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# MYANMAR

## @ "NO PLACE TO HIDE"

### Killings, abductions and other abuses against ethnic Karen villagers and refugees

*"I've heard that the DKBA [a breakaway armed Karen group allied with the military government] want to take the refugees back, and if we didn't go back they'd take us back. I saw a leaflet which the DKBA issued. It said: 'Every Buddhist from this camp has to go back to Burma and join with us. If you don't then you must be a Christian. If so, your future is in doubt. You will have to die with the Christians. We will eliminate all the Christians.' Now I suspect the DKBA will come again to this camp... We've heard a rumour that if the camp doesn't go back after New Year [April 13-15], we'll be in trouble. We've also heard that if we don't go back, then they'll burn down the whole camp. But we have no place to go, no place to hide..."*

*"What will I do if the DKBA come again? If they burn my house, then I'll build a small house in its place. If they take us, we won't go. If they shoot us, we'll have to die... Everyone is troubled, depressed. But our whole lives have been full of problems so problems are not strange to us."*

A 38-year-old Buddhist unmarried woman from Mae Ta Waw refugee camp told Amnesty International of her fears, echoed by many other refugees the organization spoke to. She had lived in Mae Ta Waw since 1986. She had been forced to flee her village in Hpa-an district after her house had been twice destroyed, four of her friends killed, and the *tatmadaw* [Myanmar army] commander had ordered her to sleep with him on pain of death.

#### Introduction

The human rights situation in Myanmar's Kayin (Karen) State has deteriorated sharply since December 1994 when the Democratic Kayin Buddhist Organization (DKBO) broke away from the armed ethnic minority group, the Karen National Union (KNU). After the split the State Law and Order Restoration Council (SLORC, Myanmar's ruling military authorities) decided to support the DKBO and renew its offensive against KNU bases in the eastern part of the Kayin State. Hundreds of civilians were arbitrarily seized by Myanmar's armed forces and forced to carry heavy loads for them. Porters were beaten and sometimes even killed if they could no longer carry their loads.

As a result of the offensive, at least 10,000 refugees fled to Thailand from previously KNU-controlled areas. Beginning in February 1995 DKBO and SLORC forces began to attack refugee camps in Thai territory, abducting and killing a number of refugees in the process. Thousands of refugee homes were burned, leaving thousands homeless. Amnesty International is gravely concerned about the future of over 70,000 refugees, who are at risk of a full range of human rights violations, including forced portering, torture and killings, if they return to Myanmar.

This report is concerned mainly with events since November 1994 in the Kayin State and adjoining areas of Thailand. It is based on evidence collected by Amnesty International in Tak and Mae Hong Son provinces of Thailand in March and April 1995. Amnesty International regrets that, despite repeated requests, it has not been granted permission to visit Myanmar.

## Background

In early 1995 Myanmar's ruling State Law and Order Restoration Council (SLORC) decided to provide political and military backing for the Democratic Kayin Buddhist Army (DKBA), a breakaway faction of the Karen National Union (KNU), and to re-launch large-scale offensive activities in Kayin (Karen) State. This decision has had serious human rights ramifications for both the population there and the Karen refugees in neighbouring Thailand.

As in previous large-scale offensives, thousands of civilians were arbitrarily detained and forced to act as porters for the Myanmar army, the *tatmadaw*. As in former years, the porters were subjected to systematic ill-treatment, frequent beating and, in some cases, extrajudicial killing if they could no longer carry their appointed load.

The *tatmadaw* often uses counter-insurgency tactics, sometimes involving the torture and summary execution of anyone suspected of links with the KNU. The recent offensive has granted the *tatmadaw* access to a large number of previously KNU-controlled villages. This shift in control forced the population of such villages into making the choice of either risking ill-treatment and death at the hands of the *tatmadaw* or of leaving their homes and land for a Thai refugee camp. Faced with such a choice, at least 10,000 Karens entered refugee camps in the first three months of 1995. A number of these are also fleeing the *de facto* impunity that the *tatmadaw* has to abuse the population even in areas controlled by the government.

After wresting control of Myanmar territory along the Thai border away from the KNU, the SLORC and particularly the DKBA have launched a series of increasingly large-scale armed incursions into the refugee camps which are generally situated within a few kilometres of the border. These incursions, which resulted in the abduction and death of a number of refugees and the burning of thousands of refugee homes, are explicitly designed to terrify the refugees into returning to Myanmar and thus to deprive the KNU of its supposed civilian base. In February and March 1995, these incursions normally involved 20-30 troops and generally had the aim of abducting and forcibly repatriating senior civilian KNU Buddhist officials and camp administrators. Since mid-April 1995, however, the incursions often involved hundreds of soldiers and the burning of entire refugee camps. The DKBA have also been responsible for several random acts of violence or crimes against Karen refugees and local Thai villagers.

## Political context

The KNU has been fighting an armed insurgency for greater self-autonomy or independence since 1949, the year after Myanmar's own independence from the United Kingdom. The persistence of the insurgency, whilst related to long-standing ethnic tensions between the majority Bamar (Burman) and the minority Karen (Kayin) largely reflects the problems that Myanmar has had in establishing a political system agreeable to both the Bamar-dominated centre and the ethnic minorities who populate much of Myanmar. Since coming to power in a military coup in 1988, the SLORC, Myanmar's ruling military authorities, has initiated a "national reconciliation process" and signed ceasefire agreements with 14 ethnic insurgent groups. These ceasefires appear to be agreed on an individual and military basis, supported by promises of SLORC development aid; political issues are left to be decided by the on-going National Convention and a future parliament. In April 1992, following the failure of a large-scale military offensive against the KNU's few remaining bases on the Myanmar-Thai border, the SLORC declared that it was unilaterally suspending all military operations against the KNU and offered to hold talks. The SLORC and the KNU proceeded to hold preliminary meetings over the following two years but little progress was made.

### *The Democratic Kayin Buddhist Organization*

On 21 December 1994, a few hundred Buddhist members of the KNU's armed wing, the Karen National Liberation Army (KNLA), formally split from the KNU and set up a new movement, the DKBO (Democratic Kayin Buddhist Organization). The DKBO's founders claimed they had been subject to religious persecution and oppression by the Christian-dominated KNU leadership.<sup>1</sup> The allegations concerned the KNU's attitude towards the missionary activities of a Buddhist monk, U Thuzana. Since 1992 U Thuzana had reportedly sought to build pagodas in a series of strategic KNLA military positions and had reportedly attempted to persuade villagers to join a vegetarian refuge in which they would be provided with food and could not be enlisted as porters or soldiers by either the KNLA or the SLORC. At the same time, the DKBO also drew on certain long-standing grievances about the position of Buddhists within the Karen movement and about the treatment of foot-soldiers by KNLA military commanders, as well as on widespread war-weariness. After the DKBO side detained KNU negotiators and then renounced a compromise agreement reached on 15 December 1994, limited armed clashes began. At the same time, as KNLA forces were withdrawn to deal with the DKBO mutiny, the *tatmadaw* attacked a number of KNLA positions. When a KNU deadline for the DKBO to lay down their weapons expired on 1 January 1995, the KNU attacked DKBO positions, at which point the DKBO and its armed wing, the Democratic Kayin Buddhist Army (DKBA), formally enlisted the support of the SLORC, whose covert involvement had been alleged by the KNU for months. As Lieutenant General Khin Nyunt, Secretary-1 of the SLORC, said in a speech in Hpa-an, the capital of Kayin State, on 1 February:

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<sup>1</sup> **The Karen population and the KNLA is majority Buddhist with significant animist and Christian minorities, whereas the KNU leadership is overwhelmingly Christian. The Karens themselves, who are estimated to number some three to four million people in Myanmar and approximately 200,000 in Thailand, comprise various ethnic sub-groups, of which the Sgaw and Pwo Karen are the most numerous.**

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*"[T]he attitude of the DKBA group...was to put an end to the suffering of the people that had gone on because there was no peace in Kayin State. So, they asked for help from the tatmadaw to drive all those who did not want peace out of the region. So, for the sake of peace and tranquility in Kayin State and security of life of the people, the tatmadaw provided necessary assistance to the DKBA group...[A]s the attitude and concept of the DKBA group which has broken away from the KNU group are in accord with its own attitude and concept, it has given necessary assistance."*

With the support of the DKBA, the SLORC launched a huge military offensive against the KNU's remaining bases on the border of Kayin State and Thailand, including its headquarters, Manerplaw. Although independent sources and escaped porters claim that tens of thousands of the SLORC troops were involved in this offensive, the Myanmar authorities have portrayed the capture of Manerplaw and Kawmoorah in particular as DKBA victories. Myanmar state television described the fall of Kawmoorah on 21 February without reference to the *tatmadaw*, calling it a purely DKBA operation.

According to a submission by Myanmar to the UN Human Rights Commission dated 13 February 1995:

*"While the DKBO launched its assault on Manerplaw, the tatmadaw units secured the rear with the aim of protecting nearby villages from attack by KNU remnants ... Hence the fall of KNU headquarters at Manerplaw was the culmination of internal dissent and split in the KNU, and the armed conflict between the Buddhist Kayin forces (DKBA) and the KNU leadership. This armed conflict was due to the discontent of progressive elements who yearn for peace and (the) religious persecution of Buddhist Kayins by the KNU leadership. It needs to be stressed that the Manerplaw headquarters was captured by the DKBA forces and that the Myanmar tatmadaw was not involved in the military assault on Manerplaw. The Myanmar tatmadaw confined itself to giving only logistic support to the DKBA..."*

Similarly, since the DKBA commenced cross-border attacks against refugee targets in Thailand in early February 1995, the SLORC has repeatedly declined all responsibility for such actions. On 7 May, for example, the Bangkok-based *The Nation* newspaper published a letter from the Myanmar Embassy deploring the newspaper's 4 May headline "Burmese raiders kill 3 [Thai] policemen". The letter explained:

*"The raiders the newspaper wished to refer to are, in fact, members of the DKBA, a breakaway faction of the KNU. The recent incursions of the DKBA into Thai soil are neither backed by the Myanmar Government nor are its armed forces involved in any way. The DKBA is solely liable for these incursions. The Myanmar Government is not in a position to control the activities of the DKBA, which still have to come into the legal fold. At the same time, it is understandable for us that whatever action taken by Thai security forces to defend its territory from the DKBA is within its rights."*

Nonetheless, while no formal peace agreement or alliance has been signed between the SLORC and the DKBA, the Myanmar authorities has evidently given the DKBA strong military and

political backing. It has mounted joint counter-insurgency operations and, according to refugees, joint incursions into Thailand with the *tatmadaw*. It operates from the SLORC military bases, including Mae Ta Waw, and wears the SLORC uniform except with a DKBA badge. It controls no territory of its own, operating only in government-controlled areas; its headquarters, Myaing Gyi Ngu, is very close to a major Government military base. The DKBO has also enjoyed considerable propaganda support from the SLORC media, who have portrayed the group not in religious terms but rather as those who desire peace and who oppose the "selfish murderer" General Bo Mya, the KNU's long-time leader. Various official SLORC media ran a prolonged series of articles along these lines entitled "Whither the KNU?" describing the circumstances of the DKBO's emergence. The message was also conveyed by SLORC spokesmen. In a press conference on 3 February, Col. Kyaw Win, Deputy Director of the Military Intelligence Service, declared:

*"[T]he DKBA members became convinced that as long as there was a KNU leadership led by Nga Mya [derogatory term for Bo Mya], the Karen people would suffer so they began attacking Nga Mya's base camps...The DKBO enjoys the full support of the people because its objective for a peaceful and developed Karen State is correct and it has achieved victory with the support and assistance of the Defence Services."*

At the same time, Myanmar's state-controlled media have lent extended support to the DKBA's attempts to persuade or force the refugees to return. On 2 March, for instance, *Radio Rangoon* reported that since the capture of Manerplaw and Kawmoorah by DKBA forces:

*"[T]here has been peace and tranquillity in the Manerplaw region...after learning about the genuine goodwill of the government, persuasion by the peaceloving DKBA, assistance by the Defence Services and the warm welcome by the people, DKBO families and Karen national families have been trickling back to Myaing Gyi Ngu (from the so-called KNU refugee camps)...Altogether 9,945 refugees...have returned as of today...Temporary shelters, medical treatment and welfare shops have been opened for DKBO members and other refugees who return to Myaing Gyi Ngu village. Furthermore, the government's Ministry of Progress of Border Areas and National Races and Development Affairs has been planning a dispensary, school and civil development works for Myaing Gyi Ngu village."*

This collaboration was openly confirmed by DKBA leaders in interviews with Thai journalists on 29-30 April 1995. According to Captain Tu Na, a tacit agreement with the SLORC lay behind the DKBA's attacks on the refugee camps:

*"We are working with the troops of the SLORC. When all Karen refugees come home, we'll ceasefire and the SLORC promises to pull its troops out of border areas. Karen people will then be permitted to set up their own government to live peacefully and the border will be fully opened for trade with Thailand."*

Another DKBO official added that senior SLORC officials, including Lieutenant General Khin Nyunt and South-East Military Commander, Major General Ket Sein, always coordinate work with the DKBO's patron, U Thuzana, to welcome back the refugees.

From the information presently to hand, therefore, Amnesty International believes the DKBA to be effectively operating with the consent and assistance of the Myanmar authorities in its territory.

The organization believes that the SLORC has a responsibility to ensure that the DKBO stops committing human rights abuses, including the abduction and the killing of civilians. The SLORC should also ensure that the DKBO abides by international humanitarian law, and in particular by the terms of Common Article 3 of the 1949 Geneva Conventions, which stipulate that civilians be humanely treated in non-international armed conflicts.

### **Attacks by the DKBA and the SLORC on Karen refugees**

#### ***Abduction and forcible return***

By the beginning of 1994 there were approximately 60,000 Karen refugees in Thailand in over a dozen camps situated close to the border with Kayin State, many of them directly on the Moei or Salween Rivers.<sup>2</sup> Most of these refugees have fled in the past 10 years since the *tatmadaw* launched its first major offensive against the KNU border bases in 1984. They are not considered as "refugees" by the Thai authorities but rather as "displaced persons" fleeing armed conflict. The UN High Commissioner for Refugees has been granted no official role in the protection of the large Karen refugee population. Because previously the territory on the Myanmar side immediately adjoining the border camps was controlled by the KNU, the refugees were sometimes able to cross the border to farm land or otherwise make a living in Myanmar whenever the military situation permitted. In this sense, except for receiving food, medical and other assistance from international humanitarian agencies, they were little different from the large number of villages in KNU-controlled areas on the Myanmar side of the border. These villages were also very largely populated by internally displaced people from further inside Kayin State who had fled the *tatmadaw's* advances and accompanying gross human rights violations over the past two decades.

It was this internally displaced population which overwhelmingly made up the newly-arrived refugees of early 1995. As the SLORC took advantage of the split within the KNU to launch its offensive, at least 10,000 Karens from a large number of villages close to the border fled to Thailand between January and April. For many of them the move across an international border was just the latest of half-a-dozen displacements they had undergone over a number of years to avoid the advancing government forces. In most cases, given their previous experiences with the Myanmar army, they fled as soon as they knew of the military's advance towards their respective villages.

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**<sup>2</sup>There were also close to 1000 Karens among the refugee population from Mon State further South.**



In 1995 the SLORC and their DKBA allies gained control of the border area – particularly the Salween and Moei rivers which for long stretches constitute the international border. For the first time, the Myanmar authorities had the physical capacity to reach the refugee camps. Almost immediately following the capture of Manerplaw and surrounding areas on 27 January 1995, DKBA and in some cases the SLORC troops began crossing the border. Initially these incursions involved attempts to persuade relatives or acquaintances of DKBA to return, and the looting of the refugee camps and sometimes Thai villages. By early February threats of violence were being made against refugees who refused to return. These threats and incursions, combined with the difficulties of re-supply for camps along the river, caused a number of the refugee settlements to move a few kilometres further inside Thailand.

Between 9 February and 15 March the DKBA, sometimes supported by the SLORC soldiers, mounted a series of deliberate abductions and attempted abductions of prominent KNU civilian officials or camp administrators. These attacks, which led to a number of refugee casualties, were invariably led by former refugees who had joined the DKBA in December or January and who were now returning to their old camps. These attacks affected those settlements from where a number of people had joined the Buddhist forces, most notably, Mae Ta Wah, Ka Htee Hta and Mae La. At the same time, the first killings occurred, either in the context of attempted robberies or abductions or along roads leading to the camps in what appears to have been a deliberate attempt to terrify the refugees or those trying to assist them.

This combination of selective terror, continued threats, and promises of land and security for returnees, has led a significant number of largely Buddhist refugees to return. However the DKBA's goal was the return of all the Karen refugees. As a local DKBA leader, Captain Tu Na, explained to a Thai newspaper, the *Bangkok Post*, on 30 April:

*"We arranged the Mae Ta Wah military camp to welcome back Karen refugees and began trying to persuade them to come home a few months ago. But they remained in Thailand. So we had to take violent measures by attacking and setting refugee camps ablaze."*

After a period of calm preceding the traditional New Year festival in mid-April, hundreds of DKBA and, allegedly, SLORC troops entered Thai territory in order to attack and burn down refugee settlements. These armed incursions, undertaken despite protests from the Royal Thai Government and army, have left tens of thousands of refugees homeless and caused the death of at least three refugees. An unknown number of refugees have been forcibly repatriated by the DKBA forces, although some have subsequently escaped back to Thailand. Thousands more have decided to return to Myanmar given the threats posed to them by the DKBA if they remain in the camps. On 2 May, Thai authorities announced that they had decided to relocate the refugees further from the border in an attempt to avoid further attacks. According to a 9 May report in *The Nation*, Major Toe Hlaing, a DKBA local commander, announced on 8 May that the DKBA would no longer attack refugee camps in Thailand, and agreed with the Thai plan to move the refugees away from the border.

Amnesty International strongly condemns the deliberate and arbitrary targeting of non-combatants by either side of a non-international conflict. It calls on the DKBA to abide by Common Article 3 of the Geneva Conventions, which states that persons not taking an active part in hostilities must be treated humanely, and to release all those still detained. It calls on the Myanmar authorities to ensure that the DKBA does not commit any further abuses against civilian Karens, both inside Myanmar and in Thailand, and that those found responsible for such abuses are brought to justice.

### *Incidents prior to February 1995*

Even before the split within the KNU and the major SLORC territorial advances which followed it, Karen refugees or villagers living by the Moei river and crossing to the Myanmar side could occasionally fall victim to unexpected SLORC military patrols. This reportedly happened on a number of occasions to refugees living in Don Pa Kiang camp and the nearby village of Ka Nu Sa, on the Moei river 19 kilometres north of Mae Sot.

On one such occasion, at noon on 29 October 1994, four Karen refugees were reportedly fishing at a small lake a few yards from the Moei river, on the Myanmar side, when they were surprised by a *tatmadaw* patrol. According to Amnesty International's information, as the soldiers from Light Infantry Battalion (LIB) 9, under Division 44, shouted and opened fire, the refugees ran to the river and attempted to cross back to Thailand. Two were reportedly shot dead whilst doing so. Ah Toe, aged 25, was hit by bullets whilst attempting to swim across and sank into the water. He was a villager in Noe Pah Doe and had been due to be married on 3 November, five days later. Day Thoe, a 27-year-old bachelor who lived in Don Pa Kiang refugee camp and worked as a school teacher at Noe Pah Doe primary school, reportedly tried to ride a boat across the river but was shot in the chest and fell into the river. His body was only recovered on 31 October and his funeral took place the next day. According to Amnesty International's sources, none of the refugees had been armed and none had offered any resistance to the soldiers.

2. Noe Pah Doe's body being retrieved from the river.

*Initial incursions and abductions - early February 1995*

Attacks against refugees in Thailand began in February 1995. Almost immediately after capturing the western bank of the Salween river at the beginning of February, the SLORC and DKBA forces started crossing over and harassing refugees living just inside Thailand. At Pu Mya Lu village, south of Mae Samlaep, 20-25 DKBA soldiers crossed from Myanmar about two weeks after the fall of Manerplaw. According to a 52-year-old woman, all the Karen villagers and refugees, and some Thai soldiers based nearby, hid in the jungle or the bushes as the DKBA entered Pu Mya Lu.

*“Only one young man, called Saw Hta Gay, about 14-18 years old, did not leave. He was asleep and so was captured by the DKBA and taken over to the Burmese side. They apparently didn’t tie him up but as they had weapons he could not refuse. The DKBA then went into people’s houses and took anything of value, anything new, such as clothes, the village generator, a sewing machine and a boat.”*

According to unconfirmed information, Saw Hta Gay was first detained at the DKBA-controlled village of Thoo Mweh Hta and subsequently taken to Myaing Gyi Ngu. Following the incursion, everyone left Pu Mya Lu and returned only to fetch belongings. The next day, and for successive

days thereafter, five to 10 DKBA soldiers reportedly returned to the empty village, apparently hoping, unsuccessfully, to capture three refugees in particular: two who owned a motorboat and a third who worked for a KNU-affiliated timber company.

At Ka Htee Hta camp, further north on the Salween, DKBA troops first entered on the evening of 7 February, after the SLORC had shelled and taken the village of U Thu Hta on the opposite bank. Ten armed soldiers came and persuaded five families, relatives of DKBA combatants, to return with them to Myanmar. They reportedly told other refugees that all Buddhists must return to Myanmar.

Two or three days later, by which time most of the refugees had fled Ka Htee Hta and moved to another site further inland, about 30 SLORC soldiers, reportedly accompanied by four former camp residents who had joined the DKBA, entered the old camp and proceeded, over the next two days, to loot remaining property, burn some of the houses, and take the remaining 400 rice sacks back across the river. A further 15 refugee families, nearly 100 people, were reportedly persuaded to return on 10 February.

At the same time, as the SLORC and the DKBA continued their large-scale offensive, including against the KNU base of Kawmoorah, shells fell in or close to refugee camps at Mae Paw Moo Hta, Mae Samlaep and Wangka, though causing no casualties. Leaflets urging or warning people to return and join the DKBO began to be circulated in the refugee camps. One particularly widely-circulated letter, signed by Kyaw Win *aka* Soe Thit Sa Ti of the DKBO (Special Forces), stated that:

*"All Buddhists from the refugee camps must leave and return to Myaing Gyi Ngu. All Buddhist families who return to Myaing Gyi Ngu are being received and taken care of in everything. Daily, people from refugee camps are returning...Those who still remain in the refugee camps will be considered as anti-Buddhist KNU and will be destroyed. Families wishing to return will be received at Myawaddy and sent to Myaing Gyi Ngu free of charge."*

At the same time, state-controlled Myanmar media continually reported a stream of refugees returning from "KNU-controlled camps", claiming that 1,020 refugees had returned by 12 February.

### **Abductions of KNU officials and camp administrators**

From early February to mid-March, the DKBA, sometimes supported by the SLORC troops, made a series of incursions against various refugee camps with the intention of abducting and forcing prominent KNU civilian officials and camp leaders. These included Buddhist leaders, medical personnel, and camp officials. In two cases, civilian Christian KNU leaders were abducted, one of whom was killed and the other severely beaten. In another case, an attempted abduction of a camp leader led to the shooting death of a relative. Amnesty International believes those abducted to be victims of arbitrary detention and calls for their immediate release.

***Abduction of Phado Mahn Yin Sein and Win Sein; possible extrajudicial killing of Jeffrey Win***

On the night of 9 February 1995, at about 8.45 p.m., seven DKBA soldiers entered Mae La refugee camp in Tha Song Yang district, Tak province. They abducted four people from two houses: Mahn Yin Sein, around 60-years-old, the most senior civilian Buddhist official in the KNU and KNU chairman of Hpa-an district; his son-in-law Aung Maung Aye, joint-secretary of Hpa-an district; Win Bo, Mahn Yin Sein's 18-year-old nephew; and Jeffrey Win, about 52- years-old, deputy KNU judicial officer for Hpa-an district and the only Christian among the four. Mahn Yin Sein was reportedly listening to the radio at the time; the others were watching the television. All four were abducted at gunpoint and their hands bound. Aung Maung Aye was then compelled to drive his fellow captives and the DKBA the 30 kilometres back to Myanmar. As he was driving, Aung Maung Aye deliberately rammed the car into a ditch and managed to escape with slight injuries, but the other three were taken on foot to Myanmar. Reports differ on what happened thereafter. According to an article published in various official SLORC media, including on state radio on 16 February :

*"Jeffrey Win fought back and tried to escape but was shot and killed by the DKBA. Phado Mahn Yin Sein and Win Bo went and paid obeisance to the Myaing Gyi Ngu Sayadaw [U Thuzana] and drank water of allegiance and joined the DKBO. This brought about the complete disintegration of the Hpa-an district branch of the KNU Central Committee."*

The same report also purported that the DKBA unit had been invited to come to Mae La aka Baigalaw camp by Mahn Yin Sein:

*"What actually happened is that Corporal Maung Soe's group from the DKBA was in [Mae La] because they were contacted and called in by Phado Mahn Yin Sein."*

Yet another article in the same series "Whither KNU?", published in *The New Light of Myanmar* on 15 February contradicted the radio broadcast:

*"On 9 February 1995 Corporal Maung Soe and eight men of the Kayin armed personnel raided the Baigalaw Refugee Camp in the other country...They abducted Hpa-an District President Phado Mahn Yin Sein and Phado Jeffrey Win."*

Jeffrey Win, a Christian of Sgaw Karen ethnicity, was married with one daughter. The present whereabouts of Mahn Yin Sein, who is a former KNLA soldier of Pwo Karen ethnicity born in Shwegun township, Hpa-an district, are unknown, although rumours of his death are circulating in the camps. Various sources also deny that Mahn Yin Sein has joined the DKBO and point to the fact that since mid-February there has evidently been no mention of him in any DKBO or the SLORC propaganda. He is married with two daughters and three grandchildren.

On 13 February 1995, four days after the original abduction, a number of DKBA soldiers reportedly tried to re-enter Mae La camp but were repelled by security guards. According to the Thai newspaper, *The Nation*, they were apparently seeking to abduct Aung Maung Aye and the camp leader, Saw Law Hti. Aung Maung Aye has also reportedly been the subject of later death threats from a DKBA officer.

### *Abduction of Sein Tun and Hti Law Paw*

In the early morning of 2 March 1995 about 30 uniformed armed men, at least 10 of whom were identified as DKBA and the rest as SLORC soldiers, crossed the Moei river and the main provincial highway and entered Baw Noh camp, one section of Mae Ta Waw refugee camp (opposite the SLORC-DKBA military base of the same name). Whilst 20 of the men remained on surrounding small hills, 10 entered the camp and went to the house of Sein Tun, a mid-level Buddhist KNU leader who like many other KNU officials kept his family in the refugee camps. They abducted Sein Tun and his eldest daughter, Hti Law Paw at gunpoint, and forced them to return with their abductors to Myanmar. Nothing has been heard of either since their abduction.

Sein Tun was, at the time of his abduction, the KNU judge for Hlaingbwe district, where he had been born in Tarmaoya village approximately 50 years previously. He was married with three children. His eldest daughter, aged about 30 and unmarried, was a trader, not an official, but is believed to have been abducted in order to encourage Sein Tun's entire family to return. Witnesses told Amnesty International that the DKBA had also gone to the house of another KNU official from Hlaingbwe, township secretary Thauk Kyar *aka* Pado Friday, but the house was empty. The armed men allegedly stole some refugees' belongings and left a note threatening to return and burn down Baw Noh camp on 5 March unless the refugees returned.

As the DKBA and the SLORC soldiers were abducting Sein Tun and Hti Law Paw close to the camp entrance, two men walked past at about 1.50 a.m. The soldiers opened fire, wounding Ah La, a Thai Karen who lives at Mae Ta Waw village, in the leg and Phar Day Lu, a refugee who was walking Ah La home, in the leg and hip. The soldiers then fled, leaving the two injured men on the ground.

### *Abduction of "Uncle Jolly"*

On the night of 2 March 1995, 30 armed men attacked another section of Mae Ta Waw camp, Ber Lu Ko, at least 10 kilometres north of Baw Noh. Their original intention appears to have been to loot and threaten the refugees. One 38-year-old woman described what happened when the men, including a former refugee she had known, came to her house:

*"They came at night, at 9 p.m....Maung Sein Pye kicked at my door and came into my house with five others. He said 'Everyone, don't move. Don't go out of the house; if you go against this order, I'll kill you.' Then they searched all the rooms in my house. At first I didn't know who they were. They took 1,700 baht [US\$ 68] and a cassette recorder and then asked 'if you have a gun, tell me!' I said 'there's only me and I have no gun.' They saw the Buddhist chest and so realized I was Buddhist and then said to me '...you are Buddhist but you are influenced by the Christians, you're more interested in Christianity.' I replied that I wasn't going to change my religion. Then they said: 'Don't leave the house. If you leave, we might shoot you.' ... All the six I saw were DKBA, Karen, but other people in the camp saw about 25 other soldiers, some or all of whom were the SLORC, who didn't enter the camp but just waited down there, by the far houses [which constitute the informal perimeter of the camp]."*

After proceeding to rob a number of other houses,<sup>3</sup> they were apparently on their way back through the camp when they met "Uncle" or "Major" Jolly *aka* Khaw Li, an ex-KNLA Major and former commander of some of the DKBA intruders. Jolly, a Seventh-Day Adventist in his mid-60's, had moved to Ber Lu Ko only a month previously when security considerations forced the evacuation of Kler Thay Lu refugee camp where he had been camp leader for a number of years. A 36-year-old man, who was four metres away from the incident hiding underneath his house, explained what happened:

*"The DKBA soldiers met Jolly by chance – they didn't go to or surround his house. He said something to them but I couldn't hear what. He was unarmed and was only wearing a sarong; he was taken in that. ... They tied Major Jolly's hands behind his back, kicked him, beat him with a stick and a torchlight on his head more than five times and knocked him to the ground. They beat him for about three minutes. He didn't lose consciousness. They said something to him, something about him being a Christian but I couldn't hear clearly."*

Another eye-witness told Amnesty International:

*"Jolly had been walking around the camp, visiting friends, and had just returned from eating betelnut. He was taken at gunpoint. He said 'Oh, my sons, you shouldn't be rough with me' but they didn't reply, just started beating him. He was kicked and punched by four or five DKBA....When they kicked Uncle Jolly I was a couple of metres away and said 'don't kick him, he's the same age as your father' but they ignored me."*

According to unconfirmed reports, after being taken to Myanmar, he too was brought before U Thuzana at Myaing Gyi Ngu but refused to join the DKBO and was then handed over to the SLORC, and as a result of the severe beating, he was hospitalized in Hpa-an and may have died there.

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<sup>3</sup> **According to an official complaint submitted by the Thai Foreign Ministry to the Myanmar Government on 23 March (*The Nation*, 24 March 1994), on the same night five Myanmar nationals armed with heavy machine guns also robbed the house of a Thai villager, Prachuap Saenjai, shooting and wounding him in the process. The complaint also condemned the abduction of Jolly.**

Acquaintances of Jolly say that he was in generally good health prior to his abduction but suffered from high blood pressure. Jolly is of Sgaw Karen ethnicity, born in Ohn Daw village, Kamamaung township (near Myaing Gyi Ngu), and is widowed with three children and three grandchildren. Refugees were able to identify three DKBA soldiers as former civilian residents of Mae Ta Waw camp.

Although Jolly was the only person taken from Ber Lu Ko, according to camp residents, the DKBA had originally wanted to abduct the camp leader. A Buddhist woman in her late thirties reported:

*"They wanted to arrest Phae Shwe Mya, at the time the camp leader, a Buddhist. They thought that if they could abduct him, then everyone would go back and/or join their faction. But when they came, Phae Shwe Mya ran away. After that, for about a month he stayed around the camp, sleeping in different houses, but eventually he went back and joined the DKBO. He went back three weeks ago. He went back because he was afraid."*

He was not the only refugee who was afraid or who ultimately felt compelled to return. Nearly half of the refugee households in Ber Lu Ko returned to Myanmar following the fall of Manerplaw. A Buddhist woman who had been living on the Myanmar side of the Moei river until the recent SLORC offensive explained:

*"It was a very tense time, a very serious situation in which people were afraid that if they stayed they would face problems. If the Thai soldiers had not come (to protect us), the Burmese soldiers would have come. Everyone kept their belongings elsewhere, no one slept in their houses at night...But the Christians and the Muslims didn't go back because they knew they were not wanted there."*

### ***Abduction of Gay Phlo and Kaw Ke Pa***

In the early morning of 10 March 1995, about 20 armed DKBA entered Mae Kong Kha camp, some 16 kilometres inside Thailand, north of Mae Samlaep in Mae Hong Son province. This was the site to which the nearly 3,000 refugees from Ka Htee Hta camp had relocated in late February. The DKBA first went to the house of Kaw Ke Pa *aka* Aung Le, the camp security officer. They asked him if he had a weapon and when he refused to reply, three DKBA reportedly beat him with the butt of a gun, breaking one rib. They then bound his hands, took all the belongings from his house and forced him to accompany them, although he walked with difficulty given his injury and was apparently vomiting blood. Kaw Ke Pa is a Buddhist, 45-years-old, formerly a farmer in Thaton district who had come to Ka Htee Hta camp nine years ago. His wife and five children followed the next day.

Ten DKBA then surrounded the house of Gay Phlo, a 44-year-old Christian and the long-time and generally well-liked camp leader. A relative described to Amnesty International what happened:



*"It was 1 a.m. I was in my [relative]'s house. About 10 soldiers, all DKBA, surrounded the house and three entered, pointed guns at Gay Phlo and told him that they had come to arrest him. They said they would not kill him, that their leaders had ordered them to come and arrest him but that they did not want to hit him and he needn't worry. They took him from the house, tied his hands behind his back, got the money from his pockets and also took all the belongings from his house, including 31,000 Baht [US\$ 1,240], blankets, clothes, etc. They did not beat him but they did abuse him verbally. They were in the house for nearly an hour. Of the 10 DKBA, all were armed and in full uniform, which was the SLORC uniform with a DKBA badge on one arm ...*

*"I went with the DKBA, (Kaw Ke Pa and) and seven people from the family to the river – Gay Phlo, his wife and their children. The soldiers forced them to go, even the children. They said they were taking them to Myaing Gyi Ngu... We started walking at 2 a.m. and arrived at the river, at Ka Htee Hta, at 9 a.m. ... The only other people to walk down to the river were some girls who I asked to help carry the children, but none of them crossed the river – all came back with me."*

Whilst Amnesty International has received no information about the whereabouts of Kaw Ke Pa, unconfirmed reports suggest that Gay Phlo and his family remain in Myaing Gyi Ngu. The day after their abduction, his wife was reportedly able to cross the river and change money on the Thai side. Gay Phlo is a Sgaw Karen from Win Maung village, Bilin district and had been in charge of the KNU Women's Organization in Papun district prior to taking refuge in Thailand in February 1987. He had been camp leader at Ka Htee Hta since that time. His wife, Naw Mura, 38, is a Sgaw Karen born in Tha Wada village, Thailand. She was seven months pregnant at the time of their abduction. Their children include a 12-year-old girl, a nine-year-old boy, a six-year-old girl, a three-year-old boy and a boy of about one year.

The DKBA also attempted to abduct two other camp residents. One was a 50-year-old Baptist from Papun district who, though not a member of the camp committee or a KNU official, was known by some of the soldiers:

*"Three soldiers came to my house, pointed a gun at me and told me that I had to go back to the motherland. I told them to wait for a while whilst I arrange my things and the soldiers said 'Okay, we'll go to another house and come back.' When they left, I ran away. ...I was called because some of the DKBO knew me, I was friendly with some of them, and they said I should go with them to the SLORC. I don't understand why they pointed a gun at me."*

The other refugee was a 52-year-old Christian doctor, in charge of the out-patient unit at Ka Htee Hta camp. The DKBA told refugees that they wanted to capture him, saying they needed him to help take care of people back in Myanmar. As soon as he heard that the DKBA were looking for him, he fled and is believed to be in hiding.

Whilst most of the DKBA accompanied their abductees back to Myanmar that morning, five or six soldiers remained in the camp until the evening and only left at 6 p.m. Refugees claim that while they asked the few Thai border police on duty near the camp to come, the police were afraid

and so stayed at their post. The DKBA spent the time trying to encourage relatives and acquaintances to return. According to one refugee, a Buddhist in her forties:

*"When they came, they shouted loudly: 'Arrange your belongings. Tomorrow morning you must all go back to Burma.' Some people asked if one could go to one's own village. 'No', they said, 'you have to be admitted by the Myaing Gyi Ngu monk and stay there for one year. Only after that can you return to your own village.' The DKBA didn't promise anything else, just said 'if you don't go back, then there will be problems for you.' We're afraid the DKBA might come again. We want to go back but the situation is not good and we're afraid of the SLORC and DKBA."*

Nonetheless, the DKBA managed to persuade or intimidate 54 families (comprising around 300 people) into returning to Myanmar with them that evening. They also stole all the camp's medicine and medical equipment and, for the second time, stole the camp's entire food stock including 120 bags of rice. Of the 20 DKBA involved in the operation and abductions, refugees identified five as former camp residents.

#### *Attempted abduction of Gle Gaw and the killing of Kyar Swe*

On the night of 14-15 March 1995, about 18 uniformed and heavily-armed soldiers, some or all of whom were DKBA, crossed into Thailand. After sleeping in the hills at the hut of a Thai Karen villager, who was reportedly prevented from leaving his home, they crossed some rice fields and entered Baw Noh camp at about 5.30 a.m. Their target was the house of the camp leader, a Christian who had only become leader in January 1995 after being wounded and discharged from the KNLA a few months previously. (The previous leader had resigned because of threats contained in a letter the DKBA sent to him and other camp officials.) According to a 44-year-old refugee who heard the shots:

*"It was nearly morning by the time they entered the camp so they did not have time – there were already people around. They surrounded the camp leader's house and began shooting into it, even firing a rocket-launcher, only then going inside. They didn't take any belongings from it. I guess their original intention was to arrest the camp leader rather than to kill him but because they were aware that security guards were in the camp they realized they didn't have enough time to abduct him and so instead tried to kill everyone in the house. No one was firing back ... The DKBA shot indiscriminately into the house from about ten metres away and Kyar Swe happened to be in the rear. He had slept elsewhere and had then returned to the house to cook breakfast."*

Kyar Swe, about 20-years-old, was shot and died instantly. He was the camp leader's nephew and at the time of the attack the only person in the house, where he served as a security guard; the rest of the family had taken the precaution of sleeping elsewhere. Five other refugees were injured: two in a neighbouring house hit by the M-79 grenade, one other neighbour, and then a mother and her nine-year-old child, when the retreating DKBA shot indiscriminately into the camp from a nearby hill. The DKBA also fired into the house of the camp's Christian pastor but he and

his family had already fled. As they retreated through the camp's rear exit they were ambushed by Thai police and armed Karen security guards. Three DKBA soldiers were wounded and one was killed.

In the immediate aftermath of the attack, some 6,000 of the 8,000 inhabitants in Baw Noh fled south to Shoklo camp, or to nearby forests or Thai Karen villages; only gradually returning a few weeks later. The camp leader resigned and a 75-year-old man replaced him. The new camp leader explained to Amnesty International: "I'm very old so I'm not frightened". In subsequent nights, armed men had again regularly approached the camp, but had been driven off by armed Karen security guards and the Thai police. By early-mid April, however, most of the Thai border police and military units assigned to Baw Noh and certain other camps appear to have been withdrawn, presumably because the threat was thought to have ended.

### *Other Attempted Abductions*

Even in certain camps where no violent abductions or incidents occurred, the DKBA were still active. For example, in Shoklo camp, south of Baw Noh but just across the highway from the Moei river, DKBA soldiers came numerous times in order to abduct a doctor, a Buddhist of Bamar ethnicity. On one occasion, the group comprised seven men; another time, four men, all armed, all Karen. After two weeks of almost continual nightly visits in early-mid March, his family had to join the doctor in hiding.

## Reports of arbitrary killings

Amnesty International is also concerned about reports of arbitrary killings of both Karen refugees and a Thai national by forces believed to be part of the DKBA. On at least two occasions, armed men fired at civilians and killed several of them, injuring others. The motivation for such attacks is not clear, but they do appear part of the general DKBA aim of frightening Karen refugees into returning to Myanmar.

At approximately 5 p.m. on 23 February a truck, carrying six families of Karen refugees from Mae Po Kee to a new camp at Huay Heng, was ambushed by about 20 armed men. The attackers stopped the vehicle only two kilometres outside Mae Po Kee and shot directly into it with AK-47s and an M-79 grenade launcher, killing three people on the spot and injuring 11 others. Those killed were the Thai driver, Udom Khieumool, a 40-year-old man, and two women refugees – Peh, aged 60, married with four children, and her niece, May Paw, 36, who had at least one child and was five months pregnant at the time. Of the wounded, three were children, including Mrs. Peh's grandson, aged five, who received a bullet in the stomach. Witnesses reportedly identified the attackers as wearing the SLORC military uniforms, but could not distinguish if they were from the DKBA or the *tatmadaw*. They reportedly said nothing before opening fire other than "stop". The truck was the first in a convoy of four which since 21 February had been hired by aid agencies to relay refugees from Mae Po Kee to a new safer camp, further inside Thailand. The refugees had originally been staying in Mae Paw Moo Hta, on the Moei river in Sop Moei district, Mae Hong Son province, but were forced to flee on 4 February when their camp was reportedly hit by three shells and sustained machine gun fire. No motive for the killings has become clear.

On 9 March at about 1.30 a.m., two Karen refugees were killed in their home just outside Mae Salit refugee camp, Tha Song Yang district, Tak province. According to one unconfirmed report, six men, speaking Karen and Burmese, came to the house, wearing masks and armed with guns and knives. After reportedly demanding money and stealing jewellery and clothes, the men shot Htoo Htoo, aged 67 and his son, Tamla Htoo, aged 27, twice each. According to the report, Htoo Htoo, a Christian, handed over the money, over 10,000 baht [US\$ 400] and said "We only have that money, I swear to God" to which the man replied in Karen "The situation is not like before, there is no God any longer" and shot both father and son dead. Htoo Htoo left a widow and six children; Tamla Htoo, the eldest son and, like his father, a tobacco farmer, left a widow and four young children.

### *Attacks on refugee targets subsequent to 19 April 1995*

After a month of relative calm immediately preceding the traditional New Year festival, on 19 April 1995 the DKBA began a new and significantly larger-scale campaign of attacks against refugee targets inside Thailand. The rationale for the attacks was made explicit in the interviews given by local DKBA leaders and published in two Thai newspapers on 1 May. According to Captain Tu Na, the DKBA

would use all means necessary to ensure the refugees' return, whether voluntarily, through pressure from Thailand, or by attacking all the refugee camps. He said they would continue to cross into Thailand to raid and burn the remaining camps until all the refugees returned.

*"We have attacked and razed the camps. If we didn't do so, then the refugees would not return home ... We want all of them to come back. All of them have to return. If the Thai authorities don't intervene we expect to get them all back before the onset of the rainy season."*

Another DKBA officer, Lieutenant General Toe Hlaing, commander of the DKBA forces at Mae Ta Waw, stated that many Karen refugees want to return to Burma but were blocked by Christian Karen armed forces manning the refugee camps. The DKBA thus attacked the camps, he said, in order to enable the refugees to return. If, however, Thailand agreed to forcibly repatriate the refugees, then the DKBA would stop its attacks.

The first result of this policy occurred on 19 April. At about 6 a.m. some 20 DKBA attacked Mae Teun village, formerly part of Mae Ta Waw refugee camp, in Tha Song Yang district, Tak province. They burned down 30 houses, stole belongings, and abducted five refugees, reportedly including two former KNLA soldiers, forcing them to go back to Myanmar. Amnesty International has no information on whether these five people are still being detained. The attackers reportedly threatened further attacks if the refugees living at Mae Teun refused to return to Myanmar.

Four days later, at 7.30 a.m., a force of 200-300 armed men, reportedly comprising both the SLORC and DKBA troops, attacked Kler Thay Lu, a largely abandoned camp about one kilometre from the Moei river, also in Tha Song Yang district. They reportedly burned down the camp and clashed with camp security forces. One person is believed to have been killed but Amnesty International has no further information at present. There are unconfirmed reports that DKBA forces attacked Kler Thay Lu a second time the following morning and again clashed with camp security guards.

Around 4.30 p.m. on 23 April, some 300 soldiers attacked Mae Lor Hta and Mae Wee Klo villages, further inside Thailand in the same area. The force, again reportedly including DKBA and SLORC forces, first held Lieutenant Colonel Phuwadol Khamson, commander of a 30-strong Thai paramilitary ranger unit, at gunpoint and forced the rangers to withdraw from their post close to the villages. They then proceeded to set up a road block on the Mae Sot-Mae Sariang highway and seized a pick-up truck, temporarily detaining several people. A leader of the force reportedly announced that they wanted KNU Forestry Minister, Aung Sann, who was taking refuge at Mae Wee Klo with 1,500 other refugees, to return to Burma and cooperate with the SLORC. He and the others were given five days to decide failing which the camp would be again attacked.<sup>4</sup> Fighting reportedly ensued in Mae Wee Klo and at least one person is reported to have been killed.

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<sup>4</sup> **General Toe Hlaing subsequently told the *Bangkok Post* that they wanted Aung Sann and a KNLA officer, Col. Be Na, who were both staying in Mae Wee Klo. "to come back to Burma so all other Karens will follow them."** If Aung Sann returned, he would be made DKBO leader but would also

On 25 April, DKBA and reportedly the SLORC forces launched major attacks on two refugee camps. At 1 p.m. some 50-60 soldiers attacked Mae La Ma Luang camp, which sheltered 5,000 refugees from the Manerplaw area. The camp is situated in mountains about 10 kilometres inside Sop Moei district, Mae Hong Son province, Thailand. After clashing with Thai rangers and camp security guards for about 40 minutes, the attackers set fire to sections one and two of the camp, burning down 170 houses and one rice store. They then reportedly seized about 100 refugees as a human shield to protect them as they retreated back to the Salween river. It appears that most of these refugees have escaped or been released but it is not clear if any remain in detention. One refugee died the following day from his burns – Pua Aek Lay Pa, an 85-year-old blind man who was unable to escape the fire – and another old man, Mya Mrang, 84, was left critically ill and is not expected to live. Another nine refugees received gunshot wounds; four of them were seriously injured and hospitalized. One thousand one hundred and eighty-three refugees have been left homeless by the attack. The attackers reportedly warned that they would return again within two or three days and burn down the rest of the camp.

Later that day, at 11 p.m., almost 1,000 armed men, reportedly from both the *tatmadaw* and the DKBA, entered Kamaw Lay Kho camp in Tha Song Yang district which housed 4,000 refugees. They first set up a roadblock on the Mae Sot-Mae Sariang road, preventing cars from passing, and then started firing into the camp, both from the camp entrance and from a nearby hill. As in Mae La Ma Luang, the intent appears to have been to terrify, rather than kill, the refugees. After shooting sporadically for about 30 minutes, the attackers then set a large part of the camp on fire before retreating across the Moei river. Only one refugee was slightly injured but 272 houses were burned down, leaving about 1,300 refugees homeless.

The succession of escalating violations of the Thai border and attacks on refugee camps led to an increasingly angry response from the Thai authorities. Prime Minister Chuan Leekphai told journalists on 27 April that Bangkok could not tolerate the abduction of refugees from under the care of Thai authorities. He said that although the Myanmar government had denied that the armed men were people under their control, he believed the DKBA must be coordinating with Myanmar troops in their operations at the border and was confident that at least the local Myanmar authorities were fully aware of the collaboration. The Prime Minister said the Thai army had been ordered to promptly retaliate if the border violations recurred. In line with Chuan Leekphai's comments, on 28 April the Thai Foreign Ministry submitted a strong protest to the Myanmar Government about the border violations. The Foreign Ministry spokesman quoted the letter as condemning the border violations of 19, 23, 24 and 25 April, as saying:

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**have to take responsibility for any damage caused by DKBA's attacks into Thailand because he was responsible for other refugees refusing to go home. Aung Sann is a first cousin of U Thuzana and a former Buddhist who converted to Christianity.**

*"Such activities are unacceptable and deplorable as they are crimes against innocent people seeking safety for their lives from the armed fighting across the border...In view of the increasing violations of Thailand's sovereignty in various forms over the past four months, the Royal Thai Government will no longer tolerate any such acts of infringement and will take appropriate retaliatory action in the strongest form to safeguard Thailand's sovereignty and territorial integrity."*

Nonetheless, on the very day the protest was submitted, the DKBA launched the largest incursion so far. At about 8 a.m. on 28 April, a large number of soldiers crossed the Moei river and first attacked a Thai border police checkpoint on the Mae Sot-Mae Sariang highway. The police then withdrew, leaving one injured police officer, who was captured and taken back across the river to the SLORC military camp at Mae Ta Waw. He was subsequently released after talks between the SLORC and Thai border police. After the outnumbered police retreated, the attackers blocked the highway and entered Baw Noh refugee camp, the site of previous attacks on 2 and 15 March. They reportedly fired rocket propelled grenades and machine-guns into the camp while mortars were fired ahead of them. They proceeded to burn down the majority of the camp, destroying more than 700 houses, before retreating after about an hour. One entire family was trapped in a bunker when their burning house collapsed. An 18-year-old woman, Ka Moe Thaw, died on the spot; three other members of the family are under treatment for second-degree burns. A number of other refugees reportedly suffered from burns or bullet wounds. About 3,500 refugees were left homeless and the centre of the camp, including the health centre, was completely destroyed. Most of the refugees have fled the camp and are sheltering in nearby forests or Thai Karen villages.

In response to the repeated incursions, and the killing of the three policemen by unknown attackers in the area, on 5 May the Thai military launched retaliatory attacks on a suspected DKBA position in Myanmar and on 6 May they attacked suspected DKBA troops on a Thai mountain.

Amnesty International welcomes the Royal Thai Government's policy of allowing refugees to remain in Thai territory. It believes the permanent presence of UNHCR would help to ensure the protection of the refugees and re-build confidence among a terrified refugee population. Furthermore, Amnesty International seeks assurances from the Thai Government that not only are refugees allowed to remain in Thailand until the fighting ceases, but also that they are not repatriated until they will no longer be subjected to further human rights violations.

### Human rights violations perpetrated by the *tatmadaw* against Karen villagers

*"The tatmadaw is a highly disciplined self-defence force imbued with a sense of patriotism. It has a code of proper conduct, and military rules which every member is required to observe scrupulously. Among the rules of conduct can be found the following:*

*"a) to avoid high-handedness in dealing with the people, and not to take advantage of the fact that the tatmadaw wields arms and*

*"b) to respect the beliefs, customs, creeds, cultures and traditions of the populace.*

*"Apart from this, they are also required to understand and observe civil and criminal law procedures. Any member of the tatmadaw who infringes the law is punished by both the military and civil courts."*

Letter from the Permanent Representative of Myanmar to the United Nations Assistant Secretary General for Human Rights, dated 13 February 1995, p. 15.

Even before their resumption of large-scale offensive activities in January 1995, the Myanmar armed forces were continuing to commit human rights violations in the SLORC-controlled and, particularly, in contested or KNU-controlled areas of Kayin State. As in previous years, these abuses included extrajudicial or indiscriminate killing of villagers suspected of being connected to the KNU or who simply ran away when the *tatmadaw* approached; arbitrary abduction, torture and ill-treatment of villagers in the attempt to solicit information about KNU activities; and forced conscription of porters for the army.<sup>5</sup>

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<sup>5</sup> **For previous accounts of the human rights situation in Kayin State, see, e.g. Amnesty International, Allegations of Extrajudicial Executions, Torture and Ill Treatment in the Socialist Republic of the Union of Burma September 1987, AI Index ASA 16/03/87; Burma: Extrajudicial Execution and Torture of Members of Ethnic Minorities, May 1988, AI Index ASA 16/05/88; The Kayin State in the Union of Myanmar: Allegations of ill-treatment and unlawful killings of suspected political opponents and porters seized since 18 September 1988, August 1989, AI Index ASA 16/16/89; Myanmar 'In the National Interest', November 1990, AI Index 16/10/90; Myanmar(Burma):Continuing Killings and the Ill Treatment of Minority Peoples, August 1991, AI Index ASA 16/05/91; Myanmar: "No Law at all', October 1992, AI Index ASA 16/11/92; Myanmar: The Climate of Fear Continues..., October 1993, AI Index ASA 16/06/93; Myanmar: Human Rights Development July to December 1993, January 1994, AI Index: ASA 16/03/94; Myanmar: Human Rights Still Denied, November 1994, AI Index ASA 16/18/94.**



Despite the increasing difficulty of reaching the refugee camps now that the SLORC control virtually the entire Thai-Kayin State border, people continued to arrive at the border complaining of arbitrary arrests, forced portering, excessive labour or tax obligations, and a pattern of violent behaviour whenever the army comes into their villages. A Karen refugee gave the following example of how villagers adjusted to the *de facto* impunity of the army:

*"About a year ago, the SLORC soldiers killed one of my sister's bulls (in Bilin township) and gave only 150 kyat, whereas the real value is at least 1-2,000 kyat, but my sister did not dare protest. My brother-in-law told her not to: 'If they don't torture or kill us that's payment enough'."*

This 30-year-old Buddhist woman from Hlaingbwe had left her village in March 1995 because she could no longer afford to pay the taxes demanded: porter fee, head tax, land tax, fire tax and security tax:

*"So everything I earn – from selling bamboo shoots – goes on paying taxes; I have nothing left for food or to buy anything. ... [But] if you don't pay the taxes, you get arrested and taken as a porter, sometimes for two months, sometimes for three months; some people never come back. So people are afraid and pay all the taxes."*

### Human rights violations in the context of forced portering

In a letter to the United Nations Assistant Secretary General for Human Rights, dated 13 February 1995, the Permanent Representative of Myanmar to the United Nations says:

*"With regard to the use of civilian labourers by the tatmadaw, we would like to reiterate that the law provides for the hire of civilian labourers to assist the members of the tatmadaw who are on active duty...Recruitment is based on the following 3 criteria: a) They must be unemployed; b) They must be physically fit to work as porters; c) A reasonable amount of wages must be fixed and agreed to beforehand. The labourers must be paid from the time they leave their respective homes until they return at the completion of their duty. Apart from the daily wages, they are entitled to receive rail and steamer travelling warrants or actual money to cover the cost of transport to and from their homes and the operation area. The respective military unit has the responsibility of providing accommodation, messing, medical cover, and social wuired to accompany the troops to the actual scenes of battles; neither are they exposed to danger..."*

Despite official denials that forced use of civilians as porters is widespread, Amnesty International has repeatedly documented a consistent pattern of serious human rights violations – including systematic ill-treatment and frequent extrajudicial killings – connected with the Myanmar authorities' practice of forcibly conscripting people to carry food, ammunition and other supplies for the army. Amnesty International regards such people as being arbitrarily detained and

calls for their immediate release. In early 1995, thousands more civilians were reportedly arbitrarily seized in a number of different towns and villages. They were then transported to eastern Kayin State and forced to undertake porter duty in support of the large-scale *tatmadaw* offensives against various KNU positions, including Manerplaw, Kawmoorah, Walay, Azin, and Saw Hta. Unlike certain previous offensives, the bulk of the porters used in the offensive were reportedly not local villagers but rather civilians conscripted in different parts of the country, most notably Mon State, other parts of Kayin State, and the capital Yangon. Scores of men escaped in very poor physical condition to the Thai border and their depictions of their treatment are consistent with accounts Amnesty International has received in previous years.

During April 1995 Amnesty International interviewed a number of such porters. Most of the porters interviewed had been abducted at gunpoint by soldiers and forced into military trucks along with many other men. They were taken from their homes or fields, while walking on the street or whilst watching films in video-parlour. They were never told where they were going or for how long, nor, in most cases, why they were being seized. One was promised payment but he never received any. They uniformly reported having to carry very heavy loads up and down mountains and being beaten whenever they had problems doing so. They all complained of inadequate food and a complete lack of medical treatment. They all had to sleep on the ground, close together, surrounded by soldiers who threatened to shoot anyone who tried to escape. Whilst none of those interviewed had been exposed to combat, most had seen other porters being arbitrarily killed, often in large numbers.

### *Arrest*

Forced portering caused a 56-year-old Christian man from Myawaddy Township to bring his family to Thailand at the beginning of April 1995. In his and other villages close to the SLORC military bases, there are two ways of recruiting porters. The first way is organized by the village leader: the village has to provide five porters every three days; these porters are chosen in advance and paid through a porter fee levied on every household though how long they will work is uncertain. If you cannot pay the porter fee, then you have to go and porter. But even if you do regularly pay the porter fee and other taxes, you can still be subject to the second method of recruitment – arbitrary forced conscription of porters by the army. The man, of Sgaw Karen ethnicity, explained what happened in the second case:

*"People are frequently being arrested and taken as porters; it happens countless times. The soldiers come around three times a month to take porters. When the soldiers are staying in the village it's not such a big problem because the soldiers are afraid (of doing something wrong) politically. But villagers who are looking for vegetables, charcoal, etc. in the jungle, these people they arrest... If the people cannot escape, they're used as porters. Sometimes relatives hear and go to the military base and give money so that the people will be released. Sometime the military ask 500 kyat, sometimes 1,000 kyat or more; it depends on the case. Sometimes if people have no money, then they borrow from others*

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*to pay for their relatives' release...Sometimes the people know that so and so has been arrested, sometimes they don't know where the person's gone and sometimes they don't come back".*

In the end he had to leave the village because he could no longer afford to pay the porter fee; to stay he would have to porter himself, something he feared to do given his age, poor health and the need to provide for five children.

For a 31-year-old man from Hlaingbwe township, it was these irregular porter demands and, most recently, an order to join the DKBA which compelled him to bring his family to the refugee camps. Because he carried goods as a profession and the army base was close by, he not so much feared portering as regarded it as a perpetual hindrance to making a living for his wife and two children.

*"Even though you pay the porter fee, you can still be arrested by the soldiers and taken as a porter. Sometimes if only one soldier arrests you, then you can pay him, say, 350 kyat to get out of it; that's cheap because only one soldier is involved. Last time I was arrested there were many soldiers so I couldn't bribe my way out of it. ... In one year I'm taken as porter perhaps 10 times, sometimes for 10 days, sometimes for two months; it depends how quickly you can escape. If you don't escape, then you have to porter for three or four months. But it's not easy to escape; they warn that if you try to escape they'll shoot."*

Besides portering, every household in his village was compelled to make a labour contribution for the army once every two months, such as carrying water, and were also forced to work on a local highway. The man, a Pwo Karen Buddhist, explained:

*"In one month, you have to go three times, three days each time, so nine days in total. It's unpaid and you have to provide your own food. If I didn't go, the village leader would arrest me – the SLORC would pressure the village leader who would pressure me."*

Four of the porters interviewed had been arrested in Mudon township, Mon State in early March 1995. One, a 16-year-old Buddhist of mixed Mon and Bamar ethnicity, told Amnesty International:

*"I was watching a video in a video-house and soldiers arrested everyone. There were about 20 SLORC soldiers. They didn't say anything except 'everyone get on the truck'. They tied me with a rope. They didn't point a gun at me, but there were soldiers around so you couldn't escape."*

Another man, a 33-year-old Mon Buddhist, explained the circumstances of his arrest at 4 p.m. on 8 or 9 March 1995:

*"I was taking a car to buy rice in Mudon township when the SLORC soldiers stopped the car. All four men in the car (but not the women) had to get down, were tied up with rope, arrested and had to get on a military truck. There were many people on the truck already."*

Two other porters interviewed had been abducted by soldiers in the Ayeyarwady Division in south-western Myanmar in March 1994 and brought to northern Kayin State, long before the official resumption of offensive activities. One of them described what happened:

*"I was on the road, coming back from my farm at night, 8 p.m., when five or six SLORC soldiers stopped me and said 'Help us as a porter for one month because we have no one else to carry things for us'. I didn't agree but they told my father (who was with me): 'We're taking your son as a porter and we'll pay – we won't take him for free'. They didn't say where I would work. They said it was only for a month and that I would be paid 5,000 kyat for the month. But in fact I was never paid anything and never allowed to stop working even after nine months; I eventually escaped. I had to get on the truck immediately; I had no time to speak to any relatives or friends or to get any clothes or belongings. I only had the one pair of clothes throughout the nine months."*

When Amnesty International asked him if he had been given any clothes, blankets or anything whilst acting as porter, he laughed and said "are you joking?"

### ***Conditions of Work***

Whilst the authorities may officially term such actions as "hire of civilian labour", for the men themselves it meant being subjected to arbitrary detention and hard labour. In a number of cases, after what they described as their "arrest", the men were briefly detained in local prisons prior to being taken on the long journey to the military base from whence they had to begin porter duties. The men taken from the Ayeyarwady Delta, for example, were held in both Insein prison, Yangon and Loikaw prison, Kayah State for up to a day whilst onward transport was being organized or more porters conscripted. At all times they were guarded to prevent escape, even when sleeping, as one 22-year-old Pwo Karen from the area explained:

*"At night, we had to gather in one place to sleep, very crowded together, and were surrounded and guarded by soldiers to prevent anyone from escaping...If people escaped, the soldiers would swear and threaten the rest of us: 'Okay, they were lucky, we didn't see them running. But if you run and we see, we'll kill you.'"*

Often, reinforcing their *de facto* prisoner status, they were joined by convicts doing exactly the same work under exactly the same conditions. The 22-year-old farmer continues:

*"In our group there were about 500 porters...including prisoners from jail, and one battalion of about 200 soldiers...The convicts were not tied up, but I saw that some of them had a scar around their feet from wearing shackles. There were many convicts. We were all treated the same. I could not ask the convicts anything – if I was curious, the soldiers would be angry."*

All the porters interviewed, despite having worked in very different parts of Kayin State, gave similar accounts of what their work consisted of: carrying between 30 and 50 kilograms of rice or ammunition up and down mountains all day with little rest and beatings whenever they had trouble continuing. They uniformly complained of inadequate food and water, being given two meals a day consisting of a small amount of rice and a little bit of fish paste, bean curry or just salt. Even if ill, they uniformly said they could not rest nor did they receive any medical care. According to one man who carried rice between Saw Hta and Kyauknyat in the north of Kayin State and Parsong in the south of Kayah State:

*"If a porter was ill, he did not get any treatment or medicine. I became sick with malaria but was never allowed to rest or even carry a lighter load – always had to work, always the same load."*

### **Beatings**

Most of the porters interviewed had been beaten themselves and had seen numerous other porters being beaten. The experience of a 28-year-old Bamar Buddhist from the Ayeyarwady Division who portered for nine months is typical:

*"I was beaten on the hand, cheekbone, back, neck, head and leg – struck with the fist, slapped, hit with a bamboo stick and with beaten with a gun butt against my chest. I was beaten four or five times and hit with a gun butt on my face twice. I was beaten if I could not carry."*

How often they would be beaten largely depended how well they could carry and climb and on the soldier walking behind them, although they could also be beaten for other reasons such as talking too much or too loudly. One man who carried goods for traders as a profession was only beaten once. Another who was not used to climbing and had a weak right leg received very different treatment:

*"Every time I couldn't climb I was beaten. I was beaten many times, all the time. Normally I was beaten with a bamboo stick but once I was hit with the butt of a gun."*

What became routine for the porters could still evoke sympathy from villagers who witnessed such treatment. A 53-year-old woman from Papun district remembered a porter who was with the SLORC and DKBA soldiers when they entered her village:

*"I saw one porter who couldn't carry his load (of rice-sacks) and so was lying flat on the ground, exhausted and then the SLORC soldiers tipped the rice-sack onto his body. He must have already been beaten because his eye was swelling up. I felt sorry for him and thought what if it had been me."*

### ***Killings***

Most of the porters Amnesty International spoke to had witnessed fellow porters being killed and had seen the bodies of dead porters. A 55-year-old Mon farmer who was a porter for 20 days in March 1995 grew visibly upset as he recounted what he had observed:

*"There were many, many dead, many. I saw people beaten and some others were very tired and just collapsed. Sometimes people were just lying flat by the side of the path so it was impossible to know if they were dead or not. I guess there were more than 100 dead. I could not count them all. They were lying by the (mountain) path. We were divided into groups of about 50 porters, with 20-30 soldiers with each group. All the groups were walking along the same road and my group was at the very back of the column so that's why we saw all the dead bodies. I don't know the bodies of any of the dead. We couldn't ask questions. We weren't allowed to discuss with each other. If we talked to someone else we were beaten."*

The same sight was depicted by other porters walking in the same column of about 1,000 porters towards Kanale in south-eastern Kayin State. A 16-year-old from Mawlamyine town told Amnesty International:

*"Each day we saw an average of 20-30 people lying by the side of the road, either who had been beaten or who were very sick, and down in the valley. Some had their heads cracked open and blood flowing."*

Of these he could remember four people distinctly:

*"The first person I saw killed was over 30-years- old, a Muslim. He was beaten with a stick; after he was beaten he could not stand up so the soldier kicked him down the mountain slope. It happened within an hour of us starting to walk. The officer was in front and after it happened no-one said anything. The man had travelled with us from Mudon but I don't know his name or where he was from."*

*"The second man was too old, about 50, and was lying down on the ground, with a gash on the right side of his head and blood streaming from it. He had his mouth open and may still have been alive but was close to death and it was a question of time. I saw him after walking for two to three days."*

*"The third case was while we were climbing mountains, about five days into the walk. The man was still alive but blood was gushing from several places in his head and body. He had been left by the side of the path. He wasn't being given any medical treatment. He was about 40, Burmese or Mon. It looked as if he'd been beaten with the butt of a gun."*

*"The fourth man I remember had fallen part the way down the mountain slope, approximately 20 metres, and was dead. I just saw his body. He was Burman, about 20- years-old, with his shirt open. That happened after walking for five days."*

Three witnesses described the death of an old man at approximately 12.00 p.m. on 2 April 1995. One of the witnesses, a 33-year-old Mon, relates:

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*"He was at a guess nearly 60, too old. He was dark-skinned, perhaps Muslim or Mon. The soldier kicked him (off the mountain path) and the old man rolled down to the bottom of the valley. The soldier kicked him because the old man couldn't walk. After it happened, the soldier said: 'Don't look! Don't look anybody. It's not your business. You have to follow your front-guy.'"*

Another witness, a 55-year-old Mon farmer, was six metres from the incident:

*"That afternoon, they beat an old man, about 60 years old, with the butt of a gun and then kicked him down the mountain...I saw him rolling down the slope to the bottom of the valley and heard him yell as he fell."*

The porters who were walking with Battalions 531, 248 and 249 near the Kayin-Kayah state border also remember a large number of deaths. The 28-year-old Bamar mason estimated 40 to 50 porters died in all out of 500 porters: some killed by the soldiers, some dying through untreated illness and starvation. He knew the name of only one of the deceased: Khin Win, a 55-year-old prisoner of Bamar ethnicity.

*"He died on the afternoon of around the 15th of January 1995. He was struck once with the butt of a gun against the back of his head; the skull was crushed, blood spurted out and he died instantly. He was struck because he was too old, he couldn't carry. He was still carrying at the time, hunched over, trying to climb the mountain. It was a private who killed him... he soldier did not say anything, just looked at the other porters and said: 'This is an example, this is a lesson. If you cannot follow the example, you see what happens to you.'"*

The 22-year-old from the Ayeyarwady Delta said that of 20 porters taken from his home town about a quarter died. He himself saw only the last of these killings, that of Tun Shwe, a 30-year-old Pwo Karen farmer, married with one child, who was his neighbour. It happened one afternoon in January 1995, about 1 p.m., and Tun Shwe was walking five metres in front of the witness but could carry no longer:

*"I heard Tun Shwe say to the soldier behind him, a private from Battalion 531, 'Sir, don't kill me. I will do my best to reach your destination. Now I cannot carry, cannot walk, but I will try. Don't punish me, don't kill me'. After Tun Shwe exclaimed 'I cannot carry, cannot walk' the soldier shot him dead, one bullet from a G-4 gun at a distance of about four metres, in his back so his insides came out. After the shooting nothing happened, no-one could say anything. The soldier just said to the other porters 'complete your duty, go on, go on' as if he was driving cows."*

One of the escaped Mon porters described a case from his village:

*"Last year, in April 1994, one guy was taken as a porter and never came back. His name was Nga Aor, aged 35, a Bamar Buddhist, born at Myagon village, Kweikmawa township. He was coming back from his farm when he was arrested by soldiers. Some people who did return say he died. But his wife is still waiting for him, has yet to donate food to the monks. They have one child, a girl, about 10 years old."*

Despite the SLORC's claim that they only "hire" unemployed and fit civilian labourers, Amnesty International believes that the *tatmadaw* continues to arbitrarily seize and detain civilians for portering and other work projects. While the *tatmadaw* may hire some civilians and pay them for their labour, all the available evidence points strongly to the ongoing practice of forcing other civilians to perform hard physical labour with no pay. In the process they are often ill-treated and sometimes even killed, and they are certainly prevented from earning a living. Amnesty International renews its often repeated call to the SLORC to immediately cease from the practice of forced portering and labour, and urges them to release any civilians currently detained for such purposes.

### Arbitrary arrests, killings and other violations against villagers

Witnesses interviewed by Amnesty International described a number of cases in which the *tatmadaw* had surrounded and then indiscriminately fired into KNU-controlled villages. People fleeing the villages were shot at. People not fleeing were detained, questioned, often tortured or ill-treated, and in some cases killed.

In February 1995, columns of the SLORC and DKBA swept through KNU-controlled villages in Kyauknyat township, Papun District in the northern part of Kayin State. A 53-year-old Sgaw Karen woman describes to Amnesty International what happened when a large number of soldiers, including DKBA but mostly from the *tatmadaw*, entered her village:

*"My grandson, who's five years old was at the riverside. Some of the adults told him 'Baby, the enemy is coming'. Everyone ran but (my grandson) walked back into the village and was between our house and the enemy when the SLORC came into the village shooting indiscriminately. He was shot in the left arm. I don't know if they saw him or not because they were shooting everywhere, indiscriminately...They then collected all the villagers still left in one place and none of us were allowed to move. Then they searched every house and took things. They took all the belongings from our house - cooking pots, blankets, salt, absolutely everything, even the women's underwear! So we have nothing now, nothing, only the clothes on our backs."*

She was then taken with six other people to another village, two or three hours walk away, where she was kept for a day and questioned by the SLORC soldiers.



3. Karen woman with wounded 5 year old grandson

*"When they arrested me, they told me: 'Tell us the truth, don't lie to us. If you lie, we will not release you, so tell the truth. If you lie to us, we'll kill you.' They asked me in Burmese...They asked me the name of the village leader and of the KNU leader in the area. They asked if there was a school or church in the village. If I knew I told. The SLORC asked my religion. I said animist...They did not tie me up, beat or abuse me because they saw the child was injured. But they did not apologize. Instead, one of them said: 'Your baby is wounded. There's no need to keep him alive so I'll slit his throat.' It was a SLORC soldier who said that. I was so afraid I didn't dare say anything. Just thinking about it makes me hate the SLORC more and more and makes me fear them more and more."*

The soldiers did not harm her grandson further but neither did they offer any treatment other than giving five tablets for the boy. As soon as she was released, she and her family fled to the jungle and sought refuge in Thailand. It was the first time the *tatmadaw* had entered her village in a generation. The

KNLA had sometimes come through but she said that "they have never done anything like that".

In addition to an unknown number of young men and women whom the *tatmadaw* apparently took away from the village and have not released, the woman had also learned of two villagers who had been killed: Kyaw Aye, a 30-year-old Sgaw Karen farmer, married with three

children, and his 15-year-old nephew, Myaw Paw, also a farmer; both were animists. A relative of the two explained to Amnesty International what had happened. Kyaw Aye and Myaw Paw had initially fled to Thailand with their family in January because the *tatmadaw* was sweeping the whole area. Two weeks later, Kyaw Aye and Myaw Paw decided to return, together with another member of the family, in order to collect some belongings they had hidden in their village. It was whilst they were in the village that it was surrounded by the SLORC and DKBA who then began to fire into it.

*"My [relatives] tried to run away but the SLORC saw them and shot at them, injuring them in the leg and body. Everyone else fled and they tried to but they couldn't go quickly and the SLORC were patrolling nearby and found them... They were killed with bayonets. [Myaw Paw] was tied to a ladder with a rope and then killed with a bayonet. I don't know whether it was the SLORC or DKBA – if it wasn't one, it was the other."*

The relative himself went to find and bury the bodies. He claims neither of the deceased had had recent links with the KNU: Kyaw Aye had once been a KNLA soldier but had been wounded and had been allowed to leave 10 years ago.

The relative also described what had happened on the afternoon in January 1995 when two military columns, one SLORC and one DKBA, approached his own village, again in Papun district.

*"They surrounded our village and then entered it and started shooting indiscriminately into the village. There was at least 100 soldiers, both SLORC and DKBA. What happened in fact was that a man was picking betel nut leaves and one column started shooting at him so he ran into our village and shouted 'the enemy's coming'. The whole village fled whilst the soldiers came into the village after him firing indiscriminately. I heard the shooting and so I fled too. I couldn't take anything with me."*

A refugee who had fled the SLORC-administered Banana village in Hlaingbwe township claimed that three male villagers were killed by the *tatmadaw* in mid-1994. In July 1994, the army allegedly arrested and killed a 40-year-old Karen Buddhist, a mountain farmer. After interrogation, he was let go and then shot in the back as he was walking away, the bullet exiting through his head. The refugee told Amnesty International that in the following month, August 1994, the *tatmadaw* shot dead two more Karen Buddhists, farmers, around 18-years-old, both unmarried.

In November 1994, about 150 SLORC soldiers from Battalion 62 arrived at a KNU-controlled village in Kawkareik township, Kayin State. Before entering the village itself, they abducted a 17-year-old woman living with her mother in a house close to the village. The girl's name was Naw Paw Wa, an unmarried Buddhist of Pwo Karen ethnicity. A witness described to Amnesty International what happened:

*"She was a little plump, hot-headed, easily angered. For example, if her friends teased her, she wouldn't keep quiet, she'd answer back. That might have been what happened. The SLORC soldiers arrived in front of her house at noon-time and spoke to her. Maybe they teased her and she answered back, perhaps swearing or something. Then at 4 p.m. the soldiers came back, bringing one corporal who*

*asked Naw Paw Wa to go with them. When she heard them calling, Naw Paw Wa jumped down from the house and asked why they were taking her. The corporal said: 'don't ask questions, just go with us! She was not tied up but they were pointing guns so she had to go.'*

Three days later the *tatmadaw* came into the village itself, but most of the population had already fled following news of Naw Paw Wa's abduction and disappearance. The soldiers stayed there for one month before moving on to a nearby village. Five days after the *tatmadaw's* departure, around mid-December 1994, some people ventured to return to the village. It was then that they discovered Naw Paw Wa's body, lying on the bank of the stream. According to the same witness:

*"There was no wound or injury on the body, but it was decomposing and swelled up, black in places, with the face distorted, different. When her mother saw the body, she nearly went mad. She was deeply shocked and nearly fainted. She had only one child and no other relation. "*

None of the villagers know how or why Naw Paw Wa was killed.

One other person was abducted by the *tatmadaw* from the same village and is feared dead. His name was Tun Nyein, 46-years-old, a Buddhist Pwo Karen, who was married with two children. At the time of his abduction he was a member of the village militia, a KNU-organized self-defence body in which all adult males in the village must serve for two years in turn. He was arrested, along with five other men, at random when soldiers from Battalion 62 entered the village. After one night, the soldiers allowed five of the detainees to go but Tun Nyein was not released and has never been seen since. After the *tatmadaw* finally left the village, their commander sent a letter back, which reportedly warned all inhabitants that

*"We will come back again. When we arrive we want to meet all of you and if some people run away we will burn down your village."*

### **Human rights abuses by the Karen National Union**

Amnesty International condemns as a matter of principle the killing of prisoners by anyone, including armed opposition groups. Amnesty International promotes minimum international standards of humane behaviour, such as the principles contained in humanitarian law, by which any opposition group should abide, and it urges them to endorse and uphold these standards. Armed non-international conflicts, such as that in Myanmar, are governed by Common Article 3 of the 1949 Geneva Conventions, to which both the SLORC and the KNU have acceded. Common Article 3 specifically states that "persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall be in all circumstances treated humanely".

Amnesty International remains concerned about alleged violations of international humanitarian law by the KNU, in particular long-standing reports of the summary execution of

suspected SLORC spies or, in some cases, captured SLORC combatants. Amnesty International, moreover, opposes use of the death penalty in all cases. The organization has documented some abuses committed by the KNU, including execution.<sup>6</sup>

Amnesty International notes that the KNU continue to implement laws in their areas of control which specifically mandate the death penalty as the punishment for various crimes, including murder, aggravated robbery and adultery, although it does not yet have information on the frequency with which such punishments are carried out. Primarily because Amnesty International has been denied access to Myanmar, it has been unable to investigate these and other possible abuses committed by the KNU, including those allegations made in the official Myanmar media. The organization nevertheless calls on the Karen National Union to strictly abide by international humanitarian law governing civil conflicts and to abolish the use of the death penalty in all circumstances.

Among the Myanmar Government's allegations are that the KNLA have repeatedly attacked purely civilian targets, which would be in violation of Common Article 3 of the Geneva Conventions. Such attacks, the SLORC claimed in an official submission to the UN Human Rights Commission, have included the following since April 1992:

*"[The KNLA] mined passenger and goods trains seven times in Thanbyuzayat township, ...attacked passenger buses six times...They shelled the distillery at Bilin township three times, attacked four times at Myawaddy, and once each at Thaton, Myeik, Ye, Kamamaung village, Tanintharyi village, Papun airfield and Swhe Hinthar jetty at Kawthaung, causing considerable civilian casualties."*

Amnesty International also takes note of various allegations of KNU human rights abuses in late 1994 against those wishing to form the DKBO. The SLORC media have continually made allegations against KNU leader, General Bo Mya, that he ordered his men to assassinate Buddhists including DKBO patron U Thuzana. For example, the "Whither KNU?" series in the *New Light of Myanmar* alleged on 31 March that:

*"As for KNU members of the Christian faith, (Bo Mya) spread rumours to them that a religious war was on and ordered them to kill the Buddhists left and right without leaving anyone alive."*

Occasionally, it gave more details of such alleged abuses. On 15 February, the *New Light of Myanmar* alleged that the following conversation had taken place between KNLA Commanders Law Wadi and Htaw Hla the previous week:

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<sup>6</sup> See "No law at all", **AI Index ASA 16/11/92, November 1992.**

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*"The General (Bo Mya) wants to know why we are keeping the two (DKBA) captured alive as ornamentations"*

....

*"I know, Law Wadi, I have killed them now."*

The article continues:

*"KNU Underground (UG) director Pado Mahn Sa ordered his UG cadres to pose as Buddhists and send threatening notes to Christian churches. The UGs were also ordered to spread rumours that clashes have taken place. The most dastardly assignment given by the KNU to its UG cadres was to poison the village wells and water tanks with potassium cyanide. Four UG cadres tried to poison wells in Maethana and Kawhai villages in KNU 1st Brigade area. Two persons, Saw Khy Lay and U Kyaw Naing, accepted 35,000 Kyat to poison the wells. The DKBO units had to arrest and take action against them."*

Without further details and, in particular, without access to the territory of Myanmar, it is impossible for Amnesty International to confirm or deny such allegations. The organization appeals to the SLORC and DKBO for additional information about the alleged events above, including about the action taken by the DKBO against Saw Khy Lay and U Kyaw Naing.

Nevertheless, based on interviews with refugees, Amnesty International has to yet to find any serious evidence to substantiate either the SLORC allegations that the refugees have fled to Thailand "due to atrocities by the KNU" or DKBA claims that the refugees wish to return to Myanmar because they are being blocked by KNU. Amnesty International has found no evidence that either the security guards or the camp administrations have sought to prevent refugees from returning to Myanmar who have chosen to do so.

The organization has also spoken to a number of civilians who have acted as porters for the KNLA and none have alleged ill-treatment in the manner described by the SLORC porters. All claimed to have been given sufficient food (identical to what the soldiers ate) and medical treatment if needed, to have carried relatively light loads, and to have worked for fixed periods of which they were told in advance. None of the porters claimed to have been beaten, or to have seen other porters beaten or killed. According to one refugee whose experiences appear fairly typical:

*"We had to carry food, ammunition when the KNLA were advancing, and when the soldiers were not advancing, we didn't have to do anything, just relax, except cook for ourselves and, if the encampment was far from water, fetch water for ourselves and the soldiers. The KNLA didn't treat us like porters but like colleagues. They fed us well; we ate the same food as they did."*

None of the KNLA porters interviewed had been arbitrarily seized at gunpoint and Amnesty International spoke to no refugees who were conscripted either to porter or to act as soldiers, in spite of the SLORC allegations to this effect. Rather, the KNLA appear to conscript soldiers and porters according to a quota system by village in their areas of control, in a similar fashion to how the *tatmadaw* conscripts soldiers. Thus, whilst not quite arbitrarily detained in the manner of many of

the SLORC porters, KNLA porters may still have little choice in the matter. A refugee, from Kawkareik township, described how the KNLA conscripted porters and soldiers from his KNU-administered village:

*"If the KNU ask for porters, the village leader has to arrange that according to a rotating system. The numbers depend on the size of the village (and the military situation). Porters would have to go for a minimum of three days, a maximum of three months; it often happens that they go for three months, like when the SLORC attacked Manerplaw last December. No one from the village has ever died while being a porter. If someone does not agree to go because they're too busy or whatever, that's fine but their turn will still come round sometime. For the three-months porters, our village doesn't provide them – instead we collect money [through a porter fee levied on every household] and pay for someone to go from another village. The village chooses the porters and soldiers once a year. Then, say the KNU need three soldiers for that year, two may be volunteers and then the third would be selected by drawing lots among the able-bodied men in the village. If the person so chosen has some reason why they don't want to go, he doesn't have to if he can find someone else to replace him."*

## RECOMMENDATIONS TO THE SLORC

1. Ensure that the forces of the Democratic Kayin Buddhist Organization (DKBO) abide by their 8 May commitment not to attack refugees in Thailand.
2. Ensure that all those abducted by the DKBA are released immediately and allowed to return to Thailand if they so wish.
3. Ensure that the DKBO does not commit any human rights abuses in Myanmar, including indiscriminate shooting of villagers and extrajudicial executions.
4. Ensure that the *tatmadaw* do not shoot indiscriminately at civilian targets, kill or torture civilians, or seize porters arbitrarily.
5. Immediately release all civilians who have been arbitrarily seized against their will by the military for forced portering or unpaid labour.
6. Permit international human rights and humanitarian bodies such as the UN Commission on Human Rights (UNCHR) and the International Committee of the Red Cross (ICRC) full and free access to all areas where ethnic minorities live.

7. Ensure that all those found guilty of human rights violations, including the DKBO and the *tatmadaw*, be brought to justice according to international standards.