

“MY GUN WAS AS TALL AS ME”

Child Soldiers in Burma

Human Rights Watch
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A Burmese child soldier awaits a train with his unit in Myitkyina, Kachin State,
Burma.
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TERMINOLOGY AND ABBREVIATIONS

In this report “child” means any person under the age of eighteen years.

In 1989 the SLORC (State Law and Order Restoration Council, since renamed the State Peace and Development Council, SPDC) military junta changed the name of the country from “Burma” to “Myanmar Naing Ngan,” and altered the English versions of place names to Burmanized versions; for example, Rangoon became Yangon and Moulmein became Mawlamyine. The elected government does not recognize these changes, and the non-Burman ethnic groups view them as part of the government’s efforts to Burmanize national culture. This report uses the old names, primarily for reasons of clarity and familiarity to readers. This report uses the adjective ‘Burman’ as an ethnicity, while ‘Burmese’ refers to the nation state of Burma; however, some of those quoted use ‘Burmese’ to indicate Burmans or the Burman language.

Tatmadaw translates literally as “armed forces,” and is made up of the Army (Tatmadaw Kyi), Air Force (Tatmadaw Lay), and Navy (Tatmadaw Ye). In English we have used the term “Burma army” for the Tatmadaw Kyi, because “SPDC army” is not an accurate description and “Burmese army” is taken by some to imply that the army is strictly an ethnic Burman institution, which it is not.

This report uses the terms “armed opposition groups” or “opposition armies” to refer to all armed groups in Burma that are not under the direct control of the regime. This includes groups which have ceasefire agreements with the SPDC (and which vary in the extent of their cooperation with the regime), and those which have no ceasefire agreements. The latter are additionally also referred to as “resistance groups” or “resistance armies” in the report.

Unless otherwise specified, “recruitment” is used in this report to encompass all forms of gaining recruits into armed forces or groups, including voluntary recruitment, coercion, and legal or extralegal conscription.

The school system in Burma begins with two years of kindergarten, generally referred to as KGB and KGA. This is followed by ten years of schooling, First Standard up to Tenth Standard. Primary school is KGB to Fourth Standard, middle school is Fifth to Eighth Standards, and high school is Ninth and Tenth Standards. This is occasionally followed by a year or two of some form of post-secondary studies, but is more commonly followed by university studies.

The value of the *kyat*, the Burmese currency, is officially set at six kyat to one U.S. dollar. However, most exchange occurs on the black market where one U.S. dollar is presently worth approximately 850 kyat; the rate is volatile and has recently fluctuated between 800 and 1,000. Day laborers in Burma commonly earn one hundred to three hundred kyat per day. A Burma army private's salary is 4,500 kyat per month. This report also makes reference to the Thai baht, which presently exchanges at about forty-two to the U.S. dollar, and Chinese yuan, which presently exchanges at about nine to the U.S. dollar.

Some acronyms and other abbreviations that appear in this report are listed below. Please note that this list is not intended to be complete.

Burma Government and Army

SPDC	State Peace and Development Council, ruling military junta
SLORC	State Law and Order Restoration Council, former name of the SPDC until 1997
IB	Infantry battalion
LIB	Light infantry battalion
LID	Light infantry division, ten battalions for offensive operations
Sa Ka Ka	Abbreviation for SPDC's Military Operations Commands, ten battalions each
Pyitthu Sit	"People's Army": militia formed and controlled by the Burma army
NCO	Non-commissioned officers: lance corporals, corporals and sergeants
Su Saun Yay	Literally "gathering place": the Burma army's holding camps for new recruits
Ye Nyunt	"Brave Sprouts", a network of camps for boys within Burma army camps, used as a way to channel young boys into the Burma army

Other Armed Groups

ABSDF	All-Burma Students' Democratic Front
AIG	Anti-Insurgent Group (former Karen soldiers working with Burma army)
ARIF	Arakan Rohingya Islamic Front
ARNO	Arakan Rohingya National Organization
BPA	Burma Patriotic Army
CNF/CNA	Chin National Front/Chin National Army
CPB	Communist Party of Burma
DKBA	Democratic Karen Buddhist Army
HRP/MRA	Hongsawatoi Restoration Party/Monland Restoration Army

KDA	Kachin Democratic Army
KIO/KIA	Kachin Independence Organization/Kachin Independence Army
KNDO	Karen National Defense Organization (militia of the KNLA)
KNLP	Kayan New Land Party
KNPLF	Karenni Nationalities People's Liberation Front
KNPP/KnA	Karenni National Progressive Party/Karenni Army
KNU/KNLA	Karen National Union/Karen National Liberation Army
KPA	Karen Peace Army
MDA	Mongko Region Defense Army
MDUF	Myeik-Dawei United Front
MNDAA	Myanmar National Democratic Alliance Army
MTA	Mong Tai Army
NDA-K	New Democratic Army - Kachinland
NMSP/MNLA	New Mon State Party/Mon National Liberation Army
NSCN [I-M]	National Socialist Council of Nagaland, Isaac-Muivah faction
NSCN [K]	National Socialist Council of Nagaland, Khaplang faction
PDF	People's Democratic Front
PNO/PNA	Pa'O National Organization/Pa'O National Army
PSLP/PSLA	Palaung State Liberation Party/Palaung State Liberation Army
RCSS	Restoration Council of the Shan State, political wing of SSA-South
RSO	Rohingya Solidarity Organization
SSA-South	Shan State Army (South)
SSNA	Shan State National Army
SSNPLO	Shan State Nationalities People's Liberation Organization
SSPC	Shan State Peace Council (SSA-North + SSNA)
SSPP/SSA	Shan State Progressive Party/Shan State Army (North)
UWSP/UWSA	United Wa State Party/United Wa State Army
WNO/WNA	Wa National Organization/Wa National Army

Weaponry

AK47	Often abbreviated as "AK", Kalashnikov assault rifle common among opposition armies; most AK47s in Burma came from China via the Vietnam and Cambodian wars
BA64	Alternative name for the Burmese-made G4
BA72, BA63	Alternative names for the Burmese-made G2 and G3 respectively
BA93	Burma army-issue shoulder-fired grenade launcher
G2, G3	Standard-issue German-designed Burma army assault rifles; notoriously big, heavy, and prone to jam, they are gradually being superseded by the MA series

G4	Standard-issue Burma army 7.62mm machine gun; gradually being superseded by the lighter MA2
MA1 - MA4	Chinese-designed assault rifles now being made in Burma to replace the German-designed G2 and G3; modeled on the AK47 but firing NATO-caliber ammunition, the MA1 has a solid stock, the MA3 a folding stock, and the MA4 has a grenade launcher mounted under the barrel
MA11 - MA14	A newer line of assault rifles intended to become standard issue in the Burma army, reportedly based on Israeli Galil designs
M16	Assault rifle common among opposition armies; most M16s in Burma are former U.S. army weapons from Vietnam, or were bought on the black market from South East Asian countries armed by the U.S.
M79	Grenade launcher common among opposition armies, mainly U.S. army surplus
RPG	Rocket-propelled grenade fired from a shoulder launcher, most commonly RPG-7 and RPG-2

General Terms

Baht	Thai currency; U.S.\$1 = 42 baht at time of writing
Bowl/Pyi	Volume of rice equal to eight small condensed milk tins; about two kilograms /4.4 pounds
Kyat	Burmese currency; U.S.\$1 = six kyat at official rate, 850-1,000 kyat at market rate
Loh ah pay	Pali term for labor contributed to the community to earn religious merit, but now used by the SPDC and the Burma army to call villagers for forced labor
Pa Take	Burmanisation of the word “practice”; used by Burmese soldiers to refer to the non-military labor that they must perform for their officers
Viss	Unit of weight measure; one viss is 1.6 kilograms or 3.5 pounds
Yuan	Chinese currency; U.S.\$1 = nine yuan at time of writing

I. SUMMARY

On the way there was a checkpoint. The police stopped the car and checked ID cards. I couldn't show one. I was too young to have an ID card. . . . The police said, "You'll have to go to jail for six years for not having an ID card." Then they sent me to the police station and put me in the leg stocks. But I could pull my feet out because the holes in the stocks were too big for my feet, so two policemen guarded me. They kept saying, "You have to decide. You can join the army or go to jail." And then they gave me time to think. They could see I was only eleven, but if the police give a boy to the army they can get pocket money from the army, 3,000 kyat and two tins of rice. They gave me from 8 a.m. until the afternoon to decide. I didn't want to go to jail for six years, so I agreed to join the army.

—Khin Maung Than,¹ recruited into the Burma army in 1999 at age eleven

When we arrived [at the recruit holding center] the soldiers asked us, "Would you like to join the army or would you like to go home?" Many of us said we'd like to go home. Then they took the thirty or forty of us who'd said that, stripped us naked, put us in the lockup and gave us just a tiny bit of rice. . . . There were about sixty of us in a room the same size as this one [four to five meters square] . . . I don't think any were over eighteen. There were ten children who were just thirteen years old. The youngest was my friend who was eleven. He often cried because he didn't get enough food, and then he was beaten by the guards. I also cried often because I didn't want to join the army. I was beaten twice a day for crying. . . . We couldn't sleep. There were also rats and ants in the room. . . . For a toilet they'd dug a hole in the ground and it had a wooden cover over it. . . . There was a terrible smell. . . . Some of my friends were crying. . . . Two or three boys got sick and died.

—Than Aung, recruited into the Burma army in 1997 at age fourteen

The section leader ordered us to take cover and open fire. There were seven of us, and seven or ten of the enemy. I was too afraid to look, so I put my face in the ground and shot my gun up at the sky. I was afraid

¹ All names of children, soldiers and former soldiers have been changed.

their bullets would hit my head. I fired two magazines, about forty rounds. I was afraid that if I didn't fire the section leader would punish me. . . . The corporal beat the soldiers, the sergeant beat the corporal, and sometimes the 2nd lieutenant beat the sergeant. It's always like this in the army.

—Khin Maung Than, age twelve at the time

I joined three years ago. I wanted to be a soldier so I went on my own. The Burmese army has made operations in my village since I was young, so I wanted revenge and decided to join. The Karenni soldiers were always close to our village and we always saw them, so I just went with them and became a soldier automatically. As soon as I followed them they gave me military training, but after the training I wasn't given a weapon at first because I was too young. Now I have been in battle many times.

—Thu Reh, who joined the Karenni Army at age thirteen

Burma is believed to have more child soldiers than any other country in the world.² The overwhelming majority of Burma's child soldiers are found in Burma's national army, the Tatmadaw Kyi, which forcibly recruits children as young as eleven.³ These children are subject to beatings and systematic humiliation during training. Once deployed, they must engage in combat, participate in human rights abuses against civilians, and are frequently beaten and abused by their commanders and cheated of their wages. Refused contact with their families and facing severe reprisals if they try to escape, these children endure a harsh and isolated existence.

Children are also present in Burma's myriad opposition groups, although in far smaller numbers. Some children join opposition groups to avenge past abuses by Burmese forces against members of their families or community, while others are forcibly conscripted. Many participate in armed conflict,

² See Coalition to Stop the Use of Child Soldiers, Global Report 2001. The Coalition estimates that 300,000 children under the age of eighteen are currently participating in armed conflicts in more than thirty countries.

³ In this report, the word “children” refers to anyone under the age of eighteen. The Convention on the Rights of the Child defines as a child “every human being under the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.” Convention on the Rights of the Child, Article 1, G.A. Res. 44/25, U.N. Doc. A/RES/44/25 (adopted November 20, 1989; entered into force September 2, 1990).

sometimes with little or no training, and after years of being a soldier are unable to envision a future for themselves apart from military service.

The Burma Army

Burma's military government, the State Peace and Development Council (SPDC), claims that all of its soldiers are volunteers, and that the minimum recruitment age is eighteen.⁴ However, testimonies of former soldiers interviewed for this report suggest that the vast majority of new recruits are forcibly conscripted, and that 35 to 45 percent may be children. Although there is no way to establish precise figures, data taken from the observations of former child soldiers who have served in diverse parts of Burma suggests that 70,000 or more of the Burma army's estimated 350,000 soldiers may be children.⁵

After crushing pro-democracy demonstrations in 1988, Burma's military government began a rapid expansion of its armed forces. The army has doubled in size since that time and continues to expand, with a stated goal of 500,000 troops. As part of efforts to gain new recruits, small groups of non-commissioned officers and soldiers stalk the railway, bus and ferry stations, the streets, marketplaces and festivals. They generally approach boys aged twelve to seventeen, possibly because these are the easiest to intimidate. The boys are asked for an identity card, but most young boys do not have one yet and when they cannot produce one they are threatened with the choice of a long prison term or joining the army. Even if they still refuse to enlist, they are forced to a local army base or recruit holding camp, where they are often beaten, sometimes over a period of several days, until they agree. Protests that they are only, for example, twelve years old or that they are still in school only result in further beatings. One witness interviewed by Human Rights Watch presented his student card only to have it torn up in front of him. Whether they eventually agree or not, they are then registered as recruits. When the registration forms

⁴ Letter to Human Rights Watch from the Permanent Mission of the Union of Myanmar to the United Nations, New York, May 8, 2002. See Appendix D

⁵ Previous estimates, based on a case study for the 1996 UN Study on the Impact of Armed Conflict on Children, placed the number of child soldiers in Burma's army in 1996 at more than 50,000. See Rachel Brett and Margaret McCallin, *Children: The Invisible Soldiers*. Save the Children Sweden, 1998. Estimates of numbers of child soldiers in this report are extrapolated from the observations of all former soldiers interviewed. Though a conservative interpretation of the data was used, these figures should only be seen as rough estimates. For a fuller discussion of the derivation of these figures, see the section "The Scope of Child Recruitment in the Burma Army" later in this report.

are filled out, the boys usually state their true ages but the recruiting officers almost invariably write on the form that they are eighteen or older.

Soldiers who bring in new recruits are usually paid 1,000 to 10,000 kyat⁶ in cash and fifteen to fifty kilograms of rice per recruit. In some battalions, soldiers who have already been in the army for over five years can get a discharge if they bring in five new recruits. As a result, more soldiers and even some police and civilians are going into the business of recruiting children. Police and soldiers manning road checkpoints stop public passenger vehicles, pull off the boys and young men and force them to enlist. After using civilians for forced labor, some army units keep the boys and sell them to the recruit holding camps. Burma's growing population of street children are the targets of frequent roundups, and many of those caught are taken directly to recruit holding camps.

Human Rights Watch interviewed boys who were taken directly into the Burma army at ages as young as eleven. Boys younger than this are recruited also, but they are often detained until they grow slightly larger before becoming soldiers. One boy interviewed was captured at age ten, and was then detained in a cell in an army camp and used as a servant by the officers for three years before being forced into the army. Another source of recruits is the Ye Nyunt system. Ye Nyunt, meaning “Brave Sprouts,” is a system whereby Burma army battalions take in young boys, keep them at the battalion base and send them to school; there are probably between fifty and one hundred Ye Nyunt camps now at battalion bases throughout Burma, each with fifty to 200 boys. In the past ten years the system has changed: originally taking in young boys who had been orphaned or displaced, many young boys are now being kidnapped and forced into Ye Nyunt camps. Human Rights Watch interviewed one boy who was forced into a Ye Nyunt camp of one hundred boys when he was twelve years old. The boys in his camp were aged four to sixteen. Organized like a military company, all were forced to wear military uniforms and those aged seven and up had to participate in military training with weapons. The boys are allowed no contact with their families or the population outside the army base and are regularly beaten, even for crying. If boys are caught trying to escape, the entire group is forced to beat them. There is no way out of the Ye Nyunt except into the army. Ye Nyunt boys are taken directly to the army's Su Saun Yay recruit holding camps as soon as they are considered physically strong enough, usually between the ages of twelve and sixteen.

⁶ This is U.S.\$166 to \$1,666 at the official rate of six kyat to the dollar or U.S.\$1.17 to \$11.76 at the more commonly used market rate, presently about 850 kyat to the dollar. This is anywhere from one week to three months' income for an average person.

All new recruits to the army pass through the Su Saun Yay recruit holding camps. Some spend a week or more at a local Su Saun Yay, which is usually a fenced enclosure within an army base, but eventually nearly every recruit is sent to the central Su Saun Yay camps at Mingaladon (just outside Rangoon) or at Mandalay. At any one time there are 500 to 1,000 boys at Mingaladon and 300 to 500 at Mandalay. The function of the Su Saun Yay camps is to assemble recruits into groups of 250 that can then be sent for military training. Most recruits spend one to two weeks at Mingaladon or Mandalay Su Saun Yay, during which they are used as free labor to maintain the camp or work in the officers' business ventures. Beatings are frequent and no outside contact is allowed. Those who try to escape are beaten and put in the detention block, where they are stripped naked to discourage escape and held in fetid cells so crowded that they cannot lie down. Boys who had been held in these detention blocks told of as many as sixty to one hundred being held at a time, almost all of them under eighteen. Some boys contracted malaria and other diseases in the detention block and later died in the camp clinic.

From the Su Saun Yay the recruits are sent to one of more than twenty training camps throughout Burma for four to five months of basic military training. The training exercises are often difficult for the youngest boys, so they typically are beaten more often than older recruits. One boy told of a live fire exercise during his training when three trainees under sixteen years old were accidentally shot dead. Rather than report the deaths, the trainers made the other trainees bury the bodies in the forest and reported that the three boys had escaped. In addition to the military training the recruits also have to do forced labor at the officers' houses, cut and haul logs and firewood, and do sentry duty and other work. Boys under fifteen years old are often forced to massage the commanders at night. The trainees are forbidden to contact their families, who are never notified of their sons' whereabouts. Most of those interviewed said that they cried at night and were sometimes beaten for it. Several boys told Human Rights Watch that others in their group died of illnesses during training.

Many trainees attempt to escape, but for those who are caught the punishments are barbaric. One boy who was fourteen at the time told Human Rights Watch that after being caught escaping he and his fourteen-year-old friend were forced to walk on their knees across sharp gravel and were then beaten and tied up naked in the hot sun all day; a month later his friend died. Others are locked in leg stocks for weeks and tortured with bayonets. The most common punishment is to force the entire group of 250 trainees to line up and beat the victim one or more times each with a stick. Those who do not hit hard enough are beaten themselves. Witnesses had seen this punishment inflicted on boys as young as twelve, and at many different training camps. They described

how by the end of the beating the young boys were often unconscious, unable to walk and bleeding. In one case, a sixteen-year-old was beaten so badly that he was unconscious with blood all over his face. He was then locked in leg stocks for a week and later died in the camp clinic.

Once they are deployed to battalions throughout the country, child soldiers in the Burma army continue to be brutalized by their commanders and they are also forced to be brutal to civilians. They are not allowed leave during their first five years in the army, and most are still unable to contact their families. Most of those interviewed never saw anyone discharged from the army, even after ten years of service. Their commanders beat them for little or no reason, steal their pay and their rations and then send them out to the villages to steal their own food and round up villagers for forced labor. Fearful of the beatings and punishments they will face if they fail their assignments, they round up women, children and the elderly to fill the specified numbers for forced labor, or kick and push civilians who are carrying army supplies to make sure they reach the camp on time. When participating in combat for the first time, most young boys say they were afraid; they cried or closed their eyes and fired their guns into the air. They are ordered to commit human rights abuses which they know are wrong. One boy described being beaten for refusing an order to execute a civilian when he was fourteen years old. Others described the regret they felt when ordered to burn houses. Two boys were forced to participate in a massacre of fifteen displaced women and children in Shan State when they were thirteen and fifteen years old. A mental health professional who reviewed transcripts of interviews with one of the boys indicated that his responses were consistent with the symptoms of post-traumatic stress disorder.

The isolation from their families, the brutality of their officers and the abuses they are forced to commit against civilians make many child soldiers desperate to escape. Many are too afraid because they know that desertion is punishable by three to five years in prison, sometimes by execution,⁷ and that their desertion would cause their family to be placed under military surveillance. Seeing no other alternative, some commit suicide. A much larger number run away; the desertion rate appears to be increasing and most deserters say that the majority of their fellow soldiers would flee if they could.

Child soldiers who escape the Burma army have very few options. If they return home they risk arrest and a jail term followed by conscription back into

⁷ The Permanent Mission of the Union of Myanmar to the United Nations, New York, responded to a Human Rights Watch query on this point in a letter dated July 17, 2002 that “[a]ccording to the article 37 of the Defense Services Act, any person subject to this Act who deserts or attempts to desert the service shall be court-martialed, and on conviction, be liable to suffer the punishment as handed down by the court-martial.”

the army, and their family may also be harassed. Some join opposition armies and continue fighting. Many flee into neighboring countries, where they seek illegal work and are sometimes trafficked into bonded labor. The few refugee camps in neighboring countries are not open to deserters from the Burma army, and official recognition as refugees by host countries or offices of the United Nations High Commissioner for Refugees (UNHCR) is almost impossible for them to obtain. In this situation, children who escape the Burma army or any other army have no access to assistance or services when they arrive in a neighboring country. They have no choice but to survive however they can, and they live in constant fear of deportation back into Burma.

Opposition Armies

The recruitment and use of child soldiers by opposition armies vary. Of over thirty armed opposition groups in Burma, more than twenty now have ceasefire agreements with the SPDC. All of these groups have retained their arms, however, and are still recruiting soldiers. From the evidence gathered, it appears that all but a few of the smallest groups have child soldiers in their armies and continue to recruit children. Exact numbers are impossible to obtain, but Human Rights Watch estimates that the combined non-state armies have approximately six to seven thousand soldiers under the age of eighteen. In the past five years the number of child soldiers has decreased, because ceasefire groups are getting fewer recruits and armies that are still fighting the SPDC have shrunk significantly in size and resources.

The United Wa State Army (UWSA) is the largest armed opposition group, and has cooperated with the SLORC and SPDC under a ceasefire agreement since 1989. About two thousand of its estimated 20,000 troops may be children, making it by far the single largest user of child soldiers among the non-state armed groups. Many of them are forcibly conscripted. None of the other armies have more than 5,000 or 6,000 troops in total. While it is difficult to assess the number of child soldiers in each army, it appears that only the UWSA has more than 1,000 child soldiers; most opposition armies reportedly have fifty to 500 child soldiers. Of the groups researched by Human Rights Watch, none appear to be recruiting any women or girls or have any women or girl soldiers with the exception of the Kachin Independence Army, which has an unknown number of women and girl soldiers and is reportedly still on occasion forcibly conscripting girls under eighteen.

Different armies take different approaches to the issue of child soldiers, and generalizations cannot be made. The UWSA forcibly conscripts children with no apparent restraint. Many other armies appear to have reduced the number of soldiers they conscript. Most armies, however, do accept children

who volunteer even though some have policies setting the minimum recruiting age at eighteen. Several of these armies admitted this to Human Rights Watch, with the explanation that many young boys approach them to volunteer after being displaced from their villages or losing their families. If there is no school available or if the boy refuses to go to school, they accept him. Some armed groups showed an active interest in providing alternatives for boys who want to join the army and in demobilizing their child soldiers, while other groups denied the existence of child soldiers despite evidence to the contrary. Child recruitment in many opposition armies appears to be decreasing and several groups appear willing to respond to international pressure on this issue.

The ongoing forced conscription of children to the Burma army and the methods used to accomplish it are in violation of Burma's national laws and policies as well as the Burmese government's commitments under the Convention on the Rights of the Child. Likewise, many opposition armies are violating their own stated policies by continuing to accept children under eighteen as soldiers. Burma's position as the world's leading user of child soldiers makes it especially urgent that all armies take immediate action to put an end to the recruitment of children and demobilize all children presently in uniform.

Methodology

This report is based on research conducted by Human Rights Watch in Thailand and border areas of Burma between February and July 2002. During the course of the investigation, Human Rights Watch researchers conducted interviews with current and former soldiers, including twenty former Burma army soldiers and more than twenty-five current or former soldiers and officers with armed opposition groups. Interviews were also conducted with more than ten senior officials of various armed opposition groups or their political parties. Human Rights Watch also interviewed representatives of several humanitarian nongovernmental organizations based in Thailand and Burma, the office of the United Nations High Commissioner for Refugees (UNHCR) in Bangkok, local human rights researchers in the Burma-Thailand border area, independent Burma analysts and others. SPDC representatives declined to meet with Human Rights Watch but forwarded answers to written questions on two occasions; these are presented as appendices to this report.

The twenty former Burma army soldiers were recruited between 1991 and 2001; their length of army service ranged from several months to ten years. The majority had been recruited as children. More than half of them were recruited after 1997. Fourteen of those interviewed had deserted in the previous twelve months; three had left their units fewer than ten days before being interviewed

by Human Rights Watch. They come from homes in most states and divisions in Burma, including Rangoon, Pegu, Mandalay, Irrawaddy and Sagaing Divisions, and Chin, Kachin, Mon, Rakhine, and Shan States. They underwent military training at twelve different military training camps located in Pegu, Mandalay, Sagaing, and Tenasserim Divisions and Shan, Mon, Chin, and Kachin States.⁸ They were then posted to infantry and light infantry battalions (and in one case an Engineering battalion) and served in different parts of the country, including Sagaing (in the far north), Tenasserim (far south), Magwe, and Pegu Divisions, and Rakhine (far west), Shan (far east), Kayah, Karen, and Mon States.

The opposition soldiers and officers interviewed are presently serving or have previously served in the Karen National Liberation Army, Democratic Karen Buddhist Army, Karenni Army, United Wa State Army, Shan State Army-South, People's Democratic Front, All-Burma Students' Democratic Front, and Mong Tai Army. Twenty-one of them are still serving as regular soldiers or auxiliary members in these armies, nine of whom are still children.

Most interviews lasted between one and a half and two hours, with the assistance of independent translators selected by Human Rights Watch when this was required. Interviews were conducted in private, and interviewees were assured that their names would not be published. Each interviewee was asked detailed questions regarding their recruitment, training and deployment, and also asked for information regarding the ages and treatment of fellow soldiers with whom they served.

The names of all present and former soldiers quoted in this report have been changed. In some cases officials and spokespeople of armed opposition groups gave permission for their names to be used, and these have been included. Some opposition group, nongovernmental and intergovernmental agency representatives requested that they or their organizations not be identified in order to protect themselves from reprisals by government and military authorities, so these names have been omitted.

⁸ A more specific list of the camps where the interviewees were trained is provided in the "Training" section later in this report.

II. RECOMMENDATIONS

To the State Peace and Development Council (SPDC)

- Immediately end all recruitment of children under the age of eighteen, and demobilize children under the age of eighteen from the armed forces.
- Develop reliable systems to verify the age of individuals recruited into the armed forces, and ensure that all such recruits are at least eighteen years of age.
- Implement comprehensive birth registration and ensure that all children have proof of age.
- Develop and impose effective and appropriate sanctions against individuals found to be recruiting children under eighteen into the armed forces.
- Eliminate all incentives, including monetary compensation, promotions, or military discharge for soldiers who recruit children.
- Seek international cooperation with relevant agencies in order to verify recruitment practices.
- Ensure that children who run away from the armed forces are not treated as deserters or subject to punishment.
- Cooperate with international nongovernmental organizations and UNICEF to reunify former child soldiers with their families, and facilitate their rehabilitation and social reintegration, including appropriate educational and vocational opportunities.
- Sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, and deposit a binding declaration establishing a minimum age of voluntary recruitment of at least eighteen.
- Sign and ratify the Worst Forms of Child Labour Convention (International Labour Organization Convention No. 182), which defines the forced or compulsory recruitment of children for use in armed conflict as one of the worst forms of child labor.
- Sign and ratify the Rome Statute for the International Criminal Court, which includes the recruitment or use of children under the age of fifteen in its definition of war crimes.
- Conduct public education campaigns to inform children and parents of the rights of children, including their right not to be recruited into armed forces or groups.
- In cooperation with the International Committee of the Red Cross (ICRC), UNICEF, and nongovernmental organizations, conduct trainings in

international humanitarian law and the rights of children for all soldiers, including officers and recruiters.

- Ensure that all children receive free and compulsory quality education. Waive school fees and other associated costs of education, including costs for books and uniforms, or develop fee assistance programs developed for children whose families are unable to afford them.
- Establish an independent office to accept and investigate reports of missing children in order to facilitate the reunification of such children with their families.

As short-term interim measures until all children have been demobilized from the Burma army:

- Ensure that children in the armed forces receive regular leave and are allowed to communicate regularly with their families.
- Immediately end all physical abuse of child soldiers.

Regarding the Ye Nyunt

- Immediately end all forced recruitment into the Ye Nyunt training camps operated by the army, and relocate Ye Nyunt facilities outside of army camps.
- Place the Ye Nyunt camps under the control of the Ministry of Education.
- Ensure that any educational programs for children run by the armed forces do not involve military or weapons training and meet internationally accepted standards of education. Ensure that participation in such programs is voluntary, with the informed consent of the child's parents or guardian.
- Ensure that all children enrolled in educational programs run by the armed forces have regular contact, including visits, with their families.
- Ensure that orphans and abandoned children have access to mainstream (non-military) schools, and receive adequate care.
- Ensure that educational opportunities offered to orphans, displaced, or other children are not conditioned on military service either during or after completion.

To all Opposition Groups

- Immediately end all recruitment of children under the age of eighteen and demobilize children under age eighteen from the armed forces.
- Develop and enforce clear policies, if they do not already exist, to prohibit the recruitment of children under the age of eighteen. Ensure that such

policies are widely communicated to members of the armed forces and to civilians within the group’s area of influence.

- Develop reliable systems to verify the age of individuals recruited into the armed group, and ensure that all such recruits are at least eighteen years of age.
- Develop and impose systematic sanctions against individuals found to be recruiting children under eighteen.
- Ensure that children under the age of eighteen who desert SPDC forces or are captured are not recruited as soldiers into opposition forces.
- Seek international cooperation with relevant agencies in order to verify recruitment practices.
- Conduct public education campaigns to inform children and parents within the group’s area of influence of the rights of children, including their right not to be recruited into armed forces or groups.
- In cooperation with the ICRC, UNICEF, and nongovernmental organizations, conduct trainings in international humanitarian law and the rights of children for all soldiers, including officers and recruiters.
- Wherever possible, establish educational programs and vocational training, and encourage children and their families to utilize such opportunities.
- Ensure that educational opportunities offered to orphans, displaced, or other children are not conditioned on military service either during or after completion.

To the governments of Thailand, Laos, Bangladesh, India, and China

- Notify UNHCR and relevant nongovernmental organizations when children who have deserted SPDC forces or individuals who may have been child soldiers are taken into custody, to allow access and a determination of their status.
- Ensure that such children and individuals receive special protection.

To the government of Thailand

- Rescind the agreement of the Joint Border Cooperation Committee which specifies that deserters from SPDC forces found on Thai soil will be handed over to Burmese authorities.

To the United Nations High Commissioner for Refugees (UNHCR)

- In refugee status determinations, take into account the special circumstances of children recruited before the age of eighteen (even in cases where the

applicant is now over the age of eighteen), including the possibility of extrajudicial execution if they are returned to Burma.

- Fully apply the *UNHCR Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum* and the *UNHCR Guidelines on Protection and Care of Refugee Children*, especially those sections relating to procedures and criteria for refugee status determination for unaccompanied minors.
- Amend the *Handbook on Procedures and Criteria for Determining Refugee Status* to provide guidance on considering the claims of unaccompanied children, and in particular former child soldiers, that is consistent with other UNHCR policies and guidelines and which fully takes into account the fact that the recruitment of children under the age of eighteen is internationally considered to be a human rights violation.
- Investigate cases of deserters, including child deserters, being detained for possible deportation by authorities in Thailand and in Burma's other neighboring countries.

To UNICEF

- Advocate that the SPDC immediately cease all recruitment of child soldiers and demobilize those already in the armed forces; in conjunction with this, work with the SPDC to establish programs to demobilize children from the armed forces.
- Establish programs to facilitate the rehabilitation and social reintegration of former child soldiers, including appropriate educational and vocational opportunities.
- Help to reunify former child soldiers with their families.

To the Special Representative of the Secretary-General for Children and Armed Conflict

- Conduct a field visit to Burma to discuss the recruitment and use of child soldiers and steps to end such practices with the SPDC, leaders in the Burmese armed forces, armed opposition groups, and nongovernmental organizations.

To Nongovernmental Organizations

- Support vocational and educational programs, particularly along border areas, including accelerated educational programs for displaced children, child soldiers, and others who missed out on a primary education or whose education has been interrupted.

- Provide counseling and other assistance to help rehabilitate and reintegrate former child soldiers.
- Encourage opposition groups and the SPDC not to recruit children under the age of eighteen.

To member states of the United Nations

- Strongly condemn the recruitment and use of children as soldiers by the SPDC and other armed groups.
- Use diplomatic and other appropriate means to press the SPDC to end all recruitment of children into its armed forces and to demobilize all children currently in its ranks.

To the Security Council

- Request that the U.N. secretary-general provide specific information about the recruitment and use of children as soldiers in Burma as part of his report to the Security Council on the situation of children affected by armed conflict, and that he include appropriate recommendations for Security Council action.

To the International Labour Organization

- Instruct the new ILO liaison officer posted in Rangoon to research and report on the SPDC's forced recruitment of children (considered one of the worst forms of child labor), and to take appropriate action to encourage an end to this practice.

To the United Nations Special Rapporteur on Myanmar

- As he indicated in his 2002 report to the Commission on Human Rights, research and report on the recruitment and use of child soldiers by the Burma army and other armed groups, and include his findings on this subject whenever presenting information to the General Assembly or the Commission on Human Rights.

III. INTRODUCTION

Burma is the largest country in mainland Southeast Asia, lying strategically between India, China, Bangladesh, Laos, and Thailand. Over the past three millennia various peoples have migrated into what is now Burma from other parts of east Asia, leaving the country with a diverse ethnic mix. The present population is generally estimated to be approximately fifty million, though no reliable census data exists; this is made up of the dominant Burman group and approximately fifteen other major ethnicities, each of which has one or more subgroups. While the military junta presently ruling Burma claims that 67 or 70 percent of the population is ethnically Burman, this is based on skewed data from an old census in which anyone with a Burmese-language name was listed as Burman. By contrast, non-Burman groups set the figure at 70 percent non-Burman and 30 percent Burman. Other estimates range between these two extremes.⁹

Enmities between certain ethnic groups go back hundreds of years, dating from the times that Burman, Mon-Khmer, and Rakhine kingdoms fought each other, while more peaceable peoples were driven into remote areas. The end result was a central plain dominated by Burmans, encircled by various non-Burman populations who form the majority in the outlying and more rugged regions of the country. Most of the ethnic groups are concentrated within a particular region, which has been a central factor in the formation of ethnicity-based armed groups, each based in their home region and drawing support from the local population.

In the nineteenth century the British took over what is now Burma and formed it into a single entity under the Indian colonial administration. The Japanese occupied Burma during the Second World War but were driven out by British Empire forces as the war drew to an end. However, by that time Burmese nationalism was already too strong for the British, who negotiated with Burmese General Aung San and granted Burma independence in 1948. Though Aung San had negotiated agreements with some non-Burman groups, he was assassinated in 1947 and none of these agreements were ever honored. Instead, the new Burmese government refused any autonomy to non-Burman ethnic regions. Facing a communist insurgency from the beginning, the government soon found itself also facing an increasing number of armed ethnicity-based resistance groups all over the country, most of which were seeking their own independence.

⁹ For further discussion of this issue see Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (London: Zed Books, 1999), p. 30. Smith states that the numbers published by the SPDC “appear deliberately to play down ethnic minority numbers.”

In 1962 the head of the Burma army, General Ne Win, overthrew the civilian government and established the military rule that has continued to this day. He progressively stepped up the civil war against the dozen or more resistance and insurgent groups he was already facing, and his xenophobic economic policies and repression of the civilian population gradually dragged the country down into poverty. In 1988 civilian anger exploded into mass nationwide peaceful demonstrations led by students and Buddhist monks. The army responded by attacking the crowds with machine gun fire and bayonets, and as many as 3,000 are estimated to have been killed. The government reformed itself into a military junta, the State Law and Order Restoration Council (SLORC), and imposed martial law, curfews and other restrictions, while thousands of dissidents fled to the large territories controlled by ethnic and communist armed groups, there to form their own additional political and armed groups. In 1990 the SLORC held an election in most parts of the country, but when the opposition National League for Democracy won a landslide victory, the junta refused to concede power.

Since that time restrictions on human rights and freedoms have intensified throughout the country, and human rights abuses have grown much worse especially in the non-Burman regions. In 1997 the SLORC changed its name to the State Peace and Development Council (SPDC), but this was not accompanied by any changes in policy. The army, which had fewer than 200,000 men before 1988, announced a program to expand its strength to 500,000, and began much more intensive attacks throughout the country. This was facilitated by a mutiny in 1989 which caused the dissolution of the Communist Party of Burma, the country's largest opposition armed group. The SLORC was quick to approach the United Wa State Army, which had been formed from the remnants of the communist soldiers, and negotiated a ceasefire with it that still stands. Through the 1990s ethnic resistance groups found that they could no longer withstand the intensified attacks of the greatly expanded Burma army, and one by one the majority of them also entered into ceasefire agreements. These agreements do not address any political aspirations or human rights concerns of the resistance groups, but allow them to retain arms and control over small parts of their former areas. They are given freedom to conduct business, which in some areas includes the narcotics trade, and many of these groups have now become primarily money-making armies using their arms to protect their business interests.

Some groups have continued to fight, though in a greatly weakened state. Since 1995 the Burma army has been successful in capturing most of the former territories of these armies and in creating splits and factionalism within them, to the point where none of the remaining groups without ceasefires any longer

controls significant territories and they primarily operate in smaller guerrilla units. These units harass local Burma army columns but seldom leave their home areas. The main groups which are still fighting include the Shan State Army (South), the Karen National Liberation Army, and the Karenni Army, none of which has more than 5,000 or 6,000 troops. With the exception of the Karenni Army, most of these groups gave up the objective of independence after 1988 and have instead been pursuing the objective of a democratic federal union. At present they are not a military threat to the SPDC's hold on power, but they are hoping to hold out in their struggle until other factors in Burma lead to political change.

Burma army camps are in abundance throughout Burma, even in areas far from any armed conflict. Where there is no fighting, the troops work to restrict the activities and movements of the civilian population and make demands on them for forced labor and money. In areas where there is still armed conflict, the army attempts to undermine the opposition by destroying civilian villages and food supplies and retaliating against the local civilian population every time fighting occurs. Civilians in these areas are routinely forced to work as porters, guides, and unarmed sentries for Burma army units on military operations, and even walk in front of troops in areas suspected of landmine contamination (atrocious demining). Many of them are children, and many are wounded or killed in the process. This direct use of civilian children for military functions has been documented widely by Human Rights Watch and other organizations, and is not covered in detail in this report.

The Burma army's expansion is ongoing. Since 1988 there have been few willing volunteers, so the army has relied increasingly on forced conscription. Children aged twelve to seventeen are the most vulnerable targets, and more and more of them are being rounded up and forced into the Burma army. At present Burma also has more than thirty opposition armies, and most of these also recruit children. Though more than twenty of these groups presently have ceasefire agreements with the SPDC, they have retained their arms and their child soldiers. Overall, child recruitment by opposition armies has been greatly reduced during the 1990s by the ceasefire agreements and by the significant reduction in armed strength of those groups which are still fighting. While child recruitment and child soldiers are still a significant problem in many opposition armies, the Burma army is recruiting and using many times the total number of child soldiers in all of the opposition armies combined, and it is therefore the main focus of this report.

The next section of this report examines in detail the recruitment and treatment of child soldiers in the Burma army. Later in the report, several of the major opposition armies are also examined in detail regarding the same issues.

IV. THE BURMA ARMY

The Tatmadaw, or armed forces, of Burma were formally created just after the country gained independence from Britain in January 1948, and were immediately engaged in battle with the communist insurgency that threatened to topple the new government. Within a year several ethnic resistance groups had also begun to take up arms, and Burma's civil war had begun in earnest. Since then the country has never seen peace and the Tatmadaw has been constantly in combat with as many as twenty armed resistance groups at a time. Since overthrowing the civilian government in 1962 the Tatmadaw has also governed the country, first as General Ne Win's Burma Socialist Program Party (BSPP) regime from 1962 to 1988, then as the State Law and Order Restoration Council (SLORC), a military junta which renamed itself the State Peace and Development Council (SPDC) in 1997 and continues to rule. At present the leaders of the Burma army are also the leaders of the SPDC. SPDC Chairman Senior General Than Shwe is also commander in chief of the defense services; Vice Chairman General Maung Aye is also deputy commander-in-chief of defense services and commander-in-chief of the army; Secretary-1 of the SPDC Lieutenant General Khin Nyunt is also head of the Directorate of Defense Services Intelligence. Similar dual roles exist for most of the nineteen members of the central Council, including the twelve military region commanders who all have seats.

The Tatmadaw has developed into a force structured to control the civilian population and combat internal guerrilla forces, rather than a defensive force against external threats. While the Tatmadaw is made up of the Tatmadaw Kyi (Army), Tatmadaw Lay (Air Force), Tatmadaw Ye (Navy), and some other components, political and military power lies overwhelmingly with the army.

Modern weaponry has been difficult to obtain because of the destruction of the economy by the BSPP regime's xenophobic policies and more recently by international arms sanctions imposed by many countries against the present regime, so the Tatmadaw largely relies on manpower to achieve its ends. By 1988 the armed forces as a whole were estimated at 170,000 to 180,000 officers and men, with almost all of these in the army. After the SLORC was created in 1988, an ambitious campaign was launched with the stated aim of expanding the armed forces to a total of 500,000 people. By 1989 the armed forces were estimated at 200,000 men, and in mid-1995 the International Institute for Strategic Studies estimated that the army alone had 265,000 officers and men, while others estimated that the Air Force numbered 9,000 and the Navy

15,000.¹⁰ In a letter to Human Rights Watch, the SPDC stated that as of May 2002 “[t]he current size of the Myanmar armed forces is 350,000.”¹¹ Most Burma analysts and opposition representatives interviewed by Human Rights Watch placed the present figure higher, estimating that the armed forces as a whole number 400,000-450,000, with the army making up at least 350,000 or 400,000 of those numbers.¹²

The army divides the country geographically into twelve regional commands, each headed by a regional commander who sits on the central Council of the SPDC. Each regional command controls its territory through several strategic operations commands, which in turn have three or four battalions assigned to them. There are also ten light infantry divisions, each comprised of ten battalions, which are under the direct control of army headquarters in Rangoon and are assigned to wherever they are most needed. Thirteen military operations commands have also been created with ten battalions each. While the regional commands are fixed geographic areas, the battalions under the light infantry divisions and military operations commands are moved around to wherever in the country they are most needed.

At ground level the main operational unit of the army is the battalion. There are some artillery, armored, and engineering battalions, but the vast

¹⁰ Andrew Selth, *Transforming the Tatmadaw: The Burmese Armed Forces Since 1988* (Canberra: Strategic and Defense Studies Centre, Australian National University), pp. 49, 75, 97. Martin Smith estimates that in 1995 the Tatmadaw as a whole already numbered 320,000. Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (London: Zed Books, 1999), p. 426.

¹¹ Letter to Human Rights Watch from the Permanent Mission of the Union of Myanmar to the United Nations, New York, May 8, 2002.

¹² Andrew Selth, author of several books and papers on the Tatmadaw, writes that “the largest number is in the army, which by the end of 1999 had reached about 370,000. There were about 16,000 in the navy and 15,000 in the air force.” Andrew Selth, *Burma’s Armed Forces: Power Without Glory* (New York: Eastbridge, forthcoming), pre-publication text provided to Human Rights Watch by the author. Bertil Lintner, author of *Burma in Revolt: Opium and Insurgency Since 1948* (Chiang Mai: Silkwoom Books, 1999), stated in email communication to Human Rights Watch on May 23, 2002 that he presently estimates Tatmadaw strength at 400,000-450,000. In 2000 the International Crisis Group stated that “[t]he Tatmadaw, now the second-largest military force in Southeast Asia (after Vietnam’s), has over 450,000 soldiers, having more than doubled in size since 1988.” International Crisis Group, *Burma/Myanmar: How Strong is the Military Regime?* (Bangkok/Brussels: ICG Asia Report #11, December 2000). In 1998 Jane’s Intelligence Review already estimated the size of the Tatmadaw at “between 350,000 and 400,000.” William Ashton, *Burma’s Armed Forces: Preparing for the 21st Century* (Jane’s Intelligence Review, November 1, 1998).

majority of the army is made up of infantry and light infantry battalions estimated to number 450 to 500, but with more being created.¹³ These are deployed throughout the country, in both conflict and non-conflict areas. Some function primarily as garrison battalions, while others (particularly the light infantry battalions) are used for offensive purposes. Each battalion has four to five companies. Some battalion staff are permanently based at the battalion's headquarters camp, but most of the soldiers are sent out in platoon- or company-sized groups to man battalion outposts or to patrol remote areas for a few months at a time.

In conflict areas the soldiers at these camps seek out and fight the enemy, though their main tactic is to undermine enemy forces by destroying the civilian villages and crops in areas where opposition forces are active. In the past five years this tactic has resulted in the destruction of well over a thousand villages and the displacement of several hundred thousand people in Shan, Kayah, and Karen States, and Tenasserim division. Villages are attacked in retaliation for any fighting that occurs nearby, and villagers are routinely detained and interrogated, sometimes tortured or killed. The army also makes demands on the local population for forced labor, building materials, logs and other saleable items, food, and money. Much of this is for the profit of the camp officers; uncooperative village leaders are arrested and punished. In non-conflict areas the officers devote most of their time to making money, so even more demands are placed on local civilians, and the soldiers also supervise forced labor on major governmental infrastructure projects such as roads, dams, and railways.¹⁴

The Conscription Act of 1959 states that conscription to the Burma army for a period of six months to two years is allowable for men aged eighteen to thirty-five and women aged eighteen to twenty-seven.¹⁵ In practice, neither women nor girls are recruited into the armed forces. The SPDC maintains that “[t]he Myanmar Tatmadaw (armed forces) is an all volunteer army,” and that “the minimum age for recruitment into the armed forces is 18 years.”¹⁶ Former

¹³ Human Rights Watch has obtained a list of 423 infantry and light infantry battalions, many of which have been checked and verified by independent checks within the country. This incomplete list was created in July 2001, and more battalions have been created since then.

¹⁴ All of the human rights abuses mentioned here have been repeatedly documented by Human Rights Watch and many other organizations; see for example the Human Rights Watch World Report 2002.

¹⁵ The Conscription Act is Act 7/59 adopted in 1959 and taking effect from 1962; to the knowledge of Human Rights Watch, it has not been repealed.

¹⁶ Letter to Human Rights Watch from the Permanent Mission of the Union of Myanmar to the United Nations, New York, May 8, 2002. The claim that eighteen is the minimum

soldiers and opposition officers generally believe that prior to 1988 most recruits to the Burma army were volunteers, and most of them were at least eighteen years old. After the army's violent crushing of the 1988 pro-democracy demonstrations, the number of volunteers dropped dramatically, while at the same time the army commanders were ordered to rapidly expand their forces in order to consolidate the government's control over the country. The response was a rapid increase in forced conscription. To get around the restrictions in the Conscription Act and to maintain the appearance of a volunteer army, recruiters began using intimidation, coercion, and physical violence to force people to "volunteer." The easiest targets are children, whose ages are then recorded as eighteen to keep the paperwork in order. One boy who was forcibly recruited at age fourteen in 1997 told Human Rights Watch, "Their policy is that you must be eighteen to join, and you can leave after three years. I read that policy in a book. But now they are acting very differently from their policy. I think it is because they don't have enough soldiers and most young Burmese men don't want to join, so they are forcing children. I think this is increasing."¹⁷

The drive to expand the army appears to have accelerated in the past five years, during which approximately 200 new battalions have been created. A full-strength battalion is supposed to have over 700 men, though in practice most Burmese battalions operate with 400 to 500 men. Since 1998, however, more and more reports from former Burmese soldiers and officers in resistance armies indicate that many of the newer battalions are now operating with only 200 or 300 men, while some have even fewer than 200.¹⁸ Andrew Selth writes that

[w]hile the number of combat units has increased significantly, the actual fighting strength of the armed forces is not as great as appearances first suggest. For example, few army battalions are up to full strength. Many seem to operate with two-thirds or even half of their formal establishment and in some units, such as those performing

age for recruitment was also stated twice by SLORC/SPDC representatives to the United Nations Committee on the Rights of the Child, at its 358th session in 1997 and 359th session in 1998; see United Nations documents number CRC/C/SR358, note 23, and CRC/C/SR359, paragraph 19. The SPDC informed Human Rights Watch in writing on July 17, 2002 that under Article 65 of the Defense Services Act, the punishment for recruiting children is a court-martial that may hand down a sentence of up to seven years of imprisonment.

¹⁷ Human Rights Watch interview with Sein Kyi, Thailand, May 2002.

¹⁸ See for example Karen Human Rights Group, *Abuse Under Orders: The SPDC and DKBA Armies Through the Eyes of their Soldiers* (Thailand: KHRG 2001), p. 11.

garrison duties, troop numbers could be even lower. . . . Recruiting officers have inflated their figures to meet specific targets and there have been reports that in many units payrolls have been padded with non-existent personnel. Poor record-keeping and endemic corruption (up to and including senior officers) have helped disguise these manpower shortfalls.¹⁹

New battalions are being created so quickly that they are not being fully manned, while existing battalions are not being sent enough recruits to replace those lost through desertion and attrition. According to a brigade commander with the Shan State Army, “Since 1988 desertion has increased, but they’ve increased the army with new units. We’ve found that they’ve used any means they can to conscript, that’s my experience. Each Burmese army battalion can only send about one hundred men to the front line and keep a certain number as camp guards. In total, only about 200. Even in front line companies they don’t operate at full strength anymore. Some units exist in name only.”²⁰

To feed this ever-growing need for new recruits, payments and other incentives are now being given to soldiers and commercial recruiting agents to bring in as many recruits as they can. Of twenty former Burma army soldiers interviewed by Human Rights Watch, only two had volunteered; the others had been stopped on the streets by soldiers, threatened with long terms of imprisonment if they refused to join the army, and taken to army recruit holding camps. Some of those who still refused to join were beaten until they agreed to join, or were simply sent on to military training without their agreement. The easiest targets for this forced recruitment are adolescent boys, and as is shown in the section entitled The Scope of Child Recruitment in the Burma Army later in this report, 35 to 45 percent of the army’s recruits may be children.

Conditions Leading to Recruitment

I left KGA [kindergarten] when I was six because of the problem with our family’s livelihood. We were farmers. My parents couldn’t pay for me to go to school. It cost 1,000 or 2,000 per year just for school fees. I left school and sold ice cream in the town, at the railway station and bus stops and places like that. [I did that] for about three years. Then I worked at a restaurant. At first I was a waiter, then I was a knife

¹⁹ Andrew Selth, *Burma’s Armed Forces: Power Without Glory* (New York: Eastbridge, forthcoming), prepublication text provided to Human Rights Watch by the author. See also the Deployment and Active Duty section later in this report.

²⁰ Human Rights Watch interview in Shan State, Burma, March 2002.

holder [cutting up the vegetables]. That was for two years. After I left the restaurant I worked as a construction worker for about three years. Then I worked as a trishaw driver for about eight months. My family had money problems so I had to sell my trishaw. Then I went to Rangoon to get a better job, but I didn't get one. I was taken by the army. I was going around looking for a job, and it happened when I was waiting for a train at the railway station in Rangoon. I was sixteen.

—former Burma army soldier, recruited in 1998²¹

Burma was once known as “the ricebowl of Asia.” It is blessed with fertile land, a stable climate, extensive resources including timber, gems, natural gas, and oil, and a much lower population density than many of its neighbors. Despite these advantages, in 1987 it was accorded least developed country status by the United Nations and is ranked one of the ten poorest countries in the world. Most analysts attribute this to mismanagement and corruption under decades of xenophobic military rule, combined with the civil war which has ravaged the country since independence. Since 1988 conditions have only grown worse, and at present the economy is in shambles, with rapid inflation, erratic currency fluctuations, and primitive infrastructure. The SPDC is regularly criticized internationally for spending as much as half of the national budget on the military, while next to nothing is spent on education and health services. Most of the rural population lives in poverty, while the urban population struggles to find as many small jobs as they can simply to feed their families.

In this environment education is seen as a privilege rather than a right. Families are forced to pay school fees of up to 15,000 or 20,000 kyat²² per year as well as all of the material costs of uniforms, books, and school supplies for their children, and in rural areas they are also forced to pay the costs of building the schools and salaries for the teachers. Many families pull their children out of primary school because they cannot afford the cost of the school fees and education materials, or because they need the child to work in the fields or to earn money. Although the SPDC claims that primary school enrollment is at

²¹ Human Rights Watch interview with Myo Aung, Thailand, March 2002.

²² This is U.S.\$2,500 to \$3,333 at the official rate of six kyat to the dollar or U.S.\$17.65 to \$23.53 at the more commonly used market rate, presently about 850 kyat to the dollar. This represents anywhere from two to six months' income for an average person.

92.1 percent,²³ the UNICEF Rangoon office informed Human Rights Watch that only 81 percent of children aged five through nine are enrolled in primary school,²⁴ and only fifty-five percent complete kindergarten and the first four grades.²⁵ UNICEF went on to state that

immediate causes of low educational attainment are lack of early childhood care and development, low enrollment in schools in some areas of the country, inefficiency in the system, and inadequacy of non-formal education. Financial and human resources are both severely constrained in the education sector. . . . Although government investments in primary education have increased in monetary terms since 1994, government expenditures on basic education have declined from 0.99 percent of GDP in 1994/95 to 0.3 percent in 1999/2001, compared to 3.3 percent for low-income countries. The share of the budget devoted to education has fallen steeply from 20 percent in 1991/92 to 11 percent in 1999/00. . . . There is an immediate lack of trained personnel at both the national and township level to manage the system, which results in sub-optimal use of the limited resources. There are a variety of reasons for why children either do not enroll or drop-out. In addition to those mentioned above, poor families in particular find it difficult to meet the private cost of schooling such as payment for textbooks, stationery and other accessories, in addition to transportation costs and the opportunity cost of having a child away from home during the day. . . . Over the last decade important numbers of children and young people have been marginally or not at all touched by the education system, thus bequeathing an entire generation of missed human resources, likely to threaten social cohesion and stability irrespective of any change in the political arena.²⁶

Meanwhile, Burma’s high schools and universities have been closed for much of the time since 1988 because they are seen as rallying points for

²³ Ministry of Education, the Government of the Union of Myanmar, *Education in Myanmar* (August 2001), p. 5.

²⁴ Data from the Multiple Indicator Cluster Survey 2000, conducted jointly by the SPDC Department of Health Planning in collaboration with UNICEF; reported to Human Rights Watch by UNICEF Rangoon in July 2002.

²⁵ Data from the SPDC Department of Labour and UNFPA as reported in the Handbook on Human Resources Development Indicators 2000; reported to Human Rights Watch by UNICEF Rangoon in July 2002.

²⁶ UNICEF Rangoon statement sent to Human Rights Watch by email on July 25, 2002.

opposition views, so adolescents frequently find their education suddenly suspended.

Many of those interviewed by Human Rights Watch had left school before they were recruited, including Aung Htun: “I studied until Third Standard. Then I left when I was twelve. I had to help my parents in the fields.”²⁷ Sein Kyi was forced out of school by the civil war in the Irrawaddy delta: “I’m the youngest of seven children. When I was seven years old my father was taken as a forced porter by the army and he was killed. We heard that he fell ill and died. After that we all worked the paddy fields, and sometimes I went with my aunt to buy goods in Bassein and we sold them in our village. Our school was closed most of the time because of the war between the Burmese army and the Karen. I only went to kindergarten.”²⁸

Many children are forced to take care of their families at a young age, as described by Khin Maung Than: “School fees were about 20,000 kyat for the whole year. That doesn’t include the uniform but it includes books. Early in the morning and in the evening after school we had to work for money. I left school when I was about nine years old, after finishing Second Standard, because my mother wasn’t healthy and my father was an alcoholic. I had to take care of mother because father was not home, he was always going with his friends to drink whisky. . . . I had to care for mother, her condition was very bad. I was away from school for one and a half months, so I couldn’t go back.”²⁹ His situation was made worse by the rule in Burmese schools that a student who is away for more than a few days cannot return to continue their studies. At age eleven he was caught by soldiers and forced into the army.

Some families can only afford to send one or two children to school and must make a painful choice. Salaing Toe Aung was lucky enough to be chosen, only to be forced into the Army before he could finish high school. “I finished Ninth Standard when I was sixteen. Now only my younger brother is still in school. The others [he has four brothers and two sisters] didn’t go because they were working. They wanted to go but we didn’t have enough money. It costs 15,000 kyat per year just for the school fees for one person. I planned to finish [high school] and then I wanted to join medical training to be a doctor or nurse. But while I was studying in Tenth Standard I went to Arakan State to buy clothes and books and was arrested in July 2001. I was sixteen.”³⁰ He was “arrested” by recruiters and forced into the army.

²⁷ Human Rights Watch interview with Aung Htun, Thailand, March 2002.

²⁸ Human Rights Watch interview with Sein Kyi, Thailand, May 2002.

²⁹ Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

³⁰ Human Rights Watch interview with Salaing Toe Aung, Thailand, March 2002.

Once they leave school many children take up jobs selling food or small goods in the streets, or they wander their home towns or find their way to larger cities in search of paying work. Some children run away from home because of family problems. All of these children are frequently alone and vulnerable, and they become easy targets for army recruiters. Nyunt Swe told Human Rights Watch that “the school fees were too much and I couldn’t pay. . . . 15,000 a year. That included books. I was in Fourth Standard. . . . I quit school to work, and while I was working I was forced into the army.”³¹

Recruitment

I didn’t want to join. I wanted to go to school and study, and my parents didn’t know where I was. If I joined the army life would change for me. When I was with my parents I never knew about smoking, drinking, gambling. . . . now I know all of these things. I told them I didn’t want to join. They said, “You can’t do anything about it, you’re with us now.” I told them I was twelve years old. They said, “Never mind your age, we can keep you in the camp until you’re old enough.” I told them I was a student.

—Myo Chit, seized by the army at age twelve in 1998³²

Some children join the army because they are told of the salary they can earn as a soldier, and volunteer out of their desperation to earn money or because they do not want to be another mouth for their family to feed. Most of those interviewed by Human Rights Watch did not want to join, however, because they had already heard that life is bad as a soldier, but when recruiters deceived them with false threats of prison terms if they refused to enlist, many believed they had no choice. Those who could not be fooled or coerced were simply taken by force.

Of the twenty former Burma army soldiers whose testimony appears in this report, only two genuinely volunteered. Of these two, Zaw Moe was forced into the army in 1991 at age fourteen, deserted in 1998, then volunteered two years later only because he was afraid he would be caught in his village.³³ The other, Thein Oo, could not explain why he volunteered at age fourteen in 1998 other than to say “because I was willing.” His entire family advised him against it, but

³¹ Human Rights Watch interview with Nyunt Swe, Thailand, March 2002.

³² Human Rights Watch interview with Myo Chit, Thailand, March 2002. Myo Chit’s older brother had also been forced into the army at age fifteen or sixteen.

³³ Human Rights Watch interview with Zaw Moe, Thailand, March 2002.

he ran away and enlisted. Just five days later he tried to escape from the recruit holding camp but was caught and brutally beaten, then jailed until it was time to begin military training.³⁴

In reply to a query by Human Rights Watch, the Permanent Mission of Myanmar to the United Nations stated, “The Myanmar Tatmadaw (armed forces) is an all volunteer army. There are no conscripts and the recruitment into Myanmar armed forces is entirely voluntary.”³⁵ However, most of the former soldiers interviewed by Human Rights Watch believed that the majority of their fellow recruits were also forcibly recruited. When Aung Htun was forced to join in 1999, there were “maybe 300 or 400 of us. Some were fourteen, some were twelve. The youngest was about twelve, the oldest just over twenty. Some didn’t want to go to school so they left home and then were arrested on the railway. Some were arrested when traveling, especially at night. None were volunteers, except maybe ten or fifteen of them.”³⁶ Similarly, Moe Shwe noted that “There were fourteen or fifteen new recruits. Two were twenty years old, the rest were about my age [thirteen]. I talked to them. The two twenty-year-olds had volunteered, but all the others had been arrested.”³⁷ Of the forty new recruits Sein Kyi was locked up with at a recruit holding camp, “very few had volunteered, I think only five or six.”³⁸ Than Aung spent a long time packed on an army truck with close to eighty new recruits on the way from Bassein to Rangoon, and noted that “[m]ost of those on the truck were like me, there weren’t many volunteers. Even the ‘volunteers’ weren’t really volunteers, they were people who were joining for the second time—they had fled their battalions and been caught again.”³⁹

With such a shortage of people willing to volunteer, the army must send people out to find and “arrest” recruits. Myo Chit explained how this happens: “After I joined the army I learned about this. Many soldiers go outside the camp on special duty to gather young recruits. Not every soldier can go like this, it is special duty. Sometimes they use the older soldiers who have been wounded and handicapped and can’t go to the front line anymore, and some are with intelligence. They give them special duty and say they’ll pay them some pocket money.”⁴⁰ Sai Seng also learned how the system works once he was in the

³⁴ Human Rights Watch interview with Thein Oo, Thailand, March 2002.

³⁵ Letter to Human Rights Watch from the Permanent Mission of the Union of Myanmar to the United Nations, New York, May 8, 2002.

³⁶ Human Rights Watch interview with Aung Htun, Thailand, March 2002.

³⁷ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

³⁸ Human Rights Watch interview with Sein Kyi, Thailand, May 2002.

³⁹ Human Rights Watch interview with Than Aung, Thailand, May 2002.

⁴⁰ Human Rights Watch interview with Myo Chit, Thailand, March 2002.

army: “In each battalion there are some people who are ordered specially to find recruits. Some are lance corporals and some are ordinary soldiers. If they can gather people, the battalion leaders pay money to them. When they send young people like us, sometimes they get 5,000 kyat and sometimes they get 10,000. That’s why there is a lot of arresting going on. The recruit doesn’t get the money, it is the one who finds him who gets the money.”⁴¹ One former child soldier interviewed by Human Rights Watch was taken from a passenger car when he was eleven years old by police who then handed him over to the army, which suggests that not only soldiers can receive benefits for supplying recruits.⁴² A recent report by the Human Rights Foundation of Monland states that even civilians are sometimes appointed by army officers as “soldier brokers” (“*sit tha pwe sar*”) and are paid 4,000 kyat and one sack of rice per recruit.⁴³

Most soldiers believed that the money paid to those who bring in recruits usually comes from the battalion commander, possibly because he can gain promotion or favors by obtaining a lot of recruits. Though unaware of exactly how the system works, several of those interviewed told Human Rights Watch that they had heard the soldiers who recruited them talking about the money they would receive, or had seen money and rice change hands when recruits were handed over at the Su Saun Yay recruit holding camp. Some also testified that even at the end of a normal ten-year term of duty, soldiers can only be discharged if they bring in several new recruits. After seven years in the army, Moe Shwe had only seen three men in his unit discharged: “One was sixty, one was forty-five and one was fifty. They got out because they’d each recruited five new soldiers. Anyone can get out if they recruit five new soldiers, but you must have five years’ experience first.” When asked whether he ever did any recruiting himself, he replied, “No. They asked me to do it and gave me money to do it, but I just spent the money and didn’t do it. I had a lot of trouble in the army, and I didn’t want to make five more people suffer that.”⁴⁴

Lwin Oo testified that “I was forced. Sergeant Than Cho forced me to join. He told me that if five people join, he would get money and rice and then he

⁴¹ Interview with Sai Seng submitted to Human Rights Watch by Karen Human Rights Group, Karen State, Burma, March 2002. Five to ten thousand kyat is U.S.\$833 to \$1,666 at the official rate of six kyat to the U.S. dollar, or U.S.\$5.88 to \$11.76 at market rate, presently about 850 kyat to the dollar. An army private’s monthly salary is 4,500 kyat.

⁴² Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

⁴³ Human Rights Foundation of Monland, *Burma’s Women And Children: The Suffering And Survival* (Thailand: HURFOM, March 2002), p. 61.

⁴⁴ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

would be able to leave the army. They took us and put us in jail for three days and asked us questions. They asked me, ‘Why don’t you join?’ I said I didn’t want to join and they beat me. Six people were in jail with me. The others were thirteen, fifteen, twenty and twenty-five.”⁴⁵ Myo Aung was bundled into a car at age sixteen and driven to a recruit holding camp, and says that in the car “they were talking. They said if you can get one person you get 5,000 kyat and a sack of rice.”⁴⁶ Another who was taken at age thirteen testified that “I saw them getting paid. For one new recruit you can get 10,000 kyat and a sack of rice. One of the people in my village is a corporal there in that place [the army camp in Pyi], and he told us.”⁴⁷ Kyaw Nyunt was only ten years old when taken, and “at the detention place I saw one of the officers give them money. Later I saw them come sometimes with other people who were not as young as me.”⁴⁸ The payout appears to vary by battalion and region, but usually includes between 1,000 and 10,000 kyat⁴⁹ in cash and fifteen to fifty kilograms of rice per recruit. After three military intelligence men grabbed twelve-year-old Myo Chit in a railway station, “[t]he three soldiers took us to IB [infantry battalion] 54. I don’t know where they went back to, but when they left they each received 1,000 kyat and a sack of rice. This is normal.” When queried on this issue, the SPDC informed Human Rights Watch that “No incentives whatsoever are provided to members of the army who identify new recruits.”⁵⁰

The recruiting teams generally consist of a few soldiers led by a corporal or sergeant, often in civilian clothing and carrying only concealed weapons. Their favorite stalking grounds are railway and bus stations, ferry and boat docks, festivals, markets, busy streets and sometimes streets near schools. They frequently approach boys under eighteen, probably because they are the most easily intimidated. As explained by Sai Seng, who was forcibly recruited in 2001 at age sixteen: “One system they use is to call people by lying to them, and then they sell them to each other. The other thing they look for is children who are eleven or twelve, who don’t know anything and who aren’t with their parents. Some of them are in the railway station, some of them are selling

⁴⁵ Human Rights Watch interview with Lwin Oo, Shan State, Burma, March 2002.

⁴⁶ Human Rights Watch interview with Myo Aung, Thailand, March 2002.

⁴⁷ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

⁴⁸ Human Rights Watch interview with Kyaw Nyunt, Thailand, March 2002.

⁴⁹ This is U.S.\$166 to \$1,666 at the official rate of six kyat to the dollar or U.S.\$1.18 to \$11.76 at the more commonly used market rate, presently about 850 kyat to the dollar. This is anywhere from one week to three months’ income for an average person; by comparison, an army private’s salary is 4,500 kyat per month.

⁵⁰ Letter to Human Rights Watch from the Permanent Mission of the Union of Myanmar to the United Nations, New York, May 8, 2002.

things in the market, some of them are carryboys—they capture these kinds of children. Sometimes they hit them and take them, sometimes they buy sweets for them and then take them. When they do that they don’t wear their uniforms, they just wear ordinary clothes.”⁵¹

A former Buddhist monk told Human Rights Watch that while he was based at a temple in Rangoon from 1995 to 1999, the temple boys (young boys sent by their families to help the monks in return for some religious education) kept disappearing, and on many occasions the monks found them at nearby military bases where they were about to be sent to recruit holding camps.⁵²

The poverty and lack of educational opportunity in Burma have also led to growing numbers of street children, and Human Rights Watch has received reports that street children in major cities are regularly rounded up and sent directly to the army’s Su Saun Yay recruit holding camps.

Some sources report that villages in some areas are forced to provide recruits under a quota system. None of those interviewed by Human Rights Watch had been conscripted in this way, but a Commission of Inquiry of the International Labour Organization reported in 1998 that

[i]nformation provided to the Commission indicated that there was regular forced recruitment throughout Myanmar, including of minors, into the *Tatmadaw* and various militia groups. It appeared that this did not occur pursuant to any compulsory military service laws, but was essentially arbitrary. . . . In cases where a certain number of recruits was demanded, it was common for the village or ward authorities to hold a “lottery” to choose those who had to undertake military service. Those chosen were then forcibly conscripted and commonly included minors.⁵³

In his analysis of the Burmese military, Andrew Selth states that when local authorities are given recruiting quotas, “If these authorities fail to achieve their quota, they can be fined. Conversely, rewards are granted for each recruit

⁵¹ Interview with Sai Seng submitted to Human Rights Watch by Karen Human Rights Group, Karen State, Burma, March 2002.

⁵² Human Rights Watch interview with a former Buddhist monk in a Rangoon township who is now an independent human rights researcher, Thailand, May 2002.

⁵³ *Forced Labour in Myanmar (Burma)*, report of the Commission of Inquiry appointed by the International Labour Organization under Article 26 of its constitution to examine the observance by Myanmar of the Forced Labour Convention of 1930 (Convention 29) (Geneva, 1998), paragraphs 389-390, pp. 112-113. See also paragraphs 390 through 393 on pages 113-114 of the report for specific examples examined by the Commission.

provided in excess of the quota. This procedure has resulted in many young men being forcibly recruited into the army, or fleeing to avoid conscription.”⁵⁴

When questioned by Human Rights Watch about the minimum age for recruits, the SPDC responded in writing that “the minimum age for recruitment into the armed forces is 18 years.”⁵⁵ The SPDC also informed Human Rights Watch that “[a]ny person who recruits children in contravention with the [Defense Services] Act is taken action under article 65 of the Act and is liable to suffer imprisonment, which may extend to 7 years.”⁵⁶ The SPDC did not include any data in its communication with Human Rights Watch regarding the number of soldiers and officers who have been convicted for recruiting children, nor is Human Rights Watch aware of any cases in which recruiters have been convicted for this crime.

The recruiting teams often use threats and intimidation to convince boys to “volunteer.” The most common method is to ask to see the boys’ identity cards. When they cannot produce one, they are threatened with a long jail term – or told that they can join the army instead. This method tends to single out children under eighteen for recruitment for two main reasons: firstly, because children are less likely to know that there is no law specifying a jail term for failure to produce an identity card; and secondly, because many children under eighteen have not yet obtained identity cards. According to the SPDC, “when the child reaches the age 10 years he or she is provided with a temporary identity card. Once the child attains the age of 18 years he or she then applies for a permanent identity card.”⁵⁷ However, neither the former soldiers nor anyone else interviewed by Human Rights Watch appeared to be aware of this policy. Most believed that the minimum age for obtaining a card is at least

⁵⁴ Andrew Selth, *Burma’s Armed Forces: Power Without Glory* (New York: Eastbridge, forthcoming), prepublication text provided to Human Rights Watch by the author.

⁵⁵ Letter to Human Rights Watch from the Permanent Mission of the Union of Myanmar to the United Nations, New York, May 8 2002. The claim that eighteen is the minimum age for recruitment was also stated twice by SLORC/SPDC representatives to the United Nations Committee on the Rights of the Child, at its 358th session in 1997 and 359th session in 1998; see United Nations documents number CRC/C/SR358, note 23, and CRC/C/SR359, paragraph 19.

⁵⁶ Letter to Human Rights Watch from the Permanent Mission of the Union of Myanmar to the United Nations, New York, July 17, 2002. The document quotes Article 65 as stating that “Any person subject to this Act who is guilty of any act or omission which, though not specified in this Act, is prejudicial to good order and military discipline shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.”

⁵⁷ Letter to Human Rights Watch from the Permanent Mission of the Union of Myanmar to the United Nations, New York, May 8, 2002.

twelve or thirteen, while several former soldiers believed that cards cannot be obtained before age eighteen. The system has reportedly changed at least once in the past several years, and it appears that many people are unaware of the exact procedures. Most people in Burma are afraid to confront the authorities more than they must, so many families tend to delay obtaining identity cards for their children until they are fifteen or eighteen years old. In the meantime, their sons fall easy victim to the threats of the recruiting teams. The story of Sein Kyi, recruited in 1997 at age fourteen, is typical:

I went to visit downtown Rangoon and was arrested by some Burmese soldiers. I was crossing from Hlaing Tha Ya to Insein on the ferry. I was getting on the ferry. I saw two soldiers in uniform, but some others weren't in uniform. I think about six altogether. They asked, "Where are you going?" I said "I'm going to visit Rangoon." "Do you have ID?" "No, I don't have ID." I was still too young to get ID. You can get ID when you're eighteen. I told them that I was too young to have ID. They said, "If you have no ID then you have to join the army." I refused to join, and they said "Then you'll have to go to jail." So I said, "Okay then, I'll join the army."⁵⁸

Hla Thein, recruited in 1996 at age fourteen:

I was at Bassein harbor with three friends. We had come to buy some goods and were going back to our village. We were stopped by three soldiers in uniform: a corporal, a lance corporal, and a private. They had two guns. They asked, "Do you have ID?" I said, "I have no ID because I'm still too young." I was fourteen. They searched all of our bags, and took all the things in our bags. Then they said, "Please follow us to the office." They took us to the recruiting office in Bassein, and when we arrived there we were put in the lockup.⁵⁹

Throughout Burma the roads are dotted with army checkpoints where everyone must present their papers, and this is another common place to obtain recruits. Khin Maung Than was eleven when he went to visit relatives in Rangoon with his mother in 1999. His mother went home first, and five days later he tried to go home to Thaton township in Mon State on his own:

⁵⁸ Human Rights Watch interview with Sein Kyi, Thailand, May 2002.

⁵⁹ Human Rights Watch interview with Hla Thein, Thailand, May 2002.

On the way there was a checkpoint. The police stopped the car and checked ID cards. I couldn't show one. I was too young to have an ID card. At that time you needed to be eighteen to get an ID card. Now they have changed the age to twelve. The police said, "You'll have to go to jail for six years for not having an ID card." Then they sent me to the police station and put me in the leg stocks. But I could pull my feet out because the holes in the stocks were too big for my feet, so two policemen guarded me. They kept saying, "You have to decide. You can join the army or go to jail." And then they gave me time to think. They could see I was only eleven, but if the police give a boy to the army they can get pocket money from the army, 3,000 kyat and two tins of rice, about thirty kilos of rice. They gave me from 8 a.m. until the afternoon to decide. I didn't want to go to jail for six years, so I agreed to join the army.⁶⁰

While Khin Maung Than was sitting in the leg stocks trying to make his decision he saw two others, both aged about twenty, released after they each paid a bribe of 5,000 kyat. In Burma many problems can be avoided by paying bribes, but younger recruits seldom have the money to pay and their families cannot come to their aid because they have no idea where they are. Soe Naing had very little money on him when he took a passenger truck to Rangoon at age twelve to look for work, and the truck was stopped at an army checkpoint right in front of Mingaladon *Su Saun Yay*, the main recruit holding camp just outside Rangoon:

There were four or five women and only seven men and boys, and they took all the men and boys. I was twelve. My two friends were twenty-six and twenty-seven, and the other four were students a bit older than me—some were under fifteen and some over fifteen. The soldiers at the checkpoint didn't say anything. They kept the [book] bags of the four students. Then they just told us to go into the *Su Saun Yay* and put us in a big room, and they said, "You have to join the army." All of us told the soldiers we didn't want to join the army and some said they were students, and the soldiers punched us. They asked me, "Do you want to join the army?" I refused and they punched me. Then they asked again, "Do you want to join the army?" I refused again and they punched me again. They did this seven times and I still refused. They punched my face, my chest, my forehead, and they cut open my

⁶⁰ Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

eyebrow and it bled. I was bleeding from the eyebrow and the mouth. I hadn't agreed, but then they sent me to the clinic. They had a woman nurse there who treated my wounds. Then the second boy was punched and kicked, and he was sent to the clinic too. Then they said to the other five, “You see your friends? You see my boot? Now would you like to join the army?” Then the others were afraid and agreed to join the army.⁶¹

Soe Naing was then held at the recruit holding camp for seven days, and as new boys continued to arrive daily he realized that “[e]very day they arrest fifteen or twenty at that checkpoint.”

The pressure to enlist often becomes physical. Htun Htun was only thirteen when he and four friends were grabbed by soldiers at a pagoda festival, put on a truck and driven directly to a recruit holding camp at Mandalay: “Then some different soldiers said, ‘You have to become a soldier.’ We said ‘We’re students, we don’t want to join.’ Then they beat me with sticks and it was very painful, so we had to say we’d be soldiers.”⁶² Zaw Moe had a similar experience when he was fifteen: “I was arrested in Pyinmana railway station, and we slept one night in Pyinmana. In the morning they gave us fried rice and asked again, ‘Will you join the army?’ We said no again, and they said, ‘But I already gave you food and you ate it. You have to join.’ They took us on the train and when we reached Tha Zi station I said I wouldn’t join. Then all three of them punched me in the face for about ten minutes until I had to say I’d join the army.”⁶³ It took longer to convince seventeen-year-old Win Kyi from Sagaing; first he was coerced into an army camp, then “the officer in civilian clothes led us into a room and locked us in. In the room they asked us again and again to join, then they started hitting, beating and threatening us until we had to agree to join. There were three soldiers, all in uniform. They kept us there more than a week. They never let us out. They gave us food in the room. We were told to sign to become soldiers, then we were sent to Maymyo.”⁶⁴ During his week in the lockup with his four friends, none of them were allowed to contact their families.

There are cases in which recruiters dispense with the pretext of demanding an identity card. Moe Shwe, who was recruited in 1995, told Human Rights Watch:

⁶¹ Human Rights Watch interview with Soe Naing, Thailand, May 2002.

⁶² Human Rights Watch interview with Htun Htun, Shan State, Burma, March 2002.

⁶³ Human Rights Watch interview with Zaw Moe, Thailand, March 2002.

⁶⁴ Human Rights Watch interview with Win Kyi, Thailand, March 2002.

When I was just over thirteen, there was a festival in Prome town and we went there. I was taken and asked to join the army. Corporal Tin Nyaing and two other soldiers asked us, “Do you want to join the army? If you don’t join the army I’ll arrest you.” We said “We don’t want to join.” There were six of us, all friends. We were all from the same school and about the same age. We were all students so we showed our student cards, but they tore them up. Then he threatened us and showed us his gun. Only the corporal had a gun, a pistol. We were afraid so we agreed. We didn’t dare try to run away.⁶⁵

Tin Maung, who was recruited in August 2001 at age sixteen or seventeen (he is unsure of his age):

I was arrested at about 7 p.m. when I was going home from my [barber] shop, by two soldiers in civilian clothes. They took me to their battalion camp. When we arrived there, they said they were arresting me to be a porter. “In four or five days we’ll release you, so you must sign these papers.” They were printed papers with stamps, and I had to sign two or three of them. I don’t know what they said. I didn’t say anything because I was afraid.⁶⁶

Than Aung, recruited at age fourteen in 1997, was threatened by his recruiters with a more serious charge, and forced into the army even though he had not given way to coercion:

When I was studying Fourth Standard I had some tuition after school. On my way home from the tuition I was arrested by soldiers on the street. I was with three friends. The youngest was eleven, one was twelve and the other was thirteen. The power was out and it was very dark. Two soldiers took our bags and books and threw them away, and said “You’re *maun yay ko* [hiding in the dark, a form of conspiracy charge].” They took us somewhere. We didn’t know where it was until morning, and then we saw that it was a military compound. It was near Myaungmya. We saw two or three others there who were older than us, I think they were fifteen or sixteen. We still didn’t think we’d be forced to join the army, because we were students. The next day they said to us, “You were hiding in the dark so you must join the

⁶⁵ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

⁶⁶ Human Rights Watch interview with Tin Maung, Thailand, March 2002.

army.” We said, “We weren’t, we’re just students.” He said, “We don’t care, we have to send you to the Su Saun Yay.” That evening the seven of us were sent to an army camp at Bassein. I saw many others there, about eighty, a whole T11 truckload. We spent one night at Bassein and the next morning they put us all on a T11 army truck and sent us to Mingaladon.⁶⁷

Similarly Myo Aung, recruited at sixteen in 1998, found that refusal to give even his coerced agreement did not prevent him being simply abducted into the army:

I was going around looking for a job, and it happened when I was waiting for a train at the railway station in Rangoon. One was tall and thin, over thirty, without a uniform. The other was about thirty, a short man also without a uniform. The third was a fat man wearing a uniform. An army uniform with two chevrons [corporal]. I think the other two were also soldiers. They asked, “Have you been a soldier?” “No.” “Do you want to join now?” “No, I don’t.” Then they said nothing, but they took me to their camp. They grabbed us by both arms, took us to a car and put us in. It was a sedan car. They took us to their camp, somewhere near Insein. It was a big camp, an army camp. . . . We were tied together with a rope. We were kept tied up for two days, so that we couldn’t run away. In the camp they had a little building in front of a pagoda. People use it to rest. We were kept tied up there. No one talked to us, just a few words when they brought us food. After two days at that camp they sent us to the new recruits’ place not very far away.⁶⁸

Some children and adults are initially taken by the army for forced labor, then essentially sold into military service by the soldiers or officers. Salaing Toe Aung was a sixteen-year-old Tenth Standard high school student when he traveled from Chin State to Rakhine State in August 2001 to buy some clothing and books. When he got off the boat in Kyaukto town he and two others were stopped by soldiers, “[t]hree or four of them, all wearing uniforms. Two privates and one corporal. They said ‘Come with us.’ I told them, ‘I’m a student. I came here to buy schoolbooks.’ They said, ‘It doesn’t matter if you’re a student or not.’ They didn’t say why, they just took us to carry loads

⁶⁷ Human Rights Watch interview with Than Aung, Thailand, May 2002.

⁶⁸ Human Rights Watch interview with Myo Aung, Thailand, March 2002.

from the port. I don't know what was in them, they were covered with rice sacks. I also saw some older men carrying. I started carrying at 10 a.m. and we arrived at two or three in the afternoon. We took the loads to a temporary army camp along the road. When we arrived there, a sergeant said 'I will take you to the Su Saun Yay.' Then he took us from the camp to the Su Saun Yay in Sittwe."⁶⁹

Sai Seng was also sixteen in 2001 when he was taken from his fields in the hills of Shan State:

In June 2001 I went to clear my hill field. I was cutting bamboo. Four SPDC soldiers heard me cutting bamboo and came up to me, touched me with a gun and ordered me to go back down with them. When we reached the bottom of the field I saw a lot of soldiers, and fifteen or twenty porters. Along the way after that they captured everyone they saw, until there were thirty porters. We had to carry rice and weapons for over one week. After two weeks we arrived at their camp. At that time I was sixteen, and among the thirty porters there were five young people like me—the other four were younger than me. The others who were older were released before we reached their camp. They only kept the five of us. Their camp is outside Laikha town, it is LIB [light infantry battalion] 525. They kept us there for two days. I asked their permission to go home, but they wouldn't allow me. When I first arrived there a sergeant told me, "Younger brother, just stay here for one day. If you don't want to join the army I'll send you home tomorrow." After that they called me to the office and Captain Htun Htun⁷⁰ told me, "It's good to join the army. You will be very joyful if you join the army. You will get a salary." Then I told him that I didn't want to join the army, and that I already have a job. Then he slapped my face and told me, "Don't say anything anymore about not wanting to join the army. If you say that again we'll hurt you again." Then they sent the five of us directly to Taunggyi Su Saun Yay. We had to stay there for over one week. We couldn't go outside the Su Saun Yay fence. There were nineteen of us. Some were younger than me and

⁶⁹ Human Rights Watch interview with Salaing Toe Aung, Thailand, March 2002.

⁷⁰ This is the Captain's real name; he should not be confused with the former child soldier interviewed by Human Rights Watch who is referred to by the pseudonym Htun Htun in this report.

some were older, but only one or two years older. Then all nineteen of us were sent to Mandalay Su Saun Yay.⁷¹

As a Shan living near an area of armed conflict in southern Shan State, Sai Seng was an unlikely recruit. In areas where it is fighting ethnicity-based resistance groups such as the Shan State Army, Karenni Army and Karen National Liberation Army, the Burma army rarely recruits people of that ethnicity. In urban and rural areas away from any armed conflict, however, the army generally takes whomever it can get. Most of the recruits are Burman Buddhists, but even the small number of Tatmadaw soldiers interviewed by Human Rights Watch included a Karen, a Shan, a Chin, a Rakhine, and a Burmese Muslim.

Of all those interviewed by Human Rights Watch, Kyaw Nyunt’s “recruitment” period—from arrest until entering the army—was the longest, lasting nearly three years:

I was arrested when I was ten years old. In my village on my way to school, three people arrested me. They looked like villagers. They had no uniforms. They were thirty or forty. They asked, “Do you want to join the army?” “I’m too young.” “You must join.” Then they hit me and took me to a detention place. They came there every day or two and told me to join the army, and if I refused they hit me. The detention place was a room with other people, and bars. The other two or three in the room were about eighteen, but there were other rooms with about one hundred people, five or six in each room. There were many rooms. When I left the place I could see. The rooms had bars.

The cells were located inside an army camp at Bassein town, ninety minutes’ trip from his village. Kyaw Nyunt was kept in this place “about three years, but sometimes I had to go and work as a servant in the officers’ houses. But I spent one or two years in the room with the bars. I went back and forth between detention and the work in the officers’ houses. There were many officers, not just one. RSI [radio signals intelligence], CQ [chief quartermaster], some are sergeants and warrant officers.” Each shift of work at an officer’s house lasted ten to fifteen days, “carrying water, cutting firewood, clearing grass and scrub.” He received no money, but some of the officers’ families were

⁷¹ Interview with Sai Seng submitted to Human Rights Watch by Karen Human Rights Group, Karen State, Burma, March 2002.

kinder than others and gave him fifty or sixty kyat⁷² for pocket money. He didn't try to run away because "it's like an army camp, and the houses were inside the camp. There were many soldiers around. Some others who tried to run were caught and arrested. Then they were beaten, and never allowed out of the detention place after that. . . . When I first arrived they asked me about two times each day if I'd join the army, and after that about twice a month. Every time I said no, but they hit me many many times until finally I said yes. They were in army uniforms, NCOs. I had many bruises all over my body, so finally I said yes. When I was nearly fourteen I was taken by a captain to a training place."⁷³

Ye Nyunt: The "Brave Sprouts"

They sent me to a special place in their army camp called Ye Nyunt. At the IB 54 camp there are a hundred Ye Nyunt boys, aged from four up to sixteen. They gather boys who are orphans and care for them in the camp. They sent some to the school they have there.

—Myo Chit, recruited at age twelve⁷⁴

Another source of recruits to the army is the Ye Nyunt system, which directly translates as "Brave Sprouts." Often referred to as a youth organization, in reality Ye Nyunt is a network of camps for orphans and other boys run by the army. Details on the origins and structure of Ye Nyunt are difficult to obtain, but it appears to have existed for at least twenty years. It began at least in part because there were no adequate government facilities to care for children orphaned or separated from their families by poverty or the civil war. According to a Burmese human rights educator who grew up in a Burma army camp because his father was a soldier, "Any battalion commander could set up a Ye Nyunt in his camp. Before 1988 many battalions had them. The troops in the front line often brought back poor or orphaned children and they could study there, then afterwards they could become a teacher or a nurse. In Mingaladon township of Rangoon they had a big school called 'Ye Nyunt High School.' Those who passed there could go to the Defense Services Academy [for officer training]."⁷⁵ Most battalions have a battalion school at their headquarters which

⁷² About six or seven U.S. cents at present market exchange rate; in Burma this is about one third of a daily wage for a day laborer.

⁷³ Human Rights Watch interview with Kyaw Nyunt, Thailand, March 2002.

⁷⁴ Human Rights Watch interview with Myo Chit, Thailand, March 2002.

⁷⁵ Human Rights Watch interview with independent Burmese human rights researcher, Thailand, April 2002.

is run by the Ministry of Education for the soldiers' families, but the Ye Nyunt camps are run directly by the battalion.

After 1988 things changed, and the Ye Nyunt camps gradually assumed a role as preliminary training camps for future soldiers. In 1993 families in Chin State reportedly began complaining that the SLORC authorities were encouraging them to enroll their sons in Ye Nyunt for higher education, only to later find out that the boys had been forced into the army.⁷⁶ It appears that now street children and other boys who are rounded up for recruitment but are too small to be soldiers are sometimes sent to a Ye Nyunt camp to be held and trained until they are large enough to be enlisted in the army. According to Myo Chit, who spent three months as a Ye Nyunt boy in 1998, “About seventy had been forced in, and about thirty were there of their own will. Of those thirty, some wanted to be Ye Nyunt and some wanted to join the army but were too young, so they were kept with the Ye Nyunt. They’d had many family problems, so they approached some soldiers and were sent there. . . . The youngest was four years old, his name was Ah Ka Bo. He was Karen. He was there because both of his parents were dead. About 80 or 90 percent were orphans, but most of them had only lost one parent.”⁷⁷ Myo Chit himself was not an orphan nor was he willing to join the Ye Nyunt. In 1998, when he was twelve years old,

I was trying to go and visit my brother in Tha Zi. I was with my aunt and my cousin, and when the train stopped and we got off I got lost in the crowd and couldn't find them. I was looking for my aunt, and three soldiers without uniforms asked me, “Where are you from? Where are you going?” I told them, and said I was looking for my aunt. “Where's your ID card?” I told them I didn't have it. Then they said they're with intelligence and I must go with them. They had a paper that lets them go to any battalion, so that night they took me to the camp of Battalion #235 in Tha Zi. I had to stay with them, and early the next morning at about four o'clock they took me by train to Loikaw. On the train they said “You must join the army. You are lost, so you must follow us and join the army. You have no ID card and no papers, so the only way is to join the army. If you try to escape or refuse to join we'll use these.” And they showed me some handcuffs. There were only the three

⁷⁶ See for example Karen Human Rights Group, *The Situation in Northwestern Burma* (Thailand, 1996: KHRG), p. 21; Karen Human Rights Group, *Interviews on the School Situation* (Thailand, 1996: KHRG), p. 2; and related reports by the Chin Human Rights Organization.

⁷⁷ Human Rights Watch interview with Myo Chit, Thailand, March 2002.

soldiers and me, but along the way at Panglong station they got two more recruits who were about fourteen and sixteen. Some other intelligence men were waiting there on the station platform and they handed those two boys over to the three soldiers I was with.⁷⁸

The intelligence men then took the three boys to Loikaw in Kayah State, where they handed them over to Infantry Battalion 54. Enclosed within the battalion camp was a Ye Nyunt camp. “The [Ye Nyunt] compound was about three acres. Only on Saturdays and Sundays could we go outside the Ye Nyunt compound into the IB 54 camp, but we had no permission to leave the battalion camp.”⁷⁹ Myo Chit was immediately given a uniform “like a Burmese soldier’s uniform but with a different badge. Green shirt, green trousers, and Chinese canvas boots. The badge was yellow with no picture, just writing: ‘Ye Nyunt #1.’ All wore uniforms, they had uniforms in all sizes.” He fell in with the routine of the camp:

We had to wake up early at 5 a.m. and make our beds. At six we had food, rice porridge. At seven we shared duties: some had to clean the compound, some had to plant trees or water the plants for an hour. Then we took a bath, changed clothes and went to school. Some didn’t have to go to school because they were late for the start of the school year. I didn’t go to the school there because I was late. About seventy went to school, the others tended pigs, cattle etc. I was in that camp for three months. For one and a half months I tended livestock, and I worked as a cook for the Ye Nyunt. I worked for eight hours. There were many jobs and *loh ah pay* [forced labor], like clearing scrub, fencing, planting and watering.

The Ye Nyunt boys went to school out in the battalion camp together with the children of the battalion soldiers and officers, “but the Ye Nyunt boys were treated differently. The Ye Nyunt boys could only go during school hours, but the other children could get teaching overtime. Some of the teachers were living on the base, and some came from town.” Though only some of the boys could go to school, no one was exempt from military training: “On Saturdays and Sundays we got military training, all the Ye Nyunt boys. Marching, following orders, and stripping, cleaning and maintaining weapons —G2, G3, G4, and Chinese 52 [assault rifles and machine guns], but without bullets.” As for the

⁷⁸ Ibid.

⁷⁹ Ibid.

youngest, a four-year-old boy, “he didn’t have to join the training, but he had to sit and watch. There were four who had to sit and watch: the youngest was four, one was between four and five, one was five, and the other was about six. The youngest who participated was about seven. He trained without a gun but he had to do the marching and drills. Once someone is nine they can carry the G2 [assault rifle], because it’s a bit shorter. I had a G3. It was heavy.” He says they had to march with their guns on their shoulders, and if they got too tired to carry it they were punished: “Diving to the ground, jumping like a frog. I had to do that three or four times. Every day one or two were beaten.” Military training was not the only time the boys were beaten. “Two or three times a day boys were beaten for other reasons. I was beaten many times. Sometimes they used a stick but usually they punched us. The soldier would hit us once, but more than once if he was angry.”

His Ye Nyunt unit had about one hundred boys aged four to sixteen, supervised by two Burma army sergeants and a warrant officer and “formed like a military company with a company commander and lieutenants, etc., who were Ye Nyunt boys. They were boys who had been there longer. . . . One boy had been there for ten years, because his brain was damaged [mentally handicapped]. He was about twenty-five years old. His name is Maung Lone. Apart from him, most join at about thirteen or fourteen, go to school and then have to join the army when they reach eighteen. . . . They have no choice but to go into the army.”

Neither the mentally handicapped man nor the youngest boys were given any special treatment or contact with civilian society. Even for the four-year-old Ah Ka Bo, “it was just the Ye Nyunt section leaders who took care of him. We slept in a long barracks with just a bed and blanket, no mosquito net. He just had a bed like the rest of us.” They ate rice with servings of fish or meat weighed out on a scale, and often went to bed hungry. “I often missed home and I cried often. So did the other boys. Among ourselves we comforted each other, but if the older soldiers saw this they sometimes beat us. I was beaten for crying two times myself. I saw boys beaten for crying about once a week. The youngest boy I saw beaten for crying was eight years old.” Myo Chit had no contact with his family “because they didn’t allow it. I was worried, so I asked permission to contact them and they said, ‘If you contact your parents you’ll leave the army or run away.’” Living in a fenced camp within an army base, running away must have appeared impossible, but some tried when they were taken outside the gates to do forced labor for the battalion:

We wanted to run away but it wasn’t easy. We talked about it three or four times. Three ran away, but one was caught. He had to dive face

down on the ground, then every Ye Nyunt boy had to beat him one time. Some had pity on him and didn't hit him very hard, so the supervisor said "I'll show you how" and hit him once, and then said, "Go and hit him once like that." Most of the hits were on his legs, with a bamboo about this big [two inches in diameter]. The boy was about sixteen. After the beating he was in bad shape, he was crying and couldn't stand up. He wasn't bleeding, but he was swollen and his skin was bruised gray and brown. He was sent to the clinic for three or four days before coming back. After the clinic he still had bruises on his legs.

Boys in the Ye Nyunt system are given no choice but to enlist in the army, and are generally forced to do so as soon as they are physically strong enough for the duties of a soldier. Though Myo Chit says that "if you're a good student you're allowed to go to school until you're eighteen," his story implies that most boys are forced into the army earlier than that and this is supported by his statement that none of the one hundred boys in his Ye Nyunt unit were older than sixteen. He says that after he had been in the Ye Nyunt camp for about two months the sergeant spoke to the boys one by one and filled out forms with their personal details. When he gave his date of birth,

They wrote the correct day and month but changed the year. I was born in '88, but he wrote '84. I saw it exactly. Sgt. Aung Kyaw Zaw asked my age. I said twelve. He said, "If you want to go to school you can. If you want to join the army you can join, your body is big enough." I said I wouldn't go to school, I'd join the army. It was because I wasn't happy in Ye Nyunt, the food was bad and sometimes I was beaten, so I thought life might be better in the army. About two weeks after he filled out the forms, twelve of us from the Ye Nyunt were sent for training. Once I was in the army training I realized I'd made a mistake and should have chosen school.

Even though he had chosen the army, "[n]one of us really knew they were sending us to training, I just thought so because they'd shaved the hair off of all of us before we left. The sergeant gathered the twelve of us and said 'Go with this truck.' We thought it was *pa take* [forced labor] for the battalion, but suddenly we were in another military compound, then we were sent to Loikaw station and from there to Mandalay #2 Su Saun Yay [recruit holding camp]." Of the group of twelve, he says that three were sixteen years old, five or six were fifteen, two or three were fourteen, and he was the youngest at twelve.

When he later arrived at military training, Myo Chit began meeting other Ye Nyunt boys. Of the 250 recruits in his training company, “[t]wenty-nine of the trainees were from Ye Nyunt. I asked them and many said they’d been in Ye Nyunt for many years before coming. Those from Ye Nyunt always had to go ahead of the others to demonstrate things.” The army trainers looked on the Ye Nyunt boys as model recruits, trained to be soldiers from early childhood.

The boys in Myo Chit’s training company came from Ye Nyunt camps at Infantry Battalion #54 in Loikaw, Infantry Battalion #64 based at Land Chan in Shan State, and Infantry Battalion #84 based at Hswar in Chin State. Others interviewed by Human Rights Watch spoke of Ye Nyunt units at Light Infantry Battalion (LIB) #314 in Kengtung, Shan State, with over 200 boys; LIB #316 at Tar Lay, near Tachilek in southeastern Shan State, with about eighty boys; Infantry Battalion (IB) #43 at Murng Paeng in Shan State, with about 200 boys; IB #49 at Murng Hsat in Shan State, also with about 200 boys; and at an unnamed battalion near Taunggyi.⁸⁰ According to a representative of a local relief and human rights organization who works with displaced populations in southern Shan State,

The Burmese army has a unit in Kengtung, Battalion 314, and they take children in that area. First they looked for orphans, but then they also took boys who have parents. They said they’d teach them but they put them in Ye Nyunt, and once they’re about twelve they put them in the army. They keep them in their camp. They have Lahu, Akha, Shan and Palaung boys, more than 200 altogether. . . . About thirty new boys are taken into each Ye Nyunt each year. They take ages four and up. No girls are taken. The camps are closed and they can’t go out except with the group. Then they cannot leave, they must join the army. Their parents don’t know they’ll end up in the army, but if the parents try to go and see their sons the army moves them to another camp. . . . Last year there was an order to the five districts in Kengtung area that they need 5,000 new recruits so they must get ten people from each village tract. . . . [army officers] go to the parents of poor families and say, “We’ll send your sons to a good school.” Then they go to the village tract head and say they need ten boys, and if he doesn’t give them they’ll take serious action. . . . Some boys have been in the Ye Nyunt camps for over ten years. They began the program at least ten or

⁸⁰ From Human Rights Watch interviews with a representative of a local relief and human rights organization working in southern Shan State (Thailand, March 2002), and with former Tatmadaw soldier Htun Htun (Shan State, Burma, March 2002).

twenty years ago but not as heavily as now, now it is much worse than before.⁸¹

Most of the Ye Nyunt camps mentioned above are in southern Shan State, but the limited evidence available implies that there are similar camps at many army bases nationwide. When Myo Chit went from his Ye Nyunt camp in Loikaw to military training, he says he began meeting boys from Ye Nyunt camps in other states. He also told Human Rights Watch that since his desertion he has met other Ye Nyunt boys who also deserted, some of whom are now with the All-Burma Students' Democratic Front, an armed opposition group.⁸² His account and those of others interviewed by Human Rights Watch⁸³ referred to Ye Nyunt camps in Shan, Kayah, and Chin states, and Rangoon and Tenasserim divisions. Though many people say they have heard of Ye Nyunt, very few know the details; like many things in Burma, the entire program is shrouded in army secrecy. As one former soldier remarked, "They're all over the place in Burma, but I've never been to one. There's one at Taunggyi."⁸⁴ After Myo Chit finished his military training, all twelve boys from his Ye Nyunt camp were posted back to Infantry Battalion #54 in Loikaw as soldiers, indicating that each battalion essentially "owns" its Ye Nyunt boys—which provides a direct incentive for battalions to catch as many boys as they can.

The SPDC responded to a query by Human Rights Watch by stating that the Ye Nyunt "was an educational training program carried out in some military bases. It is definitely not a military training program for training child soldiers. This educational training program is a program for children who are poor and are without one or both parents. It is important to note that this educational training program has been discontinued since the year 2000. Children under this program were transferred to Nationalities Youth Development Training School (NYDTS) under the Ministry of Progress of Border Areas and National Races and Development Affairs."⁸⁵ Neither Myo Chit, who is still in contact with

⁸¹ Human Rights Watch interview with a local relief and human rights organization representative, northern Thailand, March 2002.

⁸² Human Rights Watch interview with Myo Chit, Thailand, March 2002.

⁸³ Human Rights Watch interviews with human rights researchers from Shan State, Rangoon Division, and Mon State, interviewed in Thailand, March-May 2002.

⁸⁴ Human Rights Watch interview with Htun Htun, Shan State, Burma, March 2002.

⁸⁵ Extract from letter to Human Rights Watch from the Permanent Mission of the Union of Myanmar to the United Nations, New York, July 17, 2002. In regard to the Nationalities Youth Development Training School, the statement quoted above continues, "There are in total 17 schools and approximately 600 children enrolled under this programme. They receive free education up to high school. No military training has been

some other former Ye Nyunt boys, nor any other interviewee who knew of the Ye Nyunt system, gave any indication that the program is now supposed to have ended, and Human Rights Watch has had no opportunity to confirm this claim by the SPDC.

The Su Saun Yay Recruit Holding Camps

All seven of us were sent to a room, and there were about seventy boys there. It was like a barracks, like a lockup. There was a guard outside. The next day we went to work making bricks. Each day they sent three people to work there, and I had to go. The others went to work elsewhere. I heard from someone “we have to wait until there are 240 people here [in their barracks].” I think there are four or five barracks like that. Every day there were fifteen or twenty more people in my barracks. It was a long barracks with a cement walkway down the middle and wooden sleeping platforms along both sides. We slept on the wooden floor along the sides. It could fit 240, but it was crowded. There was just one clay pot for our toilet, and in the morning we had to empty it. We had no mosquito nets, so we got bitten by mosquitoes and some got sick and died. Two died, I think it was malaria. Their names were Aung Htun Lay and Zaw Htun. Zaw Htun was eleven, and I think Aung Htun Lay was nine. He was very young, he only came up to my chest. They were sent to the clinic for treatment but they died there.

— Soe Naing, describing the barracks at Mingaladon Su Saun Yay⁸⁶

“*Su Saun Yay*” literally means a gathering or collecting place. This is where the army holds new recruits and assembles them into groups to be sent on to the military training schools. There are two types of recruit holding camps. Firstly, there are two central Su Saun Yay camps at Mingaladon (just outside Rangoon) and at Nan Dway in Mandalay, which nearly every new recruit in Burma is channeled through on his way to military training; and secondly, there are small Su Saun Yay enclosures at many army bases throughout Burma which act as “feeders” to the two main Su Saun Yay camps. When a new recruit is captured at a checkpoint or on the street, he is usually taken and detained at the local army post, police station or recruiting office where his recruiters are based.

provided. After graduating from high school they have the option of joining Nationalities Youth Resources Development Degree College in Yangon and Mandalay to obtain their educational degrees.”

⁸⁶ Human Rights Watch interview with Soe Naing, Thailand, May 2002.

From here he is quickly sent on, either to the nearest Su Saun Yay, usually at a local army base, or to one of the two central Su Saun Yay.

Two of those interviewed by Human Rights Watch were captured in Kyaukto town of Rakhine State in August 2001 and sent to a Su Saun Yay inside an army base at Sittwe, the state capital. They described it as a group of small concrete houses inside the army camp compound, where they were held under guard together with over twenty other recruits. Each day they were forced to work cutting grass and chopping firewood. After about two weeks, all of the new recruits were taken on a passenger boat under guard and sent to the central Su Saun Yay at Mingaladon.⁸⁷

Moe Shwe was captured at a festival in Pyi town when he was thirteen and sent directly to a Su Saun Yay inside the local base of Light Infantry Division #66. “They sent us to the #66 [LID] Su Saun Yay in Prome [Pyi]. When we arrived they filled out forms and we signed them. They asked my age. I said ‘I’m thirteen,’ but they said ‘You must say eighteen.’ They threatened us that if we didn’t we’d be beaten or shot. If you’re not eighteen you can’t be a soldier, so we had to write eighteen. Even the high ranking officers know we’re not eighteen, but they accept us anyway. I saw eighteen written on my form.”⁸⁸ He and fourteen or fifteen other recruits were held there for fourteen days, ten of which were spent doing forced labor cleaning out the army base sewage drains, a task he described as “terrible.” After that was done, all of the recruits were sent on to Mingaladon Su Saun Yay.

Every recruit has his registration papers filled out for him at some point in the recruitment process, and most of them have experiences similar to that related above by Moe Shwe. Most of the interviewees say that their forms were filled out at Mingaladon or Mandalay Su Saun Yay, but some were registered at local feeder Su Saun Yay camps, the army outpost where they were first caught, or not until they were sent to military training. Regardless of where the forms are filled in, the officers and NCOs usually insist on recording the age of child recruits as eighteen. When Aung Htun first arrived at Mingaladon Su Saun Yay in 1999, “[t]he sergeant filled out the form and then we had to sign it. He said, ‘If you’re under sixteen you can’t join the army, so you must say you’re twenty.’ I said ‘I’m sixteen’ and I said I wanted to put my real age, but the sergeant said, ‘You can’t.’ I said, ‘Then maybe I won’t join the army,’ but he said, ‘You have no choice. You promised to join the army so you must join.’ Then he made me sign. He’d written twenty as my age on the form.”⁸⁹ Zaw Moe also gave his

⁸⁷ Human Rights Watch interviews with Salaing Toe Aung and Tin Maung, Thailand, March 2002.

⁸⁸ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

⁸⁹ Human Rights Watch interview with Aung Htun, Thailand, March 2002.

real age, which was fifteen, “but they wrote down eighteen. I saw it, and the officer said to me, ‘Your age is eighteen.’” He says he did not protest because “[i]t’s very hard to say anything to an officer.”⁹⁰ When sixteen-year-old Myo Aung stated his real age at the army camp where he was first detained, “[t]hey said, ‘No, you must say eighteen.’ I didn’t agree, but they wrote it down themselves and made me sign it. The corporal told me it was because if our age is under eighteen they wouldn’t be able to send us to the new recruits’ place.”⁹¹ A few hours after arriving at Mingaladon Su Saun Yay, the NCOs registered Khin Maung Than: “They asked my age. I said I was eleven, and they said, ‘Don’t say eleven. If anyone asks you must say eighteen.’ Then I had to put my thumbprint on a form. They’d used a typewriter. It said Name, Date of Birth, Date of Joining Army. They typed it using English numerals and I can’t read well, so I couldn’t read it.”⁹²

Some of the interviewees were threatened on their way to the Su Saun Yay that they must state their age as eighteen or they would be beaten, and were frightened enough that they did as they were told. When Than Aung was registered at an army camp in Bassein, “They asked my parents’ names, my name, address, and if I wanted to join the army. I said ‘I don’t want to join.’ I don’t know who was standing behind me, but suddenly he hit me. They didn’t ask again. When he asked my age I said fourteen, but he wrote down sixteen. . . . They changed my age from fourteen to sixteen and then put me with the others.”⁹³ Boys who are registered at local army camps or later at military training sometimes see their true ages written down, or have their ages adjusted upward to sixteen or seventeen rather than eighteen. These forms may be altered later in the recruitment files, because it appears to be the recruiting officers at the Su Saun Yay camps who most consistently register the age of every recruit as eighteen or above. In bureaucratic fashion, these officers are probably just protecting themselves and trying to keep the records clean, because they know that the official rules state that recruits must be at least eighteen years old. The accounts given by those interviewed, however, show that the officers and NCOs are fully cognizant that they are enlisting children. When Htun Htun lined up to be registered at Mandalay Su Saun Yay,

They asked my parents’ names. I told them I was thirteen. Then he said, “Do you agree, do you really want to join?” I said, “I don’t want to join, but I have to join.” He asked if I’d ever been to school. I said,

⁹⁰ Human Rights Watch interview with Zaw Moe, Thailand, March 2002.

⁹¹ Human Rights Watch interview with Myo Aung, Thailand, March 2002.

⁹² Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

⁹³ Human Rights Watch interview with Than Aung, Thailand, March 2002.

“Yes, I’ve been to school.” Then he asked, “Who brought you here?” I said, “The soldiers arrested me.” Then the one asking the questions said “I’m sorry, I cannot help you because there are others above me.” He wrote my age as eighteen. When I looked at the paper he’d changed my age to eighteen.⁹⁴

Volunteers, recruits captured by the police, boys from the Ye Nyunt camps, recaptured deserters, recruits from the “feeder” Su Saun Yay camps—the interviews and evidence gathered by Human Rights Watch indicates that nearly all of them eventually pass through the central Su Saun Yay camps at Mingaladon or Mandalay. These are large camps inside even larger army bases. Khin Maung Than described Mingaladon as follows: “The Su Saun Yay is a military compound with six barracks, each very big and long. There are about 200 boys in each. It’s inside an army camp.”⁹⁵ Another boy who had been there said he saw nine large barracks, though most placed the number at six. A third boy described “two big buildings. In each building there are four big rooms, two downstairs and two upstairs, with about 200 in each room. At night it was under guard, about thirty guards. We weren’t soldiers yet, so the older soldiers guarded us. There were about 300 or 400 in our building, maybe 800 altogether in the camp.”⁹⁶ Recruits are largely confined to their part of the camp so their descriptions vary, and the barracks may have undergone renovations over the years. The barracks are arranged around a central space, where there is a detention block for punishing troublesome recruits and those who try to escape. The Su Saun Yay at Mandalay is laid out similarly, with four long barracks each capable of holding at least 200 recruits. Most former soldiers say that they spent five to ten days at Mingaladon or seven to fourteen days at Mandalay Su Saun Yay before being shipped out for training. The number of boys and men at the Su Saun Yay varies widely as new recruits arrive and others are shipped out, but most estimated that there are usually 500 to 1,000 new recruits at Mingaladon and 300 to 500 at Mandalay. Myo Aung spent ten days at Mingaladon in 1998 and says, “I saw other recruits arrive almost every day. About 5,000 arrived while I was there. All the recruits from all the states and divisions are sent to Mingaladon. Every day people left for the training schools. Some stay a month, some just a few days.”⁹⁷

Some arrive at the Su Saun Yay not even knowing yet that they are being recruited to the army. Fourteen-year-old Hla Thein got a rude awakening: “We

⁹⁴ Human Rights Watch interview with Htun Htun, Shan State, Burma, March 2002.

⁹⁵ Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

⁹⁶ Human Rights Watch interview with Tin Maung, Thailand, March 2002.

⁹⁷ Human Rights Watch interview with Myo Aung, Thailand, March 2002.

didn't know yet that we would be soldiers. At about 9 a.m. we arrived at Mingaladon Su Saun Yay. When we arrived there we passed through many military checkpoints to get in, and then I saw many other recruits. I asked permission to smoke, and a soldier kicked me. One of our group from Bassein who was about twenty told us, 'Hey, you're going to be soldiers.' He had been a soldier and had been there before." Fresh off the truck after being jammed together with almost eighty others on the long journey from Bassein, they were promptly introduced to army discipline:

When we arrived they cut our hair first. Then the soldier who had brought us wrote our names and gave them to someone, and then they made us sit in rows on the floor: one row for Bassein, one row for Mandalay, one row for Rangoon, like that. From 10 a.m. until 5 p.m. we had to sit crosslegged, our hands on our knees, eyes straight forward. Over 200 of us. At noon we got up and got a plate, some rice and curry, and then had to sit again. The commanders gave some orders in the front, they sang some military songs and we had to repeat them. At about 6 p.m. we were allowed to go to the toilet, but we had to go naked. Then we went to sleep in the barracks.⁹⁸

Forcing boys to strip naked before they can go to the latrine is a common practice at Su Saun Yay camps and training centers, presumably to prevent them from attempting to escape.

When thirteen-year-old Htun Htun arrived at Mandalay Su Saun Yay he found many new recruits still being convinced to enlist:

I was there for fifteen days. They were asking children [to join the army] and beating them, they asked them one by one and then beat them with teak wood on the hips. That first day I saw 250 taken to be asked. We could see it. When they saw the others being beaten, some of the children got so afraid they panicked, they started crying and crying and calling for their parents. Myself, I was afraid and just wished I could be with my parents. The first day I was beaten seven times, and thirty times in my whole time there. Then I agreed to join, and they stopped beating me.⁹⁹

⁹⁸ Human Rights Watch interview with Hla Thein, Thailand, May 2002.

⁹⁹ Human Rights Watch interview with Htun Htun, Shan State, Burma, March 2002.

When sixteen-year-old Myo Aung arrived at Mingaladon, “they took us for a blood test by pricking my finger. There was also a medical checkup, when they tested our lungs and things like that. Then we were sent to join the group of new recruits who had arrived before us. More than 1,000 of them. They said they’d been arrested in the town, in the railway and bus stations, especially at night.”¹⁰⁰ While some recruits say they were given medical checks, it seems to be entirely skipped for others. It is possible that to expedite processing the large numbers of recruits, the medical papers are sometimes filled out without the medical checks being done. None of those interviewed had heard of anyone being rejected for medical reasons. One interviewee reported that at least one of the recruits in the detention block with him was epileptic, and that the guards knew about it but that he was not released. He went on to say that there are many epileptics in the Burma army, and they are only discharged if their seizures are particularly frequent or serious.

The barracks consist of long rooms, with a cement walkway down the middle and slightly raised wooden platforms along both sides. The recruits sleep side by side on the wooden floor, with no mosquito nets. When Salaing Toe Aung was at Mingaladon Su Saun Yay in 2001, “We slept in a barracks. There were about 200 or 300 in mine. We were under guard. The guard rotated, two soldiers at a time. There were two doors.”¹⁰¹ Though boys can go to the latrines during the day, if they need to use a toilet at night there is only one clay pot at the end of the barrack room for all of them, which they must empty every morning. Meals generally consist of poor quality rice with a watery yellow bean curry or vegetables, served in strictly limited quantities. Sein Kyi’s complaint is typical: “The food was terrible. We had mostly fried watergreens. We got meat once a week, but just a very small piece.”¹⁰²

During their time at the Su Saun Yay the recruits are not given military training nor are they paid, but they are forced to work. Many are forced to clean and maintain the camp, while others are forced to work on money-making ventures for the officers such as brick baking and fish farming. Myo Aung explained, “We had to carry bricks. Some worked in the fields or constructed buildings. We were divided into many groups to do different jobs. Some had been there for one or two months.”¹⁰³ Salaing Toe Aung was put to work as soon as he arrived at Mingaladon: “We were weeding grass from under the flowers and trees. It was hard work because we had to pull up the grass and weeds by hand. I was beaten twice because I wasn’t doing the job well enough.

¹⁰⁰ Human Rights Watch interview with Myo Aung, Thailand, March 2002.

¹⁰¹ Human Rights Watch interview with Salaing Toe Aung, Thailand, March 2002.

¹⁰² Human Rights Watch interview with Sein Kyi, Thailand, March 2002.

¹⁰³ Human Rights Watch interview with Myo Aung, Thailand, March 2002.

The NCOs beat me. They hit me four or five times with a cane stick.”¹⁰⁴ Another sixteen-year-old recruit said that from the first day he arrived in 1999, “we had to make bricks. For more than one week. The officers sold them to companies. We got no money from that. We started working at about 5:30 a.m., stopped for lunch at twelve, then worked from one to five in the afternoon. If you refused you could be beaten or sent to jail. Some were beaten, maybe twenty or thirty boys altogether. Two or three were beaten each day. We were beaten with sticks. The sergeants ordered it, and the corporals or lance corporals did the beating. There were twenty of them. We were beaten on the hips and the back, usually five times. If they were angry they beat you on the head.”¹⁰⁵ Moe Shwe was only thirteen years old and says he was working in a crew with other boys aged twelve and thirteen: “They made us dig, cut the grass around some houses, grow vegetables and work at the rations storehouse. There were many kinds of work. We didn’t have time to rest. If there was any pay for that, it was kept by the senior officers.”¹⁰⁶ Already forced to clear the sewage drains at the #66 Infantry Division Su Saun Yay in Pyi, he was now forced to do it again in Mingaladon. Htun Htun recounted that at Mandalay Su Saun Yay: “[t]hey had a plantation there and I had to work digging holes. They forced the children there to work digging holes, and then just gave us rice with uncooked fishpaste. We were also raising fish, digging fishponds, and feeding the fish.”¹⁰⁷

Officers at Mingaladon Su Saun Yay also make money by hiring out the new recruits to local businesses, according to Hla Thein: “They divided us up. Some had to clean the compound, some had to work on the businesses the officers were running in the compound. Some businessmen call their day laborers from the Su Saun Yay, especially the biscuit factories. Some of my friends had to go and work there. I think they were fed there but they didn’t get any money. Maybe the soldiers got the money.”¹⁰⁸

Parents are never notified that their sons have been taken to the Su Saun Yay, and the boys in the camp are not allowed to write letters or contact the outside world. Some parents, however, know enough about the army’s recruitment practices to guess where their sons are and come looking for them. When Than Aung was in the Su Saun Yay, “I saw some parents arrive at Mingaladon and talk to the officers. They gave them some money and then took their son from the Su Saun Yay. I don’t know how much it was, but I could see that it was a lot of money. My parents didn’t know where I was. Once when I

¹⁰⁴ Human Rights Watch interview with Salaing Toe Aung, Thailand, March 2002.

¹⁰⁵ Human Rights Watch interview with Aung Htun, Thailand, March 2002.

¹⁰⁶ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

¹⁰⁷ Human Rights Watch interview with Htun Htun, Shan State, Burma, March 2002.

¹⁰⁸ Human Rights Watch interview with Hla Thein, Thailand, May 2002.

was out of the lockup [the detention block] in the Su Saun Yay I saw a newspaper. I think it was the *Myanma Alin*. In it I saw an ad that my parents had placed with my photo, saying that they had lost their son. But the next day the soldiers had taken away all the newspapers.”¹⁰⁹ At Mandalay Su Saun Yay, “The parents can get their child back if they pay money. It is 50,000 kyat. I saw it in Mandalay.”¹¹⁰ This is not always allowed, though. After he ran away from home at age fourteen and enlisted, Thein Oo was at Mingaladon Su Saun Yay: “Two days after I arrived one of my brothers came. The soldiers came and told me, ‘Your brother has come to meet with you.’ Then they closed the door and wouldn’t give me a chance to meet him. I wanted to meet with him and said I wanted to see him, but the soldiers refused to let him see me. That made me feel sad. I think he would have paid money to take me back.”¹¹¹ He believes that his brother was not allowed to buy him back from the army because his papers had already been completed.

With their first taste of life in the Burma army many already decide to run away from the Su Saun Yay, but this is not easy. As one recruit noted, “We didn’t have a chance to talk because they were afraid we’d talk about running away. We tried to talk but they were always watching, and if they saw people talking they beat them.”¹¹² Another agreed about the difficulty of escaping: “Three or four escaped when they were working at the factories, but none escaped from the Su Saun Yay compound. Those who were caught were beaten in the face by the soldiers and then beaten in the back with bamboo sticks in front of all the recruits. I saw them do that to two boys. They were beaten very badly, until they couldn’t walk. Then they were sent to hospital.”¹¹³ Another interviewee said that while he was at Mingaladon two or three recruits ran away each day, but two-thirds of them were caught and put in the detention block: “They beat them and put them in there. They can’t go outside the fence. They can only go out to take a bath with a special guard. Even when they take a bath there are many guards there. The food is sent into them and the toilet is inside.”¹¹⁴ Escape from Mandalay Su Saun Yay appears to have been slightly easier, so “a lot of boys ran away. When we wanted to go to the toilet they made us strip naked so we couldn’t run, but some didn’t care and ran naked

¹⁰⁹ Human Rights Watch interview with Than Aung, Thailand, May 2002.

¹¹⁰ Human Rights Watch interview with Myo Chit, Thailand, March 2002. Fifty thousand kyat is U.S.\$58.82 at the present market rate of 850 kyat to the dollar, but in Burma this can be six months’ income for an average family.

¹¹¹ Human Rights Watch interview with Thein Oo, Thailand, March 2002.

¹¹² Ibid.

¹¹³ Human Rights Watch interview with Hla Thein, Thailand, May 2002.

¹¹⁴ Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

anyway. Many boys escaped but ten were caught. Sergeant Tin Ma beat them and said ‘You have to join the army.’”¹¹⁵

Thein Oo was the only one of those interviewed who had himself actually attempted to escape the Su Saun Yay. At the time he was fourteen years old, and though he had run away from home in 1998 to enlist in the army, by the time he had been at Mingaladon Su Saun Yay for five days he had already changed his mind:

One day I had duty to feed the fish in a fishpond. I don’t know whose fishpond it was. I suddenly felt homesick because I’d never been away so far or so long from my mother before, so I tried to run away. There were five of us working around the fishpond. I said to one of the youngest ones, “Let’s run away.” He said he couldn’t run fast so I should run alone. I ran, but then ten soldiers ran after me. I tried to hide in some bushes but they found me, grabbed me by my shirt and beat me badly, until blood was coming from my nose. Then they tied black wire around my neck and pulled me back to the Su Saun Yay. They took me to the 2^d lieutenant. I was beaten five times with a bamboo, then they put me in an enclosure. There were ten of us in a space this wide and this long [1.5 meters by three meters]. We couldn’t lay down. The walls were wooden planks with gaps between, like bars. There was barbed wire on top of the walls, and a roof.¹¹⁶

This building with the bars and the barbed wire is the Mingaladon Su Saun Yay detention block, which stands in the open space between the main barracks. He went on to describe his time there: “I was kept in there for eight days. Some of the others had tried to run, and some were caught planning to run or were caught talking and were suspected of wanting to run. They gave us food twice a day but it was very bad—sometimes we saw leeches in the vegetables. We could only go outside twice a day when they fed us, and that’s the only time we could go to the toilet. At night they gave us a plastic bag. The floor was wood with many bugs, and we had to sleep on the floor with no blanket or mosquito net.” Of the ten people sharing his detention cell, three were only fourteen years old.

The worst detention cells are reserved for those who try to run away, but some are sent directly to the detention block on their arrival at the Su Saun Yay, the only apparent reason being that they are not eager recruits. To discourage

¹¹⁵ Human Rights Watch interview with Htun Htun, Shan State, Burma, March 2002.

¹¹⁶ Human Rights Watch interview with Thein Oo, Thailand, March 2002.

them from attempting to escape some are kept naked for their entire time in the detention block, while others are forced to strip naked whenever they leave the cell to eat, as well as to visit the latrine. Fourteen-year-old Than Aung arrived at Mingaladon on an army truck with close to eighty other recruits from Bassein, most of them captured boys: “When we arrived the soldiers asked us, ‘Would you like to join the army or would you like to go home?’ Many of us said we’d like to go home. Then they took the thirty or forty of us who’d said that, stripped us naked, put us in the lockup and gave us just a tiny bit of rice. The others were sent to the barracks.”¹¹⁷ Sein Kyi had a similar experience: “When we arrived at Mingaladon Su Saun Yay there was a sergeant named Kya La Wah [“Tiger Paw”]. He slapped me, then sent me to the lockup in the Su Saun Yay. When I asked to go to the toilet they stripped me naked and sent me to the toilet. When I went for a meal they stripped me naked and I went to eat. It was a very small room but there were about forty people in there, both adults and children. . . . About twelve or thirteen of us were under fifteen. . . . In the group of forty there was one leader, and sometimes he beat the new arrivals. He asked many questions and sometimes they couldn’t answer so he beat them. He was also a recruit, not a soldier. He was the first who’d arrived there.”¹¹⁸

Conditions in the detention block are deplorable. Than Aung remembers his time there in 1997 clearly: “In the room we were all naked. There were about sixty of us in a room the same size as this one [four to five metres square]. There were two rooms like ours. We couldn’t sleep. There were also rats and ants in the room. The floor was wood. For a toilet they’d dug a hole in the ground and it had a wooden cover over it. The hole was about ten feet deep. There was a terrible smell. Some people smoked in the room, and if they were seen they were beaten. Also if people spoke too loudly, the guards came in and asked ‘Who was talking?’ then beat them. The food was terrible, there was very little rice and yellow beans with stones, it was very hard to eat.” Of the sixty people in his cell,

[h]alf were about my age [fourteen], the others were fifteen, sixteen and seventeen. I don’t think any were over eighteen. There were ten children who were just thirteen years old. The youngest was my friend who was eleven. He often cried because he didn’t get enough food, and then he was beaten by the guards. I also cried often because I didn’t want to join the army. I was beaten twice a day for crying. Kya La Wah [Sergeant “Tiger Paw”] beat my face. Some boys lost their teeth

¹¹⁷ Human Rights Watch interview with Than Aung, Thailand, May 2002.

¹¹⁸ Human Rights Watch interview with Sein Kyi, Thailand, May 2002.

when he hit them. . . . We didn't have enough food or sleep, no clothes, and there were mosquitos and ants. Two or three boys got sick and died. They were sent to hospital after they got sick in the room, and we heard later that they died there. They were thirteen, sixteen, and about eighteen. The youngest was Zaw Min Naing. I don't know where he was from, but I ate beside Zaw Min Naing once and asked his name.¹¹⁹

Once in the detention block a recruit is kept there until his number comes up to be sent to training, which usually takes five to ten days, though some who had been in the detention block said that they had met detainees who had been there as long as a full month (the latter may have been held back because they had committed a serious offence such as striking a guard). Suddenly they find themselves taken out of the detention block and put on trucks together with other recruits from the barracks, as described by Thein Oo: “After eight days an officer came and took me out of the jail. He gave me two dried fish and a packet of rice, and put me on one of the trucks with 119 others. We were sent to #4 Training Center in Panglong, in Shan State. We spent one night on the way.”¹²⁰

The recruits are sent from Mingaladon or Mandalay Su Saun Yay to training camps throughout Burma, usually in groups of approximately 250 (though the number is sometimes as low as 120 or as high as 300). When each new recruit arrives at the Su Saun Yay he is assigned a number, and when his group is full he goes with them, whether he is in the barracks or the detention block. When Soe Naing arrived at Mingaladon Su Saun Yay there were seventy others in his barracks; more arrived each day until “after I'd been there for seven days our room had about 240 people, so one soldier came in ringing a bell and a sergeant told us to gather our belongings. We took our belongings and had to sit crosslegged in groups of three. Then the sergeant told us to sign a paper. He didn't ask anything, just made us all write our names on a list and then he gave it to the soldier who was going to send us to the training. Then they told us to get on the truck.”¹²¹ At Mandalay Su Saun Yay “[i]t happens weekly. Sometimes they send 200 people each week, sometimes they send 250 people in a week. I was in the Su Saun Yay for three or four days, then 200 of us were sent to Monywa district in Sagaing Division, to A'Ya Daw Training School.”¹²² Another recruit who went through Mandalay Su Saun Yay said that some of the

¹¹⁹ Human Rights Watch interview with Than Aung, Thailand, May 2002.

¹²⁰ Human Rights Watch interview with Thein Oo, Thailand, March 2002.

¹²¹ Human Rights Watch interview with Soe Naing, Thailand, May 2002.

¹²² Interview with Sai Seng submitted to Human Rights Watch by the Karen Human Rights Group, Karen State, Burma, March 2002.

smallest boys there are held back for months before being sent to training, but this does not appear to be the case at Mingaladon.

Once recruits are shipped out from the central Su Saun Yay camps the trip to the training camp is usually by combination of army trucks and trains, and can take several days depending on the distance involved, stopping overnight at army bases along the way. Some former soldiers say that they were crowded into special train cars which were attached to the back of a regular passenger train, while one interviewee's group was actually put on a train among the passengers. Either way, there are many guards and escape is extremely difficult. On arrival at the training camp, the group remains together and forms one "training company."

Training

When we were attending the training there were some people who ran away. Why did they run away? Because they didn't want to be there from the beginning. The other reason is that we were very tired. Even when people were tired they beat them and forced them to work. . . . After a while the soldiers couldn't bear it anymore and they ran away. When people ran away, if they recaptured them we students had to beat them. There were 200 people in our group, and every one of us was ordered to hit him one time with a cane stick. If we said anything they hit us. The reason is for us to know that if we run away later we will get beaten like that too. After the beating, if he couldn't stand up anymore he was just left laying on the concrete like that. Sometimes they were unconscious. Then if they couldn't eat rice anymore, they were fed rice soup. They treated them with medicine, and then they cut [the cost of] that from all of our salaries. After all the cuts to our salaries we were left with only 600 or 700 kyat.

—Sai Seng, a sixteen-year-old Shan farmer who was taken as a porter in mid-2001 and then forced into the army¹²³

Information gathered by Human Rights Watch indicates that there are at least twenty-two basic military training camps in Burma, as well as two or more training camps for non-commissioned officers, three officer training schools,

¹²³ Ibid.

and several other specialized training schools.¹²⁴ Many infantry and light infantry battalions also give refresher courses, landmine courses and other secondary training at their battalion headquarters to soldiers already belonging to the battalion. This report will only look at the basic military training camps, because this is where most child soldiers and other new recruits are trained. A list of twenty-two of these camps, which are scattered throughout most of Burma, can be seen in Appendix A. Twelve of them are known as “divisional headquarters training camps” (DHTC) and an additional ten are “army training camps” (ATC), though the accounts of those trained there indicate that there is little or no difference between the two regarding the material taught or the treatment of trainees. Former soldiers interviewed by Human Rights Watch had been trained at army training camps #4 in Panglong, Shan State; #5 at Yay Ni, near Pyawbwe in Pegu Division; #7 at Taung Dwin Gyi, near Prome (Pyi) in Pegu Division; #9 at Thaton, Mon State; and #10 at Kalaymyo, Chin State; at divisional headquarters training camps #4 at Weh G’Li, Mon State, and #6 at Oke Twin, near Toungoo in Pegu Division; and training camps for which numbers were not available, including Taunggyi, Shan State; K’Tha Shwe Bo, Kachin State; A’Ya Daw, near Monywa in Sagaing Division; Mergui in Tenasserim Division; and Maymyo in Mandalay Division.

The duration of basic training is normally four and a half to five months. Some training camps only have one group in training at a time, while others can have as many as three or four going at once. The officers at the training camps teach some tactical theory but spend most of their time doing administrative work, while most of the training is supervised by NCOs. The recruits are kept in large barracks, and the training day usually starts at 6 a.m. with running and other physical training. Some interviewees say that they had to run with sandbags on their backs. After that the training day varies somewhat between camps, but the contents of the training are essentially the same. At most camps they practice marching in the morning, followed by theory and practical military tactics in the afternoon. As the training progresses, the use and maintenance of weapons occupies more of the training time. “In the morning they teach theoretical knowledge. In the afternoon we did practical training. They change it once a week. The first week they practice military parade. The second week they practice big and small weapons. Then the rest of the month they gather the subjects and teach them together. Military parade, small arms, large weapons, military tactics, deploying troops for battle. They only taught a little bit about

¹²⁴ A list compiled based on testimony of interviewees and human rights researchers is presented in Appendix A. For further information on soldier and officer training facilities see Andrew Selth, *Burma’s Armed Forces: Power Without Glory* (New York: Eastbridge, forthcoming), prepublication text provided by the author.

things like deploying troops.”¹²⁵ At another training camp, “[f]or two weeks we learned only military orders like ‘forward,’ ‘back,’ and ‘eyes forward.’ Then for two weeks we learned stripping and cleaning weapons. We spent a month learning to maintain the G3 [assault rifle]. After two months we went to the shooting range and learned how to shoot. The first time each soldier fired five rounds, and the second time we had to shoot twenty rounds. We trained for two weeks with the G3. Then we were trained to use the MA1, MA2, MA3 and MA4 [newer model assault rifles and machine guns].”¹²⁶

The training does not include political indoctrination, though in the evenings “[a]fter dinner we stood at attention in the field while the officers told us the rules, like ‘You can’t run away, if you run you’ll be punished.’ We had to sing many songs with words like ‘I won’t run, I’ll obey the rules, we suffer for Burma’ and so on. We had to sing them until 9 o’clock.”¹²⁷ Another trainee remembered the speeches every evening by the NCOs who supervised the training: “Things like be good in training, don’t run away, and if you want to run away then don’t do it from here, do it later from your battalion.”¹²⁸ All of those interviewed said that there was no mention of human rights or the Geneva Conventions during the training, though some were taught the Kyin Wut Chao Seh, or “Sixty Rules of Conduct” of a soldier. This includes “how to talk, how to behave, not to be at odds with civilians, to treat them as brothers and sisters, etc.,”¹²⁹ or as another recruit expressed it, to treat civilians “Like water, like the moon,”¹³⁰ meaning to be cool and kindhearted. When asked whether they learned about human rights, most of the former soldiers, however, responded similarly to Sai Seng: “No, they didn’t teach about that. They only taught military things. They didn’t encourage us to think about politics, they just said we must fight our enemies who are against the country.”¹³¹

At every training camp throughout Burma the trainees are treated brutally; even the slightest mistake may result in a beating. Aung Htun, who went through training when he was sixteen in 1999, recalls that “if we made a mistake or didn’t obey we were beaten. People were beaten every day. I was beaten about twenty times. I was beaten when I couldn’t follow the training instructions. I was beaten when I made mistakes in the gun training. If one

¹²⁵ Ibid.

¹²⁶ Human Rights Watch interview with Myo Chit, Thailand, March 2002.

¹²⁷ Human Rights Watch interview with Sein Myint, Thailand, March 2002.

¹²⁸ Human Rights Watch interview with Salaing Toe Aung, Thailand, March 2002.

¹²⁹ Human Rights Watch interview with Sein Kyi, Thailand, May 2002.

¹³⁰ Human Rights Watch interview with Myo Chit, Thailand, March 2002.

¹³¹ Interview with Sai Seng submitted to Human Rights Watch by Karen Human Rights Group, Karen State, Burma, March 2002.

member of a group made a mistake, the whole group could be beaten. I was beaten with two or three hits of a stick as thick as this table leg [one inch diameter] and this long [one armspan]. I didn't bleed but I was bruised, and the bruises lasted one or two weeks.”¹³² Other punishments for slight infractions include being forced to repeatedly dive face-first onto the ground from a standing position, leaping around like a frog for extended periods of time, or running up and down the hillsides carrying loads of bricks. Nyunt Swe was fourteen when he was trained: “Sometimes they beat people, and sometimes they punished them with very hard work. I was beaten many times, about twenty times in five months of training. Because I didn't understand their instructions. Punch, kick, hit with sticks, they beat us in many ways.”¹³³ Kyaw Nyunt was only thirteen but he was also beaten: “If you made a mistake you could be beaten, whether young or old. I was beaten about twenty times. We were punched and beaten with sticks. They usually ask the trainee to choose the stick. If you choose a small one they beat you harder. When I first arrived I cried when I was beaten.”¹³⁴

Most of those interviewed said that the youngest boys in their training group were only eleven or twelve years old, but that they had to do most or all of the training exercises. When one of the training exercises was carrying a log weighing more than thirty kilograms (sixty-four pounds), Aung Htun watched some twelve-year-old trainees being beaten while they struggled under the load. He commented that “the younger boys had many problems so they were beaten more often.”¹³⁵ Training with weapons is also difficult for the smallest boys. The G3 assault rifle and the G4 machine gun have been standard issue in the Burma army for decades, and they are about four feet long and extremely heavy and awkward. Though they are now gradually being superseded by the smaller and lighter MA series, much of the training is still done with the G3 and G4. One interviewee remarked that the youngest trainees struggled because “the G3 was as tall as they were,”¹³⁶ while another commented of the BA63 (another name for the Burmese-made G3), “I could carry it, but the length of the gun was as tall as me.”¹³⁷ When Thein Oo went through training he was only fourteen, but he was not the youngest: “The youngest were about twelve. There were five of them. They couldn't carry a weapon because it was too heavy for them.” When the twelve-year-olds dropped their weapons “they beat them. There were

¹³² Human Rights Watch interview with Aung Htun, Thailand, March 2002.

¹³³ Human Rights Watch interview with Nyunt Swe, Thailand, March 2002.

¹³⁴ Human Rights Watch interview with Kyaw Nyunt, Thailand, March 2002.

¹³⁵ Human Rights Watch interview with Aung Htun, Thailand, March 2002.

¹³⁶ Human Rights Watch interview with Than Aung, Thailand, May 2002.

¹³⁷ Human Rights Watch interview with Kyaw Nyunt, Thailand, May 2002.

often beatings, then they ordered them to carry two weapons. I dropped my weapon one time, and the trainer said ‘You are a soldier. Can’t you carry a weapon?’ Then he whipped me on the neck with the rope of his whistle. I was beaten about ten times during the training. In the first week all of us were beaten. They also yelled at us a lot every day.’¹³⁸ Sein Myint was twenty-three when he was trained but had to watch the abuse of boys as young as twelve as they struggled along: “Especially in the military training, everyone must do it. Sometimes the young boys couldn’t do it and just sat down on the spot, and the training commanders came along and beat them with sticks. I saw that happen almost every day. They were beaten with a bamboo about one meter long and one inch in diameter. . . . they were beaten more often [than the older boys]. They cried. The officers beat them, they cried, and then they were just left there like that. I was beaten two or three times myself.”¹³⁹

Khin Maung Than was only eleven years old when he went through training in 1999, so most of the exercises were a struggle for him. His testimony and several others show that the training officers and NCOs are fully aware that many of the trainees are under-age but choose to do nothing about it:

For example, when I was taking apart a weapon I was beaten. Once I couldn’t run as fast as the others because I was small, so I arrived late and was beaten. One time I was beaten for quarrelling with my friend. Sometimes they beat us in the face not so hard, but sometimes they used a stick and it was very painful. I was beaten many times but I wasn’t badly hurt, because whenever they beat me I cried and ran back to the barracks, and the company commander, the captain, told the trainers “do not beat this young one.” They treated me a little better than the others. I had to do the same things, but if I wasn’t strong enough the trainer nearest me would help me to carry the weapon or do whatever. One exercise had three of us carrying a log. They put me in the middle, and I was too short to reach it so the other two really carried it for me. When we had to carry a gun, the others had to carry it without using the strap but I always kept the strap over my shoulder. Sometimes I dropped it and they didn’t do anything to me, but if others dropped it they had to jump like a frog. The gun [a G3 assault rifle] was as tall as my shoulder.¹⁴⁰

¹³⁸ Human Rights Watch interview with Thein Oo, Thailand, March 2002.

¹³⁹ Human Rights Watch interview with Sein Myint, Thailand, March 2002.

¹⁴⁰ Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

Even the youngest boys are forced to learn to fire and maintain various weapons. For most training exercises the weapons are not loaded, but Than Aung told of a live fire exercise called “Chay Mone Yay” (literally “destroy” or “crush”) which he and other young boys were forced to go through when he was in training at age fourteen:

We called it “Chay Mone Yay,” fighting the enemy. We had to cross obstacles and crawl on the ground. We had to lay down because someone was shooting over our heads. Three trainees were killed by the shooting because they stood up. When it happened the trainers reported to the officers that those three had escaped. They dug graves in the forest and buried them there. They were my age. I don’t know their names because they were in other training companies, I just heard about it. Those three were shot, and two others died of sickness. One of them went to work carrying water for an officer and he got wet, later he got sick and died. His name was Thu Rein Htun, he was my age. The other one was from another company.¹⁴¹

In addition to the military training, most trainees must spend at least part of each day working for the camp officers. Usually this occurs for two or three hours late in the afternoon and all day on Saturdays and Sundays. Some of the work is for camp maintenance, but other work is for the profit of the officers. At some training camps the trainees spend as much time doing labor for the officers as they do learning to be soldiers. When Than Aung went through training in Thaton, “[w]e did only half a day of military training each day, then for the other half day we had to work at the officers’ houses, doing things like carrying water, gathering firewood and cleaning their houses. We had to go in the jungle and get wood. The mountain is very steep so it is very difficult. The youngest ones couldn’t do this work, so they were beaten by the soldiers.”¹⁴² Thein Oo says that on most days, “[w]e had to go to the fields and plant paddy, and carry firewood. We had to work in the fields owned by the training center. It’s not for the trainees. They sell it and the commanders get the money. Some of the sergeants told us about that. They said it’s not good.”¹⁴³ He added that the only days when they did not have to do this work was when a senior officer came to visit the camp, implying that the camp officers want to hide this commercial activity from their superiors. Most of the trainees knew that the logs and

¹⁴¹ Human Rights Watch interview with Than Aung, Thailand, May 2002.

¹⁴² Human Rights Watch interview with Than Aung, Thailand, May 2002.

¹⁴³ Human Rights Watch interview with Thein Oo, Thailand, March 2002.

bamboo they were cutting and hauling, the fish they were breeding, and the food they were growing were sold for the profit of the officers. Much of the work is so hard that sometimes the youngest boys are exempted from it and kept at the camp to work as servants in the officers' houses. Normally, however, according to a trainee who was thirteen at the time, "If every trainee has to dig a hole, then even the youngest trainees have to dig a hole the same size. Sometimes I had a problem, but the older trainees would help me along."¹⁴⁴

Some of the younger boys suffer exhaustion or illness from the excessive work. After a full day's military training at Oke Twin camp, Hla Thein, who was fourteen at the time, says he and the others still had to "carry water, cut firewood, and clean the officers' houses for them. At night we had to do sentry duty. I was beaten five or six times for being sleepy when I was a sentry. They slapped me hard in the face."¹⁴⁵ Young boys also had to work hard at K'Tha Shwe Bo Camp in Kachin State when Lwin Oo was there:

After breakfast we had to go to the Shwebo road and break rocks. It was bad. They beat us during the teaching, then when we had to build the road they called us lazy and beat us. The youngest were treated the same. The children aren't adults, so when they were beaten they panicked. For example, if the work is planting then they can do it, but it was hard even for me to break those big rocks. They couldn't do it, so they were beaten, and then they became upset and afraid and missed their parents, and they were badly traumatized. I saw that more than six or seven times.¹⁴⁶

Despite the hard work they are forced to do, the food provided during training is extremely poor. Htun Htun was only thirteen years old, but "[w]e had to grow beans and *chinbaung* [used in soups]. We had to grow it for the soldiers to eat, not for us. We just got fishpaste. They gave us three cups of cooked rice twice per day, whether it was enough or not. I was hungry. I suffered from the food, weather [it was rainy season] and sickness. I had chills and shivering. They took me to the doctor but he didn't give me any medicine. I was sick for six days." One interviewee said that at each meal there was only one pot of vegetables for his entire training company of 250 soldiers. Win Kyi says the food at his training consisted of "[b]eans, fried fishpaste, sometimes fried vegetables, bad quality rice. There was not enough food. I was hungry,

¹⁴⁴ Human Rights Watch interview with Kyaw Nyunt, Thailand, March 2002.

¹⁴⁵ Human Rights Watch interview with Hla Thein, Thailand, May 2002.

¹⁴⁶ Human Rights Watch interview with Lwin Oo, Shan State, Burma, March 2002.

especially in the evenings. Those who got sick were sent to the clinic. There were enough medicines, but they were poor quality Chinese medicines.”¹⁴⁷ Others also said they were hungry every day, with meals like fried watergreens on rice for breakfast, watergreen soup and rice for dinner, and beef only once a month; one recruit complained that they were only given five or ten minutes to eat, and Thein Oo felt that “[t]he food wasn’t enough. When I asked for more rice or for salt or chilies they never gave it. It was very bad rice with stones and things in it, and when I first arrived at the training it was very hard for me.”¹⁴⁸

The recruits are also supposed to receive a salary during their training. When Tin Maung was trained in late 2001, “it was 3,000 kyat per month, but there were so many cuts that we only really got five or ten kyat per month. They gave us some snacks and cheroots twice a month and deducted two or three times the cost of that. Also ‘platoon costs’ of ten to twenty kyat per trainee, fifty or sixty kyat for shoe polish, I don’t know where it all went. Some got more than five or ten kyat at the end of the month, but one hundred kyat was the maximum.”¹⁴⁹ Sai Seng was also trained in 2001 and knew he was supposed to get 3,000 kyat per month; however,

There were so many cuts that we couldn’t count them. They cut for this, they cut for that. They cut for uniforms, clothing and footwear. In the beginning they said they would issue it and we wouldn’t have to pay for it, but it’s not true, they cut for that later. When we arrived they cut money for uniforms, for our [storage] box, and for the battalion fund. There were no tables at our training school, so they made tables and cut our salaries for that. When we complained they told us that they didn’t cut a lot, but in the end only 500 or 600 kyat of our salary was left. . . . When we started the training they told us, “If you are sick or have an accident go to the clinic. The clinic is always open.” They said that. But they didn’t mention that they were going to cut it from our salary, so we didn’t know about that. Some people got a bit sick so they went to the clinic and got only a little bit of medicine, but they cut over 200 kyat for it.¹⁵⁰

¹⁴⁷ Human Rights Watch interview with Win Kyi, Thailand, March 2002.

¹⁴⁸ Human Rights Watch interview with Thein Oo, Thailand, March 2002.

¹⁴⁹ Human Rights Watch interview with Tin Maung, Thailand, March 2002. Official exchange rate is six kyat to the U.S. dollar, but the more commonly used market rate is presently about 850 kyat to the dollar. An army private’s salary is presently supposed to be 4,500 kyat per month.

¹⁵⁰ Interview with Sai Seng submitted to Human Rights Watch by Karen Human Rights Group, Karen State, Burma, March 2002.

The exhaustion, brutality and exploitation wear down the young recruits, but they have no support network to turn to. Even at night they are kept like prisoners in their barracks. One interviewee said that every night the door of his barracks was locked from the outside and a sergeant kept the key. The oldest and most cooperative trainees are appointed as “section leaders” and often abuse the younger trainees to prove their loyalty to the training supervisors. According to Salaing Toe Aung, who was sixteen when trained in late 2001, “They mistreated me, especially the trainee-in-charge of our group, who beat me and hit me. Sometimes it was because he ordered something and I didn’t do it. Sometimes it was because I didn’t take off all my clothes before going to the toilet. The rule was that we had to take off all our clothes before going to the toilet, because it’s hard to run away if you have no clothes.”¹⁵¹ Myo Chit suffered similar treatment. Only twelve years old during the training, he says the senior trainees treated him “[v]ery badly. They said, ‘We are not civilians, we are army.’ They were the section leaders and commanders among the trainees, so they said they had orders to be this way.”¹⁵²

At night the youngest boys are also called to massage the camp officers and NCOs. In Burma it is common for adolescents to massage the calves and neck of their grandparents and other elderly relatives, but in this situation it is one more burden placed on the youngest boys. Salaing Toe Aung says that “I had to give massages maybe six times to the corporals and sergeants, on their neck and thighs,”¹⁵³ and during Moe Shwe’s training, “the officer would sit in a chair and order two or three of the younger boys to massage him. Some NCOs called young boys to the office almost every night to massage them.”¹⁵⁴

It is extremely difficult for most of the boys to contact their families while in training, but some manage to do so. By the time Kyaw Nyunt was in training he had not heard from his family in four years (having been taken from the street at age ten and imprisoned at an army base for three years as a servant for the officers before he was sent into the army—see above). When he heard that he would receive a salary of 3,000 kyat as a trainee he immediately sent a letter to his father saying that he would send them some money. “After I sent it my father sent a letter and some food. That was the first letter in four years. He wrote, ‘You disappeared for a long time and we didn’t know where you were. Now we know you were arrested to be a soldier.’”¹⁵⁵ The army provides no

¹⁵¹ Human Rights Watch interview with Salaing Toe Aung, Thailand, March 2002.

¹⁵² Human Rights Watch interview with Myo Chit, Thailand, March 2002.

¹⁵³ Human Rights Watch interview with Salaing Toe Aung, Thailand, March 2002.

¹⁵⁴ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

¹⁵⁵ Human Rights Watch interview with Kyaw Nyunt, Thailand, March 2002.

postal service, however, and most boys never have an opportunity to get a letter to their families. At most training camps, the trainees even find that they are actively blocked from contacting their families. When Sein Kyi was trained at age fourteen, “I missed them and I wrote letters to them, but the NCOs wouldn’t allow me to send them. I requested permission from the warrant officer to send my letter and he said, ‘I’ll send your letter.’ Then the next day the corporal said, ‘The warrant officer burned your letter, because if your parents got that letter they’d come to see you.’ I was upset. I didn’t try to write again but I decided I’d try to escape when I reached a battalion.”¹⁵⁶ Others also suspected that the NCOs had destroyed their letters rather than sending them, because replies were never received. When Than Aung was in training, “I told the senior trainee [a second-time soldier] that I wanted to contact my family and he said, ‘Don’t ask the soldiers for permission to do that or they’ll beat you.’”¹⁵⁷ One boy who was trained at age twelve noted that when new recruits arrive for training, “[t]hey take away all of your belongings, like pens, watches, and rings,” and says he cried because he didn’t even have pen and paper to write a letter.¹⁵⁸

Almost every night there are many young boys crying in their barrack beds, some quietly, some loudly. Without exception, every underage soldier interviewed by Human Rights Watch said that he had cried during the training. Htun Htun was only thirteen: “When I arrived there the other trainees said, ‘You can’t contact your family.’ I just wanted to go home and study. I missed my family. I cried twice each night. I thought my parents must be thinking, ‘Where is our son? Maybe he’s dead.’ The other children also cried and said, ‘I want to go home to my family.’”¹⁵⁹ Moe Shwe, also thirteen at the time, added, “I was unhappy. I was never happy. I cried almost every night because I missed home. The others did too. The older ones tried to comfort us.”¹⁶⁰ All of the youngest boys say it was missing their homes and the total lack of contact with their families that made them cry the most. The older recruits saw this going on night after night, and often tried to soothe them. Sein Myint was twenty-three when he was trained, and he saw the youngest boys crying “very often, especially when they missed their mothers. About every other night. We said, ‘Younger brother, don’t cry, don’t worry. After the training your mother will be here,’ and things like that.”¹⁶¹ Sometimes the training officers and NCOs are also sympathetic, even though these are the same men who beat the boys regularly

¹⁵⁶ Human Rights Watch interview with Sein Kyi, Thailand, May 2002.

¹⁵⁷ Human Rights Watch interview with Than Aung, Thailand, May 2002.

¹⁵⁸ Human Rights Watch interview with Myo Chit, Thailand, March 2002.

¹⁵⁹ Human Rights Watch interview with Htun Htun, Shan State, Burma, March 2002.

¹⁶⁰ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

¹⁶¹ Human Rights Watch interview with Sein Myint, Thailand, March 2002.

during the day. When sixteen-year-old Aung Htun cried regularly under his mosquito net, “[t]he sergeants saw it sometimes. They just said, ‘Don’t cry.’ We weren’t beaten for it.”¹⁶²

At age eleven, Khin Maung Than was the youngest boy in his training group and was frequently protected from beatings by a sympathetic captain. “I cried at night about once every ten days. When I cried, the others would go and call the captain, and he said to me, ‘After the training you’ll be sent to a battalion, and then someone will send you home to your family.’ I believed him.”¹⁶³ Not all boys are so lucky though. At Thein Oo’s training camp, “[d]uring the training I cried two times, and when they saw it they beat me. They also beat the younger boys who cried.”¹⁶⁴

None of those interviewed had heard of any attempts at suicide during training. One pointed out that “[t]hey wouldn’t let us have guns or knives. At the end of the lesson we had to give back all the guns.”¹⁶⁵ This may be partly to prevent suicides, though its main purpose is probably to prevent attacks on the trainers or attempts to escape. Many of the trainees try to escape, and despite the tight security quite a few of them succeed. According to one boy who was trained in Shan State in 2000, “It’s not easy to run, there are checkpoints. It’s very hard to escape because our hair was already shaved and we had uniforms. Our civilian clothes were kept by the officers, we had nothing to wear but our uniforms. They gave back our civilian clothes only at the end of the training.”¹⁶⁶ The trainers take many measures to prevent escape, but they are sometimes outwitted by the boys, according to Sai Seng: “If we had to go to urinate in the middle of the night they ordered us to take off all of our clothes and our underpants, because they are afraid that people will run away. I got hit one time for not going like that. But how the students ran away was, in the daytime when we had to do *loh ah pay* [forced labor], they went to hide their ordinary clothes somewhere—one day one shirt, the next day something else. When everything was hidden, they went to the toilet at night and then ran away.”¹⁶⁷ Though rare, there are even some training NCOs who sympathize with the youngest boys enough to help them run away. Human Rights Watch only heard of one such case, from Tin Maung:

¹⁶² Human Rights Watch interview with Aung Htun, Thailand, March 2002.

¹⁶³ Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

¹⁶⁴ Human Rights Watch interview with Thein Oo, Thailand, March 2002.

¹⁶⁵ Human Rights Watch interview with Lwin Oo, Shan State, Burma, March 2002.

¹⁶⁶ Human Rights Watch interview with Nyunt Swe, Thailand, March 2002.

¹⁶⁷ Interview with Sai Seng submitted to Human Rights Watch by Karen Human Rights Group, Karen State, Burma, March 2002.

Some NCOs are good and some are bad. Some of the good NCOs encouraged the boy soldiers to run away. My NCO did. My NCO asked a young trainee to buy something for him in the market. Then he followed him to the market and told him, “Run away. Don’t worry.” It was too difficult to run away on foot because there are too many soldiers, so the NCO gave him a bit of money so he could run away by car. And he ran away. That boy was fifteen.¹⁶⁸

Though their accounts vary, some testify that as many as fifty of their training group of 250 escaped during the training, and that only a few of those were caught. The punishments for being caught make running away an extremely dangerous proposition, however, and most boys never quite bring themselves to attempt it. Of those interviewed by Human Rights Watch, Than Aung was the only one who tried it himself. He was fourteen at the time:

Thu Rein Htun and I tried together. There was a window near my bed, I opened it and we ran. We didn’t know where to go so we slept at Thaton railway station and some militia saw us. They asked where we were from and we said we were visiting our aunt in Thaton. They said, “Your hair is very short, you’ve escaped from the military camp,” and took us back there. When we arrived the soldiers punished us. They made us walk on our knees across sharp gravel. I still have the scars on my knees. They beat us, then they took off our clothes and put us out in the sun from 7 a.m. until almost noon. Then before noon they beat us again with bamboo sticks. Then all afternoon they made us jump like frogs around the field. We were in the sun until 6 p.m. Then we got dinner, and the next day we continued the training. I was very angry and in pain.”¹⁶⁹

A month later, while still in training, his fourteen-year-old accomplice Thu Rein Htun fell sick and died.

Punishments for attempting to run away vary slightly between training camps, but the most common punishment is to make the escapee lie face down on the ground in front of the entire training company, and then force all 250 or more trainees to line up and hit the victim one time each with a stick. Hla Thein described this ritual to Human Rights Watch:

¹⁶⁸ Human Rights Watch interview with Tin Maung, Thailand, March 2002.

¹⁶⁹ Human Rights Watch interview with Than Aung, Thailand, May 2002.

Six trainees tried to escape but two were caught. They were fourteen or fifteen. All of the trainees had to beat them one time each with a stick. Everyone had to hit hard. One of the trainees sympathized with them so he just hit softly. He was twelve or thirteen years old. Then the sergeant said, “You don’t know how to hit. Like this.” And he hit the two boys himself. Then the boy who had hit too softly also had to be beaten by all 300 trainees. After that the others were too afraid to hit lightly. When it was over, one of the fourteen-year-olds was unconscious. He and the other older boy were sent to the hospital. I saw that other boy again, over a month later, and he seemed okay but not very well. I never saw the unconscious boy again. I don’t know if he lived or died. The twelve-year-old boy wasn’t sent to the hospital, he stayed in the training. The next day he seemed okay. Then one month later he got sick and died.¹⁷⁰

Boys who were trained in training camps at opposite ends of Burma, in each year between 1993 and 2001, gave accounts almost identical to Hla Thein’s description above, demonstrating that this is a standard punishment handed out to boys who attempt to escape. Many of them tried not to participate, but felt they had no choice. Even eleven-year-old Khin Maung Than was forced to take part in a beating at Yay Ni training camp in 1999: “About fifteen ran away but only five escaped. The rest were captured, and all 250 of the others had to go and beat them. Each trainee had to go and hit all ten of them with a stick. If the trainers thought you didn’t hit them hard enough, they kicked you. They kicked me for not hitting them hard enough.” After this beating, “[t]hey couldn’t stand, they had to be carried to the clinic. They couldn’t eat. They couldn’t sleep. They could only drink some water. There was a clinic at the training center. They had to spend twenty days in the clinic, then they had to rejoin the training.”¹⁷¹

Another former soldier, Sai Seng, said that after similar beatings of would-be escapees at his training camp, the cost of their medicines and treatment at the camp clinic was deducted from the salaries of all of the other trainees.¹⁷² Similarly, trainees in Moe Shwe’s company at Weh G’Li camp were punished *en masse* whenever one of their number ran away: “When one trainee runs away all the others are beaten. We had to lay face down with our arms extended and we were beaten by the officer in charge. He hit us four or five times each. I was

¹⁷⁰ Human Rights Watch interview with Hla Thein, Thailand, May 2002.

¹⁷¹ Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

¹⁷² Interview with Sai Seng submitted to Human Rights Watch by Karen Human Rights Group, Karen State, Burma, March 2002.

beaten four times because someone else ran away, and once because I asked for more food.” When some of the runaways are then caught, “Some are sent to prison, and some are taken back into the training but punished. All of the trainees were beaten when he fled, so now every trainee must hit him three times. I felt very sorry for him, but we had to hit him properly or we’d be beaten ourselves.” He said that some of those beaten for escaping were thirteen or fourteen years old. “This happened to twenty young boys that age. Then they were taken to hospital. Most of them were bleeding and unconscious. All of them came back, usually one or two months later. When they got back from the hospital they were put in the leg stocks for more than a month.” During his time at the training camp, there were almost always fifteen or sixteen boys in the leg stocks being punished for various infractions of discipline. Despite the severity of the punishment, boys kept trying to run away “because the food wasn’t enough and the work and the training were very hard. I thought about it and tried to plan it, but I didn’t do it.”¹⁷³

At some training camps the NCOs do most of the beating themselves and only force a few trainees to take part. When Tin Maung was asked to participate, “I didn’t dare beat anyone. Only about one out of ten who they asked would do it. They didn’t do anything to me when I wouldn’t, they just told me to go back to the group.”¹⁷⁴ In late October or early November 2001 at army training camp #5 in Yay Ni, Pegu Division, sixteen-year-old Salaing Toe Aung and his entire training company were forced to watch a particularly brutal punishment after four escapees were caught: “They were beaten. The NCOs beat them. I saw it. They were tied with their hands behind their backs, then they asked them questions like ‘Why did you run away?’ and beat them after every question. Then they fell, and the NCOs beat them and kicked them for about fifteen minutes. Not just one NCO, many. The NCOs also asked the trainees to beat them, but I didn’t participate. I saw blood coming from their faces. Some were conscious and some unconscious.” One of the four was particularly brutally beaten:

He was sixteen or seventeen. They ordered him to kneel down. Then three or four NCOs beat him on the head and back with sticks for about half an hour. When he fell the NCOs pulled him back up to his knees. He was unconscious. There was blood all over his face. He was very seriously wounded. Then they put him in the leg stocks, and he regained consciousness. They left him in the leg stocks for a week. I

¹⁷³ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

¹⁷⁴ Human Rights Watch interview with Tin Maung, Thailand, March 2002.

saw him there about three times. He looked like he was getting worse. He couldn't eat rice, just a little rice soup. Then he couldn't eat anything and they sent him to hospital. He died in the hospital. My friends and the NCOs told me.¹⁷⁵

His account of this incident was corroborated by Tin Maung, who was in another company at the same training camp when it happened. One of the others beaten, a nineteen-year-old, also died in the camp clinic. A third aged sixteen was carried unconscious to the camp clinic but later returned to the training. Since witnessing this, Salaing Toe Aung says he has never stopped feeling "*ma kan kyin seit*," a sense of righteous outrage.

The type of leg stocks mentioned above by Salaing Toe Aung are common at army camps and police stations throughout Burma. With both ankles clamped between two slats of wood or bamboo, the prisoner has to sit on the ground and cannot move except to lie straight back. When Lwin Oo was trained in Kachin State, this was the main punishment for escapees:

If they were caught they tortured them, they put them in the leg stocks and then poked them in the legs with knives and they bled. They poked each leg about five times. Then they told them to go to the clinic and said, "Don't tell them we did this to you. Just tell them you got hurt walking through the forest." I saw that three times. The youngest one they did that to was twelve years old. He was afraid and cried very loudly, and he called out "I'll never do it again." They beat him as well. After they caught him they tortured him like that, and then left him in the leg stocks for fifteen days. Sgt. Tin Hla said to the child, "Why don't you want to be a Burmese soldier? You should be proud to be in the army, don't run away like that." . . . [Later] I was the one who had to go and give him his food. He was crying. He couldn't feel pain anymore. The stocks were inside the barracks but on the dirt floor, the bare ground. He could only sit or lay straight back on his back. . . . I talked to him. When the sergeant wasn't there I said, "Do you want to run away?" and he said, "Yes, I want to see my parents." I said, "Why did you try to run away now? We are closed in here. I want to run away too, but we have to look for the right chance. Some day I will run away too."

¹⁷⁵ Human Rights Watch interview with Salaing Toe Aung, Thailand, March 2002.

After fifteen days, “they took him out of the stocks and he couldn’t walk anymore. They took him out and sent him to the clinic. He was at the clinic for one and a half months.” He was then forced to rejoin the training.¹⁷⁶

After a beating by 250 of his peers and two weeks in the camp clinic, one trainee in Myo Chit’s group, a nineteen-year-old, refused to rejoin the training, and he was sent to prison for one year as a result.¹⁷⁷ His case was most likely treated as desertion, and after a jail term for desertion the usual practice is to force the deserter back into the army. Most trainees, however, are sufficiently frightened by the spectacle of the beatings that they no longer dare stand up to their trainers. On one occasion when Sein Kyi had just seen five captured runaways beaten by his NCOs until they were bleeding and had lost some teeth, “[t]hen they told the other trainees, ‘This is an example, take a look. If you try to escape this will happen to you.’ Then they sent them to the lockup. They were in the lockup for two weeks, then they came back to the training. No one else dared to escape after that. Some others wanted to escape, but they didn’t dare discuss it because there were some trainees who would inform the soldiers.”¹⁷⁸

When the training is completed, the trainees are divided into small groups of five to twenty and sent to many different battalions, sometimes in the same part of the country as the training camp but often farther afield. Some trainees are held back; for example, when Soe Naing was trained at Mergui in Tenasserim Division, “[s]ome made a lot of mistakes so they were beaten by the trainers and put in jail. Usually it was the older ones. For big mistakes they were put in for a long time and they couldn’t finish the training, so they had to wait for the next training.”¹⁷⁹ He says there were also four very young boys whom he believed were only nine years old and who were physically unable to do much of the training, so they only attended about two months of it and were held back at the end. They spent much of their time working as servants at the camp commander’s house, so it is also possible that he wanted to keep them back for his own use. Most young boys, however, are sent out to battalions with the others when the training period is finished, even if they had difficulties with many of the exercises. In Sein Kyi’s training group at Taung Dwin Gyi, “[t]he youngest were twelve years old. The youngest didn’t do the training, instead they did fish breeding, pig breeding and other things. There were about twenty of them. Just two weeks before the end of the training they joined the class, then when the training was finished they were sent to battalions. Ten of the very

¹⁷⁶ Human Rights Watch interview with Lwin Oo, Shan State, Burma, March 2002.

¹⁷⁷ Human Rights Watch interview with Myo Chit, Thailand, March 2002.

¹⁷⁸ Human Rights Watch interview with Sein Kyi, Thailand, May 2002.

¹⁷⁹ Human Rights Watch interview with Soe Naing, Thailand, May 2002.

young ones were sent with me to my battalion.”¹⁸⁰ When they arrived at the battalion they continued to be used for fish and pig breeding at the battalion headquarters camp. Even so, at this point they were considered soldiers and could presumably be sent into combat eventually, without having had any proper training.

Deployment and Active Duty

Battalions of the Burma army are deployed throughout the country, not only in areas where there is armed resistance but also in the country’s heartland, where their main role is to control the civilian population. In areas under firm control of the regime where there is no armed conflict, the battalions spend much of their time maintaining their bases, supervising work on infrastructure projects, and monitoring and restricting the activities and movements of all civilians in their area of control. Most of the infrastructural and other work is done by summoning forced labor from the local villages and by using convicts from the prisons. Many officers are also heavily involved in extorting money from the local population, whether as “fees” to avoid forced labor or under other guises. Officers also use their soldiers and local civilians as free labor for their personal money-making projects, such as logging, brick baking, fish farming, rubber planting, and growing other cash crops.¹⁸¹

Though many new battalions have been created in the past five years, many battalions have been reduced in strength to only 200 or 300 men from the previous norm of 400 to 500.¹⁸² Each battalion has a large battalion headquarters camp where one company of its troops is normally based (normally 100-120 men, though many of these are also now understrength). The rest of the battalion rotates, spending three to six months at battalion outposts, company

¹⁸⁰ Human Rights Watch interview with Sein Kyi, Thailand, May 2002.

¹⁸¹ All of these practices have been well documented in reports by local and international human rights organizations. See the 1998 report of the International Labour Organization Commission of Inquiry on Forced Labour in Burma as well as previous reports by Human Rights Watch.

¹⁸² Several of the former soldiers interviewed indicated that their battalions based in Shan, Karen, and Mon states and Sagaing division were significantly understrength. This was supported by General Aung Mya, second in command of the Karenni Army, and a Shan State Army (South) brigade commander, both of whom stated that they have observed Burma Army platoons, companies, and battalions all operating at well below full strength. Some independent observers interviewed by Human Rights Watch believed that it is mainly recently-created battalions and those operating in remote areas which are affected. See also Andrew Selth, *Burma’s Armed Forces: Power Without Glory* (New York: Eastbridge, forthcoming), which was quoted on this subject in the introduction to the Burma army earlier in this report.

camps, checkpoints or mobile columns, followed by a month of “rest” at the battalion headquarters which is normally spent doing labor for the officers. The battalion outposts are manned by as few as eight or ten soldiers for a checkpoint or hilltop reconnaissance post, to one hundred or more soldiers for a mobile column or a company camp that controls an area. Battalion headquarters are generally stationary and positioned well away from armed conflict, but their outposts shift according to need and can be widely spread, even in different states or divisions. Soldiers usually remain with the same battalion throughout their time in the army, but they are occasionally shifted from one posting to another. If the battalion has any camps in a region of armed conflict these are known as “front line” camps, and several battalions often combine their soldiers to form mobile columns of two or three hundred soldiers that go on extended patrols in “front line” areas. Despite this terminology, there is very rarely a fixed front line; instead, there are entire regions where resistance forces are active and where sporadic fighting can occur at any time. In these areas most armed resistance groups use guerrilla tactics, ambushing Burmese troops on the move, landmining their supply routes, and occasionally attacking small Burma army camps. In response, most Burma army officers stay in their camps, only move in large numbers, and use the “Four Cuts” strategy: a scorched earth policy of destroying villages and food supplies to undermine civilian support for the resistance.¹⁸³ In the past three years, the main exception to the sporadic guerrilla nature of the conflict has been southern Shan State, where major offensives have been launched against areas controlled by the Shan State Army (South), resulting in heavy fighting.

¹⁸³ The “Four Cuts” are to cut supplies of food, funds, recruits, and intelligence to opposition forces. This has been acknowledged Tatmadaw policy since the early 1970s, when it was first implemented. The Four Cuts are imposed by burning villages and food supplies in areas where resistance forces are active, forcibly relocating villagers into Burma army-controlled sites, and delineating “cleared” regions where anyone found is considered an enemy and can be shot on sight.

Life as a Soldier

It was no good. When we patrolled, if we fell asleep at night and the commander saw it, he beat us. That was Sergeant Myo Naing. Sometimes I got my salary, sometimes I didn't because the officers used my money. I didn't dare complain. We only got rice and yellow beans. Sometimes the commander ordered us to steal vegetables and chickens from the villagers, so we went and stole them.

—testimony of Than Aung, recruited at age fourteen and now nineteen years old¹⁸⁴

Immediately upon the completion of their training, recruits are assigned to a particular battalion and sent to its base headquarters. Out of a group of 250 trainees, usually no more than twenty are sent to the same battalion. When they arrive there, they suddenly find themselves in the army proper, surrounded by as many as 200 or 300 soldiers. Many of these are also young boys, though some have already been in the army for several years. The new arrivals are promptly assigned to a section and company, and before long most of them are sent out to outposts or front line areas together with a few dozen other soldiers. When Sein Kyi arrived at his new battalion at age fourteen, he found that they did not even have a headquarters yet: “#283 is a very new battalion, so we had no buildings or barracks. We stayed at another battalion and built our camp. First we cleared the place, cut the trees and the scrub. Then when we made the buildings we called the villagers from nearby to come and do the work. . . . After that I was sent to Shwe Dah camp, and we patrolled around that area on operations against the KNU.”¹⁸⁵ Than Aung was also sent to a battalion which had just been created as part of the army's expansion program. When they were building their headquarters camp, “[m]ost were very young, under eighteen. I saw a lot of children there.”¹⁸⁶ Most soldiers stay with the same battalion throughout their time in the army, so new battalions are built up almost entirely from new recruits, giving them a particularly high proportion of child soldiers.

Some soldiers are selected for special duty. On arrival at his assigned battalion, Hla Thein was surprised to find himself selected to the battalion's elite commando unit, even though he was only fifteen years old: “I was a commando. We were mostly in the front line. There were about 200 or 250 soldiers, but just

¹⁸⁴ Human Rights Watch interview with Than Aung, Thailand, May 2002.

¹⁸⁵ Human Rights Watch interview with Sein Kyi, Thailand, May 2002.

¹⁸⁶ Human Rights Watch interview with Than Aung, Thailand, May 2002.

thirty or forty of us were commandos. I was young and active and I got good marks in the training, so I was selected. I was the youngest. I was fifteen. All the others were over eighteen. The training was at the battalion headquarters in Kya In Seik Gyi, about twenty days' training. Mostly we fought as guerrillas against the KNU. When our battalion went to the front line we were always at point [leading the column]. Sometimes the battalion commander called us for special operations.”¹⁸⁷

Most of the youngest recruits, however, are assigned to ordinary units, and as the newest soldiers they have to do the hardest, dirtiest jobs. Aung Htun described a typical day at his camp in a “front line” area of Karen State: “Cutting wood to make bunkers, digging trenches, and gathering leaves to make shelters. It was Meh Th’Waw camp. We worked about ten hours a day. From 7-12 in the morning, then from 2 until 5 or 5:30 in the evening. Then at night we had to do sentry duty, for two hours every night. When I was a sentry at night I was often sleepy, and if I slept I was beaten. That happened about ten times. I was beaten with a bamboo stick.”¹⁸⁸ Toward the end of 2001, fifteen-year-old Nyunt Swe was posted in the hills of southern Shan State, where most army camps are placed on hilltops; he complained that “[a]t the front line it’s very hard to carry water, it’s an hour trip down and up the hill to get the water, and the privates have to do this.”¹⁸⁹ Many soldiers are used as servants by their officers, particularly on the officers’ money-making projects. From the time Htun Htun was first posted to his battalion at age thirteen,

For six years we raised pigs, buffaloes and fish, and made bricks. They sold the fish and bought eggplant for the soldiers, and the rest of the money they kept for themselves—Captain Kyaw Win Tun kept the money. They sold buffalos and just gave us eggplant. They gave each of us one eggplant each day. We only got fishpaste and eggplant. We were supposed to get 600 kyat per month but they took deductions for office supplies and we only got 150. When I was there the captain said “If you need anything tell me,” but when we asked for anything we didn’t get it.”¹⁹⁰

¹⁸⁷ Human Rights Watch interview with Hla Thein, Thailand, May 2002.

¹⁸⁸ Human Rights Watch interview with Aung Htun, Thailand, March 2002.

¹⁸⁹ Human Rights Watch interview with Nyunt Swe, Thailand, March 2002.

¹⁹⁰ Human Rights Watch interview with Htun Htun, Shan State, Burma, March 2002. Six hundred kyat is U.S.\$100 at the official exchange rate of six kyat to the dollar, but only seventy U.S. cents at the present market exchange rate of 850 kyat to the dollar. Salaries were suddenly increased by close to 1,000 percent in mid-2000, and an army private’s salary is now 4,500 kyat per month.

The youngest boys try to get used to the heavy work, and sometimes the older soldiers sympathize and help them with the harder jobs. Khin Maung Than was only twelve years old when he reached his battalion, but when they went on patrol he found that “[b]ecause of the five months in training, it wasn’t hard for me to carry the weapon any more. I just had to carry my clothes, gun, and ammunition. Other soldiers carried the food and things instead of me.”¹⁹¹ Myo Chit was also twelve, but he had more difficulty: “My duty was as sentry from 6 p.m. until midnight every night for a month, so it was very hard for me. I was punished many times [for sleeping] by having to dig a trench, and was beaten three or four times a week.”¹⁹²

A great deal depends on the NCO or officer in charge of the unit. Some treat the younger recruits gently, like an adopted son, but others are brutal to all of their soldiers without exception. One former soldier aged over twenty told Human Rights Watch that he was angry at the way the younger boys were treated: “I saw some villagers beaten by the sergeant two or three times. The young boys were there when it happened. Some of the young soldiers were also beaten, because they couldn’t keep up and carry their gun, ammunition and their pack on patrol. Sometimes a boy sat down and cried, and the sergeant would come and punch and kick him. I saw that happen two or three times. I saw it myself. Those boys were fourteen or fifteen years old.” When the youngest boys were forced to do hard labor clearing scrub around the battalion camp, “some couldn’t do the work and were beaten by the sergeant or corporal. There was always a sergeant or a corporal there. They hit you five times regardless of whether you’re young or old.”¹⁹³ Even though twelve-year-old Myo Chit was already struggling under his load on patrol, his section leader kept hitting him with dirtballs and stones fired from a slingshot to make him go faster. Khin Maung Than finished his training at age eleven and then spent three years in his battalion, but his age did not help his relations with his commanders:

The relationship is not good. We had no time to ourselves. We never got passes to go out to the villages. . . . I was not usually with the officers, only corporals and sergeants at the highest. Sometimes when they were drunk there were problems. If they gave an order when they were drunk and we complained or questioned it, they beat and punched us. So you just had to listen to their orders. . . . If I couldn’t do my

¹⁹¹ Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

¹⁹² Human Rights Watch interview with Myo Chit, Thailand, March 2002.

¹⁹³ Human Rights Watch interview with Sein Myint, Thailand, March 2002.

work well they punished me with beatings. Many times when the section leader didn't do his duty well the sergeant beat him. The corporal beat the soldiers, the sergeant beat the corporal, and sometimes the 2nd lieutenant beat the sergeant. It's always like this in the army. Only the warrant officer, the CQ [chief quartermaster], the 2nd lieutenant, the lieutenant and the captain have it better, because they're not beaten by their higher officers. But from 2nd lieutenant on down, it's bad.¹⁹⁴

When Hla Thein was fifteen years old, his sergeant got drunk “[a] lot. When he was drunk he ordered the soldiers to buy alcohol from the villages, and the villages were far away. Sometimes he ordered the soldiers to massage him, often me because I was the youngest.”¹⁹⁵ In remote camps, some NCOs entertain themselves by getting drunk and beating up on the smallest and youngest of their soldiers. Personal dislikes and vendettas also occur, often for no clear reason. Moe Shwe was forced into the army at age thirteen, and by the time he was eighteen he had been promoted to lance corporal, but this did not protect him from beatings. “I was staying in my house in the camp. An officer, a CSI [chief of signals intelligence] and a sergeant came and checked my house. My pot was not full of water [a clay pot of drinking water left out front for passersby]. It was only half full. [They said] ‘You have to have your pot full of cool water,’ and they hit me. I fought back, and then the three of them beat me together. I was in hospital for seven days.” His internal injuries were so severe that he had surgery to remove his spleen, from which he bears a long scar on his belly. When he returned to his camp, he shot dead the officer who had beaten him, and deserted.

Punishment for failure to obey orders or other infractions is meted out regardless of a soldier's age. A minor infraction of discipline (such as Hla Thein's failure to obtain alcohol for his drunken NCO) would generally be punished with a heavy beating by the NCO or a spell in the camp lockup. Disciplinary action for more formal breaches of military rules is dealt with at battalion headquarters, where punishment may involve a term of imprisonment in the battalion lockup, or even transfer to civilian custody.¹⁹⁶

¹⁹⁴ Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

¹⁹⁵ Human Rights Watch interview with Hla Thein, Thailand, May 2002.

¹⁹⁶ Human Rights Watch interview with Soe Naing, Thailand, May 2002. He recounted that “Some soldiers broke the rules so they were sent to headquarters. For example, if the construction site [his unit was supervising forced labor on a road project] is near a village then we're not allowed to visit the village. Then they stayed in jail for several months,

For those who fall ill, medical care is provided but the treatment and the medicines are often limited and of poor quality, especially in “front-line” areas. As one interviewee described the situation in his unit, “Those who were ill were usually sent to the camp clinic. At the clinic there are no doctors, just nurses and medics. If they didn’t get better, they were usually sent to the hospital. But by the time you’re sent to hospital you’re nearly dead. About two out of three die who are sent to the hospital.”¹⁹⁷ No statistics are available on how many child soldiers in the Burma army die of diseases every year, but the number is probably in the hundreds at least. In many of the areas of armed resistance where the army is heavily deployed particularly deadly and drug-resistant strains of malaria are endemic, and these decimate many of the Burma army units. Karen National Liberation Army officers sometimes refer to the anopheles mosquito as the “Karen Air Force” because they claim that at any given time as many as half of the Burmese soldiers from the central plains can be down with malaria, whereas the Karen soldiers indigenous to the hills have a greater resistance to the disease.

Many of those interviewed complained that the food in the army was bad. At many army camps, the officers are known to sell some of the rations for their own profit, particularly tinned goods. The quality of rice delivered for rations has declined due to shortages and corruption, to the point where soldiers complain that it is full of stones and insects, and often force local villagers to exchange rice with them. With the rapid expansion of the army the SPDC is finding it difficult to keep units in the field fully supplied, and in 1998 units in the field were informed that rations shipments would be cut back and that they should produce or obtain as much of their own food as possible.

Salaries are also a topic of complaint. Soldiers’ salaries in Burma have always been extremely low. Prior to 2000, a private in the army only earned 450 to 750 kyat per month, depending on number of years of service, less than an unskilled day laborer could earn in a few days. In mid-2000 the SPDC suddenly raised the salaries of soldiers and civil servants by 500 to 1,000 percent, making the present salary of a private 3,500 to 4,500 kyat per month. However, the increase was paid for by printing additional currency, and as a result the prices of basic commodities have spiraled and the value of the kyat has plummeted to less than a third of its previous value.¹⁹⁸ Worse yet for the soldiers, the officers

depending on their mistake. After Sergeant Win Kyaw raped a woman, he was sent to headquarters and they took his uniform, then put him in a civilian jail.”

¹⁹⁷ Human Rights Watch interview with Sein Myint, Thailand, March 2002.

¹⁹⁸ The official exchange rate for the kyat is fixed at six kyat to the U.S. dollar, but this is seldom used. In the mid-1990s the market exchange rate was 100 to 120 kyat to the

take much of the salary money by taking out “deductions” allegedly for uniforms, equipment, battalion office supplies, “battalion fund,” sports fees and other purposes. Myo Chit was angry about this: “In 1998 and 1999 I got 450 kyat [per month]. In mid-2000 it was raised to 4,500 kyat per month. When we were in the front line the commander kept some and gave us only two-thirds of it. They deducted for many things. The CQs [chief quartermasters] hold back rations and make money that way. One time I had to clear the golf course for the commander. The government gave money to pay labor costs, but the commander kept it.”¹⁹⁹ Others reported receiving less than half of their salary every month. Salaing Toe Aung was only with his battalion from January to March 2002 before running away, but during that time he never saw any salary at all; he commented philosophically, “Maybe they kept it. Some others got a salary. Maybe they were going to give it to me when I got back to the battalion camp.”²⁰⁰ Myo Aung was less accepting; he says that in a normal month the officers kept anywhere from 1,000 to 2,000 kyat of his 4,000 kyat salary, but when no one in his hill outpost received any salary at all for October 2001, his patience ran out. A delegation of NCOs was sent to demand the salary money but the officers refused to hand it over, and as a result two NCOs and three soldiers, including Myo Aung, deserted.

Once a soldier is posted with a battalion he is generally allowed to write to his family if he wishes. However, most of those interviewed by Human Rights Watch said that they never had the opportunity to do so, usually because there was no facility provided for sending letters. All such letters are censored by the commanders, so some were also afraid that they would be punished if anything in their letter was perceived as a complaint about life in the army. From the day when a boy is grabbed on the street by a recruiting team, his family is never informed of his fate and never hears from him unless he is lucky enough to have a letter delivered. Myo Aung was forced into the army at age sixteen in 1998, and says that he has never seen or spoken to his family since that day. “We’ve never had contact since I was first arrested. I tried. I wrote a letter and put it in a letterbox, but I don’t know if it ever arrived or not. Some soldiers get leave, but I couldn’t. I tried three times. The first time it was rejected because we had to go to the front line, the other two times I don’t know why.”²⁰¹ All of those interviewed said that leave is almost never granted to soldiers until they have been in the army for well over five years, unless they are very friendly with the

dollar, by 2000 it averaged 300 to the dollar, and since the salary increases the rate has plummeted and presently fluctuates between 850 and 1,000 kyat to the dollar.

¹⁹⁹ Human Rights Watch interview with Myo Chit, Thailand, March 2002.

²⁰⁰ Human Rights Watch interview with Salaing Toe Aung, Thailand, March 2002.

²⁰¹ Human Rights Watch interview with Myo Aung, Thailand, March 2002.

commander.²⁰² One interviewee said that when he requested leave after being with his unit for three years, he was refused on the grounds that he had only been a soldier “a short time.”²⁰³ As Khin Maung Than expressed it, “Even those more senior than me can’t get leave, so how could I get leave? Even soldiers who have been in the army for ten years or more can’t get leave, so how could I?”²⁰⁴ Soe Naing tried everything he could while in the army to contact his family, but never succeeded. He was only twelve years old when he last saw them in 1994, and now that he has deserted he is too afraid for their safety to write to them.

I had no contact with my family. I asked my commander’s permission but could never contact them. When I tried to send a letter, they opened the envelope and didn’t send the letter. At the battalion camp I had some phone numbers of my family and friends written down, and Sergeant Win Kyaw took them. I think they were worried that I’d run away and go home, even though their rules said that I had to stay in the army for ten years. I tried to request leave, but their military rules say that before I can go on leave I must show “*taun neh seh nga*” - the twenty-five kinds of equipment. But they never gave us all of them, so how could I show them? I saw three or four soldiers from our battalion leaving for their hometowns, because they’d already been in the army for six or seven years so they could show the “*taun neh seh nga*.”²⁰⁵

A discharge from the army is even more difficult to obtain. In a letter to Human Rights Watch, SPDC representatives stated that according to official regulations, “[t]he normal length of service for enlistment is 10 years for enlisted men and 15 years for officers.” They went on to state that discharges can be granted for medical reasons, as a result of disciplinary action, or because

²⁰² Interviews conducted by Burma observer and author Dr. Christina Fink also found that leave is uncommon; one of her interviews indicated that “permission for leave was rarely granted. According to Kyaw Win, in his battalion only fifteen to twenty people out of 800 were allowed leave during the one-month rest periods after six months at the frontlines. Kyaw Win said that if you did not send a bribe along with your application for leave, you would be automatically rejected.” See Christina Fink, *Living Silence: Burma Under Military Rule* (London: Zed Books, 2001), p. 147.

²⁰³ Human Rights Watch interview with Hla Thein, Thailand, May 2002.

²⁰⁴ Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

²⁰⁵ Human Rights Watch interview with Soe Naing, Thailand, May 2002.

the soldier wishes to leave at the end of his term of service.²⁰⁶ However, most of those interviewed by Human Rights Watch stated that they never saw anyone discharged during their time in the army, not even those who had served for ten years and wished to leave.²⁰⁷ Some interviewees had seen “two or three” people discharged, but only when they had reached the age of fifty or sixty or they had brought in several new recruits. Moe Shwe, recruited at age thirteen, only saw three soldiers discharged in his six years in the army: “One was sixty, one was forty-five and one was fifty. They got out because they’d each recruited five new soldiers. Anyone can get out if they recruit five new soldiers, but you must have five years’ experience first.”²⁰⁸ Several believed that if they had not deserted, they would have been forced to remain in the army until age sixty. When Nyunt Swe was asked whether anyone in his unit had been in the army for more than ten years, he answered, “Yes, some even for twenty years. They are old now. They want to leave but the officers won’t let them. . . . The rule is that after ten years you can leave the army, but actually they never let people leave.”²⁰⁹ Another soldier stated that during his two years in the army only one man was discharged from his unit, a sixty-year-old warrant officer who had been in the army for forty years.²¹⁰ Several others never saw anyone discharged.

²⁰⁶ Letter to Human Rights Watch from the Permanent Mission of the Union of Myanmar to the United Nations, New York, May 8, 2002.

²⁰⁷ Interviews conducted by Dr. Christina Fink also indicated that discharge is rare; one of her interviews indicated that “it was almost impossible to resign. Like other soldiers I interviewed, Kyaw Win was unable to leave, even after ten years of service. He had joined when he was fifteen, but when he turned twenty-six and thought about resigning, his superior officers refused to consider it, arguing he could still serve for many more years.” See Christina Fink, *Living Silence: Burma Under Military Rule* (London: Zed Books, 2001), p. 147.

²⁰⁸ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

²⁰⁹ Human Rights Watch interview with Nyunt Swe, Thailand, March 2002.

²¹⁰ Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

Combat

I was afraid that first time. The section leader ordered us to take cover and open fire. There were seven of us, and seven or ten of the enemy. I was too afraid to look, so I put my face in the ground and shot my gun up at the sky. I was afraid their bullets would hit my head. I fired two magazines, about forty rounds. I was afraid that if I didn't fire the section leader would punish me.

—Khin Maung Than, who was twelve years old when this happened

Even Burma army soldiers who have served in areas where they were involved in intensive armed conflict say that they had very little idea of why they were fighting. The army provides them little or no information, and most of their officers tell them only that there are enemies and therefore they must fight them. At age fourteen Moe Shwe was assigned to an “operations team” which sought out and fought the Karen National Liberation Army on an almost weekly basis; he says that he has no idea how many people he killed during his years with the team, but he was never told the objective. “I feel that people killing each other is not good and I feel bad about it, but the army says ‘This is the enemy’ and we must shoot, so we did.”²¹¹ Some commanders try to motivate their troops with propaganda: “They told us that the Karenni and the Shan came down to Burma and killed our monks, and threw elderly Burmans down wells and killed them. I believed it at first, but not now.”²¹² For the most part, however, the soldiers’ main motivations in combat are survival and avoiding punishment by their commanders.

Former child soldiers openly admitted that the first time in battle they were terrified. Moe Shwe’s account of his first battle is typical: “When I first heard the gunshots I was very afraid. I stayed in a hole and cried. I’d never heard that noise before. I was fifteen. That first time I didn’t shoot at all. The battle lasted two hours. Three of ours were killed. I saw it, and it made me afraid.” He then admitted that it was not until his third battle that he fired his weapon for the first time.²¹³ When Soe Naing faced his first ambush, “I was fourteen or fifteen. A convoy was going from Tavoy to Mergui, I was guarding the road near Palauk and I was very afraid. We were attacked. Four soldiers died on the spot and one truck was burning. I was hiding near my officer. The next time [in combat] I

²¹¹ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

²¹² Human Rights Watch interview with Thein Oo, Thailand, March 2002.

²¹³ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

was still afraid.”²¹⁴ Another remembered that “I was scared, afraid. I had no experience of this. I saw many people so I aimed at them and fired. About 200 bullets. All my bullets. I think I hit someone. I was scared of being shot. They were trying to shoot me, so I had to shoot at them. Three from our side were shot. One died. I don’t know about the other side.”²¹⁵ Sein Kyi is one of the very few who says that he was not afraid the first time, though this may have been because he was so occupied with simply trying to lift his heavy G3 assault rifle: “I was just over fourteen. I couldn’t raise my gun because it was too heavy. I saw the KNLA soldiers very close. My gun was a G3, it was very heavy and hard for me to lift, but I fired. I wasn’t afraid. I don’t think I ever killed anyone, but I saw some people killed because my friends shot them. The first time one of my friends was hit in the leg, and another time one of my friends died and some others were wounded. But I wasn’t afraid.”²¹⁶

One of the more disturbing aspects of the testimony given to Human Rights Watch is that while many boys who were recruited at young ages openly admitted to being afraid their first time in combat, they consistently went on to say that they quickly adapted to it. Most of those who were recruited at young ages stated that by their second or third skirmish they had already lost most of their fear. Myo Chit, who was trained in the Ye Nyunt system and then sent into the army at age twelve, stated of his first combat experience “[i]t was my first time so I was very afraid and didn’t shoot,” but by the second time, “I wasn’t afraid this time. I fired about forty rounds, and I was happy to shoot.”²¹⁷ Though fifteen-year-old Hla Thein had been selected for a special commando unit after doing well in training, he was also afraid the first time but his sergeant sorted him out: “The KNU attacked us. I was afraid. I hid on the ground and fired my gun into the sky. My eyes were closed. My sergeant saw that and beat me for it, and the next time I was brave. I was only afraid the first time. The next time I wasn’t afraid anymore.”²¹⁸ After that, his commando unit faced combat on a regular basis, and he admits that he became very proud of himself.

Many attempt to rationalize their participation in the fighting as self defense, while others view it as revenge for their friends who have been killed and wounded. At age fourteen, Htun Htun was an example of the former: “The first time I was thinking, ‘They are not my enemy. Why do I have to fight them?’ But then I thought, ‘They are shooting at me. I have to shoot at

²¹⁴ Human Rights Watch interview with Soe Naing, Thailand, May 2002.

²¹⁵ Human Rights Watch interview with Aung Htun, Thailand, March 2002.

²¹⁶ Human Rights Watch interview with Sein Kyi, Thailand, May 2002.

²¹⁷ Human Rights Watch interview with Myo Chit, Thailand, March 2002.

²¹⁸ Human Rights Watch interview with Hla Thein, Thailand, May 2002.

them.”²¹⁹ But another soldier aged sixteen expressed a desire for revenge: “After a half hour walk we hit a tripwire and it exploded. One soldier was killed and one seriously wounded. The KNU did it. After that I felt like getting revenge. I wanted to fight them. But I couldn’t do anything to the villagers or the KNU.”²²⁰ Though they may have adapted quickly to their fear of combat, most of those interviewed continued to suffer from seeing their friends wounded and killed alongside them.

Cut off from their families for years and abused by their NCOs and officers, the rank and file soldiers only have each other for support, so they often feel devastated when they see others killed in what appears to be aimless fighting. Htun Htun recalled his worst day of combat: “When I was eighteen there was fighting that lasted a whole day. There were fifty on our side, and thirteen were killed. I was upset. We buried the bodies. Five of them were seventeen years old.” Khin Maung Than was in combat about twenty times, but he remembers one occasion in particular, when he was twelve or thirteen years old, as the worst:

Fifteen of ours were killed, there were fifty if you include the wounded. Two were shot near me, the thirty-year-old and the fourteen-year-old. He [the fourteen-year-old] was hit in the right shoulder by a bullet. We couldn’t carry his body out because the fighting was so heavy that both sides withdrew. We could only retrieve his weapon. When we got back to the battalion we were ordered to go back and clear the fighting area, and then we took the bodies back. That was two days later. Some had a very bad smell. We carried back about ten bodies. Five were missing. They’d been blown to pieces by heavy shells.²²¹

When Hla Thein was sixteen he got multiple shrapnel wounds in his hand and foot, but these were considered too minor to send him to hospital. His wounds were treated with antiseptic and bandaged, and he remained in the field with his commando unit. This is normal Burma army practice for small wounds. The more seriously wounded are carried out to hospitals. Often the soldiers carry them safely out of the crossfire, then they fetch the civilians or convicts presently doing forced labor as porters for the unit and force them to carry the wounded to hospital, which can be a journey of several days. The dead are

²¹⁹ Human Rights Watch interview with Htun Htun, Shan State, Burma, March 2002.

²²⁰ Human Rights Watch interview with Myo Aung, Thailand, March 2002.

²²¹ Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

buried where they fall, but if the fighting is intense or the unit needs to move quickly the seriously wounded and the dead are sometimes left as they are.

At present most of the fighting in Burma consists of small-scale ambushes and skirmishes, but when major offensives occur the Burma army is known to use human wave attacks against resistance positions. Sometimes these attacks are successful due to the shortage of men and ammunition on the resistance side, but not before taking a horrific toll in casualties. Such attacks have been documented during major Burma army offensives on several occasions between 1991 and 1997. Some of the worst cases occurred when waves of troops were sent up a steep open slope against heavily fortified Karen positions on Min Yaw Kee ridge in 1992, and when year after year from 1991 through 1995 thousands of soldiers were forced to run across an open killing ground full of barbed wire and landmines straight into Karen machine-gun emplacements at Kawmoora. During these offensives, Karen machine-gunners admitted that many of those they were mowing down were boys, and that some appeared to be drugged. Captured Burma army soldiers claimed that they were forced ahead by NCOs and officers who threatened to shoot them from behind if they stopped. The only conflict in which mass attacks have been used since 1997 is in southern Shan State, where the Burma army is fighting the Shan State Army (South), and according to Shan State Army officers some of the same tactics are still being used. Some of the heaviest fighting occurred between April 24 and May 3, 2001, near Ba Kee in southern Shan State, and one SSA (South) brigade commander told Human Rights Watch, “Last year in the Ba Kee fighting the SPDC used many child soldiers, that’s why they suffered many casualties. I think more than 300 were killed and wounded on the SPDC side. The SPDC soldiers were drugged, probably on methamphetamines.”²²² Though resistance forces occasionally report that Burma army troops sent to attack them are drugged, none of the former Burma army soldiers interviewed by Human Rights Watch indicated that they had ever been given drugs.

Relations with the Civilian Population

I saw that they sometimes confiscated the villagers’ land near the battalion camp, like their betelnut and coconut plantations. Sometimes the commander ordered us to steal vegetables and chickens from the villagers, so we went and stole them. I was upset and sympathized with the villagers. They were very poor and didn’t have enough food, but

²²² Human Rights Watch interview with an SSA (South) Brigade commander, Shan State, Burma, March 2002.

we took everything for free from them. Sometimes the officer sent letters to the village heads telling them to send forced labor to work in our battalion. The army never gives money to them. I saw some villagers crying, but I didn't know why.

—Than Aung, recruited at age fourteen, who was based in Ye township of Tenasserim Division²²³

In training most soldiers are taught the *kyin wut chao seh*, the “sixty rules of conduct” of a soldier. These reportedly include treating civilians as brothers and sisters.²²⁴ When asked to comment on this in light of his later experiences as a soldier, one interviewee simply replied, “My comrades never obeyed the ‘kyin wut chao seh.’”²²⁵ Throughout Burma, the civilian population is used as a resource by the army as free labor, and as a source of food, money, and land. Many army officers try to make personal profits by extorting money and labor from the villages under their control. In regions of armed conflict the situation is even worse, because the regime’s official “Four Cuts” policy decrees that villages and food supplies must be destroyed if there is any evidence of civilian support for the opposition in the area.

Most new recruits begin by sympathizing with the villagers, but they are soon forced to become party to the abuses against them. One cause of this is the lack of rations; soldiers frequently complain that the NCOs and officers steal some of the rations and sell them, then tell the rank and file soldiers to get their food from the villages. This situation has worsened since the 1998 reduction by the SPDC of the rations sent to units in the field. In the end, the soldiers often have little choice but to steal food from the villages or go hungry. They are also ordered to obtain meat, alcohol, and other luxuries for the tables of their officers. As Myo Chit expressed it, “We had no food, and we saw chickens and ducks in a village so we stole them. We didn’t burn any villages. We just didn’t have enough rations.”²²⁶

The soldiers are also ordered to round up villagers for forced labor and supervise the work, which puts them in a difficult position if they are sympathetic. Khin Maung Than says he was unhappy, because “I wanted to be friendly with the villagers but the villagers were afraid of us. The villagers had to do forced labor whenever we needed to fix our camp buildings or clean our compound. If someone was not working very well the soldiers shouted at them

²²³ Human Rights Watch interview with Than Aung, Thailand, May 2002.

²²⁴ Human Rights Watch interview with Myo Chit, Thailand, March 2002.

²²⁵ Human Rights Watch interview with Sein Kyi, Thailand, May 2002.

²²⁶ Human Rights Watch interview with Myo Chit, Thailand, March 2002.

and beat them.”²²⁷ Fourteen-year-old Kyaw Nyunt also had trouble with his conscience: “Usually the NCOs demanded porters and food, they took food and whatever they saw, and they beat the villagers. When I saw that I remembered the time when I was arrested [to be a soldier], and I felt very sorry for those villagers.”²²⁸

After his recruitment at age twelve, Soe Naing spent most of the time until he turned eighteen supervising forced labor on infrastructure projects in Tenasserim Division:

We used villagers for forced labor on the Ye-Tavoy road and on the Ye-Tavoy railway as well. We were like supervisors. Mostly we sat and did security, sometimes we gave orders like “Do this” or “Move that.” Mostly the villagers were breaking rocks with hammers, and in the mornings they had to dig ditches along the roadsides. If the villagers weren’t working hard enough they were punished by our commander, mostly by beatings. I saw one villager on our construction site who refused to do something, so he was beaten by our sergeant until he was bleeding from the ear. At the construction site I saw many pregnant women, very old men and children working—the youngest were seven or eight years old. When we were at the road construction site near Ya Pu village Sergeant Win Kyaw raped one woman, and she was so ashamed that she committed suicide. Her name was Tee Dah Mo and she was just over eighteen, from Tavoy. He was my sergeant, from Company Three of LIB 402. I heard bad stories from the villagers so I didn’t want to stay in the army. Mostly they told me they’re very poor and they can’t support their families. I saw pregnant women working and felt very sorry for them.²²⁹

The use of villagers as forced porters for the army is the most traumatic for the recruits, because it is often the most brutal. Forced to carry heavy loads of ammunition and other supplies, the civilians often have trouble keeping up with the army column. The rank and file soldiers in charge of them, afraid of the beatings and other punishments they face if they fall behind, become desperate and try to do whatever is necessary to keep the porters moving. “I just said ‘Go faster, go faster.’ I didn’t beat or kick them, but some did. If they couldn’t go, they beat and kicked them, or kicked them down the mountainside.” Moe Shwe,

²²⁷ Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

²²⁸ Human Rights Watch interview with Kyaw Nyunt, Thailand, March 2002.

²²⁹ Human Rights Watch interview with Soe Naing, Thailand, May 2002.

who was in the army from age thirteen to nineteen, went on to say that during his time he saw six porters killed, and “I felt a lot of pity for them.” Though all of those killed were over thirty, he also saw children used as porters “very often. Fifteen or sixteen years old. Sometimes for one day, sometimes two or three days. I saw them being beaten, but not killed. If an adult carries twelve shells, the children carry eight. About eighteen *viss* [thirty kilograms] for an adult, and ten *viss* [sixteen kilograms] for children.”²³⁰ Thein Oo often saw villagers beaten by his commanders during forced labor; “I didn’t like it but I was afraid of my commander. If I protested I’d be beaten by my commander, 2nd Lieutenant Kyaw Myint Thein.”²³¹

The beatings of porters touched on something very painful for Hla Thein, who was only seven years old when his father died while portering. He says that at the time he didn’t understand the realities of portering and was told only that his father had died of illness while with the troops. He was deeply affected when he first realized the truth as a soldier when he was fifteen:

When I was young I didn’t know that the army had killed my father. Even during the military training I didn’t know. But when I was at the front line our unit forced villagers to be porters, and when they couldn’t climb the mountains they were killed. Then I remembered my father, and realized that he’d been killed by the Burmese army. After that I thought that taking porters is very unfair, and I never beat a porter.²³²

When villagers fail to arrive for forced labor as ordered, the officers often order the rank and file soldiers to go and round them up. The soldiers are threatened with beatings and other punishments if they fail to bring back the specified number. Soe Naing described what happened in his unit: “If some villagers didn’t come the sergeant called the village head and asked why they didn’t come, and then the village head had to try to get some people. If he still couldn’t get anyone the soldiers had to go to the village and catch pregnant women, old people and others to work.”²³³ When villagers failed to cooperate with Moe Shwe’s unit, “[t]hen we beat the woman village head.”²³⁴ Others testified that villagers were beaten or fined if they failed to finish a job as ordered. When Myo Aung’s unit was posted in southern Karen State,

²³⁰ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

²³¹ Human Rights Watch interview with Thein Oo, Thailand, March 2002.

²³² Human Rights Watch interview with Hla Thein, Thailand, May 2002.

²³³ Human Rights Watch interview with Soe Naing, Thailand, May 2002.

²³⁴ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

I treated the villagers with friendliness, but the officers used them to get money. If an officer needed something he demanded it from the villagers, and if they refused he threatened them. Then they burned the village. I saw it one time. There were about twenty houses there. The village had a Karen name, I can't remember it. I stayed behind at the camp. It wasn't far from the camp. They went to the village to demand porters and they fired into the air, the villagers ran away and then they burned the village. It gave me a strange unhappy feeling.²³⁵

Even though Myo Chit was quite small physically at the time, by the time he was fourteen years old he had already gained a lot of experience rounding up villagers for forced labor as porters:

We had to gather porters in the IB 54 battalion compound at Loikaw, then give them to other battalions. At night we went into town and captured them everywhere, or we took a truck to a village and captured them. Sometimes they refused so we beat them. I didn't beat them with my fists, I used my rifle butt. I hit a man twenty-seven or twenty-eight years old one time. I felt unhappy about it, but I had my commander's order. We were ordered to get as many as we could. We could get fifty or sixty a night. We went every night, and then when another battalion needed one hundred or two hundred porters we sent them.

When he was asked how a boy as small as himself was able to catch so many big men, he answered, “Because I had a weapon. I threatened to shoot them.” He then admitted that he was quite proud of himself and his unit when they came back with a lot of porters.²³⁶

Child soldiers are also forced to take part in the destruction of villages in areas where the army is pursuing a scorched earth policy. From the time of his recruitment at age thirteen in 1995 until he fled the army in late 2001, Moe Shwe says, “I saw it twelve times. There were some Karen soldiers in the village, or if there's a battle near a village we burned the village.” When asked if he actually torched houses himself, he answered, “Yes, three times. About two or three houses each time. We had to do it. We were ordered. If not they'd punch me. I felt very sorry and unhappy, because I thought that if my house

²³⁵ Human Rights Watch interview with Myo Aung, Thailand, March 2002.

²³⁶ Human Rights Watch interview with Myo Chit, Thailand, March 2002.

were burned like this there would be a lot of problems for my family and me.”²³⁷ As a child soldier Sein Kyi was also involved in the burning of houses from the time he was fourteen, and he described one such incident to Human Rights Watch: “We burned one villager’s house when we arrived in Shwe Doh village because we suspected this villager of having contact with the KNU. Our section arrested two villagers, beat them and locked them up because we thought they were connected with the KNU. I think they were ordinary villagers working their fields, because I’d often seen them working in the fields or going to town to buy things for their families. But someone informed our commander, so they were arrested and beaten.”²³⁸ When he was fourteen years old, Myo Chit’s unit was sent to hunt out internally displaced villagers hiding in the forests of Kayah State: “When we saw villagers in hiding we captured them, took them with us and then released them in the morning. Some ran and we tried to catch them. If we caught them we punished them by beating them. I beat them three or four times. Usually I beat only those who could understand Burmese. If they wouldn’t answer, I got angry and beat them.”²³⁹ Few villagers in the hills of Kayah State can speak Burmese, which is why they could not answer; however, Myo Chit may have needed to convince himself that they were Burmese speakers who were being uncooperative, simply in order to justify beating them. Repeatedly forced to commit acts which they know are wrong, many of the young soldiers appear to interpret their experiences in a way that justifies what they are doing. Villages become enemy camps, farmers with machetes become armed rebel soldiers, women and children become the families of the enemy.

Some soldiers interviewed had been forced to participate in extrajudicial executions of civilians, and were clearly still attempting to come to terms with this. The worst cases heard by Human Rights Watch came from Shan State, where the SPDC has forcibly relocated over 1,000 villages since 1997 in an attempt to undermine the Shan State Army (South). Most estimates place the number of displaced civilians at approximately 300,000, one third of whom have fled into Thailand while the others have been crammed into army-controlled relocation sites or are trying to hide in the hills. Several massacres of displaced villagers by the Burma army have been documented by local and international human rights organizations.²⁴⁰ Fourteen-year-old Nyunt Swe was posted to this

²³⁷ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

²³⁸ Human Rights Watch interview with Sein Kyi, Thailand, May 2002.

²³⁹ Human Rights Watch interview with Myo Chit, Thailand, March 2002.

²⁴⁰ See Human Rights Watch, *World Report 2002: Burma* (New York: Human Rights Watch, 2002); also Shan Human Rights Foundation, *Dispossessed: Forced Relocation and Extrajudicial Killings in Shan State* (Chiang Mai: SHRF, April 1998), pp. 5-8.

area in 2000, with Light Infantry Battalion #246 in Kunhing, and remained there until he fled the army at the end of December 2001:

Sometimes when we went to villages we thought people were spies for the SSA so we arrested and killed them. First we made them dig a hole, then when they finished digging we shot them. I saw three people killed like that in 2001. . . . Sometimes when we had duty doing security for convoys, if someone crossed the road we just shot them without asking any questions. I never had to do that. If someone leaves a 1,000 meter radius around their village, the order was to shoot them. I saw people shot about fifteen times. We had to shoot anything alive. I think all of them were civilian villagers, but we reported to headquarters that they were all Shan rebels. Two or three were women, the rest were men. All were adults. Twice I saw a soldier who was sixteen or seventeen kill a man with his weapon. I think they were villagers. The commander ordered him to do it. They captured them and killed them.²⁴¹

Nyunt Swe was then asked whether he himself had ever been ordered to kill a civilian: “Yes, only one time, and I refused. It was a Shan villager, a man about twenty-six or twenty-seven. The commander said, ‘That one is a Shan spy.’ I didn’t believe it. I said, ‘I’m too afraid to kill him’ and I complained, so he beat me with his hand on the back of my head. He was captain Aung Naing Oo. Then he ordered the corporal, ‘Take him and go kill him.’ He hit me once or twice and said, ‘You’re not a man, you’re afraid to kill.’ It was shortly after I’d finished my training. I hadn’t been in fighting yet. I was fourteen.”

Khin Maung Than was with the same battalion as Nyunt Swe, having arrived there in 1999 at age eleven. In February 2001 their companies joined for a two-month extended patrol in an area near Kunhing where thousands of villagers had been displaced. Though they both remarked that there were “no villages in the area,” this is only because the villages had all been destroyed and their occupants displaced. Nyunt Swe describes what happened to their column one day: “There were about thirty or forty of us patrolling that area. We met the SSA and fought them for about two hours. The Shan withdrew, and we chased them and captured their camp. There were five or six houses there. Not houses, huts. There were ten or fifteen women and children.” From his description and Khin Maung Than’s, it appears that this was not an SSA camp at all, but a group of internally displaced villagers hiding under the protection of an SSA unit.

²⁴¹ Human Rights Watch interview with Nyunt Swe, Thailand, March 2002.

When the SSA unit fled, some of the displaced women and children were unable to follow. Khin Maung Than says when they arrived at the huts he saw thirty-five bodies, “not in uniform, some were in soldiers’ pants but not soldiers’ shirts, and some were in civilian clothes,” whereas SSA soldiers are almost always in full uniform. Khin Maung Than then went on to describe in detail what happened next:

We captured about fifteen women and children. Some of the women were single, some were married. About five were thirty or forty, and two or three were about nineteen, all women. Three girls were raped. I didn’t see it. I was in the shop eating the biscuits. I know because one of my friends told me that some of the soldiers had raped three of the girls.

There were four or five children—three babies and four others who were under eighteen. They took the babies away from their mothers. We gathered them in one place and sent a report to headquarters by radio. The radio operator was a sergeant. The captain ordered him to send the message to headquarters. We reported that we’d captured the women and children. The captain didn’t ask permission to kill them, he just reported that we’d captured them and asked what to do. The order that came over the radio was to kill them all. I heard the whole thing. I heard the sergeant say to the captain, “The battalion commander has ordered that all those we have captured be killed.” Then the captain said, “All of you have heard the order from the battalion commander. Kill all of them.” They took some of the women’s clothing and used it to blindfold them. The officer told them, “We’ll take you all to our headquarters. We’re doing this so you won’t know the way or run away.” Then they took them away in a line to a little gully some distance away and made them stand in a line along the slope. All the soldiers were guarding them. Then six of the corporals loaded their guns and shot them. They fired on auto. The women had no time to shout. I saw it. I felt very bad because there were all these people in front of me, and they killed them all. Their bodies were left there.

The soldiers were holding the babies and the babies were crying. Two of them were less than a year old, maybe nine or ten months. One was maybe fourteen or fifteen months old. After the mothers were killed they killed the babies. Three of the privates killed them. They swung them by their legs and smashed them against a rock. I saw it.

This account was corroborated in separate testimony by Nyunt Swe. The event clearly had deep psychological effects on both boys, which will be examined more closely in the next section.

Psychological Effects on the Soldiers

When Myo Chit was first captured by a recruiting team at age twelve, he says he already had a vague foresight that “[i]f I joined the army life would change for me. When I was with my parents I never knew about smoking, drinking, gambling. . . . now I know all of these things.”²⁴² Though he may have foreseen that life as a soldier would drag down his character, he certainly did not realize that after three months of Ye Nyunt training, five months of military training, and a year in the army, he would be beating villagers with rifle butts and threatening to shoot them as he tried to force them onto a truck to take them as porters for the army. But by his own testimony, this is what he was doing. “At night we went into town and captured them everywhere, or we took a truck to a village and captured them. Sometimes they refused so we beat them. I didn’t beat them with my fists, I used my rifle butt. I hit a man twenty-seven or twenty-eight years old one time. I felt unhappy about it, but I had my commander’s order. We were ordered to get as many as we could. We could get fifty or sixty a night.” When Myo Chit was reliving this he was particularly animated and excited, and he admitted that he felt proud when his unit returned to camp with a particularly large number of porters. Only when directly asked how he felt about treating villagers this way did he express any remorse. In May 2001 he fled the army, but later joined an opposition army because “I like fighting.” Now fifteen years old, he clearly has yet to fully confront or resolve the conflict in his own mind about what he did as a Burma army soldier.

The effect on Myo Chit reflects the dehumanizing effect of his training and his time in the army. From their first day at the Su Saun Yay recruit holding camps the recruits are pushed to forget their identity and their humanity. Deliberately cut off from contact with their families, they are treated brutally by their superiors and often prevented from fraternizing even among themselves. After the training they are separated from those they were recruited with and sent off to distant battalions, where they are further brutalized by their commanders and encouraged to view the local population as their enemy. They are threatened against forming friendships with local civilians, and forced to commit abuses against those civilians under threat of severe punishments if they do not obey.

²⁴² Human Rights Watch interview with Myo Chit, Thailand, March 2002.

Such experiences can have particular consequences for children, who are more impressionable than their adult counterparts. As was remarked earlier, it is surprising how quickly the youngest soldiers say they adapted to combat. While openly admitting that their first time in battle they closed their eyes and cried, several of them found that by their second or third time in combat they had lost almost all fear, and eventually some said they almost enjoyed it.

Repeated exposure to violence and degrading treatment affects child soldiers' relationships with other soldiers as well as civilians. Moe Shwe was forced into the army at age thirteen, and at age seventeen, "When I was drunk I forced a girl to marry me. A Burmese girl. Her father is a sergeant. She was staying in the camp." In the Burmese context, particularly among soldiers, "forcing" a girl to marry usually means raping her and then either offering or demanding to marry her. At approximately the same time he was promoted to lance corporal, but some junior officers and NCOs who had a grudge against him beat him up so badly that he was hospitalized for a week and had to have his spleen removed. On his return from hospital, he shot dead one of his officers and ran away from the army, leaving his wife and their five-month-old daughter behind. He now assumes he will never see them again, and wants to be a Karen soldier; if he saw his father-in-law during combat, he said, "No problem. I'll shoot."²⁴³

Though the child soldiers are gradually drawn in to the web of inhumanity within the army and human rights abuses against civilians, most of them never quite lose the underlying sense that something is wrong. This leads some to run away and others to suicide, but for most it leads to attempts to rationalize their behavior or to distance themselves from things they have done. When asked about things their units did, they openly admit that their entire unit committed abuses but add that they themselves were somehow never part of it.

The testimonies of Nyunt Swe and Khin Maung Than regarding the massacre they witnessed in Shan State reflect the confusion of many child soldiers about their experiences. When Nyunt Swe, who was fifteen when the massacre happened in early 2001, first mentioned the massacre in answer to a question on a different subject, it was to say, "I saw one time when we attacked a Shan camp and we captured some Shan soldiers and killed them. I was afraid to kill them, but the others did it." In answer to the very next question, how many were executed, he suddenly stated, "They were not Shan soldiers, they were the Shan soldiers' families." After answering the next question regarding when it happened, he immediately added, "They were all women and children." In a second interview a month later, Nyunt Swe described the massacre more

²⁴³ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

openly and ended by saying, “I felt sad, because they had done nothing wrong and knew nothing. I would have refused to kill them like that. . . . I was kind to the villagers and I didn’t want to kill them. I hated the soldiers when they did these things.”²⁴⁴

The testimony of Khin Maung Than, who was thirteen when the massacre happened, is more troubling. The first time he was interviewed he openly brought up the subject of the massacre: “We captured about ten women and children after some fighting with the Shan. The captain with us asked [by radio] for orders from the battalion commander, and the order was to kill them. This is not right, these were women and children. I have a mother, sisters, brothers, and they were like them. They knew nothing about the fighting.” Toward the end of this interview he became quite emotional as he worried that “[m]aybe my mother and sister are crying because they don’t know where I am or what is happening to me.” When interviewed again a month later he described the massacre in much greater detail and quite openly, but appeared to have dissociated himself from it. When the women were raped, “I didn’t see it, I was in the shop eating the biscuits.” Though he said that he “felt very bad” when he saw the women gunned down with automatic fire, when asked his feelings in looking back on the massacre as a whole he only remarked, “I feel nothing.” He claimed that the subject was never discussed afterward within his unit and that he suffered no nightmares as a result; “I felt nothing against my friends because they were just obeying orders. We didn’t talk about it.” When asked if he would have obeyed if ordered to kill one of the children, he responded, “If you don’t follow orders that means you are against your country. . . . If ordered to kill a baby and I don’t, I’ll be sentenced to death and someone else would still kill the baby. So I would kill the baby.” He stated that if he were to meet a relative of one of the women who was killed, “I’d ask him the question, ‘Why was your relative in that area? Are you a rebel?’ We only killed the relatives of the Shan rebels.” At the same time, however, he admitted “I feel sad for those who are dead. I don’t feel angry with the soldiers who killed them but I feel angry with the person who gave the order to do that.” If he could dictate the punishment for that person, “I would give the order to kill him.” Later, when asked if he felt regret about the things that his unit did, he said “no.”²⁴⁵

After reviewing the transcripts of both interviews with Khin Maung Than and Nyunt Swe a mental health professional experienced in counseling refugees

²⁴⁴ Human Rights Watch interviews with Nyunt Swe, Thailand, February and March 2002.

²⁴⁵ Human Rights Watch interviews with Khin Maung Than, Thailand, February and March 2002.

noted the difference in Khin Maung Than from the first interview to the second. In the second interview,

The subject spoke of the massacre in a calm and sober manner, which contrasts sharply with the information he is relating. . . . Often people suffering from Post Traumatic Stress Disorder (PTSD) portray a detached manner when relating stories of gross violence. There is also a numbing of affect or mood that most patients with PTSD exhibit. Both of these symptoms were shown by the subject, in fact a number of times he said that he felt 'nothing'. Given the subject's age at conscription and the events that he has witnessed and been a part of since then, i.e. beatings, killings, rape and massacre, there is little doubt that he has been and continues to be traumatized. The manner in which he answers the questions in the second interview is that of a soldier, not a 14 year old boy ... Though he understands that many things that he is a part of are wrong, he is unable to perceive himself as belonging to those incidents and so sees them from an observer's eye. As is generally the case with survivors of violence and ex-soldiers who may be suffering from PTSD, the ability to appoint emotion to violent events is too stressful (too damaging) to the person's psyche. Extremely violent incidents are often related in a detached distant manner"²⁴⁶

At present neither Khin Maung Than, Nyunt Swe, nor any other of the former soldiers interviewed by Human Rights Watch have any access to counseling to help them overcome the traumas they have suffered through. Instead they must focus all of their energy simply on survival. They and thousands of others forced into the army at an early age will most likely have to live with the aftereffects of their time as soldiers for the rest of their lives.

Desertion and Suicide

The corporal treated us very badly. Cpl. Mya Thwe. He made me carry heavy shells and a big rice pot. That corporal was the only one who beat me, especially when he got drunk. He beat us with sticks and with a gun magazine. If we'd complained then he would only have got angrier and beat us more. He was the same to the villagers as he was

²⁴⁶ Letter to Human Rights Watch from a relief and mental health worker with Burmese refugees (who preferred to remain anonymous), May 29, 2002.

to us. When villagers came back from their work a little late and he met them along the way he'd say “Why are you late?” and beat them. He also took the villagers' rice and whisky without paying when they weren't home.

—Thein Oo, who volunteered at fourteen, describing why he decided to run away from his army unit three years later, in 2001²⁴⁷

Many soldiers eventually find life in the army unbearable. For some it is the constant abuse and exploitation by their commanders. For others, it is witnessing the brutal treatment of villagers who remind them of their own families, or simply missing their own homes and parents. When asked why they fled the army, most deserters cite a combination of these reasons. As Than Aung expressed it, “How could I be happy? I never wanted to become a soldier. Firstly, I didn't want to be a soldier anymore. Secondly, I saw things like soldiers taking the villagers' belongings, and that made me upset. I didn't want to eat from the villagers' belongings.”²⁴⁸ Zaw Moe had his own problems: “I had a problem with my officer. I always tried my best, but he always said ‘You're no good’ and scolded me. If he was angry he scolded me every day. It was the same for the other soldiers. I was sent to Hill 2012 and I just ran away, because the problem with my officer was getting worse, and I thought, ‘Maybe if I stay longer I'll kill him.’ So I took my civilian clothes and ran away to Thailand.”²⁴⁹ Hla Thein's reasons were different. Assigned to a special commando unit when he first finished training at age fifteen, he says his commanders were good and his unit had little contact with the civilian population, but after three years of facing combat almost weekly he had his own doubts.

I was very proud, especially since I was the youngest in my commando unit. Especially when we were resting back at our battalion headquarters I was very proud. I walked around like a general. But I often thought I had no future there. Many of my friends and leaders had been killed, and I felt that I'd probably be killed soon too. So I decided to flee. When we were patrolling near the Thai border I fled with one friend and we crossed the border.²⁵⁰

²⁴⁷ Human Rights Watch interview with Thein Oo, Thailand, March 2002.

²⁴⁸ Human Rights Watch interview with Than Aung, Thailand, May 2002.

²⁴⁹ Human Rights Watch interview with Zaw Moe, Thailand, March 2002.

²⁵⁰ Human Rights Watch interview with Hla Thein, Thailand, May 2002.

Though many want to flee, they feel trapped. Officers routinely tell their soldiers that if they are caught by resistance forces they will be killed in a brutal fashion. If they flee in areas where there is no resistance, there are army checkpoints everywhere. They also fear that if they flee the army their families will be put under surveillance, and may be interrogated and otherwise harassed. The soldiers also fear what will happen to them if they are recaptured. The SPDC informed Human Rights Watch in writing that “[a]ccording to the article 37 of the Defense Services Act, any person subject to this Act who deserts or attempts to desert the service shall be court-martialed, and on conviction, be liable to suffer the punishment as handed down by the court-martial.”²⁵¹

According to Salaing Toe Aung, “Before killing me they’d send me to prison. They’d kill me or send me to prison.”²⁵² Moe Shwe added, “If you just ran away you’re sent to prison for three to five years. If you ran with a gun and joined the KNLA you’re killed. Whether or not you ran with a gun, if you’ve joined the KNLA you’re killed.”²⁵³ A common perception among Burma army soldiers is that if a deserter is recaptured in an area where there is no armed conflict he is sent to prison for a term of several years, but if recaptured in a combat zone he may be summarily executed. Many also believe that the punishment is much heavier for deserters who flee with a weapon or for those who flee across an international border. This places them in a dilemma, because deserters who surrender to resistance forces without a weapon are often suspected of being spies for the SPDC (see below).

In some units, however, the commanders are surprisingly lenient with recaptured deserters, and punish them locally without killing them. This may be to avoid the blot on an officer’s record that could result from reporting too many desertions to higher authorities, though this soft approach can lead to even more desertions. Htun Htun was with such a unit: “The first time I was caught three days after I ran away and they didn’t take any action that time. I was fifteen at the time. I tried to run away six times and was caught each time. The first four times it was no problem, I just had to dig holes and do other work. The fifth time they threatened me and beat me about twenty times, then I was put in jail for twenty-eight days, and beaten twenty times again after I got out. I was about nineteen then. This is the sixth time.”²⁵⁴ The sixth time he escaped successfully. In Lwin Oo’s unit, where punishments were also carried out locally using the battalion’s lockup cells, “[e]ven some sergeants and lance corporals ran away.

²⁵¹ Letter to Human Rights Watch from the Permanent Mission of the Union of Myanmar to the United Nations, New York, July 17, 2002.

²⁵² Human Rights Watch interview with Salaing Toe Aung, Thailand, March 2002.

²⁵³ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

²⁵⁴ Human Rights Watch interview with Htun Htun, Shan State, Burma, March 2002.

After they're caught they beat them and then put them in jail, sometimes for fifteen or twenty days, sometimes for three months.”²⁵⁵

Some soldiers, however, are beyond the point of running away. Their officers may have crushed their self-image beyond repair, they may have lost all hope in the future, or their fear for themselves or their families should they run away may be too great. The reasons can never completely be known, but these soldiers choose to kill themselves. In most of the cases which were related to Human Rights Watch, those who chose to do so were child soldiers. Moe Shwe, now aged twenty: “Three from my group. They put a gun barrel in their mouths and fired. They were fourteen or fifteen. Three killed themselves altogether, all children. When we were on operations they couldn't climb the hills and their NCOs beat them, so later they killed themselves. It was three separate occasions.”²⁵⁶ Others also reported two or three suicides in their units, usually among younger soldiers. Even in Htun Htun's unit, where the punishment for desertion was not very severe, “[s]ix soldiers killed themselves, all at separate times, in Lwin Ba Pa, in the jungle. It was while I was based at Min Done. They were about fifteen or sixteen. They wanted to leave the army but couldn't get permission, so they pointed their guns at themselves and killed themselves. I didn't want to stay there anymore because I was upset by this. But I didn't want to kill myself, I wanted to run away.”²⁵⁷

Most of those interviewed found it easier to run away when they were at small outposts in remote areas, particularly in rugged combat zones where they could easily disappear into the forest. Often they discuss it with their closest friends and run in groups of two or three. Fourteen-year-old Khin Maung Than and sixteen-year-old Nyunt Swe planned their escape and then fled one night in late 2001 while Khin Maung Than was posted as camp sentry. Moe Shwe shot dead a junior officer who had beaten him badly, then immediately fled the camp. Sometimes others learn of the escape plan at the last minute and ask to join in, as in the case of Sein Kyi: “Three of us were talking. A lance corporal asked what we were talking about. He said he wouldn't tell the commander, so we told him ‘We're going to take our weapons and surrender to the KNU.’ He said, ‘I want to join you.’ So the four of us ran.”²⁵⁸ For many soldiers the idea of escape is something that never seems possible until an opportunity suddenly presents itself, and they take it.

When fifteen-year-old Myo Chit deserted in Kayah State in May 2001, “three of us ran away with four weapons. Within a few minutes they knew.

²⁵⁵ Human Rights Watch interview with Lwin Oo, Shan State, Burma, March 2002.

²⁵⁶ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

²⁵⁷ Human Rights Watch interview with Htun Htun, Shan State, Burma, March 2002.

²⁵⁸ Human Rights Watch interview with Sein Kyi, Thailand, May 2002.

They followed and tried to catch us and there was fighting, they shot at us. We shot back. No one was hit on our side, but I heard the sound of someone crying out on the other side. We had a BA93 heavy weapon [a grenade launcher] so they were afraid to follow us, and we escaped and found the Karenni Army in the next village.”²⁵⁹ Others also had to fight battles with their former comrades in order to make good their escape. After his escape Thein Oo was hidden by Karenni villagers who informed him that “[w]hen I was hiding in the jungle, my unit followed and told the villagers, ‘If you see a Burmese soldier with a weapon, kill him and bring us the weapon.’ But the villagers gave me food and took me to the KNPP.”²⁶⁰ This is consistent with the text of a Burmese language order document supplied to Human Rights Watch by the Karen Human Rights Group. Reportedly received by a village head in central Karen State in March 2000, the text of the stamped and signed order states:

- 1) If one or two of our army people run away from the column company and arrive at the village, reassure them and coax them nicely, then when they aren’t looking beat them until they lose consciousness. Then give their weapons to the nearest column. When you are doing this, if the soldier dies, we won’t take action and we will even give you a reward.
- 2) If you do not follow and carry out as specified above, we will designate the village as being in contact with rebels and take serious action under articles of the law. Moreover, we will take action up to and including the destruction and relocation of the village. Letting you know and informing you.²⁶¹

Human Rights Watch also received reports that in some areas of Karen State villages have been heavily fined and otherwise punished on suspicion of having harbored and aided deserters, even though in many cases these villages had never seen the deserters in question.

Even soldiers who fled largely because they missed their families told Human Rights Watch that once they had escaped they did not dare go home for fear of repercussions against family members. As a result many try to flee to

²⁵⁹ Human Rights Watch interview with Myo Chit, Thailand, March 2002.

²⁶⁰ Human Rights Watch interview with Thein Oo, Thailand, March 2002.

²⁶¹ Translation of alleged SPDC order document provided to Human Rights Watch by Karen Human Rights Group in May 2002.

other parts of Burma or to neighboring countries. Zaw Moe took the risk and headed home after he fled the army:

I ran away from Arakan to see my mother in 1998. When she first saw me she held me and cried and said, “It’s so wonderful to see you.” I didn’t tell her I’d run away from the army. I just said, “I’ve come back to find a job here and stay with you.” I was in the village for two years. The army never came to look for me. I looked for work in my village but it was very difficult and it wasn’t safe for me to stay long in my village, so I joined again. I joined the army again in 2000. I pretended I’d never been in the army before, and they sent me to #9 Training School in Thaton.²⁶²

Despite the dangers and difficulties, many of those interviewed felt that the desertion rate is steadily increasing as conditions in the army grow worse. According to Sai Seng, seven of the group of ten who were sent with him to Light Infantry Battalion #256 in late 2001 had fled within three months of arriving there. Win Kyi said that from his battalion, “ten or fifteen flee every month, so about 180 per year. Some are caught, I don’t know how many. If the army follows its original rules and aims then there will be fewer runaways.”²⁶³ Of the twenty-five soldiers at his base camp, Sein Myint remarked that, “[a]bout three of them are planning to escape already, but if there was a good and easy chance then maybe ten of them would run. I already spoke about it with two others.”²⁶⁴ Andrew Selth, author of several books and papers on Burma armed forces structure and methods, writes that

[t]he army in particular is facing personnel retention problems, arising from poor man-management, harsh conditions of service and low morale. Losses through desertion have been greatly exaggerated by some observers, but are certainly a much larger problem than in the past.²⁶⁵

²⁶² Human Rights Watch interview with Zaw Moe, Thailand, March 2002.

²⁶³ Human Rights Watch interview with Win Kyi, Thailand, March 2002.

²⁶⁴ Human Rights Watch interview with Sein Myint, Thailand, March 2002.

²⁶⁵ Andrew Selth, *Burma’s Armed Forces: Power Without Glory* (New York: Eastbridge, forthcoming), prepublication text provided by the author. In an email communication to Human Rights Watch in mid-July 2002 Selth added that “[t]he increased rate of desertions seems to be prompted by a wide variety of reasons. The harsh discipline encountered, both in the barracks and on operations, is a major cause, but others desert because of victimization by their officers and fellow soldiers, religious or ethnic

When asked how many of their fellow soldiers, especially the child soldiers, would flee the army if they felt they had a good chance, the interviewees were almost unanimous in saying that almost all would like to escape; Than Aung felt it would include “many, including some sergeants and corporals. Many! I think all of them would run away if they could.”²⁶⁶ Sixteen-year-old Nyunt Swe was equally certain: “Many would flee. Even the sergeants. More than half would flee. Most of the soldiers in the battalion don’t want to be soldiers, they only stay there because they think of their families [they fear retaliation against their families if they should flee]. I was always looking for a chance to run, even when I first started the training. But it’s very difficult.”²⁶⁷ Some estimated that one or two hundred soldiers in their battalions have deserted in the past two to three years, and said that their battalions were operating far below full strength because few of them have been replaced. This may result in part from battalion officers keeping the names of those who have deserted on the rolls in order to keep receiving their salaries. However, the higher levels of the army can hardly fail to notice the declining strength of their battalions through desertion.

The Scope of Child Recruitment in the Burma Army

When requested by Human Rights Watch to provide statistics on the number and ages of new recruits for the year 2001 the SPDC replied that such statistics are “not available” and would only state that “the ages of new recruits range from eighteen to twenty-five years.”²⁶⁸ All of the testimony and other evidence gathered by Human Rights Watch indicates, however, that large numbers of boys under eighteen are being forcibly recruited and accepted as volunteers to the Burma army. Human Rights Watch did not gather any data

prejudices, poor living and working conditions, corruption, rejection of the regime’s policies (including the brutal nature of its counter-insurgency campaigns), fear of death or injury on operations, home-sickness, illness (malaria is a major problem), and a variety of other more personal reasons. I gather that there is also a great deal of unhappiness in the army over the fact that many soldiers are now obliged to work on infrastructure projects (e.g. road building) rather than military operations.”

²⁶⁶ Human Rights Watch interview with Than Aung, Thailand, May 2002.

²⁶⁷ Human Rights Watch interview with Nyunt Swe, Thailand, March 2002.

²⁶⁸ Letter to Human Rights Watch from the Permanent Mission of the Union of Myanmar to the United Nations, New York, May 8 2002. In August 2002 the SPDC submitted a report to the United Nations Committee on the Rights of the Child stating that “there are no children in armed conflict” in any state or non-state army in Burma (Government of Myanmar, *Second National Report on the Implementation of the Convention on the Rights of the Child*, August 2002, paragraph 67.)

regarding the navy or the air force, which are much smaller arms of the armed forces.

A previous study on child soldiers in Burma, conducted in 1995 as a case study for the UN study on the impact of armed conflict on children, estimated that the Burma army included 50,000 children under the age of eighteen.²⁶⁹ The size of the Burma army was then estimated at 265,000, indicating that some 19 percent of the army's ranks were children. Human Rights Watch's research suggests a similar proportion of children in the army. Furthermore, as the size of the army has grown, the overall number of child soldiers has increased proportionally.

Exact figures are not available, but some indication of the prevalence of child recruitment can be found by examining the testimony of the twenty former Burma army soldiers interviewed by Human Rights Watch, who were recruited between 1991 and August 2001 and fled the army between 1999 and March 2002. At every juncture of their stories, such as initial recruitment and detention, their time at the Su Saun Yay recruit holding camp, military training, and each posting during their active service, each of them was asked for their observations regarding how many individuals were under eighteen and under fifteen years old among their group, their section, their barracks, their company, or their battalion, and the age of the youngest boy in each setting. When compiled and analyzed, the numbers they provided begin to paint a rough picture of the army's make-up.

An analysis of the former soldiers' observations suggest that between 35 and 45 percent of new recruits into the Burma army may be under the age of eighteen, and that the proportion of new recruits under the age of fifteen may be

²⁶⁹ See Rachel Brett and Margaret McCallin, *Children: The Invisible Soldiers*. Save the Children Sweden, 1998.

as high as 15 to 20 percent.²⁷⁰ On average, the youngest recruits at both the recruit holding centers and the training camps were twelve years of age.²⁷¹

Reports from interviewees regarding the ages of fellow soldiers in their active duty battalions varied more widely, but suggest that as many as 20 to 30 percent of active soldiers may be under age eighteen.²⁷² The lower percentages of child soldiers at the battalions are due to the fact that many active duty soldiers have been with their battalions for several years, so even though many of them were recruited as children, they age in the battalion and eventually pass their eighteenth birthday. The official term of service in the army is ten years,

²⁷⁰ Estimates from all twenty respondents provided a median of 47.5 percent of under-eighteens and a median of 20 percent of under-fifteens at the recruit holding centers. The nine respondents who had been recruited since 1998 and were able to provide estimates gave a median of 43 percent of under-eighteens. At the training camps, respondents estimated a median of 43 percent of trainees were below the age of eighteen, and a median of 15 percent below the age of fifteen. Respondents who had undergone training since 1998 estimated a median of 34 percent of trainees under age eighteen and a median of 15 percent of trainees under age fifteen. The consistency between the reports at the recruit holding camps and the training camps suggest a high degree of reliability for these findings. For these calculations, we used the median (the mid-point of the range of estimates) rather than the mean because the median is less likely to be skewed by estimates that are either extremely high or extremely low.

²⁷¹ The estimated age of the youngest recruit at the recruit holding centers ranged between nine and fifteen, with a median of twelve years. Responses regarding the youngest trainee at the training camps ranged from eleven to fifteen, with a median age of twelve.

²⁷² Reports from interviewees were based on some units as small as ten persons, to larger battalions of up to 250. Because some soldiers served in more than one unit or battalion, estimates were provided for 28 separate units or battalions. New battalions include a much larger proportion of new recruits, including larger numbers of children, while older, more established battalions are likely to be primarily comprised of older soldiers that have served for years. As a result, estimates of under-eighteens ranged from as low as 3 percent to as high as 90 percent. However, the majority of reports fell between 20 percent and 35 percent, with a median of 30 percent. Because there may be a negative correlation between the size of units and the proportion of child soldiers, we also made calculations excluding units of fifty or fewer soldiers. Of those units with more than fifty soldiers, respondents estimated a median of 22 percent children under age eighteen. Because our data may be idiosyncratic due to sampling problems, in another calculation we excluded estimates of units (of any size) with more than 60 percent reported child soldiers. This resulted in a median of 30 percent of under-eighteens. Estimates of the age of the youngest soldier with each unit ranged from eleven to seventeen, with a median of fourteen years.

but all of those interviewed stated that most soldiers are not discharged at the end of that time.

The soldiers’ observations regarding the age of active duty soldiers were based on their experiences in battalions in diverse parts of Burma, including Sagaing, Magwe, Pegu, and Tenasserim divisions, and Shan, Kayah, Karen, Mon, and Rakhine states. In total, they served in twenty-eight separate units or battalions comprising more than 3,000 soldiers. If these units are representative of others across Burma, the analysis of the former soldiers’ reports suggest that 70,000 or more of the Burma army’s estimated 350,000 soldiers may be under age eighteen. Tens of thousands more were no doubt recruited as children over the last decade, but have now grown to adulthood.

The Pyitthu Sit Militia

The “Pyitthu Sit,” or People’s Army, is a civilian militia force created by the Burmese regime and subservient to the army. Its function is to support the army in local operations, primarily by monitoring any movements of resistance forces and theoretically “defending” villages where there is no Burma army garrison. In addition, Pyitthu Sit units are often taken along by mobile army columns patrolling the area. According to independent Burma analyst and military historian Andrew Selth, the Pyitthu Sit

was created in the 1960s as part of the regime’s national counter-insurgency strategy and, by the mid-1980s, consisted of an estimated 35,000 rural villagers. They tended to be poorly trained and armed, however, and were of limited use in any combat role. They assisted with village defense and served as guides and informers.²⁷³

The units are primarily formed in villages which are controlled by the SPDC, but which may be near an area of active armed resistance. Some militiamen are given ranks; for example, if there are a total of fifty militiamen within a local group of villages, their leader is assigned the rank of “company commander,” and he is the highest local authority whenever there are no Burma army troops around. In some regions the bulk of the militia members are volunteers, but in ethnically non-Burman areas most of the recruits are forcibly recruited on a village quota system. One witness from an area of Karen State just east of Thaton told Human Rights Watch that in his area the quota is usually one recruit per ten houses; these recruits then have to serve for at least one year

²⁷³ Andrew Selth, *Burma’s Armed Forces: Power without Glory* (New York: Eastbridge, forthcoming), prepublication text provided by the author.

before being replaced by a new quota of recruits.²⁷⁴ The rest of the village is forced to provide money for the cost of training the recruits, then to provide them with monthly salaries and/or rice afterwards. Training generally lasts from two to six weeks and is provided at a nearby battalion base or army training camp. The militia members are then provided with small arms, usually assault rifles captured from or surrendered by resistance troops. The Pyitthu Sit members are ordered to guard their village and fire on any resistance units which make an appearance. To ensure that they do so, Burma army soldiers are often sent to supervise them; for example, two Burma army soldiers take charge of five Pyitthu Sit members, forming one unit based in a village. In addition, patrolling Burma army columns often pick up two or three Pyitthu Sit members from each village along their way and use them as guides and combat troops; they are taken along for two or three days and are usually placed at the front of the column to trigger landmines and ambushes. As a result, Pyitthu Sit members are frequently killed in combat.

In practice, many villagers and resistance leaders claim that the Pyitthu Sit is not very effective.²⁷⁵ In regions where there is no armed conflict, those who volunteer to join often do so for the opportunity of personal profit, and local Pyitthu Sit units spend much of their time extorting money and goods from the local population. Where no one wants to join and villagers are forced into the Pyitthu Sit, primarily in ethnically non-Burman regions or areas of armed conflict, the Pyitthu Sit members do as little as possible in fulfilling their function, and frequently pass intelligence to the opposition or flee and surrender their arms to resistance groups.²⁷⁶

According to the Directorate of Defense Services Intelligence (DDSI), an arm of the Burma military, there are no longer active people's militia units in each village and the militia's arms have been placed in army stores.²⁷⁷ However, the DDSI's claim that Pyitthu Sit units have been disarmed is contradicted by eyewitness testimony gathered by Human Rights Watch from people who live in areas where the militia operates. A witness from Thaton District in Karen State

²⁷⁴ Human Rights Watch interview with independent Karen observer from Thaton District, June 2002.

²⁷⁵ Andrew Selth states that the militias "tended to be poorly trained and armed . . . and were of limited use in any combat role." See *Burma's Armed Forces: Power Without Glory* (New York: Eastbridge, forthcoming).

²⁷⁶ Human Rights Watch interviews with Karen residents of Karen and Mon States, May 2002; also interviews by the author from 1993 through 2001 with villagers in Karen State, Pegu Division, Mon State and Tenasserim Division.

²⁷⁷ Andrew Selth, *Burma's Armed Forces: Power without Glory* (New York: Eastbridge, forthcoming).

told Human Rights Watch that in this area, when a family's turn arises to send a Pyitthu Sit recruit for one year they must comply, even if they only have one son and he is under eighteen and in school; the only alternative to sending a family member is to pay approximately 5,000 kyat²⁷⁸ per month to hire someone to go on their behalf. As a result many children are forced into the Pyitthu Sit, and the witness estimated that in the Thaton area two out of every five Pyitthu Sit members are under eighteen years old, with the youngest aged thirteen.²⁷⁹ In Mon State and Tenasserim Division, reports are now emerging suggesting that in some regions the Pyitthu Sit is being reorganized to make it more effective, and that this may be resulting in increased child recruitment. According to information provided to Human Rights Watch by the Human Rights Foundation of Monland (HURFOM), in Mon regions the militia units are beginning to operate on a short-term rotational basis. In early 2002 an order was issued for all village heads in Ye township of Mon State to provide lists of all boys and men aged thirteen through thirty, while a similar order issued in Thanbyuzayat township specified the age range as nine through twenty-five. Afterwards, a few villages in Thanbyuzayat township reportedly told HURFOM representatives that sixty-nine of the boys and men on the list had been rounded up and sent to divisional headquarters training camp #4 at Weh G'Li near Thanbyuzayat for militia training; later others were also rounded up from other villages. HURFOM also reported that in parts of Tenasserim Division all boys and men in some villages have received militia training, after which ten of them at a time must do rotating one-week shifts of militia duties including carrying arms. According to a HURFOM representative, “In February in Ye Pyu township, LIB 282 came and gathered sixty militia and used them with their column for operations against the KNLA and the Monland Restoration Army. I interviewed one militiaman who said he was afraid of being used this way so he fled his

²⁷⁸ This is U.S.\$833 at the official rate, or U.S.\$5.88 at present market rate. By comparison, an army private's salary is 4,500 kyat per month.

²⁷⁹ Human Rights Watch interview with independent Karen observer from Thaton District, June 2002.

village.”²⁸⁰ If the Pyitthu Sit is reorganized in this way nationwide, it could result in the forced recruitment and training of thousands of children as armed militia members, and these same children could then be looked upon as desirable recruits for the regular army.

²⁸⁰ Human Rights Watch interview with representatives of HURFOM and the Mon News Agency, May 2002; see also Human Rights Foundation of Monland, *Burma's Women And Children: The Suffering And Survival* (Thailand: HURFOM, March 2002), pp. 62-63.

V. OPPOSITION FORCES

From Burma's first year of independence in 1948, there have been armed insurgent and resistance groups fighting the central regimes in Rangoon. Most of these groups have formed along ethnic rather than ideological lines, the main exceptions to this rule being the Communist Party of Burma, and pro-democracy forces such as the All-Burma Students' Democratic Front and the People's Democratic Front. Over the decades dozens of new groups have formed and dissolved, factionalized and merged, creating a confusing array of present day armed groups. During the research for this report Human Rights Watch was able to obtain information regarding nineteen of them. This information is presented below, followed by a list of an additional fourteen for which no direct information was available. The text refers to them as armed opposition groups or opposition armies because all of them were formed in some form of opposition to the central regime in Rangoon. Since 1988 the majority of them have made ceasefire agreements with the SLORC and SPDC regimes, but over ten of them are still fighting against the Burma army. Of those which have ceasefire agreements, some work very closely under the wing of the SPDC and the Burma army, while others still consider the regime as their enemy and have a very delicate and strained relationship with it.

Though the groups listed below operate in different parts of the country and vary greatly in their history and makeup, most of them have certain things in common. Firstly, none of them individually poses an immediate military threat to the rule of the SPDC junta; the United Wa State Army with its estimated 20,000 soldiers is the only force large enough to do so, but it has been in a ceasefire agreement since 1989 and expresses no desire to overthrow the ruling regime. Of the other armed groups, only the Shan State Army (South), the Kachin Independence Army, the Karen National Liberation Army, and possibly the Democratic Karen Buddhist Army, number over 3,000 troops. The ethnic-based armed groups which exist today are all focused on defending their home regions and seeking regional autonomy rather than overthrowing the Rangoon regime, and they are therefore referred to below as resistance forces rather than insurgents.

Most of the opposition groups rely extensively on the material support of the local civilian population, so their relations with civilians tend to be much better than those of the Burma army. Representatives of opposition armies who are still fighting claim that many civilians are now voluntarily enlisting to seek revenge for human rights abuses committed against their families or because they have been displaced by the destruction of their villages by the Burma army, and these claims are generally supported by interviews conducted with

opposition soldiers. Many of the opposition groups also have a history of forcibly conscripting civilians, including children, into their armies, albeit those that have continued to fight rather than enter into ceasefires have been greatly weakened by Burmese military offensives, causing their forces to shrink and lessening their ability to conscript. Of the nineteen groups researched by Human Rights Watch, the evidence indicates that the United Wa State Army, the Democratic Karen Buddhist Army, the Shan State Army (South), the Kachin Independence Army, the Kachin Democratic Army, and occasionally the Karen National Liberation Army, are conscripting soldiers at present.

Though some groups have no policy on minimum recruitment age, every group directly contacted by Human Rights Watch claimed to have a policy against recruiting children under eighteen. None except the smallest of the groups, however, appear to adhere to these policies. The Karen National Union and the Karenni National Progressive Party were both open in admitting that despite their policies setting the minimum age as eighteen, they accept younger volunteers if they are particularly insistent on enlisting. Though other groups flatly deny accepting any child recruits, other evidence suggests that they actually follow a similar practice.

The United Wa State Army (UWSA) probably has the most child soldiers of any opposition army in Burma, with possibly as many as 2,000 soldiers under eighteen, six to eight hundred of whom are under fifteen. Most of the other large opposition armies have between one hundred and five hundred child soldiers, while the Democratic Karen Buddhist Army and the Kachin Independence Army may have between 500 and 1,000. Based on the best estimates available for the nineteen groups researched by Human Rights Watch, and allowing for a possible 1,000 additional child soldiers with the fourteen smaller groups not investigated, we estimate a total of just over 6,700 child soldiers in the combined armed opposition groups.

While the research was unable to cover all armed opposition groups, the sections below examine in detail the child recruitment practices of several of the main groups which can be viewed as representative examples. Those examined in the most detail include ceasefire and non-ceasefire groups, and illustrate a variety of approaches to the issue of child soldiers, ranging from armies that forcibly conscript children with no apparent restraint, through those that recruit children on a small scale but deny doing so, to those who openly recognize child recruitment as a problem in their army and appear to be seeking solutions. The sequence in which these groups are presented and the length of each section should not be seen as indicative of which groups are the most serious offenders; to the contrary, the groups for which the most information is presented are those

which were the most willing to give Human Rights Watch researchers access to their troops, officers, camps and representatives.

United Wa State Army (UWSA)

Most analysts believe that the United Wa State Army is the largest armed opposition force in Burma today. No official data is available regarding its strength, but the UWSA reportedly claims to have 20,000 soldiers under arms. One independent observer estimated that the UWSA has no more than 6,000 soldiers, but most outside estimates range between 15,000 and 25,000. Most of the Wa people are native to northeastern Shan State, where they number no more than 500,000. In 1968 forces of the Communist Party of Burma (CPB) came into this area and began recruiting the Wa and other nationalities to their People's Army. By the late 1980s, Wa and Kokang soldiers made up the vast majority of the CPB's army in Shan State, which was Burma's largest armed opposition force. In 1989 the Kokang mutinied against the CPB leadership, which was dominated by ethnic Chinese, and broke away to form their own small army. The much larger Wa contingent mutinied a month later, causing the CPB to disintegrate. Wa leaders emerged and formed the Burma National Solidarity Party, which was then renamed the United Wa State Party (UWSP), while the army took on its present name. Just a month after its formation, the UWSP reached a ceasefire agreement with the SLORC regime in Rangoon.²⁸¹

Under the terms of the ceasefire the UWSA retains its arms and controls a large area of northeastern Shan State. It is possibly the best equipped opposition army in Burma because it is reportedly financed by the proceeds of large-scale opium, heroin, and methamphetamine production. Since the ceasefire the UWSA has fought their traditional Shan enemies in southern Shan State on behalf of the SLORC/SPDC regime; first from 1989 to 1996 against the Mong Tai army (MTA), a Shan group led by Khun Sa, and from 1997 to the present against the Shan State Army (South). As a result the UWSA has managed to take over some territory in southern Shan State, and in January 2000 its leaders announced that they were relocating 50,000 Wa villagers to these southern territories with the authorization of the SPDC. Since that time, some observers estimate that over 100,000 Wa villagers have been relocated, displacing many Shan, Lahu, Akha and other villagers from areas of southern Shan State.²⁸²

Human Rights Watch was unable to obtain any information on official UWSA policy with regard to child soldiers. According to outside observers who

²⁸¹ See Lahu National Development Organization, *Unsettling Moves: The Wa Forced Resettlement Program in Eastern Shan State* (Thailand: LNDO, April 2002), pp. 4-6.

²⁸² *Ibid.*, pp. 3-5.

have had access to Wa areas and Shan soldiers who have fought the UWSA, the Wa army has a large number of children in its ranks, possibly 2,000 or more. This is consistent with the testimony of Aung Kyaw, a recent deserter from the UWSA, who told Human Rights Watch that in his training camp, his training group, and his battalion, about 10 percent of the boys were under eighteen and 3 to 4 percent were under fifteen.²⁸³ His estimates imply that the UWSA has 2,000 soldiers under eighteen and six to eight hundred under fifteen. Human Rights Watch has received unconfirmed information that on December 20, 2001, a group of 700 recruits completed six months of UWSA training at a training camp near Murng Hsat, and that of this group 80 trainees were aged between nine and thirteen, and twenty-five were aged fourteen to fifteen.

In Burma the Wa are viewed as a very tough and militaristic people, a nation of warriors. A foreign observer who visited one UWSA camp described his impression as follows:

Every Wa is considered as militia, and every household is given a weapon. The Wa order every family to give up one son. They stay in barracks with racks of M16s on the opposite wall. They're taught in school and train with weapons starting at age eight. I saw it in 1999 or 2000. There were 400 or more students at the school. I don't know at what age they're deployed, but I met many very young Wa soldiers. At least 10 percent of them are child soldiers, more than the Shan. There were many who were around sixteen. The Wa may have as many as 30,000 troops. They're very tough. It's said that "The Wa are good at dying." Most families probably give a son willingly, because the boy gets food and an education. The kids at the school seemed fairly happy.²⁸⁴

A representative of a local relief and human rights organization who has done research on the Wa estimated a higher proportion of child soldiers, possibly as many as one in three. According to his experience,

They keep a list of all Wa families, and if you have two boys then you must give one. If a Wa family has only one boy then they take him as a militia volunteer. They have two lists: one is militia volunteers, the other is those who get training and a salary of ten [Chinese] yuan per month but they can call him whenever they need him. Sometimes

²⁸³ Human Rights Watch interview with Aung Kyaw, Thailand, March 2002.

²⁸⁴ Human Rights Watch interview with independent observer, Thailand, March 2002.

when they're only four years old they give the boy a rock and pretend it's a grenade; if he can throw it up the hillside he gets food. At age eight or nine they give real military training with real guns. Once they're over ten they're sent to the front line. . . . The Wa also control areas where Akha, Lahu, Palaung and other groups live. These people have to give a tax, and if they can't pay it they have to give a boy. I don't know about the north, but south of Kengtung the tax is 250 [Thai] baht per family per year.²⁸⁵

Though unable to obtain access to UWSA areas, Human Rights Watch was able to interview Aung Kyaw, a nineteen-year-old Lahu man who was forcibly recruited to the UWSA at age twelve and fled in September 2001. When he was a Fourth Standard student in his village,

Some Lahu people who worked for the Wa army came early in the morning. They said, “We are calling you to study, not to be a soldier. When you study we'll give you a salary of 500 [Thai] baht per month, and in the school holidays you can come back to visit your family. Then when you finish school you don't have to become a soldier unless you want to.” My parents said, “If you'll allow him to come home once a year then we'll let him go.” I didn't want to go but I had no choice. I didn't want to be a soldier. . . . They took two boys, me and another boy aged twelve. They had a list of how many boys were in each house. They also went to other houses, but the others ran away so they wouldn't have to go.²⁸⁶

²⁸⁵ Human Rights Watch interview with representative of a local relief and human rights organization working in southern Shan State, conducted in northern Thailand, March 2002; see also Lahu National Development Organization, *Unsettling Moves: The Wa Forced Resettlement Program in Eastern Shan State 1999-2001* (Thailand: LNDO, April 2002), p. 21, which quotes a Lahu farmer in southern Shan State as saying, “The Wa took everything they wanted from us. They demanded taxes. Each family member had to give 250 baht to the Wa Army per year. If we couldn't give this, we had to give one person to the Wa Army instead. They accepted children from the age of seven upwards.” At the present exchange rate, 250 Thai baht is U.S.\$5.92; for rural families in southern Shan State this can be one to two months' total income. Ten yuan is about U.S.\$1.11 at present exchange rate.

²⁸⁶ Human Rights Watch interview with Aung Kyaw, Thailand, March 2002. At the present exchange rate, 500 baht is U.S.\$11.85.

The two Lahu men who came into the village were in civilian clothes, but a group of Wa soldiers were waiting just outside the village. “Later almost thirty people from the Wa army came, and when they took us back with them there were about thirty children, sixty people altogether. The children were ten to fifteen years old. I didn’t know most of them, they weren’t from my village. Some were Lahu, some Wa, some Shan. They guarded us very well. We went on foot, there is no road or cars. It is one day on foot to Sah Lu Yan. We had to travel by night.” Sah Lu Yan, which means “361,” is a Wa army base. When the group arrived there, he saw about 1,000 boys undergoing training; about a hundred were under eighteen, including his own group of thirty, and twenty were under fifteen. “There were twelve, thirteen, fourteen and fifteen-year-olds. No younger than that. When we arrived they ordered us to attend military training. I told the adults, ‘I don’t want to join the army. I came to study.’ They said, ‘Never mind. Joining the army and going to school are the same.’” When they asked him his age, “I said I’m twelve. They said, ‘No, I don’t believe you. You look younger than that, maybe eleven.’” They then registered him. Ten of his group of thirty were allowed to attend the school at the camp, but Aung Kyaw was not allowed to go with them, even though some of them were older than he. He says that those in the school could study until Twelfth Standard and are then given jobs with the UWSP or UWSA.

Instead, Aung Kyaw himself was forced directly into military training. He says that his group of trainees were Akha, Wa and Lahu boys, and that some of the other groups also included Shan and Chinese. “Each day we got up, folded our beds, then started with twelve kinds of exercise, Chinese style. We got breakfast at nine, then we started military training at ten. Carrying guns, M16 and M22 [assault rifles]. In the afternoon we practiced songs, like Wa national songs. It was all done in Wa. Some Lahu understood Wa and explained it to us.” The training was extensive: “They said the training would last six months but we had to attend for one year, because they ordered us to do work like building houses and cutting bamboo. We had to do soldier work and other work at the same time.” In training “we were treated like soldiers,” meaning that they were punished with physical work or beatings. Aung Kyaw himself was beaten four times during training because he could not understand commands. As the training progressed, “I wasn’t allowed to write to my family. I missed them and I cried. The others too. Some of the older ones ran away, and some of them were caught. They were put in jail with sentences of one year, three years or five years.”

After the training Aung Kyaw spent six years as a Wa soldier based at Loi Kham and Mae Yo. Before the Mong Tai army surrendered in 1996, he was often involved in heavy fighting with them. The first time, “[t]he Shan army

came to a Lahu village and sent us a message: ‘We’re here. If you want to fight come here.’ There was a lot of shooting but no Wa soldiers were hurt. I was scared. I went to the NCO and stayed close to him. I fired my gun, about 200 rounds. We shot at them but they got away.” After 1996 his unit never saw combat, but spent most of their time farming around their base. He was involved in providing security for drug caravans, but it was the older soldiers who actually carried the drugs and the use of drugs was strictly forbidden to all of the rank and file soldiers. According to another source from outside the UWSA, the officers can get away with using methamphetamines, but for the rank and file caught using drugs the first offence is punished with a jail term, the second offence with execution.

Though his officers usually were not brutal to him, “[w]hen I was a soldier I was too young and I couldn’t do all the things I was told to do. I couldn’t do some of the heavy work and they beat me once or twice, very badly with sticks.” He did not see any serious problems between Wa soldiers and villagers but thinks that the Wa army is not a benefit to local villagers, particularly non-Wa villagers. As part of the recent forced relocations of Wa villagers from the north to the south he noted that “[m]any Wa soldiers from Mong Yawn were sent up to Murng Hsat, they took the land from the Lahu villagers and told them that if they want to stay in their villages they must join the Wa army. . . . I think it’s not good, because some people don’t want to join but they’re forced, and now that they are forcing Lahu people out of their villages they sometimes take the Lahu children to be soldiers.”

Once in the UWSA, Aung Kyaw says that no one is ever let out. Forty or fifty of his battalion of 300 had already run away, and those who were caught were beaten and then sent to jail for three years. Despite the risk, he felt that he had to run away or he would end up in the army until he died: “I had to run away, because I told my officer, ‘There is no fighting and nothing to do, so I want to go and visit my family’ and he refused. No one was allowed to go to see their families. I haven’t seen my family since I was taken [seven years ago]. I’ve had no contact with them at all. There was no one who could take a letter to them, and I wasn’t allowed to go and see them. I want to go back now, but I have no documents or money so I can’t. If I go back to my family I’ll be arrested, or they’ll give my family problems.” Early one morning he left his UWSA camp in civilian clothing without any particular plan, climbed on a passing passenger truck and never returned. In his opinion, most of the soldiers in the UWSA would flee if they had the chance.

In his testimony Aung Kyaw corroborated the observations of outside observers cited earlier that the UWSA arms and trains every Wa family. There are no indications that the UWSA has altered its policy of taking one of every

two sons from Wa families, in addition to one son of every non-Wa family who cannot pay a heavy tax in cash. While it may be true that the Wa are a tough and even warlike people, their population has been decimated by war to the point where the Lahu National Development Organization estimates that women outnumber men three to one and children under fifteen make up a third of the total population in the Wa home area.²⁸⁷ The mass forced relocation of over 100,000 people has made things even worse, killing as many as several thousand Wa villagers through illness and hunger.²⁸⁸ The expansion of UWSA territory which accompanies the relocations is likely to result in even more pressure on both Wa and non-Wa families to hand over their young sons to the UWSA.

Shan State Army - South (SSA-South)

Prior to 1996 the Mong Tai army led by Khun Sa was probably the second strongest opposition army in Burma, operating in southern Shan State with an estimated strength of well over 10,000 troops. When Khun Sa suddenly surrendered his army to the SLORC regime in 1996 many of his soldiers were caught by surprise, but had little choice except to surrender or disperse to their home villages. MTA Colonel Yawd Serk broke away with 500 to 1,000 soldiers and continued to fight, eventually naming his new army the Shan State Army - South. The designation 'South' differentiates this group from the Shan State Army, which is based in northern Shan State and made a ceasefire pact with the SLORC in 1989. To undermine the SSA-South, the SLORC/SPDC began forcibly relocating Shan villages in southern and central Shan State, a campaign which is still continuing and has already uprooted an estimated 1,500 villages and 300,000 people.²⁸⁹ The SSA-South has grown since then, largely with recruits from among the displaced civilian population, and continues to fight the Burma army and sometimes the United Wa State Army. The SSA-South refuses to release information on its troop strength, but most estimates now place it at 4,000-6,000 soldiers under arms. In 1998 a political wing was formed and named the Restoration Council of the Shan State (RCSS).

According to Sao Ood Kesi, a member of the central executive committee of the RCSS, "Most [SSA soldiers] are volunteers. Some are from ceasefire groups, and some are from the MTA. We forced more than 500 from the MTA

²⁸⁷ Lahu National Development Organization, *Unsettling Moves: The Wa Forced Resettlement Program in Eastern Shan State 1999-2001* (Thailand: LNDO, April 2002), p. 4.

²⁸⁸ *Ibid.*, pp. 19-20.

²⁸⁹ See Human Rights Watch, *World Report 2001: Burma* (New York: Human Rights Watch, 2001); also Shan Human Rights Foundation, *Dispossessed: Forced Relocation and Extrajudicial Killings in Shan State* (Thailand: SHRF 1998).

in Kunhing township to come with us. They were ready to surrender [in 1996] but we forced them to come and stay with us. The MTA had about 2,000 child soldiers, but none of the 500 we forced were children because they were front line soldiers. Khun Sa's child soldiers were all posted along the border.”²⁹⁰ This differs somewhat from the account of Sai Lone, who was forced to join the MTA at age sixteen but fled to Thailand after the MTA surrendered the following year:

When the SSA formed they said “Don't be afraid, we'll still fight the Burmese.” Some volunteered to go but others didn't. Some boys had no choice so they went to join against their will. When Khun Sa surrendered many child soldiers wanted to go home but they didn't know the way and were afraid, so they went to the SSA. There were 700 soldiers in my [MTA] group, and about 200 of them joined the SSA. Most went home instead. In my group of 700, about 120 were under eighteen. About thirty of the 200 who joined SSA were under eighteen. Now some of the SSA are children, but not many.²⁹¹

In separate interviews with RCSS central executive committee member Sao Ood Kesi and RCSS General Secretary Sai Tern Sarng, both informed Human Rights Watch that prior to 2001 SSA policy was that “every able bodied man between sixteen and forty-five must serve his country,” meaning that he must join the SSA-South.²⁹² In February 2001 the RCSS and SSA-South convened their annual People's Seminar with over 200 delegates from various parts of Shan State and the Thai border area, and the seminar delegates recommended changing the minimum age in the policy to eighteen. This recommendation was reportedly accepted by the RCSS and was then printed in an RCSS Statement dated February 7, 2001, a copy of which has been obtained by Human Rights Watch. This document lists seven “main decisions” of the People's Seminar, one of which states, “To have a strong and disciplined army every able man between the age of 18 to 45 must serve in the army for one 5-year term.”²⁹³ Afterwards, according to Sao Ood Kesi, “The order was sent out to all commanders that they cannot recruit under eighteen. They have to obey the

²⁹⁰ Human Rights Watch interview with Sao Ood Kesi, Thailand, March 2002.

²⁹¹ Human Rights Watch interview with Sai Lone, Thailand, March 2002.

²⁹² Human Rights Watch interviews with Sao Ood Kesi and Sai Tern Sarng, both conducted in March 2002.

²⁹³ Excerpted from *The Independence Declaration Statement of the Second Seminar of the Shan State People, 1st-3rd February 2001, Loi Tai Leng*, issued by the RCSS on February 7, 2001, p. 2, list item 6.

order. If not we have the Army Act, military law. We already sent out the order, and we've had no problems on this matter."²⁹⁴

General Secretary Sai Tern Sarnng stated that "[i]f anyone under eighteen tries to volunteer they're rejected for training, by order of Colonel Yawd Serk," and that if there is any uncertainty about a volunteer's age they are either tested with physical training or sent to school. He claimed that if a displaced orphan under eighteen attaches himself to an SSA-South guerrilla unit in a combat zone, he is taken by the unit to one of the schools run by the SSA-South near the Thai border.²⁹⁵ Independent witnesses confirmed that these schools exist at Loi Tai Leng, Loi Kaw Wan and possibly one or two other smaller locations, with a total of over 500 students. Seventy to 80 percent of these are boys, some of whom are former child soldiers. According to one independent witness, the students do some physical training and marching drills, but receive no military training. Students sometimes run away to find work in Thailand, and if caught they are brought back and detained in a jail for a short time before resuming their studies. According to RCSS spokesman Sai Tern Sarnng, boys are not forced to join the army upon finishing their studies at these schools, but other witnesses indicated that when boys at the school reach age eighteen they are either compelled or pressured to join the army.

The officially stated term of service in the SSA-South is five years for both volunteers and conscripts, after which they can decide whether to remain or be discharged. While admitting that the SSA-South policy specifies mandatory conscription, the RCSS spokesmen asserted that this is rarely exercised and that the majority of recruits to the SSA-South are volunteers. The reason given was that conscripts are unreliable and "dangerous" in the field, an opinion that was supported by an SSA-South brigade commander interviewed by Human Rights Watch who stated that "in my battalion there is no conscription, they are all volunteers. Conscripts desert." The same commander expressed similar feelings about soldiers under eighteen, stating that he does not want them because they are "dangerous, and can't control themselves in combat."²⁹⁶

According to the RCSS spokesmen, when the new policy came into effect in February 2001 all active soldiers under eighteen were demobilized and sent to school, and since that time no boys under eighteen have been recruited and there are no child soldiers now in the SSA-South. Human Rights Watch was unable to interview SSA-South soldiers or visit Shan areas to verify this claim, and the accounts of independent witnesses who have visited SSA-South bases and areas

²⁹⁴ Human Rights Watch interview with Sao Ood Kesi, Thailand, March 2002.

²⁹⁵ Human Rights Watch interview with Sai Tern Sarnng, Shan State, Burma, March 2002.

²⁹⁶ Human Rights Watch interview with SSA-South brigade commander, Shan State, Burma, March 2002.

of operation are inconclusive on this subject. Most witnesses interviewed by Human Rights Watch who had been in southern Shan State since early 2001 stated that they saw uniformed SSA-South soldiers who appeared to be under eighteen years old, primarily manning guard posts away from combat areas; one observer stated that in mid-2001 he saw close to 200 soldiers under eighteen manning hilltop guard posts, but none with combat units. Several of these witnesses added that the number of child soldiers has noticeably decreased in the past two years and that there seemed to be few or no child soldiers with operational combat units any longer. Another observer, however, believed that the SSA-South is “just following others, because the whole world says that soldiers must be over eighteen. It’s just a policy, but they take everyone they can.”²⁹⁷ An independent observer whose close relative joined the SSA-South at age sixteen in 1999 pointed out that in the areas where thousands of villagers have been displaced by the Burma army, “[m]ost boys want to fight for revenge. If the children want to join and if the parents want them to, then it’s hard to refuse them. . . . The SSA’s foremost concern is their image so they have issued these directions not to recruit anyone under eighteen, but I doubt they’re being strictly enforced in these circumstances.”²⁹⁸

Case stories of former child soldiers with the SSA-South given to Human Rights Watch by nongovernmental organizations indicate that in the early days of its formation boys under eighteen were actively recruited and conscripted. Since the formal change in policy of February 2001 or possibly earlier, it appears that boys under eighteen are no longer being conscripted or actively recruited and some of those who come forward to volunteer are being sent to schools. However, the evidence available suggests that some boys under eighteen are still being accepted into the SSA-South and that there may still be as many as several hundred child soldiers, most of whom are not being used in direct combat roles.

Karen National Liberation Army (KNLA)

The Karen revolution began in January 1949, just a year after Burmese independence. In the early days it took various names and forms, which eventually grew into the Karen National Union (KNU) and its armed wing, the Karen National Liberation Army (KNLA). At its peak in the 1970s and 80s, the KNU/KNLA had over 10,000 men under arms and controlled large areas of Karen State and Tenasserim Division and part of eastern Pegu Division. After

²⁹⁷ Human Rights Watch interview with independent NGO representative, Thailand, March 2002.

²⁹⁸ Human Rights Watch interview with Shan observer, Thailand, March 2002.

the SLORC military junta was formed in 1988, the Burma army began mounting large-scale offensives aimed at KNU territory and trading gateways, and this gradually weakened the KNLA. In late 1994 disgruntlement with the leadership caused a large proportion of KNLA rank and file soldiers to break away and form the Democratic Karen Buddhist Army (DKBA), which immediately began helping the Burma army to attack the KNLA. This resulted in the fall of the KNU headquarters at Manerplaw and several other KNU stronghold areas. The Burma army followed up in early 1997 with major offensives against KNU territory in southern Karen State and Tenasserim Division, effectively capturing the last large areas of KNU control. The KNLA reorganized into a much smaller force of guerrilla units which now no longer attempt to firmly control territory, though they still exert *de facto* control over some of the Papun hills of northern Karen State and small areas of Tenasserim Division. The KNLA is still actively fighting the Burma army and the DKBA. Various attempts at ceasefire talks with the SLORC/SPDC have always foundered when the junta refuses to include human rights or political issues on the agenda, and at present the SPDC is refusing to negotiate with the KNU unless the latter surrenders first. KNU representatives claim that the KNLA now has 10,000 soldiers backed up by an additional 5,000 trained village militiamen, but most independent estimates place the current armed strength of the KNLA at between 3,000 and 5,000 armed soldiers.

The KNLA before 1995

Prior to 1995, when the KNLA was a large army controlling significant territory, many volunteers under eighteen were accepted into the army. According to KNU General Secretary Pado Mahn Sha, in the late 1980s the KNLA even formed a “boys’ company” of about one hundred soldiers aged fifteen to seventeen, but disbanded it after two years because it was deemed not useful; most child soldiers after that were sent into regular units.²⁹⁹ Until 1995, villages under KNU control were forced to provide recruits on a quota system; most families with several sons were forced to provide at least one of them to the army. Saw Wah was a nine-year-old boy in one such area in the mid-1980s: “I had one brother, so one of us would have had to become a soldier in the KNLA. Before, the KNLA policy was that if there were two or more brothers, one must become a soldier. Whether that was an official policy or not, it was the order from the local KNU leaders so we had to obey it. Now the KNLA can’t force people to be soldiers anymore because they’re weak, and if they did the people wouldn’t support them.” Saw Wah’s father had been a soldier

²⁹⁹ Human Rights Watch interview with Pado Mahn Sha, Thailand, March 2002.

himself and didn't want either of his sons to be taken, so the family fled to Thailand before the boys reached recruiting age.³⁰⁰ At that time, boys as young as thirteen or fourteen were often taken in the village quotas. Some were also captured by KNLA columns, including Saw Lah Ghay who was taken in 1993: “I was thirteen. I was arrested. Seven of us were arrested together. When we were tending cattle twelve soldiers came and arrested us, blindfolded us, took us back to Manerplaw and put us in jail. They said, ‘You must become soldiers. If you don't we'll kill you.’ I ran away twice, so they fined my mother two pairs of bullocks Then my parents came to see me at Naw Hta and talked with the officers about releasing me. I had no choice, because if I went back they'd be fined two more bullocks but if I stayed they wouldn't, so I decided to remain a soldier.”³⁰¹

He was then given three months of commando training, though on the first day of the course he fell while climbing a rope and broke his arm. At the end of the training, now fourteen years old, he was sent directly to the trenches atop Twee Pa Wih Kyo mountain and Min Yaw Kee ridge, where some of the heaviest fighting in the history of the Karen resistance was going on. The Burma army saw the ridge as the key to capturing the KNU headquarters at Manerplaw, and sent thousands of troops up the steep slopes to be mowed down by the Karen machine-gunners dug in on the ridgetops. When the Karen ran out of ammunition their trenches were temporarily overrun, only to be recaptured in more close-quarters fighting; it took the Burma army two offensives spread over three years to capture the position. Saw Lah Ghay says sometimes he cried during the shooting. “I was fourteen by then. None were younger than me. When the Burmese came I shot at them. I was shooting at soldiers. I killed many, maybe ten, twenty, thirty, I don't know exactly. They were just enemy, I wasn't scared. They shot at me and I shot back. I was wounded down here [the lower right leg]. There is steel in there now.”³⁰²

The KNLA after 1995

After the formation of the DKBA and the subsequent fall of Manerplaw in February 1995 the KNLA was profoundly weakened, and many unwilling soldiers took the opportunity to flee the army back to civilian life. When the

³⁰⁰ Human Rights Watch interview with Saw Wah, Thailand, March 2002.

³⁰¹ Human Rights Watch interview with Saw Lah Ghay, Karen State, Burma, March 2002.

³⁰² A few months later when many KNLA soldiers mutinied, Saw Lah Ghay was forced by his officer to join the mutiny. He then tried to return to village life but ended up back in the KNLA, only to be later forced into the DKBA. Now twenty-two, he has just escaped the DKBA for the second time and joined the KNLA for the third time.

KNLA abandoned the policy of holding territory and reorganized into small guerrilla units in 1997 this process continued, and the KNLA did little to stop it; short of money, ammunition, weapons and food, the army shrank to a fraction of its former size. The KNU claims that after 1995 all conscription stopped; KNU spokesmen informed Human Rights Watch that they see no point in conscription any longer because they do not have the arms or other materials to fully support even the volunteers who approach them.³⁰³ This is generally corroborated by independent witnesses, most of whom state that they have not witnessed any forced conscription to the KNLA since 1997. There are exceptions to this, however, and some KNLA brigades still occasionally issue recruiting quotas to villages. One such example occurred in 2001 in Papun District of Karen State, when the KNLA Fifth Brigade commander obtained approval from the district KNU authorities to order thirty-five village tracts (a group of five or six villages) in the area to provide one recruit each. According to a source within the region, the order specified that the recruits must be at least eighteen years old and physically fit with no handicaps. At first the village tracts failed to comply because some of them were having difficulty finding families who would surrender a son, but they were then reminded and eventually thirty village tracts each sent one recruit. Despite the age specification in the order, four of the thirty recruits were under eighteen, including one fourteen-year-old and three who were aged fifteen or sixteen. The training officers then discussed whether to accept these four, and a decision was made to train them as soldiers but to post them initially to a headquarters unit until they grow older.³⁰⁴

Evidence indicates that at least some of the children who volunteer are still accepted into the KNLA. Human Rights Watch interviewed several soldiers who had been accepted into the KNLA when under eighteen, as well as one child soldier who recently deserted the Burma army and was accepted to the KNLA at age sixteen. Though the KNU appears to discourage the active recruitment of children, local and regional commanders sometimes accept whomever they can get; one source within the KNU system explained to Human Rights Watch that if a boy under eighteen volunteers, "If he wants to join they'll accept him, because there are usually no questions about his age. If the officers really followed the army rules they would have to check first with the brigade

³⁰³ Human Rights Watch interviews with KNU General Secretary Pado Mahn Sha, February and March 2002.

³⁰⁴ This recruitment operation was described in detail to Human Rights Watch by a source with connections to the KNU inside Papun District, Karen State, Burma, June 2002.

commander, but they don't, they just accept them. Some officers adjust their ages upwards.”³⁰⁵

KNU General Secretary Pado Mahn Sha told Human Rights Watch that the KNLA now has 140 to 150 child soldiers, with twenty to twenty-five of them in each of the KNLA's seven brigades, but claimed that they were limited to performing non-combatant support roles. Independent observers believe the actual total may be closer to 500 child soldiers, and that many of these are in fact used in combat roles. A military officer with another opposition group who sometimes goes on joint operations with KNLA columns told Human Rights Watch, “Sometimes KNLA soldiers combine with our column, and from what I've seen, out of 60 KNLA soldiers about five or six are under eighteen. Maybe they have a policy on paper, but some of their officers don't follow it.”³⁰⁶ Another witness who lives in the KNLA's First Brigade area, which is very much a combat zone, told Human Rights Watch that out of about 500 soldiers in the First Brigade he has seen forty or fifty who are under eighteen, twenty of whom are under fifteen. He stated that all of these boys are in uniform and carry weapons, even the youngest, who is thirteen years old. In the KNLA's Fifth Brigade, which has two or three times as many soldiers, he estimated that there are one hundred soldiers under eighteen years old, fifty of whom are under fifteen.³⁰⁷

Another interviewee from an independent NGO encountered several KNLA checkpoints while traveling along a road in Karen State in April 2002, and thought that several of the soldiers at each checkpoint were under eighteen; “[a]t their checkpoint about four out of twenty of them were fifteen or sixteen. One was only ten or twelve, he checks every truck and taxes the things in the truck. The ten and twelve-year-olds are usually kept at their checkpoints and offices. If they wanted to run away, all they'd have to do would be to change into civilian clothes.”³⁰⁸ The KNU asserts that the child soldiers they have are kept in rear area camps and are not sent into combat. Independent witnesses tend to agree that most of those under sixteen are used at checkpoints and in rear areas, but many soldiers aged sixteen and seventeen and a few soldiers under sixteen have been seen with front-line combat units.

The KNU states that the KNLA constitution forbids the recruiting of anyone under eighteen years old, and that this document is read out to all soldiers. If an officer disobeyed this rule, he would be instructed to stop

³⁰⁵ Human Rights Watch interview with KNU source, June 2002.

³⁰⁶ Human Rights Watch interview, Thailand, May 2002.

³⁰⁷ Human Rights Watch interview with observer from KNLA First Brigade region, June 2002.

³⁰⁸ Human Rights Watch interview, Thailand, May 2002.

recruiting children in accordance with the constitution as adopted in 1992, which dictates that the first offence should be punished by reprimand and the second offence by a stronger reprimand or discharge.³⁰⁹ The KNU informed Human Rights Watch that they have not dealt with any such cases as yet, in spite of their admission that there are child soldiers in the KNLA. A copy of the constitution was not made available to Human Rights Watch as it is a confidential document. KNLA soldiers who were asked in interviews confirmed that the constitution or parts of it had been read out to them, but could not recall hearing anything in it about the minimum age of recruits.

When approached by volunteers under eighteen, officially stated KNU policy is to send them to school, providing material support for this if necessary. If the boy then decides at age eighteen not to join the army, this is allowed provided he submits a “resignation” and works for the KNU or KNLA for some time as a clerk or in a similar function as a way of paying back the material stipend.³¹⁰ A KNLA battalion adjutant interviewed by Human Rights Watch stated that he was not fully aware of what the constitution states, but “[t]he policy is that the minimum age is eighteen. Those who are sixteen, seventeen or nearly eighteen should go to school, but in some cases we have to accept seventeen-year-olds, and if you go to the front line you can see why. They have been mistreated, so many young boys really want to join. If they really want to we accept them, but we won’t accept fifteen or sixteen-year-olds because they’re too young.” If confronted with a fifteen-year-old boy who desperately wants to enlist, “I tell them, ‘You shouldn’t be a soldier. You are too young. You can’t carry a gun. Combat will be very difficult for you, you won’t be able to fight.’” He was then asked whether this would still be the case if the boy’s parents had been killed and he had no food or place to stay: “This case has happened. If they ask because they have many problems like that then we usually let them stay in the camp and look after them. We explain why they can’t be a soldier and try to send them to their relatives. If he wouldn’t go, we’d let him stay and do things around the camp but we wouldn’t send him to the front line.”³¹¹

Another source within the KNU system asserted that the youngest boys who try to volunteer are pressed to attend school and given material support to do so, particularly if they are fifteen or younger, but that boys already in their early teens who have never been to school are unwilling to sit among kindergarten students and often run away from school. He said that the KNLA

³⁰⁹ Human Rights Watch interview with KNU General Secretary Pado Mahn Sha, Thailand, March 2002.

³¹⁰ Ibid.

³¹¹ Human Rights Watch interview with KNLA battalion adjutant, Karen State, Burma, March 2002.

has little idea of how to deal with these boys, so they often end up working as helpers around army camps; before long, they start going out with combat units.³¹²

Recruitment and Treatment of Soldiers

The volunteers applying to join the KNLA do so for a variety of reasons. For most, there is a sense that they need to avenge abuses committed by the Burma army against their family or against their people. For the internally displaced who are constantly on the run from Burma army columns, life in the KNLA is often seen as safer than life as an unarmed villager, as well as being a secure source of food. Boys who have grown up in refugee camps in Thailand also volunteer, because they know the lack of opportunity in the refugee camps and want to do something constructive for their situation as refugees. Brought up on glorified views of the Karen struggle, many of them have never directly experienced the actual hardships of the soldiers and the villagers. Saw Ko Doh was a Fifth Standard student in a refugee camp when he decided to join in 1999: “I was sixteen. I heard that the Burmese and DKBA had killed my uncle, so I decided to join the army. They shot him, cut off his arms and legs and threw him in a hole without covering him. My aunt in Thay Baw Bo wrote a letter to my father about it.”³¹³

Saw Ler Wah’s story is also not uncommon:

My mother was killed by the Burmese army. I saw it. I was six years old. The Burmese army demanded porters from the village, and then they came to the village. My father ran away, and the soldiers came to the house and ordered my mother to be a porter. But she had a problem with her leg, so they kicked her down out of the house and she fell to the ground, and then they shot her. All three of us were there [he and his sister and brother]. We were inside the house. We all cried and the Burmese soldiers left. My father hid in the forest and then came back to take care of us later. We stayed in the village for about one year. Then we lived in the hills and gullies, because the Burmese army ordered us to leave the village. We lived in the hills for four years, then my father went to the refugee camp but I didn’t go. My brother and sister went. I didn’t go because the Burmese had killed my mother, so I wanted to join the army. I was about fourteen.³¹⁴

³¹² Human Rights Watch interview with Karen source linked to the KNU in Papun District, northern Karen State, June 2002.

³¹³ Human Rights Watch interview with Saw Ko Doh, Karen State, Burma, March 2002.

³¹⁴ Human Rights Watch interview with Saw Ler Wah, Karen State, Burma, March 2002.

Saw Tha Si's urge to join the KNLA also came from his earliest childhood: "My uncle was forced to be a porter but he couldn't carry the basket, so they kicked him down and then shot him. My aunt told me. I was over six at the time. When I was ten I told my mother I wanted to be a soldier. She said I should wait until I'm twelve or thirteen. They knew I was going to join when I went in 2000. They didn't say anything. They think it's okay."³¹⁵ He was fourteen when he tried to join, but was sent to school instead. An observer who lives in one of the KNLA's areas of operation told Human Rights Watch, "Some children want to be soldiers so they lie about their age, because their parents are suffering so they want to fight the SPDC. You can see from their faces that they're young but they say they're nineteen or twenty. They accept them, because if they don't then these children might go and join the DKBA."³¹⁶

When confronted with underage volunteers who are so clearly eager to join the army, KNU officials admitted that it is difficult to refuse them. Two such soldiers interviewed by Human Rights Watch were accepted into the KNLA at age sixteen, while several others who tried to volunteer at younger ages, including Saw Tha Si and Saw Ler Wah who are quoted above, were sent to school in refugee camps with the support of the KNU but were later given military training. Now they spend their school holidays doing odd jobs at their KNLA camp, and intend to become full-fledged soldiers when they finish school. There are also some parents who are unable to send their sons to school because they are internally displaced or cannot afford school fees, so they sign an agreement with the KNU that in return for caring for the boy and sending him to school he will later have to serve the KNU, whether as a soldier or in a civilian capacity. When fifteen-year-old Saw Ler Wah approached the KNLA on his own in 2001, "I was about fourteen. I went to stay with the army in Seventh Brigade at Dta Kaw Bee Kwee [KNLA Seventh Brigade headquarters]. My father agreed, because I wanted to be a soldier. I told an officer. He said they would send me to school, 'Then when you're twenty I'll accept you as a soldier.' I told the officer I'd go to school. Then I went to school and I also became a soldier. I held weapons."³¹⁷

Though not sent to the front line, these "soldier students" are given some training in weapons maintenance. During the school holiday in 2001, thirteen-year-old Saw Plah Htoo came from a refugee camp to go through this training. Though reluctant to admit it at first, he acknowledged that he had learned to

³¹⁵ Human Rights Watch interview with Saw Tha Si, Karen State, Burma, March 2002.

³¹⁶ Human Rights Watch interview with observer in KNLA area, June 2002.

³¹⁷ Human Rights Watch interview with Saw Ler Wah, Karen State, Burma, March 2002.

maintain small arms and had once test fired an assault rifle. He said that of the 200 soldiers at the base camp about five were under eighteen; the only one younger than him was a twelve-year-old who was also maintaining weapons. When Human Rights Watch asked whether he would go to the front line if his officer requested it, he answered, “I won’t go because I’m too young. They also wouldn’t let me go.”³¹⁸ While at the camp, the fifteen-year-old trainees were given a uniform and a gun to keep with them, but these were not given to Saw Plah Htoo. Fifteen-year-old Saw Tha Si says that while he has been at the camp the soldiers from his unit have gone to the front line to fight, but even though he has a uniform and a gun, “[t]hey wouldn’t let me, because I’m too young.” When he heard that some of them had been wounded and killed, “I felt unhappy. I was scared.”³¹⁹

Volunteers aged sixteen and seventeen seem to have a much easier time being accepted to the KNLA. When Saw Htoo Po went to a KNLA camp to enlist in early 2001 he spoke to the adjutant, who asked him his age; “I said a little over seventeen. He didn’t say anything. He let me join . . . I got my uniform one or two days later and started the training right away.”³²⁰ Saw Ko Doh was allowed to join at age sixteen: “They [his parents] didn’t like it because I was young, but when I came here to join they didn’t know. I joined on 31 January 2000. When I first arrived I saw some soldiers and asked if I could be a soldier. They said I could and took me to the office. There were officers there. They asked me, ‘Do you dare to be a soldier?’ I said yes. They asked my age and I said sixteen. They asked my parents’ names and who would be my beneficiary [if he dies]. I said my father. They measured my height and size.”³²¹ Both boys were asked whether they were attending school, and both of them lied and said they were not, but no checks were made. When they asked Saw Ko Doh, “I said, ‘I don’t want to go to school. I’ve left school.’ They said, ‘You should go to school, then you can join medical training,’ but I said I didn’t want to go to school. They noted down my identifying marks and gave me a uniform and a gun.”

The training did not begin until two months after Saw Ko Doh enlisted, and in the meantime his unit took him on front line patrols three times, even though he was only sixteen years old and completely untrained. On his first patrol his unit laid landmines and spied on a Burma army camp, and on his second patrol he experienced his first firefight:

³¹⁸ Human Rights Watch interview with Saw Plah Htoo, Karen State, Burma, March 2002.

³¹⁹ Human Rights Watch interview with Saw Tha Si, Karen State, Burma, March 2002.

³²⁰ Human Rights Watch interview with Saw Htoo Po, Karen State, Burma, March 2002.

³²¹ Human Rights Watch interview with Saw Ko Doh, Karen State, Burma, March 2002.

We were waiting for the Burmese and the NCOs and older soldiers set up claymores. When the Burmese came they pulled the tripwires and the claymores exploded. When the claymores exploded it shocked me. Then my friends stood and started firing, so I followed them and fired too. When the explosions went off I was afraid, but not after. I was angry and shouted at the Burmese. I fired two magazines, sixty bullets. We fired for half an hour and then ran away, because we were only nine soldiers and three NCOs and there were over 200 Burmese.

When his training eventually commenced over a month later,

[t]he trainers acted like they didn't know us, very hard-faced. Sometimes if we made mistakes they kicked our hips. Twice I was beaten with a bamboo and once with a split bamboo. The first time was because I used the wrong position doing pushups. The second time was because I shouldered the gun the wrong way and the magazine fell out. The third time was because I laughed when the trainer made a joke. They hit me twice the first time, five times the second, and three times the third. Recruits were beaten almost every day. When it happened we weren't allowed to look, we had to keep our eyes straight forward or they would easily hit your face. . . . Sometimes it was easy, sometimes hard. We couldn't run as fast as the older ones, and we couldn't see things as well in the forest. The older trainees sometimes mistreated me.

Training generally lasts one month, consisting of basic military skills and tactics and little else. Afterwards the soldiers are assigned to units that regularly go out on patrols to ambush Burmese military columns, reconnoiter and attack Burmese outposts, lay landmines, and protect internally displaced villagers. Those interviewed by Human Rights Watch appeared highly motivated. Saw Htoo Po, who joined at sixteen and is now eighteen, said that he enjoys life as a soldier and that the best part is “[g]oing to the front line, because you can go around the villages and sometimes you see girls there.” Though one of his friends has already been wounded by a landmine, he says that “I’m not afraid. As a soldier, you shouldn’t let fear enter your mind.”³²² Saw Ko Doh, whose first firefight happened before he was even trained (see above), is now nineteen years old and “I’ve been to the front line many many times now, I can’t count

³²² Human Rights Watch interview with Saw Htoo Po, Karen State, Burma, March 2002.

them all. I’ve been in fighting three times. Once there were nine of us and six DKBA, and we killed all six of them. They were drunk inside a small hut, and we shot them. After that we went to L-- village and had a good curry. The DKBA killed my uncle. They are with the Burmese. Shooting Burmese makes me very happy.”³²³

Relations between KNLA units and local Karen villagers are generally good, and the soldiers generally place fewer demands on villages now than they did before 1995. The soldiers receive no salary and are not allowed to marry during their first seven years in the army. They are allowed up to one week of leave per month, and the KNLA soldiers interviewed by Human Rights Watch confirmed that they had been able to visit their families on a regular basis. Saw Htoo Po testified that he sees his family “from time to time. If my parents are sick or other things happen I go. I went and stayed with them for a month one time. My father also visited me.”³²⁴

Once in the KNLA, the term of service is for life and there is no option of discharge except in cases of incapacity. Witnesses stated that since 1995 the KNLA has made little effort to recapture soldiers who desert, probably because they see this as a waste of limited resources and a possible cause of friction with the local population. Exceptions do occur, however, as related by one witness from a KNLA area: “In Fifth Brigade I was with some soldiers, and one was very young so I asked why he’d joined. He said, ‘I didn’t want to join, but my elder brother became a monk so I had to become a soldier or pay money.’ It was . . . in October 2001, and he’d already been with the army for five months.” The young boy’s brother had run away from the KNLA to become a monk, and shortly thereafter a group of KNLA soldiers arrived at the family’s house and demanded that this boy be given as a replacement unless the family could pay a fine of 50,000 kyat.³²⁵ By contrast, KNLA soldier Saw Ko Doh described an occasion in 2001 when one soldier ran away from his unit but no effort was made to recapture him. He believes that if he were to ask for a discharge, “[t]hey wouldn’t allow it. If you give someone permission to go, others will

³²³ Human Rights Watch interview with Saw Ko Doh, Karen State, Burma, March 2002. The village is not named to prevent reprisals against villagers for providing the KNLA soldiers with assistance.

³²⁴ Human Rights Watch interview with Saw Htoo Po, Karen State, Burma, March 2002.

³²⁵ Human Rights Watch interview with independent Karen observer from Thaton District, June 2002. Fifty thousand kyat is U.S.\$8,333 at official rate or U.S.\$58.82 at the more commonly used market rate. It would represent at least six months’ total income for a rural family such as the family of this boy.

ask. But if I ran away nothing would happen.” He says, however, that this is not an issue for him because he intends to remain in the KNLA “until I die.”³²⁶

The KNDO Militia

The Karen National Defense Organization (KNDO) is supposed to be a part-time militia force of village volunteers, trained and armed to defend their villages against Burma army troops. However, several witnesses testified that the KNDO in most areas now operates as an arm of the KNLA, that KNDO members are acting as full-time soldiers and operating together with KNLA units. Each of the KNLA’s seven brigade areas is supposed to have one battalion of 130 to 150 trained KNDO troops. The KNDO reportedly follows the same recruiting procedures and policies as the KNLA, and as a result one witness estimated that twenty out of every 130 KNDO members are under eighteen years old, with about ten of these being under fifteen.³²⁷ These figures suggest a total KNDO strength of 910 to 1,050 members, with 140 child soldiers including seventy soldiers under fifteen years old. These figures may be high, however, because some areas may be operating without the full complement of KNDO troops.

Addressing the Problem

In 1992 the KNU informed the International Committee of the Red Cross (ICRC) that it would observe the Geneva Conventions and its additional protocols, including the prohibition on recruitment under age fifteen. In 2001 over twenty KNLA officers attended a training given by the ICRC on the rules of war, including the issues of child soldiers, avoiding civilian casualties, and treatment of prisoners. The KNU’s admission that there are child soldiers in the KNLA and their expressed willingness to address this problem are constructive steps, but need to be taken much further. If, as several witnesses testified to Human Rights Watch, child soldiers are being used in combat roles by the KNLA, then the KNU should seek to end this practice rather than continue to deny it. As a first step, the KNU could be more open in allowing outside groups access to KNLA child soldiers to assess their situation. It is true that the KNLA faces a dilemma because it has few other options to offer the many boys under eighteen who are eager to enlist. As one independent NGO observer noted, “For example, after Tee Wah Doh [a camp of over 1,000 internally displaced villagers] was burned, there were a lot of villagers, no school, and a lot of

³²⁶ Human Rights Watch interview with Saw Ko Doh, Karen State, Burma, March 2002.

³²⁷ Human Rights Watch interview with Karen human rights researcher resident in Papun District of Karen State, interviewed in Thailand, June 2002.

fourteen to sixteen-year-olds who were very keen to join. That’s very hard to control.”³²⁸ At the same time, however, it was clear in the interviews conducted by Human Rights Watch that for many of these boys the option of school does exist, particularly for those who come from the refugee camps. Some boys aged sixteen and seventeen are clearly accepted with no serious attempt being made to send them back to school. As one Karen refugee told Human Rights Watch, “I think that if the KNU tried to convince them not to join they wouldn’t, but otherwise they only know farming and soldiering, they don’t know there are any other options. They only see that soldiers are very tough, and that they look good with a gun and uniform.”³²⁹

Democratic Karen Buddhist Army (DKBA)

In 1994 a Buddhist monk named U Thuzana traveled through Karen areas encouraging villagers and soldiers to stop supporting the KNU and to come to stay at his refuge at Khaw Taw (also known as Myaing Gyi Ngu), where they would not have to work for either the KNU or the SLORC. His call appealed to many villagers who were frustrated after facing two decades of the Burmese regime’s scorched earth policies, and many went to Khaw Taw. It also appealed to many rank and file Karen soldiers who were tired of defending territory for a leadership they felt did not represent them, and consequently a large part of the KNLA mutinied. Though it has often been stated that this was a split along Buddhist-Christian religious lines, it was actually a rebellion against the lack of accountability of the leadership; many Christians and Animists joined in the mutiny, while most of those who remained with the KNLA were Buddhist and Animist. Unable to resolve their differences with the KNU, the mutineers went on to form the Democratic Karen Buddhist Army (DKBA) and a political wing, the Democratic Karen Buddhist Organization (DKBO). The SLORC gave full support and promised that if the DKBA helped to eradicate the KNU, they would be given control of Karen State and the Burma army would withdraw. The DKBA then helped the Burma army to capture the KNU headquarters at Manerplaw and other positions, but the promise to give them authority over Karen State was never honored.

The population who had voluntarily moved to Khaw Taw was augmented by forcing several thousand more villagers to move there, and this population was used as a source of recruits for the DKBA. The residents were forced to be vegetarian and were not allowed to farm, making them completely dependent on the rations provided by the SLORC. As these rations and the other material

³²⁸ Human Rights Watch interview, Thailand, May 2002.

³²⁹ Human Rights Watch interview with Saw Wah, Thailand, March 2002.

support were gradually cut off between 1996 and 1998 many fled Khaw Taw, and only a small population remains there now. The DKBA now has units throughout many parts of Karen State which operate in an uneasy alliance with the Burma army, neither side trusting the other. Originally supplied by the SLORC, the DKBA now has to survive by its own means, and many DKBA units are involved in extorting money from villages and at road checkpoints, logging, mining, running passenger vehicles, and possibly methamphetamine trafficking to Thailand. DKBA soldiers often work in conjunction with Burma army columns or fight the KNLA on their own, but the DKBA leadership no longer appears to have clear political objectives.³³⁰

Current DKBA strength is difficult to estimate, but probably includes at least 2,000 to 3,000 men under arms, organized into four brigades. Most of the KNLA soldiers who originally formed the DKBA later fled, and have been replaced by recruits from among the villagers at Khaw Taw and other locations. In addition, whenever the DKBA captures KNLA soldiers they force them to join the DKBA. This usually occurs when KNLA soldiers are on leave in their home villages. As a result, many young Karen men tell of having gone back and forth between the KNLA and the DKBA as many as three or four times by the time they reach the age of eighteen or twenty. Saw Lah Ghay is one such case: in 1993 he was forced into the KNLA at age thirteen, then the next year his officer forced him to join the DKBA mutiny. After the mutiny he rejoined the KNLA for four more years, then when he was eighteen “[m]y officer surrendered to the DKBA with his whole group. That was three years ago. I didn’t want to go. I didn’t want to be a DKBA soldier.” When interviewed by Human Rights Watch, he had just fled the DKBA and rejoined the KNLA; he is now twenty-two years old.³³¹ Saw Eh G’Lu has also spent time in both armies: an orphaned only child, he was already working in Rangoon at age fifteen, “[t]hen when I came home to visit my father I was arrested by the DKBA to be a soldier, but after a week I ran away to the KNLA.” He was then with the KNLA for about two years, went and joined the DKBA for a short time but fled back to the KNLA, “[t]hen two months later I went back to visit my village and was arrested again by the DKBA. That was last year.” In March 2002, he fled the DKBA again and is now back with the KNLA.³³²

According to Saw Eh G’Lu, “I was arrested. Many were arrested. But most of the new recruits were volunteers. The youngest were thirteen, maybe

³³⁰ See Karen Human Rights Group, *Abuse Under Orders: The SPDC and DKBA Armies through the Eyes of their Soldiers* (Thailand: KHRG 2001), pp. 59-74.

³³¹ Human Rights Watch interview with Saw Lah Ghay, Karen State, Burma, March 2002.

³³² Human Rights Watch interview with Saw Eh G’Lu, Karen State, Burma, March 2002.

even twelve. Some join because they hate the KNU. Some are persuaded, some because they're poor, and some just want to be soldiers They have a plan to recruit new soldiers and take any volunteers. I don't know how they persuade them. None of us get salaries now. There's not enough rice, and maybe only two tins of milk per month.” Other independent observers interviewed by Human Rights Watch believe that many recruits are drawn by the attractions of making a living from the DKBA's business projects, exerting power over other villagers, or making their families exempt from taxation and forced labor.

It is unclear whether the DKBA has a specific policy on the minimum age for recruitment to the army. Saw Lah Ghay believes that 40 to 50 percent of new recruits to the DKBA are under eighteen, and that “[i]f a young boy wants to be a soldier they recruit him.” He added that the youngest new recruit he saw was fourteen years old, and that “[s]ome came to join at eleven or thirteen, but they sent them to school.”³³³ Saw Eh G'Lu also saw child soldiers, and says he never saw the DKBA send anyone to school: “About nineteen or twenty is the best age to accept soldiers. But some they take are very small. They'd accept anyone, but if they're very young they ask them to stay at a barracks and maintain the barracks, and do things like that. They don't mistreat them, they usually encourage them.”³³⁴ Saw Eh G'Lu believes that forty to fifty of every hundred DKBA soldiers are under eighteen years old, and about 5 percent are under fifteen. Estimates from two other sources who live near DKBA areas of operation agreed with Saw Eh G'Lu's figures.³³⁵

Human Rights Watch has obtained copies of a letter that was reportedly sent out to many villages in Pa'an District of eastern Karen State by the DKBA on February 19, 2002. The cover letter bears a DKBA stamp and the signature of an officer of DKBA #999 Brigade, and attached to this are the complete minutes of a meeting held on February 18, 2002, between DKBA #999 Brigade commander Colonel Saw Chit Thu, thirteen senior DKBA officers, and village leaders from twenty different villages. According to the minutes, the main purpose of the meeting was to demand recruits from the villages. Colonel Saw Chit Thu announced that “we will meet once a year to discuss increasing the military because the DKBA is the military that was born from the civilians. To increase the military we need the assistance of civilian volunteers.” One of the deputy battalion commanders then added that “when sending the new privates [you] need to send people who have a little education. Uneducated soldiers act against the civilians when they arrive in the villages.” The officers then

³³³ Human Rights Watch interview with Saw Lah Ghay, Karen State, Burma, March 2002.

³³⁴ Human Rights Watch interview with Saw Eh G'Lu, Karen State, Burma, March 2002.

³³⁵ Human Rights Watch interviews with sources close to the KNU, June 2002.

provided a list of nineteen villages showing how many recruits each village must provide. The numbers range from one recruit per village up to twelve, giving a total of forty-four recruits. This was immediately followed by the statement, "Send the new privates on 18-3-2002, do not send children." No indication is given of the age to be used in determining who are "children."³³⁶ In the past, villages that have failed to comply with recruitment orders such as this one have been forced to pay heavy fines.

KNLA soldiers who are captured and forced into the DKBA are given no new training. No reliable information is available on the training given to civilian recruits, but the indirect accounts available suggest that it is informal and somewhat sporadic. According to the former DKBA soldiers interviewed, some DKBA groups are considered "fighting units" while others are "non-fighting"; the former seek out and attack the KNLA or form joint columns with Burma army troops, while the latter guard DKBA offices, man checkpoints, and run the DKBA's business interests. One of the fundamental principles of the DKBA is vegetarianism, but most former DKBA soldiers report that the enforcement of this varies between units. In many cases, officers eat meat while enforcing vegetarianism on their troops. Saw Eh G'Lu complained that, "I didn't want to stay with the DKBA. I couldn't just eat vegetarian food any longer. My friends also criticized and blamed me a lot. If I was sick they said 'It is because you broke the rules of being vegetarian.'" Saw Lah Ghay, however, had more political reasons for leaving the DKBA: "I love my [Karen] nationality, and it seemed that this other group [DKBA] was dividing and destroying our nationality. It is different now. They're different now because now they don't think of their nationality. Their eyes are being covered by the SPDC's money. If we stay there, the Burmese will 'kick our necks.'"

Karen Peace Army (KPA)

In 1997 one of the Karen National Liberation Army's battalion commanders in southern Karen State surrendered to the SLORC and tried to take many of his troops with him. In return for Thu Mu Heh's surrender, the SLORC appears to have assisted him in setting up his group, the Nyein Chan Yay A'Pweh, which translates as Peace Group but is more commonly known as the Karen Peace Army (KPA). In an official ceremony, Thu Mu Heh and his group were then handed control over part of southern Karen State by general Maung Aye, now vice chairman of the SPDC. Thu Mu Heh then tried to attract recruits by offering Karen families an exemption from forced labor if they would send a son to the KPA, and some communities were pressed to provide

³³⁶ DKBA letter and agenda dated February 19, 2002.

quotas of recruits. However, most communities did not cooperate and the KPA never grew to more than an estimated 300 soldiers, some of whom may be children. The KPA has now been politically marginalized and its soldiers spend much of their time trying to make money by running checkpoints on roads and through other activities.

Karenni Army (KnA)

Karenni armed resistance against rule by Rangoon broke out in 1949 and has been ongoing ever since in what is now Kayah State. The main Karenni resistance group is the Karenni National Progressive Party (KNPP) with its armed wing, the Karenni Army (KnA). In early 1995 the KNPP reached a ceasefire agreement with the SLORC, but the regime broke the ceasefire just three months later by attacking several key KNPP areas and fighting has been ongoing ever since. To undermine the KnA further, in 1996 the SLORC began a campaign of forcibly relocating and destroying Karenni villages throughout the State. Approximately 200 villages have been destroyed by this campaign, displacing an estimated 30,000 to 50,000 villagers into the hills while just over 20,000 Karenni refugees are now in camps in Thailand.³³⁷ The KnA is still fighting the Burma army in small units, using the lack of roads in the densely forested hills of much of Kayah State as an advantage to its guerrilla tactics. According to General Aung Mya, second in command of the Karenni Army, at present the KnA has over 3,000 names on its enlistment rolls but due to a lack of resources there are only 1,200 armed and active soldiers. Other estimates place KnA strength at approximately 1,000 soldiers, with possibly an additional 500 trained militiamen.

KNPP and KnA representatives state that all of their soldiers and militia are volunteers; Human Rights Watch was informed that “[e]ven before it was all volunteers. There is no point in conscripting, especially now because we don’t have enough weapons even for those who volunteer. It takes a lot of resources to supply a soldier.”³³⁸ While KnA policy specifies the minimum recruitment age as eighteen, the KNPP and KnA both openly admit that this policy is often broken. KnA General Aung Mya explained, “Twenty years ago we set the minimum age as eighteen. When young people under eighteen come to join we encourage them to go to school. They have a low level of education so it is hard to get them to go to school, but we keep explaining. If they won’t go, we allow them to join the military but we keep them in the army camp cooking, raising

³³⁷ Burma Border Consortium statistics for April 2002.

³³⁸ Human Rights Watch interview with KNPP Foreign Affairs spokesman, Thailand, March 2002.

pigs, delivering messages and things like that.” However, some of these boys insist on going to the front line; “There are many like that in the army, so we let them finish military training and then let them go to the front line for the experience. Most only go once and they get very frightened at the front line, so after they get back they don’t want to go again and they prefer to go to school.”³³⁹ While admitting that many boys still choose to continue fighting at the front line, General Aung Mya and other spokesmen insisted that boys under eighteen are never forced to go to the front line. General Aung Mya estimates that 20 percent of the soldiers in his army are under eighteen years old, which implies 200 to 250 child soldiers in total. Estimates by other observers also fall close to these figures.

The KNPP says that it also gives some weapons and training to internally displaced Karenni villagers to defend themselves against the Burma army, and that children may sometimes fight as part of these local militias. As KNPP spokesman Khu Oo Reh explains, “The local militias are organized by the township authorities. They get a very basic three months training and they get weapons from the Karenni Army, but not enough weapons. There are some children in the militia. Every villager is a potential militia member. If the Burmese army comes then children often fight alongside their fathers, so some have already fought before they are trained. They are supposed to be eighteen before getting militia training.”³⁴⁰ Human Rights Watch was unable to obtain any direct information regarding these militias.

Recruitment, Training and Deployment

All of the KnA soldiers interviewed by Human Rights Watch testified that they had volunteered for service. Thu Reh enlisted at age thirteen in 1999 because “I have no house. My house has been burned, so I fight those who burned my house. My parents have no house, so they already came to the refugee camp and I come to visit them there.”³⁴¹ Meh Reh was also displaced when the Burma army burned his village, so he joined the KnA in 2001 at age fifteen: “At first I was afraid of the Burmese when they burned our village, but later I decided to fight the Burmese soldiers because they’d burned and destroyed our village. I hate the Burmese soldiers.”³⁴² The destruction of villages throughout Kayah State has led many boys to join for revenge, but there are also orphans and displaced children who join because they have nowhere

³³⁹ Human Rights Watch interview with KnA Second in Command General Aung Mya, March 2002.

³⁴⁰ Human Rights Watch interview with KNPP Joint Secretary Khu Oo Reh, March 2002.

³⁴¹ Human Rights Watch interview with Thu Reh, March 2002.

³⁴² Human Rights Watch interview with Meh Reh, March 2002.

else to go. When Doo Reh was fourteen, “I was in the village. Our house was burned by the Burmese. We had no food, so my only choice was to join the soldiers. I followed the soldiers. Then a training started one month later, and I went there.”³⁴³ When interviewed, he had already been a soldier for four years.

Some children start following a KnA unit without much of an idea of what they are seeking. Klaw Reh decided to follow a KnA unit when he was twelve years old:

When my mother died I stayed with my father. Only one of my brothers and I [out of seven children] went to school, because my parents were too poor and we had to try hard to make a living. I got to Third Standard and my brother to Second Standard. Then we couldn't go to school because of the SPDC operation. When they came into the village we had to run into the forest because they were collecting porters. We all ran away. . . . When we were hiding in the jungle there wasn't enough food, so many people from our village came to the refugee camp. I heard there was a school in the refugee camp so I came with five friends. The youngest was nine. One of my uncles was with us and led the way. We wanted to join the Karenni Army and fight the Burmese, but for me education was more important. I wanted to go to school first and then join the Karenni Army, and some of my friends felt the same. When we arrived I spoke to the KNPP and told them I wanted to go to school, then when I finished I would join the Karenni Army and fight the Burmese. The KNPP leaders said, “It is best to go to school and then join the army later.”³⁴⁴

Others told very similar stories. On arrival near the Thai border, some are sent to one of two special schools which have been set up by the KNPP. Between them these two schools have close to 200 students, almost all of whom are boys and most of whom are under eighteen. According to two students from one of these schools, they follow a regular curriculum with no political or military component, and summer holidays are spent doing special courses such as painting or computer basics. Dee Reh was eleven years old when he followed a KnA column because the soldiers promised to send him to school; “I followed, and if they'd asked me to join the army I would have, it was up to them. They were patrolling and I just followed, me, my friend, and one other boy about twelve. That other boy wanted to join the army. . . . I came with the Karenni

³⁴³ Human Rights Watch interview with Doo Reh, March 2002.

³⁴⁴ Human Rights Watch interview with Klaw Reh, March 2002.

Army soldiers and was staying in their camp. I wasn't well. One night a truck came into the camp and the commander said to get on the truck. I didn't know where we were going, but the next thing I remember I was in school." The other boy who was determined to join the army was put on the same truck and sent to school with him. Now seventeen years old, Dee Reh says he wants to stay in school "[a]s long as I can. I want to be more educated so I can do more for my people. I'm in Tenth Standard now. I want to be a soldier, because of the bitter things I faced in the village. . . . I think it's not good to be a soldier when you're young. I didn't think like that before."³⁴⁵

At these boarding schools, students are told that they must pay back their education by working for the KNPP afterwards, whether as a soldier, medic, teacher, or in some other role. Peer pressure leads many of the boys to lean toward soldiering. After several years in one of the schools, Klaw Reh is keen to fight: "First I want to finish school. I'm in Ninth Standard, and I want to finish Tenth Standard and do two years post-secondary. Then I will join the army to organize my people and fight the SPDC. I want to fight. If they want me to be a teacher or something I'd do it for three or four years and then become a soldier."³⁴⁶ Once in these schools, most boys remain there until they are over eighteen years old.

However, many young boys who follow KnA units to camps near the Thai border have never been to school, and one Karenni spokesman admitted that this can cause problems: "Some fourteen-year-olds have never been to school. The army sends them to school, but they don't want to sit among the small boys, so they run away and end up at the military camp."³⁴⁷ Boys aged fifteen and above who make clear that they do not want to attend school are generally accepted into the army without much hesitation. As Klaw Reh described: "Some didn't go to school and joined the Karenni Army. They were fifteen or sixteen, three of them. The KNPP leader said that it is best to go to school first, then army, but some didn't want to go to school and they didn't press them. I haven't seen them since they joined four or five years ago. I heard from my friends that they'd had training and then were sent to the front line near our village. They said that sometimes they were happy at the front line, but sometimes they had big problems and difficulties and life was very hard for them."³⁴⁸ When fourteen-year-old Bu Reh left his village to join with a KnA column in 2001, he approached the commander of the column. "He asked, 'How old are you?' That

³⁴⁵ Human Rights Watch interview with Dee Reh, March 2002.

³⁴⁶ Human Rights Watch interview with Klaw Reh, March 2002.

³⁴⁷ Human Rights Watch interview with Karenni relief organization representative, Thailand, March 2002.

³⁴⁸ Human Rights Watch interview with Klaw Reh, March 2002.

was his only question. I said fourteen. Then they told me, ‘You’re too young. Don’t come.’ But I went.” He is now at a KnA camp awaiting training.

Several of the soldiers interviewed by Human Rights Watch joined in 2001 when they were fourteen or fifteen years old, and all of these boys say that if their commanders told them to go to school they would; one even said that though it depends on the order of his commander, “I’d rather go to school.”³⁴⁹ Mu Reh was fifteen when he joined with six friends in 2001, “[a]ll my age, from the same school. At first they asked us many questions, then they accepted us. Questions like ‘Why have you come?’ I said, ‘I can’t bear the Burmese oppression anymore, so I came to join you.’ They asked our ages and we told them. They didn’t say we were too young, they just accepted us.” They told the truth that they were all in school but were accepted regardless. Now Mu Reh is in an army camp waiting for training to begin, even though he told Human Rights Watch that “if someone asks me to go to school I will go.”³⁵⁰

Newly enlisted soldiers usually have to wait some time for training. When he first joined in 2001, fifteen-year-old Meh Reh had to wait five or six months before training started, just “gathering firewood, carrying water, cooking and cleaning” around the army camp. Of the ten or twenty other boys waiting with him, he believes that three or four were under fifteen years old, the youngest being thirteen. He says that some of the KnA soldiers were constantly suggesting to these boys that they leave and go back to school, and in the end four of them did. Some child soldiers, however, join in combat zones and then spend months with the guerrilla column in these areas before reaching a camp where they can await training. Fifteen-year-old Mu Reh joined in 2001 and was with an operating combat column for over four months before being taken to their base camp to await training; when interviewed in March 2002 he had still not been trained.

As soon as I joined them they gave me a uniform, but not a weapon. I just followed them, and my duties were to carry water, find firewood, and cook. After I joined I had to carry a weapon for one month, but now I’m not carrying a weapon. Since joining we haven’t had training or been given our own weapons, but we’ve been allowed to handle them sometimes. I know how to shoot it and maintain it. I can use it if I have to. During that time there was fighting two or three times, but I didn’t have to fight. I just hid. While we were in a village fighting broke out and I tried to hide with the soldiers. The first time there was

³⁴⁹ Human Rights Watch interview with Bu Reh, March 2002.

³⁵⁰ Human Rights Watch interview with Mu Reh, March 2002.

shooting I was afraid, but after some time I got used to it and wasn't afraid.³⁵¹

Training generally lasts forty-five days, during which “[w]e learned marching, climbing ropes, crawling on the ground, how to cross obstacles, how to patrol and how to fight the enemy. . . . They took more care of the youngest ones. We were in sections, and each section made sure the youngest ones didn't carry the heavier loads. There were nine in my section, some had as many as twelve.”³⁵² The trainees usually use bamboo sticks instead of guns, and seldom get a chance to practice firing because of the lack of ammunition. When Meh Reh was trained in 2001 at age fifteen, the trainers were generally good but “sometimes they got angry. Sometimes they shouted at us, and sometimes they punished us by making us dive on the ground ten or fifteen times in a row. I had to do it many times. They punished us when we made mistakes in the exercises. Many were beaten. I was beaten twice by the trainers because I made a mistake in left, right, left [marching]. They hit me painfully with a stick. Some complained but nobody ran away.” He added that the youngest boys in training were not forced to do some of the hardest exercises.³⁵³

After training is completed the youngest soldiers are encouraged by their officers not to go to the front line. When he was interviewed it had been five months since his training, but for sixteen-year-old Meh Reh, “I have nothing to do, just stay in the camp gathering firewood, carrying water, and sometimes I have to cook. The commander said I'll have to go to the front line, but not yet. The commander told me ‘You're not strong enough yet to go to the front line.’ Some who are younger than me go to the front line but not because the commander asks them, it is because they say they want to go. I haven't, because I listen to the commander, but some of my friends don't listen.”³⁵⁴ Kyaw Reh, also sixteen, says that his officer is keeping him in a rear camp as well because of his age. He has a gun but has only been allowed to fire it once for practice. According to KNPP spokesman Saw Doh Say, “The Karenni Army doesn't really want child soldiers in the front line because child soldiers may panic the first time. I was in the Karenni Army in 1991-92 and I saw two cases when child soldiers who were in their first heavy fighting just put their guns on auto and fired without looking, wasting ammunition.”³⁵⁵ Thu Reh, who enlisted at

³⁵¹ Ibid.

³⁵² Human Rights Watch interview with Kyaw Reh, March 2002.

³⁵³ Human Rights Watch interview with Meh Reh, March 2002.

³⁵⁴ Human Rights Watch interview with Meh Reh, March 2002.

³⁵⁵ Human Rights Watch interview with KNPP Director of Foreign Affairs Saw Doh Say, March 2002.

age thirteen and is now sixteen, chose to go to the front line and in the past three years “I’ve been in battle many times, too many to remember them all. With me I have to carry some rice, my clothes and belongings, and my gun. I have to carry a half tin of rice, about ten kilos. At first I had lighter loads, but now I have to carry that much.” He says that his first time in battle he was afraid, but now he is very used to it.³⁵⁶

KnA soldiers can get up to a week in each month as leave to visit their families, but many of their families are displaced and scattered. Life as a soldier among the displaced and the hungry, in the destroyed villages, rugged hills and forests of Kayah State is anything but easy. General Aung Mya explained some of the hardships: “We try to capture weapons from the Burmese army in fighting. In the front line, our soldiers have to rely on the local villagers for food, and many of the villagers are arrested, tortured and imprisoned for supporting us. We don’t want to bring trouble on them and we’re very unhappy about this. When we go home, our relatives don’t dare see us, and if the Burmese hear that they have come to visit their relatives in the KnA they’re arrested. That’s why when someone from the north joins we send him to the south, and vice versa.”³⁵⁷ Thu Reh says of his three years in the Karenni Army, “[s]ometimes I’m happy, sometimes not so happy. Because there’s not enough food, and I’d like to smoke sometimes but I have no money. No salary. Even the officers don’t get any money. We eat the same. The supplies come to our camp. I don’t know from where.”³⁵⁸

Once they are enlisted, soldiers are not allowed to leave the Karenni Army, even if they enlisted as children. General Aung Mya explains that even in the case of a fifteen-year-old, “[w]hen they come to join we explain, ‘We are not forcing you, you are volunteering.’ Then before we allow them to join we let them consider it for a few weeks, and once they make the decision we let them join military training. At the end of the training they take an oath that ‘I am a Karenni soldier, I will serve my people and country,’ and so on. After that they cannot leave the army. There is no fixed term of service, but they must serve the army as long as they can. They can only leave if they have health or family problems. We also let people retire at forty-five or fifty. But when your problems are over or whenever we need you, we recall you and you must come back.”³⁵⁹

³⁵⁶ Human Rights Watch interview with Thu Reh, March 2002.

³⁵⁷ Human Rights Watch interview with KnA Second in Command General Aung Mya, March 2002.

³⁵⁸ Human Rights Watch interview with Thu Reh, March 2002.

³⁵⁹ Human Rights Watch interview with KnA general Aung Mya, March 2002.

Addressing the Problem

Of all the opposition groups contacted, the KNPP/KnA was the most open in admitting the existence and the numbers of child soldiers among their forces, and appeared the most sincere in their desire to confront this problem. KNPP and KnA spokesmen openly discussed their desire to provide alternatives for boys who want to join the army. KnA General Aung Mya explained some of the difficulties from his perspective:

We'd like to abide by the international protocol [on children in armed conflict] and have these rules within our KnA too, but it is hard to get support because no one recognizes us as a legal organization. We have some ideas for projects for some of our young boys in the army, but we can't get any support from outside organizations. Some of our army commanders are angry about that. No resources means no skills. Not only for our boy soldiers, but also for the young [Burma army] deserters. The only option for child soldiers is if we can have a special school for them, not only for reading and writing but also for vocational skills like carpentry or auto mechanics. We can't send fourteen- and fifteen-year-olds to ordinary kindergarten. The most important thing for these young people is education, and we'd like to see them go back to school. Now I have two boarding schools for boys who wanted to join the army. It is not only boys from inside Karenni; every year twenty or thirty boys under eighteen from the refugee camps also come and want to join the army. We don't want them, but this is a problem for us. We refuse them but some of them refuse to go home, so I order my commanders to stop feeding them. This happens especially in the school holidays. Because of the current Karenni situation, many boys see no option but the army. If we want to insist that they should finish Eighth or Tenth Standard before joining then we have to provide schools everywhere. Many have no access to schools.³⁶⁰

At the same time, several of the young KnA soldiers interviewed by Human Rights Watch would clearly have been willing to go back to schools if the army officers had been more insistent when or after they joined. Educating KnA officers to adhere more strongly to the policy of sending boys under eighteen to school would in itself probably greatly reduce the number of child soldiers in the KnA, as would allowing child soldiers already in the KnA to leave despite their oath of lifelong service.

³⁶⁰ Human Rights Watch interview with KnA General Aung Mya, March 2002.

Karenni Nationalities People’s Liberation Front (KNPLF)

The KNPLF, often referred to by its Burmese acronym Ka La La Ta, was formed in 1978 when some KNPP members who were sympathetic to the Communists broke away and formed their own group because of the anti-Communist policies of the KNPP. Much smaller than the KNPP/KnA, its armed wing operated primarily in northern Kayah State until it made a ceasefire agreement with the SLORC in 1994. The group retained arms and some estimates place its present strength at about 500 soldiers. Human Rights Watch was unable to obtain any direct information on the use of child soldiers by the KNPLF, but one Karenni observer suggested that the size of the KNPLF army may be growing in the Kayan area of northwestern Kayah State, where the KNPLF controls many villages. The same source believed that the main activities of the KNPLF in these areas are now business-related, that the group is probably accepting child recruits, and that soldiers are not allowed to leave after they join the KNPLF army.³⁶¹

Mon National Liberation Army (MNLA)

The New Mon State Party (NMSP) and its armed wing, the Mon National Liberation Army (MNLA), were first formed in 1958. Operating primarily in southern Mon State, northern Tenasserim Division and the southernmost tip of Karen State, the MNLA continued fighting until reaching a ceasefire agreement with the SLORC in 1995. Under the terms of the ceasefire the MNLA is restricted to a few small zones within their former area, though their soldiers and NMSP officials can travel in SPDC-controlled areas by prior arrangement. The agreement also specified that the Burma army would stop its human rights abuses against Mon villagers, but the continuation of these abuses, particularly the use of Mon villagers for forced labor and the prohibitions on teaching of Mon language and culture, have on two or three occasions caused groups to break away from the NMSP and resume fighting against the SPDC. The latest and possibly most significant of these breakaways began in September 2001, when MNLA Colonel Pan Nyunt defected with over one hundred soldiers and formed the Monland Restoration Army (see below), which is now fighting the Burma army.

Independent estimates place the present strength of the MNLA between 1,000 and 2,000 soldiers. The NMSP claims that the MNLA has two battalions of regulars with about 700 soldiers each and three battalions of non-regulars

³⁶¹ Human Rights Watch interview with Karenni staff member of international non-governmental organization, Thailand, March 2002.

with about 400 soldiers each, totaling 2,600 men under arms.³⁶² The breakaway of factions who want to resume fighting the SPDC has weakened the MNLA, and some observers believe that the numbers of new recruits have decreased at the same time: “Since the ceasefire the MNLA gets fewer recruits. Most young Mon people are more interested in working in Thailand or elsewhere rather than the army. If they join the MNLA they just have to boil water and serve their commander, and they’re not interested in this. Also, the young people don’t trust the NMSP because of the ceasefire.”³⁶³ Though some informants believe that the MNLA is trying to expand its numbers, they did not believe that the MNLA is conducting any forced conscription. One independent source stated that some MNLA commanders want to begin conscription to make up for the army’s depleted numbers, but that this is firmly opposed by General Htaw Mon, commander in chief of the MNLA.

NMSP representatives claim that there is no conscription to the MNLA, and that there are no soldiers under age eighteen in the MNLA. A senior NMSP spokesman who prefers not to be named stated to Human Rights Watch that “[o]ur policy is that if they are eighteen we accept them as soldiers. If under eighteen, we give them training in school as students. The MNLA arranges for them to go to school and supports them with food and things. We have 280 schools—three high schools, eight or ten middle schools, and the rest are primary. The policy is that he should then come to work for the NMSP when he finishes school, but it’s a loose policy.”³⁶⁴ The spokesman went on to say that there have been a few cases where MNLA officers have accepted boys under eighteen, and these have been resolved by informing the officer of the official policy and removing the recruit from the army.

However, several independent witnesses who have encountered or spent time with MNLA units were unanimous in stating that there are in fact child soldiers within the MNLA. After passing through seven MNLA checkpoints on one occasion in early 2001, one witness believed that at least two of the five to seven soldiers at each checkpoint were children; while the uniformed children inspected the vehicles and worked the barricade, the older soldiers relaxed in the background.³⁶⁵ Another observer added,

³⁶² Human Rights Watch interview with NMSP spokesmen, May 2002.

³⁶³ Human Rights Watch interview with independent source close to the Mon situation, May 2002.

³⁶⁴ Human Rights Watch interview with senior NMSP spokesman, May 2002.

³⁶⁵ Testimony to Human Rights Watch by nongovernmental organization worker, March 2002.

Before the NMSP ceasefire I didn't see many child soldiers in the MNLA but after the ceasefire I saw many, because the MNLA is trying to increase its number of soldiers. . . . Mainly they join because they can wear the uniform, visit their hometown, and there are no battles now. I think the policy is that they must be over eighteen, but the officers don't follow it. . . . I think neither the KNLA nor the MNLA should use child soldiers in their organizations, but this problem stems from the civil war and the military regime. I've met with their military leaders and raised this issue and they agree that they shouldn't use them. They say that most of them aren't used in the front line, they are used at checkpoints and rear camps.³⁶⁶

A former soldier who was in the MNLA before the ceasefire explained what sometimes happened in front line areas when the MNLA was still fighting: “For example, from my experience in the MNLA, when a boy joins in the front line the headquarters aren't notified. Then later if the unit goes back for training they follow along. But some have been with the unit for two or three years by that time, so they don't want to go. Some quit if their unit goes back to headquarters, because they don't want to do training or because they think there's a lot of malaria at headquarters. Then sometimes they join again when their unit arrives back at the front line.”³⁶⁷

The NMSP informed Human Rights Watch that the MNLA has four training schools in different districts, each of which is opened twice per year for a three-month military training course. Numbers of trainees were not provided. The official term of duty in the MNLA is two years, after which a soldier is free to leave, though if he chooses to leave he is informed that he may be called back if needed, particularly if the ceasefire is broken. Soldiers are not allowed to marry during their first two years of service. If a soldier runs away during those two years he is supposed to be captured and brought back, but independent observers told Human Rights Watch that in practice the MNLA often makes little or no effort to recapture runaways.

Monland Restoration Army (MRA)

In early September 2001, Colonel Pan Nyunt of the Mon National Liberation Army (MNLA) broke away with approximately 150 soldiers under his command and declared that he would resume fighting against SPDC forces

³⁶⁶ Human Rights Watch interview with independent source close to the Mon situation, May 2002.

³⁶⁷ Human Rights Watch interview with former Mon soldier, May 2002.

because six years of ceasefire had led to no improvement in the lives of Mon civilians, who were still suffering human rights abuses at the hands of the Burma army. Also citing a desire to resurrect the glory of former Mon-Khmer kingdoms, he formed the Monland Restoration Army (MRA), the name of which is sometimes translated as Monland Defense Army, and an associated political wing, the Hongsawatoi Restoration Party (HRP). The SPDC responded by sending many more troops into the Three Pagodas Pass region, and fighting between the two armies is still continuing.

Since its formation the MRA has attracted many MNLA soldiers and former soldiers who want to fight the Burma army, as well as villagers who want revenge for the human rights abuses suffered by their families during and before the Mon ceasefire. Several estimates now place the strength of the MRA at 800 to 1,000 armed soldiers. Reports from independent witnesses suggest that the MRA has been relying on volunteers rather than conducting forced conscription. While it is likely that most of the MNLA soldiers and former MNLA soldiers who have joined the MRA are over eighteen years old, no clear information is available on the average ages of recruits from among the civilian population. Most observers from within the Mon situation believe that the new organization probably has no policy as yet on recruitment age, and that boys under eighteen who volunteer are being accepted. This likelihood is strengthened by the reality that HRP/MRA as yet exists only as an army, with no health, education or other departments and no schools which could provide an alternative for young volunteers.³⁶⁸

Kachin Independence Army (KIA)

The Panglong Agreement of 1947 granted regional autonomy to Kachin State and stipulated that the Kachin could secede from Burma if these commitments were not realized within ten years. The Panglong Agreement was never honored, and when after ten years the Kachin leadership expressed a desire to secede it was rejected by the government in Rangoon. In response the Kachin Independence Organization (KIO) and its armed wing, the Kachin Independence Army (KIA), were formed and the Kachin revolution began in February 1962. By the 1980s the KIO and KIA were seen as one of the best organized and most effective resistance movements; the KIO controlled large areas of the state and had operational health, education and other systems, while the KIA was able to operate even in the outskirts of the state capital, Myitkyina. In the late 1980s and early 1990s most estimates placed the armed strength of

³⁶⁸ Human Rights Watch interviews with independent Mon human rights researchers, Thailand, May 2002.

the KIA between 7,000 and 10,000. In 1993-94 the KIO negotiated and then formalized a ceasefire agreement with the SLORC which allowed them to retain their arms and limited control over some parts of the state. Since that time the size of the KIA has reportedly decreased to approximately 5,000. Kachin witnesses interviewed by Human Rights Watch reported also that since that time the use of forced labor and other human rights abuses by both the KIO and the SPDC have continued, and that civilians are also unhappy with the lack of development in Kachin State despite the heavy exploitation of its timber and mineral resources by Burmese and Chinese businessmen. In 2001 the top three leaders of the KIO/KIA were overthrown in a bloodless coup by a group of younger officers who claim to want to reform the KIO to make it less hierarchical and more democratic.

Human Rights Watch did not gather information in Kachin State but was able to interview two Kachin witnesses, both of whom testified that the KIA has always used conscription to obtain some of its recruits and continues to do so. One of the witnesses, Brang Mai, was rounded up in a sweep for recruits when he was twelve years old in 1992:

They have no rules, no discipline. They arrive in a village and just arrest whomever they can. I was arrested by the KIA when I was in Ninth Standard. It was a Sunday in 1992. We'd just finished the opening ceremony of our new church, and we put on a stage show in the evening that finished at about 10 o'clock. That night five of us young boys were sleeping in the new church to watch over the sound equipment. At about midnight or 1 a.m. the KIA came to the church and arrested the five of us. One of them pointed a gun at me and said, 'Don't run away or I'll shoot you.' He tied me with rope. At the same time they went to our house, broke down the door and captured my sister. She was about fourteen. They also took others by breaking into their houses. They took about fifty of us. We were all tied with rope, and some KIA soldiers guarded us. All of us were under eighteen, and about two thirds were girls. One girl was very young, I think she was about eleven. She was crying all the time when we got to the KIA camp. They were all very upset. Most of the girls were crying, and one very young boy was crying too. I think he was ten years old.³⁶⁹

He testified that about ten of the fifty children were under fifteen; most were high school students, but some were primary and middle school students.

³⁶⁹ Testimony of Kachin witness Brang Mai to Human Rights Watch, June 2002.

First they were taken to a mobile KIA camp where “they registered us. They asked name, family name, education, age, etc. I told them whatever they asked. When they asked my education I said ‘I’m in Ninth Standard and want to study further,’ but they said ‘Your education doesn’t matter to us.’ They said we would have to serve our country, some as soldiers and some as nurses. They said, ‘You don’t need to study, you need to fight our enemy.’ My sister was very willing to be a KIA soldier, I was surprised. I didn’t want to be a KIA soldier, I hated them because they came to our church and our house like that - they didn’t respect our religion or our house. Before that night I liked the KIA soldiers, but after that I always felt that something is wrong with them.” The soldiers cut the hair of all the boys, and early the next morning the column left for their battalion camp. At the last moment, the sergeant major decided to release Brang Mai as well as the ten-year-old boy and one other. Several boys younger than Brang Mai were taken, but he believes he was released because his sister had lied to the sergeant major that he was the only son of the family. All of those who were taken away were then recruited to the KIA, including his sister who went on to serve as a soldier for six years before being discharged.

The witnesses interviewed by Human Rights Watch indicated that in the first two decades of the revolution many civilians volunteered for the KIA, but after that the number of volunteers decreased and conscription began. Since the ceasefire in 1994 the numbers of volunteers have decreased further, and even though the KIA is no longer involved in any fighting it reportedly still conducts regular conscription throughout much of Kachin State. According to Brang Mai, the KIA is still conducting similar raids on villages and jade mines to round up recruits and cares little whether those taken are under or over eighteen. He estimates that at present as many as 40 percent of the KIA’s approximately 5,000 soldiers may be under eighteen, though other estimates are considerably lower, closer to 10 percent. The KIA still reportedly has significant numbers of girl soldiers, possibly the only army in Burma to do so, and a significant percentage of these girls may also be under eighteen. Another witness testified that the KIA still conscripts by demanding quotas of recruits from villages, and he saw five or six children under eighteen among a batch of fifty or sixty new recruits being inducted into the KIA in 2001. Neither witness was aware of whether the KIA has any formal policy on minimum recruitment age.

Once in the KIA soldiers receive one or more months’ training. According to Brang Mai, those who try to run away from training are executed if caught, though Human Rights Watch was unable to obtain any other confirmation of this. Once at a battalion somewhere in Kachin State, the KIA soldiers spend much of their time farming, building roads and bridges, and doing various other work depending on the region. They receive no salary and treatment by their

officers is sometimes bad, but they do not have to face combat because there is no fighting in Kachin State now. Girl soldiers are included in regular units and are not segregated, though the witnesses testified that prior to the ceasefire they were assigned mainly to guard military posts rather than go into combat.

The term of service for KIA soldiers generally can range from ten years to life, depending on circumstances. According to the witnesses, it was previously not difficult to obtain discharges after ten years of service, but now it is becoming very difficult to get a discharge and most of those who apply are rejected. Brang Mai told Human Rights Watch, “When the KIA started people joined because they wanted to, but sometime after 1980 it changed and now most people are unwilling. None of the KIA soldiers are willing now. I’ve met many, and none of them want to be soldiers. They want to run away, but if they do they can be killed because the punishment is the death penalty. Soldiers who run away are not usually killed if they’re caught, but most of the soldiers are afraid to die so they stay.”³⁷⁰ The other witness added, “Many don’t know where the leadership is taking them and there is no fighting, so they would rather go to find work in the towns. Starting a few years after the ceasefire many KIA soldiers and officers asked for discharges but a clear majority were rejected because the KIA is afraid of a mass exodus; only some of the older soldiers get discharged. So some run away and some take ‘long leave’ of up to one or two years, but it is usually only the officers who can do that.”³⁷¹

The new leadership of the KIO/KIA is reportedly reform-minded and more open to the desires of the Kachin people, though it is not yet clear whether this will have a strong effect on KIA recruiting practices. The second witness quoted above believes that the new leaders want to rebuild the KIA to its former strength, and if this is the case then conscription of children will probably continue or even increase.

Kachin Democratic Army (KDA)

Though the Kachin Independence Army is based in Kachin State, it previously had a Fourth Brigade of several hundred soldiers in northwestern Shan State. In 1991 this unit broke away and formed the Kachin Democratic Army (KDA), which shortly thereafter agreed to a ceasefire with the SLORC regime. According to Kachin witnesses, the KDA has grown since its formation and may now have anywhere between 1,000 and 3,000 soldiers, some of whom have volunteered but many of whom have been forcibly conscripted.³⁷² Many of

³⁷⁰ Ibid.

³⁷¹ Human Rights Watch interview with Kachin witness, June 2002.

³⁷² Human Rights Watch interviews with Brang Mai and Kachin development worker, northern Thailand, June 2002.

these are reportedly children, though numbers are unavailable. The KDA is not involved in any fighting or political work, instead directing most of its efforts into business ventures which allegedly include the opium trade.

New Democratic Army - Kachinland (NDA-K)

The New Democratic Army - Kachinland (NDA-K) was initially formed in 1968 by members of the Kachin resistance who broke away to ally themselves with the Communist Party of Burma. The NDA-K has a ceasefire agreement with the SPDC and presently operates in a strip of eastern Kachin State adjacent to the China border. The NDA-K is reportedly well armed but rather than fighting it is primarily involved in the timber business and has investments in China. Kachin witnesses estimate that the present armed strength of the NDA-K may be as many as 3,000 soldiers. One witness told Human Rights Watch that “the Kachin people believe that the NDA-K has a lot of money, and that if they join the NDA-K they will make a lot of money. They don’t understand anything, they just destroy natural resources for money. I don’t think the future is very bright for the NDA-K.”³⁷³ Witnesses believe that all of the NDA-K soldiers are volunteers who joined for the good salary they receive, and that the NDA-K probably has at least 500 child soldiers including some under age fifteen.

All-Burma Students’ Democratic Front (ABSDF)

After the 1988 pro-democracy uprisings were crushed by the newly-formed SLORC junta, several thousand dissidents and activists fled to areas under control of resistance forces, particularly the Karen National Union and the Kachin Independence Organization. Many of them were university students, with a smaller number of high school students. In the resistance areas they formed several political organizations and a few armies, the most significant of which was the All-Burma Students’ Democratic Front (ABSDF). At its peak in the early 1990s the ABSDF had several thousand members, of whom an estimated 2,000 were armed soldiers. However, many of the urban activists found life as jungle guerrillas too demanding or were laid low by malaria and other diseases, so they returned home or left for neighboring countries. As the 1990s progressed the ABSDF military was further undermined because the Karen National Union was less able to supply the ABSDF with weapons and other support, while the Kachin Independence Organization, after entering into a ceasefire with the SLORC, ordered ABSDF units out of their territory. In the late 1990s the ABSDF briefly renounced armed struggle, but later reversed this

³⁷³ Human Rights Watch interview with Brang Mai, June 2002.

decision. At present most observers estimate that they have fewer than 500 soldiers under arms, though they still have a significant political organization. The ABSDF itself claims a total of approximately 500 soldiers under arms at present, 400 of whom are based along the Burma-Thailand border while the rest are in parts of northern Burma.³⁷⁴

The ABSDF claims that it has never conscripted soldiers, and most observers believe this claim. The present chairman of the ABSDF, U Than Khe, admits that in the early years of the organization many of those who joined were high school students and others under eighteen, and they were accepted into the army.³⁷⁵ A former ABSDF military officer who was based in Kachin State until 1996 told Human Rights Watch that “[t]here was no conscription. All were volunteers. Some were sixteen to eighteen, from Eighth or Ninth Standard. They were kept in the rear areas.”³⁷⁶ Another former ABSDF soldier who fought in southern Karen State until 1993 and has since maintained contact with the ABSDF stated that prior to 1990 many boys under eighteen were accepted into the ABSDF as soldiers, but then a policy was implemented setting a minimum age of eighteen. Since that time, “when you apply they ask your age. If you are under eighteen you become an ‘organizing member,’ not a full member, and you become part of the health or education department. Then when you become eighteen you can join the army if you want.”³⁷⁷ All of those who joined the ABSDF in its early years are now well over eighteen years old, and several independent witnesses told Human Rights Watch that they have not seen any child soldiers in ABSDF units in recent years. The chairman of ABSDF claims that there are no child soldiers at present in the ABSDF, and that those under eighteen who wish to join are not accepted even as ‘organizing members’ or as clerks in the health or education departments, but are offered the opportunity of going to one of the ABSDF’s schools.

Representatives of both the Karen National Liberation army and the Shan State Army - South told Human Rights Watch that when Burma army deserters surrender to their forces and express an interest in fighting against their former comrades, they often send these deserters to the ABSDF. U Than Khe admits that this is a problem for his organization, which is already struggling just to feed its own people:

³⁷⁴ Human Rights Watch interview with ABSDF Chairman U Than Khe, June 2002.

³⁷⁵ Ibid.

³⁷⁶ Human Rights Watch interview with former ABSDF officer, Shan State, Burma, March 2002.

³⁷⁷ Human Rights Watch interview with former ABSDF soldier, Thailand, May 2002.

There are deserters now every day, and many come to us from among the SPDC troops. Most of them are under eighteen, and some are even under fifteen. Some arrive at our base camps and ask our organization to help them to resettle or get an education. Now we have two children in ---- area who were forcibly conscripted by the SPDC army, and both of them are under fifteen. They want to join ABSDF but we didn't accept them. We're looking after them and they're going to school.³⁷⁸

ABSDF units run small schools for their own family members, and at some camps they have built dormitories so that young would-be volunteers and deserters from the Burma army can go to these schools. Some internally displaced villagers also send their children to the ABSDF schools. According to U Than Khe, the largest of these schools now has close to 400 students, most of them aged thirteen to nineteen. He insists that these schools are not focused on politics and that the students have no obligation to serve the ABSDF upon completion of their education.

People's Democratic Front (PDF)

The People's Democratic Front (PDF) was formed in 1989 by Colonel Sein Mya, a Burma army officer who defected to the opposition. In its first years many former Burma army soldiers and officers joined the PDF, but many left after Sein Mya's death from malaria in 1993. At present the PDF only has fifty to one hundred soldiers, all of them working in cooperation with units of the Karen National Liberation army and All-Burma Students' Democratic Front in southern Karen State. Most PDF soldiers are former Burma army soldiers or Burman political activists. According to PDF General Secretary U Maung Maung Nyay, "None of our soldiers are under eighteen, because our policy is that none can enter the armed forces under eighteen. This is formal policy according to the PDF policy handbook."³⁷⁹ The PDF has offices and a small education and health project, and volunteers under eighteen are assigned to one of these; once they become eighteen they are allowed to join as soldiers if they wish. Burma army deserters are sometimes handed to the PDF by the Karen National Union or other groups. The PDF has a camp where these deserters are given six months of agricultural, political and human rights training, after which

³⁷⁸ Human Rights Watch interview with ABSDF chairman U Than Khe, June 2002.

³⁷⁹ Human Rights Watch interview with U Maung Maung Nyay, PDF general secretary, May 2002.

they can choose whether to join the organization. If they are still under eighteen, the PDF claims that they cannot be accepted as soldiers.³⁸⁰

Burma Patriotic Army (BPA)

As noted above, desertion rates in the Burma army have rapidly increased in recent years. After surrendering to resistance forces, many deserters cross into Thailand to seek employment because they are afraid of being caught if they attempt to return home. In 2001 the Thai government began a process to register foreigners, primarily Burmese, working illegally in Thai border provinces; only those with steady employment who can pay a heavy registration fee can qualify, while all others are to be deported to Burma. Unable to register and afraid to be handed over to Burmese authorities, some former deserters returned to the border areas. On the Kayah State border those who returned joined with others who had deserted more recently, and in November 2001 they decided to form an armed group called the Myanmar Myochit Tatmadaw, which translates as Burma Patriotic Armed Forces, or Burma Patriotic Army (BPA). General Aung Mya, second in command of the Karenni Army, explained it as follows:

Now there are about fifty deserters in our area and it is too many for the KnA, so we let them form the BPA to fight the SPDC. Many of them wanted to fight but we didn't want them in our army, so they had this idea and they asked our help. Most of them are still quite young and don't have a lot of soldiering experience, so for now we just provide them with some food and a few weapons to guard their camp. We won't let them operate in the KnA, KNLA or SSA areas, only in their own area further inside. There are fifty or sixty now registered in the BPA. If more deserters come and want to fight now, we will send them to the BPA. We hope more deserters will come. We will suggest they join the BPA, and if they don't want to they can go elsewhere. But if they go and they can't find work they will commit crimes, and this is bad for both the Thais and us.³⁸¹

Many of those who formed the BPA were child soldiers when they deserted but had already been in the border area or in Thailand for several years and are now no longer children. Some of the more recent deserters, however, are well

³⁸⁰ Human Rights Watch interviews with U Maung Maung Nyay, PDF general secretary, and another former PDF senior member, May 2002.

³⁸¹ Human Rights Watch interview with KnA General Aung Mya, March 2002.

under eighteen years old. One of the soldiers from the BPA camp who was interviewed by Human Rights Watch is now fifteen years old, and says that four or five others at the camp are also under eighteen. After he and a friend fled the Burma army in Kayah State in 2001, “[o]ne of us joined the Karenni Army and is now in the front line. I’m in the Burma Patriotic Army. I went to school [*at a Karenni area school*] and was studying Seventh Standard. Now it’s the summer holiday, so I’m going to the BPA camp and the front line as a volunteer. When school starts I’ll go back to school.”³⁸² If the Karenni Army follows General Aung Mya’s Statement that the BPA will not be allowed to fight in the areas of operation of the existing resistance armies, then it is unlikely that BPA soldiers will have the opportunity to do much more than guard their camp; however, if they are sent to fight “further inside” as he stated, this would mean entering strongly SPDC-controlled regions, which would be virtual suicide for a small band such as the BPA.

Myeik-Dawei United Front (MDUF)

After the Communist Party of Burma (CPB) dissolved in 1989, the remnants of the CPB in Tenasserim Division formed the Myeik-Dawei United Front (MDUF), or Mergui-Tavoy United Front. Before 2001 the group had an estimated 200 to 300 soldiers, most of whom were ethnic Tavoyan, and operated principally in the remote area east of the southern Tenasserim River near the Thai border. This made it difficult for them to recruit, as most Tavoyans live along the Andaman Sea coast to the west, where the SPDC is strongly in control. MDUF members were reputed to live and fight in family units, probably including the use of children as soldiers. However, the SPDC wanted very much to destroy this group because the junta still considers it to be CPB. In 2001 the Burma army launched an offensive against the MDUF, causing the group to disperse. At present the MDUF is no longer functional, though its leader U Shein is trying to regroup its forces.³⁸³

The Anti-Insurgent Group (AIG)

The Anti-Insurgent Group, usually known by its acronym Tha Ka Sa Pa, was formed in the 1970s from a group of Karen resistance soldiers who surrendered. Since then it has acted as a support group to the Burma army in the Pa’an, Thaton, and Kyaikto areas of Mon State and eastern Karen State, and there are now reports that it may be expanding into southern Mon State. The

³⁸² Human Rights Watch interview with BPA soldier, March 2002.

³⁸³ Human Rights Watch interviews with independent Mon human rights researchers, Thailand, May 2002.

estimated strength of the AIG is no more than 200 or 300 troops. The AIG usually only recruits from among former KNLA and KNDO soldiers who have surrendered to the SLORC/SPDC, so it is unlikely that there are child soldiers in this group. Most of their activities involve intelligence gathering for the SPDC, guiding Burma army troops, and running small businesses for their own profit.

Mong Tai Army (MTA)

The Mong Tai Army grew out of a local drug trafficking militia to become one of the largest opposition armies in Burma, with a strength of over 10,000 troops armed with modern weaponry. Operating from bases in southern Shan State, the MTA was led by Zhang Chifu, also known as Khun Sa. Though the MTA often fought the Burmese regime and many of its soldiers and officers were Shan nationalists, Khun Sa himself appeared to consider it his personal army and focused his efforts on the drug trade. The MTA was accused of committing widespread human rights abuses in its areas of control, one of which was the large-scale forced conscription of young boys. Many of these boys were sent to a quasi-military school known as Tiger Camp at the MTA headquarters of Ho Murng near the Thai border, where they were reportedly given both schooling and some military training and were later conscripted into the army. Sai Lone was one of these boys. He told Human Rights Watch that in 1995 at age sixteen “I was forced. Many other boys had also been forced. When I was a soldier, if you were sixteen or seventeen you had to go to the front line but if you were fifteen or younger you had to stay in Ho Murng. The youngest boys were about ten, but they had to stay and study in Ho Murng.”³⁸⁴ According to Sao Ood Kesi, a member of the Restoration Council of the Shan State (RCSS) who was formerly associated with the MTA, in the mid-1990s the MTA had approximately 2,000 child soldiers, but most of them were posted near the Thai border rather than in the heaviest combat areas.³⁸⁵

In early 1996 Khun Sa secretly negotiated a surrender deal with the SLORC regime. Most of his soldiers were caught by surprise when the surrender occurred, and had little option but to cooperate. Those who surrendered were demobilized, and most tried to return to their home areas. The MTA ceased to exist, but 500 to 1,000 soldiers were taken to form a new army, which later became the Shan State Army - South (see the related section above).³⁸⁶

³⁸⁴ Human Rights Watch interview with Sai Lone, Thailand, March 2002.

³⁸⁵ Human Rights Watch interview with RCSS representative Sao Ood Kesi, March 2002.

³⁸⁶ Human Rights Watch interviews with RCSS representative Sao Ood Kesi and with former MTA soldier Sai Lone, Thailand, March 2002.

God's Army

When the Burma army launched a major offensive against Karen National Union territory in Tenasserim Division in early 1997, the Karen National Liberation Army did little to resist except to fight delaying actions. Thousands of villagers were trapped by advancing Burma army troops who burned their villages and pressed many of them into forced labor. Many villagers and some KNLA soldiers were angry at the KNLA for failing to fight back. At this time two twin brothers aged nine or ten who were among the displaced villagers suddenly announced that they were the reincarnations of famed Karen fighters Saw Johnny Htoo and Saw Luther. Led by their uncle, the two boys announced that they had mystical powers; they rallied some villagers and KNLA soldiers and in a surprise attack virtually wiped out a Burma army company. With this apparent confirmation of their powers, other villagers and KNLA soldiers rallied around them and the God's Army was formed. The group grew to a total of no more than 300 soldiers, a significant percentage of whom were reportedly children. With material support from the KNLA, God's Army continued its small scale guerrilla operations against the Burma army until late 1999.

In October 1999 a radical group of about ten former ABSDF members calling themselves the Vigorous Burmese Student Warriors (VBSW) besieged the Burmese embassy in Bangkok and held hostages briefly before fleeing to the border and crossing to a God's Army camp. The God's Army gave them shelter, even though the SPDC used this as an excuse to launch another offensive in the area. To protest the Burmese shelling, a group of VBSW members re-entered Thailand in January 2000 and besieged Ratchburi Hospital, where they were then shot dead by Thai commandos. Though God's Army was not responsible for the attack they were assigned most of the blame, and they immediately came under heavy military pressure from both sides of the border. In January 2001 "Saw Johnny Htoo," "Saw Luther," and about fifteen other God's Army members, most of whom were children, surrendered to Thai authorities. Most God's Army members dispersed into the forests, some (including "Saw Johnny Htoo" and "Saw Luther") ended up in refugee camps in Thailand, and some are presently trying to survive in Bangkok by working illegally. God's Army ceased to exist.

Other Groups

Most of the main armed groups not already discussed are included in the list below. Though Human Rights Watch was not able to obtain any direct information regarding these groups, it is likely that most of them have at least some children within their ranks. Many of these groups are very difficult to

access and secretive in their operations, and further research is required to establish their status and policies with regard to child soldiers.

Most of the information below is drawn from data compiled by Bertil Lintner.³⁸⁷ Human Rights Watch has augmented this with background information from other sources on some armies such as the SSA-North and SSNA, and with estimates of armed strength where these are not given by Lintner.

Shan State Army (SSA), also known as SSA-North: Estimated armed strength 1,000-1,500 operating in northern Shan State, made a ceasefire agreement in 1991 which still holds. In 1997 the SSA-North reached an agreement on objectives with the Shan State National Army (SSNA), a ceasefire group, and the SSA-South, which is still fighting the SPDC. Under pressure from the SPDC, the agreement was never acted upon and now “exists only on paper” according to SSA-South spokesmen.³⁸⁸ SSA-North and SSNA also formed the Shan State Peace Council (SSPC).

Shan State National Army (SSNA): A breakaway group formed by former Mong Tai army officer Garn Yod after the MTA surrendered in 1996, but made a ceasefire agreement shortly thereafter. Estimated armed strength fewer than 1,000.

Myanmar National Democratic Alliance Army (MNDAA): Estimated armed strength 1,000-2,000, operating in northeastern Shan State, has a ceasefire agreement since 1989.

Myanmar National Democratic Alliance Army - East (MNDAA-East): Estimated armed strength 2,000-3,000, operating in eastern Shan State, has a ceasefire agreement since 1989.

Pa’O National Army (PNA): Estimated armed strength 300-400, operating in southwestern Shan State, made a ceasefire agreement in 1991.

³⁸⁷ Data taken from the Appendix of a paper presented by Bertil Lintner to the conference “Terrorism and Low Intensity Conflicts in the South Asian Region”, 6-8 March 2002 at the Department of International Relations, Jadavpur University, Kolkata, India; and Bertil Lintner, *Burma in Revolt: Opium and Insurgency Since 1948* (Chiang Mai: Silksworm Books, 1999), pp. 480-495.

³⁸⁸ Human Rights Watch interview with RCSS representative Sao Ood Kesi, March 2002.

Palaung State Liberation Army (PSLA): Estimated armed strength 400-500, operating in northern Shan State, made a ceasefire agreement in 1991.

Shan State Nationalities People's Liberation Organization (SSNPLO): Estimated armed strength 600-700, operating in southwestern Shan State, made a ceasefire agreement in 1994.

Mongko Region Defense Army (MDA): A group which broke away from the MNDAA in 1995 but which is not fighting, despite the lack of a formal ceasefire agreement. No estimates on armed strength are available.

Kayan New Land Party (KNLP): A small Kayan armed group operating in northern Kayah State which surrendered in 1994; estimated armed strength fewer than 300.

Wa National Army (WNA): Estimated armed strength fewer than one hundred, operating from a single camp in northeastern Kayah State near the Thai border. Still in opposition with no ceasefire agreement.

Chin National Army (CNA): Formed in 1988, this is the armed wing of the Chin National Front operating in Chin State and still engaged in fighting the Burma army. Estimated strength fewer than 500.

Arakan Rohingya National Organization (ARNO): Formed in 1998 by the merger of the Arakan Rohingya Islamic Front (ARIF) and the Rohingya Solidarity Organization (RSO). The group operates along the Burma-Bangladesh border with estimated strength fewer than 1,000, and is still fighting the SPDC.

National Socialist Council of Nagaland / Isaac-Muivah (NSCN [I-M]): Estimated armed strength fewer than 1,000, operating near the Burma-India border in northern Sagaing Division.

National Socialist Council of Nagaland / Khaplang (NSCN [K]): Estimated armed strength 500-600, operating near the Burma-India border in northern Sagaing Division.

VI. AFTER THE ARMY

Effects

I was happy, because I'm a soldier. Once you're dirty you'll always be dirty.

—Saw Lah Ghay, a Karen soldier

Saw Lah Ghay was forced into the Karen National Liberation Army at age thirteen, and has been pushed back and forth between the Democratic Karen Buddhist army and the KNLA four times since then. Now twenty-two, he recently escaped the DKBA once more and has rejoined the KNLA. His story is not particularly unusual among boys in Burma's combat zones, many of whom become soldiers so young that by age twenty they already feel that there are no other options open to them. This does not prevent them from expressing regret at what might have been. Even Saw Lah Ghay, who claims to be happy as a soldier, says that if he had never been tied up and marched to a KNLA camp that first time, "My life would be very different. If I hadn't been arrested maybe now I'd be a good person. Instead I'm a bad person. It makes me sorry. If I hadn't been a soldier I would have continued and finished high school, then university, and I could have found many good jobs."³⁸⁹

Saw Lah Ghay's regrets are echoed in very similar words by many of the boys who were forced into the Burma army. Khin Maung Than was forcibly recruited at age eleven and escaped the Burma army at age fourteen, and says now that "I am angry at the SPDC. First because they took me away from my family, and second because life as a soldier was very hard for me. If I hadn't joined the army my life would be more comfortable, because I would have an income and my sisters would support me. I'd like to go to school and be educated, and once there is democracy in Burma I'll go back to my mother. I'd like to be a medic. A civilian medic, because I don't want to be a soldier anymore."³⁹⁰ Moe Shwe, now twenty, says that just before being forced into the Burma army when he was a thirteen-year-old Eighth Standard student, "I had an ambition that when I finished Tenth Standard I would go to university and then be a teacher. It would be much better if I hadn't been arrested."³⁹¹

Many others who had been forced into the Burma army expressed similar regrets about the loss of their education, mixed with even stronger regrets over

³⁸⁹ Human Rights Watch interview with Saw Lah Ghay, Karen State, Burma, March 2002.

³⁹⁰ Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

³⁹¹ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

the total loss of their family lives. Most of those interviewed had not been able to contact their families since the day they were taken by the army, which in some cases was seven to ten years ago. One Burma army soldier told Human Rights Watch that for the whole seven months he was in the army he worried about his family, because before his recruitment “I didn’t spend any of my earnings, I gave it all to my family. I didn’t go anywhere or do anything, I just stayed with my family and worked to support them. I want to go home, I want to support my family.”³⁹² Even after having deserted the army, most do not dare try to contact their families for fear of retaliation by the authorities. Some felt that their families must now believe them dead. Myo Chit, who was taken from his family at age twelve and is now fifteen, said “I keep it out of my mind. I don’t want my parents to know I’m alive, because maybe they’ll worry about me. Now they’ve already missed me for a long time, so maybe they don’t think about me any more.”³⁹³

In most opposition armies soldiers are allowed leave to visit their families, in some cases as often as once per month. Some armies are exceptions, however, and one soldier who ran away from the United Wa State Army because he had not been allowed to see his family for six years feared that “[t]hey must be thinking, ‘Where is my son? We don’t know where he is.’” Even though he ran away with the specific intention of going home, he now feels he cannot do so because it would put his family at risk. He says that he would like to become a Christian pastor but that his education, abruptly cut off when he was twelve, is not enough. Now nineteen years old, he already feels that his opportunities are past.³⁹⁴

The evidence gathered by Human Rights Watch indicates that the percentage of child soldiers in opposition armies who have been forcibly conscripted appears to be lower than in the Burma army. Moreover, while Burma army soldiers report physical and psychological abuse by their commanders and being forced to commit abuses against civilians, members of opposition armies report being on somewhat better terms with both their officers and the civilian population. The stark difference between the way each army treats its people is clearly reflected in the psychological effects on its child soldiers. The effects of the brutal practices within the Burma army have already been examined in more detail in the section Psychological Effects on the Soldiers. The after-effects of the violent abuse and the human rights abuses suffered and committed were less evident in opposition army soldiers than

³⁹² Human Rights Watch interview with Salaing Toe Aung, Thailand, March 2002.

³⁹³ Human Rights Watch interview with Myo Chit, Thailand, March 2002.

³⁹⁴ Human Rights Watch interview with Aung Kyaw, Thailand, March 2002.

among former Burma army soldiers, but there are also differences between opposition soldiers depending on the treatment they have been given. After a few years in either the Burma army or an opposition army, many child soldiers see no future for themselves other than soldiering. They also lose their sense of identity and self-worth and tend to develop a very negative image of themselves, as reflected in Saw Lah Ghay’s statement, “If I hadn’t been arrested maybe now I’d be a good person. Instead I’m a bad person.” In a more extreme case, an aid worker in Thailand described a fifteen-year-old boy who had been a soldier for several years with the Mong Tai Army and the Shan State Army (South); after leaving the SSA-South he displayed a very tough exterior, until one night he suddenly broke down and ran. A minute later he was found in a kitchen, hacking at himself with a sharp knife and crying out “I’m no good, I’m no good.”³⁹⁵ Both of the armies he had served have reputations for being very hierarchical and treating their rank and file soldiers with little respect.

Options

I didn’t write them [his family] because if I wrote they would have been very sad for me. I miss them, but I don’t want to contact them because my mother suffers from heart disease. They probably think I’m dead. If I go home I’d be arrested because I ran from the battalion, and then my parents will be sad and troubled again. I don’t want to bring trouble to my family anymore. I think it’s better to stay here in the border than to go back and be arrested in Burma. If I was arrested at home my mother would die.

—nineteen-year-old Than Aung, who was forced into the Burma army at age fourteen and has not seen his family since.³⁹⁶

At present the Burma army and most opposition armies make it extremely difficult for soldiers to leave, so most are forced to remain as soldiers until their old age unless they run away. For those who do run, there are very few options. Burma army deserters who are caught face jail terms of three to five years, normally followed by conscription back into the army. According to several of those interviewed by Human Rights Watch, if caught in conflict areas the punishment is sometimes execution.³⁹⁷ Some of those interviewed stated that

³⁹⁵ Human Rights Watch interview with aid worker, Thailand, March 2002.

³⁹⁶ Human Rights Watch interview with Than Aung, Thailand, May 2002.

³⁹⁷ Human Rights Watch interviews with Than Aung, Moe Shwe, Salaing Toe Aung, Aung Htun, Sein Kyi, and others, Thailand, March through May 2002.

they knew of people from their families or villages who had been imprisoned for desertion, and that some of the recruits they met in the Su Saun Yay recruit holding camp and soldiers in their battalion were former deserters who had been imprisoned for desertion while still children.

The fear of arrest and imprisonment or execution is enough to keep many Burma army deserters from returning home, including nineteen-year-old Aung Htun: “If I could I’d like to, but I can’t because my name is on a warrant for running away with a gun, so any authority can kill me now. I can’t write to them, because if I write a letter to my mother she will only have more trouble. Maybe she misses me, because I’m the eldest.”³⁹⁸ Fourteen-year-old Khin Maung Than believes that “[i]t will be at least ten years before I can go back. If we’d stayed inside Burma [after fleeing] it wouldn’t be as bad, but we crossed the border so the punishment would be at least ten years in jail.” Now he says he does not dare go home, even though he fears that “my mother and sister are crying, because they don’t know where I am or what is happening to me.”³⁹⁹ Even deserters who manage to make it home often feel unsafe staying there, as illustrated by the case of Zaw Moe: seven years after he was forced to enlist at age fifteen, he fled the Burma army and returned home in 1998, but after just two years in his village he was so afraid of being captured that he decided to rejoin the army as a volunteer.⁴⁰⁰

Soldiers who flee opposition armies also face the dilemma of where to go. Most return to their home regions in the hope that their officers will not come to take them back or will not be able to find them. Those who surrender to the Burma army are sometimes imprisoned or executed, though more often they are then pressed to work for the Burma army against their former comrades, usually in small proxy armies such as the Anti-Insurgent Group. To avoid this, many feel that the only safe escape is to a neighboring country. Sai Lone was a seventeen-year-old soldier when Khun Sa’s Mong Tai army surrendered in 1996, but when he and his comrades were pressed to join the Shan State Army (South) and continue fighting, he wanted no part of it: “When Khun Sa surrendered I wanted to go home but I didn’t know the way, so I decided to go to Thailand. I was afraid, so I took one grenade and carried it with me, and I thought, ‘If anyone gives me a problem then I can kill myself or throw it.’ After I crossed the border I threw it away.”⁴⁰¹

As already noted, Burma army deserters in regions of armed conflict often surrender to resistance groups. According to accounts given by opposition

³⁹⁸ Human Rights Watch interview with Aung Htun, Thailand, March 2002.

³⁹⁹ Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

⁴⁰⁰ Human Rights Watch interview with Zaw Moe, Thailand, March 2002.

⁴⁰¹ Human Rights Watch interview with Sai Lone, Thailand, March 2002.

soldiers and others within various armed groups, most resistance groups interrogate them first, then accept them if their story appears genuine, or execute them if not. Two child deserters interviewed by Human Rights Watch, fourteen-year-old Khin Maung Than and sixteen-year-old Nyunt Swe, were so afraid of execution that when they first met Karenni soldiers they claimed to be villagers who had escaped from forced labor portering for the Burma army. Only under the Karenni Army's initial interrogation did they admit their true status. Several resistance groups claim that the Burma army is sending increasing numbers of “fake deserters” who are actually intelligence informers or saboteurs, and that this is making it very difficult for them to believe the stories of deserters. Surrendering with a weapon generally improves a deserter's chance of being believed. One Burma army deserter who had surrendered to the Karen National Liberation Army without a gun told Human Rights Watch, “There were some KNLA soldiers at a logging company place, and they took me to their camp. They asked a lot of questions. Now I'm kept in a locked place made with wooden bars.” He said he had no idea why he was still being detained, but that “[t]hey said they'd release me. There are about fifteen of us in there. The others are drug addicts who used amphetamines, opium or whatever. Some are sick.”⁴⁰² Karen National Union officials later assured Human Rights Watch that this eighteen-year-old had not been sent back into detention after his interview, though no independent confirmation of this was available.

Both the Burma army and most resistance groups are known to routinely execute “prisoners of war” (POWs). Representatives of resistance groups sometimes admit to this, though they frequently complain of the total lack of international support provided to deal with the problem of prisoners of war and the growing burden of Burma army deserters. A Karen National Liberation Army officer interviewed by Human Rights Watch admitted that if his battalion captures Burma army prisoners, “[w]e would ask them some questions and then kill them.” When asked whether he believes this is right, he answered, “Yes, because they kill Karens too, both soldiers and villagers.”⁴⁰³ Both the Karenni Army and the Shan State Army (South) claim that they simply release POWs, though independent observers are sceptical of these claims. A spokesman for the Karenni National Progressive Party explained the dilemma of the Karenni Army:

⁴⁰² Human Rights Watch interview with Burma army deserter, March 2002.

⁴⁰³ Human Rights Watch interview with KNLA battalion adjutant, Karen State, Burma, March 2002.

How can we care for POWs? In the forest when we captured officers we sometimes shot them dead because they were dangerous to keep. But we have looked at this, and in fighting you kill your enemy, but you shouldn't kill them if they surrender or are captured. I think killing is bad. So we changed and now we treat POWs better. The ICRC [International Committee of the Red Cross] is also telling us how to treat POWs better, they tell us the rules which are practiced around the world. We've had ICRC arrange trainings for Karenni Army officers about this. Still, if we catch POWs but have no jail, how can we hold or feed them? So we contact ICRC, but they haven't accepted any yet. We captured a child soldier last year, sixteen years old, he'd been forced into the army at fourteen. We contacted ICRC, they said to contact UNHCR [the local office of the United Nations High Commissioner for Refugees], but UNHCR always said they were "out of town" and wouldn't ever respond, and then ICRC wouldn't discuss it anymore. So we interrogate prisoners and then ask them, "What do you want to do? Go back to your unit, join the Karenni Army, or what?" ICRC told us, "If they refuse to go back to their own unit then they're no longer a POW." I'm confused by this. I think that sixteen-year-old is now in Thailand somewhere, because we couldn't keep him. Some former POWs are now teachers or medics with us, and many go to Thailand.⁴⁰⁴

When presented with the above information by Human Rights Watch, the ICRC responded that they only use the term "prisoner of war" in the context of international conflicts between states, and that soldiers captured during internal conflicts can only be considered as "persons deprived of freedom due to a prevailing conflict." This excludes them from the protections specified for prisoners of war by the Geneva Conventions. An ICRC representative stated that in such situations the ICRC can do little, though Article Three of the Geneva Conventions allows them in certain circumstances of internal conflict to make an "offer of services" such as to visit "persons deprived of freedom" at their place of detention, and to remind the detaining organization of its obligations to ensure humane treatment of detainees. In the case of Burma's conflict, access to carry out even these services is often limited by security and other concerns, and it is generally not possible to arrange a return home or other solution for detainees. In the case of deserters and others who are not formally

⁴⁰⁴ Human Rights Watch interview with KNPP Foreign Affairs spokesman Saw Doh Say, March 2002.

being detained, the ICRC says that its options are even more limited and generally no services can be provided, though special consideration is supposed to be given if child soldiers are involved.⁴⁰⁵ However, options are severely limited by difficulty of access and by the prisoners’ and deserters’ fear of arrest as deserters or spies should they return home, and Human Rights Watch heard no evidence of any child soldiers being returned home or otherwise directly assisted by the ICRC. UNHCR representatives were also asked to comment on the above information but refused to make any comment on the record on this issue.⁴⁰⁶

If accepted by a resistance group as a legitimate deserter, former Burma army soldiers are usually fed and cared for and then offered a choice of what they want to do. The main options are joining the resistance, going home, or going to a neighboring country to find work. Those who want to join the resistance are sometimes accepted as soldiers, though most of the ethnicity-based resistance groups are reluctant to accept Burmans, preferring instead to send them to join another group such as the All-Burma Students’ Democratic Front.

Some of the Burma army deserters interviewed by Human Rights Watch had been lucky enough to be accepted in schools in resistance areas. Fifteen-year-old Myo Chit said, “[n]ow if I can pass post-ten, I would like to get higher education and become a politician,”⁴⁰⁷ while seventeen-year-old Thein Oo expressed his ambition that “I want to be a medic. If there’s democracy I will go back. I haven’t been in touch with my mother. Now I will try to contact her. The best thing would have been just to stay with my mother.”⁴⁰⁸ Hla Thein was forced into a Burma army special commando unit at age fifteen and was already a battle-hardened veteran when he escaped at age eighteen, but when interviewed he had already renounced weapons and joined a local human rights monitoring group on the Burma-Thailand border. After his escape from the army, “[w]hen I arrived at the border I had a chance to read some books. I learned some ideas and decided I don’t want to fight with a gun anymore. I will attend human rights training, and now I am already collecting some human rights information. I want to be a human rights reporter. I hope I can improve human rights and democracy in Burma, and I think all of the world should support human rights and democracy for Burma.”⁴⁰⁹

⁴⁰⁵ Human Rights Watch interview with ICRC representative, Thailand, July 2002.

⁴⁰⁶ Human Rights Watch interview with UNHCR representatives, Bangkok, March 2002.

⁴⁰⁷ Human Rights Watch interview with Myo Chit, Thailand, March 2002.

⁴⁰⁸ Human Rights Watch interview with Thein Oo, Thailand, March 2002.

⁴⁰⁹ Human Rights Watch interview with Hla Thein, Thailand, May 2002.

Such educational opportunities in resistance areas are very limited, however, and the majority of Burma army deserters choose to go home or to go to a neighboring country. The resistance groups usually assist with some clothing and a small amount of money and then send them on their way.

Deserters or prisoners of war from either the Burma army or opposition armies who choose to flee into neighboring countries find themselves in an extremely difficult position. None of the neighboring countries (Bangladesh, India, China, Laos, and Thailand) officially recognize refugees from Burma.⁴¹⁰ Bangladesh and Thailand are the only countries which have *de facto* refugee camps. However, the camps in Bangladesh are limited to Muslim Rohingya refugees from Rakhine State, and the camps in Thailand are limited to Karen and Karenni villagers, who are not recognized by the Thai government as refugees but as “displaced persons temporarily fleeing fighting.” As a result, access to refugee camps is not available to the vast majority of former child soldiers. If they can reach an office of the United Nations High Commissioner for Refugees (UNHCR) in a neighboring country they can apply for a “protection document,” which is supposed to (but often does not) prevent local authorities from arresting and deporting them. However, most former child soldiers find it too difficult and dangerous to travel to a UNHCR office, and even if they manage to do so their acceptance as refugees is far from guaranteed.⁴¹¹ People who cross the border cannot apply for refugee status at a UNHCR field office, but must journey all the way to Bangkok, Dhaka or Delhi just to apply, a difficult and expensive journey with police and military checkpoints along the way. Applicants must then wait for several weeks or even longer for an interview, followed by several more weeks or longer for a decision—all of this time in an unfamiliar city with no legal status. As explained by a non-governmental organization representative with extensive experience of the UNHCR refugee status determination process in Thailand,

⁴¹⁰ Of the countries bordering Burma, only China has signed the 1951 Convention Relating to the Status of Refugees (Refugee Convention), but in spite of this the Chinese government does not accept Burmese refugees. Bangladesh, India, Laos and Thailand have not signed the Convention and have no domestic refugee legislation under which to provide protection.

⁴¹¹ For details on the legal issues affecting deserters applying for refugee status and on UNHCR procedures in such cases, see the Legal Standards section of this report. See also Human Rights Watch, *Unwanted and Unprotected: Burmese Refugees in Thailand* (New York: Human Rights Watch, September 1998), and Michael Alexander, *Refugee Status Determination Conducted by UNHCR* (International Journal of Refugee Law, Vol. 11 No. 2, 1999).

refugee status determination is only done in Bangkok. The question that could be asked is why any refugee would apply to be recognized by UNHCR, when there isn't much that UNHCR has to offer them in the Thai context. It doesn't get them resettlement, it doesn't get them into a refugee camp. . . . It's of marginal benefit to people, and often the difficulties and dangers of traveling to Bangkok and staying here for the several months that the process lasts outweigh whatever benefit they hope to obtain. So it's only a tiny proportion of refugees who ever apply.⁴¹²

UNHCR-Bangkok claims that “[I]n practice, new arrivals, including vulnerable cases such as former child soldiers, are able to find their way to refugee camps. If UNHCR is aware of cases of former child soldiers, whether or not these individuals are formally recognized and registered, UNHCR explores protection possibilities on an individual basis, depending on needs of the individual i.e.: interventions on tracing, family reunion, foster care, protection and counseling as appropriate.”⁴¹³

However, nongovernmental organizations working regularly with refugee claimants in Thailand are unaware of any former child soldiers receiving assistance or protection documents from UNHCR, either in the refugee camps or in Bangkok. In July 2002 the UNHCR Bangkok office informed Human Rights Watch that “[i]n the last couple of years, there have been no instances in which UNHCR Bangkok was approached by child deserters from Myanmar for RSD (refugee status determination).”⁴¹⁴

Thailand is the most common destination country for deserters from the Burma Army and opposition armies, but according to representatives of Karen, Karenni and Shan groups, the Thai authorities have a formal agreement with their SPDC counterparts to hand over any Burma army deserters caught on Thai soil. This agreement reportedly began between local Thai and Burmese army commanders three to five years ago, and was later formalized and made official by the Thai-Burma Joint Border Cooperation Committee, a forum made up of army, paramilitary, police, immigration, and regional government officials from both sides of the border. Local Thai officers do not always follow this

⁴¹² Human Rights Watch interview with non-governmental organization representative with several years' experience dealing with the UNHCR refugee status determination process, Thailand, July 2002

⁴¹³ Statement by UNHCR Bangkok in response to email communication from Human Rights Watch, July 17, 2002.

⁴¹⁴ Email communication from UNHCR-Bangkok to Human Rights Watch, July 25, 2002.

agreement, but there have been reliable reports of several deserters being handed back.⁴¹⁵

An independent human rights reporter notified Human Rights Watch of a case in 2001 in which four deserters from Burma army Light Infantry Battalion #282 crossed the border into Kanchanaburi province. After going for two weeks without food they began stealing food from local villagers, who then notified Thai authorities; soldiers were sent in and shot all four deserters dead, believing them to be a bandit gang.⁴¹⁶

During the research for this report, one seventeen-year-old Burma army deserter attempted to cross the border from Karen State into Thailand, was arrested by the Thai army and disappeared. Though Human Rights Watch was already in possession of a photograph and two recorded interviews with this boy, the UNHCR office in Bangkok flatly refused to investigate the case or even to make an inquiry as to whether the Thai authorities were holding such a person.

The governments of all of Burma's neighboring countries closely monitor the activities of international agencies and nongovernmental organizations, making it very difficult for them to deliver services to people outside of refugee camps. With no recognition as refugees from the governments of their countries of refuge and little or no chance to obtain recognition from UNHCR, former child soldiers have no access to shelter, food support, psychological counseling, or support in contacting their families. Most of them have no choice but to try to survive by doing very low paying work in the illegal labor market. Completely without documents and often disoriented, they are vulnerable to the widespread human trafficking networks in the region, which provide children and women to bonded labor brothels and sweatshop factories.

In 2001 the Thai government began a program to register those working illegally for Thai employers in the border provinces and issue them passes which would protect them from deportation; all those without passes are then to be arrested and deported. The exorbitant registration fees⁴¹⁷ and the requirement

⁴¹⁵ Human Rights Watch interviews with representatives of several non-Burman and Burman armed opposition groups and independent human rights researchers, Thailand, March through June, 2002.

⁴¹⁶ Human Rights Watch interview with independent Burmese human rights educator, April 2002.

⁴¹⁷ Beginning in September 2001, the registration fee was 3,250 Thai Baht (just under US\$100) per applicant for the first six months, plus an additional 1,200 Baht for the following six months. This fee of 4,450 Baht for the year is equivalent to one to three months' full-time wages for most Burmese working illegally in Thailand. Family members of workers are not covered by the registration, and it becomes void if a worker

that registrants must have steady work with a single employer cause most former child soldiers to be excluded, so they now face an increased possibility of forced deportation. According to Karenni resistance representatives, this program forced many Burma army deserters back from Thailand to the Karenni border area, where there are no opportunities for their survival.⁴¹⁸ In November 2001 a group of them decided to form the Myanmar Myochit Tatmadaw, or Burma Patriotic Army, and fight against their former Burma army units. The Burma Patriotic Army, which is described in more detail as one of the opposition groups covered above, now has approximately fifty members, most of whom are former child soldiers and several of whom are still under eighteen. After successfully escaping the Burma army and seeking a new life by every means available, this group of child soldiers have found no option open to them but to return to the fighting.

Some international nongovernmental organizations indicate a willingness to help in the rehabilitation of former child soldiers, but they are often handcuffed by the restrictions placed on them by their host governments or by their fear of damaging their friendly relations with those governments. This is even more the case with United Nations agencies. The fear these organizations have of offending their host governments was reflected in October 2001, when none of them reportedly even mentioned the issue of Burmese child soldiers at a conference on child rights in Rangoon. However, this reluctance inflicts a heavy toll on the children of Burma, and it is imperative that international organizations and agencies become more pro-active in conducting advocacy on this issue and in seeking ways to provide services to rehabilitate former child soldiers. In addition, nongovernmental organizations working in neighboring countries should examine ways to help in providing alternatives to children in conflict areas so they do not see soldiering in a resistance army as their only possible future. One such possibility would be the establishment of accelerated primary schools for adolescents from conflict areas who have never been able to attend school. Several resistance soldiers interviewed by Human Rights Watch testified that the main reason they had been unwilling to attend school was that they were already teenagers and did not want to study among kindergarten children; if an accelerated primary school were set up for adolescent boys and girls, most of them could probably finish the six years of primary school in less than three years in the company of their peers, and then be channeled into the regular middle schools.

changes employers. Some employers are willing to pay the fee for their employees, but many are not.

⁴¹⁸ Human Rights Watch interviews with Karenni Army General Aung Mya and KNPP Joint Secretary Khu Oo Reh, March 2002.

Opinions

Right from when they arrested me until now, they have treated me unjustly. At the beginning they told me they would send me home, but when I arrived there they said “It will be better if you join the army”, and when I told them I didn’t want to join they hit me. Then at the training school I was abused again. They talked about their political objectives and the rights of our own states, and that made me think that what they do to the civilians is not wrong, but when I arrived at the front line I could see that what they do is really wrong. What I’m trying to say is, that what they say and what they do are not the same. In the training, they say we have been chosen by the civilians, and that what they say is for the civilians. But what I’ve seen is that the things they do are not for the civilians. They are just oppressing the civilians. What they do makes most of the people in the country suffer.

—seventeen-year-old Sai Seng, who was forced into the Burma army in 2001⁴¹⁹

Most of the rank and file soldiers interviewed by Human Rights Watch from both sides of the conflict in Burma showed very little knowledge of the overall political situation or of what it is they are supposed to be fighting for. Most recruits in the Burma army are forced to join, and even those who volunteer usually do so to escape family problems or to earn a salary. Similarly, volunteers to opposition groups that are not fighting the SPDC are often seeking income or authority over other villagers, while volunteers to groups which are still fighting may be seeking personal revenge for abuses committed against their families, or they may simply be seeking a regular two meals a day. When asked why he shoots at Burma army soldiers in full knowledge that many of them are children, a nineteen-year-old KNLA soldier replied, “I don’t know if it’s good or bad if we kill those kind of people, but they are the enemy so we have to shoot.”⁴²⁰ His answer was echoed in very similar words by almost every soldier interviewed from both sides of the struggle.

In contrast, most of the former soldiers interviewed had very clear opinions on the use of children as soldiers. With only their own experience and observations to draw upon and with no prior knowledge of international laws or conventions prohibiting the forced recruitment of children under age eighteen,

⁴¹⁹ Interview with Sai Seng submitted to Human Rights Watch by Karen Human Rights Group, Karen State, Burma, March 2002.

⁴²⁰ Human Rights Watch interview with Saw Ko Doh, Karen State, Burma, March 2002.

every soldier and former soldier interviewed by Human Rights Watch, even volunteers to resistance armies, stated clearly that no one under the age of eighteen should be accepted as a soldier.⁴²¹ While some felt the minimum age should be eighteen, others suggested minimum ages of nineteen, twenty, or twenty-five; one former Burma army soldier even stated firmly that “[y]ou should be about thirty before becoming a soldier. As for me, now I’m twenty but I’m still too young.”⁴²² Even soldiers under eighteen who volunteered to opposition armies believed the minimum age should be eighteen or higher, and admitted that they should not have been accepted. Saw Ko Doh volunteered to join the Karen National Liberation Army when he was sixteen, though he feels that “[a] soldier should be twenty years old, but I really wanted to fight the Burmese. I should have been sent back to school, but I didn’t want to go. If I’d finished school my life would be better. I have some friends who got more education and got to go to foreign countries, so if I’d finished too then maybe I’d be happier.”⁴²³ Similarly, thirteen-year-old Saw Plah Htoo has already tried to join the KNLA once even though he believes that people should be nineteen years old before joining. Though he admires his fifteen-year-old soldier friend Saw Tha Si and even followed him to enlist, he confided that “[h]e shouldn’t be a soldier. He’s too young. He should be a student.”⁴²⁴

The soldiers had clear reasons for the minimum ages they suggested. Most felt that boys under eighteen or twenty years old were not physically strong enough for the rigors of military training and the hard life and physical labor required of a soldier. Khin Maung Than, who became a Burma army soldier at age eleven and is now fourteen, said that for himself and other boys under eighteen in the army “It’s not good. They are young, so it’s very hard for them in the front line. They can’t climb the mountains and they aren’t strong and fast enough.”⁴²⁵ KNLA soldier Saw Htoo Po enlisted at seventeen, but he feels the minimum age for most boys should be “eighteen years, because then you can carry the loads and do the work. If you’re under seventeen you can’t carry the loads. I think I wasn’t really too young, because I can carry the gun and do the work. But if I’d finished Tenth Standard and then became a soldier it would be

⁴²¹ Human Rights Watch’s position is that no child under the age of eighteen should be recruited—either voluntarily or forcibly—into any armed forces or groups, or participate in hostilities.

⁴²² Human Rights Watch interview with former Burma army soldier Soe Naing, Thailand, May 2002.

⁴²³ Human Rights Watch interview with Saw Ko Doh, Karen State, Burma, March 2002.

⁴²⁴ Human Rights Watch interview with Saw Plah Htoo, Karen State, Burma, March 2002.

⁴²⁵ Human Rights Watch interview with Khin Maung Than, Thailand, March 2002.

better.”⁴²⁶ After being in the United Wa State Army from age twelve to age eighteen, Aung Kyaw felt that “[i]f you’re younger than twenty-five it’s not good. When I was a soldier I was too young and I couldn’t do all the things I was told to do. I couldn’t do some of the heavy work and they beat me once or twice, very badly with sticks. If you’re twenty-five you can do everything.”⁴²⁷ Some former child soldiers also recognized a need for psychological maturity. After two years in the Burma army, nineteen-year-old Aung Htun concluded that “[a] good age for a soldier should be twenty. If a soldier is too young he doesn’t understand enough. They can only follow orders, they don’t have the qualities needed to be a soldier.”⁴²⁸ Fifteen-year-old Myo Chit, a former Ye Nyunt boy who has already spent three years in the Burma army, also contended that a soldier should be “[o]ver eighteen. People under eighteen don’t know about life or the world. Once you’re over eighteen you can think better and understand more.”⁴²⁹

After suffering as child soldiers in the army themselves, former soldiers repeatedly expressed their view that the use of child soldiers is wrong, and their sympathy for the other children who are still with their units. After saying that he had never seen a soldier discharged from the Burma army before the age of sixty, Sein Myint thought of the child soldiers still with his unit and said, “They don’t want to be soldiers, they were forced and they are unhappy. If they remain soldiers until they’re sixty then they will suffer a lot of misery and a lot of trouble. It’s not good, it should not be this way.”⁴³⁰ Though he was not a child soldier himself, Lwin Oo also felt for the children who were in his unit: “I feel upset that they take children to join the military and they have to be away from their parents, I feel sorrow about the children and pity for them. I felt like I wanted to take them away with me if I left, to get them away from there.”⁴³¹ Of the SPDC leaders who allow the forced recruitment of children, one soldier who was conscripted at age thirteen said, “They have power so they just want to abuse it. They’re doing the wrong things.”⁴³² After being stolen from his parents and six sisters at age thirteen, spending over six years in the Burma army, and leaving his wife and newborn daughter behind when he had to flee his unit, Moe Shwe said he wanted to tell the leaders of the Burma army that “[t]hey shouldn’t do it, it’s not good. They want more soldiers, but they shouldn’t arrest

⁴²⁶ Human Rights Watch interview with Saw Htoo Po, Karen State, Burma, March 2002.

⁴²⁷ Human Rights Watch interview with Aung Kyaw, Thailand, March 2002.

⁴²⁸ Human Rights Watch interview with Aung Htun, Thailand, March 2002.

⁴²⁹ Human Rights Watch interview with Myo Chit, Thailand, March 2002.

⁴³⁰ Human Rights Watch interview with Sein Myint, Thailand, March 2002.

⁴³¹ Human Rights Watch interview with Lwin Oo, Shan State, Burma, March 2002.

⁴³² Human Rights Watch interview with Htun Htun, Shan State, Burma, March 2002.

children. They should think how they'd feel if their own children were arrested.”⁴³³

⁴³³ Human Rights Watch interview with Moe Shwe, Thailand, March 2002.

VII. LEGAL STANDARDS

By recruiting children into its armed forces and using them to participate in armed conflict, Burma is in violation of both its national laws governing recruitment, and its binding obligations under the Convention on the Rights of the Child. In addition, the treatment of children in its forces also violates numerous other provisions of the convention.

The Convention on the Rights of the Child defines a child as any person below the age of eighteen “unless under the law applicable to the child, majority is attained earlier.”⁴³⁴ Burma’s 1993 Child Law defines “a child as a person who has not attained the age of 16 years and a youth as a person who has attained the age of 16 years but has not attained the age of 18 years.”⁴³⁵ In regard to military recruitment, the Regulation for the Persons Subject to the Defense Services Act establishes the minimum age for recruitment into Burma’s armed forces at eighteen years.⁴³⁶

Burma ratified the Convention on the Rights of the Child in August 1991. Article 38 of the convention prohibits the recruitment of children under the age of fifteen or their direct participation in armed conflict. It further obliges states parties that recruit children between the ages of fifteen and eighteen “to give priority to those that are oldest.”⁴³⁷ The convention states that none of its provisions should affect laws that are more conducive to the rights of the child. Since Burma’s national law prohibits recruitment below age eighteen, this standard therefore prevails.

Since the adoption of the Convention on the Rights of the Child in 1989, other international standards have been adopted that strengthen protections for children affected by armed conflict. These standards reflect a growing international consensus that children under the age of eighteen should not participate in armed conflict—a principle reflected in Burma’s own national

⁴³⁴ Article 1.

⁴³⁵ SLORC Law No. 9/93, adopted July 14, 1993, section 2 (a) and section 2 (b), cited in Myanmar’s initial State party report to the Committee on the Rights of the Child, CRC/C/8/Add.9, 18 September 1995, paragraph 21.

⁴³⁶ Letter from the Permanent Mission of the Union of Myanmar to the United Nations, New York, to Human Rights Watch, May 8, 2002.

⁴³⁷ Convention on the Rights of the Child, Article 38, G.A. res. 44/25, U.N. Doc. A/RES/44/25 (adopted November 20, 1989; entered into force September 2, 1990). This provision is based on the 1977 Additional Protocols to the Geneva Conventions. Article 4(3)(c) of Protocol II, which governs non-international armed conflicts, states that “children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities.”

law. Human Rights Watch takes the position that no child under the age of eighteen should be recruited—either voluntarily or forcibly—into any armed forces or groups, or participate in hostilities.

In 1999, the Worst Forms of Child Labour Convention (No. 182) was unanimously adopted by member States of the International Labour Organization (ILO). It commits each state that ratifies it to “take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.” It defines a child as any person under the age of eighteen and includes in its definition of the worst forms of child labor:

All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict.⁴³⁸

In May 2000, the United Nations General Assembly unanimously adopted an Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Protocol raises the standards set in the Convention on the Rights of the Child by establishing eighteen as the minimum age for any conscription or forced recruitment. Under articles 1 and 2:

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities; States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.⁴³⁹

States parties may accept voluntary recruits into their armed forces from the age of sixteen. Upon ratification of the protocol, states must deposit a binding declaration establishing their minimum voluntary recruitment age, and if recruiting under the age of eighteen, the measures they have adopted to ensure that such recruitment is not forced or coerced. States parties accepting under-eighteen volunteers must also maintain other safeguards including the informed consent of a child’s parents or legal guardians, reliable proof of age, and

⁴³⁸ Article 3 (a), Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO No. 182), 38 I.L.M. 1207 (1999), entered into force November 19, 2000.

⁴³⁹ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, A/RES/54/263, adopted May 25, 2000, entered into force February 12, 2002.

ensuring that the person is fully informed of the duties involved in military service.

The Optional Protocol also places obligations upon nongovernmental armed forces. Article 4 states that “armed groups that are distinct from the armed forces of a state should not, under any circumstances, recruit or use in hostilities persons under the age of eighteen.” States parties must take measures to prevent such recruitment and use, including by criminalizing such practices.

The Statute for the International Criminal Court was adopted in July 1998. Although relying on the previous standard prohibiting the recruitment or use of children under fifteen, the statute defines such activities as war crimes, whether carried out by members of national armed forces or nongovernmental armed groups.⁴⁴⁰ The court may prosecute individuals for such crimes committed in the territories of ratifying states as well as for crimes committed anywhere by nationals of ratifying states.

Burma has not yet ratified ILO Convention 182, the Rome Statute for the International Criminal Court, or the Optional Protocol to the Convention on the Rights of the Child. However, these new international standards have been rapidly accepted within the international community. Convention 182 has become the most rapidly ratified treaty in ILO history, securing 129 ratifications by late August 2002. By the same time, the Optional Protocol had been signed by 110 governments, and ratified by thirty-seven. On July 1, 2002 the International Criminal Court came into being, having garnered the sixty ratifications necessary.

Apart from the prohibitions on the recruitment of children and their use in armed conflicts, Burma’s treatment of children recruited into the military also violates numerous other provisions of the Convention on the Rights of the Child. Under the convention:

- All children have the right to life;
- All children should be registered immediately after birth;
- Children shall not be separated from their parents against their will;
- Children who are separated from their parents have the right to maintain direct contact with both parents on a regular basis;
- Children should be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation;

⁴⁴⁰ Article 8 (2)(b)(xxvi) and Article 8 (2)(e)(vii), Rome Statute of the International Criminal Court, U.N. Doc. A/CONF.183/9, adopted July 17, 1998, entered into force July 1, 2002.

- Children have the right to enjoy the highest attainable standard of health;
- Children have the right to education; each state is responsible for making primary education compulsory and available free to all and to encourage the development of secondary education;
- Children have the right to rest and leisure;
- Children have the right to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development;
- Children should not be abducted, sold or trafficked;
- No child should be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- No child should be deprived of their liberty unlawfully or arbitrarily;
- Children who have been victim to exploitation, abuse or armed conflict should receive assistance for their physical and psychological recovery;
- Children alleged to have infringed the law have the right to due process, to be treated with dignity, and in a manner appropriate to their age and circumstance.⁴⁴¹

Human Rights Watch has found that the SPDC’s practices of child recruitment and its treatment of these children have violated each of these rights. Many of these violations occur on a systematic and routine basis.

Refugee Protection for Former Child Soldiers

Access to Status Determination Procedures

Former child soldiers, like all asylum seekers, must have access to refugee status determination procedures so that if they are refugees, they can receive the protection they are entitled to under international law. It is a primary obligation of states parties to the *1951 Geneva Convention Relating to the Status of Refugees* (the Refugee Convention), or UNHCR as a part of its protection mandate, to establish regularized procedures to assess refugee status.⁴⁴²

⁴⁴¹ Convention on the Rights of the Child, articles 6, 7, 9, 19, 22, 24, 28, 31, 32, 35, 37, 39, 40.

⁴⁴² See “The Determination of Refugee Status,” ExCom Conclusion No. 8 (1977). The Executive Committee (“ExCom”) is UNHCR’s governing body. Since 1975, ExCom has passed a series of Conclusions at its annual meetings. The Conclusions are intended to guide states in their treatment of refugees and asylum seekers and in their interpretation of existing international refugee law. While the Conclusions are not legally binding, they

Although earlier guidelines did not do so,⁴⁴³ UNHCR has since recognized that children, whether they are with family members or arrive in a host country “unaccompanied,” may make their own individual claims to asylum.⁴⁴⁴ It is further understood that children in particular should be given priority and specialized attention while they are in the process of seeking asylum.

For example, *UNHCR’s Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum* (UNHCR Guidelines on Unaccompanied Children) state that given their “vulnerability and special needs, it is essential that children’s refugee status applications be given priority and that every effort be made to reach a decision promptly and fairly.”⁴⁴⁵ The *UNHCR Guidelines on Protection and Care of Refugee Children, 1994* (UNHCR Guidelines on Refugee Children) stress the importance of keeping children informed during the status determination process,⁴⁴⁶ and of giving unaccompanied children the benefit of the doubt when assessing the credibility of their refugee claims.⁴⁴⁷

The UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status* (the Handbook), which provides guidance to states on procedures and criteria for determining refugee status, contains little direction on determining the refugee claims of minors, such as former child soldiers.

do constitute a body of soft international refugee law and ExCom member states are obliged to abide by them.

⁴⁴³ The *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status* requires revision in order to reflect the current state of international law, particularly the Convention on the Rights of the Child. The Handbook states that “in the absence of indications to the contrary - a person of 16 or over may be regarded as sufficiently mature to have a well-founded fear of persecution. Minors under 16 years of age may normally be assumed not to be sufficiently mature. They may have fear and a will of their own, but these may not have the same significance as in the case of an adult.” *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status* (Geneva: UNHCR 1979, 1992), pp. 50-51, paragraphs 213 and 215.

⁴⁴⁴ See, e.g. *Guidelines on Refugee Children*, pp. 98-99.

⁴⁴⁵ *UNHCR Guidelines on Policies and Procedures in Dealing with Unaccompanied Children*, Geneva, February 1997, p. 9, paragraph 8.1

⁴⁴⁶ *UNHCR Guidelines on Refugee Children*, p. 102.

⁴⁴⁷ *UNHCR Guidelines on Refugee Children*, p.101. In addition, as part of its staff training package, UNHCR teaches the importance of ensuring that unaccompanied children gain access to refugee status determination procedures and that they are fully informed about the procedure. *UNHCR Training Module: Interviewing Applicants for Refugee Status*, 1995, RLD4.

Protecting Former Child Soldiers from forcible return

Child soldiers who desert and flee to neighboring countries should be protected against forcible return to Burma. Under the Refugee Convention, refugees are protected against forcible return to a country where their lives or freedom would be threatened.⁴⁴⁸ The obligation of *non-refoulement* lies at the center of refugee protection and is now a well-established principle of customary international law.⁴⁴⁹ Former child soldiers, such as children deserting from military action in Burma, would undoubtedly face serious threats to their lives and freedom in Burma, including the threat of summary execution, and hence should be protected against forcible return. Countries that have not ratified the Refugee Convention, such as Thailand, are still bound by *non-refoulement* obligations under customary international law.

Moreover, the 1984 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture) prohibits the return of a person to a country where there are substantial grounds for believing that they would be in danger of being subjected to torture. The prohibitions against torture and against the return of persons to a country where they could face torture, or cruel, inhuman or degrading treatment have also been

⁴⁴⁸ Article 33 (1) of the Refugee Convention.

⁴⁴⁹ The customary international law norm of *non-refoulement* protects refugees from being returned to a place where their lives or freedom are under threat. Customary international law is defined as the general and consistent practice of states followed by them out of a sense of legal obligation. That *non-refoulement* is a norm of customary international law is well-established. See, e.g. ExCom Conclusion No. 17, Problems of Extradition Affecting Refugees, 1980; No. 25, General Conclusion on International Protection, 1982; *Encyclopedia of Public International Law*, Vol. 8, p.456. UNHCR's ExCom stated that *non-refoulement* was acquiring the character of a peremptory norm of international law, that is, a legal standard from which states are not permitted to derogate and which can only be modified by a subsequent norm of general international law having the same character. See ExCom Conclusion No. 25, General Conclusion on International Protection, 1982. The Executive Committee ("ExCom") is UNHCR's governing body. Since 1975, ExCom has passed a series of Conclusions at its annual meetings. The Conclusions are intended to guide states in their treatment of refugees and asylum seekers and in their interpretation of existing international refugee law. While the Conclusions are not legally binding, they do constitute a body of soft international refugee law and ExCom member states are obliged to abide by them. Thailand is an ExCom member state and as such is obligated to respect the international standards stipulated in the Conclusions.

recognized as principles of customary international law.⁴⁵⁰ Thus even though Thailand has not ratified the Convention Against Torture it would, under customary international law, be prohibited from returning former child soldiers to Burma where they could face summary execution or other severe punishments.

Criteria For Granting Refugee Status To Former Child Soldiers

As discussed above, the Optional Protocol to the 1989 Convention on the Rights of the Child amends the prohibition on the recruitment of under fifteen year olds into military service under article 38, to a prohibition on forced recruitment of under eighteen year olds or their participation in armed conflict. There has been widespread international support for this position, including by international organizations. UNHCR, for example, has taken the position that all forms of child participation in armed conflict, whether direct or indirect, regardless of the child's or parent's consent, should be prohibited for all persons below the age of eighteen.⁴⁵¹ UNHCR also took the position during the deliberations on the Statute for the International Criminal Court that the use of children in hostilities should be considered as a war crime.⁴⁵²

Under the Refugee Convention, a person can be considered a refugee if he or she fears persecution on the grounds of his or her race, religion, nationality, social group, or political opinion.⁴⁵³ UNHCR's Guidelines on Unaccompanied Children make specific reference to the Convention on the Rights of the Child and child recruitment when discussing the criteria for granting refugee protection to children. The UNHCR Guidelines state that:

It should be further borne in mind that, under the Convention on the Rights of the Child, children are recognized certain specific human rights, and that the manner in which those rights may be violated as well as the nature of such violations may be different from those that

⁴⁵⁰ See U.N. Human Rights Committee, General Comment No. 24 (52) (1994) at para 8 and Human Rights Committee, General Comment No. 20 (1992) at para 9.

⁴⁵¹ See UNHCR Comments on the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflicts and *UN bodies call for a prohibition on the recruitment and participation of children under age 18 in armed conflict*, UNHCR statement, January 12, 2000.

⁴⁵² Written communication between UNHCR and Human Rights Watch, July 17, 2002.

⁴⁵³ Article 1A of the Refugee Convention defines a refugee as someone with a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country."

may occur in the case of adults. Certain policies and practices constituting gross violations of specific rights of the child may, under certain circumstances, lead to situations that fall within the scope of the Refugee Convention. Examples of such policies and practices are the *recruitment of children for regular or irregular armies*, their subjection to forced labour, the trafficking of children for prostitution and sexual exploitation and the practice of female genital mutilation.⁴⁵⁴ (emphasis added)

Given that the recruitment of children is increasingly condemned by the international community, that forced recruitment of children is widely accepted as a violation of international law, and that the recruitment of children under age fifteen is considered a war crime, the recruitment of children into the Burma army and opposition armies can be considered as giving rise to a well founded fear of persecution under the Refugee Convention.

Moreover, former child soldiers could also have a well-founded fear of future persecution if they are returned to Burma. As already described, children who have deserted are at serious risk of re-recruitment. Burma army deserters who are caught face jail sentences of three to five years, often followed by conscription back into the army. If they surrender to opposition resistance groups, they face possible execution if they are suspected of being spies. Child soldiers who have fought for opposition armies and surrender to the Burma army are often forced to join small proxy armies and fight against their former comrades. Whether by the Burma army or opposition forces, the re-recruitment of children under the age of eighteen constitutes a serious human rights abuse and violation of international law.

Desertion and persecution

Standing alone, fear of prosecution for desertion is not usually considered a ground for granting refugee protection. The Handbook states that

[w]hether military service is compulsory or not, desertion is invariably considered a criminal offence. The penalties may vary from country to country, and are not normally regarded as persecution. Fear of prosecution and punishment of desertion or draft-evasion does not in itself constitute well-founded fear of persecution. . . . A person is clearly not a refugee if his only reason for desertion or draft-evasion is his dislike of military service or fear of combat. . . . It is not enough for

⁴⁵⁴ UNHCR Guidelines on Unaccompanied Children, paragraph 8.7.

a person to be in disagreement with his government regarding the political justification for a particular military action.⁴⁵⁵

Association with condemned military action

However, the Handbook stipulates various exceptions to this norm that may apply to former child soldiers. Most significantly, the Handbook states that

[w]here, however, the type of military action, with which an individual does not wish to be associated, is condemned by the international community as contrary to basic rules of human conduct, punishment for desertion or draft-evasion could, in the light of all other requirements of the definition, in itself be regarded as persecution.⁴⁵⁶

The “type of military” actions that many child deserters do not wish to be associated with are contrary to the basic rules of human conduct. As discussed earlier in this report, child soldiers in the Burma army are frequently forced to round up civilians for forced labor, beat and kick them, burn houses, and even participate in massacres of women and children. As violations of the laws of war⁴⁵⁷, these military actions are contrary to the basic rules of human conduct. For former child soldiers who may reach the age of adulthood before seeking asylum in a neighboring country, their claims to asylum would best fit within this condemned military action exception to the Handbook’s deserter rule.

In addition, child deserters are by definition seeking to disassociate themselves from a military force that recruits child soldiers, a practice that is widely considered to be a gross human rights violation and is prohibited under international law.

⁴⁵⁵ UNHCR Handbook, pp. 39-40, paragraphs 167, 168, and 171.

⁴⁵⁶ Ibid., p. 40, paragraph 171.

⁴⁵⁷ Article 3 common to the four Geneva Conventions of 12 August 1949, which applies to internal (as opposed to international) armed conflicts, states that “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 in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end the following acts are and shall remain prohibited in any time and in any place whatsoever with respect to the above-mentioned persons: (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; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized people.”

Given the fact that the forced recruitment of children below the age of eighteen is widely condemned by the international community and considered a violation of international law, former child soldiers who fear punishment for desertion could be entitled to refugee protection.

The refugee definition

In all of the above cases, former child soldiers should be provided with refugee protection if they meet the other requirements under the Refugee Convention. In other words, if a former child soldier could prove that he was likely to be persecuted on account of one of the five grounds—race, religion, nationality, membership of a social group, or political opinion—he would qualify for refugee protection. Refugee status inquiries must always be particularized to the individual. Although three of these grounds are examined briefly below, former child soldiers may have specific fears of persecution that fit *any one or any combination* of the above five grounds.

Some former child soldiers from Burma belong to an ethnic group, such as the Karen, Karenni, and Shan, which can cause them to have a well-founded fear of persecution *on account of race*. The government often targets members of Burma’s approximately fifteen major ethnic groups (or their subgroups) for discrimination⁴⁵⁸ and serious human rights violations, and the targeting may be heightened for some ethnicities because opposition groups associated with them are literally at war with the regime.⁴⁵⁹

Second, some former child soldiers may face persecution in Burma *on account of their political opinions*. As documented in this report, some children were opposed to the practice of forced recruitment of children or to any of the other serious human rights violations committed by the Burma army or opposition groups. While some children may have been outwardly expressive of these views during the time they were soldiers, vocal opposition is not required in order to receive recognition under the Convention. Political opinions could also be attributed or imputed to the former child soldier by his persecutors.⁴⁶⁰

Many of the children we interviewed admitted being in opposition to the Burma army and its practices, and indeed mentioned this as a rationale for their

⁴⁵⁸ UNHCR recognizes that “discrimination on racial grounds will frequently amount to persecution in the sense of the 1951 Convention. This will be the case if, as a result of racial discrimination, a person’s human dignity is affected to such an extent as to be incompatible with the most elementary and inalienable human rights.” UNHCR Handbook, para. 69.

⁴⁵⁹ See discussion at pp. 15-17, above.

⁴⁶⁰ UNHCR Handbook, para 80 (recognizing that some political opinions can be “attributed. . .to the applicant”).

desertion.⁴⁶¹ In addition, several children explained how the fact of their flight to Thailand would place them at risk of increased persecution upon their return to Burma.⁴⁶² As a result, some former child soldiers who return to Burma and encounter their former commanders or other representatives of the Burma government could be attributed with opposition views, both because of their desertion and because of their flight to a neighboring country, and therefore be at risk of persecution on political grounds.

Finally, some former child soldiers may face persecution in Burma because of their *membership in the particular social group* of children. In guidelines recently published by UNHCR on “membership of a particular social group,” UNHCR uses the following definition:

a particular social group is a group of persons who share a common characteristic other than their risk of being persecuted, or who are perceived as a group by society. The characteristic will often be one which is innate, unchangeable, or which is otherwise fundamental to identity, conscience or the exercise of one’s human rights⁴⁶³

This report has demonstrated that many children in Burma, including those who are former child soldiers, are at risk of forced recruitment. As discussed above, forced recruitment is a serious violation of human rights, and UNHCR has recognized that serious violations of human rights constitute persecution.⁴⁶⁴ As discussed previously in this report, military recruiters in Burma seek out

⁴⁶¹ Under Burmese law, desertion is a political offence, which is not grounds for refugee status (see discussion above). However, UNHCR’s Handbook states that “there may be reason to believe that a political offender would be exposed to excessive or arbitrary punishment for the alleged offence. Such excessive or arbitrary punishment will amount to persecution.” UNHCR Handbook, para 85.

⁴⁶² A person who was not a refugee when he or she left her country, but who becomes a refugee at a later date, is called a refugee “sur place.” UNHCR’s Status Determination Handbook notes that, “a person may become a refugee ‘sur place’ as a result of his own actions. . . . Regard should be had in particular to whether such actions may have come to the notice of the authorities of the person’s country of origin and how they are likely to be viewed by those authorities.” UNHCR Handbook, para. 96.

⁴⁶³ UNHCR Guidelines on International Protection: “Membership of a particular social group” within the context of Article 1A (2) of the 1951 Convention and/ or its 1967 Protocol relating to the Status of Refugees, HCR/GIP/02/02, May 7, 2002.

⁴⁶⁴ See Office of the United Nations High Commissioner for Refugees, *Handbook on Procedures and Criteria for Determining Refugee Status* (Geneva: UNHCR 1979, 1992) at p. 51 (stating that “[o]ther serious violations of human rights. . . would also constitute persecution”).

children because they are more easily recruited and can be readily taught to perform difficult or gruesome tasks. Therefore, some former child soldiers may fear re-recruitment, and therefore persecution on account of their membership in the particular social group of children in Burma.

As noted earlier in this report,⁴⁶⁵ in practice, access to refugee camps is not available to the vast majority of former child soldiers from Burma, and most find it too difficult and dangerous to travel to a UNHCR office to seek a refugee status determination. Human Rights Watch is not aware of any cases in which former child soldiers from Burma have received protection documents or other assistance from UNHCR.

⁴⁶⁵ See section entitled “Options.”

VIII. CONCLUSIONS

There are at present several dozen armies in Burma, and almost all of them have child soldiers within their ranks. Most of them are also continuing to accept or are even actively recruiting children, including some children under fifteen years old. Almost all of these recruits are boys; Human Rights Watch did not obtain any evidence or receive any reports of the ongoing recruitment of girls except in the case of the Kachin Independence Army, which reportedly still forcibly recruits both boys and girls.

The Burma army is by far the worst offender in the recruitment of child soldiers; the evidence gathered by Human Rights Watch indicates that there may be 70,000 or more child soldiers in the Burma army, with several thousand of these being boys under fifteen years old. Such numbers make the Burma army the single largest user of child soldiers in the world. The several dozen opposition groups and independent armies operating throughout Burma probably have a combined total of approximately 6,000 to 7,000 child soldiers.

Several of Burma's armed opposition groups appear to be responding to internal and international pressures by reducing their recruitment and deployment of child soldiers, and the Karenni National Progressive Party and the Karen National Union in particular (and to a lesser extent the Shan State Army (South)), have shown a willingness to engage the international community on the issue of child soldiers. This opportunity should be used to advocate an end to all child recruitment and the demobilization of child soldiers within these armies. At the same time, the international community needs to seek ways, whether through Rangoon or through contacts via countries neighboring Burma, to influence groups less open to engagement on the issue of child soldiers. This particularly applies to the United Wa State Army, which is probably the largest user of child soldiers among the non-state armed groups.

Responsiveness on the issue is completely absent when it comes to the SPDC regime and the Burma army, however. The Burmese government continues to flatly deny that any children are being recruited or deployed in its armed forces, despite compelling evidence to the contrary. The testimony gathered by Human Rights Watch indicates that, rather than admitting and addressing the problem, the Burma army is clearly targeting children throughout Burma as easy to recruit, particularly preying on their greater susceptibility to threats and intimidation.

The international community, including the United Nations and its agencies, foreign governments, and international non-governmental organizations, should do more to press the SPDC and the Burma army to cease recruiting child soldiers and to demobilize those already in the armed forces.

Moreover, very little has been done to assist child soldiers who manage to escape from military service either in the Burma army or in non-state armies. There is an urgent and growing need for services to be provided to former child soldiers, including protection, education, psychological counseling, and reunification with their families. Children who desert from the Burma army or from non-state armies and flee to neighboring countries should be protected from forcible return to Burma and be assured access to refugee status determination procedures.

The international community often makes the mistake of viewing the recruitment of child soldiers globally as a problem of non-state groups rather than government forces. This misperception has been magnified in the case of Burma by the excessive and often distorted media coverage of the young twins who led God's Army, a small group which never had more than two or three hundred soldiers and which no longer exists. Though the SPDC regime is very difficult to engage on this issue, the international community should never lose sight of the fact that the Burma army has by far the most child soldiers, is still recruiting thousands of child soldiers, and is consistently the most brutal in its treatment of child soldiers. The leading priority in the case of Burma therefore has to be using all means available to press the SPDC regime to put a stop to all recruitment of children and to release the tens of thousands of child soldiers it is presently forcibly detaining in its army.

APPENDIX A: KNOWN BURMA ARMY TRAINING CAMPS

Camp name	Location
#1 Divisional Headquarters Training Camp	(Kyaw Pyu/Taik Gyi)
#2 Divisional Headquarters Training Camp	(Bpoke Bpa)
#3 Divisional Headquarters Training Camp	(Ba Htoo)
#4 Divisional Headquarters Training Camp	(Thanbyuzayat/Weh G'li)
#5 Divisional Headquarters Training Camp	(Bassein)
#6 Divisional Headquarters Training Camp	(Oke Twin)
#7 Divisional Headquarters Training Camp	
#8 Divisional Headquarters Training Camp	(Lashio)
#9 Divisional Headquarters Training Camp	(Sittwe)
#10 Divisional Headquarters Training Camp	(Kyai Dtone)
#11 Divisional Headquarters Training Camp	
#12 Divisional Headquarters Training Camp	(Shwe Du-Myeik)
#1 Army Training Camp	(Paung Kyi)
#2 Army Training Camp	(Maymyo)
#3 Army Training Camp	(Yamethin)
#4 Army Training Camp	(Panglong)
#5 Army Training Camp	(Yay Ni)
#6 Army Training Camp	
#7 Army Training Camp	(Taung Dwin Gyi)
#8 Army Training Camp	(Na Ma Du)
#9 Army Training Camp	(Thaton)
#10 Army Training Camp	(Kalay [<i>Kalaymyo</i>])
#1 Army Training University [<i>OTS</i>]	(Rangoon)
#2 Army Training University [<i>OTS</i>]	(Mandalay)
#3 Army Training University [<i>OTS</i>]	(Moulmein)

Human Rights Watch was also informed by former soldiers of training camps at Taunggyi, Shan State; K'Tha Shwe Bo, Kachin State; A'Ya Daw, near Monywa in Sagaing Division; Mergui in Tenasserim Division; and Maymyo in Mandalay Division.

**APPENDIX B: EXCERPTS FROM THE CONVENTION ON THE
RIGHTS OF THE CHILD**

G.A. res. 44/25, U.N. Doc. A/44/49

Adopted November 20, 1989; entered into force September 2, 1990

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the

United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children, '

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) ; and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I**Article 1**

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests. 4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, cooperation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations cooperating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to

obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason , as set forth in the present Convention.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

- (a) To diminish infant and child mortality;
- (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
- (d) To ensure appropriate pre-natal and post-natal health care for mothers;
- (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
- (f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to

interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
 - (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

- (i) To be presumed innocent until proven guilty according to law;
- (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense;
- (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
- (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
- (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
- (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
- (vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

- (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
- (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counseling; probation; foster care; education and vocational training programs and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State party; or
- (b) International law in force for that State.

**APPENDIX C: OPTIONAL PROTOCOL TO THE
CONVENTION ON THE RIGHTS OF THE CHILD ON THE
INVOLVEMENT OF CHILDREN IN ARMED CONFLICTS**

A/RES/54/263, adopted May 25, 2000, entered into force February 12, 2002.

The States Parties to the present Protocol,

Encouraged by the overwhelming support for the Convention on the Rights of the Child,¹ demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Reaffirming that the rights of children require special protection, and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security,

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development,

Condemning the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places generally having a significant presence of children, such as schools and hospitals,

Noting the adoption of the Statute of the International Criminal Court² and, in particular, its inclusion as a war crime of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts,

Considering, therefore, that to strengthen further the implementation of rights recognized in the Convention on the Rights of the Child there is a need to increase the protection of children from involvement in armed conflict,

Noting that article 1 of the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

Convinced that an optional protocol to the Convention raising the age of possible recruitment of persons into armed forces and their participation in hostilities will contribute effectively to the implementation of the principle that

the best interests of the child are to be a primary consideration in all actions concerning children,

Noting that the twenty-sixth international Conference of the Red Cross and Red Crescent in December 1995 recommended, inter alia, that parties to conflict take every feasible step to ensure that children under the age of 18 years do not take part in hostilities,

Welcoming the unanimous adoption, in June 1999, of International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits, inter alia, forced or compulsory recruitment of children for use in armed conflict,

Condemning with the gravest concern the recruitment, training and use within and across national borders of children in hostilities by armed groups distinct from the armed forces of a State, and recognizing the responsibility of those who recruit, train and use children in this regard,

Recalling the obligation of each party to an armed conflict to abide by the provisions of international humanitarian law,

Stressing that this Protocol is without prejudice to the purposes and principles contained in the Charter of the United Nations, including Article 51, and relevant norms of humanitarian law,

Bearing in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter and observance of applicable human rights instruments are indispensable for the full protection of children, in particular during armed conflicts and foreign occupation,

Recognizing the special needs of those children who are particularly vulnerable to recruitment or use in hostilities contrary to this Protocol owing to their economic or social status or gender,

Mindful of the necessity of taking into consideration the economic, social and political root causes of the involvement of children in armed conflicts,

Convinced of the need to strengthen international cooperation in the implementation of this Protocol, as well as the physical and psychosocial

rehabilitation and social reintegration of children who are victims of armed conflict,

Encouraging the participation of the community and, in particular, children and child victims in the dissemination of informational and educational programmes concerning the implementation of the Protocol,

Have agreed as follows:

Article 1

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

Article 2

States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

Article 3

1. States Parties shall raise the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child,¹ taking account of the principles contained in that article and recognizing that under the Convention persons under 18 are entitled to special protection.

2. Each State Party shall deposit a binding declaration upon ratification of or accession to this Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards that it has adopted to ensure that such recruitment is not forced or coerced.

3. States Parties that permit voluntary recruitment into their national armed forces under the age of 18 shall maintain safeguards to ensure, as a minimum, that:

- (a) Such recruitment is genuinely voluntary;
- (b) Such recruitment is done with the informed consent of the person's parents or legal guardians;
- (c) Such persons are fully informed of the duties involved in such military service;

(d) Such persons provide reliable proof of age prior to acceptance into national military service.

4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.

5. The requirement to raise the age in paragraph 1 of the present article does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

Article 4

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.

2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.

3. The application of the present article under this Protocol shall not affect the legal status of any party to an armed conflict.

Article 5

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

Article 6

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of this Protocol within its jurisdiction.

2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.

3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to this Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to these persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

Article 7

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary to the Protocol and in the rehabilitation and social reintegration of persons who are victims of acts contrary to this Protocol, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with concerned States Parties and relevant international organizations.

2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes, or, inter alia, through a voluntary fund established in accordance with the rules of the General Assembly.

Article 8

1. Each State Party shall submit, within two years following the entry into force of the Protocol for that State Party, a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.

2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.

3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of this Protocol.

Article 9

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.

2. The present Protocol is subject to ratification and is open to accession by any State. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. The Secretary-General, in his capacity as depositary of the Convention and the Protocol, shall inform all States Parties to the Convention and all States that have signed the Convention of each instrument of declaration pursuant to article 13.

Article 10

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

Article 11

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General. If, however, on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee prior to the date on which the denunciation becomes effective.

Article 12

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favor a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months

from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted.

Article 13

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.

**APPENDIX D: HUMAN RIGHTS WATCH CORRESPONDENCE
WITH THE PERMANENT MISSION OF MYANMAR TO THE
UNITED NATIONS, NEW YORK**

