"They misunderstood that maybe he was someone who was laying landmines in the hills. They accused him of this, but it wasn't true. They spoke in Burmese, which my husband understood a little, and he told them that it wasn't so...he hadn't planted any landmines in the mountains, that all he did was work in the fields.

"These troops came from Teraiphokwi village...The troops took him to this base...While they were taking him away they kicked him once and also slapped him once on the back with the blade of the machete he was carrying...on previous occasions they had just given him the load to carry, whereas this time they had tied him up and hit him in front of me. This was also the first time they had accused him of anything. They suspected him of being a landmine planter, of being a chief in charge of laying landmines..."

"When I met my husband he was in a bamboo detention hall...There was a door which was locked with a key. There were two Burmese guards at the door...I think my husband was in the wooden stocks when I arrived, and they let him out of them to come talk to me with his feet tied with nylon rope. His hands were tied behind his back, and his legs were tied at his feet...He was scared, and he asked me to get him out. He said that on one night they had hit him so hard he thought he was going to die, that he almost died...He said that they were continuing to accuse him of laying landmines but that he kept telling them it wasn't true..."

"After I saw him at Kwuy Le, they took him into the Dawna mountain range, which was very far away...He was gone for three months...He came back on his own and was with me for four days before he died. When he arrived home, he was no longer able to walk, and he stayed in bed for the four days before he died. He had been released because he was no longer able to do anything for them. Before he went, he was strongly built.

"He had terrible chest pains, and...he was very thin, just skin and bones. You could see a place where his rib was broken...He had blood in his stool...He had a fever. He was delirious. He wasn't able to eat. He couldn't sleep, and he was in terror, but he was able to tell me something of what had happened...He said before he died that if they hadn't beaten him so much, he would have survived despite the diseases and the hard work. He said they beat him on his calves with bamboo and hit him in the chest with their rifle butts...He said he was only given one can of rice per day to eat..."

Another eyewitness gave an account of the death in March or April 1987 of Pha Ta Kaw, a farmer in his thirties with a wife and two children from Na Nai village in Hlaingbwe Township, Karen State. He said Pha Ta Kaw was forced by troops based in his village to use his oxcart to carry food rations to Na Nai for transshipment. He was put at the head of the column, allegedly as a punishment for having initially refused to go with the soldiers because he had heard the path he would have to travel was mined. A mine explosion triggered b his ox cart killed him:

"They...use porter duty as a way of punishing villagers they think have done something wrong...those who complained about the dangers and difficulties can be sent on duty before their turn or given especially dangerous assignments or both..."

"Soldiers from the village asked Pha Ta Kaw to transport food for the army. Seven of them asked him to transport food to Teraiphokwi...The seven soldiers came to his house at night...That same night, they asked me to be a foot porter...Altogether in my village, they rounded up four ox cart drivers and 10 foot porters. We were all told to get ready to go the next morning..."

"This time when they asked him to go at first he refused. First, they told him it was his turn to go. He said he didn't want to go because there might be landmines. They assured him there was no danger, that others had gone down this path. He still said he thought it was too dangerous. They said it didn't matter if he was killed, because if he refused to go they would kill him anyway. Because he had dared to argue with them, they hit him twice on the back with bamboo. He told them that he had heard that there were landmines...In the end he agreed to go. They warned him not to run away...

"The next morning, we all left about five o'clock. At the head of the column were the ox carts, with Pha Ta Kaw at the very front. Next came the soldiers, then the foot porters mixed with soldiers, with soldiers taking up the rear... Everyone was scared, including the Burmese, both of mines and of a KNU ambush. We had gone almost all the way to Teraiphokwi when he hit the mine. We were maybe a half a mile from it. Because the ground was flat, we could actually see it in the distance...

"Pha Ta Kaw had been in the lead of the column the whole time...The mine was set off by the wheel of Pha Ta Kaw's ox cart. The explosion threw the cart and its contents into the air. Pha Ta Kaw wasn't killed by shrapnel from the landmine, but by the impact when he hit the ground. His face was smashed, and his leg was broken...

"They didn't let us bury the body. Two days later villagers came to get the body and take it back to the village, where it was buried."

Some victims were reportedly killed to punish them for being unwilling or physically unable to perform military portage duties.

One former porter gave this account of the killing of a porter for being too weak to carry his assigned load. He said the killing took place between the Karen villages of Kyaw Ko and Pha Klu in Myawaddy Township of Karen State in September 1987, and that the troops they were with were based at a camp in Kawkareik Township of Karen State:

"Once, it was maybe the sixth day after I was conscripted, a young guy, a Karen aged about 18, was stabbed to death by the soldiers because he could not keep up with them. He had been conscripted several days before me. He was too weak to carry his load.

"We were walking in small groups, each accompanied by a group of soldiers...The young Karen was walking ahead of me, in the column, about 30 to 40 yards from me. He fell down and refused to stand up again. He could not stand up by himself; he was too exhausted. The soldier got his knife out of his pocket and stabbed him to death in the back. I do not know how many times he was stabbed. I saw the soldier stabbing him

twice in the back, but after that I averted my eyes from the scene. The young porter died on the spot. The other soldiers did not make a move to prevent this soldier from killing him, and the column kept proceeding. I am even not sure that the commanding officer, who was walking in front of the column learned about the killing of this young porter. We just kept walking and left his body behind in the forest, along the way. He was not even buried..."

Another former porter described the killing of a fellow conscript from a village in Thaton Township of Mon State who fell too ill to carry his assigned load and complained about his treatment. He said this killing took place in August 1986 near Pwrai Taw Ru village, and that the unit responsible was Infantry Battalion 4 of Light Infantry Division 44, based in Pegu Division:

"...I myself saw one of the porters killed by the soldiers. It happened in the forest...We...had just passed Pe Bwa Lu hill when the killing took place. The victim was badly weakened because of malaria, and could hardly keep up with the soldiers. One time, he fell down. He was lifted up by the soldiers, who forced him to stand and keep walking. But because he could hardly walk, the soldier who was following him hit him in the back and in the chest with his rifle butt and punched him in the face and the stomach. He fell down and was lifted up again by the soldier, who forced him to keep walking. He walked a few steps and told the soldier that he was too weak to continue. The soldier hit him and kicked him. He fell down once more. The soldier hit and kicked him again. He fell down again. The soldier lifted him up and punched him in the belly and yet again forced him to walk on.

"The porter became angry, lost his temper and sat down, refusing to continue. He criticized the soldiers for the way he was being treated, for forcing him to carry heavy loads even though he was sick and exhausted. Raising his voice, he explained that he was too exhausted to keep walking. The soldier said that he was pretending to be sick in order to avoid fulfilling his duties to the army. The soldier shot him at point-blank range in the chest in front of the other soldiers and porters...The porter's body was buried on the side of the path by other porters..."

A similar killing was described by a farmer from Phya Lu village, in Patheingyi Township, Karen State. He was forced to serve as a porter in March 1987 by troops of Light Infantry Division 44 operating out of Pa-An Township of Karen State. He said that a fellow porter from a village in that township, whose name he never learned was beaten to death near the one-time KNU stronghold of Na La for not being able to keep up with the others:

"One day, I had to bury one of the porters, who had been beaten to death. He was too exhausted to keep up with the others and fell down. A soldier first hit him in the head

with his rifle butt and then struck him twice with a wooden stick."

A rice and sugar cane farmer seized as a porter in February 1987 from Ta U Khi village in Bilin Township of Mon State, said he was accused of sympathizing with the insurgency and ill-treated after he became too ill to continue his duties. An uneducated former Buddhist monk and father of four, he believed that soldiers of Regimental Battalion 75 had abandoned him to die:

"They had asked me to be a porter, and I had to go with them. It was very hard. After two days I became sick. I felt a very great pain in my head and was shaking. It was malaria. So I laid down to rest. I fell asleep, and while I was asleep they came to stomp on me. When I woke up, they hit me with their guns and accused me of being a KNU because I wasn't doing the work. They called me all kinds of names. They said I was lazy, uneducated Karen trash. They said I ought to work until I died. After they hit me with their guns, I lost consciousness...

Several former porters interviewed by Amnesty International claimed that death was usually the fate of those caught trying to escape. As one former porter put it:

"Among porters or people who have worked for the army as porters, it is common knowledge that the penalty for trying to escape is death. In my group we were threatened by the soldier responsible for our group, who said that anybody trying to escape would be executed. The same threat was repeated the first evening to intimidate porters who might have been tempted to sneak out during the night."

Amnesty International has also taken numerous testimonies about specific instances in which farmers have been shot on sight when they take flight or been executed after being caught. There appears to be a political element in at least some of these killings, because soldiers tend to view Karen who try to run away as probable KNU sympathizers.

One interviewee described the killing of a swidden farmer in his thirties. The victim, A Jain, reportedly escaped from porter service and was then apprehended in his home village of Ya Pu in Tavoy Township of Tenasserim Division, where he was living peacefully. He said this killing, by troops of "Unit 404", took place in September 1987:

"The soldiers came and took him into custody and then took him out and shot him. It was a 30-man operational patrol, which happened to see him in the village. They didn't come specifically to arrest him, but noticed him in the village and recognized him as someone who had run away from porter service. They called him down from his house, telling him that they were going to take him to meet the boss, and then

shot him on a road about one mile east of the village. He was shot once in the chest, and he died instantly. He was shot with a G-3. The villagers took the body and buried it right away. The Burmese soldiers ordered that the villagers bury the body in the forest...He was killed about a week after he had escaped from porter duty...This guy had run away from portering because he had fallen ill with malaria and was unable to carry his loads any more..."

This same interviewee also described another incident in Ya Pu, in Nov 1986, in which troops from "Unit 404" shot on sight two villagers run away because they feared the army was about to conscript them

"Two people were killed at their homes, one in his house and the other under it. When the Burmese army came into the village, some people ran away, fearing that they would be taken away as porters...The younger men tried to run away, and the Burmese soldiers opened fire on two of them, killing them both...The two killed were Ka Lur...and Saw Pwa..."

Another interviewee told of a similar incident at the end of he was shot (his arm is scarred) and his 20-year-old brother, Mya Ta Ki village in Hlaingbwe Township of Karen State, was killed by troops of Light Infantry Division 44 operating out of a base in Kawkareik Township:

"Three of us were working in the fields when a group of soldiers opened fire on us, killing my brother on the spot and wounding me in the left arm.

"[My brother]...had never had anything to do with the rebels. He was a simple farmer. A patrol came to our field and ordered us not to run away, but we ran to avoid being taken. They immediately opened fire at us. My brother fell down, and I kept running. The soldiers left my brother's body in the field, and later on my family and other villagers went back to pick it up and buried it.

"The soldiers did not apologize, nor did they give any compensation to my family. They said nothing..."

He also said that the same troops shot Kyaw E, a villager in his thirti with a wife and three children, in the village of Klo Ta Ki in Hlaingbwe Township in March or April 1987:

"[He] was killed by a group of soldiers who came to the village to round up porters. Several villagers ran away, including Kyaw E and myself. We ran away in the same direction, climbing up the hill from the river bank. The soldiers opened fire on us and Kyaw E was hit by a bullet. The bullet hit him in the buttocks and passed through his abdomen, coming out near the navel. He was running in front of me, so I saw him being hit, and he fell down before my eyes...About 200 soldiers had entered the village. They were

from Light Infantry Division troops based in Kawkareik, which patrolled regularly in this area. Kyaw E was an ordinary farmer who had never been in touch with the rebels."

A third interviewee said he had witnessed a killing while serving as a porter in June 1986. He said the victim, Paw Kree, was a 50-year-old father of four living in the village of Ta U Khi in Bilin Township of Mon State, and was killed by troops of Regimental Battalion 75:

"We entered Ta U Khi. We went by the first house in the village, which Paw Kree was repairing...He was a farmer, who was growing fruits in his garden, by his house. He was growing betel nuts, durians and the like. When he saw the soldiers approaching his house, he ran away. Four or five soldiers immediately opened fire on him, killing him on the spot...As far as I was aware, he had no particular contact with the rebels. He spent most of his time in his garden, taking care of his fruit trees..."

Another interviewee said her 26-year-old cousin, Maung Myint Tun, an assistant to a Buddhist monk, was executed in September 1986. Maung Myint Tun was single and came from Tar Po village in Bilin Township. He came under suspicion because he tried to run away when soldiers based in Le Ke village in the same township entered Little Ler Klo village, to which he had been recently relocated by the military. She said he was ill-treated during many hours of interrogation by troops who took him to their base at nearby Big Ler Klo:

"Around midnight we heard several bursts of gunfire, like the sound of automatic rifles...the next morning the soldiers informed us that they had killed Maung Myint Tun. They did not authorize us to go pick up his body until they left the village. Following their departure, we went to pick up his body, which was lying about 100 yards away from the pole to which he had been tied the day before. His hands were tied behind his back..."

### **3.4 EXTRAJUDICIAL EXECUTION FOR OTHER REASONS**

Amnesty International interviews suggest that some Karen are killed solely because their appearance leads the Burmese army to conclude that they may be associated with the KNU. In some cases people seem to have been killed solely because their clothing or hairstyles were suspicious.

One eyewitness said her cousin, Saw Nwe Po, a 30-year-old widower with two children, was killed in the Karen village of Me Ta Ku during April 1986. She believed he was shot because the green plastic raincoat he was wearing resembled those issued to guerrillas by the KNU and was an unusually expensive item for a Karen farmer to own. She described the incident as follows:



"When he was killed, I was in my house in the village. He was about to come fetch some oxen. He was about 30 metres away, in front of my house. His house was elsewhere [in the village]. It was early evening. He was walking alone. He was wearing a shirt and a green plastic raincoat which was tied around his neck and came down to his waist. He had a wicker hat on, and was wearing his shirt over a sarong. It was his own raincoat.

"He was shot by one soldier who fired only one bullet. This soldier shot him with the rifle he was carrying. This soldier was one among a group of about 40-50 who were in uniform and all carrying rifles. There was a Burmese army base in the village, and they had come from that base...

"It may be [he was killed] because they thought he was a KNU soldier because of his raincoat. Th[ey] had been asking around among the neighbours whether they had seen any KNU soldiers entering the village. This suggests that they thought maybe KNU soldiers had entered the village that day.

"In fact, the KNU troops had been near the village that day, and later they clashed with the Burmese...

"But my cousin had never been a KNU soldier or trained as a KNU soldier by the KNU...

"I think that he was shot by mistake, that he was mistaken for a KNU soldier...

"The bullet hit him in the back of the neck and exited through his forehead, causing his skull to explode and his brains to blow out. The soldiers then hid the body in the bushes."

Another eyewitness said his brother, Maung Ngwe Khay, a 22-year-old sin student, was killed in the rice fields outside Naw Kwa village in Hlaingbwe Township of Karen State in January 1987. He believed his brother was shot because suspicions raised when he was found outside the village were compounded by his relatively well-dressed and well-groomed appearance. This apparently a patrol of Mobile Infantry Battalions 6 and 7 to assume he was a KNU operative from the more prosperous Thai border areas:

"When the troops surrounded the house, my brother, who was sitting under it, stood up. As soon as he did, about three troops opened fire, two with automatic weapons and one with an M-79...The M-79 round hit him square in the back at very close range...

"The troops who opened fire on him didn't say anything first. They just opened fire with angry faces. They could easily have taken him away for questioning, but instead they simply killed him...

"My brother...had been to school for eight years, through the 7th Standard. Because he had been going to school for so long, he didn't look like the other villagers. He was tidy and well-dressed, and he wore a watch, which the Burmese stole. He had a fancy haircut. He was in a school at

Pa-An, and he was on school holiday...

"I think that maybe they shot him because he looked like he could be a KNU chief from the Thai border - because he looked different."

Some Karen villagers have reportedly been taken out and killed almost at random by troops who suspect the community supports KNU insurgents. This is illustrated by one woman's account of events she witnessed near Shwi Ta Pi village in Tavoy Township of Tenasserim Division in May 1986:

"The Burmese soldiers came...the next morning, they took me to their base together with a villager they arrested in the village, a man. He was shot by them along the way..."

"The villager they killed was named Po Hay. He was maybe 38 years old. They didn't interrogate him before they killed him, so I don't know exactly what they suspected him of, but I think they simply suspected him of being a KNU agent. In fact, this wasn't true, but the Burmese troops were angry because the KNU had been in the village collecting taxes. In fact, he was just an ordinary villager farming swidden. He was married with three children..."

"They took us about a mile east of the village, toward La Li Ok. There were about 20 of them, troops of "Unit 404". Po Hay was shot once in the back of the neck with a G-3. They just abandoned the body there. They didn't order the villagers to bury the body, so it just rotted there..."

"The guy was tied up from behind. He wasn't kicked or beaten before he was shot. He didn't realize he was about to be shot, because he wasn't guilty of anything. They asked him to walk a little way off the road, and then they just shot him."

This woman was herself ill-treated at the military base where she was taken (see below, p. 48).

There are also instances in which the security forces do identify and kill KNU activists involved in violent attacks on the government. It is striking, however, that among all the cases of killings recounted in Amnesty International's interviews, only one falls into this category.

This account was given by a farmer from Chi Baw Ki village in Thaton Township of Mon State. He described the 25-year-old victim, Saw Boe Nar, as a "KNU operative" and "soldier", and said he was killed in July 1986, but could not specify the unit involved:

"He was captured in the fields, near Chi Baw Ta village. He was taken into the village and interrogated. About a week elapsed between the day of his arrest and the day he died..."

"After six or seven days he was killed by the soldiers. They shot him dead...villagers living in the area of the pagoda were instructed to bury him..."

This man was allegedly tortured before he was shot (see below, p. 45).

In another instance described to Amnesty International, the victim was believed to have been executed because the KNU had forced him to serve as a porter. The witness was a farmer from Khraw Thi Ta village in Bilin Township, Mon State and the victim, Koe Shwe, a father of five, was a friend. He was executed in December 1986 next to a Buddhist pagoda near the village, because the farmer thought, he had been briefly conscripted by the KNU. He said the army unit responsible was based in the nearby village of Beh Leh Noe:

"[After] he was arrested...the soldiers tied him up with his hands behind his back and slit his throat...He had been taken as a guide by the KNU about a month earlier, and his killing may have been carried out by the soldiers because of this connection with the rebels..."

#### **4. TORTURE AND ILL-TREATMENT OF KAREN BY THE ARMY**

##### **4.1 CIRCUMSTANCES AND METHODS OF TORTURE AND ILL-TREATMENT**

Torture and ill-treatment is most frequently reported in cases where the victims are suspected of links with the armed insurgencies. Many are farmers or traders detained by security forces in prohibited areas or with more than the permitted quantities of food or money, or villagers caught trying to run away from approaching army patrols. Porters who have not performed their duties to the satisfaction of the army or who have been captured after running away have also reportedly been accused of political dissidence and ill-treated - when they were not killed. Karen unable to speak Burmese are reportedly more likely to suffer abuse, either because their inability to understand and respond to questions and orders angers the troops, or because they think such people are more likely to sympathize with the insurgency.

Karen suspected of political dissidence are often interrogated. Most of the cases of torture and ill-treatment of Karen detainees described to Amnesty International occurred during interrogations conducted in military or, in a few instances, combined military and police custody. The victims were sometimes interrogated about their own activities and sometimes about the activities or whereabouts of others, including suspects already killed by the army. Although it appears that torture is often used to elicit military intelligence (such as the location of hidden KNU weapons), it is frequently applied to those who are not involved with the insurgency and thus unable to provide the information the military wants. In many cases torture and ill-treatment apparently resulted in the victims giving incorrect information.

Some of those tortured during interrogation were allegedly killed afterwards; others were simply released, often suffering from physical or psychological after-effects. There are relatively few reports of torture victims being turned over to police authorities for further investigation and brought to trial after having "confessed".

Torture or ill-treatment is also reported to be used solely as punishment. Among those reportedly subjected to punitive torture without interrogation were people who were taken hostage in lieu of relatives wanted for questioning or specific offences and released when the latter were detained.

Torture and other cruel, inhuman or degrading treatment of Karen in military or police custody described to Amnesty International usually involved severe and sustained beating and kicking or whipping. Several other ways of inflicting terrible pain have also been described. These include rolling rough objects across the shins so that the skin is scraped off and the bone exposed to direct pressure, placing bullets between the fingers and crushing them together, burning with cigars or molten plastic and slashing with knives. Electric shock has allegedly been used, and the torture or severe ill-treatment of women has

reportedly included rape. There are allegations that prisoners have been subjected to near-suffocation with plastic and near-drowning or near-strangulation by various means. Mock execution, death threats and burial as well as putting prisoners in dark and dirty underground pits have also reported.

#### **4.2 TORTURE AND ILL-TREATMENT DURING INTERROGATION**

Being discovered in certain areas can lead to torture as well as death. A and tobacco farmer from Ta U Khi village in Bilin Township of Mon State said was arrested by troops of Regimental Battalion 75 in June 1986, detained for interrogation, and tortured by several methods for five days, apparently before of where he was found. This 24-year-old former Buddhist monk had scars on legs which appeared to corroborate his claims of ill-treatment. The soldier apparently suspected that because he was in fields outside his village he knew something about insurgent activities, or even be working with the insurgency. After five days' detention, he was taken for two and a half months of punitive porter service.

"While I was planting rice in my fields I was detained by two soldiers from a group of others who remained on the trail. They were from Battalion 75.

"They asked me questions like, 'How often do you see rebels moving around while you are working in the fields? Have you seen any rebels around here. Do you know anything about the rebels?' I said I didn't know anything, but they began beating me up with a cane stick, after having tied me up with my hands behind my back. I was also kicked, and when I fell down on the ground, they pushed my face into the mud. Then they took me to my hut, which was located near my fields...

"While searching my hut they said they found a bullet for a G-4 rifle, and they accused me of being in touch with the rebels, saying that the bullet was evidence that I was guilty...The bullet was not mine, it was theirs. One of the soldiers must have taken it out of his rifle and put it inside...my hut...They said if I had a bullet, I must have a gun hidden somewhere...They half-strangled me with a rope, asking me where my gun was...I said that I didn't have a gun, that I was a farmer, not a rebel...

"They took me to...Ta U Ni, a nearby village. They tied me up to a tree outside the village, with a soldier to guard me. Another group of soldiers came, and they shook an ants' nest over my head, so that there were dozens of ants running all over my head and body, which made me scream. These were yellow ants, the sort that build their nests in trees. As I was screaming, one of the soldiers ordered me to shut up...

"Then, after their dinner...they took me into the forest, to a place where they set up camp for the night, somewhere between Ta U Khi and Chet Thauung Sei. They

interrogated me again, asking me the same questions and beating me with a bamboo stick until it broke. While I was being beaten I was tied with my hands behind my back to a tree. I was struck in the chest, on the shoulders, and in the back...

"The following morning we went to a place called Ler Aye Mih, where we camped overnight. There they made me dig my own grave and threatened to kill me if I did not confess my crimes, if I did not respond correctly to their questions. They again beat me up, kicked me with their boots, hit me with their rifle butts and jerked my head back by pulling my hair. They also rolled bamboo over my shinbones, which was so painful that I broke into tears. Before rolling the bamboo over my shinbones, they covered my head with a plastic sheet they had folded in four...They...threatened to stab me with a knife. During all this time, I didn't get any food...

"We proceeded to Taw Ka Bi, where we stayed two nights. There I was again beaten up, slapped and kicked. While we were walking, they would kick me to make me walk faster and keep up with the soldiers...

"We...eventually got to Le Ke. In Le Ke they suspended me by the hands below a Buddhist pagoda in such a way that only the tip of my toes touched the soil. Then they spun me around and hit me with a bamboo stick. This lasted about a half an hour, and while it was going on the soldiers laughed at me and made fun of me. After this spinning treatment, they untied me, then tied me up again. This time they bound my feet at one end and my arms at another, stretched me out into a position like a hammock, and swung me. They continued to question me, asking me to reveal everything I knew about the rebels."

A rice and sugar cane farmer from Naw Kwa village in Hlaingbwe Township of Karen State whose brother had been shot and killed as a suspected KNU operative in January 1987, also described how he himself was tortured during interrogation and his wife raped by soldiers from Mobile Infantry Battalions 6 and 7. This 38-year-old former Buddhist monk and parent of six children had scars on his shins consistent with his testimony. The soldiers apparently thought that he and his wife might have gone into the fields to make contact with the man they had shot:

"When I went over to lift up the head of my dead brother, the soldiers who had shot him ran over and kicked me...I instinctively reacted by going to hug my brother, and the first thing I did was lift his head. As soon as I did this, two of the soldiers came over and kicked me. These two soldiers were about my height and in their mid-to-late twenties, somewhat younger than me. They kicked me down, and after I fell, one of them grabbed me by the hair and slapped me. The other one pointed his gun, a G-3 at me, and asked me

whether my brother was a KNU soldier. I said that he wasn't...

"Then they tied me up. At this point my wife was standing next to my brother...after they tied me up, they also tied her up. They tied me up with my upper arms bound tightly together across the top of my back using red nylon rope. My wife was tied around one wrist with green nylon rope...They took us both...into the bushes. Two of the soldiers went with each of us.

"They were asking me questions and hitting me and kicking me on the way to the bushes. One of them hit me twice with his rifle, while the other hit me with his fists and kicked me. They kept asking whether I knew the dead man, and whether he was a KNU soldier. I said that he was my brother, and that he was a villager, not a soldier...

"They didn't seem to believe me, and one of them kicked me again and I fell down. Then two more soldiers arrived. They pinned me down by the shoulders. At the same time, my legs were tied. Then one of the soldiers picked up my long iron digging tool, the handle of which was rough. He used it to roll across my shins and strip the skin off, after which he used it to scrape across the wound onto the exposed bone. The fourth soldier, meanwhile, continued to point his gun at me.

"They scraped both my legs until they bled a whole lot. I screamed with pain until I could scream no more. Meanwhile, one of the soldiers who had been pinning me down by the shoulders stood up and stamped on my chest. At this point, I almost passed out.

"This treatment lasted for about a half an hour. While they scraped my legs, they stopped asking me questions... There wouldn't have been any point anyway, because by the time it ended I was so close to losing consciousness that I couldn't have answered them...At one point, I told them that if they wanted to kill me, they should go ahead. I felt it would be better to die than to go through all that pain, and it was so painful I thought I was going to die anyway. I was never in so much pain or so terrified in my entire life...

"Then a messenger arrived from the chief. A soldier came with a small piece of paper. After they read it, they untied me and left me there. I couldn't move..."

He described the physical and psychological effects of his follows:

"I couldn't walk for a month. I had to stay in bed for a month...an infection...develop[ed]. I was feverish part of the time...

"During that month, I had nightmares in my sleep and delusions when I was awake that the Burmese were coming. I would suddenly imagine that I saw the Burmese coming. I was

had gone fishing. Since the soldiers met them in the forest outside the village they suspected them of being in touch with the rebels. They beat them up and took them with them to the village, where they went directly to the house [of the wife of one of the detainees]...They were questioned by the soldiers, who asked them whether the KNU rebels had spent the night in the village. They responded that, 'Yes, some rebels had spent the night in the area, but outside the villagers' huts.' For that response they were beaten with bamboo sticks and taken to the camp, where they were put in a pit..."

Mu Ki, a 38-year-old rice farmer from Le Ke village in Bilin Township who was reportedly executed in August 1986 is also alleged to have been tortured during interrogation before his death. According to the account given by a porter who accompanied the soldiers and was a friend of the victim:

"He had been arrested early in the afternoon in his fields. They started to interrogate and beat him right there in the fields...the next day, he was black and blue all over his body. They had hit him with their fists and rifles and kicked him.

"After they beat and kicked him in the fields, they brought him into the village for a while...they tied him to a tree. Then they took him into the forest...In the forest, he was tied with his hands behind his back to a tree. They kept asking him about the KNU troops that had passed through the area, but he kept telling them he hadn't seen anything. In the forest, they beat him with sticks and rifle butts and kicked him with combat boots...

"Mu Ki...spent the night being walked around in the forest, and they didn't let him rest. They continued interrogating and beating him."

This 40-year-old witness, a rice and sugar cane farmer with two years of formal education, went on to say that the next day he was able to talk briefly with his detained friend, who asked him to explain to the soldiers that he knew nothing and was innocent. The porter said that when he did so, he, too, was ill-treated:

"The Burmese troops hadn't realized that we knew one another, and we were able to talk to each other in Karen for a while before they paid us any attention...The first thing Mu Ki said to me was, 'Cousin [a familiar form of address], could you tell them for me that I didn't see anyone.' I said, 'Yes, I will. Why shouldn't I do that?'...He said that he was sure if I couldn't help him, he would be dead.

"Then an officer in the group of soldiers came over, and we stopped talking. The officer, who wore two bars, asked me whether I wanted to get a good look at the 'rebel' he boasted he had captured. He pointed out Mu Ki to me. I said I knew the man, and that he wasn't a rebel, but just a farmer - he

"[The three soldiers] asked me where I kept my gun. I told them I didn't have any gun. They said I did, and that I must have hidden it somewhere. I told them again I didn't have one. They put some plastic over my head, and asked me again where my gun was. I said once again that I didn't have one, and then I became too dizzy to respond. They had used a plastic raincoat to wrap around my head, which they tied around my head until I couldn't breathe and couldn't answer any more questions. After that they put me in the pit, where I stayed for two weeks.

"I was interrogated next to a zig-zag trench, outside [the pit]. I was tied in three places: by my hands behind my back, by my upper arms, and around my neck. They tied me up very cleverly and well, so that if I moved my arms too much, it would choke me. I had to sit up straight...

"I was very scared. I was afraid that I was going to die. My heart was beating very quickly...

"They put eight of us into the pit. The other one was held above ground in wooden stocks because there was room in the pit only for eight. Even as it was, there was still too little room for all of us to lie down at the same time. So we would alternate. Some of us would lie down, while others would sit or stand.

"The top of the pit was big enough only for one person to go through. They put us down with a bamboo ladder. It was a single pole with steps inserted on either side. After they put all of us down the pit, they covered it with logs. It was about seven arm-lengths deep.

"This was the beginning of the rainy season, and at the same time the earth was very hot. When it rained, steam would form. Also, as the rain seeped in, the floor of the pit got muddy, so that it was impossible for anybody to sleep...it smelled very bad. For defecation and urination there were only some big pieces of bamboo cut open at the top...It was hard to breathe, because there wasn't enough fresh air...

"I wasn't interrogated again after the first two times... However, two days after they put me in the pit, they took me out to 'look for the gun'...I was tied in three places like before...I spent one day doing this...I was escorted by about 30 soldiers, and one of them kicked me...I cried...because being kicked hurt so much..."

One eyewitness from Ya Pu village in Tavoy Township of Tenasserim Div told of a November 1986 incident during which a blood relative and an in-l both Christian rice farmers, were beaten by troops from a base in Tavoy t They were reportedly beaten first because they were suspected of contacts the insurgency and then to punish them when they said KNU forces had in f spent a night in the area:

"[They] were arrested outside the village in the forest while on their way back to the village from the river, where they

had gone fishing. Since the soldiers met them in the forest outside the village they suspected them of being in touch with the rebels. They beat them up and took them with them to the village, where they went directly to the house [of the wife of one of the detainees]...They were questioned by the soldiers, who asked them whether the KNU rebels had spent the night in the village. They responded that, 'Yes, some rebels had spent the night in the area, but outside the villagers' huts.' For that response they were beaten with bamboo sticks and taken to the camp, where they were put in a pit.

Mu Ki, a 38-year-old rice farmer from Le Ke village in Bilin Township who was reportedly executed in August 1986 is also alleged to have been tortured during interrogation before his death. According to the account given by a porter who accompanied the soldiers and was a friend of the victim:

"He had been arrested early in the afternoon in his fields. They started to interrogate and beat him right there in the fields...the next day, he was black and blue all over his body. They had hit him with their fists and rifles and kicked him.

"After they beat and kicked him in the fields, they brought him into the village for a while...they tied him to a tree. Then they took him into the forest...In the forest, he was tied with his hands behind his back to a tree. They kept asking him about the KNU troops that had passed through the area, but he kept telling them he hadn't seen anything. In the forest, they beat him with sticks and rifle butts and kicked him with combat boots...

"Mu Ki...spent the night being walked around in the forest, and they didn't let him rest. They continued interrogating and beating him."

This 40-year-old witness, a rice and sugar cane farmer with two years of formal education, went on to say that the next day he was able to talk briefly with his detained friend, who asked him to explain to the soldiers that he knew nothing and was innocent. The porter said that when he did so, he, too, was ill-treated:

"The Burmese troops hadn't realized that we knew one another, and we were able to talk to each other in Karen for a while before they paid us any attention...The first thing Mu Ki said to me was, 'Cousin [a familiar form of address], could you tell them for me that I didn't see anyone.' I said, 'Yes, I will. Why shouldn't I do that?'. He said that he was sure if I couldn't help him, he would be dead.

"Then an officer in the group of soldiers came over, and we stopped talking. The officer, who wore two bars, asked me whether I wanted to get a good look at the 'rebel' he boasted he had captured. He pointed out Mu Ki to me. I said I knew the man, and that he wasn't a rebel, but just a farmer - he

didn't know anything. [Then] I was struck twice. The officer said, 'How dare you disagree that I have captured a rebel.' ...he hit me two times with his rifle butt. He hit me on the back of the head...

"After this incident they separated us so we couldn't talk, but we were still close enough so that I could see clearly that they were continuing to interrogate and beat him from time to time."

According to testimonies, Mu Ki was stabbed to death and beheaded that day.

A 35-year-old illiterate rice farmer from Paw Taw village in Hlaingbwe Township of Karen State described his arrest in August 1986 to Amnesty International. This Buddhist father of three children said he was ill-treated two army camps by troops of Light Infantry Division 66 and Regimental Batta 76 who held him in a pit and interrogated him four times. He was apparently arrested because the army thought that his store of rice was suspiciously large. He had facial and shin scars consistent with his testimony:

"I was arrested in Paw Taw by two soldiers from Light Infantry Division 66...We went directly to...Paw Taw camp...This is a small camp with about 25 soldiers...

"Upon arrival there they tied my hands behind my back and took me to a bunker where they began interrogating me. They immediately began beating me up, even before I was asked any questions. I didn't know what I was accused of. Two soldiers did the beatings and a third did the questioning. My hands were tied behind my back with a rope that also was coiled around my neck. My feet were restrained in wooden stocks, and they made me lie on my side on a wooden bench. One soldier had his feet on my forearms and sat on my chest. I was punched several times in the face. The other soldier stuck the blade of his knife into my mouth and threatened to cut out my tongue and kill me if I didn't confess. The blade slightly wounded my mouth, and it began to bleed...Then he cut my face with his knife, along my eyebrow...

"They accused me of providing rice and money to the KNU. They wanted me to 'confess' that I was guilty and to provide them with information about the KNU. They also asked me to show them where...I had buried weapons. I had never done any of the things they were accusing me of. I was an ordinary farmer and had never been in touch with the rebels. I didn't know what they were talking about, so I just kept denying their accusations.

"This first interrogation session lasted maybe two hours. Then the soldiers left. They did not untie me. I spent the night in the bunker...

"The following day I was interrogated again by the same guys. Again they punched me in the face and chest with their fists and then beat me with a bamboo stick. This time I was

in a sitting position, still tied up and shackled. They hit me in the chest and the back. They kept asking me the same questions as on the previous day and I kept denying their accusations. They interrogated me for about an hour.

"The morning of the third day, I was taken to La Ther Noe camp...During...two days in La Ther Noe I was interrogated twice. I was held in a pit dug in the ground where I found there were two other prisoners...

"At about seven in the evening a guy from Military Intelligence Service came down into the pit. We prisoners were tied up with our hands in front of us and our feet immobilized together in a six-hole wooden stock...[The guy] began interrogating me, asking me the same old questions. He kicked me in the chest - we were sitting on the ground - and punched me in the face, on the cheekbones and the mouth...I was interrogated for an hour in front of my fellow prisoners. A number of soldiers watched the scene from the top of the pit. I kept denying the accusations...

"The next day this same guy interrogated me again, still asking the same questions. This time he tried to force information out of me by rolling a large bamboo pole over my shins, up and down, increasing the pressure on my shins until the skin began to strip off...He was rolling the bamboo up and down on both my legs simultaneously. First he rolled it slowly and gently, asking a question, and then he suddenly rolled it quicker and harder to force a 'confession' out. After a few minutes of this treatment, the skin came off, but the guy kept rolling the bamboo over the exposed bone, causing terrible pain. I kept saying that I had no information for him, that I didn't know what he was talking about. This interrogation lasted for 30 minutes, and the guy left..."

He met two prisoners in a detention pit at La Ther Noe, the Regimental Battalion 76 camp at which he was detained:

"Both of them had been arrested on similar grounds; they were accused of being in touch with the rebels...They had already spent two days in the pit when I arrived...They told me they had been punched, kicked with combat boots, hit with rifle butts and beaten with bamboo sticks. They told me they too had been wrongly arrested and had never been in touch with the rebels..."

He was subsequently transferred to a jail in a police station, charged and brought several times before a court. After three months in detention, he was released by the court.

Similarly, a farmer from Khaw Pow Plet village in Bilin Township of Mon State said he was ill-treated because he was thought to be carrying a suspiciously large sum of money. An illiterate Buddhist in his fifties, he was

had gone fishing. Since the soldiers met them in the forest outside the village they suspected them of being in touch with the rebels. They beat them up and took them with them to the village, where they went directly to the house [of the wife of one of the detainees]...They were questioned by the soldiers, who asked them whether the KNU rebels had spent the night in the village. They responded that, 'Yes, some rebels had spent the night in the area, but outside the villagers' huts.' For that response they were beaten with bamboo sticks and taken to the camp, where they were put in a pit..."

Mu Ki, a 38-year-old rice farmer from Le Ke village in Bilin Township who was reportedly executed in August 1986 is also alleged to have been tortured during interrogation before his death. According to the account given by a porter who accompanied the soldiers and was a friend of the victim:

"He had been arrested early in the afternoon in his fields. They started to interrogate and beat him right there in the fields...the next day, he was black and blue all over his body. They had hit him with their fists and rifles and kicked him.

"After they beat and kicked him in the fields, they brought him into the village for a while...they tied him to a tree. Then they took him into the forest...In the forest, he was tied with his hands behind his back to a tree. They kept asking him about the KNU troops that had passed through the area, but he kept telling them he hadn't seen anything. In the forest, they beat him with sticks and rifle butts and kicked him with combat boots...

"Mu Ki...spent the night being walked around in the forest, and they didn't let him rest. They continued interrogating and beating him."

This 40-year-old witness, a rice and sugar cane farmer with two years of formal education, went on to say that the next day he was able to talk briefly with his detained friend, who asked him to explain to the soldiers that he knew nothing and was innocent. The porter said that when he did so, he, too, was ill-treated:

"The Burmese troops hadn't realized that we knew one another, and we were able to talk to each other in Karen for a while before they paid us any attention...The first thing Mu Ki said to me was, 'Cousin [a familiar form of address], could you tell them for me that I didn't see anyone.' I said, 'Yes, I will. Why shouldn't I do that?'...He said that he was sure if I couldn't help him, he would be dead.

"Then an officer in the group of soldiers came over, and we stopped talking. The officer, who wore two bars, asked me whether I wanted to get a good look at the 'rebel' he boasted he had captured. He pointed out Mu Ki to me. I said I knew the man, and that he wasn't a rebel, but just a farmer - he

arrested in June 1986 by "sit kyaw" troops from a unit he could not otherwise identify who came across him and a friend, Thar Nee Nu, in the forest. Both were punitively conscripted as porters, and Thar Nee Nu allegedly died because of especially harsh ill-treatment. The survivor described being beaten and interrogated as follows:

"Immediately after arresting us they began beating us up. I was struck with rifle butts several times in the chest, on both sides, by several soldiers taking turns. While I was hit I was tied to a pole, with my hands behind my back. I did not pass out, but tears began running down from my eyes.

"While I was being beaten, I was asked where I had hidden the weapons. I kept responding that I had no weapons.

"The commanding officer who interrogated me was drunk. He slapped me several times as I denied his accusations. Two of his soldiers carried out more beatings, striking me in the sides, taking turns..."

A woman from Kru Yi village in Thaton Township of Mon State who told of two executions in September 1987 also recounted how her brother, Thi Lwin, was beaten to death and others were ill-treated because the army suspected their pagoda rice store might be used by the insurgency. She said her brother, an agricultural labourer and a Buddhist-animist, was beaten particularly severely by military interrogators at Pwa Gaw base because he couldn't speak Burmese. Some of the other prisoners who were beaten were reportedly still detained at the time of writing.

"My brother died...after he had been in military custody for two days. He was beaten to death. He died from brain damage, after severe beatings on the head. I was told this by one of the detainees who was released from Pwa Gaw...My brother didn't speak Burmese very well, so they hit him really hard because he couldn't answer their questions..."

"I heard from him that the other prisoners were kicked and beaten. Some of them could speak a little Burmese, and he said they weren't beaten as badly. Those who couldn't speak Burmese were beaten harder, he said, because they couldn't answer their interrogators satisfactorily, and because they were also particularly suspected of being KNU. He told me all of them had been kept in underground pits..."

The rice and sugar cane farmer taken as a porter in February 1987 from Ta Khi village in Bilin Township of Mon State who believed he was left behind to die after he became too ill to continue his duties returned home when he recovered. He said that when Regimental Battalion 75 troops discovered he was still alive, he was arrested and falsely accused of desertion and of knowing where the KNU had hidden weapons. He said he was abused during interrogation and detained in an underground pit:

"After the troops arrived in the village, [the battalion commander] asked another villager to come to tell me that he

wanted to see me...I was told to meet [him] at the [hall] of the pagoda...

"When I met [him], all he did was ask me the same questions over and over again, and when he didn't like the answers, he had me put in a pit in the ground...He was there with two bodyguards. They were waiting for me...[He] had a pistol and also a walking stick, which he sometimes used to hit people. The two bodyguards had G-3s.

"I was asked to sit down on the ground in front of a bench on which [he] was sitting...He said that I had run away from being a porter, and I therefore didn't know how to obey. I said that I hadn't run away, that I had been left unconscious...

"He asked me whether there were any guns in the village, and I said I had never seen any. He said that I must know where they were, where the three KNU guns were. He said they had intelligence that the KNU had three AKs or ARs [automatic or semi-automatic rifles] in the village. He said that if I claimed I didn't know where they were, I was lying, and I must be punished and made to talk...

"He hit me in the back with his stick three times. After the first blow, I tried to block the blows with my hand, to protect myself by putting one hand behind my back, but one of the bodyguards pointed his gun at me, so I put my hand back in front where it could do no good. I was hit twice more on the back, and once on the buttocks. Then he ordered the soldiers to put me in the pit.

"The two body guards took me to the pit. There was a single guard on the pit...The pit was south of the pagoda. It was nine forearm lengths deep. The top of the pit was just big enough for one person to go through, but at the bottom inside it was big enough for maybe six people. It was very quiet. You could hear almost nothing that was happening in the surface. At night it was dark, and you couldn't see anything at all...at night, it was very cold...

"They wouldn't let you out to take a piss, only to take a crap. You had to piss right there. Some people had been in this pit before me, and some of them had had diarrhoea and had shit right there. So it smelled badly not only of piss, but of shit. It was very difficult to breathe down there, and I had a terrible headache the whole time. There were also a lot of mosquitoes in the pit. I could never sleep because of them and the smell, and also because I was worried about what was going to happen to me.

"I was fed twice a day with two ladles of rice per meal. The rice was mixed with a little watery fish paste...

"I was kept in the pit for five days. On the third day, I fell ill with malaria. After two days of crises, they took me out...They let me out to take a crap...while I was out...I told the guard I was sick. He put me back in the pit. [The commander] then came and ordered that I be brought out

to him so he could look at me...He felt my skin and could see that I was really sick, but he sent me back to the pit anyway, for two more days.

"They continued to interrogate me every evening. They kept asking me about those three guns. In these interrogations, a subordinate of [the commander] asked the questions with the help of the guard. They...put bullets between my fingers and then mashed my fingers together. They also filled my mouth with bullets. Then they pretended they were going to stab me to death. They came at my neck or cheeks with a knife, and then stopped short, sometimes drawing blood...They also pulled my hair and rolled my shins with rough bamboo...They did these sorts of things during every interrogation. Every time they asked me these questions about the guns. I answered in the same way, because in fact I didn't know what they were talking about..."

"After five days, they let me go, and I went back home. Before they let me go, they instructed me that I had to tell them whenever the KNU came to the village, and also that I mustn't give the KNU food or shelter. I promised to do what they said. They warned me that if the KNU came, and I didn't tell them, they would be obliged to kill me..."

A farmer from Nha Pho Khi village in Bilin Township of Mon State described what happened in April 1987 to his brother-in-law, a father of two in his thirties who was caught trying to run from an army patrol from Thi Pa Do Tha village in Bilin Township. In this instance, the detainee, a Buddhist rice farmer who had studied the national language at a pagoda school, is believed to have been ill-treated because he could speak Burmese and his interrogators therefore hoped he might be able to give them more information:

"He was arrested at his house by a group of about 140 to 150 soldiers. They also detained two other villagers..."

"My brother-in-law was held for one night and one day. When he came back, he had burns on his arm and face. He had a burn on his left upper arm and one on his left cheek. They had also kicked him in the chest and scraped a digging tool across both his shins. His face was swollen from the blows. The burns on his cheek and arms were from a cheroot. He told me that they had also tied plastic over his face. He said that they did all this because they suspected that he wasn't telling them the truth..."

"There were abrasions on both his shins. He could walk, but only slowly...He had to rest for many days because he was in too much pain to go to work. He had trouble talking, and he had problems chewing because of the beatings. He was kicked in the chest, too...he had trouble breathing because of the pain..."

"My brother-in-law could speak some Burmese, so they kept after him. They hit the other two, but they didn't ill-treat them in the way they did my brother-in-law."

The farmer from Chi Baw Ki village in Thaton Township of Mon State who described the execution of a KNU activist, Saw Boe Nar, in August 1986 also recounted how he was tortured before being killed.

"He was held in the "sit kyaw" office for a week. The first day he was slashed all over his arms and legs, after which the soldiers poured salt on his wounds and exposed him to the elements outside in the yard, under the sun. He was tied up, in standing position, to a pole, with his hands bound behind his back..."

A 37-year-old rice farmer from Ka Deh village in Thaton Township of Mon State told Amnesty International how he was tortured after being arrested in April or May 1986 by soldiers from Regimental Battalion 24 who suspected him of working secretly for the KNU. A Buddhist with seven years of formal education, he said the torture included electric shock, and was administered by military interrogators who questioned him in six nightly sessions conducted under the authority of police officers in whose custody he was placed:

"I was arrested by a group of soldiers and held for a week in Zin Kyet, Thaton district...I was arrested by the military, but they put me in a civilian prison, the police prison at Zin Kyet..."

"I was accused of being an 'underground agent' of the KNU. I was interrogated six times, once a day for six consecutive days...The interrogation sessions took place in the police chief's office. They lasted many hours each, often from six in the evening to midnight. I was tied to a chair with my hands behind my back. They punched me in the face and the sides during each interrogation session..."

"The chief of the police station...attended the first and second interrogation sessions, when he asked the questions and directed the interrogation...I was interrogated by a mixed team of soldiers and police. Each time there were five guys, three soldiers and two police... I was questioned by both the soldiers and the police, but only the soldiers did beatings. The chief interrogator was a military man, a sergeant, I think..."

"During the first one, they also applied electric shock. They used an electric wire plugged into the wall and applied its live end to my arms and sides. The application went on during 15 minutes...They applied the wire for just very short stretches, but nevertheless for long enough to make me feel as if I was being pulled or shaken from inside my body...My body had spasms from the inside..."

"The sixth day I was interrogated they finally managed to break me down, and I 'confessed' my 'underground activities'. I 'confessed' that I was an 'underground agent'..."

This interviewee admitted that his "confession" was "to a certain extent true", but claimed he had exaggerated as a result of the torture and, in fact, had merely "cooperated with the KNU on several occasions to help them to collect annual taxes and to help them recruit porters."

He then described the torture to which two fellow political prisoners had allegedly been subjected by the military before transfer to police custody:

"There were two other political prisoners there who had also been arrested in connection with rebel activities by Regimental Battalion 24. [One] was in his early thirties and [the other] was in his late twenties. They had been previously detained in the 'sit kyaw' camp of Regimental Battalion 24, where they had been tortured. They had spent only one night in the 'sit kyaw' camp before they were transferred to the police station. They had black wounds on their legs, and their faces were swollen. They had been beaten during interrogation. Another method that was used to make them 'confess' was rolling a piece of bamboo over their shins until the skin was stripped. They also had bullets put between their fingers. After that, the interrogator pressed their fingers together tightly, but not to the point of breaking, at the joints."

#### **4.3 TORTURE AND ILL-TREATMENT AS PUNISHMENT**

Torture and cruel, inhuman or degrading treatment are apparently not only used in interrogation, but sometimes mainly or purely for punishment. Amnesty International was told of villagers being tortured or ill-treated because they were considered suspicious - either because of where they were found, or the amount of wealth they had, or because they were related to political suspects. When such victims are women, the punishment may be rape. Severe ill-treatment is also apparently used to punish villagers who refuse to serve in the armed forces or administration and porters who fail to carry out their duties satisfactorily or try to escape. Groups of porters too are reported to have been punished for the acts of one among their number.

A woman described how an aunt from Yoe Klar village in Bilin Township of Mon State was punished by being beaten and detained in an underground pit when she declined to serve as a local official for the government. She said soldiers from Thi Pa Do Tha village seized her aunt in December 1985 and accused her of assisting the insurgency:

"[A] group of soldiers from Thi Pa Do Tha came to the village and ordered a meeting of all villagers be held to select a new village chief. The soldiers proposed my aunt for the job, but she declined...She was arrested the same day and was taken to Thi Pa Do Tha, where she was held for four months... in a big pit, like a well dug into the ground..."

"When she was released she told me that there were 10 similar pits for detaining prisoners in Thi Pa Do Tha. The pit in which she was held was about 25 forearms deep.

"She said she had been beaten upon arriving in the camp. She was hit in the face and lost several teeth. The soldiers accused her of feeding the rebels. She denied this accusation, and explained that the villagers were already facing big difficulties in feeding themselves and their families, and they could hardly be in any position to have any extra rice to provide to the rebels. She was hit twice on the right jaw with a rifle butt and lost one tooth, and once on her ribs on the left side..."

"When she was released...she had lost weight and her sight had been adversely affected. I could see that her hands trembled when she tried to hold things, such as a spoon. After her release, she couldn't sleep well, and she would cry out in her sleep, as one does when one has nightmares...This went on for quite some time..."

A semi-literate Buddhist rice farmer, aged 54 and married, from Paw Taw village in Hlaingbwe Township of Karen State was seized as a porter by unknown troops of a "sit kyaw" patrol in February 1986. He said he was severely abused because the soldiers thought he was moving too slowly.

"I was beaten by two soldiers. Because I was walking slowly one of them struck me in the face with his rifle, which made me fall down. My face started to bleed. Then, as I was lying on the ground, he struck me a second time, in the side, with his rifle butt. Then I got kicked with combat boots on my sides and in my back. I managed to stand up, but they kept beating me, taking turns doing so. They punched me in the face and chest..."

Another porter described how, in early 1986, a fellow porter taken from Lan Ne village in Hlaingbwe Township was severely abused because the soldiers from a unit the interviewee could never identify thought he was performing his duties unsatisfactorily:

"One of the porters from another village was too weak to carry his load, and he could hardly keep up with the column. He was very severely beaten by the soldiers. He was punched, kicked with combat boots, hit with a rifle butt, and fell down. Since he could not keep up the soldiers left him behind. They abandoned him on the pathway where he had fallen down. He was apparently still alive, but could not stand up on his own. We did not dare to say anything for fear of being beaten and ill-treated by the soldiers..."

A 36-year-old Christian rice farmer from Phya Lu village in Pa-an Township of Karen State was taken as a porter by troops of Light Infantry Division 44 in April 1987. He said he was one of a group of porters who were beaten as a

collective punishment for escape attempts:

"At night we would be herded into the same place, and all of us were guarded to prevent us from escaping. After the escape attempts, the soldiers would beat us indiscriminately, as a way of discouraging anybody who might be tempted to try to run away."

A 32-year-old Christian rice farmer told Amnesty International she was ill-treated by soldiers of "Unit 404" who arrested her in Swi Ta Pi village in Tavoy Township of Tenasserim Division in May 1986 after they heard that KNU troops had forced her to provide them with a place to sleep:

"They took me to their base...they kicked me with their big boots, and I fell down. They kicked me two or three times and demanded to know why I had let the KNU soldiers stay at my house. I said I hadn't invited them, that they were armed and I was scared, and so I had let them stay..."

She also described the rape and the attempted rape around the same time of two single women from her village by troops of the same unit. They were apparently targeted simply because the village was suspected of being populated by KNU sympathizers:

"The Burmese soldiers grabbed them in the fields and undressed them both...They were able to rape one, but the other was stronger and got away. Both came back to the village without any clothes on."

Another porter also described a punitive rape. The victims, from Ta U Khi village in Bilin Township, were aged 11 and 22. They were seized in June 1986 apparently because Regimental Battalion 75 troops caught them trying to return to their homes after curfew:

"The first night we spent in the forest, two young girls... were detained by the soldiers while on the way from their fields to the village. It was just before dark, but it was after-hours. They were taken and compelled to spend the night with the soldiers. The older one was raped by six soldiers, while her niece was first raped twice by the unit commander and then by seven soldiers taking turns. The next morning after her rape her mother came to where the night bivouac had been and pleaded with the commander for her daughter's release. Both were released..."

#### **4.4 TORTURE AND ILL-TREATMENT OF WIVES TAKEN AS HOSTAGES**

The army reportedly sometimes takes hostage and ill-treats the wives of men suspected of political offences whom they are unable to apprehend. The purpose of this is to compel the suspect to surrender, as well as to punish the spouse.

One incident involving the severe ill-treatment of a political hostage reportedly took place in November 1986, when "Unit 404" took hostage and raped the 30-year-old wife of a political suspect. The incident involved a couple with three children from Ya Pu village in Tavoy Township of Tenasserim Division. Both were illiterate Christian rice farmers. In separate interviews, a villager who witnessed the women's arrest, the woman herself and her 38-year-old husband gave the following accounts.

According to the villager who saw the arrest:

"A group of soldiers from Kaleinaung Camp entered the village and arrested a young woman...In fact, they had nothing against her, but they suspected her husband...a farmer, was in touch with the rebels. So they came to the village to fetch him. When they entered the village, several men, including [the husband] ran away because they were afraid of being taken as porters. So when the soldiers got to his house they found only his wife. The officer, a major...arrested his wife and took her with them to the camp in order to exchange her for [her husband]."

The husband explained:

"They had heard a story that I was a KNU soldier, although in fact I wasn't...First, they arrested my wife...they arrested her first because they couldn't find me.

His wife described her arrest and subsequent ill-treatment as follows:

"They simply came to my house and arrested me and took me to the headman's house...the soldiers took me and my baby, whom I was breast-feeding, to their camp. I was boarded onto one of the three military trucks which were waiting outside the village.

"Upon arrival in the camp the commander took me to the place where he was staying, a small, one-room restaurant located outside the camp in Kaleinaung village...I had to stay there for two days. I was ordered to stay there and not allowed to go out.

"The first night the commander forced me to sleep with him. I resisted and he slapped me two or three times...

"He asked me to send a message to the village asking my husband to come the following day to the camp, otherwise I would not be released. The message was sent, and the following day, just before dark, my husband surrendered to the soldiers and was arrested.

"But instead of releasing me as promised, [the commander] kept me for the night and forced me to sleep with him once again. The following morning I was released."

Her husband said that after turning himself in, he was detained for one month in the Kaleinaung camp jail, during which time he was interrogated and beaten.

She also witnesses the rape of a young woman by another officer, apparently as a punishment for involvement in prohibited trade:

"The day following my arrest, a young girl, whose name I did not know, about 15, a school-girl from...a border village... was brought to the camp by the soldiers...She had been arrested in the forest by an army patrol together with her auntie who was doing some trading on the border. They were arrested because of their black-market activities, I think...

"Both of them were taken to Kaleinaung and put in the shop where I was detained, that is, in [the commander]'s place. [Another] major was also staying in this restaurant, and he forced her to sleep with him overnight. She was raped in the same room; the four of us were sleeping in the same room. She screamed at first, but [the second major] slapped her, hit her and raped her in front of me. I saw him raping her before my eyes. She cried, but because she was beaten she did not dare to cry any longer. The following day she was released.

"Later on, about a week later, I heard that she had died...villagers said that after she was raped she died."

A 44-year-old rice farmer and mother of seven from Kru Yi village in Thaton Township of Mon State told Amnesty International she was beaten in August 1986 by troops of a "sit kyaw" patrol from Kaw Maw Maw because her husband had refused to enlist in the government militia. She was then compelled to act as a "guide" helping troops search for her husband for ten days, and subsequently held for eight months without charge or trial in an attempt to force her husband to turn himself in for this "offence".

"I was in my house in the village, and five of them came up and kicked me and hit me and asked me to come down out of the house. They asked me where my husband was, and why he didn't want to be in the militia. I told them he was scared of being in the militia.

"I was kicked twice in the back, and hit twice in the chest. The blows to my chest broke one of my ribs. As you can see, one of my upper left ribs is not normal. It never healed properly, and the two pieces are out of line.

"They also hit me in the face five times with their fists. When they hit me in the teeth, they loosened some of them. They didn't knock them out, but even today two of my lower left molars are still painful."

A 38-year-old woman rice farmer and illiterate Buddhist from Ta U Khi village in Bilin Township said she was arrested and ill-treated in October

because Regimental Battalion 75 troops believed her brother was serving as a KNU soldier and wanted to arrest him, or his pregnant wife. It appears they thought her brother was in the KNU because he had been absent from his village for an extended period and his wife had moved to another village:

"I was arrested some time before noon. When they came, I was not at home, but my youngest child, a daughter, was. They scared her, and she cried, so I came. I had been at a friend's house.

"When they arrived...they said [the battalion commander] needed to see me. They said I had to go quickly, and one of them hit me very hard, so I could hardly breathe...

"I was held at the house of [another] villager...The soldiers asked me for help in finding my brother, and also my sister-in-law, but especially my brother. They asked me where he was, and I said I didn't know and didn't dare to try to find out. They asked me again and again, and then they got angry.

"One of them put a pistol to my head, behind my right ear. He did this after I said I hadn't heard a question clearly...He spoke in Burmese, and that's why I didn't catch the question he asked. They were angry because I didn't speak Burmese well...When the soldier put his gun at my head, the others shouted questions at me with angry faces...

"He put the gun behind my ear, and said he was going to give me a new earhole, so that I could hear better...I was ...really afraid, and didn't know what to do. I almost fainted. All I could think about was being already dead...

"[Then] he put his left hand around my head and cradled my left ear in it. He put the gun barrel behind my right ear, and said he would shoot me if I didn't tell them where my brother was. I really didn't know where he was, and I told them so..."

## **5. TORTURE AND ILL-TREATMENT OF KACHIN AND MON BY THE ARMY AND POLICE**

Amnesty International also has testimony about 36 cases of alleged torture or ill-treatment during interrogation of Kachin and Mon arrested on political grounds. As in the Karen cases, the alleged abuses reportedly took place while the detainees were held in uncharged detention, usually incommunicado, and with no access to the judiciary. Some were eventually charged and tried and were believed as at November 1987 to still be imprisoned. At the time of writing, others were still detained without charge, although no longer incommunicado and in police rather than military custody and a few were still on trial. The Kachin cases include allegations that the military and the Police Special Branch have ill-treated suspects detained without charge during interrogation.

### **5.1 KACHIN CASES**

#### **A Christian Kachin**

An extensive interview was carried out with a Kachin Christian and former university student in his mid-thirties who was detained several times between 1980 and 1987, and described having been tortured by military and police interrogators. He explained that he was first arrested on the mistaken suspicion that he was actively involved with the armed insurgency of the Kachin Independence Organization. He was subsequently arrested whenever Kachin insurgents carried out a major action in the Kachin State capital, Myitkyina, where he lived, because he had been categorized as an important political suspect. He said he was tortured for almost two weeks when first arrested, and then held in the police hospital for four months. He was held without charge and incommunicado, except for visits from the hospital doctor, during this period:

"Initially, I was held in Military Intelligence custody. They 'took my statement' for seven days. I was then sent to the Police Special Branch, who then later returned me to Military Intelligence, where I was held for several nights and tortured until I lost consciousness. Then I was sent to the police station, but in such a condition that I didn't know what was going on.

"During the first seven days, while I was in Military Intelligence custody, they asked me many questions I couldn't answer. As a result, I was tortured from the second night...

"The interrogators threatened that unless I 'confessed', they would beat me...[They] tied me up with my hands behind my back and suspended me. They hit and kicked me, and whipped me with their belts. They suspended me for periods of 30 minutes at a time, during which they came and asked me questions. Then three of them held me down, and...water was poured down my nose...

"During these first seven days, I was interrogated two or three times a day and sometimes also at night. They made many false accusations against me, about which they asked questions I couldn't answer, and I didn't 'confess' to anything...After they finished torturing me, they sat me down and asked for my 'statement', but I refused to 'confess'...

"I was transferred to the Special Branch, so that they could ask me the same questions. They ill-treated me even more severely than Military Intelligence.

"They laid me down on a bench, and tied me down to it. They put a device on my head which was tightened painfully around my temples. They also placed a bowl on my stomach in which there was some sort of insect or something like a scorpion that bit my stomach until it bled.

"I told them I had nothing to 'confess', but they kept making false accusations against me and asking me questions to which I couldn't possibly give any answer. So they tortured me repeatedly.

"The second night...they also rolled an iron bar across both my shins while they held me down...they read me a 'statement' which I refused to sign. When I refused, they tied me to a chair and hit me from several directions.

"[Then] I was sent back to Military Intelligence. was held there for four nights. I was subjected to even worse torture, and admitted to some of their accusations...

"[Then] they took me outside and pretended they were going to execute me. They tied me up, put me face down in a puddle, and fired a shot at me which didn't hit me. They told me I should have admitted everything from the beginning, and that I had already suffered a lot because I hadn't. Then they tortured me until I lost consciousness and sent me back to the police station.

"After that I was in the hospital for about four months, at a hospital in Myitkyina. My back was injured, and I had trouble seeing because my whole face seemed swollen with blood. There were marks on my arms where they had tied me up, and these were filled with fluid and numb.

"From the beginning, I had not been allowed to see my family...While I was in the hospital, I was still not... allowed to see anybody, as this is what the military requested...I was...unable to consult any lawyer..."

He said that during later periods of detention without charge and errorrogation by Military Intelligence or Police Special Branch personnel, he sometimes severely beaten, although he was not tortured as seriously as the st time he was held.

### **ht villagers of Man Khring**

esty International also received an account of the torture and ill-treatment other Kachin political prisoners detained in 1982. Among these were eight

people arrested around January 1982 following the explosion of two bombs in Myitkyina. The bombs went off in a cinema and the residence of a police officer, reportedly killing more than 60 people, including soldiers and members of the police officer's family. These bombings were officially attributed to Kachin insurgents.

All eight of those arrested were from Man Khring village on the northern outskirts of Myitkyina. The government apparently suspected the local population of sympathizing with demands for greater Kachin autonomy. Those arrested include Ying Ting, the Chairman of the Man Khring People's Council, Ma Nam Tu, who headed its youth organization, and La Shi, who worked for it as a justice of the peace. The others were rice farmers and jade miners. Seven of those arrested were Kachin. The eighth, named Peter, was a Gorkha (Nepali).

They were reportedly held incommunicado and without charge for up to six months of interrogation by Military Intelligence and ordinary and Special Branch police personnel. The authorities alleged they were involved in the bombings, an accusation which they told other prisoners was false. Four of them were allegedly tortured by being whipped and buried up to their necks, and the others subjected to beating. Ying Ting and Peter allegedly suffered the most severe ill-treatment, which they said was received at the hands of the Myitkyina Special Branch when they were first detained. Despite their injuries, they were denied medical treatment:

"Ying Ting had the worst marks. He was ill-treated the most severely because they suspected he was the leader. He also... was whipped with a leather lash, and this left marks...on his back and face. [He] was tied up with a rope and handcuffed and left in his cell for three days. As a result, when he was untied, he had rope burns.

"He couldn't sleep on his back because of the pain. He had serious bruises. Urine was applied to these [as a remedy]. He had discharges from his wounds, and because of these discharges he couldn't wear his clothes. The discharges were a clear liquid flecked with blood.

"Peter's face was swollen for about one month. He could neither sleep nor eat. He was still vomiting blood. He believed that this resulted from the lashings he got on his back. Every time Peter coughed, he would vomit blood, sometimes a little, sometimes a lot. This went on for two weeks."

Of the other four prisoners, the elderly justice of the peace reportedly received the worst beatings because he was virtually unable to speak Burmese:

"These four...also suffered during interrogation...The old man was beaten the worst because he couldn't speak Burmese. He was beaten many times because he could speak hardly any Burmese...Not only La Shi, but also the other three were also beaten..."

According to the account received by Amnesty International, the detainees maintained that they had continued to insist on their innocence and refused to "confess" despite their ill-treatment. Those who suffered the most had feared they might be tortured to death, but believed the interrogating officers kept them "alive because they still couldn't figure out exactly how the bombs were planted or by whom". The eight were subsequently charged under provisions prohibiting possession and use of explosives. All were convicted. Ying Ting and Peter were sentenced to death, but are believed to still be appealing. The others were sentenced to 20 years' imprisonment.

### A practitioner of traditional medicine

Amnesty International also received an account of the ill-treatment of another Kachin categorized by the security authorities as an important political suspect, and repeatedly detained without charge, incommunicado, for interrogation. This man, Ma Shaw La, was a practitioner of traditional medicine in his early sixties from Sha Ta Pru village just outside of Myitkyina. He was reportedly first arrested in December 1984 because another prisoner, Ma Kong Kha, who had twice stayed in his home, had implicated him in a false "confession" made under torture.

"Seven men had come into town from the north with gold to sell. Ma Shaw La thought that they were simply gold panners... Ma Kong Kha visited Ma Shaw La's house and slept there. Such hospitality is customary and traditional among Kachin, who will extend it even to strangers... Ma Shaw La had not met Ma Kong Kha before... but they were of the same Kachin clan, and so it was a simple matter for Ma Kong Kha to benefit from Ma Shaw La's hospitality.

"Ma Kong Kha then sold his gold and went back north. He came again a second time, and this time he spent a lot of money in the Myitkyina market. As a result of this, the military was suspicious of him. So it arrested and tortured Ma Kong Kha. As a result of the torture, he 'confessed' to being a member of the Kachin Independence Army. He mentioned that he had slept at Ma Shaw La's houses, and ever since then the military has been suspicious of Ma Shaw La."

When he was first arrested, Ma Shaw La was detained by Military Intelligence without charge for four months, and allegedly beaten during interrogation:

"The village headman told Military Intelligence that he was a practitioner of traditional medication who welcomed all visitors, and knew nothing... but this did not prevent him from being repeatedly re-arrested. They had him on their blacklist because he had already been arrested once."

Between 1985 and 1987, he was arrested six times following various bomb explosions or assassinations. On each of these occasions he was held by Military

Intelligence or police authorities without charge and usually incommunicado, sometimes for weeks. He was invariably beaten during military interrogations, although the severity reportedly varied. The worst beatings were allegedly inflicted when he and 41 other people were arrested following the assassination of the chief of the Burmese army's Northern Command in November 1985. Amnesty International's source, who was among those arrested, said:

"Forty-two of us were arrested and held in the same small room at Military Intelligence. Those arrested included four or five Gorkha and one Burman. Ma Shaw La was there, too.

"...all the detainees were badly beaten. All the Military Intelligence officers came from the various units in the Military Region to interrogate the detainees. Ma Shaw La was badly ill-treated because he couldn't speak Burmese, and the interrogators thought he was pretending not to understand. He was kicked with boots and hit with a big teakwood stick..."

## **5.2 MON CASES**

### **A Mon Cultural Activist**

Menh Tun Ya, an ethnic Mon in his early 30s from Htin Yu village in Thanbyuzayat Township of Mon State, was reportedly arrested in June 1987 by the army's Regimental Battalion 31. At the time he was taking a correspondence course in law from Moulmein University, in the capital of Mon State. He was said to be a popular and prominent figure in his village, Htin Yu, where he made a living selling medicines and had helped develop and organize a village Mon Literature and Culture Committee. This is a legal organization, aimed at teaching Mon language and literature which Menh Tun Ya eventually chaired. There are said to be similar Literature and Culture Committees in a large number of Mon-populated townships as well as in universities, most notably Moulmein University.

Regimental Battalion 31 troops reportedly arrested Menh Tun Ya during a game at the Thanbyuzayat football ground. The military apparently suspected him of contact with the insurgent New Mon State Party (NMSP), but had no arrest warrant. He was taken to the Regimental Battalion 31 headquarters, north of Thanbyuzayat, where he was held for one month incommunicado and without charge in a "sit kyaw", detention centre. His family was not informed where he was detained or why. According to reports from friends who met him later, Regimental Battalion 31 interrogators tortured him after he was transferred to police custody to be charged for trial. They allegedly applied electric shock to his anus and his elbows, and beat him severely around the face which resulted in a lasting numbness in his hands and left visible scarring on his forehead and cheeks.

### **Twelve Mon workers and farmers**

Several Mon refugees interviewed by Amnesty International gave details about the arrest and detention without charge in September 1987 of 12 Mon workers and farmers who, they said, were wrongly suspected of involvement with the NMSP. The

detainees were reportedly arrested without warrant on 22 September by some 20 security personnel; most of them were troops of Regimental Battalion 62, believed to be headquartered at Mudon Township. They were reportedly accompanied by members of the local police force and village administration who guided them to the residences of those arrested.

The 12, among them two women, were reportedly arrested the day after the abduction of the Chairman of the People's Council of Seintuang Quarter, a part of Kamawek village, by elements of the NMSP. The detainees were reportedly residents of Seintaung and neighbouring Theinkon Quarter, also in Kamawek village. It is believed that military intelligence officers of Regimental Battalion 62 ordered their arrest either because they were suspected of involvement in the abduction or as a reprisal because they were thought to be critical of the government.

They were reportedly taken for interrogation to Regimental Battalion 62's "sit kyaw" detention centre, about five miles north of Mudon Township, where they were held without charge or trial, or access to legal counsel. As one interviewee put it, "[they] had no contact with any lawyer, because they were held without charge. If they had been taken to the police station, they could have contacted a lawyer, but once they were taken to a "sit kyaw" camp, they could not." The detainees were, however, allowed to see family members and relatives, who reportedly learned that one of them, a farmer in his early thirties named Aung Bwa, was beaten by military interrogators when he denied that he had had dealings with Mon insurgents.

In March 1988 Amnesty International received information indicating that some of the 12 had been moved to two other detention centres. At least two, Aung Wa and Da, were said to be among 20 Mon held without charge at the Kwat Ka Pone livestock breeding farm, which is believed to be south of Mudon town near a village called Myaingon. These 20 were apparently being forced to work at this farm because of unsubstantiated allegations that they had acted as guides for NMSP, have relatives in this organization or were otherwise associated with it.

The report suggested that at least one other of the 12, Yi, might be among three Mon political prisoners now thought to be held without charge in Moulmein prison on account of alleged connections with the NMSP.

According to this information, civil authorities were possibly considering bringing some of the 12 to trial on charges of violating Section 17 of the Lawful Associations Act, which prohibits involvement with violent organizations. However, it also suggested that the military might hold others for prolonged periods without charge or trial, either without reference to any legal authority or under the provisions of the Law Protecting the State Against Treason by Persons Wishing to Undermine It.

## **6. BURMESE AND INTERNATIONAL LAW AND AMNESTY INTERNATIONAL RECOMMENDATIONS**

### **6.1 BURMESE LEGAL SAFEGUARDS AND REMEDIES RELATED TO HUMAN RIGHTS**

#### **6.1.1 PROVISIONS AGAINST TORTURE AND UNLAWFUL KILLING**

The Burmese Constitution contains two provisions which would appear to prohibit torture and other cruel, inhuman or degrading treatment or punishment. Article 24 declares: "Punishments shall not be awarded in violation of human dignity". Paragraph (a) of Article 159 adds: "Personal freedom and security of every citizen shall be guaranteed". Articles 330 and 331 of the Burmese Penal Code of 1957, which is believed to remain in force with some modifications, outlaw torture and ill-treatment during interrogation. These provisions provide for up to seven or 10 years' imprisonment, respectively, for anyone who inflicts "hurt" or "grievous hurt" on someone "for the purpose of extorting from the sufferer... any confession or any information which may lead to the detection of an offence or misconduct". Articles 323 to 326 of this Code would appear to prohibit torture and other severe physical abuse of prisoners outside the context of interrogation. They outlaw the infliction of "hurt" and "grievous hurt" generally, with the more severe penalty of up to 10 years' imprisonment specified for those who cause pain using instruments "for shooting, stabbing or cutting" or by other means that might cause death. 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 for this offence. Finally, Article 166 prohibits government authorities from unlawfully injuring anyone while discharging their duties, and provides a penalty of one year's imprisonment for this offence, a provision apparently applicable as a compounding factor in any case of official ill-treatment.

The 1957 Penal Code also contains general provisions against homicide which would appear to apply to extrajudicial executions by government authorities, and the 1957 Code of Criminal Procedure provides for inquests by magistrates when prisoners die in police custody. Articles 299 to 304 of the Penal Code outlaw murder, culpable homicide and causing death by rash or negligent acts. The provisions of these articles cover cases in which the offender causes "bodily injury...sufficient...to cause death", including cases in which the offender "accelerates the death of another" by injuring someone who is ill or in an otherwise weakened condition. They extend to cases of failing to provide the "proper remedies and skillful treatment" by which "the death might have been prevented" and also further cover cases in which the victim is compelled to perform an act "so imminently dangerous" that it will inflict "such bodily injury as is likely to cause death". If the death is caused by a public servant, the responsible person may be punished for "culpable homicide", although not for "murder", even if he was acting in "good faith" in a manner he "believes to be lawful and necessary for the due discharge" of the duty of "the

advancement of public justice", and regardless of whether the killing resulted from "grave and sudden provocation". One provision specifies that the seriousness of the crime is compounded if it is committed in conjunction with other offences, including the infliction of "grievous hurt".

The penalty for negligent homicide is up to seven years' imprisonment. Culpable homicide is punishable by up to 10 years' imprisonment, and murder by penalties up to death.

### **6.1.2 FREEDOM FROM ARBITRARY ARREST AND DETENTION**

Article 159 of the Constitution, on the personal freedom and security of citizens specifies in Paragraph (b) that "No citizen shall be placed in custody for more than 24 hours without the sanction of a competent judicial organ". This provision would appear to establish the right to be brought promptly before a judicial authority after arrest. Arrest procedures are covered in the 1957 Code of Criminal Procedure, which elaborated on the right to be brought promptly before a judicial authority.

The Code of Criminal Procedure indicates that an arrest should normally be conducted with a warrant issued by a court and enjoins the executing authority "to notify the substance thereof to the person to be arrested, and, if so required, [to] show him the warrant". In such cases Section 81 of the Code instructs the arresting authority "without unnecessary delay [to] bring the person before the Court".

The Code also allows arrest without judicial order or warrant under certain circumstances. These are defined in Section 54 and include the arrest of "any person...against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been" involved in "any cognizable offence".

Section 60 stipulates that "A police-officer making an arrest without warrant shall, without unnecessary delay...take or send the person arrested before the officer in charge of a police-station". Section 62 further prescribes: "Officers in charge of police-stations shall report to [a] Magistrate...the cases of all persons [arrested] without warrant within the limits of their respective stations...".

In line with Article 159 of the Constitution, Section 61 stipulates: "No police-officer shall detain in custody a person arrested without a warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under Section 167, exceed 24 hours exclusive of the time necessary for the journey from the place of arrest to the police-station, and from there to the Magistrate's Court". Section 167 allows the judiciary to authorize the detention of suspects for an unspecified number of 15-day periods beyond the initial 24-hours if additional time for investigation is considered necessary. This Section states: "(1) Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the

period of 24 hours fixed by Section 61, and there are grounds for believing that the accusation or information is well-founded, the officer in charge of the police-station or the police-officer making the investigation shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary... relating to the case, and shall at the same time forward the accused to such Magistrate. (2) The Magistrate to whom an accused person is forwarded under this Section may...from time to time authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding 15 days in the whole...(3) A Magistrate authorizing under this Section detention in the custody of the police shall record his reasons for so doing..."

The Code authorizes the police and the courts to release a prisoner against whom there is insufficient evidence or no reasonable ground for continued detention. According to Section 169, "If, upon an investigation...it appears to the officer in charge of the police-station or to the police-officer making the investigation that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall...release him". The police may, nevertheless, require the suspect to be available for a later court appearance. Section 209 provides that a magistrate may "discharg[e] the accused at any...stage of the case if...he considers the charge to be groundless", and in particular may release the prisoner if, after an examination of the police evidence against the accused and hearing the accused's explanation of the circumstances of the case, "he find[s] that there are not sufficient grounds for committing the accused person for trial".

### **6.1.3 THE JUDICIARY**

Article 96 of the Constitution provides for a "Council of People's Justices" and "Judges' Committees", and enjoins parliament to enact laws prescribing their "duties and powers". The Council of People's Justices is elected (Article 95) from a list of members of the national assembly drawn up by the Council of State, and then elects its own chair. The function of this central government body is to supervise "all judicial organs within the state" (Article 105).

The Constitution provides (Article 36) for the establishment of Judges' Committees in every State (minority province), Division (majority province), Township (district) and Village-Tract (collection of villages). People's Councils (local organs of government) are responsible (Article 132) for both the "administration of justice" and the "protection of the rights of the people" in their areas of responsibility. Members of State, Township, and Village-Tract Judges' Committees are "elected from among the members of the respective People's Councils" (Article 106). These Judges' Committees, in turn, form courts from among their members (Article 107). If they lack enough members to preside over the required number of courts, the relevant People's Councils may appoint their own members or "other suitable citizens" to them, "under the leadership of a member of the Judges' Committee at the respective level". Judges' Committees supervise the courts they form, and are responsible to People's Councils (Article 110).

The Constitution specifies (Article 98) that judicial organs are to

administer justice "collectively" and on the basis of eight principles (Article 101). The first of these are: "to protect and safeguard the socialist system" and "to protect and safeguard the interests of the working people". They also include: "to administer justice independently according to the law"; "to dispense justice in open court unless otherwise prohibited by law"; and "to guarantee in all cases the right of defence and the right of appeal under law". The Constitution also guarantees (Article 147) equality before the law regardless of such characteristics as race, culture or religion.

The Constitution thus provides for the establishment of a system of courts down to the local level before which the right to appear before a judicial authority could be exercised by people arrested on political grounds.

#### **6.1.4 POLITICAL OFFENCES INVOLVING VIOLENCE**

Burmese law defines a variety of political offences involving the use or advocacy of violence and would appear to provide ample scope to prosecute minority people for involvement in violent attacks on security forces, government officials or civilian targets or other criminal offences involving political violence.

Articles 121 to 129 of the 1957 Penal Code outlaw treason, helping traitors and failing to report treason, as well as advocacy of the violent overthrow or dismemberment of the state. "High Treason" is defined as waging war, conspiring to do so or participating in a war against the state or its constituent parts, and is punishable by death. Anyone who "encourages, harbours or comforts" a traitor can be punished by up to 10 years' imprisonment, while those who do not "forthwith disclose" their acts or planned acts can receive as many as seven years' imprisonment. Advocating the violent overthrow of the government, whether in speech, in print or by organizing or joining a group dedicated to this end is punishable by up to 10 years' imprisonment.

Similar provisions are contained in The Unlawful Associations Act of 1908, which reportedly remains in force. This legislation defines an "unlawful association" as any "which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts". Article 17 provides for the imprisonment of anyone who "is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association, or in any way assists the operations of any such association", and also of anyone who "manages or assists in the management of an unlawful association, or promotes or assists in promoting a meeting of any such association, or of any members thereof as such members".

#### **6.1.5 EMERGENCY ABRIDGEMENT OF RIGHTS**

Although the Constitution stipulates that no citizen may be detained for more than 24 hours without judicial sanction, it also allows (Article 166) for the abridgement of rights to prevent undermining: "the sovereignty and security of

the State"; "the essence of the socialist system"; "the unity and solidarity of the national races"; "public peace and tranquillity"; or "public morality". Under Article 76 the Council of State (Burma's supreme legislative body, headed by the Chief of State) may: "declare a state of emergency and promulgate martial law in specified areas" or throughout the country, "if an emergency affecting Burma's "defence and security...should arise"; and may also enact laws (Article 167) "imposing necessary restrictions on the rights and freedoms of citizens" to prevent any such activity. The Constitution instructs, however, that any such restrictive or preventative orders "shall be regularly reviewed and modified as necessary, and that the aggrieved person shall have the right of appeal to a higher organ".

The "Law Protecting the State From Threat By Those Wishing to Undermine It", passed in February 1975, regulates constitutional provisions for the restriction of rights under a declared state of emergency. It provides certain safeguards against abuse of these emergency powers.

The law authorizes the State Council to declare a state of emergency either throughout the country or in specified areas if popular peace or the security and sovereignty of the state are threatened. The State Council can at the same time "declare the limitation as necessary of the basic rights of citizens" living in the territory under emergency.

The cabinet is empowered in emergencies to "order the limitation as necessary of the basic rights" of an individual citizen whom it has "reason to believe...will commit, is committing or has committed an act endangering popular peace or state security and sovereignty". Up to three consecutive 60-day arrest and detention orders may be issued by a cabinet committee; and with the full cabinet's approval further orders may be issued for detention up to three years (at 180-day intervals). The law stipulates that only the cabinet committee has the authority to order arrest and administrative detention, under the supervision of the full cabinet. It must report its activities to the full cabinet every 90 days, whereupon the cabinet can amend or repeal its detention orders, "as necessary".

Although it apparently allows for detention for over 24 hours without reference to a court, the law states that whenever "full facts" exist "which would allow for the prosecution of" the detainee, these must be submitted "promptly to a court", presumably so the detainee can be charged and brought to trial. The law further provides that if the case is not before a court, a prisoner detained under a 60-day order has the right to appeal to the Council of Ministers, and that a prisoner detained under a 180-day continuation order may appeal to the Council of People's Judges. Each of these bodies is empowered to "repeal, amend or ratify the order, as necessary", although no appeals procedure is set out. The law also guarantees detainees all "basic rights included in the Constitution" and enjoins the authorities to detain prisoners for the shortest possible time. It specifically instructs them to review detention orders as frequently as possible and not only when they come up for renewal, and to repeal them "immediately" when they become unnecessary. The law also prohibits anyone being re-arrested and detained for the same "matter".

Amnesty International has been unable to determine whether states of emergency have been declared in any of the minority areas about which it has received testimonies. However, the extrajudicial execution, torture and ill-treatment of political suspects reported violate basic human rights guaranteed in international and Burmese law which can never be suspended under any circumstances. Torture and political killing by government forces are no more permissible under states of emergency than in times of normality. If states of emergency are formally in force over the areas in which these abuses occur, then the safeguards established in Burmese law to prevent abuses under states of emergency have clearly been ineffective.

#### **6.1.6 INSPECTION AND COMPLAINTS PROCEDURES**

Burmese law provides for an elaborate system of safeguards against the violation of citizens' rights by public officials, including institutions for monitoring the exercise of authority and provisions for citizens to make complaints.

These include constitutional provisions for a Council of People's Inspectors (Articles 118 to 123) enjoined to investigate whether the activities of other organs of state power are "beneficial to the interests of the public". Articles 36 and 123 provide for the establishment of Inspection Committees at the State and Township levels.

The Constitution (Article 55) also provides for the enactment of legislation enabling the Council of People's Inspectors to set up committees to investigate whether the work of local and other organs of state power "are beneficial to the interests of the people". It also allows (Article 56) the parliament to establish investigatory commissions and committees "as and when necessary".

Every citizen is constitutionally guaranteed (Article 164) the "right to lodge complaints concerning their grievances to the competent organ of State power", and the authorities are enjoined to "investigate the complaints expeditiously and take such action as may be necessary". Citizens also have the right (Article 165) to sue authorities who violate their rights and interests for compensation.

In February 1975 a "Law Protecting Citizens' Rights" was promulgated, the stated purpose of which is to bring about the full realization and protection of citizens' legal rights. Citizens may lodge complaints about abuse of their rights with the institution in which the perpetrators serve, which is obliged to investigate the allegations quickly. If this investigation reveals that an abuse has occurred, the institution must ensure the restoration of the aggrieved citizen's rights, to the full extent that its authority allows. In any case, it must inform the plaintiff of the findings of its investigation.

The Council of People's Attorneys (the central organ of public prosecution) is constitutionally required (Article 112) to report to the Council of State on "any acts of the Central and Local Organs of State Power and of the Bodies of

Public Services which infringe the law" and to provide citizens with advice about their rights. It is also enjoined to act to restore the violated rights, and, if necessary, report to the State Council about the situation. The State Council is empowered to take "necessary action" against the offending authority or organ.

Although the law permits citizens to file suit against offending authorities or institutions, it does not allow them to take legal action against an authority for acts carried out "as much as possible in good faith" in fulfilment of "legal and regulatory responsibilities".

Although the investigatory and complaints machineries provided for in the Constitution and the 1975 law formally create possibilities for inquiries into allegations that the army has committed extrajudicial executions and torture, to Amnesty International's knowledge these possibilities remain unrealized. Indeed, Amnesty International knows of no investigations by the Burmese Government into any of the allegations of political killings and torture in minority areas, including those contained in the report published by the organization in September 1987. Similarly, the government has apparently taken no specific measures to prevent such abuses. The organization knows of no cases in which security personnel have been brought to trial for political killings or torture since large-scale counter-insurgency operations were launched in 1984. It appears that officials responsible for such human rights violations have not been legally penalized.

## **6.2 INTERNATIONAL STANDARDS**

Amnesty International bases its work on international human rights standards which are agreed by the international community through the United Nations and other intergovernmental bodies. Amnesty International addresses itself to governments because of the specific obligations they have under international law.

Burma has ratified or acceded to only one major international human rights instrument, the Convention on the Prevention and Punishment of the Crime of Genocide. It is not party to the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights or the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It is also one of the few countries that has failed to ratify the Geneva Conventions of 12 August 1949, nor has it ratified their Additional Protocols. However, this cannot be interpreted as giving government authorities the right to act in manners incompatible with the internationally-agreed human rights standards which the provisions of these various instruments reflect, nor to act contrary to the United Nations Universal Declaration of Human Rights.

Amnesty International urges the Burmese Government to affirm commitment to respect for human rights by ratifying international human rights instruments. International standards of particular relevance to reports of human rights violations by government personnel in the minority areas are discussed below.

The International Covenant on Civil and Political Rights (ICCPR) provides that "No one shall be arbitrarily deprived of his life" (Article 6.1) and that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" (Article 7). These rights are also proclaimed unequivocally in Articles 3 and 5 of the Universal Declaration of Human Rights. Article 4 of the ICCPR spells out that no derogation from these provisions is permitted under any circumstances, including during public emergencies threatening the life of a nation. Furthermore, common Article 3 of the Geneva Conventions of 12 August 1949, concerning armed conflict not of an international character, prohibits inter alia the torture or killing of prisoners and other persons hors de combat be they civilians or disarmed combatants.

Amnesty International uses the term "extrajudicial executions" to describe unlawful and deliberate killings carried out by governments or with their acquiescence. These killings take place outside any legal or judicial framework.

The United Nations has repeatedly expressed its concern about and condemnation of extrajudicial executions, and it has called on governments to take effective measures to prevent them. For example, the Sixth UN Congress on the Prevention of Crime and the Treatment of Offenders adopted, in August 1980, a resolution in which it deplored and condemned: "the practice of killing and executing political opponents or suspected offenders carried out by armed forces, law enforcement or other government agencies..." This congress also affirmed that "such acts constitute a particularly abhorrent crime the eradication of which is a high international priority". In September 1985, the Seventh UN Congress called "upon all governments to take urgent and incisive action to investigate such acts, wherever they may occur, to punish those found guilty and to take all other measures necessary to prevent those practices..."

The Code of Conduct for Law Enforcement Officials, adopted by the UN General Assembly 17 December 1979, states that "In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons" (Article 2). The Code further provides that "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty" (Article 3). The Commentary to this article contains, inter alia, the following observations: "The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities". The Code also reiterates the absolute prohibition on acts of torture by law enforcement officials under all circumstances, including when ordered to commit torture by a superior official (Article 5).

On 10 December 1984 the UN General Assembly adopted by consensus the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Convention has now been ratified or acceded to by 28

governments and signed by 37 others. Among its provisions is the obligation for states to undertake a prompt and impartial investigation "wherever there is reasonable ground to believe that an act of torture has been committed", even in the absence of a complaint by the victim (Article 12)

Article 9 of the UN Declaration Against Torture, adopted by the General Assembly on 9 December 1975, specifically sets out the responsibilities of governments to investigate allegations of torture: "Wherever there is reasonable ground to believe that an act of torture as defined in Article 1 has been committed, the competent authorities of the State concerned shall promptly proceed to an impartial investigation even if there has been no formal complaint".

Both the UN Declaration against Torture and the Convention against Torture clearly establish that governments have a responsibility to intervene actively to ensure that allegations of torture are promptly and fully investigated. Amnesty International considers that governments should be vigorous in this regard: the existence of a formal complaints machinery does not mean that torture victims will necessarily complain. Detainees and former detainees may be reluctant to use available machinery because they fear reprisals from the security forces or because they believe their complaints will be ignored or dismissed. They may believe that the word of a security official will be given more weight in court than their own testimony. The government itself must therefore actively investigate all complaints and reports of torture and ill-treatment.

Amnesty International also considers that governments should make active efforts to provide compensation to torture victims. The "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power", adopted by the UN General Assembly in 1985 in Resolution 40/34, provides in point 11 that "Where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted".

Amnesty International believes that the legal provision of habeas corpus is one of the most important safeguards against extrajudicial execution and torture, and that prolonged incommunicado detention may facilitate these abuses. These considerations are also reflected in international human rights standards.

Article 9 of the Universal Declaration of Human Rights proclaims that: "No one shall be subjected to arbitrary arrest, detention or exile". Article 9 of the ICCPR states: "Anyone who is arrested shall be informed, at the time of his arrest, of the reasons for his arrest and shall be promptly informed of any charges against him". It specifies that "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release"; and that "Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful".

Rule 92 of the UN Standard Minimum Rules for the Treatment of Prisoners provides that untried prisoners shall be allowed to immediately inform their families of their detention. Rule 93 of the UN Standard Minimum Rules for the Treatment of Prisoners provides that "For purposes of his defence, an untried prisoner shall be allowed...to receive visits from his legal adviser and to prepare and hand to him confidential instructions...Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official".

### **6.3 AMNESTY INTERNATIONAL'S COMMUNICATIONS WITH THE GOVERNMENT**

Since June 1987 Amnesty International has brought allegations of unlawful killing, torture, arbitrary arrest and unfair imprisonment in several parts of the country to the attention of the Burmese Government. The organization has urged both central and local authorities to examine these allegations, and has requested a response. It has also repeatedly approached Burmese diplomatic representatives in various countries and at the United Nations with a request to discuss its concerns and obtain the government's comments and views. Amnesty International regrets that it has so far received no response to any of these approaches.

### **6.4 GOVERNMENT REJECTION OF ALLEGATIONS OF EXTRAJUDICIAL EXECUTION**

However, on 11 February 1988 the Burmese Government denied allegations of extrajudicial executions in the Karen and Kachin States that had been brought to its attention by the United Nations Special Rapporteur on summary or arbitrary executions. In a letter, made public by the United Nations, responding to the rapporteur's request for information about these allegations the Government said:

"...allegations of summary or arbitrary executions in frontier areas of Burma...are totally unfounded...and...the authorities of the Socialist Republic of the Union of Burma, therefore, categorically reject those groundless allegations.

"The alleged malpractices are effectively prohibited by law as well as by tradition and customs in present-day Burma, whose tolerance and compassion are the hallmark of its culture. It is therefore entirely inconceivable that summary or arbitrary executions have taken place in Burma, where fundamental rights and freedoms of citizens are fully protected by constitutional guarantees and safeguards. No execution could take place in Burma without proper judicial process and comprehensive appeals procedure.

"...The personnel of the Burmese Army...are highly disciplined; [army] authorities always see to it that [army] members conduct themselves well, observe the prescribed code of conduct and respect the cultural traditions and customs of the local people..."

Amnesty International is concerned that the evidence contained in this report demonstrates otherwise. It believes that allegations of extrajudicial execution, torture and other ill-treatment by the security forces warrant serious further government attention and urgent preventative action. The organization has therefore formulated a detailed set of recommendations, which it believes that the Burmese Government should adopt to stop extrajudicial execution, torture and the arbitrary arrest and detention of minority peoples.

## **6.5 AMNESTY INTERNATIONAL'S RECOMMENDATIONS TO THE GOVERNMENT**

### **6.5.1 HIGH-LEVEL GOVERNMENT STATEMENTS AGAINST HUMAN RIGHTS VIOLATIONS**

The highest Burmese authorities, including the Council of State, the Council of Ministers and the heads of the army and police, should issue clear public statements of their total opposition to unlawful killings and torture. They should emphasize that extrajudicial execution and torture will not be tolerated under any circumstances, and that they are contrary to both international standards and Burmese law.

The highest authorities should determine and implement the measures required to ensure the effective enforcement of safeguards for the protection of human rights provided for in Burma's Constitution and legislation.

### **6.5.2 FULL GOVERNMENT INQUIRY/PROSECUTION OF RESPONSIBLE AUTHORITIES**

There should be an immediate impartial and independent inquiry into all reports of extrajudicial executions and acts of torture committed by the security forces in Karen, Kachin and Mon States. The inquiry's terms of reference, working methods, findings and recommendations should be made public in their entirety. Members of the inquiry should have full access to all necessary evidence. They should have powers to enforce the attendance and cooperation of witnesses and have the means to protect them, and should be able to make on-site investigations. The government should take all appropriate steps to protect complainants and witnesses, and in particular to ensure the physical safety of torture victims and relatives of victims of extrajudicial executions, as well as anyone giving information about such human rights violations. The government should also ensure that military and law enforcement personnel accused of human rights abuses be required to cooperate fully with the inquiry. These personnel should be removed from positions of authority over those bringing complaints or testifying before the inquiry until their alleged responsibility for human rights abuse has been clarified.

Such an inquiry could be conducted, as provided in Burma's Constitution and legislation, under the auspices of the existing inspectorate machinery or by a special commission created for the purpose by parliament or other authority. In either case, the government must ensure the absolute independence and

impartiality of the inquiry, and particularly its independence from the security forces. The Councils of People's Attorneys and of People's Justices should act promptly on the inquiry's findings. In particular, where there is evidence that members of the security forces are responsible for grave abuses of human rights, prosecution should ensue in all cases before the ordinary criminal courts in accordance with Burmese penal law and the fair trial standards established in international and Burmese law. Such personnel should also be removed immediately from any position in which they would come into contact with those claiming to have been the victims of abuses until such a time as allegations against them are clarified.

Amnesty International recognizes the difficulties inherent in ensuring prompt and impartial investigations when human rights violations are committed in remote and inaccessible villages; and that under such circumstances trial proceedings against alleged offenders may be complicated by language barriers and illiteracy. However, it must be recognized that it is precisely in those areas that extraordinary government efforts to pursue investigation and fair and speedy prosecution are most required. The organization believes that the conduct of a speedy and effective inquiry into allegations of extrajudicial killings and torture by an independent and impartial body, the publication of its findings, and the bringing to justice of those responsible are vital to demonstrate the government's determination that such abuses will not be tolerated and that the guilty will be punished. These measures would help prevent future such human rights abuses, even in the most remote areas.

**6.5.3 LEGISLATIVE REFORM AND ENFORCEMENT**

The government should review the need for new legislation to safeguard against extrajudicial execution and torture. It should consider legislation amending such laws as the Law Protecting the State From Threat by People Wishing to Undermine It, to require that political suspects detained by whatever authority, including the army, be brought before an independent judicial authority within 24 hours of arrest, as is supposed to be the normal rule for criminal suspects in Burma. Legislation should guarantee the right of habeas corpus by specifying that judicial organs are required in every case to rule on the legality of prisoners' arrest and detention and to order their release if it is illegal. It should also require that detainees be told the reasons for their arrest at the time of arrest and be promptly informed of any charges against them. Legislation should further amend relevant existing laws, including the Law Protecting the State From Threats by People Wishing to Undermine It, to ensure that people cannot be held in prolonged incommunicado detention, and that all those detained be granted prompt and subsequent regular access to relatives, medical professionals and lawyers, with whom they should be able to communicate in private.

Appropriate new legislation should establish strict control, including clear and legally defined chain-of-command responsibilities, over all military and law enforcement personnel who are involved in the arrest, custody or

interrogation of prisoners, or who are authorized to use deadly force. Procedures for arrest, interrogation and custody by military and law enforcement personnel should be set out precisely in law or in written regulations, and kept under regular review. Procedures relating to the use of firearms by all military and police personnel involved in law enforcement should similarly be established, according to the principles in the UN Code of Conduct for Law Enforcement Officials, and the procedures should be made widely known. Reports should be made to both superior officers and appropriate civilian authorities immediately after each occasion on which firearms are discharged during law enforcement operations. Legislation should establish that prisoners detained by the army may not be kept in conditions amounting to cruel, inhuman or degrading treatment. The conditions of these places of detention should conform with those described in the UN Standard Minimum Rules for the Treatment of Prisoners.

Legislation should require strict observance of Article 8 of the UN Code of Conduct for Law Enforcement Officials, which states that such officials shall "to the best of their capability, prevent and rigorously oppose any violations" of law and human rights and, if they have reason to believe that a violation of the Code of Conduct has occurred, "shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power". An agency independent of the security forces should be designated the "appropriate authority" to receive such reports, and military and police personnel should be legally required to report any extrajudicial execution or act of torture to it. This agency either could be part of the existing inspectorate machinery or a new body established by parliament or other authority.

All necessary steps should be taken to ensure that legislative reforms are accompanied by effective efforts to ensure their implementation and enforcement.

#### **6.5.4 IMPROVED TRAINING OF SECURITY FORCES**

The training of military personnel performing law enforcement functions should be reviewed. The review should ensure that the training of all military and police personnel includes instruction on international human rights standards. Training should emphasize to all military and police personnel that the arbitrary deprivation of life and torture are criminal acts which will be punished and that military and police personnel are obliged to refuse any order to commit such acts. Particular emphasis should be placed on the protection of the right to life. The UN Special Rapporteur on summary or arbitrary executions, in his fifth report to the UN Commission on Human Rights, recommended that governments: "Emphasize the importance of the right to life in the training of all law enforcement personnel and inculcate in them respect for life". The government could consider incorporating in the training of military personnel strict instructions to use firearms only as a last resort and when strictly necessary. Law enforcement officers should be clearly instructed to refuse to obey orders to carry out extrajudicial executions or torture.

### **6.5.5 COMPENSATION FOR VICTIMS AND THEIR RELATIVES**

Victims of torture or the dependants of people unlawfully killed by military or police personnel should receive adequate financial compensation. This is already provided for in Burmese law. Victims of torture should also be provided with appropriate medical care or rehabilitation.

### **6.5.6 PROVIDING ACCESS AND INFORMATION TO INTERNATIONAL BODIES**

The Burmese Government should consider granting full access to minority areas to appropriate international observers, including representatives of international human rights and humanitarian organizations. Such access should include permission to visit military camps and meet political detainees held in military detention centres. The government should provide comprehensive and up-to-date information about the human rights situation in minority areas to relevant UN bodies and officers, including the UN Special Rapporteurs on summary or arbitrary executions and on torture, and consider inviting them to visit the country.

### **6.5.7 RATIFICATION OF INTERNATIONAL HUMAN RIGHTS INSTRUMENTS**

In order to help secure effective protection for human rights, not only in minority areas but throughout the whole of Burma, the government should accede to the International Covenant on Civil and Political Rights, together with its Optional Protocol, and the International Covenant on Economic, Social and Cultural Rights. It should also sign and ratify without reservations the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### **6.5.8 DIVISION OF DETENTION AND INTERROGATION RESPONSIBILITIES**

Responsibilities for administering the detention of political suspects should be removed from military and police personnel who carry out arrests and interrogation and re-assigned to separate authorities independent of the security forces.

### **6.5.9 COMPREHENSIVE PUBLIC RECORDS OF ARREST AND DETENTION**

Township, state and central authorities should compile and make publicly available regularly updated records of all people taken into custody, whether by the military or the police, specifying the places where they are kept so that relatives, civilian authorities, the courts, lawyers and other interested parties can be promptly informed of the arrest and detention, receive necessary information about their conditions of detention and verify their legal status.

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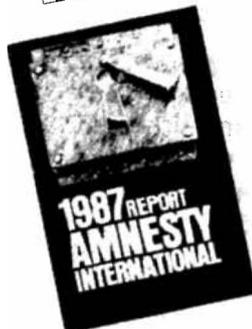
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## **BURMA: EXTRAJUDICIAL EXECUTION AND TORTURE OF MEMBERS OF ETHNIC MINORITIES**

**Amnesty International has unearthed evidence of little-known, but massive human rights violations in Burma. The victims are members of the country's ethnic minorities, thousands of whom have fled across its borders in search of safety.**

**The evidence comes from Karen, Mon and Kachin ethnic minority people, mostly villagers and rice farmers, who have sought refuge in Thailand. They have brought with them horrific accounts of Burmese soldiers killing and torturing at will and totally outside the law.**

**These abuses have occurred in the course of counter-insurgency operations against armed groups which, for many years, have been fighting for greater autonomy for Burma's minorities.**

**In November 1987 Amnesty International visited Thailand and gathered testimonies from refugees describing almost 200 cases of unlawful killing, torture and ill-treatment, which are published in this report.**

**The testimonies detail 60 cases of what Amnesty International believes were extrajudicial executions of ethnic minority civilians by army units assigned to counter-insurgency duties.**

**Burma has not ratified any of the major international human rights treaties or covenants. In this, the 40th anniversary year of the Universal Declaration of Human Rights, such ratifications would be a positive demonstration of the government's commitment to protect human rights. Amnesty International urges the Burmese Government to launch a full-scale inquiry into the reports of killing and torture and to allow qualified independent human rights investigators full access to the areas where abuses are widespread.**