

MYANMAR

THE KAYIN (KAREN) STATE

MILITARIZATION AND HUMAN RIGHTS

I. INTRODUCTION

In February 1999 Amnesty International delegates interviewed dozens of Karen refugees in Thailand who had fled mostly from Papun, Hpa'an, and Nyaunglebin Districts in the Kayin State in late 1998 and early 1999. They cited several reasons for leaving their homes. Some had previously been forced out of their villages by the *tatmadaw*, or Myanmar army, and had been hiding in the forest. Conditions there were poor, as it was almost impossible for them to farm. They also feared being shot on sight by the military because they occupied "black areas", where the insurgents were allegedly active. Many others fled directly from their home villages in the face of village burnings, constant demands for forced labour, looting of food and supplies, and extrajudicial killings at the hands of the military. All of these people were farmers who typically grew small plots of rice on a semi-subsistence level.

These human rights violations took place in the context of widespread counter-insurgency activities against the Karen National Union (KNU), one of the last remaining armed ethnic minority opposition groups still fighting the State Peace and Development Council (SPDC, Myanmar's military government).¹ Guerrilla fighting between the two groups continues, but the primary victims are Karen civilians. Civilians are at risk of torture and extrajudicial executions by the military, who appear to automatically assume that they supported or were even members of the KNU. Civilians also became sitting targets for constant demands by the *tatmadaw* for forced labour and portering duties. As one Karen refugee explained to Amnesty International, "*Even though we are civilians, the military treats us like their enemy.*"

Widespread human rights violations in Myanmar's ethnic minority states have had a significant negative impact on neighbouring countries, particularly Thailand, Bangladesh, and India, which have all been affected by large refugee flows. But other countries have also been faced with large numbers of refugees -- some 10,000 Rohingyas, or Muslims from the Rakhine State, remain in Malaysia and until very recently 10,000 Kachin refugees were in China's Yunnan Province. Presently there are over 100,000 refugees in Thai camps alone, and at least that number outside of these camps in Thailand, where refugee numbers from Myanmar are at an all-time high. The continuing economic downturn throughout Asia makes it even more difficult for these countries to cope with more refugees, as they are faced with widespread unemployment and other problems. In addition incursions by SPDC troops and various armed

¹The State Law and Order Restoration Council (SLORC) changed its name to SPDC in November 1997. Several SLORC members who were alleged to be involved in large-scale corruption were sidelined but otherwise the SLORC's policies have remained unchanged

opposition groups into Thai territory are a security threat, and several Thai nationals have been killed as a result during the last four years.

Background

Myanmar, formerly Burma, has been in a state of internal armed conflict since it gained independence from the United Kingdom in 1948. For the last 50 years armed opposition groups representing various ethnic minorities have engaged in insurgency activities against the central government in an effort to gain greater autonomy or complete independence. According to the government, there are 135 “national races” in Myanmar, including the dominant ethnic Burman group. Ethnic minority groups comprise approximately one third of the population, who live mostly in the seven ethnic minority states surrounding the central Myanmar plain.

When the military reasserted power in September 1988 after suppressing a nation-wide pro-democracy movement, they adopted a policy of negotiating cease-fires individually with ethnic minority armed opposition groups rather than engaging with umbrella organizations which grouped them together. Since 1989 they have agreed 17 cease-fires with various armed opposition groups. Although peace talks have taken place between the KNU and the central government, the KNU apparently rejected the government’s offer in late March 1999 for the resumption of cease-fire talks. The KNU state that they will only enter negotiations for a full-scale political settlement, rather than a limited military cease-fire agreement. Nevertheless because talks have taken place over the past three and one half years, further discussions between the SPDC and the KNU cannot be ruled out.

The KNU has been fighting for freedom from the central Myanmar government for 50 years. The government stepped up its counter-insurgency activities against the KNU in 1984, when Karen refugees began to flee to Thailand.² In December 1994 the KNU suffered a major setback when a group of disaffected Buddhist Karen troops left the KNU and formed their own group, the Democratic Kayin Buddhist Army (DKBA).³ After the split, the then SLORC immediately formed a tactical alliance with the DKBA, providing them with supplies and propaganda support, although no formal cease-fire agreement between the two is known to have taken place. In early 1995 SPDC and DKBA troops captured Manerplaw and Kawmoora, the KNU’s two largest remaining bases. By early 1997 the KNU had lost the vast majority of its territory to the Myanmar army.

²Beginning in 1984 refugee camps for Karen civilians were set up in Thailand and *de facto* controlled by Karen leaders.

³The KNU leadership is generally dominated by Christians, and DKBA members claimed that Buddhists were discriminated against on the basis of their religion.

The Kayin State continues to be subject to a high level of militarization as the DKBA and the *tatmadaw* conduct joint operations against the KNU and to occupy villages. Although the present status of the DKBA vis-a-vis the SPDC is not entirely clear, it is clear that the DKBA operates with the cooperation and support of the SPDC. The DKBA number over 1,000 troops, and their headquarters is at Myaing Gyi Ngu, near Hpa'an, capital of Kayin State, where they claim to take responsibility for some 50,000 civilians. Both the DKBA and the *tatmadaw* are responsible for widespread human rights violations. As well as the DKBA, there are other local Karen-led or ex-KNU militia groups, some of whom have cease-fire agreements with the SPDC, and special counter-insurgency *tatmadaw* forces. The activities of these various armed factions have led to great instability in some parts of the Kayin State, characterized by forcible relocations, village burnings, and extrajudicial executions. The SPDC, the DKBA, and the KNU all plant anti-personnel landmines throughout the countryside which adds a further dimension to the dangers facing civilians there. Amnesty International is opposed to the manufacture, use, stockpiling, and transfer of anti-personnel mines and calls on the SPDC, DKBA, and the KNU to stop planting landmines.

Having lost its fixed bases, the KNU, numbering some 1800 troops, conducts small-scale guerrilla operations in the Kayin State and Tanintharyi (Tenasserim) Division, southeast Myanmar. Those refugees who had met KNU troops reported no ill-treatment by them, although the KNU often asked for rice when they were passing through the area. However Amnesty International has documented human rights abuses by the KNU in its efforts to control populations both in Myanmar and in neighbouring Thailand.⁴

SPDC and DKBA troops have accused villagers of helping the KNU in various ways, and punished them for their purported actions. In addition, DKBA and SPDC troops stole villagers' rice, livestock, and other possessions, adding yet another hardship. According to reports *tatmadaw* officers do not provide their troops with adequate supplies, so troops in effect live off the villagers. Villagers were also frequently required to pay various forms of arbitrary taxes, including fees to avoid forced portering and labour and fines if the SPDC claimed there was KNU activity in the area.

Another hardship suffered by Karen farmers is forcible relocation, which the *tatmadaw* uses as a means of breaking up alleged support or links between civilians and armed ethnic minority groups.⁵ Forcible relocations are part of the army's "Four Cuts" counter-insurgency strategy, which entails cutting alleged links of intelligence, food, money and recruits between armed opposition groups and local civilians. Since 1996 hundreds of thousands of ethnic minority

⁴ Please see section IV. below.

⁵ Since early 1996 the *tatmadaw* has forcibly relocated 20,000 - 30,000 Karenni civilians in the Kayah State and over 300,000 Shan civilians in the Shan State.

civilians have been pushed off their land and homes by the *tatmadaw* in the Karen, Karenni, and Shan States. Such disruption has caused tens of thousands of internally displaced people to seek refuge across the border in Thailand. There are approximately 84,000 Karen refugees in camps there, and thousands of other displaced Karen civilians on the Myanmar side of border.

Many of the Karen civilians from Papun District and other areas interviewed by Amnesty International had been forced off their land by the *tatmadaw*. The KNU is active in Papun District, and regularly engages SPDC units in skirmishes. In 1995-1996 Burmese military presence increased in the area and in 1997 102 villages were reportedly destroyed by the army. As a result 40,000 people were believed to have been displaced; some fled to Thailand, others went to SPDC-designated relocation sites, and still others hid in the forest.⁶ All of these groups have lost their land, homes, and most of their possessions. One woman described their life in the forest:

“It is so miserable to live in the jungle. Both of my kids got sick a lot, malaria and chickenpox. Food is scarce - rice and chili and salt only, no protein. I was afraid of the troops -- terrified.”

But people from other areas were forced off their land as well. A 35-year-old Christian widow from Meh Prah village tract, Hlaingbwe township, Hpa’an District, said that she was ordered to leave her village on 14 January 1999. According to the interviewee, there had been fighting between DKBA and KNU troops on 13 January, and the next day DKBA troops called a meeting of all villagers and told them to leave. She said that they were told that if they did not leave within five days, they would be shot. She later learned from KNU troops that the four houses in the village belonging to Christians were burned down. Previously the KNU did not come to their village, but did ask for rice.

Sporadic fighting also affected villagers in Pai Kyone township, Hpa’an District. A 39-year-old village headman reported that there was fighting between KNU and SPDC troops in October 1998. Two weeks later SPDC troops came to the area and burned two nearby villages, after which the headman led his people in their flight to Thailand in November. He said that his village served almost as a boundary point between the SPDC and DKBA-controlled areas on the one hand and the KNU-controlled areas on the other. He also said the SPDC had planted landmines around his village and that Pha Le Pho, a 30-year-old Buddhist farmer, was killed by one on his way to his farm. The headman saw his dead body and helped in the cremation ceremony.

⁶*Forgotten Victims of a Hidden War: Internally Displaced Karen in Burma*, pp. 31-32, Burma Ethnic Research Group and Friedrich Naumann Foundation, April 1998.

Refugees fleeing from Hpa'an, Nyaunglebin and Thaton Districts were living in villages where they were subject to village and crop destruction. KNU troops were present there, although like most guerrilla forces, they remained in the forest, occasionally passing through villages. When SPDC or DKBA troops came through villages, residents often fled and hid in fear of being taken for portering, or even of being killed by the military. These forces often would not permit farmers to work on their land and harvest their crops, claiming that they were supplying KNU troops with food.

One 45-year-old Anglican woman from Hlaingbwe township, Hpa'an District, told Amnesty International that both her husband and her daughter were tortured by SPDC troops in January 1999 when her husband was harvesting his crops. Troops told him that harvesting was not allowed and tied him up for three days. They also killed six of his buffalo for meat. When his 20-year-old daughter went to give him some food, she was severely beaten by SPDC Unit 44 troops and as a result was unconscious for two days. The daughter, who was with her mother during the interview, showed a two to three inch fresh contusion on her left breast which she said was a result of her beatings. When the family arrived in Thailand, she was admitted to the refugee camp hospital and was still under medical treatment. Her mother said, "*I am worried about my daughter. She is depressed, weak, always sick. Before she was very healthy.*"

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 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 security forces use force which is disproportionate to any threat posed, although the authorities may claim that this use of force was legitimate.

Extrajudicial executions of ethnic minority civilians by the *tatmadaw* occur during counter-insurgency activities in the Kayin (Karen), Kayah and Shan States. Most of the killings in the Kayin State which were reported to Amnesty International took place while civilians were in their villages. The military sometimes kills civilians if they are hiding in the forest, if they cannot perform their duties as porters, or if they are suspected of being supporters of insurgent groups. Those who were relatives of KNU soldiers are particularly vulnerable. Karen refugees described over two dozen killings of their relatives and friends which took place in a variety of circumstances from mid-1998 to February 1999. What follows is a selection of representative cases from Papun, Nyaunglebin, Hpa'an, and other districts in the Kayin State.

A 47-year-old Buddhist farmer⁷ from Ta Ne Che township, near Myawaddy on the Myanmar side of the Thai- Myanmar border, told Amnesty International that his 25-year-old unmarried brother **Maung Tha Na** was killed in November 1998 by the *tatmadaw*. He had been working in his fields and returned to his house for lunch when troops discovered him under his house.⁸ Villagers had warned him not to return because troops were nearby, but he said he was hungry and came back anyway. His brother found the body an hour later and reported that he had been shot through the back and had an exit wound in the stomach. He said: *“I buried the body. I felt so sad, but I could do nothing. I feel that I don’t want to face this [memory] again. It is too hard for me.”*

A 45-year-old Muslim farmer from Papun District, who said she had fled to Thailand because of forced labour requirements and extrajudicial executions, reported the killings of four fellow villagers in early 1999. She said that **Saw Pha Blaw**, a 16-year-old boy, and **Naw Htoo Paw**, an 18-year-old woman, were shot dead by SPDC and DKBA troops when they entered the village in January 1999 and demanded 20 porters from the village headman. The two young people, both Seventh Day Adventists, were leaving Bible school when troops opened fire on all the students. Saw Pha Blaw was shot in the forehead and Naw Htoo Paw was shot in the chest, both dying instantly, according to the interviewee, who witnessed the killings.

The next month the same combined forces of SPDC and DKBA troops came through the village and asked people to gather for a meeting. Troops accused her brother, **U Pho Nyo**, also a farmer, of passing information to the KNU. She claimed that these troops knew him well and that he had worked for them in the past. Her account of his death is as follows:

“He was taken out of the village and beaten severely so he became unconscious. The troops beheaded him and left the dead body on the spot. The people did not dare to collect the dead body but could only look. The troops put mines around the body. They [the villagers] could not retrieve it. I left the next day. I thought I might face the same fate myself... I thought I was crazy - I could not cry, I could not speak, I could not eat. My whole family was crying and leaving the village.”

A 45-year-old Buddhist widow from Hlaingbwe township whose husband had been killed 11 years ago when fighting for the KNU witnessed her 18-year-old son, **Saw Kyaw Nay** shot dead by the Burmese military. After her husband was killed, she was often forced to porter

⁷Names of interviewees and the names of their villages have been eliminated to prevent reprisals should they return to Myanmar.

⁸Karen houses are traditionally built on stilts raised off the ground to prevent flooding during the rainy season.

for the military. In November 1998 after six SPDC soldiers had beaten her for refusing to porter for them, her son tried to intervene and was shot in the stomach. He was shot at very close range and died instantly. The woman cried as she reported what happened:

“I felt crazy when I saw my child dead and ran away with my other two children ... That’s why I was so afraid and hid for one month [in the forest]... I had four tins of rice and mixed them with vegetables and boiled them in bamboo”.

A 29-year-old Buddhist woman from Ha Ta Re village tract, Hpa’an District, told Amnesty International about the reported rape and murder of her 12-year-old niece, **Naw Po Thu** in October 1998. She was taken with two other people to act as guides for SPDC troops based in Myawaddy. She was allegedly raped by a major and managed to escape, but was captured and raped again and then shot dead. Two eye-witnesses, one unidentified soldier and one village boy, told her aunt about the rapes. The next day she saw her niece’s body which villagers had retrieved and brought back to the village pagoda. She said that a gunshot wound from a handgun had entered the body at the vagina and exited at the chin. The major gave the girl’s family compensation for her death, which consisted of one sack of rice, one measure of sugar, one tin of condensed milk, and 100 *kyat*.⁹

Villagers were also killed by the *tatmadaw* in the context of forced portering when they could no longer carry their loads or if they refused to act as porters. A 27-year-old Karen Buddhist farmer from Bilin township, Thaton district, Mon State who was himself forced to porter, witnessed the killing of his close friend **Pa Di**, a 38-year-old farmer from the same village. Pa Di was called as a porter in September 1998 and refused, after which he was beaten with sticks to the point of unconsciousness. Troops then stabbed him to death in the heart. His friend and other villagers buried him. Pa Di, who was married and had four children, refused to go as a porter because he was seized during the night.

The same witness also lost his parents when SPDC troops from Regiment 15 shot them dead in October 1998. **U Shwe Ba**, his 68-year-old father, and **Daw Naw Bu**, his 60-year-old mother, were looking after their cattle in their fields after dusk. They were both shot in the chest. Their son reported that SPDC troops then came to the village and said they had shot two old people by mistake because they could not see them well and assumed they were enemies. Their son gave them a proper burial. When asked if he received compensation, the witness said: *“I dared not complain. If I complain we will get hurt. Because they were my parents I feel bad.”*

⁹ Burmese currency unit. Six *kyats* are worth one US dollar by the official SPDC exchange rate; the unofficial exchange rate is over 300 *kyat* to the dollar.

A 28-year-old Buddhist farmer from Hlaingbwe township, Hpa'an District, lost her husband in December 1998 and was still visibly traumatized and under medical treatment. She said that her husband **Hah Klo**, a 30-year-old farmer, was taken as a porter and never returned. His friends who had been seized with him and who witnessed his killing told her that he had been shot dead and left behind because he could not carry his heavy load. She said that she dared not remain in her village because after her husband's death, she was forced to act as a porter three times and was beaten on the back and buttocks with a rifle butt.

A 45-year-old Christian farmer from Wei La tract, Kyaukkyi township, Nyaunglabyin District, described the killings of three fellow villagers in November 1998. Her village had been burned down in 1996 by the *tatmadaw* and villagers had subsequently moved from place to place in the forest, building small huts for shelter. On 16 November a Seventh Day Adventist farmer **Nan Oon**, in his early 20's, came out from his forest hut, met some troops from SPDC Light Infantry Battalion (LIB) 361, and was shot on sight. The witness said that she and other villagers heard the gunshots and fled. Another villager interviewed by Amnesty International said that he saw Nan Oon's body, which showed a gunshot wound in the stomach and an exit wound in his back. The next day **Saw Ko Pa**, Nan Oon's 18-year-old brother and **Saw Maung Tha**, a 15-year-old boy were also shot dead by LIB 361. Troops also burned down villagers' shelters and rice paddy barns. Villagers waited for one week, and then retrieved the bodies and buried them.

A 30-year-old Baptist farmer from Nayoehta village tract, Papun District told Amnesty International about the death of **Naw Pet**, a 60-year-old blind animist woman from the nearby village of Daw Thu Doe. In November 1998 SPDC troops came to her village and everyone fled but Naw Pet, who was left behind in her house. The entire village was then burned down by the troops. The witness later found her dead body which was badly burned.

A 40-year-old Buddhist farmer from Ta Kre tract, Hlaingbwe township whose husband was a KNU captain lost her pregnant daughter and son-in-law when DKBA troops entered her village in July 1998. She said that **Paw Ler Mu**, her 21-year-old daughter, and her 26-year-old son-in-law **Di Di Wah** were killed when the DKBA Unit 999 came to loot their village. When the woman's other children found the bodies, they were both headless and Paw Ler Mu's right hand had been cut off. Fellow villagers had seen the couple talking to a DKBA soldier in their farm hut just before the bodies were discovered.

After their deaths the DKBA threatened the woman's husband with death, so he fled to Thailand. The woman stayed behind to plant rice and sell her cattle. She told Amnesty International that one month later the DKBA accused her cousin **Maung Kayin** of killing her daughter and son-in-law. He was shot three times and died from his injuries. Both DKBA and SPDC troops were present in the village.

Another armed militia group, the *Na Ga*, meaning dragon, operates in Nyaunglebin District, northern Kayin State. This group is part of the *tatmadaw* and reportedly works in groups of eight to 10 people, and specifically targets civilians who have contact with the KNU. Members of *Na Ga* speak and write the Karen language. Refugees told Amnesty International about the killings by *Na Ga* of two Karen civilians in Shwekyin township, Nyaunglebin District in December 1998. **Maung Ba Aye**, a Baptist farmer with four children, was killed after *Na Ga* forces reportedly searched his house and discovered that he was holding medical supplies for the KNU. He was then stabbed through the heart and died instantly. **Kyi Hmwe**, from Shan Suu village, a farmer of mixed Buddhist and Christian parentage, was killed by *Na Ga* because he gave supplies to the KNU. He was reportedly stabbed all over his body on the road outside his village, where fellow villagers later found him covered in blood.

This pattern of extrajudicial executions in the Kayin State has been well-documented over a long period of time. This most recent information confirms the need for the SPDC to issue firm orders to all its troops not to kill unarmed civilians.

III. FORCED LABOUR AND PORTERING

Most of those Karen refugees interviewed by Amnesty International were forced by the Burmese military to act as porters for troops or work on roads and other infrastructure projects. The widespread use of unpaid forced labour by the military in Myanmar is a longstanding concern for Amnesty International, which has documented the practice since 1988. Although forced labour has decreased in central Burma, it is still being reported on a large scale in the seven ethnic minority states which surround the central Burman plain. Members of ethnic minorities are much more likely than ethnic Burmans to be forced to perform unpaid forced labour and are in effect targeted for such duties. The SPDC has asserted that it is attempting to improve the infrastructure of areas which had formerly been affected by fighting between the *tatmadaw* and various ethnic minority-based armed groups. As a result of this policy thousands of ethnic minority civilians are forced to work on infrastructure projects on a routine basis.

In answer to reports of forced labour from the UN, other governments, and non-governmental organizations, the SPDC claims that the work is voluntary and for the benefit of the people. On 14 May 1999 SPDC Secretary I General Khin Nyunt made the following statement in address to the ASEAN¹⁰ Labour Ministers' Meeting in Yangon:

“There have been allegations of the use of forced labour in Myanmar...a sustained effort to improve the infrastructure of our economy...has been

¹⁰Association of Southeast Asian Nations, whose members are: Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam.

undertaken. Realizing the benefits to the communities from these projects, people have voluntarily contributed labour so that they can be completed sooner... On our part, to dispel these wrong impressions, the government has issued instructions that only remunerated labour must be used in infrastructure projects. At the same time, with the return of peace, we are now mainly using our military personnel to undertake these public works. Therefore the allegations of forced labour are groundless.”¹¹

Unpaid forced labour is in contravention of the International Labour Organization’s (ILO) Convention No 29, which the government of Myanmar signed in 1955. The ILO has repeatedly raised the issue with the government and in June 1996 took the rare step of appointing a Commission of Inquiry. In August 1998 the Commission published a comprehensive report, which found the Government of Myanmar “...guilty of an international crime that is also, if committed in a widespread or systematic manner, a crime against humanity.” According to the provisions of Convention 29, labourers must *inter alia* receive a wage, be a healthy male between the ages of 18 and 45 years, and be provided with a safe working environment. These conditions are almost never met by the military in Myanmar when they use forced labour.

Forced portering

Forced portering is a particularly arduous form of forced labour, and occurs in areas where the *tatmadaw* are patrolling the countryside and need people to carry ammunition, food and other equipment. As a consequence, the victims are often members of ethnic minorities, although when the military conducts a large offensive and needs hundreds of porters it also takes ethnic Burmese civilians. Although men are usually seized for portering duties, Amnesty International interviewed several Karen women who served as porters. When the military seizes people for portering duty, they hold them for a period of days and in effect arbitrarily detain them. Although civilians forced to work on roads and other projects are subjected to cruel, inhuman or degrading treatment, porters are even more commonly beaten or otherwise ill-treated by the military.

Beatings are the most common form of ill-treatment during portering duties. Porters are beaten if they cannot keep up with the military column or if they complain about lack of food and rest periods. A 42-year-old Christian farmer from Mee Prah village tract, Hlaingbwe township, Hpa’an District, was taken every month as a porter, and after the last time in January 1999 he and his family fled. He described his treatment:

¹¹ Text of speech quoted by the British Broadcasting Corporation, 18 May 1999.

“We had to give troops what we have - our money. I never asked for money or I would be kicked. I was always being beaten on the back with a bamboo stick if I slowed down or stopped. I was also kicked in the back and buttocks. I was black and blue all over and now I have a pain in my chest.”

Porters were also made to work even if they were very ill. A Christian farmer from Hlaingbwe township, Hpa'an District, said that her husband **Da Tor Pi**, age 40, had to porter in December 1998 for five days even though he was previously suffering from an undiagnosed skin disease. He had been forced to porter every month carrying rice and ammunition. After one of these trips he came back ill, and because he did not have the money to pay “porter fees”, he was obliged to continue his duties. On 27 December he died. His wife claimed that he was not a KNU member, but a “simple farmer”.

DKBA troops as well as SPDC troops take porters to carry supplies. One 22-year-old Seventh Day Adventist farmer from Kamamaung village tract, Papun District, told Amnesty International that he left his home because 150 DKBA troops from Unit 333 had a base in his village and used people frequently for forced labour and portering. He was taken as a porter for the last time in December 1998 for three days and made to carry ammunition. He said that because he had to porter so often, his wife and elderly mother had to take care of their farm.

Karen women often performed forced portering duties, particularly if they were widows. A 45-year-old widow whose husband was killed in battle 11 years before (see above) stated that she had to go as a porter at least 10 times in 1998, from 10 to 15 days' duration. Another 50-year-old widow from Hlaingbwe township, Hpa'an District, whose husband was killed in October 1998 by SPDC troops, had to serve as a porter four times. She said she was slapped and kicked on one occasion and told to walk faster. When Amnesty International asked her if she were tied up during the night she responded in fear, *“Please don't tie me up!”* Another woman from Hlaingbwe township was forced to porter in May 1998 from Hlaingbwe Hill to Mae Tha Wah on the Myanmar-Thai border. She said there were over 100 porters, 70 of whom were women. She worked for four days and felt too tired to continue, so she escaped with a group of others. Troops shot at them as they fled, but she managed to hide in the forest and eventually return home.

Amnesty International is opposed to the practice of forced portering, and considers it to be arbitrary detention. It calls on the SPDC to abolish forced portering completely.

Forced labour

Karen civilians who live in areas which the *tatmadaw* controls are routinely forced to perform a variety of duties, most often working on roads. The military usually assigns the village headman to produce a certain number of labourers per week, depending on the project. However SPDC and DKBA troops also seize civilians arbitrarily to work as unpaid labourers. Civilians can avoid forced labour if they pay fees each time to the military, but the majority do not have the funds to continue paying on a long-term basis.

SPDC troops also forced Karen farmers to cultivate land for the military, including growing rice. Other duties included making charcoal, cutting bamboo and wood, building and repairing fences, and digging ditches. The amount of time which civilians spent varied. Some only had to work only two to three days per month whereas others had to work as much as half the month, thereby preventing them from earning their own living.

A 67-year-old Baptist farmer from Hlaingbwe township, Hpa'an District, told Amnesty International he had to work five days per week during the whole of 1998 for SPDC Light Infantry Battalion Unit 338, and so decided to flee to Thailand. He said he had to clear brush, dig trenches, and fill the road bed with rocks on the following routes: 10 miles from Out Bai Kyone village to Dawna Mountain Range, 10 miles from Dawna Range to Gut De village, and 18 miles from Out Bai Kyone to Baw Yin Mu village. He described the conditions of his forced labour:

"We brought six tins of rice when we went to the work site - they were all confiscated by the troops - we were given one tin for a day for four people - it was not enough and I complained and asked for more and I was kicked for complaining."

"I was beaten because I couldn't work... I couldn't dig the ground as I was very old. The soldiers started beating me when I took a rest. They beat me with a bamboo on my hips. I was struck fifteen times and as I couldn't go back to work as I was so tired, they kept beating me."

He was also forced to stay awake guarding the road overnight four times per month, and to report any KNU troops he saw during that time.

A 45-year-old Muslim farmer from Papun District said that she was forced to work for SPDC Light Infantry Battalion 303 at the Ye Bu Gone military base once a week. If their village headman did not gather a sufficient number of labourers, troops seized people randomly and shot into village houses. She also had to guard a road which was apparently mined. When a mine was detonated, the 12 villages in her tract had to pay 500,000 kyat in compensation to the military.

A 49-year-old Baptist farmer from Shwe Kyin township, Ngaunglabyin District was forced to work for the DKBA 20 days per month at two different sites. He was forced to carry brick and sand to build a pagoda at one site, and to make charcoal at another. He said because of frequent forced labour duties, he could not tend his rice crop, which was as a result ruined. A 30-year-old Buddhist farmer from Hlaingbwe township, Hpa'an District, was also forced to work for the DKBA. She reported that beginning in April 1998 her village was required to work at Myaing Gyi Ngu, the DKBA headquarters. They worked constructing fences, building and repairing buildings, and collecting bamboo, but received no food or pay for the work.

IV. HUMAN RIGHTS ABUSES BY THE KAREN NATIONAL UNION

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

“1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall be in all circumstances treated humanely...”

With respect to these categories of people, Common Article 3 prohibits, among other things:

*“(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
(b) taking of hostages;
(c) outrages upon personal dignity, in particular humiliating and degrading treatment...”*

Amnesty International is concerned about alleged breaches of international humanitarian law by the KNU, in particular torture, the use of the death penalty, and arbitrary and deliberate killings. In the past the organization has documented abuses committed by the KNU, including

executions and arbitrary and deliberate killings.¹² Amnesty International calls on the KNU to strictly abide by international humanitarian law governing civil conflicts and not to kill people who are *hors de combat*, and to abolish the death penalty.

Amnesty International has received recent reports that the KNU has killed people *hors de combat* both in Thai and Myanmar territory. It has also received accounts of ill-treatment and torture during detention by the KNU. Because Amnesty International is not allowed access to Myanmar by the SPDC, it is impossible to confirm such reports. Nevertheless the organization believes that these reports are credible.

Saw Maung Bu, a 22-year-old orphaned civilian, was reportedly killed by a KNU lieutenant on 15 August 1998 in Mae Ra Ma Luang Refugee Camp, Mae Sariang District, Mae Hong Son Province, western Thailand. Saw Maung Bu was the adopted son of Pastor Stanley Ngwe Zin, a Seventh Day Adventist minister. Pastor Stanley was an associate of Padoh Aung San, the KNU Forestry Minister and Central Committee member, who surrendered to the SPDC along with a group of KNU troops and civilians in April 1998. According to reports Pastor Stanley was among the group who surrendered and went to Myanmar, but his adopted son decided to remain behind in Thailand.

After Pastor Stanley returned to Myanmar, he reportedly sent a letter to Saw Maung Bu, asking him to return church properties but to keep his private possessions. A KNU lieutenant came to Saw Maung Bu and demanded the property, but he refused, showing the the Pastor's letter to the lieutenant. A few days later the lieutenant returned, seized Saw Maung Bu in broad daylight, took him to the river and arbitrarily and deliberately killed him. According to reliable sources, the lieutenant claimed he was acting under the orders of General Bo Mya, Chairman of the KNU. Saw Maung Bu's friends found his body in the river two days later and buried him. As this killing took place in Thai territory, Amnesty International calls on the Royal Thai Government to investigate the incident and to ensure that adequate security measures are taken in all refugee camps.

In another case related to the surrender of Padoh Aung San, Amnesty International received reliable reports about the arrest and ill-treatment of Padoh Aung San's nephew **Saw Danny alias Poe Nu** and his family. One week after Padoh Aung San returned to Myanmar in April 1998, Poe Nu was taken by KNU troops from his home in Mae Sariang, Mae Hong Son Province, Thailand. General Bo Mya reportedly demanded that Poe Nu return a vehicle belonging to Padoh Aung San, but Poe Nu had already sold it. Poe Nu was reportedly tortured by KNU troops in reprisal for selling the vehicle. In order to free him, his wife gave a sum of

¹²See MYANMAR: 'No law at all', Amnesty International, November 1992, AI Index ASA 16/11/92.

money to the KNU. However instead of releasing Poe Nu, the KNU detained his wife and their four children.

The family were taken across the border to the KNU 7th Brigade area inside Myanmar and kept in prison there. According to reports, the KNU willfully deprived the family of mosquito nets and blankets in a highly malarial area. As a consequence, all the children contracted malaria. They were also reportedly forced to carry water and cook for troops there. Poe Nu was allegedly chained by the feet and hands and forced to act as a porter for KNU troops. His wife and children were finally released in June 1998 and Poe Nu was released in August. Amnesty International is concerned that Poe Nu was tortured and that he and his family were arbitrarily detained and ill-treated by the Karen National Union. As the arrest of Poe Nu and his family took place in Thai territory, Amnesty International calls on the Royal Thai Government to investigate the incident.

There are also recent reports of people being killed in disputed circumstances by the KNU in Myanmar territory. A group of immigration officials were killed after being detained by troops from the KNU 6th Brigade area inside Myanmar on 23 February 1999. All of them were reportedly returning from duty at the Three Pagoda's Pass Border Checkpoint,¹³ and were on their way by bus to Thanbyuzayat, Mon State. They were taken off the bus by KNU military column 2 and held for questioning.

The KNU has released several statements about the incident. They claim that they made contact with the SPDC, told them the group of 13 would eventually be released and asked SPDC troops not to attack. However according to the KNU from 24 to 28 February SPDC troops attacked KNU troops six times, killing seven of the immigration officials, whom the KNU said possessed supplies belonging to the SPDC Infantry Battalion 97 Commander. The KNU further said that they released six other immigration officials originally detained. According to the KNU those killed were: **U Aung Min, Ko Kyaw Naing, Ko Tun Tin, Kyaw Myo Aung, Win Myint Aung, Naing Win Htet, and Win Kyaw Aung.**¹⁴

The SPDC claimed on the other hand that the KNU killed a group of 10 immigration officials, which they said was part of the KNU's "*standard terrorist activity*".¹⁵ Other reports received by Amnesty International indicated that eight unarmed civilian immigration officials

¹³Three Pagoda's Pass is a trading post on the border of Kanchanaburi Province, Thailand and the Kayin State, Myanmar.

¹⁴ *Karen National Union Statement on the Death of Seven SPDC Officials*, KNU Office of the Supreme Command, 30 April 1999.

¹⁵*Agence France Presse*, 15 March 1999, Bangkok, Thailand.

were stabbed with bayonets and then shot dead by KNU troops. They are: **U Win Aung Kyaw**, an Immigration Assistant of the Immigration and National Registration Department; **Khine Linn Latt**, Assistant Immigration Officer; **U Kyaw Myo Aung**, Immigration Assistant; **Ko Tun Tin**, a Karen staff member of the Immigration and national Registration normally assigned to Township Immigration at Kawkareik township, Hpa'an District; **Ko Win Myint Aung**, staff member; **Saw Yae Phay Tha**, Assistant Immigration Officer; **U Aung Min**, Assistant Immigration Officer; and **U Kyaw Naing**, Immigration Assistant. In spite of conflicting reports, Amnesty International believes that KNU troops from the 6th Brigade area may have deliberately and arbitrarily killed unarmed civilians.

Recommendations to the Karen National Union

The KNU should take steps to ensure that their forces comply with minimum standards of humane behaviour contained in international humanitarian law. This should be reflected in the training of their forces and in the instructions issued to them. The KNU should:

- È order their fighters to humanely treat prisoners, the wounded and those seeking to surrender, whether such people are civilians or members of the armed forces, and never kill them;
- È prohibit deliberate and arbitrary killings of non-combatants under any circumstances.

V. CONCLUSIONS AND RECOMMENDATIONS

The human rights situation has deteriorated in Myanmar since it was admitted to the Association of Southeast Asian Nations (ASEAN). In July 1997 when Myanmar became a full ASEAN member, ASEAN countries claimed that such a move would encourage the SPDC to improve its human rights record. In fact the opposite has been true. The SPDC has stepped up its repression of the opposition party the National League for Democracy and increased forcible relocation programs in the Kayin (Karen), Karenni, and Shan States, and the Tenasserim Division. The use of forced labour in all seven ethnic minority states continues at a high level, and forced portering occurs wherever there are counter-insurgency activities. Myanmar's membership in ASEAN has caused ongoing complications for other ASEAN members in their relations with foreign governments. It is in ASEAN's interests to ensure that Myanmar improves its human rights record.

As ASEAN member countries gather in Singapore at the end of July 1999 for their annual Ministerial Meeting it behoves these countries to come up with a new strategy for dealing with the SPDC's intransigence regarding human rights. The ASEAN Regional Forum (ARF), which deals with Asian security issues, will meet at the same time and should address this security problem. China in particular, which has sold US\$ one billion worth of arms to Myanmar, should end the practice of arms transfers to the SPDC. Western nations who will also be present at ARF should work closely with all concerned countries to encourage the SPDC to improve its human rights record.

In addition to the above recommendations to the international community, Amnesty International makes the following recommendations to the SPDC:

- Amnesty International urges the SPDC to abide by the basic principles of international human rights and humanitarian law concerning the treatment of Karen 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 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.

- Amnesty International recommends that the SPDC investigate all reports of torture and ill-treatment, and issue clear orders both to the *tatmadaw* and the DKBA to stop these practices immediately

- Amnesty International recommends that the SPDC issue clear orders to the *tatmadaw* and the DKBA 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.