

MYANMAR

ETHNIC MINORITIES: TARGETS OF REPRESSION

INTRODUCTION

Myanmar's ethnic minorities, comprising one third of the population, continue to suffer disproportionately from a wide variety of human rights violations compared to the majority Burman people. This is particularly true of minorities living in areas where ethnically-based armed opposition groups are fighting against the *tatmadaw*, or Myanmar army. These groups live primarily in the Tanintharyi Division and in the Shan, Mon, Kayah and Kayin States in the east of the country. The army maintains an increasingly large presence in these areas, particularly in the so-called "black" or "grey" zones where armed opposition groups are active. As troops move through the countryside they pass through farming villages searching for insurgents and seeking intelligence about their movements from the farmers. While on patrol troops steal villagers' livestock, rice, money, and personal possessions, seize them for forced labour duty, and sometimes torture or even kill them for imputed links with the armed opposition.

These human rights violations have been occurring for decades, and in spite of some recent positive developments in Myanmar, continue to be perpetrated by the *tatmadaw*. The State Peace and Development Council (SPDC, Myanmar's military government) has seemingly attempted to improve its relations with both the domestic political opposition and the international community. In January 2001 Ambassador Razali Ismail, the UN Secretary General's Special Envoy to Myanmar, announced that the SPDC and Daw Aung San Suu Kyi, leader of the National League for Democracy (NLD, the party which won the 1990 general elections) have been meeting confidentially since October 2000. The content of the discussions has not been made public, but both sides appear to have agreed to refrain from public criticism of one another. The official press has not been publishing attacks on the NLD¹ and the party itself has not issued any statements critical of the government. More recently there have been widespread calls for the inclusion of ethnic minorities in these talks, but at the time of writing no announcement has been made about this concern.

At the same time Daw Aung San Suu Kyi remains under *de facto* house arrest, although she has been able to meet with several delegations, including from the European Union (EU) and the UN High Commissioner For Human Rights Office (UNHCHR). In January 2001 the EU troika visited Myanmar for the first time in 18 months. In April Professor Paulo Sergio Pinheiro, the newly-appointed Special Rapporteur on Myanmar at

¹ The press is heavily censored in Myanmar and the official media serves as a propaganda tool for the military, featuring daily diatribes against both the NLD and the character of Daw Aung San Suu Kyi.

the UNHCHR, visited the country, which he characterized as an exploratory trip rather than a fact-finding one. Ambassador Razali has also had access to both Aung San Suu Kyi and the SPDC during his visits in July and October 2000 and in January 2001. He visited the country again in early June and met with both high-ranking members of the SPDC, Daw Aung San Suu Kyi, and those NLD executive committee members not under house arrest.

In addition the SPDC has agreed to allow two series of human rights training to be conducted for civil servants, one under the sponsorship of the Australian government and the other under Premier Oil Plc, a UK registered company which operates a natural gas pipeline in southeastern Myanmar. Trainings conducted by internationally-respected human rights lawyers took place in July and October 2000 and again in February 2001. Participants included personnel from the Ministry of Home Affairs, the police and prisons, and from the Office of Strategic Studies of the Ministry of Defence. Further training sessions are believed to be scheduled for later this year.

Finally the SPDC has taken preliminary steps to establish a national human rights mechanism, following on from a suggestion by the Australian government originally made in 1998. Recently the Myanmar Permanent Representative in Geneva described its progress:

“The Government has established a Steering Committee at the highest level, headed by Lt-General Khin Nyunt, Secretary (1) of the State Peace and Development Council and a Human Rights Committee, headed by Col Tin Hlaing, Minister for Home Affairs. These bodies are carrying out preparatory work and will pave the way for the establishment, in due course, of a full-fledged national institution on promotion and protection of human rights.”²

²Statement by His Excellency U Mya Than, Permanent Representative and Leader of the Myanmar Observer Delegation to the fifty-seventh session of the Commission on Human Rights on the brief oral presentation by Mr. Paulo Sergio Pinheiro under Agenda item 9, Geneva, 9 April 2001.

However in spite of these positive gestures, the SPDC has not yet matched their increased but still strictly controlled openness with concrete steps to improve their human rights record. Approximately 1850 political prisoners remain behind bars, although some 100 people have recently been released. Prison conditions remain poor, but the International Committee for the Red Cross (ICRC) continues to have access to prisons, some labour camps, and other places of detention.³ On 18 April 2001 the UN Commission on Human Rights adopted a resolution by consensus which reflected these trends. While the resolution welcomed several recent developments, it also deplored:

*“4. (a) The deterioration of the human rights situation and the continuing pattern of gross and systematic violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, enforced disappearances, rape, torture, inhuman treatment, mass arrests, forced labour, forced relocation and denial of freedom of assembly, association, expression and movement;...”*⁴

The Myanmar Government disassociated itself with the resolution immediately after it was adopted.

In what follows below, Amnesty International outlines its findings and concerns with regard to ethnic minorities living in parts of the Mon, Shan and Kayin States, and in the Tanintharyi Division. This information is based on interviews with refugees in Thailand during February 2001.⁵ The interviewees, almost all of whom are subsistence farmers, fled from their homes because of demands for forced labour and arbitrary taxation, torture and ill-treatment during portering, and the extrajudicial executions of friends and associates.

BACKGROUND

Since its independence in 1948, the issue of ethnic minorities has been at the heart of Myanmar's struggle to sustain a modern nation state. The two most fundamental human rights problems confronting Myanmar today are the suppression of the democracy movement which emerged in 1988, and the treatment of ethnic minorities by the ruling Burman

³The ICRC has had access to Myanmar prisons since May 1999; however at the time of this writing they are not able to visit Military Intelligence Detention Centres, where torture under initial interrogation often occurs.

⁴ United Nations, Economic and Social Council, E/CN.4/2001/L.20, 12 April 2001, Commission on Human Rights, Fifty-seventh session, Agenda Item 9, Situation of human rights in Myanmar.

⁵ The names of all those interviewed have been deleted for security reasons.

authorities. The SPDC is facing the issue of ethnic minorities on several fronts: the ethnic minority-based groups who have agreed cease-fires; possibilities for future cease-fires and peace agreements with armed ethnic minority groups still fighting against the SPDC; and human rights violations, most notably endemic forced labour, which the Myanmar army continues to commit against ethnic minority civilians.

Myanmar ©Burma Ethnic Research Group (BERG)
(Map)

During the colonial period the British administered separately many areas where ethnic minorities made up the majority of the population. A major consideration in the creation of the Union of Burma in 1948 was the governance of the border areas surrounding the central plain. The Union of Myanmar currently comprises seven divisions and seven ethnic minority States, which are named after the Shan, Kayah, Karen, Mon, Chin, Kachin, and Rakhine ethnic minorities. However the States have no autonomy from the central authorities and disputes which soon arose after independence led to the establishment of armed groups in all seven states. This emergence of armed groups based on ethnicity is a crucial element in the history of the post-colonial Burmese state.

Ethnic minorities comprise approximately one third of Myanmar's population of 48 million people. They live in all areas of the country, but are mainly concentrated in the seven states which surround the central Burman plain. According to the State Peace and Development Council (SPDC, Myanmar's military government), there are 135 "national races" in the country. The authorities claim that they are striving to "...*preserve and understand the culture and good traditions of the national races...*"⁶. Yet ethnic minorities are being deprived of their economic, social and cultural rights on a large scale.

For example the teaching of ethnic minority languages is almost never permitted in the government school system. The SPDC also persecutes ethnic minorities on the basis of their religion. The religion of most Myanmar citizens is Theravada Buddhism, but there are also Muslim, Christian, animist and Hindu religious minorities. The Chin group, over 90% of whom are Christians, have provided evidence that the authorities are trying to force them to convert to Theravada Buddhism. Church-burning, harassment and detention of pastors, and preferential treatment for local Buddhist civilians have all been reported in the Chin State. The Rohingyas, or Muslims who live in the northern Rakhine State, have also been persecuted on account of their religion. In 1991 and 1992 some 250,000 of them fled to Bangladesh to escape forced labour and relocation, rape, and killings at the hands of the Burmese military. The Rohingyas are not considered by the authorities as one of the 135 "national races" and do not have Burmese citizenship. The SPDC maintain that they are in fact Bengali migrants from Bangladesh who have come to the Rakhine State to seek employment.

⁶Myanmar Information Committee, Information Sheet No. B-1417 (I), 21 June 2000.

When the current incarnation of the military government came to power in September 1988, it initiated a new policy of attempting to negotiate cease-fires with armed ethnic minority groups; to date the SPDC claims that some 17 such cease-fires have been agreed. These agreements have not yet led to more permanent political arrangements and most cease-fire groups still maintain their armies and weapons as well as their own territories which vary in size. Currently three main groups continue to fight the SPDC: the Karen National Union (KNU) in the Kayin State, the Karenni National Progressive Party (KNPP) in the Kayah State, and the Shan State Army-South (SSA-South) in the southeastern Shan State. The KNU is also present in the Tanintharyi Division along with small armed groups from the Mon ethnic minority.⁷

The internal armed conflict in Myanmar is typical of contemporary civil wars everywhere; the vast majority of the casualties are civilians rather than combatants. Myanmar's various ethnic-based armed groups no longer control any significant territory, but operate in mobile units around the countryside, occasionally visiting a village and asking for rice. Shan, Karenni, Mon and Karen civilians are targeted for punishment by the SPDC because of their ethnicity and presumed support for armed groups operating near their villages. The vast majority of these people, who bear the brunt of the armed conflict, are subsistence rice farmers living in small settlements.

The *tatmadaw* commits a wide range of human rights violations in the context of its counter-insurgency activities, including forcible relocation, forced labour, torture, and extrajudicial killings. Over 300,000 Shan civilians have been forced off their farms since 1996 in order to cut off any alleged support for the Shan resistance. Between 20,000 - 30,000 Karenni villagers have also been pushed off their ancestral lands for the same reason. An unknown number of Karen people have lost their traditional lands as the army sweeps through villages on counter-insurgency campaigns.

Widespread forcible relocation and forced labour have caused major disruption to many ethnic minorities' traditional ways of life. Those who have been forcibly relocated have lost their farms, their livelihoods, and their ancestral attachment to their land. The result of frequent forced labour has often been that many ethnic minorities can no longer earn their living as farmers because they are too busy working for the military to tend their fields. In this regard ethnic minorities are denied not only their civil and political rights, but also their economic, social, and cultural rights. These rights are guaranteed in the United Nations International Covenant on Economic, Social and

⁷ The New Mon State Party (NMSP) agreed a cease-fire with the then State Law and Order Restoration Council (SLORC) in June 1995; however since that time several breakaway and other splinter Mon groups have engaged in skirmishes with the Burmese army.

Cultural Rights. Article 1, part 2 states *inter alia*: “In no case may a people be deprived of its own means of subsistence.”

Beginning in 1996/97 the military reportedly began a “self-sufficiency program” which meant that *tatmadaw* troops had to provide food for themselves. In reality this entailed increased forced labour duties for the population in counter-insurgency areas, which included growing crops for the military. In addition, while troops had always lived off the villagers to a certain extent, they now began to steal crops, livestock, money and personal belongings with greater frequency, engendering more hardship for the people. Many refugees interviewed in February 2001 by Amnesty International reported that the army took their cattle and killed them, stole or burned their rice, and took their other possessions when they entered their villages and farms.

Shan, Karen, Mon and Karenni civilians are also at risk of torture and even killing if they are suspected of supporting the resistance. When Burmese troops pass through villages, they frequently demand information about insurgents’ whereabouts and activities. If such information is not forthcoming from villagers, they are sometimes tortured or even killed. Villagers can also be killed if they return secretly to work on their old farms after having been forcibly removed from them by the military. In May 2000 a group of 73 Shan and tribal villagers were reportedly shot dead in retaliation for an offensive by the Shan resistance against the Burmese army.

Such deliberate and unlawful killings are defined by Amnesty International as extrajudicial executions, carried out by order of a government official or with the government’s complicity or acquiescence. Extrajudicial executions are distinguished from justifiable killings by the security forces in self-defence; deaths resulting from the use of reasonable force in law enforcement when firearms are used in accordance with international instruments;⁸ and the judicial imposition of the death penalty. Extrajudicial executions often result when security forces use force which is disproportionate to any threat posed, although the authorities may claim that this use of force was legitimate. In the material below Amnesty International provides information about the extrajudicial executions of 35 Shan, Mon, and Karen ethnic minority civilians.

Forced labour

Perhaps the most common human rights violation of ethnic minorities is forced labour of civilians, who are much more likely to be seized by the army than the majority Burman group. There are two broad types of forced labour: the first is portering, which entails

⁸ See UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officers and the Code of Conduct for Law Enforcement Officials.

carrying heavy loads for the military over rough terrain for days or weeks at a time. The second type involves work on construction projects such as roads, railways, and dams. Men, women, and children are all taken for labour duties, and almost never paid for their work. Porterage is generally more arduous, as civilians must work for days or even weeks at a time and are kept as virtual prisoners. Children sometimes work on construction sites if their parents are ill or are busy working on their farms.

For the last 13 years Amnesty International has documented the widespread use of forced labour of ethnic minorities by the Myanmar military. Prior to the early 1990s, forced labour primarily took the form of porterage for the army, who used porters in their counter-insurgency activities as they patrolled the countryside and villages or engaged in battles with armed opposition groups. In spite of cease-fires between the SPDC and some armed opposition groups, the practice of forced porterage still occurs, primarily in areas of continuing internal armed struggle.

Beginning in the early 1990s the *tatmadaw* began to vastly increase its size and range throughout the country. One of the features of this militarization was the construction of infrastructure projects throughout the country, including roads, dams, railway lines, and military barracks. Hundreds of thousands of civilians have been forced to work on these projects without pay. The 1996/97 military program of self-sufficiency included issuing orders to local military commands who instructed troops to feed themselves. Subsequently troops began confiscating land farmed for generations by members of ethnic minorities, and forcing these farmers to cultivate their confiscated land to provide food for the military.

Unpaid forced labour is in contravention of International Labour Organization (ILO) Convention No 29, to which Myanmar became a party in 1955. The ILO has been raising the problem of forced labour with the Myanmar government for several years, and has adopted a series of measures in order to urge the government to comply with Convention No 29. In June 2000 the International Labour Conference adopted a resolution under Article 33 of its constitution which recommended that ILO members⁹ review their relations with the SPDC and ensure that the SPDC cannot take advantage of such relations to continue the practice of forced labour. The resolution also called on international organizations to review any cooperation they may have with the SPDC and to cease any activity which could directly or indirectly abet the practice of forced labour. In addition the resolution called on the Economic and Social Council (ECOSOC) and on the General Assembly of the UN to make similar recommendations to governments and specialized agencies.

⁹The ILO comprises 175 member states and is the only tripartite UN body which includes representatives from governments, trade unions, and employers of all member states.

On 27 October 2000 during an ILO visit to the country the SPDC issued "Order Supplementing Order No 1/99" which expressly forbids all civilian and military authorities from employing forced labour and providing for punishments should they be convicted of doing so. Nevertheless the ILO's governing body decided in November 2000 that sufficient concrete measures had not been taken by the SPDC to comply with Convention No. 29 and upheld the ILO measures adopted in June. In December the Director General of the ILO issued a letter to all government members of the ILO requesting them to report on the results of their review of their relations with the SPDC in regards to forced labour.

In May 2001 ILO delegates visited Myanmar and agreed a text with the SPDC for an objective assessment to be conducted by an ILO High Level Team (HLT) in September 2001. The basis of the assessment would be a mission to the country for up to three weeks. The agreement states *inter alia* that:

*"The HLT shall have complete discretion to establish and implement its program of work, meetings and visits, taking into account the indications provided, inter alia, in the aforementioned observation of the Committee of Experts on the Application of Conventions and Recommendations, and subject only to valid considerations of security."*¹⁰

The International Labour Conference convened in Geneva during June 2001 when a special sitting of the ILO Conference Committee on the Application of Standards met on 11 June about Myanmar.

Amnesty International welcomes the SPDC's recent cooperation with the ILO, and hopes that such cooperation will lead to the elimination of forced labour in Myanmar. However, when Amnesty International interviewed scores of refugees in February 2001, it found that the pattern of forced labour remained essentially the same as in previous years. Amnesty International has repeatedly expressed concerns that the practice of forced labour facilitates human rights violations such as torture; cruel, inhuman or degrading treatment; and extrajudicial executions. Moreover forced labour in Myanmar is a form of arbitrary detention, as civilians are forcibly taken by the military to work as unpaid labourers, and effectively detained until the army releases them from their duties.

THE MON STATE AND TANINTHARYI DIVISION

¹⁰ Report of Mission to Yangon, 17-19 May 2001, 89th Session of the International Labour Conference, Geneva, June 2001, Committee on the Application of Standards.

The population of the Mon State and Tanintharyi Division, in the southeast of Myanmar, is a mixture of Mon, Karen, Tavoyan, and Merguians as well as smaller ethnic minority groups. The Mon, who along with the Khmer were among the first settlers of mainland Southeast Asia, established major kingdoms in the pre-colonial era. They live in villages north of Dawei. The Merguians, living primarily in the Mergui area, and Tavoyans, living mostly in the area of Dawei town, are ethnically the same as the Burman group, but have developed their own dialects and local cultures. In February 2001 Amnesty International interviewed members of these groups from Yepyu and Tanintharyi townships in Tanintharyi Division and Mudon, Paung, Thanbuzyat and Ye townships in the Mon State as well as Kya-ein-seik-kyi township, Kayin State.¹¹ They had fled to the Thai-Myanmar border because of forced labour and excessive and arbitrary taxation as well as other human rights violations.

Although the New Mon State Party (NMSP) agreed a cease-fire with the then State Law and Order Restoration Council¹² in June 1995, a few smaller groups broke away from the NMSP and continued to fight against the SPDC. In addition a small number of Karen National Union (KNU) troops engage in skirmishes with the Burmese army in the Bago and Tanintharyi Divisions and the Mon State. As a result, civilians in the areas where these groups operate are at risk of being taken as porters for the *tatmadaw* as they patrol the countryside, and also of interrogation about the armed groups' whereabouts.

Several men told Amnesty International about their experiences as porters for the Burmese army. A 20-year-old Mon rice farmer from Thon Khaung village, Yepyu township, Tanintharyi Division said that he was taken "about 70 times" as a porter by both Light Infantry Battalion (LIB) 273 based in Kanbawk and Battalion 282 in Dawei. He was seized in early December 2000 by LIB 273 and forced to carry ammunition and uniforms for three days. Because he could keep up with the column he was not beaten, but he said that he witnessed older porters being beaten and kicked. He was never paid or given any food, and because he was so often away from his farm, his crops suffered as a result. He also described the death of **U Nyein** (m), a 30-year-old fellow-villager and porter in November 2000 during a skirmish between the *tatmadaw* and unnamed Mon armed group. SPDC troops were caught in an ambush by the Mon group and U Nyein was shot in the lower abdomen in the cross-fire. He received no medical treatment and left five children and a widow, who did not receive any compensation from the military.

¹¹ Although the seven states are named after the predominant ethnic group living there, there are Mons living in the Kayin State and Tanintharyi Division and Karens living in the Mon State and Tanintharyi, Bago, and Ayeyarwady Divisions.

¹² The SLORC changed its name to the State Peace and Restoration Council in November 1997.

The same man reported that in mid-December 2000 he was interrogated and tortured by LIB 273, who accused him of providing support to the Mon armed group. He said that “*as a civilian*” he had to follow orders when asked to be a guide by the Mon group, although he said that ultimately another villager helped them. He described his treatment at the hands of LIB 273 military personnel:

“I was tied with a rope... beaten on my back, hit with a rifle butt and cane stick. They asked me if I sent food to the Mon group and I said no. They didn’t believe me - they kept hitting me. I don’t remember how many times I was beaten but it was by 10 people. I was forced to lie on my stomach while they put two wooden rods on my back while a soldier stood on each side of the rods. I was also poked with a knife in the chest. They kept asking me for more information but I didn’t have any. They dug a hole and put me in it and made me lie down and beat me with bamboo. They said they would kill me. I thought I would die but I was pulled out again and tied to a coconut tree and beaten again. I was kept under the hot sun all day...”

He also said that his mother, who was present at the time, was punched in the face and chest by soldiers because she began screaming when he was being beaten. Later that day he was taken to Ma Thandaung village by boat and released the following morning. After he returned to his village he was beaten again by troops from LIB 273 who were stationed in his village. He was tied up and detained for another night, after which time he was released. The next day he and his wife left their village and eventually made their way to Thailand.

A Merguian Buddhist farmer from La Ta Pon village, Tanintharyi township, Tanintharyi Division, was taken as a porter in February 2000 for two months. He was sleeping on his farm with two other farmers when troops came and seized them. They were then forced to carry heavy artillery by a joint military column of LIB 17 and 103 and were given very little food and never paid. In March he watched as troops tried to force his 30-year-old friend **Than Nyunt** to move in front of them as a human shield during a skirmish with the KNU. Than Nyunt refused to do so and was shot dead in the back. The witness said, “*I was scared to death and when I had a chance I ran away.*” After he returned to his village he and his wife decided to make their way to the Thai border.

A 33-year-old Mon farmer from Taungbauk village, Kya-ein-seik-kyi township, Kayin State, also fled to Thailand because of the constant demand for forced labour and portering. In early July 2000 he was seized on his way to his farm by troops from Thanbuzyat, Mon State. He was forced to carry ammunition for 10 days until he became

weak and could not continue to carry his load. He was given only rice and dried chili and never paid, and he also had to porter at night. He said that he was beaten on the back with an axe handle and punched in the face until blood ran out of his mouth. He continued to work for another three days and then escaped under cover of darkness. The same soldiers returned to his village 10 days later, and looted his house, killing all his livestock.

The same witness also described a road-building project he was forced to work on in April 2000. An order was received by his village headman to provide labour for the renovation of the Kyar-ein and Htee Po Klew Road. Thirty-seven villagers, including women, had to work on the road, and other villages in the area were also forced to participate. The witness stayed on the road site for three days while he was working, and had to provide his own food.

Another Mon farmer, who lived in Ka Pyar village, Ye township, Mon State, told Amnesty International that he fled his home because of the constant demand for forced labour. He said that there was a Mon armed group operating in his area, although he had never seen any of them. Since 1999 he and his fellow-villagers were required to carry a document which certified that they were “genuine villagers”. In May and June 2000 he was forced to carry ammunition and supplies for *tatmadaw* unit LIB 343, based in Ye town. He said that women and girls between the ages of 14 and 37 also had to porter if they were widows or single. They were forced to carry the same weight as men, and soldiers would not permit the men to help them with their loads. He also said that men and boys between the ages of 14 and 68 had to porter for the army. He described what happened in June 2000 when he was taken for 13 days:

“I wasn’t beaten but my grandfather was. He was 68. He fell down from exhaustion and the soldiers kicked him with boots and hit him with rifle butts. His name is U Ba Si. I was so sad to see my grandfather beaten. I pleaded with the soldiers to let me share his load, but they wouldn’t allow it. He died three days after he returned from portering. Then I left two days after he died.”

He also said that he was forced by LIB 273 to gather wood near the Ye-Dawei railway with 100 fellow-villagers in March and April 2000. The villagers had to work for 11 days on this project and remain on the worksite. They were not provided with any food or pay.

A woman with five children reported that she left Ye town, Mon State, because of excessive taxation and forced labour. She was forced to work for Infantry Battalion 61

in Ye, digging holes and building fences and barracks. Her husband had to repair the Ye-Dawei railway after a landslide in the rainy season in September 2000.¹³ He also had to porter for 20 days during December 2000 for Infantry Battalion 61. She reported that he was poked with a bayonet while being forced to carry heavy loads of ammunition until he became ill from malaria and exhaustion. When he returned to his family, he told his wife, “*I was treated so badly - you are lucky to see me alive.*” Neither of them was ever paid for their work, and in addition they had to pay 10,000 kyats¹⁴ per month to the military, including fees for land, security, and even “sports”.

A 45-year-old Mon widow with six children told Amnesty International that she left her home in Mudon town, Mon State, because “*there was nothing to eat*”. She said that her 45-year-old husband **Moe Naing**, who died of tuberculosis in June 2000, was forced to porter for LIB 62 three months before his death. He had to carry equipment for two months and was beaten several times because he coughed so much. On his return he was extremely weak and vomited blood, but they had no money to pay for medical treatment.

A 25-year-old Mon man from Chaung Pya, Yebyu township, Tanintharyi Division, had to perform portering four or five times per month, the last time in late January 2001. On that occasion LIB 273 seized him to carry 60 millimetre mortar shells for five days until he escaped and immediately fled to the Thai-Myanmar border. He was kicked in the back by a sergeant for walking too slowly. He said that as his village was between three military outposts the villagers were taken by all three units. He had no time to work for himself, was never paid for his labour, and had to pay taxes to the military on a regular basis. This treatment is all too typical of the pattern of violations against ethnic minorities, making it impossible to lead a normal life and provide for themselves and their families.

¹³ Beginning in December 1993 tens of thousands of villagers were forced to work on this 100 mile-long railway between Ye in the Mon State and Dawei in Tanintharyi Division. After its completion the military continued to coerce villagers to repair it.

¹⁴ The Kyat is the Myanmar unit of currency. The official exchange rate is 6 kyat per one US dollar, but the unofficial rate can be as high as 100 times that amount.

Aside from human rights violations committed by military units, Mon refugees reported that the local militia, called *Pyi Thu Set*, or “People’s Army”, also subjected them to a range of abuses. One man from Motken village, Ye township, was put into stocks for two days in November 2000 for failing to provide the local Peace and Development Council¹⁵ with monthly fees. He said that this was for a special fund to cover expenses when SPDC officials or other VIPs visit the area. A woman from Ye town said that she had left her home because of forced labour and taxation by the militia. She reported that she was unable to pay the tax for three months and then received a notice saying that she would be “*severely punished*”. According to her testimony the militia is composed of civilians selected and armed by local SPDC officials. She said, “*They have power...It’s a kind of gang...they are exempt from forced labour.*”

Mon State ©BERG (*Townships mentioned in this report are shaded grey*)
(Map)

Tanintharyi Division ©BERG (*Townships mentioned in this report are shaded grey*)
(Map)

Other refugees reported that they had to pay “paddy tax”, that is, they were forced to give a certain amount of their rice harvest to the military. A woman from Zin Kyeik, Paung township, Mon State, said that she and her husband had to give 20 baskets of paddy per acre to the military. The biggest yield from an acre in her area is 50 baskets, so there was not enough left for the farmers themselves. A Mon man from Kamawak, Mudon township told Amnesty International that out of 30 baskets which he was able to harvest per acre, he was forced to sell 25 baskets to the SPDC at one third the market rate. He said that the agriculture department confiscated his rubber plantation with no compensation, so he “*could not survive*”.

In spite of the fact that the cease-fire between the SPDC and the New Mon State Party is holding, civilians are still suffering the effects of the SPDC’s counter-insurgency operations against the Karen National Union and Mon splinter groups. In addition, civilians are subjected to forced labour on road and railway projects and military installations, which deprives them of their ability to earn a living. Paddy tax and other fees further reduce their incomes. Until the military is held accountable for the human rights violations it has been committing for decades against the Mon, Merguian, and Tavoyan groups, these ethnic minorities will continue to suffer from such abuses.

¹⁵ There are local administrative units of the SPDC, including at the village and township level.

HUMAN RIGHTS VIOLATIONS AGAINST THE KAREN ETHNIC MINORITY

In February 2001 Amnesty International interviewed Karen refugees, all of them subsistence rice farmers who had fled to Thailand from Papun District, northern Kayin State¹⁶ and Nyaunglebin district, in eastern Bago Division bordering Papun District. Most of them had been forcibly displaced in the last four years as part of the SPDC's heightened counter-insurgency campaign in the area. The Karen National Union (KNU) is active in these districts and many of the interviewees were living in "black" areas, that is, places where the KNU has a presence, after they had been moved off their land by the *tatmadaw*. The *tatmadaw* often regards such areas as "free fire" zones and shoots anyone unknown to them on sight. Several of the refugees reported that they had lost relatives or fellow villagers in this manner.

In addition Karen internally displaced people (IDPs) often die from starvation or treatable diseases, as there is no medical treatment or adequate food in their hiding places in the mountainous jungles of northern Kayin State and eastern Bago Division. The *tatmadaw* usually steals rice and livestock and burns rice barns when they force civilians off their land, so that they have very little food after their displacement. Some IDPs manage to salvage some of their rice store, and grow a very small amount of rice in hiding, but such supplies are clearly not sufficient. Children and the elderly are particularly vulnerable, as it is more difficult for them to resist disease when they do not receive enough nourishment. Although the SPDC claims that its actions are taken to stop food supplies from reaching the KNU, it is the civilians who are being systematically deprived of their right to food. The vast majority of those interviewed said that they had fled because they could no longer survive in the jungle.

Another threat to life which Karen civilians face in the northern Kayin State is the high number of anti-personnel landmines which are planted by both the *tatmadaw* and the KNU. Several of those interviewed by Amnesty International reported the deaths of relatives and associates after they had stepped on mines, many of whom bled to death after receiving no medical treatment. The use of anti-personnel mines is common in the Kayin State, and has increased dramatically in recent years. Amnesty International opposes the manufacture and planting of anti-personnel mines as indiscriminate weapons which all too frequently result in civilian casualties.

¹⁶ Place names in the Kayin State have Burmese names and Karen names. The Karen name for Papun District is Mutraw.

Amnesty International has reported these violations in the context of the *tatmadaw*'s counter-insurgency activities in northern Kayin State for the last five years.¹⁷

The pattern has essentially remained the same: forcible displacement and destruction of villages and food and the Burmese army shooting Karen civilians on sight in areas where the KNU operate. The *tatmadaw* has forcibly relocated Karen civilians in Papun district in Kayin State and Nyaunglebin district in Bago Division since the 1970s, but in early 1997 and again in late 2000 they stepped up their campaign of village and crop destruction. Those civilians not in "black" areas who remain in their villages are at risk of forced portering and labour by the army.

Currently there are over 97,000 Karen refugees living in camps which are located in Thailand near the Myanmar border. However there are in addition an unknown number of internally-displaced people remaining throughout the entire Kayin State, who are either unable to flee or unwilling to leave their ancestral lands and so remain in the jungle. Because of an increasing number of Burmese troops and landmines there, those who wish to escape find it difficult to do so, either because of potential attacks by the *tatmadaw* or anti-personnel mine detonations. The situation of displacement, landmines, and extrajudicial killings is most acute in Papun district in Kayin State and Nyaunglebin district in Bago Division. Many of those interviewed by Amnesty International said that there were some KNU soldiers in their vicinity, but these soldiers usually moved through areas and did not maintain any fixed bases. The KNU occasionally asked for rice, but in general did not harass Karen civilians and sometimes acted as guides or provided intelligence about the *tatmadaw*'s movements to villagers. However the KNU is essentially unable to protect Karen civilians in Papun and Nyaunglebin districts from the wide variety of human rights violations which the SPDC inflicts on them. Karen civilians, particularly those in "black" areas, are considered as enemies by the *tatmadaw* and suffer disproportionately compared to the KNU troops.

Kayin (Karen State) ©BERG (*Townships mentioned in this report are shaded grey*)
(Map)

Testimonies of refugees

Refugees explained to Amnesty International their reasons for making the arduous journey to Thailand, usually by foot over mountainous terrain. Most if not all of them

¹⁷ Please see *MYANMAR, Kayin (Karen) State: The Killings Continue*, (Amnesty International Index ASA 16/10/96) April 1996, and *MYANMAR, the Kayin (Karen) State: Militarization and human rights*, (Amnesty International Index ASA 16/12/99) June 1999.

named multiple factors, including most significantly an inability to survive any longer in their jungle hideouts. They also cited excessive forced labour and the killings of friends and relatives as being part of their decision. A 37-year-old Baptist man from Meh See Kee village, Shwekyin township, Nyaunglebin District explained his reason for leaving: *“The tatmadaw targeted civilians first, then the KNU. They are systematically starving villagers to break their links with the KNU. The tatmadaw forced us to relocate in February 2000...I want to tell you that so many people are suffering inside”*. He and his family hid in the jungle for several months. He described the killing by the *tatmadaw* of a woman and her baby in July 2000:

“Pa Eh Mo was cooking in her hut on the outskirts of our hiding place. The tatmadaw assumed it was the KNU and shot into the hut. She was cooking beside the fire and was hit on the cheek and back... Her husband was with me at the time she was shot so he escaped...We all heard the shooting, but we didn’t dare go there immediately, we went the next day. It was very sad to see the cooking pot still on the fire, with the dead baby beside it.”

A 36-year-old Baptist woman from Loh Kee village, Nyaunglebin district, fled for similar reasons: in November 2000 the Myanmar army came to their village and destroyed all their food and belongings after the harvest. She and her family tried to survive in the jungle but finally when they ran out of food they came to Thailand. After the village attack the villagers were left with nothing but the clothes they were wearing at the time. She reported that during the attack **Law Mu**, a 30-year-old small trader, was shot dead on the side of his body by the *tatmadaw* as he was carrying rice from his farm to the barn.

A 49-year-old Buddhist woman from Meh Thoo Kee village, Papun District, spent several months in the jungle after the *tatmadaw* came to her village and stole all her belongings. She said that while she and her family were in hiding they did not dare light a fire for fear of being discovered, and that they moved secretly from one place to the other. In mid 2000 her 15-year-old daughter **Leh Paw** died of an unknown disease in hiding *“begging for medicine”* but they had none to give her. She also told Amnesty International about the killing of two of her relatives by the *tatmadaw*. During mid 2000 she witnessed her 15-year-old niece **Naw Po**, shot dead in the head by troops who came to their hiding place. In September 2000 troops shot into the hut of her nephew **Maw Tu**, a widower with three children, killing him and then abducting his three children. The whereabouts of the children are unknown.

Another farmer from Kaw Mu Deh village, Nyaunglebin district, told Amnesty International about the killing of **Lwan Mo**, a Buddhist hill farmer, who was in hiding after SPDC troops had come through his village. In October 2000 he returned to retrieve

food from his rice store and on his way back he was shot in the chest when he tried to run from troops.

A 27-year-old animist man from Kyaw Meh Pla village, Loo Thaw township, Papun District came to Thailand after trying to survive in the jungle for several years. He had suffered from polio as a child and could not walk easily. The same man lost his wife and son to chicken pox when they were all in hiding. He described his situation:

“I had no food or medicine and I heard there was a place here. The tatmadaw came and controlled everything - we could not move or grow or buy food...now there is a military outpost in our area, in Kyeikyit town, northern Papun...More troops are coming to the area so there is no space for civilians to survive...But suffering is not new for me, not strange, I’ve suffered since I was born.”

Other refugees reported that they had been seized by the military for forced labouring and portering duty. A 50-year-old Buddhist man from Hto Pho Ba De, Bu Tho township, Papun district said that he was seized in October 2000 for one month by the Burmese troops from Papun town. He was forced to carry food from one military outpost to the next and was beaten on the back with a rifle butt and scolded several times when he could not keep up with the military column. He had become weak and exhausted from lack of food. On another occasion he was also deprived of food after he was seized as a porter; he decided to escape rather than “gradually starve to death”. When asked by Amnesty International if he had ever been paid for his work, he expressed outrage and said, “How can you ask this question? I worked hard and was never paid - that’s why I left. I almost died.”

A 48-year-old head woman from Bu Tho township, Papun District told Amnesty International that she fled because there were so many demands for forced labour that she was not able to farm for herself. She had eight children, but five died from preventable diseases and her 18-year-old son was killed in 1996 by the army when they mistook him for a KNU soldier. As head of her village, she was ordered by the *tatmadaw* to collect villagers for forced labour, most recently in January 2001 when they were required to find bamboo and carry it to an outpost of Division 44. She was also responsible for finding villagers to do forced portering. Because she was not always able to collect a sufficient number of people, she was scolded and beaten on the back on three occasions. She described her life as a village leader:

“Being a village head woman is very hard...People think a woman won’t be beaten...Troops come day and night - so many different units making demands. So I can’t work for myself. So there’s nothing left for me.”

A 19-year-old Buddhist woman from Me Chone village, Dweh Lo township, Papun District, said that she had to do forced labour so many times she could not count “*since I was able to carry - since I was 13*”. She was required to carry rice, clear land for military farms and areas around barracks but was never paid for her work. Another Buddhist woman from the same village had to carry rice for the military in late January 2001; when asked if she had ever been paid she replied, “*Don’t even think about it.*” She had been performing labour duties for the military for the past six years and said that she had fled because she had no time to work for herself as a farmer.

Landmine deaths

Several refugees from Papun and Nyaunglebin Districts described deaths of fellow villagers after accidentally stepping on anti-personnel mines. In recent years the use of landmines by the KNU and the SPDC has reportedly dramatically increased, and unmarked and uncleared minefields have become a grave concern. However there are no mine clearance programs in Myanmar, nor any known mine awareness campaigns.¹⁸

Anti-personnel mines are indiscriminate weapons both because of their inherent characteristics and because of the way in which they are often used. They are planted in large numbers, almost always with little regard for civilians. *Amnesty International joined with hundreds of other organizations in the International Campaign to Ban Landmines, a campaign supported by the International Committee of the Red Cross (ICRC) and the UN. These efforts culminated in the December 1997 Ottawa Agreement (Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction), in which 121 nations pledged to ban the production, sale, export or use of anti-personnel landmines. Regrettably, Myanmar has not yet signed the agreement.*

A Buddhist man from Taw Ee So village, Kyauk Kyi township, Nyaunglebin district, reported the death of a fellow-villager, **Ba Di Bah**, a 30-year old animist farmer, in February 2000. He was clearing land for cultivation when he stepped on a mine, which blew off both his legs. He apparently bled to death. After hearing the explosion,

¹⁸*Working Paper No. 352, Landmines in Burma: the Military Dimension*, Andrew Selth, Strategic and Defence Studies Centre, Australian National University, Canberra, Australia, November 2000.

the witness told Amnesty International that he went to investigate, and carried his body back to the village. He said that the village was in a “black” area and the *tatmadaw* had destroyed all of their crops.

Another Buddhist farmer from Kaw Mu Deh village, Nyaunglebin district, described the killing of **Hla Heh**, a 35-year-old fellow villager, by a landmine. He stepped on a mine when he was hiding in the jungle with the witness after their rice and livestock were destroyed by SPDC troops. The witness later found his body and buried it.

A Baptist farmer from Dweh Lo township, Papun district, who had been moving around the countryside in hiding since 1997 described the death of **Maw Kyaw Kaw**, a 34-year-old Buddhist man from Ne Kee village, Papun district. He returned to his original farm to retrieve rice and vegetables, but didn’t realize that it was now mined. His left leg was blown off when his friend found him and carried him to their hiding place. He described his death:

“He had no medicine. After five hours he died. He had wounds all over his body with blood streaming out. He was crying and begging for treatment but there was nothing. This was in March 2000. His wife was my aunt. We buried his body.”

A Baptist widow with three children from La Aw Dah village, Loo Thaw township, Papun district, told Amnesty International about two people killed by anti-personnel mines. She lived in a black area but SPDC troops from Kyauk Kyi town were stationed very near her village so she could not farm in the area. She described the death of a fellow villager in August 2000.

*“We lived in fear of landmines so every time we moved we were very frightened. One of the victims was **Leh Bay Bwa**, a 15 year old boy who stepped on a landmine just outside our village when he was helping his mother farm. He stepped on it at 8am but didn’t die until 5pm. He had no medicine....”*

She also described the death in March 2000 of **Oh Kaw Htoo**, a Baptist farmer from the same village. He was guarding his rice field from SPDC troops when he stepped on a mine and died instantly.

For at least the past four years, Karen civilians living in Papun district in the northern Kayin State and Nyaunglebin district in Bago Division have been subjected to a campaign of repression and violence by the *tatmadaw*, in its effort to break up any links

with the KNU. Thousands of Karen civilians are currently displaced and hiding in the mountainous jungles in these two districts, most of them in “black” areas where they risk being shot on sight by the army. Those who stayed in villages are vulnerable to being seized for forced portering and other forms of labour. Many of them have fled to Thailand, but because of landmines and increased *tatmadaw* presence in the area, many others cannot escape.

Human rights abuses by the Karen National Union

Amnesty International condemns as a matter of principle the torture and killings of prisoners by anyone, including armed opposition groups. Amnesty International promotes minimum international standards of humane behaviour, such as the fundamental provisions contained in humanitarian law, by which any armed group should abide, and it urges them to endorse and uphold these standards. Armed non-international conflicts, such as those in Myanmar, are governed by Common Article 3 of the 1949 Geneva Conventions, which applies to all parties to a non-international conflict. Common Article 3 specifically states:

“1. 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...”

Over the last 10 years Amnesty International has documented abuses by the KNU, including execution, arbitrary and deliberate killings, and torture.¹⁹ Recently the organization has learned of the killing of a Karen civilian in the Tanintharyi Division by KNU soldiers after he tried to persuade them to leave his village.²⁰ On 28 February 2000 a group of five soldiers came to Bra Ke Nee village, Eh Eh village tract, in the Thayetchaung area, just south of Dawei town, where there are several Karen settlements. They demanded a large amount of cash from the headman. However the soldiers wanted more money than the village could gather. The victim tried to persuade them to leave the village, but during the discussion the soldiers shot him dead.

¹⁹ See MYANMAR, *The Kayin (Karen) State: Militarization and human rights*, Amnesty International, June 1999, (AI Index ASA 16/12/99) and MYANMAR: ‘No law at all’, Amnesty International, November 1992, (AI Index ASA 16/11/92).

²⁰ Amnesty International has omitted the name of the victim for security reasons. The Village Bra Ke Nee is known as Malaka Chaung in Burmese.

Amnesty International calls on the KNU not to kill civilians or troops who have laid down their arms or are otherwise *hors de combat* and to strictly abide by international humanitarian law governing internal armed conflicts. The organization also urges the KNU *to cease the practice of planting anti-personnel mines and to remove mines in areas where the KNU troops have planted them.*

HUMAN RIGHTS VIOLATIONS AGAINST THE SHAN ETHNIC MINORITY

Background

During negotiations between Britain and Burma about independence, Shan and other ethnic minority leaders demanded guarantees of minority rights in return for an agreement to join in a Union of Burma. These were conceded in an agreement between the Burmese Government and the Shan, Kachin, and Chin representatives in 1947 in Panglong, a Shan town. After Burmese independence in 1948, however, disputes arose between some Shan political figures and the central administration in Rangoon over the handling of Shan affairs. In 1958 the first Shan armed opposition group was organized, and since then various other groups took up arms. Since 1989 some of these groups have agreed cease-fires with the SPDC, including the Mong Tai Army (MTA, led by Khun Sa) in January 1996. Although Khun Sa surrendered, troops formerly under his command who formed the Shan State Army-South²¹ (SSA-South) began to move north from former MTA areas along the Thai-Myanmar border to the central Shan State.

In March 1996 forcible relocations on a massive scale began in the Shan State as the army evicted civilians from their villages in an apparent effort to break up any alleged links with the SSA-South. To date well over 1,400 villages have been forced to relocate.

Shan State ©BERG (*Townships mentioned in this report are shaded grey*)
(Map)

²¹SSA-South was originally called the Shan United Revolutionary Army (SURA).

Although the pace of forced relocations has slackened, the consequences of displacement are still acutely felt by villagers who have lost their land and most of their possessions. In addition, the army has not provided them with farmland, food, paid employment, or any other form of compensation. Moreover, once the army has cleared villages of any inhabitants, it forbids villagers from returning to harvest their crops or to collect their belongings. Deserted villages are usually considered as “free-fire” zones by the Burmese military; as a result, hundreds of Shan civilians have been shot dead when they tried to return to their homes.²²

In February 2001 Amnesty International interviewed recently-arrived Shan refugees in Thailand who reported the same pattern of human rights violations by the *tatmadaw* against Shan civilians. They had fled from forcible relocation and forced labour in Murnpan, Murngkern, Murngnai, Laikha, Namzarng, and Kunhing townships in the central-southern Shan State where the SSA-South is active. Some of them also reported the extrajudicial executions of friends and relatives either during portering or when SPDC patrols came to their areas. Those who had been relocated mentioned that the SSA-South passed by their villages, but did not maintain any permanent bases.

Unlike refugees fleeing from northern Kayin State, the Shan faced no particular difficulty from the army in leaving their homes. They were often required to pay money as they passed through SPDC checkpoints on their journey to Thailand, but the army generally made no attempt to stop them from leaving. In addition several refugees reported that they were compelled to pay fees at checkpoints operated by the United Wa State Army (UWSA), an armed group²³ who have vastly increased their presence in that area.

In late 1999 the SPDC began to resettle members of the Wa ethnic minority from northern Shan State near the Chinese border to Mongton and Murngsat townships in the Shan State near the Thai border. Tens of thousands of them have subsequently been moved to these locations. In the last 18 months tensions between the Royal Thai Government and the SPDC have escalated, partly because of the reported widespread manufacture and trafficking of drugs by the UWSA, who have allegedly flooded the Thai market with methamphetamines. In addition during the first five months of 2001 there

²² Please see *Myanmar: Atrocities in the Shan State*, (Amnesty International Index ASA 16/05/98) 15 April 1998, *Myanmar: Update on the Shan State*, (Amnesty International Index ASA 16/13/99) 30 June 1999, and *Myanmar: Exodus from the Shan State*, (Amnesty International Index ASA 16/11/00) July 2000.

²³ The UWSA agreed a cease-fire with the then SLORC in 1989 but has retained its arms and controls territory.

have been cross-border skirmishes between the Royal Thai Army and the *tatmadaw*, leading to a further deterioration in relations between the two countries.

Shan refugees are not permitted by the Royal Thai Government to live in camps and instead attempt to find work as migrant labourers, particularly in the agricultural sector. They do not benefit from the protection provided by a refugee camp structure and are paid much less for their work than Thai nationals. Some of them receive a small amount of assistance from the Shan community and from non-governmental organizations, but their work as day labourers is not regular, so survival is difficult. The vast majority of Shan refugee children do not receive any education in Thailand.

A 36-year-old refugee described his feelings about being in Thailand:

“I want to tell local Thai people that I came here in the hope of staying under their shadow for a while. During that time I wish not to be troubled and to go around freely. I would like to be able to go back safely when there is peace. I have no intention of making trouble here.”

Almost all of those interviewed continued to suffer from the consequences of the massive forcible relocation campaign initiated by the *tatmadaw* in 1996. Some returned secretly back to their farms to cultivate rice, but many could not do so and instead eked out a living as day labourers in relocation sites. Others hid in the jungle until they could no longer survive and so fled to Thailand. As is the case with the Mon and Karen groups, the Shan ethnic minority have systematically been deprived of their economic, social, and cultural rights by the SPDC. The vast majority of Shan are Theravada Buddhist paddy rice farmers, but those in counter-insurgency areas have been deprived of their lands and their village traditions.

Forced labour

As in previous years, most of the Shan refugees interviewed by Amnesty International were forced by the *tatmadaw* to perform a variety of jobs, including portering, building roads and buildings and growing crops for the military. Those living in relocation sites in towns provided a captive source of labour for the military who were stationed nearby. People living in villages were also taken on a regular basis for forced labour duties. They were never paid for their work and they also had to provide their own food.

A 31-year-old man who had been forcibly relocated to Murngkern town told Amnesty International that he performed forced labour duties, including cultivating soy beans and building fences, every other day. He also said that in February 2000 he was seized by SPDC troops when he was going to his farm secretly and forced to porter for

two days. He was kicked and beaten when they arrested him, and he said that this was the main reason he decided to flee.

A 48-year-old man who worked as a day labourer after being forcibly relocated to Murngpan town reported that he had to work for the army 10 times per month. His duties included planting and harvesting rice, digging a fish pond, and clearing roads. He said the military never did any work themselves but supervised and guarded the workforce. He also was forced to carry clothes and ammunition for the army as a porter on three occasions in 2000.

A 27-year-old man from Ho Kai tract, Murngkerng township, told Amnesty International that he did forced labour every five days during 2000. He collected stones, fixed roads, and grew crops for troops from Units 99 and 514 of the *tatmadaw*. He was also taken as a porter 17 times in 2000, the last time in October 2000 for five days when he was beaten and kicked by Unit 99 because he could not keep up with the column.

A 25-year-old man who had been forcibly relocated to Laikha town in 1999 was taken 15 days per month for forced labour duties, including forced portering on 20 occasions during 2000. In December of that year he had to work for 15 days carrying rocks, paving a road, and cutting wood and bamboo. He had to sleep at the worksite, which was somewhat unusual as labourers normally return home at night. On that occasion he was beaten on the right side of his face 10 times with a rifle butt for working too slowly. He lost consciousness as a result and suffered from a fever for several days afterwards. He also performed porter duty for Units 99 and 64 carrying ammunition and rice. After his relocation he could not find work and so had to sell his belongings in order to support his family. When the SPDC came to his village to relocate it, they also shot his cattle and threatened to burn the village.

A 25-year-old man who had been forcibly relocated to Kholam town, Namzarng township, also suffered from ill-treatment during forced labour duties. He had to work on road construction and build fences for Unit 606 every three days and was kicked because he did not understand Burmese. In September 2000 he was seized by Unit 66 for three days when he left Kholam town to gather vegetables. He was tied to a yoke at night to prevent him from escaping and again kicked and beaten because he could not understand instructions in Burmese.

A 22-year-old woman from Ham Ngai tract, Murngkerng township, had to do forced labour about 15 times per month. She described her experiences to Amnesty International:

“We had to do many things - clearing roads and military compounds and fetching water for them to their camp on a hill...As far back as I can

remember I had to do this, since I was seven or eight years old. In September 2000 I had to build a fence for five days. My husband had to go as a porter and sometimes when men didn't go women have to. Women are more docile so they are not beaten so much."

A 30-year-old man from Kun Mon tract, Murngnai township fled to Thailand in February 2001 seven days after escaping from portering duty. He told Amnesty International that he left because he was severely beaten and had witnessed his friend's killing when they were both seized as porters. He had been seized as a porter on a regular basis since he was 12 years old. In the most recent case he was seized on 18 January and escaped on 5 February 2001. He had to carry food and backpacks for Unit 99, and because he had not received enough food for three days became weak and could hardly walk. He was beaten on his head with a rifle butt "10 or 20 times" until he lost consciousness. As soon as he woke up he was beaten again. While he was a porter he observed his friend **Sa Ti Ya**, aged 45, being taken from his house in Tun Hing, accused of being a member of the SSA-South, and beaten. The witness described what happened next:

*"He was a farmer and traditional healer...They shot him after they beat him for some time. He was shot in the back of the head twice and died instantly. They shot him in front of me - I almost fainted from fear. The body was just left there. The other two of us [porters] were taken away then. I managed to escape along the way. One day later they killed the other man but I only heard about it, I didn't see it. He was beaten to death, not shot....His name was **Pey Ti**, 20 years old...I knew him - he was the brother of my former wife. I don't know why they killed him - I didn't hear the accusations - he was just a simple porter."*

The witness also had to do other forms of forced labour, including building fences and working in a military compound, "almost all of the time."

A 48-year-old woman who had been forcibly relocated to Murngpan town survived as a day labourer by working on other people's farms. Like everyone interviewed by Amnesty International, she found that it was too difficult to earn a living after being made landless and being forced to do labour. When the military ordered her village to relocate, they shot her 27 head of cattle and confiscated her rice fields. She arrived in Thailand in February 2001 with her husband and four children. She said that she had to perform labour once every five days, clearing roadsides, growing crops, building houses and even constructing a pagoda. She said that she could not remember how long she had been doing this, but said that "I could keep telling you about SPDC abuses endlessly."

Extrajudicial executions

Many of those Shan refugees interviewed by Amnesty International described the extrajudicial executions of 22 of their relatives and associates by SPDC troops. The *tatmadaw* killed villagers whom they suspected of being part of the SSA-South, or if the villagers were found outside of their relocation sites trying to farm or forage for food. What follows below are descriptions of some of the most recent cases of extrajudicial executions.

A woman originally from Da Te village tract, Murngpan township reported the killing of **Phukhan Sai**, the 70-year-old headman of her original village, who had moved with the village when it was forcibly relocated to Murngpan town. In May 2000 a group of about 15 soldiers came to their quarter and robbed one of the houses there. The local commander had previously told the residents that they should report any mistreatment by the *tatmadaw* to him. On this occasion the headman went to the house which had been looted, but the soldiers involved blocked the road and stabbed him in the chest. Afterwards the commander investigated the case, but the troops told him that they acted in self-defence. However the woman interviewed by Amnesty International said that no one would have dared attack heavily-armed soldiers. When asked whether the headman's family had received any compensation for the military, she said that the commander forced the villagers to collect 60,000 kyat to give to the army, for the headman's "mistake."

A 27-year-old rice and orange farmer from Murngkerng township reported that **San Nyo**, an associate of his, was killed by the *tatmadaw* in October 2000. San Nyo was accused of being a spy for the SSA-South, but according to the witness he was just a villager and had nothing to do with them. He was diverting water for his rice field when he was seized by Unit 99 and severely beaten and tortured. The witness later saw San Nyo's dead body, which had an ear cut off and many broken bones, including a fractured skull. His family later had a funeral in spite of threats of punishment from the *tatmadaw* if anyone buried his body.

A 25-year-old man from Namzarng township described the killing of two fellow-villagers after they had been forcibly relocated to Kholam town. **Pan Ti**, age 35, and **Ma La**, about 40, were going out of town in their oxcart to cut bamboo when they were intercepted by the *tatmadaw* and beaten to death in November 2000. They also killed the oxen and burned the cart. Relatives went to search for the two men, and after they found the bodies they buried them. A 23-year-old woman from Murnkerng township told Amnesty International about the extrajudicial execution of her uncle **Long Naw**, age 42, also in November 2000. He was working on a remote farm when he was

arrested by Unit 99 and taken to Khun Na where he was beaten and then killed. His body was covered over with branches by the SPDC troops.

A 32-year-old farmer from Murngnai township told Amnesty International about the killings of two men by Unit 246 in that area. **Sang Ti Ya**, a 65-year-old traditional healer from Long Se village, was taken by soldiers to Loi Sai, a deserted Palaung²⁴ village. The witness later found the body, which he said had many broken bones and bruises but no knife or bullet wounds. He and other villagers later removed the body, which had been covered with branches, and buried it. A few days after Sang Ti Ya's death, Unit 246 arrested **Lung Paw Kham**, a 48-year-old Palaung headman from Ho Ha, Kun Mon tract, Murngnai township, which had been forcibly relocated by the *tatmadaw*. After Lung Paw Kham had apparently told his villagers that they could return to Ho Ha to work on their farms troops arrested him and cut off both his ears. The dead body showed no bullet or deep knife wounds, but had many stab wounds and no ears.

A 37-year-old man reported the killings of two fellow villagers from Na Ka On village, Na Teng tract, Kunhing township, in September 2000 which he had witnessed. The witness was hiding up a tree from SPDC troops when he saw **Nya Na** and **Wa Ling Tan**, two farmers in their 30s, being stabbed to death. He said that these two men were part of his group in hiding "*sharing food and hardship*". He also said that the troops burned 14 of their village houses after they killed the two men.

Amnesty International has been documenting the same pattern of human rights violations in southern central Shan State for the last four years. As in the cases of Mon, Merguian, and Karen civilians living in areas where armed opposition groups are active, the Shan are the victims of the SPDC's counter-insurgency activities. These violations are still causing large numbers of Shan civilians from this area to flee to Thailand every month, where they do not receive proper protection.

CONCLUSION AND RECOMMENDATIONS

Amnesty International is disturbed that extrajudicial killings, torture, forced labour and displacement, and extortion by the *tatmadaw* of ethnic minorities have continued at such a high level of intensity. Minorities are targeted for violations purely because of their ethnicity and because of where they happen to be living. Amnesty International makes the following recommendations to the State Peace and Development Council:

²⁴The Palaung are another smaller ethnic minority living in the Shan State.

- ◆ In areas of armed conflict, Amnesty International urges the SPDC to abide by the basic principles of international human rights and humanitarian law concerning the treatment of civilians. Common Article 3 of the four Geneva Conventions²⁵, which applies to all conflicts of a non-international character, occurring within territories of a party to the Convention, sets forth minimum standards of humane conduct, applicable to all parties to the conflict, for the treatment of people taking no active part in the hostilities, including members of the armed forces who have laid down their arms and those *hors de combat* for any reason. Among other things, paragraph 1 of this article prohibits “murder of all kinds”.
- ◆ Amnesty International recommends that the SPDC issue clear orders to halt extrajudicial executions, to use force and firearms only when strictly necessary to protect life, and to investigate all extrajudicial executions and bring to justice those found responsible.
- ◆ Amnesty International recommends that the SPDC investigate all reports of torture and ill-treatment, and issue clear orders to the military to stop these practices immediately.
- ◆ Amnesty International urges the SPDC to ratify the United Nations International Convention on the Elimination of All Forms of Racial Discrimination of 1969.
- ◆ Amnesty International calls on the SPDC to ratify the United Nations International Covenant on Economic, Social and Cultural Rights.
- ◆ Amnesty International urges the SPDC to implement the recommendations made by the ILO Commission Of Inquiry regarding the abolition in practice of forced labour.
- ◆ Amnesty International urges the SPDC to accede to the *December 1997 Ottawa Agreement (Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction)*; to cease the practice of planting mines; and to begin a mine clearance program in all areas where they have been planted.

²⁵Myanmar has ratified the Geneva Conventions.

- ◆ Amnesty International urges the SPDC to accede to ILO Convention 182 on the Worst Forms of Child Labour.
- ◆ With regard to the forced labour of children, Amnesty International urges the SPDC to implement its obligations under Article 32 of the Convention on the Rights of the Child, to which it is a State party. Article 32 states: "*State parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.*"
- ◆ Amnesty International urges the SPDC to ratify the United Nations International Covenant on Civil and Political Rights.