

Query response a-6765 of 27 May 2009

Myanmar:

- 1) Use of forced labour and relocation by army against ethnic minorities prior to September 1988 (particularly Shan state 1982-1983 and Karen state in 1983-1987)
- 2) human rights abuses committed by the Burma army 15 Light Infantry Regiment/Battalion 1982-1983 and the 32nd & 78 Burma Regiments/Battalions during 1983-1987
- 3) human rights abuses during fighting between Burma army and Mong Tai Army in 1993-1995 (involvement of Burma army 359 Light Infantry Regiment/battalion)

This response was commissioned by the UNHCR Status Determination and Protection Information Section. Views expressed in the response are not necessarily those of UNHCR.

This response was prepared after researching publicly accessible information currently available to ACCORD within time constraints and in accordance with ACCORD's methodological standards and the *Common EU Guidelines for processing Country of Origin Information (COI)*.

This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status, asylum or other form of international protection.

Please read in full all documents referred to.

Non-English language information is comprehensively summarised in English. Original language quotations are provided for reference.

*1) Use of forced labour and relocation by army against ethnic minorities prior to September 1988 (particularly Shan state 1982-1983 and Karen state in 1983-1987)*

The Amnesty International (AI) Report 1986 provides the following background information:

"In 1984 the army had launched major offensives against government opponents, mostly from ethnic minority groups, in border areas. Fighting continued during 1985, particularly in Karen state." (AI, 1986, p. 213-214)

The AI Report 1985 mentions that it was established practice of army personnel to abduct local civilians who were forced to serve as porters:

"There was a marked increase in Burmese army operations in Karen state. Amnesty International was informed that it was established practice in areas of armed conflict

for army personnel to abduct local civilians to serve as porters, carrying supplies. It was reported that these porters were often made to walk in front of army units to detect land mines. Unless wounded or killed, they were reportedly kept in conditions of detention until the conclusion of the military operation. Amnesty International obtained accounts of several villagers from the Ye and Kyaikmayaw areas of Mon state who said they were abducted in March and April to serve as porters during an offensive against Karen bases along the Thai border. All reportedly suffered serious injuries due to gunfire or exploding mines." (AI, 1985, p. 203)

In its above-mentioned 1986 annual report, AI notes that villagers were forced to work as porters for the army. AI further mentions that, in order to prevent popular support for the oppositional Karen National Union (KNU), local inhabitants were reportedly forced to relocate into restricted settlements, e.g. in Pa-an district or Kawkaik district (both Karen State<sup>1</sup>):

"The practice of compelling villagers to act as porters for army units in areas of conflict reportedly persisted (see Amnesty International Report 1985). In efforts to prevent the local population from assisting the Karen National Union (KNU), the main opposition group, villagers were reportedly forced to move to restricted settlements or Camps, such as one established at Hlaing Bwe, Pa-an district. This was also said to have occurred in Kawkaik district and in other parts of the country. These camps were said to be surrounded by barbed wire and to be guarded so that the inhabitants are permitted to leave only during daylight hours in order to work in the fields." (AI, 1986, p. 214)

A June 2005 Human Rights Watch (HRW) report on IDPs in Karen State mentions the following:

"The Karen have been subject to repeated displacement. For example, following the introduction of the "Four Cuts"<sup>2</sup> in 1974-5, approximately forty-three villages in the Nyaunglebin District were forcibly relocated at least twice. [...] Similarly, in Papun District, a "Four Cuts" operation beginning in the mid-1970s displaced an estimated fifty thousand people." (HRW, June 2005, p. 22)

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<sup>1</sup> "As demarcated by the government, Karen State consists of seven townships (Pa'an, Kawkaik, Kya-In Seik-Gyi, Myawaddy, Papun, Thandaung and Hlaingbwe), with a population in 1995 of approximately 1.3 million." (HRW, June 2005, p. 21)

<sup>2</sup> "The Tatmadaw's "Four Cuts" (pya ley pya) counter-insurgency strategy, used since 1963, best embodies the state's approach to suppressing ethnic minorities. A rebel group has been fully "cut" if it no longer has access to new recruits, intelligence, food, or finances. This approach aims to transform "black" (rebel-held) areas into "brown" (contested/free fire) areas, and then into "white" (government-held) areas." (HRW, June 2005, p. 17)

*2) Human rights abuses committed by the Burma army 15 Light Infantry Regiment/Battalion 1982-1983 and the 32nd & 78 Burma Regiments/Battalions during 1983-1987*

Among the sources consulted by ACCORD within time constraints no information could be found on this subject (Sources consulted: Google, eoi.net, RefWorld, New York Times Article Archive).

*3) Human rights abuses during fighting between Burma army and Mong Tai Army (alternative spelling: Muang Tai) in 1993-1995 (involvement of Burma army 359 Light Infantry Regiment/battalion)*

A Los Angeles Times report of November 2007 and information on the the US Drug Enforcement Administration website dated November 1994 list Mong Tai Army as synonymous with Shan United Army (LA Times, 1 November 2007; DEA, November 1994). Therefore, reports on human rights violations involving the Shan United Army have been included:

The US Department of State (USDOS) Country Report on Human Rights Practices 1993 of January 1994 mentions that over 100 civilians were killed in conflicts involving the Shan United Army in February and March 1993:

"Antigovernment groups were responsible for violence causing civilian and military deaths, including reported killings of civilians during attacks on villages and ambushes or mining of transportation routes. In two separate incidents in February and March, over 100 confirmed civilian deaths resulted from military conflicts involving the narcotics-trafficking Shan United Army." (USDOS, 30 January 1994, Sec. 1g)

The Amnesty International (AI) Report 1995, published in January 1995, mentions that during an army offensive against the Muang Tai army in May 1994, hundreds of Shan and other civilians were captured by the army forced to serve as porters:

"Thousands of members of ethnic minorities were arbitrarily seized by the military and forced to serve as porters carrying army supplies, or as unpaid labourers working on construction projects. Porters were held in army custody for periods ranging from a few days to a few months, and some were forced to work for the army for much of the year. They usually received little or no food, and frequently suffered from malnutrition and malaria. Most were not given medical attention and were forced to continue to work, sometimes until they collapsed and were left behind or killed by troops.

[...] During a military offensive against the Muang Tai army in May, hundreds of Shan and other civilians were seized by the military to serve as porters." (AI, 1 January 1995)

The Human Rights Watch (HRW) World Report 1995 provides the following information on the situation in 1994:

"As these discussions continued, little fighting was reported around the country, with the notable exception of the Shan state, where the SLORC launched a major offensive against drug warlord Khun Sa at the beginning of the year. In the course of that offensive, refugees arriving in Thailand in May claimed that up to 5,000 people from Keng Tung and Tachilek towns had been seized by the army to work as porters carrying ammunition and other supplies by the Burmese army. In mid-July the SLORC launched air strikes against Khun Sa's troops, in some instances targeting civilian villages alleged to be supporters of Khun Sa." (HRW, 1 January 1995)

The US Department of State (USDOS) Country Reports on Human Rights Practices 1995, published in January 1996, contains information on acts committed by the military as well as the Shan United Army led by Khun Sa:

"In connection with the military's campaign against the Karen, Karenni, and drug trafficker Khun Sa and his Shan United Army, as many as several thousand civilians were believed to have been coerced into working as porters in jungle areas in or near combat zones. [...] Antigovernment insurgent groups were also responsible for violence; mines laid by insurgents caused both civilian and military deaths. At least one former insurgent group that concluded a cease-fire agreement with the SLORC is known to have used forced labor. In addition, the narcotics-trafficking Shan United Army brutalized and murdered villagers, conducted forced recruitment of boys, and impressed porters while fighting against the army and ensuring continued cultivation of opium by peasant farmers." (USDOS, 30 January 1996, 1g)

The Amnesty International (AI) Report 1996 notes the following:

"In March fighting resumed in Shan State between the Burmese armed forces and the Muang Tai Army. As a result, hundreds of displaced people fled to Thailand to escape human rights violations." (AI, 1 January 1996)

The HRW World Report 1996 refers to the impact of the conflict between the government and the Muang Tai Army on civilians as follows:

"In the northeast, fighting continued against drug warlord Khun Sa in the Shan State. [...] As in other areas, the Burmese army impressed thousands of civilians to work as porters in the offensive against Khun Sa. In January, indiscriminate aerial bombardments by the SLORC forced hundreds of people to flee from villages near Kengtung, and in March and April heavy fighting forced others to seek refuge in Thailand" (HRW, 1 January 1996)

According to the US Department of State (USDOS) Country Reports on Human Rights Practices 1996 of January 1997, continued fighting despite a previous cease-fire between the Government and Khun Sa's Mong Tai army prompted Government to forcibly relocate some 50,000 members of the Shan minority. The USDOS notes that during military campaigns against the Mong Tai Army and other groups, the military frequently forced thousands of local civilians to work as porters:

"Also in January, the SLORC negotiated a cease-fire with alleged drug trafficker Khun Sa and his Mong Tai Army. Although the cease-fire succeeded in breaking up the majority of Khun Sa's forces, dissident elements continued to fight the Government, which prompted a campaign of relocation against the Shan people. As many as 50,000 persons may have been forced to move from their villages. In conjunction with the military's campaigns against the Karen, Karenni, and the remnants of Khun Sa's Mong Tai Army, it was standard practice for the military authorities to coerce thousands of civilians living in jungle areas in or near combat zones into working as porters." (USDOS, 30 January 1997, Sec. 1g)

Among the sources consulted by ACCORD within time constraints no specific information could be found on human rights abuses involving the Burma Army 359 Light Infantry Regiment/Battalion.

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References: (all links accessed 27 May 2009)

- AI - Amnesty International: Report 1985 - Burma, 1985 (see attached file)
- AI - Amnesty International: Report 1986 - Burma, 1986 (see attached file)
- AI - Amnesty International: Report 1996 - Myanmar, 1 January 1996 (published on RefWorld)  
<http://www.unhcr.org/refworld/docid/3ae6a9f984.html>
- AI - Amnesty International: Amnesty International Report 1995 - Myanmar, 1 January 1995 (published on RefWorld)  
<http://www.unhcr.org/refworld/docid/3ae6aa0478.html>
- DEA - US Drug Enforcement Administration: Operation Tiger Trap, November 1994  
<http://www.usdoj.gov/dea/major/tigertrap.htm>
- HRW - Human Rights Watch: "They Came and Destroyed Our Village Again" The Plight of Internally Displaced Persons in Karen State, June 2005  
<http://www.hrw.org/sites/default/files/reports/burma0605.pdf>
- HRW - Human Rights Watch: Human Rights Watch World Report 1995 - Burma (Myanmar), 1 January 1995 (published on RefWorld)  
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- LA Times - Los Angeles Times: Khun Sa, 74; headed narcotics empire in Southeast Asia, 1 November 2007 (published on Opioids.com)  
<http://www.opioids.com/myanmar/index.html>
- USDOS - US Department of State: Country Reports on Human Rights Practices 1993 - Burma, 30 January 1994 (published on RefWorld)  
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<http://www.unhcr.org/refworld/docid/3ae6aa3534.html>
- USDOS - US Department of State: Country Report on Human Rights Practices 1996 - Burma, 30 January 1997 (published on RefWorld)  
<http://www.unhcr.org/refworld/docid/3ae6aa210.html>