

MYANMAR

ATROCITIES IN THE SHAN STATE

I. INTRODUCTION

The last two years have seen a profound deterioration in the human rights situation throughout the central Shan State in Myanmar. Hundreds of Shan civilians caught in the midst of counter-insurgency activities have been killed or tortured by the Burmese army. These abuses, occurring in a country which is closed to independent monitors, are largely unknown to the outside world. Denial of access for human rights monitors and journalists means that the full scale of the tragedy can not be accurately calculated. Therefore the information presented below represents only a part of the story.

In January and February 1998, Amnesty International travelled to Thailand to interview Shan refugees who had fled widespread human rights violations in Myanmar. In the course of the interviews Amnesty International collected testimony describing the killings of 42 people in the last 13 months alone. The organization also gathered evidence of beatings and rape of Shan civilians in the context of forcible relocations and forced labour. All of those interviewed had suffered at the hands of the *tatmadaw*¹ as they were ejected from their homes, forced into sites far away from their farms, and seized for porter and forced labour duties.

Although Khun Sa, commander of the Shan Mong Tai Army (MTA) surrendered to the State Law and Order Restoration Council (SLORC, Myanmar's military authorities²) on 4 January 1996, thousands of Shan troops have continued to fight for greater autonomy against the central Burman authorities. During counter-insurgency activities against these forces, Burmese troops have subjected Shan villagers to a variety of human rights violations, including forcible relocation and extrajudicial executions. The long-standing practice of forced labour and portering by the Burmese armed forces in many parts of the country is also prevalent in the Shan State.

In March 1996 the SLORC began a massive forcible relocation program of Shan civilians, in order to break up any alleged links or support for armed opposition groups. To date almost 1400 villages have been relocated; a conservative estimate of the numbers

¹The Burmese name for the armed forces.

²On 15 November 1997 the SLORC changed its name to the State Peace and Development Council (SPDC) and reshuffled the cabinet. Several SLORC members who were alleged to be involved in large-scale corruption were sidelined but otherwise the SLORC's policies remained unchanged.

of people in these villages is about 300,000. As a result of the relocations and the attendant human rights violations by the military against Shan villagers, some 80,000 of them have fled to neighbouring Thailand. The overwhelming reason they gave for fleeing to Thailand was their inability to survive in the face of continual demands for forced labour and the lack of resources or work at the relocation sites.

Hundreds of Shan civilians have been killed by SLORC troops during and after the relocation process; from mid June to mid July 1997 alone reliable reports indicate that some 300 people were killed in a series of massacres. Areas outside relocation sites were considered to be free fire zones by the Burmese military, who ordered villagers not to return to their former homes. In most cases SLORC troops shot civilians dead after they had returned from relocation sites to their deserted villages in order to gather food which had been left behind.

Most of the material in this report is based on the interviews Amnesty International conducted with Shan villagers in Thailand. Amnesty International believes that the testimonies are consistent with other reliable reports documenting killings and torture of Shan civilians. In the information which follows, the names and villages of refugees who were interviewed have been deleted for fear of reprisals should they return to Myanmar.

II. BACKGROUND

The population of the Shan State, the largest of the seven ethnic minority states in Myanmar, is approximately 8 million people. Of these, some 4 million are ethnic Shan. Other groups in the state include the majority Burmans, and the Pa'O, Akha, Lahu, Palaung, and Wa ethnic minorities. The Shan people are ethnically related to the Thai, have a similar language, and live in southern China and northern Thailand as well as in Myanmar. Most of them are Theravada Buddhist rice farmers. In pre-colonial times, the area that is now the Shan State was ruled by Shan princes who sometimes owed allegiance to Burman or Thai overlords and were sometimes independent. Under British colonial rule, the Shan areas were administered separately from the rest of Burma.

During negotiations between Britain and Burma about independence, Shan and other ethnic minority leaders demanded guarantees of minority rights in return for an agreement to join in a Union of Burma. These were conceded in an agreement between the Burmese Government and the Shan, Kachin, and Chin representatives in 1947 in Panglong, a Shan town. After Burmese independence in 1948, however, disputes arose between some Shan political figures and the central administration in Rangoon over the handling of Shan affairs. In 1958 the first Shan armed opposition group was organized, and since then various other groups took up arms. Since 1989 some of these groups

have agreed cease-fires with the State Peace and Development Council (SPDC, the ruling military government), but the Shan States Army (Southern), or SSA, has continued in its armed struggle against the *tatmadaw* in central Shan State.

The Shan have been fleeing from the counter-insurgency activities of the Burmese army to Thailand in large numbers since the early 1990's. However, unlike the Karen, the Karenni, and the Mon people the Shan have never been permitted by the Thai authorities to establish camps as "*displaced persons*".³ Instead, they have sought work in agriculture, construction, and other low-paying jobs in Thailand. In the last two years the number of Shan refugees has increased dramatically; however since mid-1997 Thailand's economic crisis has meant that thousands of Shan people have lost their jobs. At the same time most of these people have no homes to return to in the Shan State after the massive forcible relocation program conducted by the Myanmar military government.

While this report focuses solely on human rights violations committed by the *tatmadaw*, Amnesty International is also concerned with abuses committed by armed opposition groups in the Shan State. In June 1997 reliable reports indicated that 25 Burman civilians had been killed by an unknown Shan armed opposition group. Amnesty International condemns such killings and calls on all armed political groups to respect minimum standards of international humanitarian law 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.

III. FORCIBLE RELOCATION

In March 1996 in an effort to stop any alleged civilian support for SSA, the *tatmadaw* began to forcibly relocate over 100,000 civilians in 600 villages in the Shan State. A second wave of forcible relocations began in March 1997. At that time many Shan villagers who had not already fled to Thailand were forcibly relocated again and others were relocated three or even four times. It is estimated that there is only one third of the original population of Kunhing township remaining; the rest have either fled to Thailand or to other townships to seek work. A third wave of relocations began west of Murnkerng town in December 1997 and to date 163 villages have been relocated in that area.

³The Thai authorities deem those refugees from Myanmar who are in camps as "*displaced persons*" and those outside of camps as "*illegal immigrants*". Thailand is not a state party to the 1951 Convention relating to the Status of Refugees nor to its 1967 Protocol.

Amnesty International is concerned by this widespread practice of forcible relocations in the Shan State, which appears to be carried out solely on account of the ethnic origin or perceived political beliefs of those who are relocated. Forcible relocations are accompanied by grave human rights violations, including extrajudicial killings, fatal ill-treatment, and forced labour and portering. In addition during the relocation process the *tatmadaw* often burns down dwellings, steals livestock and other food, and issues threats to shoot villagers on sight if they do not immediately vacate their homes and leave most of their possessions behind.

Although Myanmar is a party to international humanitarian treaties, including the Geneva Conventions, it has failed to abide by their 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.”

Most of the refugees interviewed by Amnesty International had been forcibly relocated at least once by the *tatmadaw*, who almost always committed human rights violations during or after the relocation process. Troops usually informed the village headman of a relocation, giving the villagers a maximum of a few days to gather their possessions and leave. Sometimes the headmen were not told why they were being displaced, but if a reason was given it was normally that the villagers were allegedly supporting the insurgents. The *tatmadaw* did not provide the relocated civilians with any shelter, sanitation, or food once they arrived at their new site. Relocated villagers were placed in an impossible situation; they were not given the means to survive in their relocation centres, yet if they returned to their old villages to retrieve food they risked being shot dead by the military.

A 27-year-old farmer from Laikha township who was forcibly relocated twice described what happened in the Tard Mork relocation centre in April 1997:

“We were given a two day deadline to move from Tard Mork to Laikha...After three days they burned down Wan Heng, 200 houses, one section of Tard Mork. I saw the smoke when I was sneaking back. Some

people were burned in the houses - I think about four or five people. Two women and three men. But I don't know their names."

A 60-year-old farmer from Nam Zarng township described his experience of relocation in September 1997:

"At first SLORC soldiers told the village headman that we had to move within five days. After three days during the night they asked the headman why we hadn't moved yet. He said it hadn't been five days yet. The SLORC soldiers said that they had to move the next morning and at daybreak they arrested the headman and beat him and threatened to burn down the village...Some SLORC burned a house on a higher level...I witnessed the headman being beaten with a bamboo stick...Some others were hit and some were robbed. I wasn't hurt - I had a bullock cart...I was able to get away."

A 24-year-old farmer who had been forcibly relocated to Kunhing town was given written permission in August 1997 by the local authorities to return to his fields to cultivate rice with his friends. However later the *tatmadaw* destroyed their crops and detained them for five days. He described what happened:

"The local authorities who gave us permission were sentenced to 10 years' imprisonment by SLORC troops. The local chairman was a Shan. We were held in jail in Kunhing. Before we were taken to the jail we were beaten five times each...On the fifth day my relative came with the money. After that they took me out and slapped me on the face three times and hit me on the back, just for good measure."

IV. KILLINGS IN THE CONTEXT OF FORCIBLE RELOCATION

Amnesty International defines extrajudicial killings as unlawful and deliberate killings, carried out by order of a government official or with the government's complicity or acquiescence. Extrajudicial killings 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."* The information obtained by Amnesty International indicates that most of those Shan villagers who have been killed were extrajudicially executed by members of the *tatmadaw*. However in some cases villagers have died after severe ill-treatment, including burning, rape, and prolonged beatings.

Amnesty International interviewed Shan refugees from Laikha, Kunhing, Nam Zarng, Murnkerng, and Murnpan townships in central Shan State. The vast majority of

them gave information about their relatives or friends who had been killed by the military or who had died after ill-treatment in the last 13 months. Some of those interviewed had seen the killings themselves and others had heard detailed accounts from their associates who had been eyewitnesses. Most of the testimonies below relate to killings of civilians who had returned to their villages and fields to collect food or other possessions. The military authorities evidently considered deserted villages as free fire zones and anyone found there was at risk of being shot on sight.

In most of the killings recorded by Amnesty International, the military killed one individual or small groups. However from mid June to mid July 1997 some 300 Shan civilians were reportedly killed in a series of massacres by the Burmese military in Kunhing township, central Shan State. Observers speculated that these attacks were triggered by a massacre of 25 ethnic Burman civilians by an unknown Shan armed opposition group on 13 June 1997 at Pha Larng, Kunhing township. According to reports, the Burman civilians were forced off trucks and executed. In July 1997 the Burmese authorities denied a report of massacres of Shan civilians in Kunhing township which one of the Shan armed groups made public, stating that *“It is believed that the insurgents are deliberately spreading false information to counter the incident that took place on the 13th of June where a breakaway group of the former Mong-Tai Army ambushed and killed 25 civilians and wounded 5.”*⁴ Nevertheless Amnesty International believes that there is credible and compelling evidence which indicates that a series of mass killings did occur in the central Shan State in mid 1997.

Amnesty International interviewed two people who had friends killed in two of these massacres, both of which took place on 16 June 1997. Thirty villagers who had been forcibly relocated to Kunhing town, returned to their old village of Wan Sar Lar in Kaeng Lom tract to retrieve food and other supplies. On their return, they met Burmese troops at a waterfall called Tard Pha Ho. The troops killed 27 of them, burned their oxcarts and pushed them into the water and then slaughtered the oxen for meat. A 41-year-old farmer recounted what had happened:

“Pin Ya, a 25-year-old farmer and Ko Ling, a 24-year-old farmer, were from my village...The villagers had a long line of bullock carts. They had to squat in line and they were all shot - three people escaped and told others. These people had been given a pass to get their rice. That is why they dared to go in a group. They showed SLORC their pass and ID cards. The SLORC just rubbed it on their penises and threw them on the ground and shot the people dead.”

⁴SLORC: Information Sheet No. A-0059.

In another massacre twenty-nine villagers were killed as they were returning from retrieving their rice at Sai Khao village, Kaeng Kham tract, Kunhing township. When Burmese troops discovered them, they detained them for one evening and then tied them up and shot them dead near a forest north of Sai Khao village. A 37-year-old farmer from the same area told Amnesty International that Sai Khao had been forcibly relocated to Kunhing in mid 1997 when troops entered the village and shouted: “*this has become a black area - if you don’t move we’ll shoot.*” The interviewee said that two of his associates were killed: **Aye Lu**, a 25-year-old male farmer from Kunhing and **King Aw**, a 35-year-old male farmer from Wan Lao village. Both of them had bullock carts which they hired out and apparently on this occasion they had hired themselves and their carts out to people who went to Sai Kao to obtain provisions.

Other refugees interviewed by Amnesty International described killings by the Burmese military of individuals or small groups of people. A 27-year-old farmer from Laikha township described the forcible relocation of his village in April 1997 when six fellow-villagers were killed by the *tatmadaw*. The 66th Light Infantry Division was named as the unit involved. Soldiers told the villagers that the relocation was necessary because it was on a SSA route, who did pass through the area occasionally. Two weeks later the villagers were forced to move a second time, from Tard Mork to Laikha town. The reason given was the fact that the armed opposition obtained rice from Tard Mork villagers.

The interviewee told Amnesty International about the killings of the six during the two relocations. They were: **Sai Tun**, a 30-year-old farmer; **So Na**, the 28-year-old brother of the interviewee; **Nang Kham**, a 15-year-old girl; **Nang Yong**, her 50-year-old mother; **On Ta**, the 30-year-old cousin of the interviewee; and **Pe Htee**, his 40-year-old brother. The interviewee saw the bodies of all six of them. When asked if there had been a funeral for the six, he replied that all the monks had already fled, so no one could conduct the ceremony.

So Na was in a rice mill in Tard Mork, the first relocation site, when he was dragged out by soldiers and shot 20 metres away. Five women who were also in the mill witnessed the event. The interviewee, who heard the shots and went to investigate, speculated that he was shot because he was suspected of giving rice to the armed opposition. On Ta was shot in the chest by the *tatmadaw* when he was bringing his cattle from his village five days after the deadline. In a separate incident, Sai Tun was also taking his cattle to the relocation site when he was shot and then hung up by his feet near a bridge, at the entrance to Tard Mark. Villagers believe that he was left there as a “*warning*”.

Nang Kham and Nang Yong were evidently been captured in their village by soldiers. They were both shot and also had their heads smashed in. Pi Htee was killed two weeks after the relocation when he was forced to guard the road from Tard Mork to Kunhing town. He had apparently strayed from his assigned place and was caught, tied with a rope, and beaten to death over the head. Other villagers witnessed the killing.

A 35-year-old woman farmer from Laikha township described the killings of three people she knew in the last 13 months. She was forcibly relocated three times and finally come to Thailand because she could not make a living. During the third relocation to Laikha town in March 1997 the *tatmadaw* only gave the villagers a few hours' notice to leave. As soon as it was past the 9am deadline, they set fire to the houses in Tard Mork relocation site. Two of her fellow villagers, **Nang Oo**, a 35-year-old woman, and **Lao**, a 25-year-old man, were trapped in their house and killed when the burning roof fell on them.

The interviewee described a more recent killing in December 1997 of another fellow villager **Ti Mat**, a 45-year-old farmer with four children and a pregnant wife in the Laikha relocation site:

"I snuck back to our village with Ti Mat and another woman -- I wanted to get some cattle. I had been sneaking back often to look after my cattle. How else could I live? We two women found our cattle but he couldn't find his so he stayed behind and we went ahead. He didn't show up and no one dared go back to look for him for six days. Then we found his body, riddled with bullets and putrefying. We knew it was the SLORC soldiers - one porter who had been seized by them witnessed the killing and told his relatives."

The interviewee also spoke with a woman whose daughter, **Nang Ing**, a 30-year-old woman with a husband and one child from Wa Na San village, Wan Le village tract, Laikha township, was killed. Nang Ing had returned with her husband to their village to retrieve their rice when soldiers appeared. Her husband ran away, but she was apparently caught and raped by three soldiers, who accused her of giving the insurgents rice. Then they poured boiling water over her. A few days later her husband and mother came back to their village, found her alive, and took her to Laikha town. At this point the interviewee saw Nang Ing, whom she said was burned from her neck to her feet and had bruises and other wounds on her back. Her relatives did not take her to the hospital for fear of repercussions and she died three days later. However Nang Ing was able to tell her mother what had happened before she died.

A 41-year-old farmer with a wife and six children from Kunhing township who was forcibly relocated told Amnesty International about the killings he witnessed. Two

fellow villagers, **King Htun**, about 52, and his 35-year-old son, **Ai Lick** were harvesting rice in their fields after the relocation deadline in mid-1997. The interviewee saw them being stabbed to death by the *tatmadaw* and their bodies thrown into the Nam Pang River, a tributary of the Salween. He and others were hiding but these two were in the open fields. Their wives were also reportedly seized, tied to a plum tree, stripped naked and raped. Five days later they were released, when they buried the bodies of their husbands.

The interviewee also described the killings of two of his first cousins from Nai Mai village, Wan Lao tract, Kunhing township. **Pin Ya**, a farmer with two children and his 24-year-old sister **Nang Mai** returned to their village to get rice in April 1997 after they were forcibly relocated to Kunhing town. Pin Ya was shot dead as he was carrying rice back to Kunhing. Nang Mai was reportedly seized by the military and raped over a period of five days in Wan Lao, a deserted village. She was then covered with pieces of wood and burned to death. The killings were witnessed by other farmers hiding in the area.

The interviewee found the bodies of five fellow villagers who had been shot dead in October 1997 after having been forcibly relocated. They were all harvesting their rice after having returned secretly to their fields. He was on one side of a mountain and heard gunfire at about 3am; the next morning he went to the other slope where the bodies were located. **Pi La**, a 46-year-old man; **Wa Ling**, a 23-year-old man; **Nang Mon**, Wa Ling's 12-year-old sister-in-law; **Nang Lu**, an 18-year-old female cousin of Wa Ling; and **Nang Lee**, a pregnant 26-year-old woman, were all shot dead. The interviewee and six other men buried the bodies quickly and returned to Kunhing.

When asked how he felt about knowing so many friends and relatives who had been killed, he said:

“It is terrible, almost unbearable for me. I am more sad than angry. I tried to laugh even when the tears were streaming down my face so I wouldn't go crazy. This was how to maintain our sanity.”

A 13-year-old girl from Kunhing township who came to Thailand with her aunt to work in a garlic field lost both of her parents in June 1997. She and her family had moved to Murngton township during a forcible relocation. Her father, **Sai Koo**, a 38-year-old farmer, went missing and was apparently killed after the military seized him. She described what happened:

“My father was going to take a bath in a spring when he met SLORC soldiers who arrested him and took him away. He had an ID card and a

letter of reference from the local authorities so my mother said they wouldn't bother him. But he didn't return for some days. After a while when the soldiers left Murngton camp some people found his grave. I don't know how he died -- no one knows. After that my mother became sick and died from grief."

A 30-year-old farmer from Kunhing township told Amnesty International about two killings of his associates in mid 1997 in the context of forcible relocation. **Mae Ta**, a 40-year-old farmer, was killed in July 1997 when he returned to his village of Na Pao, Kieng Kham village tract, Kunhing. His rice supply ran out in Kunhing relocation centre, so he went back to his old village for more rice and was shot dead in the heart. The interviewee saw his body on a bridge known as "the Red Bridge" on the Nam Pang River. Two other civilians who had been seized by the *tatmadaw* saw him being shot by soldiers and later escaped to relay what had happened. About one month earlier in June 1997 **Nang Lu**, a 13-year-old girl from Kunhing town, was shot dead by the military when she and others were hiding on an island in the Nam Pang River. A group of SLORC soldiers came by the island on a boat and opened fire on the civilians, killing at least one of them.

A 28-year-old farmer from Kunhing township who had been forcibly relocated lost three relatives in March 1997. Her husband, **Aye Sai**, a 32-year-old farmer, **Nang Han**, his 18-year-old niece, and **Pan Ta**, his 40-year-old brother had all returned to their village the day of the relocation to retrieve their possessions when they were killed by military. About 20 people altogether were killed in the same incident, although some people escaped and provided her with the details. Nang Han and Pan Ta were both shot in the chest and Aye Sai had a crushed skull, a broken arm, and a bullet in his thigh.

The interviewee also described the killing of **U Yana**, her cousin, a 35-year-old Buddhist monk who was killed during the relocation process in March 1997. SLORC troops came to the village and detained 60 men, whom they released after they found U Yana, the abbot of a new monastery in the village, whom they were evidently searching for. The soldiers also stole all the furniture in the monastery, dismantled it and carried off the teak it was built with. She described what happened to her cousin:

"They took the monk and tied him to a post the whole night and whole day, in the sun. They tied his hands behind him, dragged him away across the Nam Pang River, disrobed him on the other side and gave him laymen's clothes. They lay the muzzle of a rifle on his shoulder and forced him to go search for Shan soldiers...I don't know why they were after him -- he didn't do anything wrong. I saw all this myself. I tried to give him a blanket at night but the SLORC didn't allow me...When they took him they also took 20 porters at the same time...After a while the

soldiers told the porters to kill the monk. They refused, so the soldiers shot him and threw his body down a valley. Among the porters was my older brother, who told me what happened...The villagers buried the monk...It wasn't the villagers' fault, but because of the Shan soldiers they had to move. The villagers were feeding the Shan soldiers...".

Two more of interviewee's relatives were killed at an unknown date on an island on the Nam Pang River, Kunhing township. **Sai Aw**, a 25-year-old man, and **Sai Su**, a 17-year-old boy, were reportedly among 17 people who had been marched on to a boat from the island by SLORC troops and then shot dead. They had been tied up with rope before being killed. Their bodies floated down the river.

Nang Ma, the 22-year-old wife of a 24-year-old farmer from Kunhing township was shot dead in April 1997 after they had been relocated to Kunhing town. Her husband told Amnesty International the circumstances of her death:

"My wife went to get firewood and vegetables in deserted villages. She got shot. Two people with her escaped and told me, they said that three of them were searching for vegetables. The Burmese troops came -- the three ran -- my wife lagged behind and was shot. After three days I went to bury the body. She had two bullet wounds, one in her back which came out through her chest...This was three days after the relocation."

The interviewee also described the death of **Oh Nah**, a cousin, who was shot dead by the *tatmadaw* in June 1997. He had become disabled in 1995 after he jumped from a house to escape from porter duty. His lower back was injured and he paid others to work his fields in Kunhing township. Like many other villagers who had been relocated, he returned to his deserted village to retrieve food when SLORC troops who were hiding there shot him once in the temple and once in the body. Another villager who hid after hearing gunshot went to look at the body after the soldiers left. He then told the interviewee, who returned to bury his body with four other villagers.

A 60-year-old farmer from Nam Zarng township forcibly relocated to Nam Zarng town described the killings of two relatives in September 1997. His nephew **Nya Mon**, a 25-year-old farmer, and Nya Mon's 11-year-old younger sister **Aye Pong**, were killed when they returned to their village to get Nya Mon's bullock and cart. The interviewee described what happened:

"Only a woman could catch his bullock [it was temperamental] so he took Aye Pong and another along. They caught the bullock and came back with the cart. While they were harnessing the bull to the cart SLORC

troops came and shot him in the chest and he fell down and died. They took the two women and raped them and killed Aye Pong. They killed his bullock too. They forced the other woman to act as a porter for them and when she was released she told me...I was frightened and full of pity for my niece."

Four other relatives were also killed, on this occasion in March 1997 after the relocation of their village, which was called Wan Nang, in Ko Oot village tract, Nam Zarng township. They were: **Za Ling**, his 25-year-old half brother; **Zik Ta**, his 28-year-old nephew; **So Pe Ta**, a 30-year-old nephew; and **Aye La**, the 13-year-old son of So Pe Ta. He told Amnesty International the details:

"They came back in search of their cattle and they stopped to have a meal under a tree...SLORC came and arrested them. Seventeen soldiers, from Kho Lam military camp, Nam Zarng township. They were all farmers. They were interrogated about Shan soldiers and then tied to some trees along the bank of a stream. They were stabbed to death one after another and kicked into the stream. At that time a villager was forced to carry SLORC's things and act as a guide - an eyewitness. The SLORC released him and I personally spoke to him. Later when we went in search of the bodies he led the way. We found the bodies - we burned them later at the funeral...The bodies were bloated from being in the water."

He went on to describe the local situation:

*"There are no Shan soldiers in that area, it was under Pa'O control. They have a cease-fire with the SLORC...We all lived in Shan villages in the Pa'O area. So I don't understand why SLORC is oppressing us. SLORC said it was a 'black' area where Shan soldiers roamed. But I never saw any."*⁵

Another farmer from Nam Zarng township lost her 18-year-old son **Ko Li** in April 1997. He and his pregnant wife had been relocated to Kho Lam village. His mother described the circumstances of his death:

⁵ The Pa'O are one of the many ethnic minority groups in Myanmar. The Pa'O National Organization is one of the 16 armed ethnic minority opposition groups who have agreed cease-fires with the SLORC. Areas in ethnic minority states are characterized by the *tatmadaw* as white, grey, or black depending on the degree of insurgent activity.

“He had gone to help his parents-in-law build a house in Nong Kwai village. He spent the night there and the next day SLORC troops came and shot him dead. They thought he was a member of the White Star, part of SSA [Shan State Army]. He had nothing to do with it - he was just a simple farmer. He was shot in the side - the bullet pierced his intestines and they all fell out of his body. The bullet came out his back. I was able to get the body for a Buddhist ceremony. SLORC said they made a mistake and gave money for the ceremony.”

The interviewee went on to tell Amnesty International about the death in June 1997 of **Wa Ling**, a 20-year-old relative. He and another relation were working in a field on the north side of Ko Oo village, Nam Zarng township. They had already been relocated to Kho Lam village and were not allowed to travel further than one mile outside the town. As soon as the *tatmadaw* found them they shot them on sight, hitting Wa Ling twice in the chest and abdomen and wounding the other man, who escaped.

Nang Pang, the 28-year-old sister-in-law of a farmer from Murnpan township, died after having been raped and kicked by SLORC soldiers. Her brother-in-law took her to Thailand in December 1997 in order to get medical treatment, but she died in January 1998 because he could not afford to pay for surgery. In October 1997 troops came to Wan To Mon village, Wo Lai village tract, Murnpan township and asked Nang Pang, who lived alone, where the headman's house was. She replied that she did not know. When the soldiers realized that she was alone, two of them proceeded to rape her. After she threatened to tell their captain, a lieutenant kicked her in the chest and threatened to kill her. She was hospitalized in Thailand with swollen heart and lungs and died the day before her brother-in-law provided this testimony.

V. FORCED LABOUR IN THE CONTEXT OF FORCIBLE RELOCATION

Amnesty International has documented forced labour in Myanmar since 1987. Initially most forced labour took the form of portering for the military and was generally required of ethnic minority civilians rather than the majority ethnic Burman population. However in the early 1990's reports of other types of forced labour proliferated as the SLORC embarked upon massive infrastructure projects such as road, dam and railway construction throughout the country. Ethnic Burmans began to be used by the military for these projects. They were also seized to perform porter duty when the *tatmadaw* launched major offensives against armed opposition groups and needed large numbers of porters.

International criticism of forced labour by the Burmese authorities has grown steadily during the 1990's from other governments, intergovernmental organizations such as the International Labour Organization (ILO), and non governmental organizations. In June 1996 a complaint was lodged by 25 worker delegates to the International Labour Conference under Article 26 of the ILO Convention. 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. In November 1997 the Commission of Inquiry held hearings about the practice in Myanmar and its findings will be made public. This Commission is only the tenth to be constituted since the establishment of the ILO in 1919.

Almost all of the Shan villagers interviewed by Amnesty International were forced to perform various types of labour for the military both before and after forcible relocation. Men were often taken as porters for the army and sometimes beaten if they could not perform their duties to their satisfaction. Women and men were forced to work on various projects, such as building military camps or guarding the road. Civilians were normally taken on a rotation basis for a few days every week or month. However in the case of forced portering men were seized randomly and were also forced to porter on a rotating basis. People were also required to pay "porter fees" to avoid taking their turn, although doing so did not guarantee exemption from the practice.

Forced Portering

Amnesty International believes that the practice of forced portering should be abolished because it is inherently arbitrary and allows military commanders to effectively detain people - usually members of ethnic minorities - for indeterminate periods of time. People seized as porters were usually detained by the military for days or even weeks at a time and often not told when they would be released. In addition, porters were frequently beaten by soldiers with sticks or rifle butts and deprived of adequate food and medical care. Former porters from the Shan State interviewed by Amnesty International described how they were locked up in deserted houses and guarded at night. During the day they were often tied to a yoke used for carrying equipment and force-marched for long periods of time while carrying very heavy loads. They were fed very little and never received any payment for their labour.

A 27-year-old farmer from Laikha township who was relocated twice was forced to porter on several occasions. The last time, in December 1997, he was forced to carry ammunition shells on a yoke which was strapped across his shoulders. At night the porters, who numbered about 40, were locked into one of the houses in a deserted village. When the porters approached a village, they were forced to run with their loads. The interviewee explained that, because he had difficulties in keeping up with the group, he was beaten with a wooden stick, kicked in the waist, and slapped across the face.

A 37-year-old farmer from Kunhing township was seized as a porter for 25 days on the day that the military forcibly relocated his village to Kunhing town. He also had to carry three mortar shells on each side of a yoke on his shoulders and was kept in a guarded house at night. There were about 250 soldiers and 30 male porters in the group, who went from Kunhing to Murngnai township. He said: *"I was scolded many times but they didn't beat me...they said, 'Hurry up, if you don't you will die'"* and *"We don't want to see Shan faces - we want to kill all of them."* He escaped one night and was able to find his wife who had been forced to move to Kunhing.

A 57-year-old farmer also from Kunhing township said that he fled to Thailand because he was constantly forced to perform portering and forced labour duties for the military. When he and his family were forcibly relocated to Kunhing in March 1997 he was taken as a porter for three days and forced to carry five mortar shells in a backpack. He described what happened:

"We were grouped together like little pigs. SLORC surrounded us, Unit 246. I escaped - we were locked up one night in a 'guesthouse' - no one else was there...I managed to get behind the soldiers and then I escaped...There were about 100 porters and 100 soldiers."

A 60-year-old farmer from Nam Zarng township who was taken as a porter seven times told Amnesty International about his treatment in September 1997:

"I had to carry bullets, very heavy as usual. I carried them on a yoke tied to my wrists. There were 100 or more soldiers and 17 porters, mostly old people who couldn't run away...They took me in the middle of a village as I was running away. When I fell down they beat and kicked me. I don't remember how many times I was hit because I became numb after a while. I was so tired and scared. When I fell down I couldn't get up because one of my hands was still tied to the yoke. They beat me with a stick - they just grabbed a branch from a nearby tree...We were fed rice and curry on leaves, just like people feed dogs with. I couldn't escape and was finally released...I still have scars, from all the weight I had to carry. Now it's almost okay."

Forced Labour

Forced labour as practised in Myanmar is in contravention of international standards on forced labour. Although forced labour is less arduous than forced portering, conditions amounting to cruel, inhuman or degrading treatment are often part of the practice. Workers are sometimes beaten by soldiers and are not provided with food, medical care,

or payment. Article 14 of ILO Convention No 29 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 should be adequate sanitation and food, housing, and water for the workers. Article 11 requires that only males between the ages of 18 and 45 years of age certified by a medical officer to be in good health can be compelled to perform forced labour. In all the cases of forced labour documented by Amnesty International, the Burmese military authorities have failed to implement these provisions.

Unlike the practice of forced portering, those subjected to forced labour are usually permitted to return to their homes at the end of the day. Civilians who are forced to work for the military are rarely seized randomly; rather, they work in rotations of several days per month according to their headman's assignments. In the central Shan State civilians worked most often at military camps, digging trenches, cutting wood, and building fences, but they also had to work on road construction. Interviewees mentioned forced labour on a large military camp in Kunhing town and another large camp east of Murnkerng town. Like forced portering, forced labour occurred both before and after forcible relocations.

Almost all the Shan civilians whom Amnesty International interviewed were forced to perform labour for the military. A 57-year-old farmer from Kunhing township was forced to cut logs to make bunkers in a military camp at Wan Lao relocation site. When asked if he had ever been paid for his work, he laughed and replied: "*You're lucky if you don't earn a beating!*". Although labourers were generally treated better than porters, those interviewed mentioned several instances of being beaten during forced labour. A 60-year-old man from Nam Zarng township was forced to work at a military camp at Nammo Kao Sin in July 1997 before he was forcibly relocated. He described his treatment:

"I had to dig trenches and make fences and plant beans for the military...The soldiers told us if you work you won't have to relocate but they made us move anyway. We worked in shifts - 25 days in total but with breaks in between...The soldiers carried sticks and oversaw the work -- if anyone stopped they were beaten. I was beaten on the head just once...They said, 'You are Shan, you are not the same blood as us. We are going to kill you but before we kill you we are going to force you to work.'"

A 24-year-old farmer from Kunhing township had to cut logs and build bunkers in Kunhing town during December 1997. He said, "*I lost count of how many times I had to do forced labour. Not less than 100 times. Sometimes I had to fix the road or one thing or the other.*" A 24-year-old farmer from Laikha township was forced to build a

road and work in a military camp in Laikha town where he had been forcibly relocated in April 1997. He told Amnesty International what his routine was:

“If you came in after 8am you were hit. I was hit on two or three occasions. This happened last time in January 1998, I was hit with a stick once on the back. The road was from a military camp to Laikha town and then to a pagoda. We worked 8am to 5pm, with a break at midday, digging. I did this three times a month every month.”

VI. CONCLUSION AND RECOMMENDATIONS

Amnesty International is gravely concerned by the human rights situation in the central Shan State. Its concern is heightened by reports that the State Peace and Development Council (SPDC) is currently extending its forcible relocation program of Shan civilians there, which could lead to further extrajudicial killings, fatal ill-treatment, and forced labour and portering. Amnesty International makes the following recommendations to the SPDC and to the international community.

In areas of armed conflict, Amnesty International urges the SPDC to abide by the basic principles of international human rights and humanitarian law concerning the treatment of Shan and other civilians. 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”.

- ◆ Amnesty International recommends that the SPDC issue clear orders to halt extrajudicial executions, to use force and firearms only when strictly necessary to protect life, and to investigate all extrajudicial executions and bring to justice those found responsible.
- ◆ Amnesty International recommends that the SPDC investigate all reports of torture and ill-treatment, and issue clear orders to the military to stop these practices immediately.
- ◆ Forcible relocations on ethnic grounds should be abolished and the SPDC 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.

- ◆ Amnesty International recommends that the SPDC abide by ILO Convention No 29 concerning forced labour, 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.

The impact of the critical human rights situation in the central Shan State has already had been felt elsewhere in the region. Refugees continue to flee to Thailand, currently facing its largest economic downturn in decades. Shan refugees are finding it increasingly difficult to work in Thailand, but have no other way to survive after their homes and fields have been confiscated by the SPDC. Such refugee outflows and the consequent regional impact makes it even more crucial for the international community to urge the SPDC to improve their human rights record. Amnesty International believes this is particularly the case for the security interests of ASEAN members, who should encourage the SPDC to respect human rights.

The United Nations Commission on Human Rights should renew the mandate of the Special Rapporteur, and press the Government of Myanmar to allow him complete and unrestricted access to the country and to civilians of all ethnicities.