

MYANMAR

KAYIN (KAREN) STATE: THE KILLINGS CONTINUE

INTRODUCTION

In the last eight years the Burmese army, known as the *tatmadaw*, has killed unarmed civilians as part of its counter-insurgency campaigns against the Karen National Union (KNU) in the Kayin (Karen) State, eastern Myanmar. Karen civilians who were fleeing from troops as they approached a village have been shot dead in what appears to be a *de facto* shoot-to-kill policy of anyone who runs from the *tatmadaw*. Others have been reportedly killed because the *tatmadaw* suspected these individuals of supporting the KNU in some way. The army has killed still other victims seemingly at random, in an apparent effort to terrorize villagers into severing their alleged connections with KNU soldiers. Amnesty International is gravely concerned by these killings; they are part of a long-standing pattern of extrajudicial executions by the *tatmadaw* of members of the Karen ethnic minority.

Families and associates of victims, who had escaped to neighbouring Thailand, told Amnesty International about extrajudicial killings of 16 Karen villagers, mainly in Papun district, northern Kayin State, during 1995. Extrajudicial killings are the most serious of a range of human rights violations occurring in the context of the *tatmadaw's* counter-insurgency operations. They violate the most fundamental of human rights, the right to life, which is guaranteed by Article 3 of the Declaration of Human Rights.

In an apparent effort to break civilian links with or support for the KNU, the army has also begun a program of forcible relocations of ethnic Karen villages in Papun district to Papun town and nearby areas. The *tatmadaw* has reportedly sent threatening letters to village headmen, enclosed with a bullet and a chili pepper, which is believed by recipients to be symbolic of the future that awaits them if they do not co-operate. Civilians who have been subjected to such forcible removals have not been compensated for their loss of land and homes. The *tatmadaw* has also targeted ethnic Karen civilians for unpaid forced portering and labour duties, in the course of which the Karen have sometimes been ill-treated.

This pattern of killings, forced portering and labour, and looting and burning of villages appears to have occurred in other districts in the Kayin State. Detailed but unconfirmed reports from Toungoo, Nyaunglebin, and Thaton districts in 1995 indicate that such a wide pattern of human rights violations may be part of the *tatmadaw's* overall strategy of destroying civilian links or support for the KNU. Amnesty International is unable to confirm such reports because it has not been granted access to Myanmar, and so must rely on the testimonies of refugees in Thailand. Since 1988 Amnesty International has repeatedly asked the State Law and Order Restoration Council (SLORC, Myanmar's military

government) for permission to visit the country; to date it has not received a response to its requests.

Because of the gravity of the human rights situation in Myanmar, the United Nations Commission on Human Rights appointed a Special Rapporteur for Myanmar in 1992. The Special Rapporteur has conducted an annual visit for the past four years to the country, and has reported his findings to the Commission on Human Rights, which has in turn extended his mandate for another year. Most recently he visited Myanmar in October 1995. A report reflecting his findings was published by the UN on 5 February 1996.

BACKGROUND

Since Myanmar¹ became independent from the United Kingdom in 1948, members of ethnic minority groups have engaged in insurgency activities against the central Burman government in an effort to gain greater autonomy or complete independence from it. In 1988 a pro-democracy movement emerged after nationwide demonstrations against one-party military rule, which had been established in 1962. Protests were met with violent repression by the military, who killed hundreds of demonstrators. The SLORC reasserted military control over the country in September 1988; in 1989 and 1990 they imprisoned hundreds of opposition party members. At the same time the SLORC pursued offensives against ethnic minority armed opposition groups. The SLORC also adopted a policy of negotiating ceasefires separately with these groups rather than working with the umbrella organization which grouped them together. The SLORC has now agreed ceasefires with 16 armed ethnic minority groups. These ceasefires appear to be agreed on an individual and military basis, supported by promises of SLORC development assistance.

The SLORC has most recently agreed a ceasefire in January 1996 with the Shan Muang Tai Army, led by Khun Sa. However a March 1995 ceasefire with another opposition group the Karenni National Progressive Party (KNPP) broke down after only four months. Intermittent fighting continues between the *tatmadaw* and the KNPP in the Kayah (Karenni) State, which is directly north of the Kayin State.

In spite of recent negotiations with the SLORC, the KNU remains the last major ethnic armed opposition group not to have agreed a ceasefire with the government. The KNU is one of the oldest ethnic armed groups and has been fighting the central Burman authorities for almost 50 years. In the last 12 years the *tatmadaw* has made significant territorial gains in its fight against the KNU, through a series of major offensives accompanied by harsh counter-insurgency tactics.

¹ The SLORC changed the place-names of the country in June 1989, when Burma became Myanmar.

During 1995 the KNU met the SLORC in a series of preliminary discussions in Thailand and Myanmar. Talks were held in late 1995 and February 1996, but substantive political issues were reportedly not addressed. Sporadic fighting continues in the Kayin State, as the *tatmadaw* attempts to gain control of the territory still held by the KNU.

In December 1994 a group of disaffected Buddhist Karen troops left the KNU and formed their own group, the Democratic Kayin Buddhist Army (DKBA).² After the split, the SLORC immediately formed a tactical alliance with the DKBA, providing them with supplies and propaganda support, although no ceasefire agreement between the two groups has yet been made public. The KNU's major bases at Manerplaw and Kawmoora fell to SLORC and DKBA troops in the first two months of 1995 and as a result the greatly weakened KNU lost most of its territory. Some 10,000 Karen civilians fled into Thailand in order to escape the fighting and potential human rights violations in newly-controlled SLORC areas.

Since the fall of Manerplaw, the DKBA has committed human rights abuses against Karen civilians,³ particularly against those who live in refugee camps, which are across the border in Thailand. In the last year DKBA troops have repeatedly crossed the border and killed and abducted dozens of Karen civilians in an apparent attempt to force over 70,000 Karen refugees to return to the areas of the Kayin State under its control.⁴ In the last six months there have been widespread reports that the SLORC has reduced its distribution of food and other supplies to the DKBA. As a possible consequence, in late 1995 and early 1996 the DKBA has concentrated its efforts on raiding and looting refugee camps and villages in Thailand for supplies. They have also reportedly stolen supplies from many Karen civilians who remained in villages in Myanmar.

HUMAN RIGHTS VIOLATIONS AGAINST ETHNIC KAREN CIVILIANS

In January 1996 Amnesty International visited refugee camps in Thailand, and conducted interviews with dozens of newly-arrived Karen civilians who described human rights violations they had been subjected to or had witnessed in the last year. Those interviewed invariably said that they had fled because they were afraid of the *tatmadaw* and could no longer make a living for themselves and their families, as a result of *tatmadaw* actions. Most had been forced to act as unpaid porters or labourers for the army, and so could not do their

² The KNU leadership is generally dominated by Christians, and DKBA members claimed that they were discriminated against on the basis of their religion.

³ The DKBA are present in the Kayin State, and their headquarters are at Myaing Gyi Ngu.

⁴For a full discussion, please see *MYANMAR: "No place to hide"* (AI Index ASA 16/13/95), June 1995.

own work to earn a living. Refugees also reported that they personally knew victims of extrajudicial killings.

Many refugees said that their homes have been looted and that they have been subjected to harassment by the military. The *tatmadaw* reportedly has stolen supplies from local villagers, including valuable livestock, rice stocks, and even farmers' clothes and cooking utensils during patrols around the countryside. The DKBA often accompanies the *tatmadaw*, acting as guides and interpreters for ethnic Burman troops. In Papun district the DKBA do not generally operate on their own. In other areas, however, most notably Hpa-an district in central Kayin State, the DKBA sometimes acts alone, stealing rice and other supplies and cutting supply lines of food and medicine. One Karen refugee described what happened in his village: *"If the soldiers found anything in the houses, village or even in the jungle, they would take it, even my children's clothes. If the soldiers couldn't take something, they'd destroy it."*

KNU troops operate in small numbers in Papun district, reportedly engaging in guerrilla warfare tactics and planting landmines. They are also reported to receive some support from villagers, including food and shelter. To combat alleged support for the KNU, the *tatmadaw* has cleared some rural areas in Papun district of its civilian population.

This report focuses solely on human rights violations committed by the *tatmadaw* and abuses committed by its *de facto* allies, the Democratic Kayin Buddhist Army (DKBA). Amnesty International is also concerned about possible abuses committed by the KNU, including executions, and has reported on these in the past.⁵ However, the organization has not been able to confirm such abuses to the same degree of certainty. The SLORC does not allow Amnesty International to visit Myanmar, which would enable the organization to interview victims of KNU abuses.

Extrajudicial killings

Extrajudicial killings violate the most fundamental of human rights, the right to life. The right to life is guaranteed in Article 3 of the Universal Declaration of Human Rights, which states: *"Everyone has the right to life, liberty, and security of person."* Among the few human rights and humanitarian law treaties which Myanmar has ratified, and thus is bound to comply with, are the Geneva Conventions of 12 August 1949. Common Article 3 of the four Geneva Conventions, which applies to all conflicts of non-international character, occurring within the 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

⁵ See "MYANMAR: "No law at all", (AI Index ASA 16/11/92), November 1992.

hors de combat for any reason. Among other things, paragraph 1 of this article prohibits “murders of all kinds” and “[t]he passing of sentences and carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are recognized as indispensable by civilized peoples.” Reports received by Amnesty International, however, reveal repeated and continuing violations of even these fundamental standards of humanitarian law.

The Special Rapporteur’s latest report to the UN Commission on Human Rights⁶ provided extensive and detailed information about the human rights situation in Myanmar during 1995, including extrajudicial killings. The Special Rapporteur stated that: “...there continued to be credible reports of instances of brutality, sometimes resulting in the killing of civilians, by Myanmar military forces under a variety of circumstances.” The government denies such reports but has so far failed to provide the Special Rapporteur with information about investigations into the allegations.

Amnesty International has also received information about 16 extrajudicial killings which reportedly took place during 1995 mainly in Papun district. What follows below is a selection of testimonies about representative examples of these killings. Details which would easily identify people who spoke to Amnesty International have been omitted in order to protect them from possible reprisals if they return to Myanmar.

A Sgaw Karen⁸ Buddhist farmer who arrived at a camp in Thailand in early January 1996 told Amnesty International that the army had come twice to Kaw Mae Lor Village, Butho township, Papun District. The first time they took all his belongings. After the second visit in late December 1995 when soldiers killed his fellow villager **Way Myat Paw**, the farmer decided to leave. On this occasion he reported that eight soldiers arrived in the village, and told the villagers not to move or they would shoot, an order which was obeyed. The troops then rounded up six people at random from their houses, tied their hands behind their backs, and forced them to sit in a row. The farmer described what happened next:

“The soldiers walked in a circle around them. They were kicked and slapped in the face with the blunt side of a bayonet. Then the army asked Way Myat Paw: ‘Are you a KNU soldier?’ the other villagers said, ‘No, he’s a civilian, not

⁶ See *Report on the situation of human rights in Myanmar*, E/CN.4/1996/65, published 5 February 1996.

⁷ *Ibid*, paragraph 86, p. 17.

⁸ The Karen are roughly divided into Sgaw and Pwo Karen; each subgroup speaks its own Karen dialect. Papun district is mostly inhabited by Sgaw Karen.

KNU.’ But then the soldiers shot him, one bullet in the back...Way Myat Paw was shot immediately in front of a neighbour’s house and his body was left there. The army told the other five people to go quickly, although their arms were still tied, and then the soldier set fire to the house with the flames enveloping the dead body as well...Way Myat Paw was in his early 20’s, unmarried, a Buddhist. He was a nice person, a little bit fat, smiled a lot, a happy kind of lad...”

A Christian Sgaw Karen man from Le War Ko Der village, Lu Thaw township, Papun district fled in mid-January 1996 reportedly because his house had been burned by the *tatmadaw*. He described how he had seen the dead body of a 60-year-old Buddhist farmer known in the village as “Father”. He reported that on 29 December 1995 the farmer saw the army approach the village and warned the other villagers, who then fled. Before the farmer himself could reach his house, the army shot him dead, using at least three bullets. The soldiers then threw his body into the bushes, and left it there. Fellow villagers found him when they returned. None of the villagers touched the body for fear that it had been booby-trapped.

A Sgaw Karen farmer from Saw Bwe Der village, Budaw township, told Amnesty International about the killing of another villager by the army. The farmer had reportedly fled to Thailand in early January because the army had forced him repeatedly to work without pay as a porter, forced him to pay portering fees,⁹ and because: “*SLORC generally made trouble for the villagers so ultimately I couldn’t stay any longer*”. He also said that in October 1995 a combined force of SLORC and DKBA troops entered the village and went to the house of **Kyaw Pa**, a Christian farmer in his early 30’s. He reported that Kyaw Pa was also approaching his house, but when he saw the soldiers, he turned and ran, and was shot dead as he fled. The witness said that he did not know why the army killed Kyaw Pa, who had no known KNU links. He speculated that because Kyaw Pa was the leader of the village tract¹⁰, the SLORC may have suspected that he had connections with the KNU.

A 28-year-old Christian Sgaw Karen farmer fled to Thailand in mid-January 1996 from U To Klo village, Butho township, Papun district, in his words “*because the army made trouble for the villagers and killed my younger brother*”. His brother was called **Too Pho**, aged 26, with a wife and two children. The farmer described what happened as follows:

“On the afternoon of 15 July [1995], a dozen soldiers from Regiment 19 [of the tatmadaw]...were walking between their base, called Ma Pho Khyo, and our

⁹The *tatmadaw* regularly levies a tax on villagers, to enable the army to hire porters.

¹⁰ A village tract is a group of neighbouring villages.

village...They happened to see my brother and arrested him. As soon as the village headman...heard what had happened, the headman went to the army compound to explain that Too Pho was not a KNU soldier, just an ordinary civilian. The army said, 'Okay, if you want him back, give us 30 kilos of pork and 15 kilos of chickens. So my family bought the animals from other villagers and brought them to the army base...Two days later...he still had not been released so we went to the army base with more animals but the army told us that they'd already killed him earlier that day...[the captain] said the army would provide support for Too Pho's wife and children, but in practice this never happened...We asked for my brother's body back so we could give him a funeral but the army refused. For this reason, we don't know how he was killed. The army presumably suspected my brother because it is a KNU area and the KNU often pass through, but my brother had no connection with the KNU. Indeed he had only been released the day before his arrest after serving for five days as a porter with the Burmese army.'

Interviewees were often puzzled about why the *tatmadaw* had targeted particular people for killing. A 35-year-old Buddhist Pwo Karen woman with seven children fled to Thailand in early January 1996 from Htee Ka Lay village, Kawkareik township, central Kayin State. She said that she had left because the DKBA had threatened her at gunpoint and stolen all her belongings. She described the killing of a fellow villager as follows:

"Shwe Aung, a 25-year-old farmer, died in May 1995. He was drunk at the time but wasn't doing anything. SLORC caught him and killed him. I don't know why. The troops arrested him in the morning, took him away with them, and killed him five days later by cutting his throat with a thin piece of bamboo. I saw his body where it was found, at a nearby village 30 minutes walk away, at Kaw Klaw village. He was Buddhist, Pwo Karen, married with one child. I never knew Shwe Aung as an unruly or bad man. I don't know if he had any contacts with the KNU...No compensation was paid to his family."

A Sgaw Karen Buddhist man, who arrived at a Thai camp in late January 1996 from Tail Del village, Papun District, also reported killings which took place in his village in May 1995. According to him, **Pa Kyaw**, a 20-year-old Buddhist man, and **Tah Ko Hwee**, around 30, married with three children, had run into the forest together to hide from the army. After a time they apparently assumed the army had left their village, and walked back in that direction. On their way they encountered some soldiers and tried to flee, but were shot dead at a distance of about 20 metres. The man also reported that **Ta Bu Phoo**, another man from the village, was shot dead in June after he too had fled into the forest. Troops had evidently discovered him there and shot him in the chest; his fellow villager later saw the body. Ta Bu Phoo, a 57-year-old farmer with two wives and many children, was reportedly deaf. According to the witness, he had no known KNU connections.

A 56-year-old woman who had arrived in Thailand in early January 1996 from Paing Kyaung, Hlaingbwe township, central Kayin State, described the killing in April 1995 of **Sunny Poe**, a fellow villager killed by the DKBA, who are active in that area:

“...He was in his early 40's, Sgaw Karen, Christian. He was only a farmer, married with six children; he had no connections with the KNU. When he returned to his house after working at his farm, the DKBA came and arrested him... Villagers eventually found his body, maybe three days after he'd been beaten to death. I saw his body. His legs and arms were tied, his neck was broken and rib-bones crushed. I have no idea why he was killed. His family didn't complain because they were too afraid.”

A 32-year-old Sgaw Karen Christian man, also from central Kayin State, stated that he knew a fellow villager who was killed by the army in April 1995. He said that **Kyaw Ye Sail**, a Sgaw Karen Buddhist from Tha Kla village, Hpa-an district, was killed for allegedly having contacts with the KNU, although the witness asserted that in fact he had no KNU connections and was only a farmer. He said that Kyaw Ye Sail had gone to another village to attend a wedding when the army arrested him. Kyaw Ye Sail was detained for five days at Nang Bo army base, where his family went to try to see him. They were denied permission, and when the army left the base five days later, villagers came to search for his body and found it in a shallow grave. Kyaw Ye Sail had been stabbed to death.

Amnesty International is gravely concerned that killings of unarmed civilians by the *tatmadaw* and the DKBA continue in the Kayin State.

Threats and harassment in the context of relocations by the army

People living in Karen villages close to areas of possible counter-insurgency operations have often been forcibly relocated in order to deprive the KNU of potential logistical support, such as food and temporary shelter. Forcible relocations of villages in central Papun district are occurring on a wide scale. As a result, some 1,000 Karen civilians fled to camps in Mae Hong Son province in northwest Thailand during December 1995 and January 1996; tens of thousands of displaced persons are reported to remain behind, hiding in the forest.

According to unconfirmed sources from Papun district, during 1995 in Dwelo township eight villages were burned and another 23 were forcibly relocated by the army to Mae Wai village. Thirty-two villages in Lu Thaw township were forcibly relocated to Papun town. Fourteen villages in Butho township were also relocated to Kaw Pauk near a SLORC army base. Threatening letters from the SLORC with enclosures of a bullet and a chili had reportedly been received by many village headmen in late 1995 and early 1996. Another Karen man said that he had received such a threatening letter from the SLORC, and

commented: *“The threat implied in the bullet is obvious but we don’t really understand the chili. Possibly the idea is that a chili is very hot and so things will be very hot, very bad, for the people.”*

One 60-year-old Christian Sgaw Karen man left his home Htee Hta Ho Klo village, Lu Thaw township in mid-January 1996 because the SLORC sent orders for the village to relocate to Papun town by 13 January. The man kept a farm and feared that he would not be able to earn a living after relocation, as the army had not promised provisions, farm land or compensation. He said that the SLORC told the villagers: *“If someone wants to run, you’d better succeed because otherwise you’re going to be in trouble.”*

2. Karen villagers in the Kayin (Karen) State, who have been forcibly relocated by the army.

Another man from Lu Thaw township fled to Thailand in mid-January because the army ordered his village, Ma Ta Kaw Del, to be forcibly relocated to Papun town by 15 December. The army reportedly had given no reason for the move, and the witness said that the KNU were not active in the area. He also reported that the DKBA had sent a letter to his village headman telling him the villagers would be driven out of the village if they did not obey the SLORC order.

A farmer from U To Klo village, Butho township, described what happened near him as follows:

“The army has relocated many villages in my area to Papun town. The deadline for my village was 25 January 1996. The army sent two letters to the headman enclosing a bullet, rope and chili, and wrote that if the villagers stayed after 25 January this is what will happen to them.... The army said that if the village remained in its present location then it would be part of the KNU... But none of the villagers moved to Papun town. Most people from the village have come to the camps; the remainder are hiding in the jungle...”

A 46-year-old Sgaw Karen Catholic man arrived at a camp in Thailand in mid-January 1996 after the army had told all the villagers from Wa Me Del, Luthaw township, that they must move to Papun town by 13 January. The man reported that the following happened at a village meeting:

“The army explained that they wanted to make a clear break between them and the KNU and that if people stayed in this village they would provide material and support to the KNU. If people moved to Papun, then the army would support them with rice. If they don’t all move, the army said, then ‘those who move to Papun will be white and those who don’t move will be black.’¹¹ That’s why I left and came here with my family. The people didn’t want to

¹¹ In army terminology ‘black’ refers to an insurgent-held area and ‘white’ refers to a SLORC-held area; the army routinely employs harsh counter-insurgency tactics in ‘black’ areas.

move to Papun because they'd have to pay porter fees and go as porters. Some people from Papun told us the situation there and said it was no better than our existing village."

A Sgaw Karen Christian man with five children said that he had fled to Thailand in January 1996 because the army burned his house and three others in Wa Me Del village as a punishment. He described what happened at the end of December 1995 as follows:

"No one was in the houses at the time; everyone in the village had escaped when the army came for fear of being taken as porters. The reason the army burned these four houses was because they had connections with the KNU, the owners had allowed KNU soldiers to stay in those four houses. I had allowed KNU soldiers to stay and cook in my house for a few days. After they burned our house, we didn't return to live in the village, we stayed in the jungle first and finally came here."

A 50-year-old woman from Meh Wah village, Lu Thaw township, Papun district, fled to Thailand because she was afraid of the *tatmadaw* and because they had ordered her village to be forcibly relocated to Papun town by 13 August 1995. She said, *"If we didn't move, the army said they would drive us into their compound like animals. I reckoned that if we moved to Papun then the army would take us to work as porters."*

Ill-treatment of civilians during forced portering

Amnesty International is concerned that the practice of forced portering by the army continues, and considers it to be arbitrary detention, which is contrary to Article 9 of the Universal Declaration of Human Rights. Karen civilians have been arbitrarily seized by the military and forced to serve as porters carrying army equipment and supplies and have been held in army custody for periods ranging from a few days to a month or longer. Those who are seized are often not told how long they will be held and typically have no rights to refuse the military's demands or to protest the fact that they are being held against their will. Porters have been detained until the army allowed them to return to their villages or they managed to escape. Army units are in regular contact with village headmen, who are required to collect porter fees and find villagers to act as porters to help the *tatmadaw*. If headmen do not perform these duties to the satisfaction of the SLORC, they may be threatened with imprisonment or death.

Villagers reportedly have been forced to pay regular "porter fees", but, according to reports, even after they have paid, they may still be subjected to forced portering. Villagers have also been subjected to regular periods of forced labour, either in the army compound or in road construction. During forced labour villagers must carry food, collect firewood, dig

tunnels, build bunkers, break rocks, or perform any other tasks which the army demands. Many of the refugees interviewed by Amnesty International said that they had fled from their villagers because too much of their time was spent in compulsory unpaid portering and labour or because they were forced to pay porter fees; one way or the other they claimed that they were not able to make a living.

Amnesty International opposes ill-treatment and torture of anyone who is held in detention by the security forces. Article 5 of the Universal Declaration of Human Rights states: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Common Article 3 of the Geneva Conventions of 12 August 1949 expressly prohibits torture and cruel treatment and “outrages upon personal dignity, in particular humiliating and degrading treatment.” Paragraph 2 of this article also requires that the sick be cared for.

The latest UN Special Rapporteur’s Report also discusses the continuing practice of torture and ill-treatment:

“It [torture and ill-treatment] seems to be a means for the Myanmar authorities to punish citizens who do not comply with their orders. The most vulnerable populations are porters in the course of their duties, and civilians living in areas of active insurgency.”¹²

Ill-treatment of Karen villagers by the *tatmadaw* continues to occur during forced portering, which Amnesty International has documented for the past eight years. In the past the organization has also reported its concerns about many cases of porters who were beaten to death if they could not carry their load or shot if they attempted to escape. However the organization found no cases of killings of porters when it interviewed Karen refugees in January 1996. Some porters did die in the course of their detention, but as a result of stepping on land mines or untreated disease rather than having been killed by the army.

Reported ill-treatment of porters included the failure to provide an adequate diet and medical care during forced marches through the countryside; as a result, porters became weak and prone to malaria and other diseases. According to information received by Amnesty International, members of the army have also beaten and kicked porters who could not perform their duties. A 40-year-old Sgaw Karen Buddhist man from Me Walu, Butho township, Papun district, stated that he was seized as a porter 10 times during 1995. He described what happened to him the last time he was taken, in October 1995, as follows:

¹² *Op cit*, paragraph 115, p. 24.

“I had to carry rice, ground peanuts, and seven mortar shells. When I could not carry, I said so and then the soldiers kicked me. When I was climbing the mountains, I was kicked many times, to get me to climb the mountain...I was once punched in the head when I ate two peanuts from the sack I was carrying.”

One 50-year-old Christian Sgaw Karen man from Saw Bwe Der village, Butho township, Papun district, was reportedly required to work without pay as a porter for the army for an entire month in June 1995. Although he was not beaten, he reportedly was forced to carry a very heavy load of ammunition. He said that he did not receive enough food and as a result he was very weak when he returned home. He also reported that because he was too ill to continue portering, his wife was seized as a porter in his place five times between August and December. When they were both called again in January 1996, they fled to Thailand.

Another Sgaw Karen Christian man from U To Klo village, Butho township, recounted what had happened to him when he was forced to work without pay as a porter:

“This work was unpaid and one still had to pay the porter fee. I worked as a porter for the first time five years ago and many times since. After the first time, the army unit gave me a letter certifying that ‘he’s already been a porter and that’s enough for him’ but then a new unit came and took me as a porter anyway. So my life is like a cycle...If I refused to carry, I would be kicked or beaten.”

A Sgaw Karen Christian man from Tha Kla village, Hpa-an district, central Kayin State, left for Thailand in late January 1996 after he had been forced by the army to perform portering and other labour duties. He reported that he was required to porter once a month, for five to 10 days at a time, and was beaten and kicked if he could not carry his load of ammunition. He was also reportedly detained by the DKBA in November 1995, held in leg-stocks for two days, and beaten twice with a stick on his buttocks. They accused him of possessing a gun and being in touch with the KNU. He reported that he was finally released when they realized that he did not have a gun.

Although women have also been seized as porters far less frequently than men, reports indicate that they may be taken if the army cannot find enough men to do the work. A 23-year-old Sgaw Karen Christian woman from Papun district who fled because of her fear of the army, described what happened to her in December 1995, as follows:

“I had to carry three big shells, 75 and 81 millimetres. They were very heavy and I found it too hard so I told the soldiers I couldn’t continue at which point a soldier slapped my face several times and said ‘go quickly!’ and then I was

beaten with a stick three times. Other women were also beaten. After that I ran away to my village. It was my first time as a porter and I portered for three days before escaping.”

An 18-year-old half Burmese, half Mon man served as a porter for over three months in September 1995 in central Kayin State. He was interviewed by Amnesty International after he had been treated for malaria in Thailand. He stated that he had volunteered for porter duty to the local headman of Mae Taw Ley village who promised him that he would be paid; in fact he said that he never received any money. He worked for Regiment 83, walking from Mawke to Kanele carrying ammunition and food. He said that he was not given enough to eat and became weak and ill with dysentery. He was further

2. A Karen woman who fled from Myanmar after she was ill-treated by soldiers while being forced to work as a porter.

weakened by malaria, which made it very difficult for him to carry his load of rice or ammunition, and he was not given proper medical care. Instead he said that he was slapped on the neck and kicked by soldiers who told him he was lazy. He managed to escape with a group of other porters from his captors, only to be caught later the same day. He described his treatment when he was re-captured as follows:

“When we were recaptured the Sergeant told us to lie down on the ground and then beat us three times with a long pole on the lower spine. We were then punished by having to carry very heavy logs, about five trees, and then the two of us were tied to each other, hand to hand, and were tied together throughout the night.”

CONCLUSIONS AND RECOMMENDATIONS

Amnesty International is gravely concerned by continuing widespread human rights violations throughout Myanmar, particularly in the Kayin State. Reports received by Amnesty International of extrajudicial executions, ill-treatment and arbitrary arrests of Kayin civilians are confirmed by the latest Report by the UN Special Rapporteur.

Amnesty International is also concerned about what appears to be widespread impunity of alleged perpetrators of human rights violations. In this regard, the Special Rapporteur stated:

“Given the magnitude of the abuses, official condemnation should be made by the Government of all acts by authorities involving human rights violations. Such acts, including all acts of intimidation, threat or reprisal, should not benefit from the present system of almost complete denial by, and impunity under, the Government.”¹³

Recommendations to the SLORC

The SLORC has never responded to concerns which Amnesty International has raised about human rights violations in Myanmar. During the last eight years Amnesty International has made many detailed recommendations to the Myanmar Government, but human rights violations continue unabated. Both Amnesty International and the Special Rapporteur regret that it is necessary to repeat detailed and practical recommendations to the SLORC. In making this report public, Amnesty International reaffirms the recommendations it has made previously to the SLORC, and repeats its calls for the government to immediately end human rights violations, which include extrajudicial killings, torture and ill-treatment, and the forcible seizure of Karen civilians to work as porters by the army. Amnesty International calls on the SLORC to:

1. Immediately release civilians who have been arbitrarily seized against their will by the military and required to work as porters without pay, and ensure that other civilians are not taken for forced portering and labour duties, and thereby comply with obligations under the International Labour Organization Convention No. 29, prohibiting the practice of forced portering and forced labour.
2. Ensure that the Myanmar security forces do not engage in deliberate and unlawful killings, torture, ill-treatment, or arbitrary arrests of any civilians, including members of ethnic minorities.

¹³See *Report on the situation of human rights in Myanmar*, E/CN.4/1/1996/65.

3. Strengthen the chain of command of the army and exercise effective control over the security forces and the DKBA to prevent human rights violations from occurring. The SLORC must issue strict orders instructing their forces to abide by international human rights and humanitarian law, in particular those relating to the humane treatment of civilians and others taking no part in hostilities. The Myanmar Government has acceded to the Geneva Conventions, which prohibit the murder, torture, and cruel treatment of people taking no active part in the hostilities.

4. Any individual suspected of committing or ordering human rights violations such as deliberate and unlawful killings, and torture or ill-treatment, should be removed from any position of authority and all duties in which he or she comes into contact with members of ethnic minority groups. Such alleged perpetrators should be brought to justice in the course of proceedings which meet international fair trial standards.

5. Ensure full and free access to the Special Rapporteur on Myanmar and to humanitarian organizations, including to all places of detention and to confidential communication with individual prisoners. Ensure that the Special Rapporteur is allowed unrestricted and private access to all citizens of Myanmar and to all areas where ethnic minorities live, including the Kayin State.

6. Implement the recommendations made by the Special Rapporteur in his *Report on the situation of human rights in Myanmar* to the Fifty-second session of the UN Commission on Human Rights.

7. Ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of Discrimination against Women.

Recommendations to the United Nations

Amnesty International is concerned about widespread and continuing human rights violations in Myanmar. In this regard the organization welcomes the Special Rapporteur's most recent report, and calls on the UN Commission for Human Rights to extend the Special Rapporteur's mandate.

Recommendations to the KNU and the DKBA

Amnesty International condemns as a matter of principle the unlawful and deliberate killing, torture, and hostage taking of civilians by anyone, including by armed opposition groups. Amnesty International promotes standards of humane behaviour, including those set forth in common Article 3 of the Geneva Conventions of August 12, 1949. Amnesty International urges both the KNU and the DKBA, as parties to internal armed conflict, to abide by these standards.