

MYANMAR

Ethnic minority rights under attack

I. INTRODUCTION

As Myanmar is formally admitted to the Association of Southeast Asian Nations (ASEAN), it shows no sign of improving its human rights performance, despite hopes placed on the policy of constructive engagement by its regional partners. At the end of May 1997 ASEAN announced that Myanmar, Laos, and Cambodia would be admitted as full members at their late July ministerial meeting in Kuala Lumpur, Malaysia.¹ The inclusion of Myanmar evoked widespread protests from non-governmental organizations (NGO's) in ASEAN nations, including Thailand, Indonesia, the Philippines, and Malaysia. NGO's objected to admitting a new member with such a poor human rights record and expressed their belief that the move would not reflect well on ASEAN. Some were also concerned by alleged communal violence by Buddhists against Muslims in Myanmar during February and March 1997. The Malaysian Youth Movement (ABIM, a Muslim youth movement) said that Myanmar's entry should be delayed because its government was "...harassing Muslim communities...".² Forum-Asia, a consortium of Asian NGO's based in Bangkok, also issued a statement on 2 June, saying:

*"Furthermore, by admitting Burma, the military junta will seek the protection of ASEAN and forestall any international pressure it receives due to the gross human rights violations it commits against the Burmese peoples."*³

This report focuses on one of those areas in which the country has shown no improvement - human rights violations against members of ethnic minority groups. These abuses, including extrajudicial executions; ill-treatment in the context of forced portering and labour; and intimidation during forcible relocations occur both in the context of counter-insurgency operations, and in areas where cease-fires hold. The State Law and Order Restoration Council (SLORC, Myanmar's military government) continues to commit human rights violations in ethnic minority areas with complete impunity.

¹Because of the political crisis in Cambodia during July, ASEAN members decided to defer its entry into their grouping.

² *Agence France Presse* (AFP), Kuala Lumpur, May 28 1997.

³*Ibid*, Bangkok, June 2 1997.

This high level of human rights violations and the attendant political instability in Myanmar pose a major regional security issue for the country's new ASEAN partners. One dimension of this is the unprecedented numbers of refugees from Myanmar now in Thailand: a conservative estimate of some 200,000 refugees live in Thai cities and in camps along the Thai-Myanmar border. All of the refugees whom Amnesty International recently interviewed, and whose testimonies form the basis of this report, said that they had fled because they could no longer survive under the harsh forced labour and relocation practices of the SLORC.

The ongoing abuse of ethnic minorities by the SLORC has been matched in the last 14 months by a massive crackdown on the political opposition throughout Myanmar. The SLORC has arrested and sentenced to long terms of imprisonment scores of members of the National League for Democracy (NLD, led by Daw Aung San Suu Kyi). She and other NLD senior leaders are subjected to a high degree of surveillance and restriction of movement by Military Intelligence personnel. In the attempt to silence any peaceful political opposition, the SLORC has radically restricted Burmese citizens' rights to freedom of expression and assembly.⁴

All of the human rights violations reported below occurred in the context of counter-insurgency operations against armed ethnic minority opposition groups in the Kayin (Karen), Kayah (Karenni) and Shan States in eastern Myanmar. Civilians living in these areas are subject to deliberate and arbitrary killings, forced portering and labour, and destruction of their homes and property as the *tatmadaw* (the Myanmar army) moves through their villages on patrols. Human rights violations in other ethnic minority states where there is little or no armed conflict are also of concern to Amnesty International. Ethnic minorities in areas where cease-fires have been agreed or where there is a low level of hostilities are also subject to extensive forced labour, relocation, and portering.

⁴For further information please see *MYANMAR: Intimidation and Imprisonment, September - December 1996*, (AI Index: ASA 16/01/97), February 1997.

Human rights violations against members of ethnic minorities have received international condemnation, including from the United Nations Special Rapporteur on Myanmar, Chief Justice Rajsoomer Lallah in his February 1997 report to the UN Commission on Human Rights.⁵ Since his appointment in June 1996 Mr Lallah has repeatedly been denied access by the SLORC to Myanmar itself. However he was able to visit Thailand in December 1996 in order to meet with recently-arrived refugees. In his February report he highlighted massive displacements of ethnic minority civilians in Myanmar, which he stated was caused by the SLORC's policy of forcible relocations and by people fleeing from forced labour and portering duties. In April 1997 the UN Commission on Human Rights adopted a resolution on the situation of human rights in Myanmar, which renewed Mr. Lallah's mandate for another year. The Resolution expressed:

"...its deep concern...At the continuing violations of human rights in Myanmar, as reported by the Special Rapporteur, including extrajudicial, summary or arbitrary executions, death in custody, torture,...forced relocation, forced labour by children as well as adults, including portering for the military, abuse of women and children by government agents and oppression of ethnic and religious minorities."

The Resolution also expressed its deep concern at:

"...the forced relocation and other violations of the rights of persons belonging to minorities, resulting in a flow of refugees to neighbouring countries..."

The material in this report is largely based on dozens of interviews which Amnesty International conducted during April and May 1997 with refugees who are members of the Karen, Karenni, Mon or Shan ethnic minorities in Thailand. Because Amnesty International has consistently been denied access to Myanmar by the SLORC, it is impossible to verify the testimonies. However Amnesty International believes that the testimonies are consistent with a long-standing pattern of ill-treatment, torture, and killings of ethnic minority civilians.

Amnesty International has recently received disturbing reports that some of the Karen villagers who were interviewed by other human rights organizations were later subject to punitive action by the SLORC after their names and the names of their villages

⁵The UN Commission on Human Rights appointed a Special Rapporteur on Myanmar in 1992; Mr. Lallah is the second person to hold this post.

had been published. In the testimonies which follow, the names and villages of refugees have been deleted for fear of reprisals when they return to Myanmar.

Background

Since Myanmar became independent from the United Kingdom in 1948, members of ethnic minority groups have engaged in insurgency activities against the central Burmese Government in an effort to gain greater autonomy or complete independence. When the military reasserted power in September 1988 after suppressing the pro-democracy movement, they pursued heightened offensives against ethnic minority armed opposition groups. Myanmar's military government also adopted a policy of negotiating cease-fires individually with these groups rather than dealing with umbrella organizations which grouped them together. Since 1989 the SLORC has agreed cease-fires with 16 armed ethnic minority groups; however, the March 1995 cease-fire between the Karenni National Progress Party (KNPP) and the SLORC broke down after three months. In January 1996 the SLORC signed a cease-fire agreement with the Muang Tai Army (MTA) led by Khun Sa in the Shan State. Nevertheless other Shan opposition groups have continued their armed struggle against the *tatmadaw*.

The Karen National Union (KNU) remains the last major group not to have agreed a cease-fire. At the end of January 1997 cease-fire talks between the SLORC and the KNU broke down for the fourth time. In early February 1997 the Burmese army launched a large offensive against remaining KNU positions in the Kayin State, particularly the KNU 4th and 6th Brigades. As a result, some 20,000 Karen civilians fled to Thailand as the Karen National Liberation Army (KNLA, the KNU army) fell into disarray. There are now over 100,000 refugees from Burmese ethnic minority groups living in camps in Thailand. This number represents a huge growth in Burmese refugees; for example, in 1991 there were just over 50,000 Burmese refugees in Thai camps.

The continuing armed conflicts in the Kayin, Kayah, and Shan States have been accompanied by massive human rights violations, including extrajudicial executions of civilians by the *tatmadaw*; severe ill-treatment during forced portering and labour; and death threats in the context of mass forced relocations. Not only does the army commit grave human rights violations in the context of its counter-insurgency operations, it also behaves with impunity in other ways. When SLORC troops enter villages in these three states, they steal livestock, rice, money, and personal belongings. They also confiscate land for railway lines, roads, and farms without compensating the owners. Houses, rice barns, mosques and other structures have been burned by Burmese soldiers as they pass through villages on patrols.

While this report focuses solely on human rights violations committed by the *tatmadaw*, Amnesty International is also concerned about alleged abuses committed by armed opposition groups in the Kayin, Kayah, and Shan States, and has reported on abuses by armed opposition groups in the past.⁶ The SLORC-controlled press in Myanmar reports regularly on alleged human rights abuses committed by the KNU, including the destruction of villages and the killings of civilians. Amnesty International calls on all armed political groups to respect minimum standards of humane behaviour and to put an end to abuses such as deliberate and arbitrary killings, torture and hostage-taking. Campaigning against these abuses implies neither recognition nor condemnation of the organizations as such.

⁶See *MYANMAR: "No law at all"*, (AI Index: ASA 16/11/92), October 1992 and *MYANMAR: The climate of fear continues*, (AI Index: ASA 16/06/93), October 1993.

II. EXTRAJUDICIAL EXECUTIONS

Amnesty International defines extrajudicial executions as unlawful and deliberate killings, carried out by order of a government official or with the government's complicity or acquiescence. Extrajudicial executions violate the right to life, as guaranteed in Article 3 of the Universal Declaration of Human Rights, which states: "Everyone has the right to life, liberty, and security of person." Extrajudicial executions are distinguished from justifiable killings by the security forces in self-defence; deaths resulting from the use of reasonable force in law enforcement; and the imposition of the death penalty. Extrajudicial executions often result when law enforcement officials use force which is disproportionate to any threat posed, although the authorities may claim that this use of force was legitimate.

In Myanmar the *tatmadaw* has unlawfully killed members of ethnic minorities in the context of counter-insurgency operations against armed opposition groups on a regular basis since at least 1986.⁷ People have been shot dead during forced portering for the military, after arrest, or as a result of clearly disproportionate use of force to prevent people from fleeing from the security forces. Villagers have often been accused by the military of providing ethnic minority groups with food, shelter, and intelligence about the *tatmadaw*'s movements, and have then been shot dead in retribution. Others have been killed when they could not perform portering duties to the satisfaction of the army, or when they attempted to escape. In April and May 1997 refugees in Thailand told Amnesty International about the killings of 19 people over the last 18 months belonging to the Karen, Karenni, and Shan ethnic minorities. In all of these cases the individuals who were killed did not appear to be armed or to offer any resistance to the army which would have justified the use of force or firearms. What follows is information provided by refugees about killings of family members and associates or killings which they had witnessed themselves.

A Muslim Mon woman living in Gyaidone township, Kayin State told Amnesty International about the killing of a Karen Buddhist acquaintance, **Pa Nya Paw** (m), age 50, in early April 1997. He was detained and interrogated by Division 22 of the *tatmadaw* about the whereabouts of the KNLA. He was also asked if he knew who owned the village rice threshing machine. He responded that he did not know, but other villagers claimed that he did in fact know, and that the machine was owned by the KNU. During his interrogation the army allegedly punched and kicked him until his limbs

⁷For full details of extrajudicial killings of members of ethnic minorities before the 1988 pro-democracy movement in Myanmar, please refer to *BURMA: Extrajudicial execution and torture of members of ethnic minorities* (AI Index: ASA 16/05/88) May 1988.

were broken, smothered him with plastic and poured boiling water on him. He died from his injuries. From the available evidence, Amnesty International believes that Pa Nya Paw was tortured to death.

A 40-year-old Buddhist Karen female rice farmer from Kawkareik township, Kayin State, told Amnesty International that her husband, **Pa Kler**, aged 42, was killed during forced portering duty in mid 1996. The couple was working in their fields when a group of 40 soldiers came and ordered Pa Kler to act as a porter for four days. When other porters from the group returned to the village they told his wife what had happened to him. She provided the following details:

“It was raining and he became very weak and fell sick. He couldn’t carry his load of mortars and rice and the soldiers beat him with a rifle butt - until he died. His body was not buried. It was left near the main road, one hour by car from Kawkareik. When other porters from that group returned they told me what happened to him. His body had a bullet hole in the stomach. No one witnessed him being shot, but other porters saw him being beaten.”

The woman’s daughter, from the same village, also lost her husband, whom she did not name, during forced portering. She provided the following information about the killing. In July 1996 soldiers came to their house and accused her husband of being a member of the KNU. He denied the accusation, but despite this he was taken by the troops as a porter. Her husband’s friend, who had also been seized, later returned to the village and told her what had happened. Her husband and nine other men, including **Hla Du**, age 40, were forced to carry ammunition and food supplies. Her husband was shot dead in front of the group of porters and Hla Du was allegedly tortured before he was killed. According to his fellow villager, he was beaten, had his eyes gouged out, his limbs broken, and was finally stabbed to death in his ribs. Both bodies were reportedly left behind unburied.

A 25-year-old Buddhist Karen rice farmer who had fled from his home in Belin township, near Pa’an, the capital of the Kayin State, when SLORC troops approached his village told Amnesty International about the killings of two men he knew from the same village. When the troops arrived in July 1996, many villagers, including this man, fled the area. **Pa Daw U**, age 27, and **Myo Pu**, age 25, were shot dead as they fled from the scene. SLORC troops now occupy the village.

The *tatmadaw* has been forcibly relocating people from their homes since at least 1984. At that time during increased *tatmadaw* activity against armed ethnic minority opposition groups civilians belonging to ethnic minorities were forcibly relocated from their villages into “strategic hamlets” in order to break any alleged links and support for

these groups. In 1990 reports coming out of the country indicated that people in central Myanmar were also being relocated by the SLORC. Hundreds of thousands of residents of Yangon were moved to satellite towns in the outskirts where the infrastructure and transportation were inadequate.

More recently during a massive forcible relocation program in the Kayah State during mid 1996, the *tatmadaw* unlawfully and arbitrarily killed civilians who tried to escape or who disobeyed SLORC orders. A 30-year-old Buddhist Karenni rice farmer who said that he fled to Thailand because of forced labour, told Amnesty International what he had seen during his journey. In August 1996 he left with a group of 100 villagers from the Shadaw resettlement site, where thousands of Karenni civilians had been forcibly relocated by SLORC troops. They had left the relocation site in order to seek refuge across the border in Thailand. His group was near a stream called Kyi Kyer in a valley near the Myanmar-Thailand border when the *tatmadaw* opened fire from a hill about 20 metres away. Four men, **Ee Reh**, age 40 with four children; **Sii Reh**, age 35, with six children; **Mii Reh**, a 20-year-old single man; and **Hla Reh**, a 25-year-old single man were shot dead in the attack. They had been in the front of the group and the SLORC tried to bar their way as they climbed the hill. Because the rest of the group then fled from the troops, they were not able to collect the bodies. One other man was shot in the shin in three places and was carried out to the border. The man who provided this information concluded the interview by saying:

“We couldn’t imagine the treatment of the SLORC. They even shot at us to try to kill us as we tried to get away. But I want to find some way to go back to my home. I want to live in my home again.”

A Karenni woman whose family had been forcibly relocated to Ywa Thit, another large relocation site in Kayah State, said that one man had been shot near the site because he had broken curfew regulations. She reported that anyone who was outside the site after 6pm would be regarded as a rebel by the SLORC. **Sei Tun**, who was a farmer near Ywa Thit, was shot dead by SLORC troops as he returned from work on his farm after 6pm sometime in June 1996. Another man with him was not hit and managed to escape.

Shan refugees in Thailand told Amnesty International about the extrajudicial executions of eight men in the Shan State. A 35-year-old Shan Buddhist rice farmer from Laika township who had been forcibly relocated to Hoi Yen reported that his uncle, **Be Pit**, also 35, had been shot dead by members of the *tatmadaw* based in his uncle’s village of Kholam, Laika township, Southern Shan State. There was a SLORC base at Kholam, which was near an area where Wa, Pa’Oh, and Shan armed opposition groups allegedly operated. Be Pit was sleeping in his house when SLORC soldiers detained him and shot him dead. His nephew said:

“He was an innocent man, he did nothing. They dragged his body to the bridge which crosses the river and said he had tried to flee from them and he was shot. No one dares go to that place. If people go outside a two mile radius of Kholam, if the SLORC sees you, they will shoot at once.”

The nephew went on to describe general conditions in Hoi Yen:

“When the SLORC come they always shoot our livestock. They hit the chickens and shoot our pigs and our bullocks. They also shoot people if they want to. When people go to fetch food, like fruit or vegetables in the forest, the military accuse them of supporting guerrilla troops and just shoot them. They just leave the bodies there. In March 1997 in Lai Hoe, in the Nar Poi area, the SLORC shot two people on the spot.”

A 20-year-old Shan Buddhist rice farmer, also from Laika township, told Amnesty International that he had witnessed the killing of three of his friends. He said that they were killed because they refused to perform forced labour for the SLORC. **Ai Aw**, age 27, **Nanti**, age 18, and **Wunna**, age 32, were ploughing their fields with a buffalo outside of Pakang village sometime in February 1996. At about 10am they were resting in a hut in a rice paddy field when SLORC troops entered the hut and ordered them to come down. Then they shot the three men dead. After the soldiers left, a group of their friends, including the eye witness, buried the bodies.

A 38-year-old Shan Buddhist day labourer, whose husband had been killed while portering for the *tatmadaw*, told Amnesty International about the extrajudicial killings of four men from her village near Kholam in Laika township. In February 1996 SLORC soldiers came to Wan Yot, ordered everyone to leave, and then burned down the village. One year later in February 1997 a group of six villagers from Wan Yot returned there in order to collect some rice stores, although the troops had warned villagers that they would be shot on sight if they did so. The six were seized by troops when they were hiding in a hut in the forest. Two of the villagers were released after three days and were able to tell others what had happened. **Loon Khem**, (m), age 45; **Waling**, (m), age 27; **Tawna**, (m), age 25; and **Ai Mih**, (m), age 20 were apparently stabbed and beaten to death. Fellow villagers later found their bodies in a paddy field; they had been so badly beaten that their faces were not recognizable. Villagers identified them from their clothes.

Amnesty International is gravely concerned by these reports of extrajudicial killings, and urges the SLORC to issue clear orders to halt such killings, to use force and firearms only when strictly necessary to protect life, and to investigate and bring to justice those found responsible.

III. FORCED PORTERING AND LABOUR

Amnesty International has reported extensively on cases of ill-treatment and extrajudicial executions which are associated with forced labour and portering by the Burmese army.

The SLORC has shown little willingness to put a stop to such violations. Forced portering and forced labour as practised in Myanmar are in contravention of international standards on forced labour. In addition, the practice of forced portering is inherently arbitrary as it allows military commanders to effectively detain people - usually members of ethnic minorities - for indeterminate periods of time. This practice should be abolished. As regards the practice of forced labour, the SLORC should immediately introduce measures to ensure that those who perform their required periods of labour are protected against ill-treatment and abuse.

Forced portering

Portering was usually undertaken by men, although sometimes women and children were forced to carry supplies if there were no men available. Villagers could often pay fees to avoid portering, but those who could not afford the fees would be forced to go. Village headmen were normally in charge of finding porters to serve for the army, who performed their duties on a rotating basis. However sometimes when troops encountered villagers they seized them randomly. Generally forced portering duties were considered more arduous than forced labour, as porters had to leave home and remain in the custody of soldiers for an indefinite period of time. Ill-treatment was also associated with forced portering, particularly in the form of prolonged beatings with bamboo sticks and rifle butts.

In almost every interview which Amnesty International conducted, refugees had direct knowledge of forced portering and labour in their villages. Most had experienced it themselves, and others could give detailed descriptions of what had happened to their fellow villagers and relatives. All of the men interviewed by Amnesty International who had experienced forced portering duties were ill-treated. They were seized by the *tatmadaw* for a variety of reasons. Some were seized along with hundreds of others to carry supplies in the February 1997 SLORC offensive against the KNU, others when they were virtually held captive in forced relocation sites.

In late January 1997 a 39-year-old Buddhist Mon trishaw driver from Moulmein township in Mon State was seized at the railway station there by local police officers who told him he would only have to porter for three days. He was then taken in a convoy of 50 trucks to Kya-in-Seik Kyi town, Kayin State to serve as a porter in the SLORC February 1997 offensive against remaining KNU bases. At the time of his interview he bore scabs on his nose and upper and bottom lip which he said he received when soldiers

punched and kicked him. He said that he was unable to carry his load and was beaten as a punishment. He escaped with a group of porters on 24 April and fled to Thailand.

A 28-year-old Buddhist Burman rice farmer from Ayeyarwady Division, southern Myanmar, escaped with the trishaw driver. He provided the following details about his experiences of forced labour and portering. He had been sentenced in February 1995 to three years' imprisonment for assault and spent five months at Bassein Prison. He was then sent to a hard labour camp at Zin Kyaing, Mon State, where he was forced to mine and crush stone for road construction. In September 1996 he was moved to Tha Tone hard labour camp also in the Mon State along with 500 other men. He said that everyone was held in individual ankle chains 24 hours a day.⁸ Amnesty International believes that the use of chains as punishment or as instruments of restraint constitutes cruel, inhuman or degrading treatment, and calls on the SLORC to abolish the practice of chaining prisoners.

In January 1997 this prisoner was taken with a group of 200 men in three trucks and told he would have to porter for 14 days. He was driven to Kya-in Seik Kyi where prisoners were separated from the other porters. He was then forced to carry six heavy mortar shells for Company 4 of the Light Infantry Division 1 to the front line. He complained of being very tired and was often beaten with a rifle butt. He had scars on his abdomen which he said he received after being kicked with army boots. He elaborated on his treatment:

“During the day we were often kicked. Not just by one soldier but by more than one at a time - the ordinary soldiers - the corporals, the sergeant etc. Other porters couldn't help me because they were also carrying heavy loads...When we finished walking for that day, we also had to carry water and collect firewood.”

Amnesty International has also interviewed refugees who said that they had been taken for porter duty by the KNLA. One Karen village headman from Takara township, Kayin State, who said that he had carried food for the KNLA, reported that five or six men are usually taken for portering duty by the KNLA for four to five days and then returned to their village. This individual said that he was willing to porter for the KNLA, but not for the SLORC. However it is likely that coercion is involved in other cases of portering for the KNLA.

⁸For details about prison labour, please see *MYANMAR: Conditions in prisons and labour camps*, (AI Index: ASA 16/22/95), September 1995.

People living in the Kayah State were also subjected to forced portering. A 40-year-old Karenni Animist man who was also forcibly relocated was taken 10 times by SLORC forces for porter duty. He said that he was taken in February 1996 for two months when the *tatmadaw* was fighting with the KNPP. He described what happened to him:

“I saw a lot of porters die, I can’t count how many...I was only beaten once. It was when they ordered me to bring some arms to the front line. I was very afraid to go up the mountain where the fighting was. So I refused. I had seen some porters go up the mountain already, but I thought they had all died because they did not come down again.”

Another man from Loikaw township, Kayah State, a 28-year-old Buddhist Karenni rice farmer, was taken as a porter with a fellow villager several times during 1996. In October of that year he was seized and kept in a jail in Lo Pi Htar military camp for one week as punishment because two other porters had escaped from the custody of the *tatmadaw*. He said that he and the others in the jail were made to lie on their stomachs and were beaten with bamboo rods. After their detention they were forced to porter for one week. Another time in 1996 he was taken with a group of 300 porters and 1,000 troops during an offensive east of the Salween River. He told Amnesty International about his treatment on this occasion:

“When we were so tired of walking, the soldiers hit us. I was lucky because I was only beaten with a bamboo rod and kicked. Others were beaten with the butt of a rifle. Some men died. Everyone is treated badly.”

A 31-year-old Shan Buddhist rice farmer living in Pri Tho Lae township, Kayah State, was forced to act as a porter more times than he could recall, both in his home village and in a forced relocation site. In April 1996 12 villages, including his, were forcibly relocated by the SLORC to Ywa Thit relocation site. He described his treatment:

“I had to walk everyday, starting at 3 or 4am. I always carried loads in backpacks. Every time I did porter duty I was beaten and kicked. Often I was hit with a rifle butt or with the magazine of the gun...Most of the time I felt faint. The military medics had medicines, but the porters were never given any...I never saw the SLORC kill any porters. But I saw many many dead bodies. I don’t know the cause of death. The bodies were never covered or buried.”

A Shan Buddhist rice farmer with five children from Laika township, Southern Shan State also reported that he had been ill-treated during forced portering. In February 1997 he performed a variety of tasks for the *tatmadaw*, including carrying food and making a bamboo fence around a military compound. He described a routine which is characteristic of forced portering in general, when the village headman is responsible for finding porters:

“Groups of 20 people are called via the headman and work for four days per month each, on rotation. I did it seven times. I was each time beaten with a wooden stick.”

Forced labour

Amnesty International has documented the practice of forced portering by members of ethnic minorities for the military since 1987. Beginning in 1992, the organization began to report instances of forced labour in the Rakhine (Arakan) State, when members of the Rohingya ethnic minority were compelled to work on prawn farms and in military camps.⁹ Since that time hundreds of thousands of Burmese citizens, both ethnic Burmans and members of ethnic minorities, have been forced to work on infrastructure projects throughout the country. Forced labour is distinct from forced portering in that people performing forced labour are normally allowed to return to their homes at the end of the day, whereas porters must almost always stay with soldiers for a number of days or weeks. Porters are more frequently mistreated than labourers. But both practices are forms of unpaid involuntary labour of civilians by the army.

Although forced labour is usually less arduous than forced portering, conditions amounting to cruel, inhuman or degrading treatment are often part of forced labour. Children and the elderly are often forced to perform physically demanding tasks, including breaking stones and moving earth. Workers are sometimes beaten if they cannot perform their duties to the satisfaction of the soldiers guarding them. Labourers usually have to bring their own food, and little or no medical care is provided on the forced labour site. They have also been injured and sometimes killed in accidents or mudslides.

The SLORC has been criticized for the practices of forced labour and portering by both individual governments and intergovernmental organizations, including the European Community (EU) and the International Labour Organization (ILO). In 1996

⁹Rohingyas are Muslims who reside in the Rakhine State; in 1992 250,000 fled to Bangladesh. Please refer to *Amnesty International: Union of Myanmar (Burma), Human rights violations against Muslims in the Rakhine (Arakan) State* (AI Index number: ASA 16/16/92), May 1992.

the EU abolished the Generalized System of Preferences (GSP) for imports from Myanmar because of widespread forced labour there. The use of forced labour in Myanmar has been discussed at many sessions of the annual International Labour Conference and in March 1997 the ILO's Governing Body established a Commission of Inquiry to investigate Myanmar's non-compliance with ILO Convention No 29 with regard to forced labour, which Myanmar ratified in 1955. The ILO is also concerned with the SLORC's non-compliance with Convention No 87, concerning freedom of association and the protection of the right to organize. Independent trade unions are banned in Myanmar, and those attempting to organize unions have been arrested. At the June 1997 Conference, Myanmar's failure to implement this convention was identified as a situation of particular gravity.

Article 11 of ILO Convention No 29 requires that anyone who is compelled to perform forced labour should be a male between the ages of 18 and 45 years of age certified by a medical officer to be in good health. Article 14 stipulates that all forced labour should be remunerated in cash at prevailing wages in that area. Article 17 states that adequate medical care must be provided during forced labour, and that there be adequate sanitation and food, housing, and water for the workers. In all the cases of forced labour documented by Amnesty International, the SLORC has failed to implement these provisions.

Forced labour duties vary widely, but generally take place on infrastructure projects, including roads, railways, and dams. Civilians must also construct military buildings, work on farms and in brick-making kilns. As a result of continual forced labour, many villagers reported that they were unable to carry out their own work, which meant they later experienced food shortages and other hardships. People were often guarded by soldiers during forced labour. They normally had to provide their own food and medications, and received no pay for their work. However, like forced portering, they could pay someone else to perform duties in their stead. Forced labour is generally organized on a rota basis, with the village headman responsible for finding labourers for the military. Prisoners convicted of common crimes are also forced to work on infrastructure projects in chains, whereas others are usually not chained.

For the past two years Amnesty International has received numerous reports of mass forced labour on infrastructure projects by ethnic Chin civilians in the Chin State and Sagaing Division in western Myanmar. Forced labour reportedly continues in the Kachin State, where prisoners are held in chains in hard labour camps, including Kying Hkrang labour camp, 20 miles from Myitkyina, the capital. Prisoners there were sighted with their legs rubbed to the bone from continuous shackling. Villagers are also forced to contribute labour. Since 1993 in the Mon State the SLORC has employed tens of thousands of Mon civilians on a railway line construction from Ye town, Mon State to Davoy (Tavoy), Tanintharyi (Tenasserim) Division in southeastern Myanmar. Amnesty

International has also received recent reports of forced labour and portering of Mon villagers, particularly in the context of the February 1997 SLORC offensive against the Karen National Union (KNU).

The *tatmadaw* also reportedly forces civilians from the Rohingya, Arakanese and Mro ethnic minorities in the Rakhine (Arakan) State to perform labour. A credible eyewitness told Amnesty International that in December 1996 and January 1997 he saw prisoners in chains and villagers forced to work on roads, one from Kyautaw to Buthidaung, and one from Sittwe, the capital, to Kyawtaw. He also saw people in chains cutting down trees on the way from Maru-Oo to Kyawtaw. Amnesty International has been unable to document such practices in these parts of the country, as it has never been allowed by the SLORC to visit Myanmar. Nevertheless the organization is concerned by such widespread and consistent reports of forced labour coming from areas where ethnic minorities live.

Most of the refugees interviewed by Amnesty International in April and May 1997 had been forced to work by the army. While portering duties were generally restricted to men, everyone, including children, was forced to perform a wide variety of labour duties for the *tatmadaw*. These tasks included building and maintaining barracks, chopping stones and digging for road and railway construction, and even working on farms which the SLORC had confiscated from villagers. Labourers often were guarded by soldiers, and although they were generally not ill-treated, the amount of labour they were forced to perform meant that they could not work and support themselves and their families. This inability to make a living was the main reason cited for their flight to Thailand.

A Mon day labourer from Than Bu Za Yat township, Mon State, had been forced to work every day under Infantry Battalion No 1B 31 for several months. He related how he felt about forced labour:

“The biggest burden in our village is the porter fees and the forced labour we must endure...I am willing to work for my country. The SLORC has good meals, they stay in good conditions, they have good facilities. Villagers are forced to work like cows. It’s not fair. They force us like slaves. That’s why we left.”

Forced labour also occurs in the context of forcible relocation. When tens of thousands of Karenni civilians were ordered to move from their villages to Shadaw and Ywa Thit relocation sites, they were forced to work for the *tatmadaw* in these areas. A 35-year-old Animist day labourer who was sent to Shadaw in August 1996 told Amnesty International what he had experienced:

“I was forced to cut trees...Every day we are very busy. That is the only work we are allowed to do. If someone refuses to work, you will be sent to jail. I was detained once for seven days as punishment for not following an order...This occurred a little over two months ago...We are not treated roughly, but our life in jail was like a pig pen.”

People from the Shan State were also subjected to forced labour. One 35-year-old rice farmer from Laika township, southern Shan State performed road work for the *tatmadaw* in February 1996:

“I was forced to work on repairing an old road from Laika to Panglom, about 26 miles. The village headman received a letter demanding labourers four times a month, to build the road, clear bushes, and dig drains. I have done labour duty about 20 times...No food or payment was provided...If someone stopped work, they were beaten. I was lucky, I was not beaten.”

Amnesty International has obtained information about 16 work sites in the Tanintharyi and Bago Divisions, and in the Kayin, Kayah, Mon and Shan States where forced unpaid labour has been used on a regular basis. Details about these sites were obtained from interviews with refugees, who had either been forced to work in these places themselves, or had close associates from their villages who performed such labour. They also described their daily routine, which entailed working from eight to 12 hours per day with a break for lunch.

WORKSITE LOCATION/PROJECT	ADDITIONAL INFORMATION
1. YE - THAWAIR railway, Tanintharyi Division	35 miles long; forced labour from early 1995 through 1996, crushing rocks
2. KAUK KYI township, Bago Division	crushing stone for road construction at Kyauk Ta Gar
3. YAM MYO AUNG army compound, Kauk Kyi township, Bago Division	500-600 people digging an eight-mile long ditch during 1994
4. NABU, DAR KYO, MYAPADINE army bases, Kawkareik, Kayin State	mid-1996 to December 1996, barrack construction, road repair and construction, work on plantation, brick making

5. Road between MYAPATINE and KAWKAREIK TOWN, Kayin State	villagers cut and carried stone for construction
6 Road to PEIN ZA LOAT army base, Kyauk Tagar, Papun area, Kayin State	began early 1995, still not completed, carrying and crushing rock
7. AH GOUNG army camp, Kawkareik, Kayin State	building construction, carrying water, cooking January 1997
8. GOUT GYI township, Bago Division	building Buddhist temple March 1997
9. Road between PI TA KAI to PA'AN, Kayin State	January - end February 1997 digging and carrying dirt for road construction
10. Road at DAW KU LEE, Loikaw township, Kayah State	carrying supplies for logging road in January 1997; sentry duty
11. SHADAW relocation site/military camp, Kayah State	from April 1996; portering; building army barracks
12. YWA THIT relocation site/military camp, Kayah State	from May 1996; portering; cutting bamboo for barrack fences; cleaning area around barracks
13. Road from LAIKHA to PANGLOM, Laikah township, Shan State	February 1996, repair of 26 mile road
14. Railway NAM SAM to MONG NAI, Shan State	36 miles, construction beginning 1992 completed 1993. Digging earth and carrying stone
15. ZIN KYAING HARD LABOUR DETENTION CENTRE, Mon State	July 1995 - February 1996, prison labour camp, stone mine
16. THA TONE HARD LABOUR DETENTION CENTRE, Mon State	500 workers, 18-60 year old men. prison labour, road construction; October 1996 to January 1997

IV. FORCED RELOCATIONS

Amnesty International is concerned by the widespread practice of forcible relocations, which appears to be carried out solely on account of the ethnic origin or perceived political beliefs of those who are relocated. It is often accompanied by death threats,

ill-treatment and other forms of harassment and intimidation. In addition people are forced to remain in life-threatening conditions in the relocation sites, which include overcrowding, and a lack of sanitation and safe drinking water.

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

“The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.”

Forcible relocations of ethnic minority civilians have continued in the Kayin, Kayah, and Shan States. In 1996 two massive relocations took place, one in central Shan State, and the other in Kayah State. Some villagers have experienced repeated forcible relocations. They were often forced out of their villages at gunpoint by troops who also stole all their livestock and crops. Villages were burned after the villagers had left. Some of them went to new areas designated for them by the army, but thousands of others fled to Thailand.

Beginning in early March 1996 the *tatmadaw* forcibly relocated 604 villages, comprising 21,980 large households, in central and southern areas of the Shan State. This massive relocation was initiated by the army in order to break up alleged support for Shan armed opposition groups in the area, including the Shan United Revolutionary Army (SURA) and the Shan State Army (SSA). A second wave of relocations occurred in the context of fighting between the *tatmadaw* and SURA in March 1997. As a result, thousands of refugees reportedly fled to Thailand in April and May.

Some Shan villagers have been relocated several times. One 20-year-old Shan Buddhist rice farmer from Laika township, Southern Shan State, was forcibly relocated three times from February to December 1996, after which time he fled to Thailand. He told Amnesty International why he was seeking refuge in Thailand:

“There is nothing to go back to. There is still fighting. There is no land, no peace. The SLORC soldiers are taking everything for themselves and torturing and killing the people. I want to work and live peacefully.”

A 38-year-old Shan day labourer, also from Laika township, had been forcibly relocated four times. Each time she left a site the SLORC burned it down. She first left her home village in February 1996. She told Amnesty International:

“We were told to leave within three days. We could not take any belongings, we lost everything. Four days after we were forced to leave, I tried to go back to collect some things, but we were not allowed. They told us we would be shot on sight.”

A 31-year-old rice farmer from Laika township was ordered to leave by the SLORC in March 1997. All 40 houses in the village were burned, and the SLORC told villagers that if they returned they would be shot. The rice farmer said that the SLORC wanted everyone to leave so that the Shan State Army (SSA, an armed ethnic minority group) would lose its support.

Beginning in April 1996 the SLORC began a mass relocation program in Kayah State, forcibly relocating 100 villages between the Pon and the Salween rivers to Shadaw and Ywa Thit relocation sites. Villagers received written orders which stated that they “would be treated as enemies” if they did not move to these two sites by June. Between 20,000 and 30,000 villagers in Kayah State were affected by this forcible relocation. Conditions in both sites were bad, with shortages of food, medical care and inadequate sanitation major concerns. As a result, scores of Karenni villagers were thought to have died at Shadaw relocation site.

Two Karenni Animist men told Amnesty International about their ill-treatment by SLORC troops in June 1996 in the context of forcible relocation. On 20 June troops came to their village and arrested eight men. After two of them escaped the remaining six were tied up with a nylon rope. The two men attempted to escape the next day, but were recaptured. One of them said, *“I was held by two soldiers and another one hit me with a knife on the head and just below my left eye and I was stabbed on the front and the back of my forearm.”* He showed Amnesty International two stab wounds on his forearm and a scar below his left eye where he said he had also been stabbed. The other man described his treatment:

“I was tied to a tree with my hands behind my back and beaten on the head with a gun. They took off my shirt and I was there all night. There were lots of mosquitoes so I was bitten all over. They tied me to the tree

at my neck, waist, above my knees and around the ankles. I could not sit down all night.”

They were untied the next day and then managed to escape and flee to the border. When asked why the SLORC troops had detained the men, one of them related what the SLORC told them:

“All of you villagers have provided food to the Karenni troops so we don’t want you here. You should leave and go to Thailand or to Sha Daw or to Ywa Thit. You can choose. Next month we will come again. If anyone is in the village they will be shot.”

A Buddhist Karenni 28-year-old rice farmer from Loikaw township had experienced the relocation of three other villages into his home village in August and September 1996. He said that the SLORC built three rows of nine feet high bamboo fences around the village in order to keep the KNPP from having any contact with the villagers. He told Amnesty International why he came to Thailand:

“ We couldn’t stay in our village, the SLORC made it like a jail. It had only two gates. If you want to go to the fields, you have to get official permission. We were sometimes denied permission for a week, or two to three weeks at a time. You cannot survive like this. You cannot feed your family. We cannot watch our children starve.”

A 32-year-old Animist Karenni rice farmer from Shadaw township, Kayah State, was forcibly relocated to Shadaw site in June 1996. He said that two to three people died every day from disease there during his one and a half months’ stay, including his wife, who died one month after giving birth. He sent his baby to be cared for by a Catholic priest and then eventually went to Thailand. He described how he felt about what had happened to him:

“I have lost everything. My life is not like a man’s life. It is like the life of livestock. I don’t want to live anymore like that. Struggle makes you stronger, so, we are still alive.”

Forcible relocations are also occurring in other parts of Myanmar, including Bago Division and the Kayin State. A 21-year-old Burman day labourer from Kauk Kyi township, Bago Division, told Amnesty International that 13 villages in his area were forcibly relocated in June 1996 by Light Infantry Battalion 351 as punishment for a recent KNU attack on the *tatmadaw*. Myat Ye, Karen Section; Myat Ye, Burman section, Tan Ni Gone, Ma Yam Sein Gyi Ma Yam Sein Lay, Zaloat, Lay Paw Mu, We Gyi (aka Wair Gyi), Po Thaug Su, and Tin Bin villages were relocated to Yam Myo

Aung Nga Lauk Te, Tha Tay Gone, and Ohin Chit Khin villages were moved to the Thet Shar Seik area.

Forcible relocations of Muslims

During February and March 1997 in central Myanmar there were reports of anti-Muslim riots in Mandalay, Prome, and Yangon by Buddhist monks, characterized by damage to mosques and Muslim property. Opposition and Muslim sources have claimed that some of the monks were in fact disguised SLORC operatives acting as *agents provocateurs*. However Amnesty International has not been able to confirm these reports.

Amnesty International has received reliable reports about the persecution of Muslims during the 1997 SLORC offensive against the KNU in the Kayin State. Mosques were burned, Korans were destroyed, and Muslims were forcibly evicted from their villages. Many Muslims of South Asian origin have lived in the Kayin State for over a century, and relations between ethnic Karen and Muslims have generally been good, characterized by tolerance on both sides. Muslims of South Asian origin in the Kayin State have suffered from a variety of human rights violations at the hands of the SLORC, including forced labour and forcible relocation under threat of death. One Muslim shopkeeper from Kawkareik township who fled in December 1996 described what had happened to him when he was seized as a labourer:

“In the first month, I worked every day...We have to do everything the SLORC needs - build roads, new buildings, collect water, cook their food...make bricks...I did that work for five months until I left...Everyone has to work, including children...I worked on the SLORC farm - harvesting coconuts, cutting trees, mango and rubber trees, planting and harvesting paddy.”

Muslims of south Asian origin were forcibly relocated from their villages in March 1997 in Gyaidone township, Kayin State. A 56-year-old Muslim shopkeeper provided the following information about the incidents. When the *tatmadaw* began to shell her village she fled with 170 people to the jungle. Their mosque was also burned by SLORC troops. A Karen villager, who had been interrogated about the Muslims' whereabouts, came to the jungle hideout to deliver a message to the Muslim headman from the SLORC telling them that if any Muslims returned to the village they would be killed. The Karen villager then urged them to flee from the area quickly, which they did. The Muslim woman concluded her interview by saying, *“I dare not go back to my place. If I go back I will be killed by the SLORC.”*

Another Muslim shopkeeper was also evicted from her village in Gyaidone township during March 1997. A *tatmadaw* officer called a village meeting of the 300 Muslim families and told them:

“We will give you 50 minutes to leave this town. You Kala [derogatory term for South Asians] have no place in this country. You have no country. We don’t want you to live in Myanmar, under our authority. Go inside Thailand. If you don’t leave within 50 minutes, if we find you in the village or near the river, we’ll shoot you.”

The officer then ordered them to take their bullock carts and cross the river to Thailand. Soldiers kicked their belongings off the carts, and waved their guns at them, telling them they would shoot if they returned. She and her family left within the hour. They encountered some other SLORC troops who took all their belongings and food. Her seven-year-old daughter died on the journey to the refugee camp in Thailand.

A 50-year-old Muslim shopkeeper from Kawkareik township, Kayin State, was forced by the *tatmadaw* to leave his village along with all the other Muslims. He said:

“The SLORC pushed Muslims to leave. Everyone left - to go to Thailand ...SLORC said no Muslims can stay...The villagers didn’t follow the order. The order was reissued and they were given three days to leave. The SLORC said don’t come back.”

The man then proceeded to Kawkareik town where he was told by SLORC officials to leave or he would be arrested.

One Muslim woman refugee in her 30's said to Amnesty International: *“Please tell the Muslim countries of our suffering...The SLORC do not tolerate Muslim people anymore.”*

Amnesty International is concerned by the forcible relocations discussed above, which are in contravention of international humanitarian law. It is also concerned at the high level of cruel, inhuman or degrading treatment which accompany such relocations of members of ethnic minorities. Amnesty International is further concerned by the recent forcible expulsion of Muslim communities from their villages in the Kayin State, and calls on the SLORC to stop such abusive practices against members of the Muslim religious minority.

V. CONCLUSION AND RECOMMENDATIONS

Given the scale of human rights violations in Myanmar, Amnesty International calls on the SLORC to implement the recommendations made in the April 1997 resolution adopted by the UN Commission on Human Rights, including a guarantee to the end of violations of the right to life and the protection of the rights of ethnic and religious minorities. The issue of impunity for the military also needs to be addressed. The Resolution calls on the SLORC:

“To fulfil its obligation to end impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;”

Amnesty International also draws particular attention to the Commission’s recommendation that the SLORC engage in a tripartite dialogue with the NLD and ethnic minority leaders as the best means of promoting national reconciliation. In implementing this recommendation, parties should ensure that human rights concerns outlined above are prominent on the agenda of any dialogue which takes place.

With regard to the SLORC’s treatment of ethnic minorities in areas of armed conflict, Amnesty International urges the SLORC to abide by the basic principles of international human rights and humanitarian law. Common Article 3 of the four Geneva Conventions, which applies to all conflicts of a non-international character, occurring within territories of a party to the Convention, sets forth minimum standards of human conduct, applicable to all parties to the conflict, for the treatment of people taking no active part in the hostilities, including members of the armed forces who have laid down their arms and those *hors de combat* for any reason. Among other things, paragraph 1 of this article prohibits “murder of all kinds” The Resolution adopted in 1997 by the UN Commission on Human Rights also calls on the SLORC and all other parties to the hostilities in Myanmar to:

“...respect fully its obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, and to halt the use of weapons against the civilian population and to protect all civilians, including persons belonging to ethnic or religious minorities, from violations of humanitarian law...”

With regard to extrajudicial executions, Amnesty International recommends that the SLORC issue clear orders to halt such killings, to use force and firearms only when strictly necessary to protect life, and to investigate and bring to justice those found responsible.

With regard to forced labour and portering, Amnesty International recommends that the SLORC abide by ILO Conventions No 29 and 87, which Myanmar has ratified. Immediate measures should be taken to end ill-treatment and torture in the context of forced labour and portering. Forced portering should be abolished.

Forcible relocations on ethnic grounds should be abolished and the SLORC should abide by Article 17 of Protocol II Additional to the Geneva Conventions of 12 August 1949, which stipulates that civilians should be relocated only for their own security or for imperative military reasons.

Finally, Amnesty International calls on members of the international community, including governments and intergovernmental organizations, to urge the SLORC on every possible occasion to improve the desperate situation of human rights in Myanmar. Particular responsibility now falls on ASEAN governments to insist on substantial improvements in human rights there. ASEAN should put the human rights situation in Myanmar on the agenda at all regional meetings; ask for regular reports from the SLORC; pressure the government to allow the UN Special Rapporteur access to Myanmar; and ensure that any ASEAN investment in the country does not lead to further human rights violations - in particular that investments are not made in any project using forced labour.