

BURMA: ABUSES LINKED TO THE FALL OF MANERPLAW

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I. SUMMARY

On March 8, 1995, the United Nations Commission on Human Rights passed a strongly worded resolution condemning human rights violations in Burma. The action followed closely on a similar resolution passed in December 1994 in the U.N. General Assembly, as well as numerous multilateral and bilateral expressions of concern before that.

But the human rights situation in Burma has not improved with the passing of each new resolution; if anything, it has become worse. In response to international pressure, nearly one hundred prisoners were released during a visit to Burma of representatives of the U.N. Secretary-General in January, and a further thirty-one people were released on March 14.¹ These positive developments, however, must be seen in the light of continued abuses across the country. The detention order against Nobel Peace laureate Aung San Suu Kyi, whose unconditional release has been demanded in every U.N. resolution since 1990, was renewed in January; a military offensive was launched against the rebel Karen National Union (KNU) in January, in the course of which forced portering, forced labor, reprisals against civilian populations and communal tension spread by a state media campaign have been used in violation of human rights and humanitarian law. The Burmese military in conjunction with a breakaway faction of the KNU, the Democratic Karen Buddhist Organization (DKBO), have also been responsible for attacks on refugee populations in Thailand.

This report documents the gross violation of human rights of the civilian population during the Burmese offensive against the KNU from November 1994 to February 1995.² It is based on data collected by Human Rights Watch/Asia during a research mission to the Thai-Burmese border in January and February 1995. We interviewed over fifty men who had been forcibly taken as porters by the Burmese military to carry heavy artillery and other supplies to mountain tops near Manerplaw, the KNU headquarters on the Moei River between Thailand and Burma. The men were taken from their places of work, from cinemas, trains and even their own homes from October onwards. From the moment of capture, the men were subject to physical abuse and inhumane treatment. Many had been severely beaten by the soldiers when they slipped or fell from exhaustion, and all had witnessed the deaths of fellow porters.

We also spoke to villagers who had been the victims of reprisals by the Burmese military following ambushes by the KNU. In one case, many Christians from a single congregation were beaten as they arrived

¹The most significant among the releases were U Aung Khin Sint, MP who was arrested in 1993; U Tin Oo, who was the chairman of the National League for Democracy (NLD) until his arrest in July 1989; and U Kyi Maung, a Member of Parliament who was acting chairman of the NLD until his arrest in September 1990.

² This report focuses on forced labor and portering and attacks on refugees but it is not intended to cover other violations of the rules of war. Human Rights Watch, as a matter of policy, covers all sides of any conflict when examining adherence to international humanitarian law. We intend to look more systematically at the human rights practices of other parties to the Burma conflict, such as the KNU, in the future. Human Rights Watch/Asia has not had access to the areas inside Burma where the KNU is active but is aware of some reports of KNU attacks on civilians. For example, on March 11, Reuters news service reported a spokesman for the French oil company, Total, as saying that five members of a Total natural gas pipeline survey team were killed and a further eleven people were wounded in an attack presumed to have been carried out by the KNU. The spokesman said the attack took place on March 7, and all of those injured were Burmese nationals. The KNU did not take responsibility for this or any of the many attacks reported by Burmese state radio. If the statement attributed to Total is accurate, this attack on a clearly civilian target would constitute a serious breach of the KNU's obligations under Common Article 3 of the Geneva Conventions of 1949. Although we intend to investigate it further, at this point and in the absence of additional evidence, HRW/Asia is not in a position to make a judgment on the matter.

for Sunday service; in another, the women and children of one village were forced to sit all day in the sun and all night in the cold while eight men suspected of being KNU supporters were hung by their ankles from trees. The following day, the whole village was ordered to move close to a Burmese army camp, a tactic frequently used by the Burmese military to cut off any possible support for rebel groups.

Lt. Gen. Khin Nyunt, Secretary-1 of the State Law and Order Restoration Council, Burma's military government, has said that the military did not plan the attack on the KNU but had only "assisted" the DKBO. While the exact relationship between the SLORC and the DKBO is not yet clear, and the SLORC has acknowledged the murder of a Karen civilian by the DKBO, there are many incidents which suggest that the relationship is more than just one of incidental collaboration. For example, soon after its formation on December 21, the DKBO launched a campaign of fear and intimidation in Karen communities inside Burma and within Karen refugee camps in Thailand; that campaign has been supported in the Burmese state-controlled media. Within Burma, Karen villages have received leaflets signed by the DKBO ordering them to move to Myaing Gyi Ngu, the DKBO headquarters across the river from the Burmese army's tactical command base at Kamamaung. The leaflets warn that villagers who fail to do so will be considered KNU supporters and attacked. The campaign has spread to refugee camps in Thailand, where over 9,000 people fled following the fall of Manerplaw. The threats were carried out on February 23, when twenty DKBO and SLORC soldiers opened fire in Thailand's Mae Sam Leb district on a truck transporting refugees from one camp to another. Two Karen women and the Thai truck driver were killed, and eleven others were wounded.

These abuses have occurred at a time when Burma has been condemned repeatedly for its violation of international human rights norms in a series of U.N. resolutions. Without concerted follow-up action by the countries which passed these resolutions, however, there will be no meaningful change in Burma. International pressure has been shown to be effective in bringing about some, albeit cosmetic improvements. In this report, Human Rights Watch/Asia calls on the international community to establish a contact group to coordinate a clear program of action aimed at ensuring compliance with international human rights standards, as specified in the U.N. resolution. Those governments which have sent envoys to Burma should suspend sending further high-level representatives until there is substantial progress by SLORC towards respect for the fundamental human rights of all citizens. Failing such improvements, they should be prepared to take punitive measures. For instance, there should be a freeze on all corporate investment until there are verifiable guarantees that the forced labor and forced portering described in this report have ceased. Those guarantees would include regular access by international human rights organizations.

II. BACKGROUND

The Karen are one of the largest ethnic minority groups in Burma, with an estimated population of between three and four million. While most live in the Karen State in southeast Burma, there is also a large Karen population in the Irrawaddy Delta area and in Rangoon. Karen groups took up arms against the central Burmese government soon after Burma gained independence from Britain in 1948. Since 1968, they have been represented by one organization, the KNU, and its military wing, the Karen National Liberation Army (KNLA), with a current armed strength of about 4,000 to 5,000. The KNU and KNLA have been led by Gen. Bo Mya since 1978³.

³On March 19 Reuters reported that Bo Mya had stepped down as commander-in-chief of the KNLA, but would continue to hold the largely ceremonial title of president of the KNU.

The majority of Karen are either animist or Buddhist, with a small proportion (possibly around 20 percent, although all population figures in Burma are notoriously inaccurate) of Christians. Most civilian administrators and military leaders in the territory under the control of the KNU, however are Christian, including Gen. Bo Mya. It was dissatisfaction among the Buddhist foot soldiers in the KNLA with their Christian leaders which led some 500 Karen to form the Democratic Buddhist Karen Organization.

Beginning in November 1993, government intermediaries made overtures to the KNU to encourage them to enter into talks for a military ceasefire. Those overtures were part of a policy of "national reconciliation" publicly adopted by the SLORC to bring peace and prosperity to ethnic minority areas. As of February 1995, thirteen armed ethnic groups had agreed to ceasefires, the most significant being the Kachin in February 1992.⁴

Until the January offensive began, there had been a kind of peace in the Karen State since April 1992, when the regional commander, Lt. Gen. Maung Hla, announced a unilateral ceasefire. Since then, there have been only skirmishes and ambushes, but no heavy fighting. However, for civilians living in areas where neither the KNU nor the government has full control, the "peace" has brought little respite from abuse.⁵ Indeed, there has been a marked increase in the use of forced relocations, moving villages into government-controlled areas; establishment of new military bases built by forced labor and requiring the long term use of forced labor to support them; and forced labor of thousands of civilians on road building projects designed to improve communications between army bases and front-line areas. There has been also brutal reprisals against villages near areas where KNLA ambushes occurred.⁶ According to villagers who arrived in Thailand during and after November 1994, these kinds of abuses had increased in Hlaingbwe and Pa'an Districts in the six months before they left.

III. INTERNATIONAL HUMANITARIAN LAW AND THE CONFLICT IN BURMA

The conduct of combatants in war is expressly regulated by international humanitarian law, also known as the "laws of war." This comprises the four Geneva Conventions of 1949, the two 1977 Protocols to those conventions, and customary law. Unlike human rights law, which specifically applies to governments, humanitarian law applies to all parties to armed conflict and was intended to protect non-combatants and the victims of such conflict. Conflicts of an internal character are more specifically regulated by Article 3 common to all four Geneva Conventions and by Protocol II of 1977. These provisions create obligations both for government forces and for insurgents, and those obligations are not reciprocal, i.e. violations by one side do not excuse those committed by the other.

Many of the violations described in this report are violations of the Geneva Conventions that Burma signed amid much publicity, in 1992. By doing so it undertook to abide by the provisions of those conventions, including Common Article 3, which states, in part:

⁴ See Human Rights Watch/Asia, "The Mon: Persecuted in Burma, Forced Out of Thailand," Vol. 6, No. 14 (New York: Human Rights Watch), December 1994.

⁵ These areas of disputed control are designated as "brown" areas by the government, in contrast to the "white" government-held areas and the "black" rebel-held areas.

⁶ See Amnesty International, "Myanmar, 'No Law At All': Human Rights Violations under Military Rule," ASA 16/11/92 (London: Amnesty International), November 1992, pp.23-26; "The Climate of Fear Continues", ASA 16/06/93 (London: Amnesty International), October 1993, pp.17-19.

In the case of armed conflict not of an international character occurring in the territory of one the High Contracting parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall be in all circumstances be treated humanely... To this end the following acts are and shall remain prohibited at 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 peoples.

2. The wounded and sick shall be collected and cared for.

Article 3 expressly binds all parties to the internal conflict, including insurgents although they do not have the legal capacity to sign the Geneva Conventions. In the current conflict in Burma, the government, the KNU and the DKBO are all parties to the conflict.

U.N. General Assembly Resolution 2444 explicitly recognized the customary law principle of civilian immunity "in all armed conflicts," meaning both international and internal conflicts.⁷ It affirms:

- a) that the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited;
- b) that it is prohibited to launch attacks against civilian populations as such;
- c) that distinctions must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible.

The testimony collected by Human Rights Watch/Asia in this report illustrates that the Burmese military continues violate each of these rules. The DKBO, as far as its involvement can be confirmed in the various attacks which have taken place on civilian refugees in Thailand, also appears to have violated these rules.

IV. FORCED PORTERING

⁷ "Respect for Human Rights in Armed Conflicts, United Nations Resolution 2444, General Assembly Res. 2444, 23 U.N. GAOR Supp.(No.18) p. 164, U.N. Doc. A/7433 (1968).

Forcibly detaining civilians to make them work as porters for the army, as practiced in Burma, is contrary to the International Labor Organization (ILO) Convention No.29. While Article 2 of that convention excludes from the definition of forced labor "any work or service exacted in virtue of compulsory military service laws for work of a purely military character" and "any work or service exacted in cases of emergency", portering cannot be considered a military service. The ILO has condemned the practice in Burma as being contrary to the convention. The non-military character of portering is also reinforced by international humanitarian law, which characterizes members of labor units who work for and travel with the army as civilians.⁸

Indeed, the SLORC makes no distinction between portering and other forms of forced labor, including the road building and other projects of a non-combatant nature: "Members of the Tatmadaw [the Burmese armed forces] who are on active duty and who are unable to perform certain tasks can hire civilian laborers to assist them."⁹ As civilians, they are protected by the international norms cited above. Specifically, the summary executions which many of the porters witnessed and the beatings by soldiers and other officers which they experienced, are violations of section 1(a) of Common Article 3.

PORTER CASES

In late January 1995, Human Rights Watch/Asia interviewed over fifty men who had been taken to work as porters for the Burmese army. Four had been taken to part of the Dawna Range of mountains known locally as "Kalama Taung", but the majority were used to supply food and equipment to Burmese troops in the battle at Naw Hta, south of Manerplaw.

⁸ See M. Bothe, K.J. Partsch, W. A. Solf, *New Rules for Victims of Armed Conflict* (The Netherlands, Martinus Nijhoff) 1982, p.293.

⁹ U.N. Secretary General, "Situation of Human Rights in Myanmar," Addendum ["Response by the Government"] (U.N. General Assembly, New York) A/49/594/Add.1 November 9, 1994.

Over the last six years, those forced to porter for the Burmese military nearly always endured physical abuse.¹⁰ Those interviewed in January 1995 were no exception. They had either been victims of beatings themselves or had witnessed brutal beatings, some of which had stopped only with the deaths of the porter. Those who were forced to go to the front line had also witnessed porters being killed by shells and land mines.

The four porters who were taken to Kalama Taung were forced to go along with patrols, build bunkers, fetch water, cut trees, and even keep the ground cleared for the lieutenant colonel of the 928 Battalion at Byuha camp, near Dali village, who had a penchant for playing golf in his spare time. These porters had been with the army for between one and three months before making their escape. They said that some women had been taken as porters initially but were released as soon as they reached the top of the Dawna Range. The supplies carried by the women were transferred to mules.

One man, an ethnic Indian from Thaton with three children, who was captured by soldiers as he sold betelnut on the Rangoon-Motama train, had difficulty in breathing when being interviewed. He explained to Human Rights Watch/Asia:

They [the soldiers] were very rude and vicious towards us, especially the younger ones. Some were only fifteen or sixteen years old. On the way up a steep mountain one day I could not manage and asked to go slowly. The whole day they demanded we walk fast and beat us, like they were driving cattle. I was hit in the chest with the butt of a gun and was kicked and sworn at. It still hurts a lot when I breathe; I can't breathe deeply. They have given me medicine here, but I just want to get back. I don't know how my wife will be surviving.

He was very thin, having arrived at the refugee camp only three days before the interview took place, after seven weeks with the Burmese military.

All of the porters who had escaped from the Naw Hta battle had been taken in late November or early December. It is difficult to estimate the total number of porters used in the battles for Naw Hta and Manerplaw. According to their testimony, the porters were gathered at the foot of a mountain in groups of as many as 1,000 men. Some of those interviewed were taken in the same group, and the fifty porters interviewed were probably from four or five separate groups.

All were extremely poor. Except for two, they were all day laborers, earning an average of 40 Kyats a day by peddling trishaws, working as baggage handlers at railway stations, doing agricultural work on a daily basis, petty trading and other kinds of menial labor. They were taken by soldiers, policemen, and/or local council officials. The soldiers and policemen had guns, and none of the porters said they had gone along willingly. Most had not even been told why they were being taken. Some were taken while working, others from trains, cinemas and video halls.

One man from Moulmein was hired by a policeman while pedalling his trishaw in mid-January 1995. The policeman asked to be taken to the local police station, but when they arrived, the man was pulled off his trishaw and held in the police station for ten days before being taken to an army camp at Moulmein.

¹⁰ See, for example, Asia Watch, "Human Rights in Burma in 1991," Vol.4 No.3 (New York: Human Rights Watch), January 2, 1992; Amnesty International, "No Law At All" *op. cit.*; Mr. Yozo Yokota, "Report on the situation of human rights in Myanmar, prepared by the Special Rapporteur, Mr. Yozo Yokota, in accordance with Commission resolution 1994/85," E/CN.4/1995/65 (Geneva, United Nations) January 12, 1995.

Two young men were taken in late December in separate incidents while visiting friends in Hlaingbwe and were accused by council officials of not paying the "visitor's fee." (In Burma, anyone staying a night outside his or her township must register with the local council and pay a nominal fee.) Both of them claimed that they had already paid and that was how the council officials knew where they were.

A fifty-four-year-old man and his fifteen-year-old son were taken in early January from the Hinthada Cinema in Mudon by members of the local council. Most people managed to escape by making holes in the bamboo walls of the cinema.

Four porters described the fate of an old man who was with them in the same army truck which transported them from Hlaingbwe army camp to the front line on January 14, 1995. They heard him beg the soldiers to let him go, because he had been detained while on his way to hospital. He showed the soldiers his hospital admission papers, the medicines and money he had with him for his stay in hospital.¹¹ "A soldier took his pulse and said he was fine," they said. "They refused to let him off the truck. He died in the truck at the end of a long day's travel." None of the porters knew where this man had come from.

A forty-four-year-old man from Myainggalay, near Pa'an, was taken at 4:00 A.M. on December 5, 1995 while visiting relatives in a village near Tilone to attend his aunt's funeral. Forty-two other men from the village were detained by soldiers from the 334th and 338th Brigades. "We were taken directly by car to Hlaingbwe and held there for four days. By then there were 270 men in our barracks."

A thirty-year-old man from Motama, a trishaw peddler, told how a groups of about forty soldiers and policemen were sitting at a tea shop in early December close to both the train station and the boat quay when a train and boat arrived. "They jumped up and closed off the road. About fifty men were taken, including me. There were more, but those who had gold chains, wrist watches or any cash gave them to the soldiers and were released."

A twenty-two-year-old Muslim from Rangoon was sitting with friends in the early evening at a tea shop in Sanchaung, not far from the center of the capital city in early January 1995. Twenty people were detained by members of the army's 44th Division and were taken to Mingladon army camp. There they joined around 500 men who had already been rounded up, and the next day were taken in one of twelve large Hino army trucks to Thaton:

We were tied up together by one wrist in groups of five and forced to sit cross-legged, with our heads down. We had to sleep on the truck at Thaton, then the next day were taken to Pa'an and on through Hlaingbwe to Shanywathit. We not fed during the journey at all, and only got a small sip of water at Shanywathit. Early the next morning we were taken to a place on the Mae Tha Wah road, where we slept the night.

They all described being taken on similar journeys. Some were held in army camps for up to two weeks while the army collected more men to fill their quota. Those taken in the Moulmein/Hlaingbwe area were transported by large boats to Hlaingbwe and continued the journey on truck from there. Their treatment

¹¹ While Burma professes to have a social welfare policy which provides free medical care for all, the system has broken down and currently people have to pay fees to the doctors, buy their own medicines and food while in hospital and in most cases also have to take someone with them to act as auxiliary nurses.

while under the detention of the military varied according to the different divisions and brigades. The porters interviewed were with the 207th, 208th, 209th and 210th brigades. The soldiers of the 210th Brigade were by far the worst. They routinely tied the wrists of all porters in groups of between three and six men "depending on the length of rope" while they were being transported, and sometimes left these ropes on even while the porters slept. One man described what happened while they were on the boat from Moulmein to Pa'an:

There were about 700 porters, and we were put onto four boats, I think. It was not easy to know, because we had to keep our heads down. Just as we left the dockside, two men jumped over board to escape. Suddenly, the soldiers started hitting us all, to make us get up and go down below, into the belly of the boat. One man was viciously beaten for looking up; he was hit repeatedly around the face with a bamboo stick. Another man was also beaten, and one blow got him right in the eye. There was a lot of blood.

In every case, their journey ended at a place on the road from Hlaingbwe to Mae Tha Wah at the foot of the mountains where there is an old bamboo bridge. A temporary camp had been set up here, where the porters slept inside bamboo fences, which were described as being like cattle pens. They had to sleep on the bare ground. It was late December, and very cold at night. Some porters saw groups of one hundred or more prisoners in a separate area. Another porter said he spoke with prisoners in one group of about 1,000, who had come from Pa'an and Insein jails and from Myainggone prison labor camp.

From this camp, the porters were divided into groups and made to walk up the mountain carrying supplies. The average weight carried was twenty-five to thirty-five *beiktha* (ninety to 126 kilograms). Those accompanying the Light Infantry Brigades had to carry food supplies or boxes of bullets and were made to walk in a formation of one soldier, one porter, one soldier. The heavy artillery brigades required many more porters than soldiers, often at a ratio of six to one. All of the porters said they were not fed enough food during their period of detention. Often they had to march on through the night and were not fed for two days. They were given only sips of water and risked being beaten if they stopped to try drinking from streams. Beatings were common and usually occurred when the porters had become weak and could no longer manage their loads.

The porters witnessed the brutal beating of nine men who were left at the side of the path or pushed over the edge of the mountain and were presumed to have died. One porter died from tripping over and falling down the mountain. Others saw two men who died from stepping on mines, and seven killed at the front line.

A twenty-six-year-old Mon from Mudon who was with a group of fourteen porters and fourteen soldiers carrying food supplies said that after the porter carrying a rice bag ran away, he and the other porters were fed only twice in four days. He also witnessed beatings:

There was an old Mon man, he must have been over sixty years old. On the very first day he couldn't manage his load and complained. He was hit in the face by a young soldier and fell backwards onto the ground. The same soldiers kicked him several times in the chest. He was left at the side of the path.

A thirty-six-year-old from Rangoon who was detained in Moulmein on January 12 to work as a porter said:

After nearly two weeks in the mountains, I ran away. On the way I met a porter whose foot had been blown off by a mine. His bones were sticking out, and the blood had gone black. It looked horrible. He asked me to take him back to the soldiers, so he could get to hospital.

But I didn't want to get caught again and didn't think they'd help him anyway, so I just had to leave him there. I think he must be dead now.

A well-built twenty-year-old from a village near Moulmein who was beaten only once, when he tried to stop himself slipping down a mountain, was witness to two probable deaths caused by cruel treatment in violation of Common Article 3:

On the third day out, we were still going up a very steep path up the mountain and a man who was about forty tripped over, he was so exhausted. He fell off the path and over the side of the mountain. We could hear him crashing down and calling for help. The bag of rice he had been carrying was close to the edge. A soldier went and picked that up, but they didn't even look to see if the man could be helped.

Then, on the day I escaped, a man of about thirty-five couldn't go on and took off his load to rest. A soldier hit him in the calves with the butt of a gun. He still didn't get up, so the soldier pushed him over the edge of the mountain, and I had to carry on up the hill and couldn't look back to see what happened to him.

A twenty-two-year-old Muslim from Rangoon (see above), who had to take his load of six eighty-one millimeter mortar shells to the front line, described the chaos and terror he saw at the battle for Naw Hta mountain on January 23:

A battle started early in the morning. I had to carry the shells to the soldiers firing the big guns, right at the front. I was really frightened, it was so noisy with the guns going off, other bombs landing near us, smoke all around. It was terrifying. I was too scared to take the mortars to the guns, but a soldier poked me in the bottom with a bayonet to make me move. I saw seven porters like me get hit. There was no medical care for them, they were just left to die. Two soldiers near me were injured, and they were taken to the field hospital. The battle stopped by midday, but I knew I would die if I stayed, and the next day I ran away.

The deliberate killings of porters constitute extrajudicial executions and violate not only section 1(a) of Common Article 3 of the Geneva Conventions but also Article 3 of the Universal Declaration of Human Rights, which states that "everyone has the right to life, liberty and the security of person." In the case of deaths of porters in battle and from injuries caused by stepping on mines, the government is clearly responsible for their deaths, since it forced these civilians into situations of risk.

Only one of the fifty-five porters interviewed was not beaten during his servitude. All the others recalled several incidents each when they were beaten for being unable to carry their loads. A thirty-two-year-old man from Moulmein who was in a group of fifty porters and thirty soldiers from the 209th Division said:

I carried a large sack with rounds of machine gun bullets; it weighed about twenty-five beiktha. After four days marching I was very weak and couldn't manage it. I slipped and some bullets fell out of the sack, so I squatted down to pick them up. As I was squatting a soldier kicked me in the face. My face was bleeding, but I carried on trying to pick up the bullets and trying to explain to the soldier what had happened. He kicked me again and told me to get up. As I swung the bullets back onto my back I twisted my ankle. It swelled up badly, but I just had to keep on marching. The next day I escaped.

A forty-eight-year-old man from Hlaingbwe who was carrying two wooden boxes of bullets described what happened on January 20, after he had been marching for three days and nights:

I stepped on a piece of broken bamboo sticking out of the ground. I fell and one of the boxes slipped out of my *longyi* [cotton sarong]. A soldier hit me on the head from behind, and another punched me in the face. I had a bad cut on the sole of my foot and my head was bleeding, but they forced me to carry on.

One man taken as a porter was mentally unstable, and another was a deaf mute. These men were singled out for particularly severe punishment which shocked and upset the witnesses. One man from Mudon described a fifty-two-year-old man who was transported with him in an army truck from Hlaingbwe in early January:

He had glasses and only one eye. He was moaning and kept saying he wanted to get off the truck. Two soldiers started hitting him with their fists, on and on, until their fists bled. They tied his hands behind his back and demanded that some of us hit him too, but all of us just kept our heads down and refused. He was not right in the head -- it was terrible that they could beat up someone like that. He was covered in blood, his face was very swollen and he had cuts on his shoulders and arms too. Still they wouldn't let him go.

A day laborer from Pa'an described the treatment of a young man of about twenty who he was with in the same group of porters for five days in mid-January:

There was a boy who couldn't speak and couldn't hear very well. He wouldn't stop or move on when told to and they beat him all the time. His face and eyes were swollen. They beat him and kicked him all the way -- he didn't know where he was going or what was going on. I had to pull him by the arm to make him sit down when we stopped anywhere. He was beaten so much, almost like they did it for fun. It was awful. After five days I didn't see him any more. I don't know what happened to him.

Three other porters also described this man. They said that they took advantage of the distraction caused by one particularly prolonged beating to run away.

The physical abuse of porters violates section 1(a) and (c) of Common Article 3 of the Geneva Conventions and also Article 5 of the Universal Declaration of Human Rights prohibiting torture and other cruel, inhuman or degrading treatment.

Following their escape most of the porters encountered Karen villagers or soldiers who showed them the way to Karen army camps where the KNLA made them stay "for their own safety". They spent up to two weeks with soldiers from the Karen National Liberation Army. In interviews conducted in private locations, with no Karen or others within earshot, the porters said that while they were angry at being prevented from returning home, the Karen had not treated them badly. As one man interviewed in this way said:

When I found the Karen camp, I was very tired and hungry, I had not eaten for three days. The Karen let us eat what they ate, chicken and rice, sometimes pork. They made me carry things for them too -- one mortar shell. With the Burmese army I had carried six.

V. FORCED LABOR FOR THE MILITARY

In January, Human Rights Watch/Asia interviewed fifteen villagers from Hlaingbwe Township, all of whom were Buddhist and had left Burma along with their families to live in refugee camps on the border with Thailand. All of them talked of having had to work for the Burmese army on road building projects: the Paingkyon - Mae Tha Wah road; a new road linking Yebu to the Pa'an -Hlaingbwe road; the Shwegun - Pa'an road; and the Kyaukdaung - Tilone road. Each of these roads links army camps and at least one, the Paingkyon-Mae Tha Wah road, could be considered essential for a successful military offensive against Manerplaw.

Only a few of those interviewed had experienced physical abuse when carrying out this work. One man, aged forty-five, said he had been hit five times with a bamboo stick for taking a rest and showed Human Rights Watch/Asia small scars on his shins. But those from villages where the headman accompanied them to the work site and intervened with the soldiers on their behalf did not experience any physical abuse. Their main complaint was that they were left with no time to earn enough to live on. Not one had ever received any pay for his or her labor, which they said could take up to two weeks of every month.

As well as working on the roads, many of the villagers had also had to work inside army compounds where they had dug latrines, cooked, watered the gardens and cut bamboo; traveled with the army on patrol through villages, carrying their supplies for them; and guarded roads, which meant living by the side of a road for three days and three nights at a time. Another man from Hlaingbwe township said that in October he had been told to take a message to a village headman three hours' walk from his village. He had not read the note:

But when I got back they [soldiers] said that I should have made the headman come back with me. I was beaten by the officer in charge of Kyaukdaung army camp with a slotted wicker stick. Another soldier stuck a gun in my mouth so that I wouldn't scream.

The SLORC has repeatedly insisted that such labor is voluntary, that the projects are intended for the development of the community, and that they do pay the laborers. In November 1994, at the U.N. General Assembly, Burmese government representatives asserted:

Allegations of forced labor stem from a misunderstanding or ignorance of the Myanmar tradition...Voluntary contribution of labour is a tradition...People are free to contribute labour voluntarily and there is no coercion at all involved. Although such contribution of labour is voluntary in nature, the Government, in recognition of their contributions, has made substantial payments of remunerations for the community development of the local populace in the areas concerned.¹²

Since 1990, when Human Rights Watch/Asia first reported instances of forced labor in Burma, no one we have interviewed had ever received any pay. In fact, this reference to payments for "voluntary" labor is one of the first the SLORC has ever made. Most laborers say that far from receiving pay, they have to provide their own food and tools, as one thirty-two-year-old man who had been in Thailand since November 1994 recounted:

I have been [to work], my wife has been and so has my mother. We did not get any pay, but had to take our own rice, our own pots to cook in, our own covers to make shelters at night,

¹² UNGA, "Letter dated 2 November 1994 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General United Nations General Assembly", [A/C.3/49/15] (New York: UN) November 10, 1994.

and our own tools. The only thing we got from them [the soldiers] were tools to break the big rocks with. There was no doctor. Some people who got ill were taken to Shwegun hospital, but there is not much medicine there... They never explained why we had to do the work, they never said anything but "Get going!" I don't think they are doing this for us, it is just for the army. No one in my village has a car -- bullock carts don't need highways.

The SLORC justifies the practice of both forced portering and forced labor by reference to British laws adopted by Burma when it was a British colony. This law is used as the basis of the instructions to all armed forces personnel, and it includes provisions for the treatment of the laborers:

Members of the Tatmadaw [the Burmese armed forces] who are on active duty and who are unable to perform certain tasks can hire civilian labourers to assist them. The labourers must be paid from the time they leave their respective homes until they return on completion of their duty. Apart from daily wages, they are entitled to receive rail and steamer travelling warrants or cash to cover the actual cost of transport to and from their homes and the operation area. The respective military unit has the responsibility of providing accommodation, messing, and social welfare benefits of the hired labourers...

According to instructions issued by the Office of the Quartermaster General on March 30, 1993, a civilian laborer is to receive a daily wage of twenty kyats.¹³ The International Labor Organization (ILO) has investigated the early British laws, and found that they were made redundant when Burma ratified the ILO Conventions. "[T]he exaction of labour and services, in particular portering service, under the Village Act and the Towns Act is contrary to the Forced Labour Convention, 1930 (No. 29), ratified by the government of Myanmar in 1955".¹⁴ Under the terms of this convention, Burma is obliged "to suppress the use of forced or compulsory labour in all its forms within the shortest possible period."¹⁵ Moreover, from the testimony of people who have worked for the military, it is apparent that even the instructions for the most minimal safeguards are not being followed.

VI. MISTREATMENT OF THE CIVILIAN POPULATION

¹³ U.N. Secretary General, "Situation of Human Rights in Myanmar" Addendum (response by the government) (United Nations General Assembly, New York) A/49/594/Add.1, November 9, 1994.

¹⁴ ILO, "Report of the Committee set up to consider the representation made by the International Confederation of Free Trade Unions under article 24 of the ILO Constitution alleging non-observance by Myanmar of the Forced Labour Convention, 1930 (No. 29)" (Geneva: ILO), November 7, 1994.

¹⁵ For a full discussion of the application of the ILO Convention in Burma, see Human Rights Watch/Asia, "The Mon" *op. cit.*

Protecting civilians from hostilities is a cardinal principle of the laws of war. In December 1994, Ambassador U Win Mra told the U.N. General Assembly that although Burma was not yet a party to certain covenants, "Myanmar abides by those provisions and principles embodied in the covenants which are taken from the Charter of the United Nations...or have attained the status of rules of customary international law."¹⁶ Common Article 3 is binding on Burma and its provisions are considered customary law. Some of the other provisions of the Geneva Conventions and Protocol I, although designed to apply to international conflict, sometimes offer authoritative guidelines for interpreting the obligations of states under Common Article 3. Protection of civilians is one of those areas where the standards of Common Article 3 can be better understood by reference to Protocol I, which Burma has not yet signed. Article 51 of Protocol I, for example, states:

1. The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. To give effect to this protection, the following rules, which are additional to other applicable rules of international law, shall be observed in all circumstances.
2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread fear among the civilian population are prohibited...
6. Attacks against the civilian population or civilians by way of reprisals are prohibited.
7. The presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular attempts to shield military objectives from attacks or to shield, favor or impede military operations.

These rules are regularly violated by the Burmese military. One Friday in mid-November 1994, there was a skirmish between some KNU troops and a government patrol near a village north of Kyainsetkyi, Hlaingbwe township. On the following Sunday, nearly one hundred government soldiers waited outside the village church. All of those who had come for Sunday service were held and questioned. An eyewitness told Human Rights Watch/Asia that about thirty people were singled out for punishment and were repeatedly slapped in the face and beaten while being questioned about who had led the attack. The soldiers left after an hour, and those who had been beaten, including the pastor, were left behind.

Later that month, a village near Thingan Nyi Naung in Myawaddy Township was targeted for reprisals following an attack by the KNU on an army car in which three soldiers and the two sons of an officer were killed. Human Rights Watch/Asia interviewed several people from this village, who said that two days later, a group of soldiers entered the village and called all the adults to a meeting. Most of the men had run away, leaving only the women, children and elderly. One forty-five-year-old woman described what happened:

In the morning, my house and my brother's house were hit by two of three mortar shells. They didn't go off, but it made everyone run out. The soldiers pointed their guns at us and told us all to gather together. We were made to sit on the ground in the middle of the village and the soldiers went up into every house. They said that if they found even one bullet, including bullets from hunting guns, they would kill us all. They took all our valuables from our houses -- they even took some of my clothes! We were made to stay there all night, and weren't allowed to get up to get water or food. Many of us had small children who cried all the time, but we weren't allowed to feed them. We had to pee and defecate where we were.

¹⁶ "Letter dated 2 November 1994 from the Permanent Representative of Myanmar" *op. cit.*
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An old man was sent to look for the other men of the village. They asked him to get the headman and ward headmen and was told that they'd burn down the village if he couldn't find them. When they came back eight men were tied up to trees just outside the village. Two of them were held in the middle of the village and were told that if anything happened they'd be killed first.

At 4:00 in the morning they made us all get up. Those with no children were forced to walk ahead of the soldiers and escort them back to their barracks. The eight men were taken too, still with their hands tied up tightly behind their backs. Some of them had been tied upside down, tied by their ankles to the tree branch, and were dizzy and woozy. One man was quite fat and his rope broke, sending him crashing down onto his face.

All but one of the men were released later that day after questioning. One man remained in detention. The next day soldiers returned to the village and gave the villagers an order to move to a new location. Over twenty families -- most of whom were Christian -- fled to Thailand.

VII. A CAMPAIGN OF FEAR AND INTIMIDATION

In January and early February 1995, Human Rights Watch/Asia interviewed newly arrived refugees from the Myaing Gyi Ngu (also spelt Myainggyingyu) area, the headquarters of the DKBO and home to its spiritual leader, the Buddhist monk U Thuzana. The refugees, who were mostly Christian Karens, described a well-coordinated campaign of misinformation and intimidation which had started in November 1994. Rumors and misinformation about attacks on Buddhists by Christians and Christians attacking Buddhists have been encouraged and spread by the state radio. It is impossible to verify any of the allegations, but it is clear that the villagers in the area believe them and they have led to an atmosphere of suspicion and fear. Two Christian refugees interviewed in different camps reported that in December 1994, the head of Kadanti army camp entered Nupawti village (a predominantly Christian village) and told the headman that the villagers had to construct a Buddhist pagoda there within two months. In another incident in mid-January 1995, two Christian villagers were alleged to have been killed by their Buddhist neighbors at Wakyewaka village, close to Myaing Gyi Ngu.

Buddhists told similar stories. Some of those interviewed said that while they were afraid of the SLORC, they would go back to Burma because they were even more afraid to stay in camps run by Christians.¹⁷

More than 3,000 families from the Hlaingbwe area were reported to have moved to U Thuzana's base and were alleged to have received land, rice rations, and transportation most of which was said to have been supplied by the SLORC. The refugees said that those families who have a member in the DKBA receive two sacks of rice and 1,000 kyats a month -- considerably more than the regular army, whose foot soldiers are paid

¹⁷ All of the Karen Refugee camps are administered by the Karen Relief Committee, a group which has close links with the KNU and which is predominantly Christian. There are some individuals from international non-governmental organizations in some of the camps, but no independent protection in any of the camps. See Human Rights Watch/Asia, "The Mon", *op.cit.* for a discussion of the history of Burmese refugee camps in Thailand.

only 700 kyats a month. In other areas, leaflets written in Burmese and Karen have been distributed which call on all Buddhist Karens to return to Burma. Others have incited Buddhist Karen to rise up against the Christian leadership of the KNU, and one even calls for the murder of Bo Mya (see Appendix II).

The campaign has also reached the refugee camps in Thailand, where nearly 9,020 Karen Buddhist and Christian villagers have fled since the fall of Manerplaw. They have joined the 70,000 refugees from Burma in camps along the Thai-Burma border. Similar leaflets have been distributed in the camp, particularly those camps near Mae Sam Lep where the camps are only between one and three kilometers from the Salween river which marks the border between Thailand and Burma. The leaflets say that the presence of the refugee camps "prolongs the KNU" and urge all Karen Buddhists to return to Burma. "Those who still remain in the refugee camps will be considered anti-Buddhist KNU and will be destroyed."¹⁸ Aid workers estimate that between 200 and 300 families have returned in response to these threats, although on February 8, Burmese state radio announced that 4,165 had returned within one week and on March 3 the same station announced that the total number of returnees was 9,495.¹⁹

These campaigns violate article 51 of the 1977 Additional Protocols of the Geneva Conventions, which prohibit "Acts or threats of violence the primary purpose of which is to spread terror among the civilian population." The use of such campaigns in the former Yugoslavia and Rwanda have been identified as a major factor in the escalation of the conflicts in those countries.²⁰

VIII. ATTACKS ON REFUGEES

On February, 23 these threats became reality when DKBO and SLORC troops made several incursions into refugee camps. In the Mae Sam Lep area, DKBO/SLORC troops have been stationed opposite the camp sites since the end of January, and four camps have been forced to move three times during the month of February to find more secure areas further inside Thailand. On that day, during the third of these moves, a truck taking four families—a total of twenty individuals—to the new site at Huay Hang (Mae Ma Luang) was attacked by DKBO soldiers, and three people were killed. An aid worker, interviewed by Human Rights Watch/Asia by telephone, described what he had been told by two refugees who had been on the truck:

The refugees were being taken by truck from a temporary camp at Mae Po [also known as Mae Bua] to a new site at Huay Haeng, further inside Thailand. Mae Po is south of Mae Sam Lep, about only two kilometers inside Thailand. The refugees there had moved from Ka Htee Hta and Mae Po Maw Hta camps.

¹⁸ The language of these threats is similar to language used in orders issued by regional military commanders in Burma when they forcibly move villages into areas in their control.

¹⁹ Despite the call for refugees to return to Burma, articles in the state-run media have described all refugees as KNU supporters, maligning them and the international agencies that give them support. "The refugee policy of the West block is nothing but a policy of enslaving other nations under a neo-colonialist policy by breeding thugs...In fact they [refugees/KNU] are all scoundrels and swindlers, rogues and rascals, crooks and scam artists. They keep swindling contributions made by the international community to look after refugee funds." Part 23 of the "Whither the KNU?" series in *The New Light of Myanmar*, February 28, 1995.

²⁰ See Mark Thompson, *Forging War: The Media in Serbia, Croatia and Bosnia-Herzegovina* (London: Article 19) June 1994.

They left Mae Bua at about 5:00 P.M. and after two kilometers their car was stopped by a group of men who stood in the middle of the road. The group was about twenty men strong, all in plain clothes. One refugee said he saw one of them was wearing a SLORC uniform, but this cannot be confirmed.

The men opened fire on the refugees, who were running away. Two women were killed, Naw Me Phaw, aged thirty-six and mother of five children, and Naw Phi, aged sixty and mother of six. The Thai driver, Udorn Khieumool, was also killed. Eight others were injured, one boy aged six is seriously ill and is being treated in Mae Sariang hospital. He was shot in the chest.

The men didn't say anything after the truck stopped. One refugee said it seemed that they just wanted to kill them all. The refugees managed to get to Huay Hang by ten at night and the injured were taken out to Mae Sariang the afternoon.

The refugees said the group used AK-47s and M79 grenade launchers. I saw the AK-47 bullet which was removed from the boy.

The truck was just one of many carrying refugees to Huay Haeng that day. One car some way behind the truck was carrying relief agency workers and medics. They were told to turn around by Thai car drivers, who said, "Burmese troops are on the road." Two other trucks going the same way also turned back. The medics heard the shooting but did not know what had happened until they reached Mae Sariang by a different route.

This incident came after several incursions by presumed DKBO/SLORC forces into refugee camps in Thailand. The first reported incident occurred on February 8, when members of the DKBO, accompanied by between about twenty Burmese troops, entered Ka Htee Hta refugee camp and stole 400 sacks of rice which had been stored there by international aid agencies to supply several other camps further north. The DKBO soldiers were reported to have visited individual refugee families, some of whom are thought to have been relatives, others were simply known to be Buddhist, and urged them to return to Burma.

The following day three members of the KNU, including a member of the KNU Central Committee, Mahn Yin Sein, were "kidnapped" by members of the DKBA from Mae La refugee camp.²¹ Both the KNU and the SLORC reported the incident, with very different explanations of the event. In the SLORC version, Mahn Yin Sein had contacted the DKBO first, and they came to Mae La camp where:

..[T]hey took Win Bo, a nephew of Pado Mahn Yin Sein; Jeffrey Win and Maung Maung Aye away in a car. Maj. Pon Oh intercepted and ambushed the car on the way, the car overturned and Maung Maung Aye escaped. Jeffrey Win fought back and tried to escape but was shot and killed by the DKBA.²²

²¹ Since the Karen refugee camps were first established in Thailand, non-combatant members of the KNU have routinely lived in the camps, where they often worked as camp administrators. Following the fall of Manerplaw, several thousand KNU families who had lived in or around Manerplaw fled to Thailand and as of February 1995 were housed in these camps. Combatants were either disarmed by Thai authorities or moved to other areas inside Burma.

²² Article by "a Karen national", "Whither the KNU?" in the state-controlled *Myanmar Alin* and *Kyemon* newspapers (Rangoon), February 16, 1995. Quoted in the BBC Summary of World Broadcasts, February 21, 1995.

In an interview with *The Nation* newspaper in Thailand, a KNU official reported that Mahn Yin Sein was told by his kidnappers that the DKBO leader "had told them to come and bring back Mahn Yin Sein" but emphasized that he had not gone voluntarily.

The SLORC claim that Mahn Yin Sein, who is one of the few high-ranking Buddhists in the KNU, went willingly and that he has since joined the DKBO and is living in Myaing Gyi Ngu. He has not been shown on Burmese television however, as is usually done with rebels who surrender, and Human Rights Watch/Asia remains concerned for his safety and that of his colleague, Maung Maung Aye.

Farther south, near the Thai town of Mae Sot, there was a major military offensive against the Karen position at Kawmoora. In the course of the fighting, several mortar shells landed in Thailand, prompting the deployment of Thai military in the area in late January. On February 16, Thai Prime Minister Chuan Leekpai issued a warning to the Burmese government not to violate Thai territory. On the evening of February 20, five mortar shells fell just 200 yards from houses in Huay Kaloke refugee camp, across the Moei river from Kawmoora. The Thai troops are believed to have withdrawn from their positions opposite Kawmoora, after sending back several mortar rounds in response. Heavy shelling of the area continued through the night and at 3:00 A.M. the KNU withdrew their forces. On February 21, Burmese state television declared that the DKBO had taken the Karen base at Kawmoora, making no mention of the involvement of government troops. The same day Thai military sources in the area reported that seven battalions of Burmese army soldiers or about 3,000 troops had launched the offensive and wrote a letter of complaint to the SLORC after shelling into Thai territory continued for twelve hours after the KNU's retreat.

Since then, camp officials have reported plainclothes SLORC and DKBO members in the camp, and the refugees were reported to be very frightened. Soon after the Burmese military took Kawmoora, a Burmese soldier who identified himself as the camp commander swam across the river to declare his victory, according to a Reuters report.²³ Incursions by the SLORC/DKBO forces into Huay Kaloke camp remain a serious concern.

As this report goes to press, Human Rights Watch/Asia continues to receive new reports of kidnappings and killings in the refugee camps. On March 1, Than Htun Khaing (San Tun), a legal officer from the KNU, and his wife were taken by a group of thirty armed men from the DKBO from Baw Naw, a part of Mae Tha Wah camp. As the armed men left the camp, two Thai Karen traders were shot at and seriously injured. The following day another Karen officer, known as "Uncle Jolly", was taken in similar circumstances from the same camp. On March 9, nine refugees, including Ka Htee Hta camp leader Saw Gay Phlo and members of his family were abducted from a new camp near Mae Ka Khi village. This village is some eight kilometers inside Thailand. All of these attacks were reported to have been led by Lt. Maung Soe, a former member of the KNU from Hlaingbwe region. Thailand's Foreign Ministry was reported having lodged three official protests at these incursions and attacks, calling on the SLORC to control their armed forces.²⁴ There have also been reports of skirmishes between Thai and Burmese forces in some areas. Nevertheless, Thailand has not increased the army presence in the Mae Sam Lep area, leaving the refugees, aid workers and Thai villagers vulnerable to such attacks. Even though it is not a party to the Convention on the Status of Refugees, the Thai government has an obligation to protect the lives of the nearly 6,000 refugees in the Mae Sam Lep area.

²³Sutin Wannabovorn, "Burmese troops pour into captured rebel base," *Reuters* February 22, 1995.

²⁴*Bangkok Post*, "Khmer intrusions to be retaliated," March 4, 1995. On March 3, Gen. Chetta Thanacharo, assistant commander of the Royal Thai Army, visited the Burmese Ministry of Defense in Rangoon.

IX. RECOMMENDATIONS

To the State Law and Order Restoration Council of Burma:

- Burma must take immediate steps to comply with the U.N. Economic and Social Council's resolution of March 8, 1995 (E/CN.4/1995/L1.01) and the U.N. General Assembly resolution of December 2, 1994 (A/C.3/49/L.43).
- Burma must meet without exception its obligations under Common Article 3 of the Geneva Conventions. The SLORC has a duty not only to protect civilians from violations of the Common Article 3 but also to investigate, prosecute and punish government agents responsible for violations;
- Attacks on refugees in Thailand and reprisals against civilians in Burma must cease immediately, and individuals abducted from refugee camps should be released;
- In accordance with the International Labor Organization conventions, the practice of forced labor and forced portering should be stopped immediately, and those found recruiting or employing villagers and others for this purpose should be prosecuted and punished.

To the Karen National Union and the Democratic Karen Buddhist Organization:

- As parties to an internal conflict, the KNU and DKBO must respect international humanitarian law. Specifically, attacks against civilians and civilian populations must cease immediately.

To the Association of South East Asian Nations (ASEAN)

- Thailand must take all necessary measures to ensure the protection of those who have taken refuge on its soil and ensure that they are not repatriated against their will;
- In order to receive full international assistance with the protection of refugees, Thailand should accede to the 1951 Convention Relating to the Status of Refugees and its protocols;
- Thailand and other ASEAN members should reconsider their policy of "constructive engagement" towards Burma in the light of continued gross violations of human rights by the Burmese military both in Burma and across the border. They should make it clear to Rangoon that Burma's presence at the ASEAN Post-Ministerial Conference in Brunei in July is at risk unless SLORC has released "unconditionally the Nobel Peace laureate Daw Aung San Suu Kyi...as well as other detained political leaders and all political prisoners" and taken measures to "restore protection of persons belonging to minority groups, in particular against discrimination, especially in the framework of the citizenship laws, to put an end to violations of the right to life and the integrity of the human being, to the practice of torture, abuse of women and forced labor..." (excerpted from the United Nations Resolution E/CN.4/1995/L.101).

To the International Community

- A contact group of countries, including some of Burma's neighbors, should be established at the United Nations to coordinate a clear program of action aimed at ensuring compliance with the United Nations resolution. Full support should be given to the United Nations Secretary-General's office and the United Nations Special Rapporteur on Burma to enable them to work with increased efficiency;
- Governments that have sent envoys to Burma — such as Australia, the U.S. and the European Union — should suspend sending further high-level representatives until there is substantial movements by SLORC towards meeting the United Nations key recommendations. Engaging in high-level dialogue at this time only gives enhanced legitimacy to the SLORC and has achieved no tangible results. Those governments which have outlined measures which would be taken were there to be no human rights improvements in Burma, should now take the step of further downgrading diplomatic relations with the SLORC;
- Under no circumstances should the World Bank, International Monetary Fund or Burma's key donors resume bilateral or multilateral economic assistance until and unless basic human rights are restored and can be monitored, Aung San Suu Kyi and all other political prisoners are unconditionally released, and steps are taken to implement the results of the 1990 elections. When the World Bank's assessment of Burma's economic reforms is published this spring, the lead donors should issue a joint statement calling for progress on human rights, in addition to any economic reforms, as a strict precondition to resume lending;
- Investment and export credits to companies seeking to operate in Burma should not be renewed, and those countries, such as Japan, which have already extended credit should rescind it immediately, pending human rights improvements. There should be a freeze on all corporate investment until there are verifiable guarantees that forced labor and forced portering have ceased. Those guarantees must include regular access by international human rights organizations. Additionally, trade and investment delegations to and from Burma should cease until the United Nations resolution is complied with.

Human Rights Watch/Asia (formerly Asia Watch)

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E. Mendez is general counsel; and Susan Osnos is the communications director. Robert L. Bernstein is the chair of the executive committee and Adrian W. DeWind is vice chair. Its Asia division was established in 1985 to monitor and promote the observance of internationally recognized human rights in Asia. Sidney Jones is the executive director; Mike Jendrzeczyk is the Washington director; Robin Munro is the Hong Kong director; Zunetta Liddell, Dinah PoKempner, Patricia Gossman and Jeannine Guthrie are research associates; Mark Girouard and Shu-Ju Ada Cheng are Luce fellows; Diana Tai-Feng Cheng and Jennifer Hyman are associates; Mickey Spiegel is a research consultant.

APPENDICES